

By the Committee on Comprehensive Planning

316-2289-04

1 A bill to be entitled
2 An act relating to land development; amending
3 s. 197.502, F.S.; providing for the issuance of
4 an escheatment tax deed that is free and clear
5 of any tax certificates, accrued taxes, and
6 liens of any nature for certain properties;
7 providing immunity for a county from
8 environmental liability for certain properties
9 that escheat to the county; providing for a
10 written agreement between a county and the
11 Department of Environmental Protection which
12 addresses any investigative and remedial acts
13 necessary for certain properties; providing
14 legislative findings with respect to the
15 shortage of affordable rentals in the state;
16 providing a statement of important public
17 purpose; providing definitions; authorizing
18 local governments to permit accessory dwelling
19 units in areas zoned for single-family
20 residential use based upon certain findings;
21 providing for certain accessory dwelling units
22 to apply towards satisfying the affordable
23 housing component of the housing element in a
24 local government's comprehensive plan;
25 requiring the Department of Community Affairs
26 to report to the Legislature; amending s.
27 163.3167, F.S.; requiring a local government to
28 address certain water supply projects in its
29 comprehensive plan; amending s. 163.3177, F.S.;
30 providing that rural land stewardship area
31 designation should be specifically encouraged

1 as an overlay on the future land use map;
2 extending the deadline for certain information
3 to be included in a comprehensive plan;
4 requiring a work plan to be updated at certain
5 intervals; providing legislative findings
6 regarding mixed-use, high-density urban infill
7 and redevelopment projects; requiring the
8 Department of Community Affairs to provide
9 technical assistance to local governments,
10 including a model ordinance; providing
11 legislative findings regarding a program for
12 the transfer of development rights and urban
13 infill and redevelopment; requiring the
14 Department of Community Affairs to provide
15 technical assistance to local governments,
16 including a model ordinance; requiring the
17 Department of Community Affairs, the Department
18 of Environmental Protection, water management
19 districts, and regional planning councils to
20 provide assistance to local governments in
21 implementing provisions relating to rural land
22 stewardship areas; providing for multicounty
23 rural land stewardship areas; deleting acreage
24 thresholds for rural land stewardship areas;
25 providing that transferable rural land use
26 credits may be assigned at different ratios
27 according to the natural resource or other
28 beneficial use characteristics of the land;
29 amending s. 163.3187, F.S.; providing an
30 exception to the limitation on the frequency of
31 plan amendments; amending s. 288.107, F.S.;

1 reducing the number of jobs that must be
2 created for participation in the brownfield
3 redevelopment bonus refund; amending s. 376.86,
4 F.S.; increasing the percentage of a primary
5 lender loan to which the limited state loan
6 guaranty applies for redevelopment projects in
7 brownfield areas; providing an effective date.

8

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

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

13 197.502 Application for obtaining tax deed by holder
14 of tax sale certificate; fees.--

15 (8) Taxes shall not be extended against parcels listed
16 as lands available for taxes, but in each year the taxes that
17 would have been due shall be treated as omitted years and
18 added to the required minimum bid. Three years after ~~from~~ the
19 day the land was offered for public sale, the land shall
20 escheat to the county in which it is located, free and clear.
21 All tax certificates, accrued taxes, and liens of any nature
22 against the property shall be deemed canceled as a matter of
23 law and of no further legal force and effect, and the clerk
24 shall execute an escheatment ~~a~~ tax deed vesting title in the
25 board of county commissioners of the county in which the land
26 it is located.

27 (a) When a property escheats to the county under this
28 subsection, the county is not subject to any liability imposed
29 by chapter 376 or chapter 403 for preexisting soil or
30 groundwater contamination due solely to its ownership.
31 However, this subsection does not affect the rights or

1 liabilities of any past or future owners of the escheated
2 property and does not affect the liability of any governmental
3 entity for the results of its actions that create or
4 exacerbate a pollution source.

