

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. 718.103, F.S.; prohibiting any
31 state, county, or municipal entity from being

1 deemed a developer for purposes of chapter 718,
2 F.S.; providing for assembly and readjustment
3 of certain land plats; revising provisions
4 relating to recording land plats; amending s.
5 125.01, F.S.; revising certain powers of county
6 governments to regulate lands; amending s.
7 163.3164, F.S.; revising the definition of the
8 term "land development regulations" and
9 defining the term "land assembly or
10 adjustment"; amending s. 163.3177, F.S.;
11 revising requirements of future land use plan
12 elements of a required comprehensive plan to
13 address antiquated subdivisions and
14 consolidation of certain properties for certain
15 purposes; providing a deadline for addressing
16 certain plan amendments; amending s. 163.3202,
17 F.S.; revising certain land development
18 regulation requirements to address
19 consolidation of certain properties for certain
20 purposes; amending s. 177.011, F.S.; providing
21 additional purposes and scope relating to
22 platting, replatting, and reassembly of lands;
23 providing intent relating to regulation of land
24 platting and land assembly or adjustment;
25 amending s. 177.031, F.S.; defining the term
26 "land assembly or adjustment"; amending s.
27 177.091, F.S.; requiring recordation of
28 approved subdivision plats in certain public
29 records; amending s. 177.101, F.S.; authorizing
30 local governing bodies to order the assembly or
31 adjustment of all or portions of subdivisions

1 for certain purposes; providing an exception;
2 providing criteria and requirements; providing
3 exceptions; amending s. 177.111, F.S.;
4 requiring submittal of certain approved plats
5 to certain entities; amending s. 290.003, F.S.;
6 declaring the revitalization of antiquated
7 subdivisions to be a public purpose; amending
8 s. 290.0058, F.S.; revising provisions for
9 determining general distress of certain areas
10 to include antiquated subdivisions and other
11 criteria; amending s. 380.031, F.S.; revising
12 the definition of the term "land development
13 regulations" and defining the terms "antiquated
14 subdivisions" and "land assembly or
15 adjustment"; providing an effective date.

16
17 WHEREAS, antiquated subdivisions or large volumes of
18 vacant lots within platted and unplatted subdivisions are
19 detrimental to the local and regional economies and
20 environment, hinder appropriate planning, and lead to
21 inefficient development patterns, and

22 WHEREAS, large-scale land reassembly of subdivided lots
23 is expensive to both the property owner and the local
24 governing body and is administratively complicated and time
25 consuming, and

26 WHEREAS, local governments could foster the reassembly
27 of subdivided lots into parcels that would incorporate current
28 planning practices for efficient development, NOW, THEREFORE,
29

30 Be It Enacted by the Legislature of the State of Florida:
31

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

3 197.502 Application for obtaining tax deed by holder
4 of tax sale certificate; fees.--

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

17 (a) When a property escheats to the county under this
18 subsection, the county is not subject to any liability imposed
19 by chapter 376 or chapter 403 for preexisting soil or
20 groundwater contamination due solely to its ownership.
21 However, this subsection does not affect the rights or
22 liabilities of any past or future owners of the escheated
23 property and does not affect the liability of any governmental
24 entity for the results of its actions that create or
25 exacerbate a pollution source.

26 (b) The county and the Department of Environmental
27 Protection may enter into a written agreement for the
28 performance, funding, and reimbursement of the investigative
29 and remedial acts necessary for a property that escheats to
30 the county.

31 Section 2. Accessory dwelling units.--

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

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

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

22 (b) "Affordable rental" means that monthly rent and
23 utilities do not exceed 30 percent of that amount which
24 represents the percentage of the median adjusted gross annual
25 income for very-low-income, low-income, or moderate-income
26 persons.

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

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

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

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

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

8 (4) If the local government adopts an ordinance under
9 this section, an application for a building permit to
10 construct an accessory dwelling unit must include an affidavit
11 from the applicant which attests that the unit will be rented
12 at an affordable rate to a very-low-income, low-income, or
13 moderate-income person or persons.

