

By the Committees on Finance and Taxation; and Comprehensive Planning

314-2676-04

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 sources 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; requiring the Department of
6 Community Affairs, in cooperation with other
7 specified state agencies, to provide assistance
8 to local governments in implementing provisions
9 relating to rural land stewardship areas;
10 providing for multicounty rural land
11 stewardship areas; revising requirements,
12 including the acreage threshold for designating
13 a rural land stewardship area; providing that
14 transferable rural land use credits may be
15 assigned at different ratios according to the
16 natural resource or other beneficial use
17 characteristics of the land; providing
18 legislative findings regarding mixed-use,
19 high-density urban infill and redevelopment
20 projects; requiring the Department of Community
21 Affairs to provide technical assistance to
22 local governments; providing legislative
23 findings regarding a program for the transfer
24 of development rights and urban infill and
25 redevelopment; requiring the Department of
26 Community Affairs to provide technical
27 assistance to local governments; amending s.
28 163.3187, F.S.; providing an exception to the
29 limitation on the frequency of plan amendments;
30 amending s. 288.107, F.S.; reducing the number
31 of jobs that must be created for participation

1 in the brownfield redevelopment bonus refund;
2 amending s. 376.86, F.S.; increasing the
3 percentage of a primary lender loan to which
4 the limited state loan guaranty applies for
5 redevelopment projects in brownfield areas;
6 amending s. 718.103, F.S.; prohibiting any
7 state, county, or municipal entity from being
8 deemed a developer for purposes of s. 718.103,
9 F.S.; amending s. 718.401, F.S.; prohibiting
10 any association, owner, or third party from
11 purchasing the fee interest of any real
12 property owned by a county or municipal entity,
13 unless agreed to by the governmental entity;
14 providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Subsection (8) of section 197.502, Florida
19 Statutes, is amended to read:

20 197.502 Application for obtaining tax deed by holder
21 of tax sale certificate; fees.--

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

1 board of county commissioners of the county in which the land
2 ~~it~~ is located.

3 (a) When a property escheats to the county under this
4 subsection, the county is not subject to any liability imposed
5 by chapter 376 or chapter 403 for preexisting soil or
6 groundwater contamination due solely to its ownership.
7 However, this subsection does not affect the rights or
8 liabilities of any past or future owners of the escheated
9 property and does not affect the liability of any governmental
10 entity for the results of its actions that create or
11 exacerbate a pollution source.

12 (b) The county and the Department of Environmental
13 Protection may enter into a written agreement for the
14 performance, funding, and reimbursement of the investigative
15 and remedial acts necessary for a property that escheats to
16 the county.

17 Section 2. Accessory dwelling units.--

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

1 availability of affordable rentals for very-low-income,
2 low-income, or moderate-income persons.

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

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

8 (b) "Affordable rental" means that monthly rent and
9 utilities do not exceed 30 percent of that amount which
10 represents the percentage of the median adjusted gross annual
11 income for very-low-income, low-income, or moderate-income
12 persons.

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

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

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

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

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

25 (4) If the local government adopts an ordinance under
26 this section, an application for a building permit to
27 construct an accessory dwelling unit must include an affidavit
28 from the applicant which attests that the unit will be rented
29 at an affordable rate to a very-low-income, low-income, or
30 moderate-income person or persons.

31

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

6 (6) The Department of Community Affairs shall evaluate
7 the effectiveness of using accessory dwelling units to address
8 a local government's shortage of affordable housing and report
9 to the Legislature by January 1, 2007. The report must specify
10 the number of ordinances adopted by a local government under
11 this section and the number of accessory dwelling units that
12 were created under these ordinances.

13 Section 3. Subsection (13) is added to section
14 163.3167, Florida Statutes, to read:

15 163.3167 Scope of act.--

16 (13) Each local government shall address in its
17 comprehensive plan, as enumerated in this chapter, the water
18 supply sources necessary to meet and achieve the existing and
19 projected water use demand for the established planning
20 period, considering the applicable plan developed pursuant to
21 s. 373.0361.