5 (b) The county and the Department of Environmental
6 Protection may enter into a written agreement for the
7 performance, funding, and reimbursement of the investigative
8 and remedial acts necessary for a property that escheats to
9 the county.

10 Section 2. Accessory dwelling units.--

11 (1) The Legislature finds that the median price of
12 homes in this state has increased steadily over the last
13 decade and at a greater rate of increase than the median
14 income in many urban areas. The Legislature finds that the
15 cost of rental housing has also increased steadily and the
16 cost often exceeds an amount that is affordable to
17 very-low-income, low-income, or moderate-income persons and
18 has resulted in a critical shortage of affordable rentals in
19 many urban areas in the state. This shortage of affordable
20 rentals constitutes a threat to the health, safety, and
21 welfare of the residents of the state. Therefore, the
22 Legislature finds that it serves an important public purpose
23 to encourage the permitting of accessory dwelling units in
24 single-family residential areas in order to increase the
25 availability of affordable rentals for very-low-income,
26 low-income, or moderate-income persons.

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

28 (a) "Accessory dwelling unit" means an ancillary or
29 secondary living unit, that has a separate kitchen, bathroom,
30 and sleeping area, existing either within the same structure,
31 or on the same lot, as the primary dwelling unit.

1 (b) "Affordable rental" means that monthly rent and
2 utilities do not exceed 30 percent of that amount which
3 represents the percentage of the median adjusted gross annual
4 income for very-low-income, low-income, or moderate-income
5 persons.

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

7 (d) "Low-income persons" has the same meaning as in
8 section 420.0004(9), Florida Statutes.

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

11 (f) "Very-low-income persons" has the same meaning as
12 in section 420.0004(14), Florida Statutes.

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

18 (4) If the local government adopts an ordinance under
19 this section, an application for a building permit to
20 construct an accessory dwelling unit must include an affidavit
21 from the applicant which attests that the unit will be rented
22 at an affordable rate to a very-low-income, low-income, or
23 moderate-income person or persons.

24 (5) Each accessory dwelling unit allowed by an
25 ordinance adopted under this section shall apply towards
26 satisfying the affordable housing component of the housing
27 element in the local government's comprehensive plan under
28 section 163.3177(6)(f), Florida Statutes.

29 (6) The Department of Community Affairs shall evaluate
30 the effectiveness of using accessory dwelling units to address
31 a local government's shortage of affordable housing and report

1 to the Legislature by January 1, 2007. The report must specify
2 the number of ordinances adopted by a local government under
3 this section and the number of accessory dwelling units that
4 were created under these ordinances.

5 Section 3. Subsection (13) is added to section
6 163.3167, Florida Statutes, to read:

7 163.3167 Scope of act.--

8 (13) Each local government shall address in its
9 comprehensive plan, as enumerated in this chapter, the water
10 supply projects necessary to meet and achieve the existing and
11 projected water use demand for the established planning
12 period, considering the applicable plan developed pursuant to
13 s. 373.0361.

14 Section 4. Paragraphs (a) and (c) of subsection (6)
15 and subsection (11) of section 163.3177, Florida Statutes, are
16 amended to read:

17 163.3177 Required and optional elements of
18 comprehensive plan; studies and surveys.--

19 (6) In addition to the requirements of subsections
20 (1)-(5), the comprehensive plan shall include the following
21 elements:

22 (a) A future land use plan element designating
23 proposed future general distribution, location, and extent of
24 the uses of land for residential uses, commercial uses,
25 industry, agriculture, recreation, conservation, education,
26 public buildings and grounds, other public facilities, and
27 other categories of the public and private uses of land.