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

19 (6) The Department of Community Affairs shall evaluate
20 the effectiveness of using accessory dwelling units to address
21 a local government's shortage of affordable housing and report
22 to the Legislature by January 1, 2007. The report must specify
23 the number of ordinances adopted by a local government under
24 this section and the number of accessory dwelling units that
25 were created under these ordinances.

26 Section 3. Subsection (13) is added to section
27 163.3167, Florida Statutes, to read:

28 163.3167 Scope of act.--

29 (13) Each local government shall address in its
30 comprehensive plan, as enumerated in this chapter, the water
31 supply sources necessary to meet and achieve the existing and

1 projected water use demand for the established planning
2 period, considering the applicable plan developed pursuant to
3 s. 373.0361.

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

7 163.3177 Required and optional elements of
8 comprehensive plan; studies and surveys.--

9 (6) In addition to the requirements of subsections
10 (1)-(5), the comprehensive plan shall include the following
11 elements:

12 (a) A future land use plan element designating
13 proposed future general distribution, location, and extent of
14 the uses of land for residential uses, commercial uses,
15 industry, agriculture, recreation, conservation, education,
16 public buildings and grounds, other public facilities, and
17 other categories of the public and private uses of land.
18 Counties are encouraged to designate rural land stewardship
19 areas, pursuant to the provisions of paragraph (11)(d), as
20 overlays on the future land use map. Each future land use
21 category must be defined in terms of uses included, and must
22 include standards to be followed in the control and
23 distribution of population densities and building and
24 structure intensities. The proposed distribution, location,
25 and extent of the various categories of land use shall be
26 shown on a land use map or map series which shall be
27 supplemented by goals, policies, and measurable objectives.
28 The future land use plan shall be based upon surveys, studies,
29 and data regarding the area, including the amount of land
30 required to accommodate anticipated growth; the projected
31 population of the area; the character of undeveloped land; the

1 availability of public services; the need for redevelopment,
2 including the renewal of blighted areas and the elimination of
3 nonconforming uses which are inconsistent with the character
4 of the community; and, in rural communities, the need for job
5 creation, capital investment, and economic development that
6 will strengthen and diversify the community's economy. The
7 future land use plan may designate areas for future planned
8 development use involving combinations of types of uses for
9 which special regulations may be necessary to ensure
10 development in accord with the principles and standards of the
11 comprehensive plan and this act. In addition, for rural
12 communities, the amount of land designated for future planned
13 industrial use shall be based upon surveys and studies that
14 reflect the need for job creation, capital investment, and the
15 necessity to strengthen and diversify the local economies, and
16 shall not be limited solely by the projected population of the
17 rural community. The future land use plan of a county may also
18 designate areas for possible future municipal incorporation.
19 The land use maps or map series shall generally identify and
20 depict historic district boundaries and shall designate
21 historically significant properties meriting protection. The
22 future land use element must clearly identify the land use
23 categories in which public schools are an allowable use. When
24 delineating the land use categories in which public schools
25 are an allowable use, a local government shall include in the
26 categories sufficient land proximate to residential
27 development to meet the projected needs for schools in
28 coordination with public school boards and may establish
29 differing criteria for schools of different type or size.
30 Each local government shall include lands contiguous to
31 existing school sites, to the maximum extent possible, within

1 the land use categories in which public schools are an
2 allowable use. All comprehensive plans must comply with the
3 school siting requirements of this paragraph no later than
4 October 1, 1999. The failure by a local government to comply
5 with these school siting requirements by October 1, 1999, will
6 result in the prohibition of the local government's ability to
7 amend the local comprehensive plan, except for plan amendments
8 described in s. 163.3187(1)(b), until the school siting
9 requirements are met. Amendments proposed by a local
10 government for purposes of identifying the land use categories
11 in which public schools are an allowable use or for adopting
12 or amending the school-siting maps pursuant to s. 163.31776(3)
13 are exempt from the limitation on the frequency of plan
14 amendments contained in s. 163.3187. The future land use
15 element shall include criteria that encourage the location of
16 schools proximate to urban residential areas to the extent
17 possible and shall require that the local government seek to
18 collocate public facilities, such as parks, libraries, and
19 community centers, with schools to the extent possible and to
20 encourage the use of elementary schools as focal points for
21 neighborhoods. For schools serving predominantly rural
22 counties, defined as a county with a population of 100,000 or
23 fewer, an agricultural land use category shall be eligible for
24 the location of public school facilities if the local
25 comprehensive plan contains school siting criteria and the
26 location is consistent with such criteria.