22 Section 4. Paragraphs (a) and (c) of subsection (6)
23 and subsection (11) of section 163.3177, Florida Statutes, are
24 amended to read:

25 163.3177 Required and optional elements of
26 comprehensive plan; studies and surveys.--

27 (6) In addition to the requirements of subsections
28 (1)-(5), the comprehensive plan shall include the following
29 elements:

30 (a) A future land use plan element designating
31 proposed future general distribution, location, and extent of

1 | the uses of land for residential uses, commercial uses,
2 | industry, agriculture, recreation, conservation, education,
3 | public buildings and grounds, other public facilities, and
4 | other categories of the public and private uses of land.
5 | Counties are encouraged to designate rural land stewardship
6 | areas, pursuant to the provisions of paragraph (11)(d), as
7 | overlays on the future land use map. Each future land use
8 | category must be defined in terms of uses included, and must
9 | include standards to be followed in the control and
10 | distribution of population densities and building and
11 | structure intensities. The proposed distribution, location,
12 | and extent of the various categories of land use shall be
13 | shown on a land use map or map series which shall be
14 | supplemented by goals, policies, and measurable objectives.
15 | The future land use plan shall be based upon surveys, studies,
16 | and data regarding the area, including the amount of land
17 | required to accommodate anticipated growth; the projected
18 | population of the area; the character of undeveloped land; the
19 | availability of public services; the need for redevelopment,
20 | including the renewal of blighted areas and the elimination of
21 | nonconforming uses which are inconsistent with the character
22 | of the community; and, in rural communities, the need for job
23 | creation, capital investment, and economic development that
24 | will strengthen and diversify the community's economy. The
25 | future land use plan may designate areas for future planned
26 | development use involving combinations of types of uses for
27 | which special regulations may be necessary to ensure
28 | development in accord with the principles and standards of the
29 | comprehensive plan and this act. In addition, for rural
30 | communities, the amount of land designated for future planned
31 | industrial use shall be based upon surveys and studies that

1 reflect the need for job creation, capital investment, and the
2 necessity to strengthen and diversify the local economies, and
3 shall not be limited solely by the projected population of the
4 rural community. The future land use plan of a county may also
5 designate areas for possible future municipal incorporation.
6 The land use maps or map series shall generally identify and
7 depict historic district boundaries and shall designate
8 historically significant properties meriting protection. The
9 future land use element must clearly identify the land use
10 categories in which public schools are an allowable use. When
11 delineating the land use categories in which public schools
12 are an allowable use, a local government shall include in the
13 categories sufficient land proximate to residential
14 development to meet the projected needs for schools in
15 coordination with public school boards and may establish
16 differing criteria for schools of different type or size.
17 Each local government shall include lands contiguous to
18 existing school sites, to the maximum extent possible, within
19 the land use categories in which public schools are an
20 allowable use. All comprehensive plans must comply with the
21 school siting requirements of this paragraph no later than
22 October 1, 1999. The failure by a local government to comply
23 with these school siting requirements by October 1, 1999, will
24 result in the prohibition of the local government's ability to
25 amend the local comprehensive plan, except for plan amendments
26 described in s. 163.3187(1)(b), until the school siting
27 requirements are met. Amendments proposed by a local
28 government for purposes of identifying the land use categories
29 in which public schools are an allowable use or for adopting
30 or amending the school-siting maps pursuant to s. 163.31776(3)
31 are exempt from the limitation on the frequency of plan

1 | amendments contained in s. 163.3187. The future land use
2 | element shall include criteria that encourage the location of
3 | schools proximate to urban residential areas to the extent
4 | possible and shall require that the local government seek to
5 | collocate public facilities, such as parks, libraries, and
6 | community centers, with schools to the extent possible and to
7 | encourage the use of elementary schools as focal points for
8 | neighborhoods. For schools serving predominantly rural
9 | counties, defined as a county with a population of 100,000 or
10 | fewer, an agricultural land use category shall be eligible for
11 | the location of public school facilities if the local
12 | comprehensive plan contains school siting criteria and the
13 | location is consistent with such criteria.

14 | (c) A general sanitary sewer, solid waste, drainage,
15 | potable water, and natural groundwater aquifer recharge
16 | element correlated to principles and guidelines for future
17 | land use, indicating ways to provide for future potable water,
18 | drainage, sanitary sewer, solid waste, and aquifer recharge
19 | protection requirements for the area. The element may be a
20 | detailed engineering plan including a topographic map
21 | depicting areas of prime groundwater recharge. The element
22 | shall describe the problems and needs and the general
23 | facilities that will be required for solution of the problems
24 | and needs. The element shall also include a topographic map
25 | depicting any areas adopted by a regional water management
26 | district as prime groundwater recharge areas for the Floridan
27 | or Biscayne aquifers, pursuant to s. 373.0395. These areas
28 | shall be given special consideration when the local government
29 | is engaged in zoning or considering future land use for said
30 | designated areas. For areas served by septic tanks, soil
31 | surveys shall be provided which indicate the suitability of

1 soils for septic tanks. By December 1, 2006 ~~January 1, 2005,~~
2 ~~or the Evaluation and Appraisal Report adoption deadline~~
3 ~~established for the local government pursuant to s.~~
4 ~~163.3191(a), whichever date occurs first,~~ the element must
5 consider the appropriate water management district's regional
6 water supply plan approved pursuant to s. 373.0361. The
7 element must include a work plan, covering at least a 10-year
8 planning period, for building water supply facilities that are
9 identified in the element as necessary to serve existing and
10 new development and for which the local government is
11 responsible. The work plan shall be updated, at a minimum,
12 every 5 years within 12 months after the approval of the
13 revised regional water supply plan. Amendments to incorporate
14 the work plan do not count toward the limitation on the
15 frequency of adoption of amendments to a comprehensive plan.