28 Counties are encouraged to designate rural land stewardship
29 areas, pursuant to the provisions of paragraph (11)(d), as
30 overlays on the future land use map. Each future land use
31 category must be defined in terms of uses included, and must

1 include standards to be followed in the control and
2 distribution of population densities and building and
3 structure intensities. The proposed distribution, location,
4 and extent of the various categories of land use shall be
5 shown on a land use map or map series which shall be
6 supplemented by goals, policies, and measurable objectives.
7 The future land use plan shall be based upon surveys, studies,
8 and data regarding the area, including the amount of land
9 required to accommodate anticipated growth; the projected
10 population of the area; the character of undeveloped land; the
11 availability of public services; the need for redevelopment,
12 including the renewal of blighted areas and the elimination of
13 nonconforming uses which are inconsistent with the character
14 of the community; and, in rural communities, the need for job
15 creation, capital investment, and economic development that
16 will strengthen and diversify the community's economy. The
17 future land use plan may designate areas for future planned
18 development use involving combinations of types of uses for
19 which special regulations may be necessary to ensure
20 development in accord with the principles and standards of the
21 comprehensive plan and this act. In addition, for rural
22 communities, the amount of land designated for future planned
23 industrial use shall be based upon surveys and studies that
24 reflect the need for job creation, capital investment, and the
25 necessity to strengthen and diversify the local economies, and
26 shall not be limited solely by the projected population of the
27 rural community. The future land use plan of a county may also
28 designate areas for possible future municipal incorporation.
29 The land use maps or map series shall generally identify and
30 depict historic district boundaries and shall designate
31 historically significant properties meriting protection. The

1 future land use element must clearly identify the land use
2 categories in which public schools are an allowable use. When
3 delineating the land use categories in which public schools
4 are an allowable use, a local government shall include in the
5 categories sufficient land proximate to residential
6 development to meet the projected needs for schools in
7 coordination with public school boards and may establish
8 differing criteria for schools of different type or size.
9 Each local government shall include lands contiguous to
10 existing school sites, to the maximum extent possible, within
11 the land use categories in which public schools are an
12 allowable use. All comprehensive plans must comply with the
13 school siting requirements of this paragraph no later than
14 October 1, 1999. The failure by a local government to comply
15 with these school siting requirements by October 1, 1999, will
16 result in the prohibition of the local government's ability to
17 amend the local comprehensive plan, except for plan amendments
18 described in s. 163.3187(1)(b), until the school siting
19 requirements are met. Amendments proposed by a local
20 government for purposes of identifying the land use categories
21 in which public schools are an allowable use or for adopting
22 or amending the school-siting maps pursuant to s. 163.31776(3)
23 are exempt from the limitation on the frequency of plan
24 amendments contained in s. 163.3187. The future land use
25 element shall include criteria that encourage the location of
26 schools proximate to urban residential areas to the extent
27 possible and shall require that the local government seek to
28 collocate public facilities, such as parks, libraries, and
29 community centers, with schools to the extent possible and to
30 encourage the use of elementary schools as focal points for
31 neighborhoods. For schools serving predominantly rural

1 counties, defined as a county with a population of 100,000 or
2 fewer, an agricultural land use category shall be eligible for
3 the location of public school facilities if the local
4 comprehensive plan contains school siting criteria and the
5 location is consistent with such criteria.

6 (c) A general sanitary sewer, solid waste, drainage,
7 potable water, and natural groundwater aquifer recharge
8 element correlated to principles and guidelines for future
9 land use, indicating ways to provide for future potable water,
10 drainage, sanitary sewer, solid waste, and aquifer recharge
11 protection requirements for the area. The element may be a
12 detailed engineering plan including a topographic map
13 depicting areas of prime groundwater recharge. The element
14 shall describe the problems and needs and the general
15 facilities that will be required for solution of the problems
16 and needs. The element shall also include a topographic map
17 depicting any areas adopted by a regional water management
18 district as prime groundwater recharge areas for the Floridan
19 or Biscayne aquifers, pursuant to s. 373.0395. These areas
20 shall be given special consideration when the local government
21 is engaged in zoning or considering future land use for said
22 designated areas. For areas served by septic tanks, soil
23 surveys shall be provided which indicate the suitability of
24 soils for septic tanks. By December 1, 2006 ~~January 1, 2005~~,
25 or the Evaluation and Appraisal Report adoption deadline
26 established for the local government pursuant to s.
27 163.3191(9) ~~s. 163.3191(a)~~, whichever date occurs first, the
28 element must consider the appropriate water management
29 district's regional water supply plan approved pursuant to s.
30 373.0361. The element must include a work plan, covering at
31 least a 10-year planning period, for building water supply