27 (c) A general sanitary sewer, solid waste, drainage,
28 potable water, and natural groundwater aquifer recharge
29 element correlated to principles and guidelines for future
30 land use, indicating ways to provide for future potable water,
31 drainage, sanitary sewer, solid waste, and aquifer recharge

1 protection requirements for the area. The element may be a
2 detailed engineering plan including a topographic map
3 depicting areas of prime groundwater recharge. The element
4 shall describe the problems and needs and the general
5 facilities that will be required for solution of the problems
6 and needs. The element shall also include a topographic map
7 depicting any areas adopted by a regional water management
8 district as prime groundwater recharge areas for the Floridan
9 or Biscayne aquifers, pursuant to s. 373.0395. These areas
10 shall be given special consideration when the local government
11 is engaged in zoning or considering future land use for said
12 designated areas. For areas served by septic tanks, soil
13 surveys shall be provided which indicate the suitability of
14 soils for septic tanks. By December 1, 2006 ~~January 1, 2005,~~
15 ~~or the Evaluation and Appraisal Report adoption deadline~~
16 ~~established for the local government pursuant to s.~~
17 ~~163.3191(a), whichever date occurs first,~~ the element must
18 consider the appropriate water management district's regional
19 water supply plan approved pursuant to s. 373.0361. The
20 element must include a work plan, covering at least a 10-year
21 planning period, for building water supply facilities that are
22 identified in the element as necessary to serve existing and
23 new development and for which the local government is
24 responsible. The work plan shall be updated, at a minimum,
25 every 5 years within 12 months after the governing board of
26 the water management district approves an updated regional
27 water supply plan. Amendments to incorporate the work plan do
28 not count toward the limitation on the frequency of adoption
29 of amendments to a comprehensive plan.

30 (11)(a) The Legislature recognizes the need for
31 innovative planning and development strategies which will

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

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

26 (c) It is the further intent of the Legislature that
27 local government comprehensive plans and implementing land
28 development regulations shall provide strategies which
29 maximize the use of existing facilities and services through
30 redevelopment, urban infill development, and other strategies
31 for urban revitalization.

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

19 a. Assistance from the Department of Environmental
20 Protection and water management districts in creating the
21 geographic information systems land cover database and aerial
22 photogrammetry needed to prepare for a rural land stewardship
23 area;

24 b. Support for local government implementation of
25 rural land stewardship concepts by providing information and
26 assistance to local governments regarding land acquisition
27 programs that may be used by the local government or
28 landowners to leverage the protection of greater acreage and
29 maximize the effectiveness of rural land stewardship areas;
30 and

31

1 c. Expansion of the role of the Department of
 2 Community Affairs as a resource agency to facilitate
 3 establishment of rural land stewardship areas in smaller rural
 4 counties that do not have the staff or planning budgets to
 5 create a rural land stewardship area.

6 2. The department shall encourage participation by
 7 local governments of different sizes and rural characteristics
 8 in establishing and implementing rural land stewardship areas.

9 It is the intent of the Legislature that rural land
 10 stewardship areas be used to further the following broad
 11 principles of rural sustainability: restoration and
 12 maintenance of the economic value of rural land; control of
 13 urban sprawl; identification and protection of ecosystems,
 14 habitats, and natural resources; promotion of rural economic
 15 activity; maintenance of the viability of Florida's
 16 agricultural economy; and protection of the character of rural
 17 areas of Florida. Rural land stewardship areas may be
 18 multicounty in order to encourage coordinated regional
 19 stewardship planning.

20 3. A local government, in conjunction with a regional
 21 planning council, a stakeholder organization of private land
 22 owners, or another local government, shall notify ~~may apply to~~
 23 the department in writing of its intent ~~requesting~~
 24 consideration for authorization to designate a rural land
 25 stewardship area and shall describe its reasons for applying
 26 for the authorization with supporting documentation regarding
 27 its compliance with criteria set forth in this section.