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

30 (b) It is the intent of the Legislature that the local
31 government comprehensive plans and plan amendments adopted

1 | pursuant to the provisions of this part provide for a planning
2 | process which allows for land use efficiencies within existing
3 | urban areas and which also allows for the conversion of rural
4 | lands to other uses, where appropriate and consistent with the
5 | other provisions of this part and the affected local
6 | comprehensive plans, through the application of innovative and
7 | flexible planning and development strategies and creative land
8 | use planning techniques, which may include, but not be limited
9 | to, urban villages, new towns, satellite communities,
10 | area-based allocations, clustering and open space provisions,
11 | mixed-use development, and sector planning.

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

18 | (d)1. The department, in cooperation with the
19 | Department of Agriculture and Consumer Services, the
20 | Department of Environmental Protection, water management
21 | districts, and regional planning councils, shall provide
22 | assistance to local governments in the implementation of this
23 | paragraph and rule 9J-5.006(5)(1), Florida Administrative
24 | Code. Implementation of those provisions shall include a
25 | process by which the department may authorize ~~up to five~~ local
26 | governments to designate all or portions of lands classified
27 | in the future land use element as predominantly agricultural,
28 | rural, open, open-rural, or a substantively equivalent land
29 | use, as a rural land stewardship area within which planning
30 | and economic incentives are applied to encourage the
31 | implementation of innovative and flexible planning and

1 development strategies and creative land use planning
2 techniques, including those contained herein and in rule
3 9J-5.006(5)(1), Florida Administrative Code. Assistance may
4 include, but is not limited to:

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

10 b. Support for local government implementation of
11 rural land stewardship concepts by providing information and
12 assistance to local governments regarding land acquisition
13 programs that may be used by the local government or
14 landowners to leverage the protection of greater acreage and
15 maximize the effectiveness of rural land stewardship areas;
16 and

17 c. Expansion of the role of the Department of
18 Community Affairs as a resource agency to facilitate
19 establishment of rural land stewardship areas in smaller rural
20 counties that do not have the staff or planning budgets to
21 create a rural land stewardship area.

22 2. The department shall encourage participation by
23 local governments of different sizes and rural characteristics
24 in establishing and implementing rural land stewardship areas.

25 It is the intent of the Legislature that rural land
26 stewardship areas be used to further the following broad
27 principles of rural sustainability: restoration and
28 maintenance of the economic value of rural land; control of
29 urban sprawl; identification and protection of ecosystems,
30 habitats, and natural resources; promotion of rural economic
31 activity; maintenance of the viability of Florida's

1 agricultural economy; and protection of the character of rural
2 areas of Florida. Rural land stewardship areas may be
3 multicounty in order to encourage coordinated regional
4 stewardship planning.

5 3. A local government, in conjunction with a regional
6 planning council, a stakeholder organization of private land
7 owners, or another local government, shall notify ~~may apply to~~
8 the department in writing of its intent ~~requesting~~
9 ~~consideration for authorization~~ to designate a rural land
10 stewardship area ~~and shall describe its reasons for applying~~
11 ~~for the authorization with supporting documentation regarding~~
12 ~~its compliance with criteria set forth in this section.~~

13 4. ~~In selecting a local government, the department~~
14 ~~shall, by written agreement:~~

15 a. ~~Ensure that the local government has expressed its~~
16 ~~intent to designate a rural land stewardship area pursuant to~~
17 ~~the provisions of this subsection and clarify that the rural~~
18 ~~land stewardship area is intended.~~

19 b. ~~Ensure that the local government has the financial~~
20 ~~and administrative capabilities to implement a rural land~~
21 ~~stewardship area.~~

22 5. The written notification agreement shall describe
23 ~~include~~ the basis for the designation, authorization ~~and~~
24 ~~provide criteria for evaluating the success of the~~
25 ~~authorization~~ including the extent to which the rural land
26 stewardship area enhances rural land values, controls; ~~control~~
27 urban sprawl, + provides necessary open space for agriculture
28 and protection of the natural environment, + promotes rural
29 economic activity, + and maintains rural character and the
30 economic viability of agriculture. ~~The department may~~