1 facilities that are identified in the element as necessary to
2 serve existing and new development and for which the local
3 government is responsible. The work plan shall be updated, at
4 a minimum, every 5 years or within 12 months after the
5 adoption of the revised regional water supply plan.

6 (11)(a) The Legislature recognizes the need for
7 innovative planning and development strategies which will
8 address the anticipated demands of continued urbanization of
9 Florida's coastal and other environmentally sensitive areas,
10 and which will accommodate the development of less populated
11 regions of the state which seek economic development and which
12 have suitable land and water resources to accommodate growth
13 in an environmentally acceptable manner. The Legislature
14 further recognizes the substantial advantages of innovative
15 approaches to development which may better serve to protect
16 environmentally sensitive areas, maintain the economic
17 viability of agricultural and other predominantly rural land
18 uses, and provide for the cost-efficient delivery of public
19 facilities and services.

20 (b) It is the intent of the Legislature that the local
21 government comprehensive plans and plan amendments adopted
22 pursuant to the provisions of this part provide for a planning
23 process which allows for land use efficiencies within existing
24 urban areas and which also allows for the conversion of rural
25 lands to other uses, where appropriate and consistent with the
26 other provisions of this part and the affected local
27 comprehensive plans, through the application of innovative and
28 flexible planning and development strategies and creative land
29 use planning techniques, which may include, but not be limited
30 to, urban villages, new towns, satellite communities,

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1 area-based allocations, clustering and open space provisions,
2 mixed-use development, and sector planning.

3 (c) It is the further intent of the Legislature that
4 local government comprehensive plans and implementing land
5 development regulations shall provide strategies which
6 maximize the use of existing facilities and services through
7 redevelopment, urban infill development, and other strategies
8 for urban revitalization.

9 (d) The Legislature finds that mixed-use, high-density
10 development is appropriate for urban infill and redevelopment
11 areas. Mixed-use projects accommodate a variety of uses,
12 including residential and commercial, and usually at higher
13 densities that promote pedestrian-friendly, sustainable
14 communities. The Legislature recognizes that mixed-use,
15 high-density development improves the quality of life for
16 residents and businesses in urban areas. The Legislature finds
17 that mixed-use, high-density redevelopment and infill benefits
18 residents by creating a livable community with alternative
19 modes of transportation. Furthermore, the Legislature finds
20 that local zoning ordinances often discourage mixed-use,
21 high-density development in areas that are appropriate for
22 urban infill and redevelopment. The Legislature intends to
23 discourage single-use zoning in urban areas which often leads
24 to lower-density, land-intensive development outside an urban
25 service area. Therefore, the Department of Community Affairs
26 shall provide technical assistance to local governments,
27 including a model ordinance, to encourage mixed-use,
28 high-density urban infill and redevelopment projects.

29 (e) The Legislature finds that a program for the
30 transfer of development rights is a useful tool to preserve
31 historic buildings and create public open spaces in urban

1 areas. A program for the transfer of development rights allows
2 the transfer of density credits from historic properties and
3 public open spaces to areas designated for high-density
4 development. The Legislature recognizes that high-density
5 development is integral to the success of many urban infill
6 and redevelopment projects. The Legislature intends to
7 encourage high-density urban infill and redevelopment while
8 preserving historic structures and open spaces. Therefore, the
9 Department of Community Affairs shall provide technical
10 assistance to local governments, including a model ordinance,
11 in order to promote the transfer of development rights within
12 urban areas for high-density infill and redevelopment
13 projects.