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

30 a. ~~Ensure that the local government has expressed its~~
 31 ~~intent to designate a rural land stewardship area pursuant to~~

1 ~~the provisions of this subsection and clarify that the rural~~
2 ~~land stewardship area is intended.~~

3 ~~b. Ensure that the local government has the financial~~
4 ~~and administrative capabilities to implement a rural land~~
5 ~~stewardship area.~~

6 ~~5. The written notification agreement shall describe~~
7 ~~include the basis for the designation, authorization and~~
8 ~~provide criteria for evaluating the success of the~~
9 ~~authorization including the extent to which the rural land~~
10 ~~stewardship area enhances rural land values, controls; control~~
11 ~~urban sprawl, + provides necessary open space for agriculture~~
12 ~~and protection of the natural environment, + promotes rural~~
13 ~~economic activity, + and maintains rural character and the~~
14 ~~economic viability of agriculture. ~~The department may~~~~
15 ~~terminate the agreement at any time if it determines that the~~
16 ~~local government is not meeting the terms of the agreement.~~

17 ~~4.6. A rural land stewardship area shall be not less~~
18 ~~than 10,000 ~~50,000~~ acres and shall ~~not exceed 250,000 acres in~~~~
19 ~~size, shall be located outside of municipalities and~~
20 ~~established urban growth boundaries, and shall be designated~~
21 ~~by plan amendment. The plan amendment designating a rural~~
22 ~~land stewardship area shall be subject to review by the~~
23 ~~Department of Community Affairs pursuant to s. 163.3184 and~~
24 ~~shall provide for the following:~~

25 ~~a. Criteria for the designation of receiving areas~~
26 ~~within rural land stewardship areas in which innovative~~
27 ~~planning and development strategies may be applied. Criteria~~
28 ~~shall at a minimum provide for the following: adequacy of~~
29 ~~suitable land to accommodate development so as to avoid~~
30 ~~conflict with environmentally sensitive areas, resources, and~~
31 ~~habitats; compatibility between and transition from higher~~

1 density uses to lower intensity rural uses; the establishment
2 of receiving area service boundaries which provide for a
3 separation between receiving areas and other land uses within
4 the rural land stewardship area through limitations on the
5 extension of services; and connection of receiving areas with
6 the rest of the rural land stewardship area using rural design
7 and rural road corridors.

8 b. Goals, objectives, and policies setting forth the
9 innovative planning and development strategies to be applied
10 within rural land stewardship areas pursuant to the provisions
11 of this section.

12 c. A process for the implementation of innovative
13 planning and development strategies within the rural land
14 stewardship area, including those described in this subsection
15 and rule 9J-5.006(5)(1), Florida Administrative Code, which
16 provide for a functional mix of land uses and which are
17 applied through the adoption by the local government of zoning
18 and land development regulations applicable to the rural land
19 stewardship area.

20 d. A process which encourages visioning pursuant to s.
21 163.3167(11) to ensure that innovative planning and
22 development strategies comply with the provisions of this
23 section.

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

28 ~~5.7.~~ A receiving area shall be designated by the
29 adoption of a land development regulation. Prior to the
30 designation of a receiving area, the local government shall
31 provide the Department of Community Affairs a period of 30

1 days in which to review a proposed receiving area for
2 consistency with the rural land stewardship area plan
3 amendment and to provide comments to the local government.

4 ~~6.8.~~ Upon the adoption of a plan amendment creating a
5 rural land stewardship area, the local government shall, by
6 ordinance, assign to the area a certain number of credits, to
7 be known as "transferable rural land use credits," which shall
8 not constitute a right to develop land, nor increase density
9 of land, except as provided by this section. The total amount
10 of transferable rural land use credits assigned to the rural
11 land stewardship area must correspond to the 25-year or
12 greater projected population of the rural land stewardship
13 area. Transferable rural land use credits are subject to the
14 following limitations:

15 a. Transferable rural land use credits may only exist
16 within a rural land stewardship area.