31

1 ~~terminate the agreement at any time if it determines that the~~
2 ~~local government is not meeting the terms of the agreement.~~

3 4.6. A rural land stewardship area shall be not less
4 than 10,000 ~~50,000~~ acres and shall ~~not exceed 250,000 acres in~~
5 ~~size, shall~~ be located outside of municipalities and
6 established urban growth boundaries, and shall be designated
7 by plan amendment. The plan amendment designating a rural
8 land stewardship area shall be subject to review by the
9 Department of Community Affairs pursuant to s. 163.3184 and
10 shall provide for the following:

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

25 b. Goals, objectives, and policies setting forth the
26 innovative planning and development strategies to be applied
27 within rural land stewardship areas pursuant to the provisions
28 of this section.

29 c. A process for the implementation of innovative
30 planning and development strategies within the rural land
31 stewardship area, including those described in this subsection

1 and rule 9J-5.006(5)(1), Florida Administrative Code, which
2 provide for a functional mix of land uses and which are
3 applied through the adoption by the local government of zoning
4 and land development regulations applicable to the rural land
5 stewardship area.

6 d. A process which encourages visioning pursuant to s.
7 163.3167(11) to ensure that innovative planning and
8 development strategies comply with the provisions of this
9 section.

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

14 ~~5.7.~~ A receiving area shall be designated by the
15 adoption of a land development regulation. Prior to the
16 designation of a receiving area, the local government shall
17 provide the Department of Community Affairs a period of 30
18 days in which to review a proposed receiving area for
19 consistency with the rural land stewardship area plan
20 amendment and to provide comments to the local government.

21 ~~6.8.~~ Upon the adoption of a plan amendment creating a
22 rural land stewardship area, the local government shall, by
23 ordinance, assign to the area a certain number of credits, to
24 be known as "transferable rural land use credits," which shall
25 not constitute a right to develop land, nor increase density
26 of land, except as provided by this section. The total amount
27 of transferable rural land use credits assigned to the rural
28 land stewardship area must correspond to the 25-year or
29 greater projected population of the rural land stewardship
30 area. Transferable rural land use credits are subject to the
31 following limitations:

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

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

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

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

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

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

31

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

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

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

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

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

30 ~~7.9.~~ Owners of land within rural land stewardship
31 areas should be provided incentives to enter into rural land

1 stewardship agreements, pursuant to existing law and rules
2 adopted thereto, with state agencies, water management
3 districts, and local governments to achieve mutually agreed
4 upon conservation objectives. Such incentives may include,
5 but not be limited to, the following:

6 a. Opportunity to accumulate transferable mitigation
7 credits.

8 b. Extended permit agreements.

9 c. Opportunities for recreational leases and
10 ecotourism.

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

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

17 ~~8.10-~~ The department shall report to the Legislature
18 on an annual basis on the results of implementation of rural
19 land stewardship areas authorized by the department, including
20 successes and failures in achieving the intent of the
21 Legislature as expressed in this paragraph. ~~It is further the~~
22 ~~intent of the Legislature that the success of authorized rural~~
23 ~~land stewardship areas be substantiated before implementation~~
24 ~~occurs on a statewide basis.~~

25 (e) The Legislature finds that mixed-use, high-density
26 development is appropriate for urban infill and redevelopment
27 areas. Mixed-use projects accommodate a variety of uses,
28 including residential and commercial, and usually at higher
29 densities that promote pedestrian-friendly, sustainable
30 communities. The Legislature recognizes that mixed-use,
31 high-density development improves the quality of life for

1 residents and businesses in urban areas. The Legislature finds
2 that mixed-use, high-density redevelopment and infill benefits
3 residents by creating a livable community with alternative
4 modes of transportation. Furthermore, the Legislature finds
5 that local zoning ordinances often discourage mixed-use,
6 high-density development in areas that are appropriate for
7 urban infill and redevelopment. The Legislature intends to
8 discourage single-use zoning in urban areas which often leads
9 to lower-density, land-intensive development outside an urban
10 service area. Therefore, the Department of Community Affairs
11 shall provide technical assistance to local governments in
12 order to encourage mixed-use, high-density urban infill and
13 redevelopment projects.

14 (f) The Legislature finds that a program for the
15 transfer of development rights is a useful tool to preserve
16 historic buildings and create public open spaces in urban
17 areas. A program for the transfer of development rights allows
18 the transfer of density credits from historic properties and
19 public open spaces to areas designated for high-density
20 development. The Legislature recognizes that high-density
21 development is integral to the success of many urban infill
22 and redevelopment projects. The Legislature intends to
23 encourage high-density urban infill and redevelopment while
24 preserving historic structures and open spaces. Therefore, the
25 Department of Community Affairs shall provide technical
26 assistance to local governments in order to promote the
27 transfer of development rights within urban areas for
28 high-density infill and redevelopment projects.