14 (f)~~(d)~~1. The department, in cooperation with the
15 Department of Agriculture and Consumer Services, the
16 Department of Environmental Protection, water management
17 districts, and regional planning councils, shall provide
18 assistance to local governments in the implementation of this
19 paragraph and rule 9J-5.006(5)(1), Florida Administrative
20 Code. Implementation of those provisions shall include a
21 process by which the department may authorize ~~up to five~~ local
22 governments to designate all or portions of lands classified
23 in the future land use element as predominantly agricultural,
24 rural, open, open-rural, or a substantively equivalent land
25 use, as a rural land stewardship area within which planning
26 and economic incentives are applied to encourage the
27 implementation of innovative and flexible planning and
28 development strategies and creative land use planning
29 techniques, including those contained herein and in rule
30 9J-5.006(5)(1), Florida Administrative Code. Assistance may
31 include, but is not limited to:

1 a. Assistance from the Department of Environmental
2 Protection and water management districts in creating the
3 geographic information systems land cover database and aerial
4 photogrammetry needed to prepare for a rural land stewardship
5 area;

6 b. Allocation of funds earmarked for conservation
7 easement and land acquisition programs that could be leveraged
8 to protect greater acreages using the rural land stewardship
9 area approach; and

10 c. Expansion of the role of the Department of
11 Community Affairs as a resource agency and the provision of
12 grants to facilitate establishment of rural land stewardship
13 areas in smaller rural counties that do not have the staff or
14 planning budgets to create a rural land stewardship area.

15 2. The department shall encourage participation by
16 local governments of different sizes and rural characteristics
17 in establishing and implementing rural land stewardship areas.

18 It is the intent of the Legislature that rural land
19 stewardship areas be used to further the following broad
20 principles of rural sustainability: restoration and
21 maintenance of the economic value of rural land; control of
22 urban sprawl; identification and protection of ecosystems,
23 habitats, and natural resources; promotion of rural economic
24 activity; maintenance of the viability of Florida's
25 agricultural economy; and protection of the character of rural
26 areas of Florida. Rural land stewardship areas may be
27 multicounty in order to encourage coordinated regional
28 stewardship planning.

29 3. A local government, in conjunction with a regional
30 planning council, a stakeholder organization of private land
31 owners, or another local government, may apply to the

1 department in writing requesting consideration for
2 authorization to designate a rural land stewardship area and
3 shall describe its reasons for applying for the authorization
4 with supporting documentation regarding its compliance with
5 criteria set forth in this section.

6 4. In selecting a local government, the department
7 shall, by written agreement:

8 a. Ensure that the local government has expressed its
9 intent to designate a rural land stewardship area pursuant to
10 the provisions of this subsection and clarify that the rural
11 land stewardship area is intended.

12 b. Ensure that the local government has the financial
13 and administrative capabilities to implement a rural land
14 stewardship area.

15 5. The written agreement shall include the basis for
16 the authorization and provide criteria for evaluating the
17 success of the authorization including the extent the rural
18 land stewardship area enhances rural land values; control
19 urban sprawl; provides necessary open space for agriculture
20 and protection of the natural environment; promotes rural
21 economic activity; and maintains rural character and the
22 economic viability of agriculture. The department may
23 terminate the agreement at any time if it determines that the
24 local government is not meeting the terms of the agreement.

25 6. A rural land stewardship area shall ~~be not less~~
26 ~~than 50,000 acres and shall not exceed 250,000 acres in size,~~
27 ~~shall~~ be located outside of municipalities and established
28 urban growth boundaries, and shall be designated by plan
29 amendment. The plan amendment designating a rural land
30 stewardship area shall be subject to review by the Department
31

1 of Community Affairs pursuant to s. 163.3184 and shall provide
2 for the following:

3 a. Criteria for the designation of receiving areas
4 within rural land stewardship areas in which innovative
5 planning and development strategies may be applied. Criteria
6 shall at a minimum provide for the following: adequacy of
7 suitable land to accommodate development so as to avoid
8 conflict with environmentally sensitive areas, resources, and
9 habitats; compatibility between and transition from higher
10 density uses to lower intensity rural uses; the establishment
11 of receiving area service boundaries which provide for a
12 separation between receiving areas and other land uses within
13 the rural land stewardship area through limitations on the
14 extension of services; and connection of receiving areas with
15 the rest of the rural land stewardship area using rural design
16 and rural road corridors.