17 b. Transferable rural land use credits may only be
18 used on lands designated as receiving areas and then solely
19 for the purpose of implementing innovative planning and
20 development strategies and creative land use planning
21 techniques adopted by the local government pursuant to this
22 section.

23 c. Transferable rural land use credits assigned to a
24 parcel of land within a rural land stewardship area shall
25 cease to exist if the parcel of land is removed from the rural
26 land stewardship area by plan amendment.

27 d. Neither the creation of the rural land stewardship
28 area by plan amendment nor the assignment of transferable
29 rural land use credits by the local government shall operate
30 to displace the underlying density of land uses assigned to a
31 parcel of land within the rural land stewardship area;

1 | however, if transferable rural land use credits are
2 | transferred from a parcel for use within a designated
3 | receiving area, the underlying density assigned to the parcel
4 | of land shall cease to exist.

5 | e. The underlying density on each parcel of land
6 | located within a rural land stewardship area shall not be
7 | increased or decreased by the local government, except as a
8 | result of the conveyance or use of transferable rural land use
9 | credits, as long as the parcel remains within the rural land
10 | stewardship area.

11 | f. Transferable rural land use credits shall cease to
12 | exist on a parcel of land where the underlying density
13 | assigned to the parcel of land is utilized.

14 | g. An increase in the density of use on a parcel of
15 | land located within a designated receiving area may occur only
16 | through the assignment or use of transferable rural land use
17 | credits and shall not require a plan amendment.

18 | h. A change in the density of land use on parcels
19 | located within receiving areas shall be specified in a
20 | development order which reflects the total number of
21 | transferable rural land use credits assigned to the parcel of
22 | land and the infrastructure and support services necessary to
23 | provide for a functional mix of land uses corresponding to the
24 | plan of development.

25 | i. Land within a rural land stewardship area may be
26 | removed from the rural land stewardship area through a plan
27 | amendment.

28 | j. Transferable rural land use credits may be assigned
29 | at different ratios of credits per acre according to the
30 | natural resource or other beneficial use characteristics of
31 | the land and according to the land use remaining following the

1 transfer of credits, with the highest number of credits per
2 acre assigned to the most ~~preserve~~ environmentally valuable
3 land and a lesser number of credits to be assigned to open
4 space and agricultural land.

5 k. The use or conveyance of transferable rural land
6 use credits must be recorded in the public records of the
7 county in which the property is located as a covenant or
8 restrictive easement running with the land in favor of the
9 county and either the Department of Environmental Protection,
10 Department of Agriculture and Consumer Services, a water
11 management district, or a recognized statewide land trust.

12 ~~7.9.~~ Owners of land within rural land stewardship
13 areas should be provided incentives to enter into rural land
14 stewardship agreements, pursuant to existing law and rules
15 adopted thereto, with state agencies, water management
16 districts, and local governments to achieve mutually agreed
17 upon conservation objectives. Such incentives may include,
18 but not be limited to, the following:

19 a. Opportunity to accumulate transferable mitigation
20 credits.

21 b. Extended permit agreements.

22 c. Opportunities for recreational leases and
23 ecotourism.

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

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

30 ~~8.10.~~ The department shall report to the Legislature
31 on an annual basis on the results of implementation of rural

1 land stewardship areas authorized by the department, including
2 successes and failures in achieving the intent of the
3 Legislature as expressed in this paragraph. ~~It is further the~~
4 ~~intent of the Legislature that the success of authorized rural~~
5 ~~land stewardship areas be substantiated before implementation~~
6 ~~occurs on a statewide basis.~~

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

27 (f) The Legislature finds that a program for the
28 transfer of development rights is a useful tool to preserve
29 historic buildings and create public open spaces in urban
30 areas. A program for the transfer of development rights allows
31 the transfer of density credits from historic properties and

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

11 ~~(g)(e)~~ The implementation of this subsection shall be
 12 subject to the provisions of this chapter, chapters 186 and
 13 187, and applicable agency rules.