29 (g)(e) The implementation of this subsection shall be
30 subject to the provisions of this chapter, chapters 186 and
31 187, and applicable agency rules.

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

3 Section 5. Paragraph (m) is added to subsection (1) of
4 section 163.3187, Florida Statutes, to read:

5 163.3187 Amendment of adopted comprehensive plan.--

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

9 (m) Any local government comprehensive plan amendment
10 establishing or implementing a rural land stewardship area
11 pursuant to the provisions of s. 163.3177(11)(d).

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

14 288.107 Brownfield redevelopment bonus refunds.--

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

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

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

27 (c) That the designation as a brownfield will
28 diversify and strengthen the economy of the area surrounding
29 the site.

30
31

1 (d) That the designation as a brownfield will promote
2 capital investment in the area beyond that contemplated for
3 the rehabilitation of the site.

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

6 376.86 Brownfield Areas Loan Guarantee Program.--

7 (1) The Brownfield Areas Loan Guarantee Council is
8 created to review and approve or deny by a majority vote of
9 its membership, the situations and circumstances for
10 participation in partnerships by agreements with local
11 governments, financial institutions, and others associated
12 with the redevelopment of brownfield areas pursuant to the
13 Brownfields Redevelopment Act for a limited state guaranty of
14 up to 5 years of loan guarantees or loan loss reserves issued
15 pursuant to law. The limited state loan guaranty applies only
16 to 50 ~~40~~ percent of the primary lenders loans for
17 redevelopment projects in brownfield areas. A limited state
18 guaranty of private loans or a loan loss reserve is authorized
19 for lenders licensed to operate in the state upon a
20 determination by the council that such an arrangement would be
21 in the public interest and the likelihood of the success of
22 the loan is great.

23 Section 8. Subsection (16) of section 718.103, Florida
24 Statutes, is amended to read:

25 718.103 Definitions.--As used in this chapter, the
26 term:

27 (16) "Developer" means a person who creates a
28 condominium or offers condominium parcels for sale or lease in
29 the ordinary course of business, but does not include an owner
30 or lessee of a condominium or cooperative unit who has
31 acquired the unit for his or her own occupancy, nor does it

1 include a cooperative association which creates a condominium
2 by conversion of an existing residential cooperative after
3 control of the association has been transferred to the unit
4 owners if, following the conversion, the unit owners will be
5 the same persons who were unit owners of the cooperative and
6 no units are offered for sale or lease to the public as part
7 of the plan of conversion. No state, county, or municipality
8 entity shall be deemed a developer for any purposes under this
9 chapter.

10 Section 9. Subsection (4) is added to section 718.401,
11 Florida Statutes, to read:

12 718.401 Leaseholds.--

13 (4) Notwithstanding any provision to the contrary in
14 this section, an association, individual unit owner, or third
15 party may not purchase the fee interest of any real property
16 owned by a county or municipal entity, unless agreed to by the
17 governmental entity.

18 Section 10. This act shall take effect July 1, 2004.
19
20
21
22
23
24
25
26
27
28
29
30
31

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS/SB 2188

4 The committee substitute changes the procedures for
5 designation as a rural land stewardship area. The original
6 bill authorized a local government to apply to the Department
7 of Community Affairs (DCA) in writing, requesting
8 consideration for authorization to designate a rural land
9 stewardship area and the DCA was required to provide a written
10 agreement to the local government describing certain criteria
11 for selection. Instead, the committee substitute requires the
12 local government to provide written notification to the DCA of
13 its intent to designate a rural land stewardship area and
14 describing the basis for the designation.

15 The committee substitute reduces the acreage thresholds for
16 rural land stewardship areas from not less than 50,000 acres
17 or more than 250,000 acres to not less than 10,000 acres. The
18 original bill deleted the acreage threshold.

19 The committee substitute removes the alternative date by which
20 the comprehensive plan element must consider the appropriate
21 water management district's regional water supply plan.

22 The committee substitute requires the local government's work
23 plan for building water supply facilities updated every 5
24 years within 12 months after the adoption of a revised
25 regional water supply plan.

26 The committee substitute specifically excludes from the
27 definition of "developer", any state, county or municipal
28 entity as it relates to condominiums.

29 The committee substitute prohibits any outside party from
30 purchasing the fee interest of real property owned by a county
31 or municipal entity without their consent.