17 b. Goals, objectives, and policies setting forth the
18 innovative planning and development strategies to be applied
19 within rural land stewardship areas pursuant to the provisions
20 of this section.

21 c. A process for the implementation of innovative
22 planning and development strategies within the rural land
23 stewardship area, including those described in this subsection
24 and rule 9J-5.006(5)(1), Florida Administrative Code, which
25 provide for a functional mix of land uses and which are
26 applied through the adoption by the local government of zoning
27 and land development regulations applicable to the rural land
28 stewardship area.

29 d. A process which encourages visioning pursuant to s.
30 163.3167(11) to ensure that innovative planning and
31

1 development strategies comply with the provisions of this
2 section.

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

7 7. A receiving area shall be designated by the
8 adoption of a land development regulation. Prior to the
9 designation of a receiving area, the local government shall
10 provide the Department of Community Affairs a period of 30
11 days in which to review a proposed receiving area for
12 consistency with the rural land stewardship area plan
13 amendment and to provide comments to the local government.

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

25 a. Transferable rural land use credits may only exist
26 within a rural land stewardship area.

27 b. Transferable rural land use credits may only be
28 used on lands designated as receiving areas and then solely
29 for the purpose of implementing innovative planning and
30 development strategies and creative land use planning
31

1 techniques adopted by the local government pursuant to this
2 section.

3 c. Transferable rural land use credits assigned to a
4 parcel of land within a rural land stewardship area shall
5 cease to exist if the parcel of land is removed from the rural
6 land stewardship area by plan amendment.

7 d. Neither the creation of the rural land stewardship
8 area by plan amendment nor the assignment of transferable
9 rural land use credits by the local government shall operate
10 to displace the underlying density of land uses assigned to a
11 parcel of land within the rural land stewardship area;
12 however, if transferable rural land use credits are
13 transferred from a parcel for use within a designated
14 receiving area, the underlying density assigned to the parcel
15 of land shall cease to exist.

16 e. The underlying density on each parcel of land
17 located within a rural land stewardship area shall not be
18 increased or decreased by the local government, except as a
19 result of the conveyance or use of transferable rural land use
20 credits, as long as the parcel remains within the rural land
21 stewardship area.

22 f. Transferable rural land use credits shall cease to
23 exist on a parcel of land where the underlying density
24 assigned to the parcel of land is utilized.

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

29 h. A change in the density of land use on parcels
30 located within receiving areas shall be specified in a
31 development order which reflects the total number of

1 transferable rural land use credits assigned to the parcel of
2 land and the infrastructure and support services necessary to
3 provide for a functional mix of land uses corresponding to the
4 plan of development.

5 i. Land within a rural land stewardship area may be
6 removed from the rural land stewardship area through a plan
7 amendment.

8 j. Transferable rural land use credits may be assigned
9 at different ratios of credits per acre according to the
10 natural resource or other beneficial use characteristics of
11 the land and according to the land use remaining following the
12 transfer of credits, with the highest number of credits per
13 acre assigned to the most ~~preserve~~ environmentally valuable
14 land and a lesser number of credits to be assigned to open
15 space and agricultural land.

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

23 9. Owners of land within rural land stewardship areas
24 should be provided incentives to enter into rural land
25 stewardship agreements, pursuant to existing law and rules
26 adopted thereto, with state agencies, water management
27 districts, and local governments to achieve mutually agreed
28 upon conservation objectives. Such incentives may include,
29 but not be limited to, the following:

30 a. Opportunity to accumulate transferable mitigation
31 credits.

1 b. Extended permit agreements.
2 c. Opportunities for recreational leases and
3 ecotourism.
4 d. Payment for specified land management services on
5 publicly owned land, or property under covenant or restricted
6 easement in favor of a public entity.
7 e. Option agreements for sale to public entities or
8 private land conservation entities ~~government~~, in either fee
9 or easement, upon achievement of conservation objectives.
10 10. The department shall report to the Legislature on
11 an annual basis on the results of implementation of rural land
12 stewardship areas authorized by the department, including
13 successes and failures in achieving the intent of the
14 Legislature as expressed in this paragraph. ~~It is further the~~
15 ~~intent of the Legislature that the success of authorized rural~~
16 ~~land stewardship areas be substantiated before implementation~~
17 ~~occurs on a statewide basis.~~
18 (g)~~(e)~~ The implementation of this subsection shall be
19 subject to the provisions of this chapter, chapters 186 and
20 187, and applicable agency rules.
21 (h)~~(f)~~ The department may adopt rules necessary to
22 implement the provisions of this subsection.
23 Section 5. Paragraph (m) is added to subsection (1) of
24 section 163.3187, Florida Statutes, to read:
25 163.3187 Amendment of adopted comprehensive plan.--
26 (1) Amendments to comprehensive plans adopted pursuant
27 to this part may be made not more than two times during any
28 calendar year, except:
29 (m) Any local government comprehensive plan amendment
30 establishing or implementing a rural land stewardship area
31 pursuant to the provisions of s. 163.3177(11)(d).

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

3 288.107 Brownfield redevelopment bonus refunds.--

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

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

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

16 (c) That the designation as a brownfield will
17 diversify and strengthen the economy of the area surrounding
18 the site.

19 (d) That the designation as a brownfield will promote
20 capital investment in the area beyond that contemplated for
21 the rehabilitation of the site.

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

24 376.86 Brownfield Areas Loan Guarantee Program.--

25 (1) The Brownfield Areas Loan Guarantee Council is
26 created to review and approve or deny by a majority vote of
27 its membership, the situations and circumstances for
28 participation in partnerships by agreements with local
29 governments, financial institutions, and others associated
30 with the redevelopment of brownfield areas pursuant to the
31 Brownfields Redevelopment Act for a limited state guaranty of

1 up to 5 years of loan guarantees or loan loss reserves issued
2 pursuant to law. The limited state loan guaranty applies only
3 to 50 ~~40~~ percent of the primary lenders loans for
4 redevelopment projects in brownfield areas. A limited state
5 guaranty of private loans or a loan loss reserve is authorized
6 for lenders licensed to operate in the state upon a
7 determination by the council that such an arrangement would be
8 in the public interest and the likelihood of the success of
9 the loan is great.

10 Section 8. This act shall take effect July 1, 2004.

11
12 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
13 COMMITTEE SUBSTITUTE FOR
14 Senate Bill 2188

15 The committee substitute (CS) requires a local government to
16 address water supply projects necessary to meet existing and
17 projected water use demand for the established planning period
18 in its comprehensive plan. It extends the deadline for a local
19 government to consider a regional water supply plan in its
20 comprehensive plan. The CS provides for a local government's
21 work plan for building water supply facilities to be updated
22 at certain intervals. It requires the Department of Community
23 Affairs, the Department of Environmental Protection, water
24 management districts, and regional planning councils to
25 provide assistance to local governments relating to the
26 creation and implementation of rural land stewardship areas.

27 This CS provides that a rural land stewardship area
28 designation should be specifically encouraged as a future land
29 use map overlay. It allows for multicounty rural land
30 stewardship areas. The CS deletes acreage thresholds for these
31 stewardship areas. In addition, the CS clarifies language
relating to the assignment of credits in rural land
stewardship areas.

Finally, the CS reduces the number of jobs that must be
created for participation in the brownfield redevelopment
bonus refund and increases the percentage of a primary lender
loan to which the limited state loan guaranty applies for
redevelopment projects in brownfield areas.