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

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

18 163.3187 Amendment of adopted comprehensive plan.--

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

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

25 Section 6. Subsection (16) of section 718.103, Florida
 26 Statutes, is amended to read:

27 718.103 Definitions.--As used in this chapter, the
 28 term:

29 (16) "Developer" means a person who creates a
 30 condominium or offers condominium parcels for sale or lease in
 31 the ordinary course of business, but does not include an owner

1 or lessee of a condominium or cooperative unit who has
 2 acquired the unit for his or her own occupancy, nor does it
 3 include a cooperative association which creates a condominium
 4 by conversion of an existing residential cooperative after
 5 control of the association has been transferred to the unit
 6 owners if, following the conversion, the unit owners will be
 7 the same persons who were unit owners of the cooperative and
 8 no units are offered for sale or lease to the public as part
 9 of the plan of conversion. A state, county, or municipal
 10 entity is not a developer for any purposes under this chapter
 11 when it is acting as a lessor and not otherwise named as a
 12 developer in the association.

13 Section 7. Paragraphs (g), (h), and (j) of subsection
 14 (1) of section 125.01, Florida Statutes, are amended to read:

15 125.01 Powers and duties.--

16 (1) The legislative and governing body of a county
 17 shall have the power to carry on county government. To the
 18 extent not inconsistent with general or special law, this
 19 power includes, but is not restricted to, the power to:

20 (g) Prepare and enforce comprehensive plans for the
 21 development of the county and the regulation of platted lands
 22 development, including platting, deplatting, and reassembly.

23 (h) Establish, coordinate, and enforce zoning and such
 24 business regulations as are necessary for the protection of
 25 the community and environmental welfare ~~public~~.

26 (j) Establish and administer programs of housing, slum
 27 clearance, community redevelopment, conservation, flood and
 28 beach erosion control, air pollution control, platted lands
 29 assembly or adjustment, and navigation and drainage and
 30 cooperate with governmental agencies and private enterprises
 31 in the development and operation of such programs.

1 Section 8. Subsection (23) of section 163.3164,
2 Florida Statutes, is amended, and subsection (32) is added to
3 that section, to read:

4 163.3164 Local Government Comprehensive Planning and
5 Land Development Regulation Act; definitions.--As used in this
6 act:

7 (23) "Land development regulations" means ordinances
8 enacted by governing bodies for the regulation of any aspect
9 of development and includes any local government zoning,
10 rezoning, subdivision, land assembly or adjustment of platted
11 or subdivided lands, building construction, or sign
12 regulations or any other regulations controlling the
13 development of land, except that this definition shall not
14 apply in s. 163.3213.

15 (32) "Land assembly or adjustment" means the
16 consolidation of contiguous and noncontiguous platted or
17 subdivided lots and the vacation or deplatting of all or a
18 portion of such lots to allow replatting and reassembly for
19 more appropriate development or use.

20 Section 9. Paragraph (a) of subsection (6) of section
21 163.3177, Florida Statutes, is amended to read:

22 163.3177 Required and optional elements of
23 comprehensive plan; studies and surveys.--

24 (6) In addition to the requirements of subsections
25 (1)-(5), the comprehensive plan shall include the following
26 elements:

27 (a) A future land use plan element designating
28 proposed future general distribution, location, and extent of
29 the uses of land for residential uses, commercial uses,
30 industry, agriculture, recreation, conservation, education,
31 public buildings and grounds, other public facilities, and

1 other categories of the public and private uses of land. Each
2 future land use category must be defined in terms of uses
3 included, and must include standards to be followed in the
4 control and distribution of population densities and building
5 and structure intensities. The proposed distribution,
6 location, and extent of the various categories of land use
7 shall be shown on a land use map or map series which shall be
8 supplemented by goals, policies, and measurable objectives.
9 The future land use plan shall be based upon surveys, studies,
10 and data regarding the area, including the amount of land
11 required to accommodate anticipated growth; the projected
12 population of the area; the character of undeveloped land,
13 including an analysis of antiquated subdivisions; the
14 availability of public services; the need for redevelopment
15 and land reassembly, including the renewal of blighted areas
16 and the elimination of nonconforming uses which are
17 inconsistent with the character of the community; and, in
18 rural communities, the need for job creation, capital
19 investment, and economic development that will strengthen and
20 diversify the community's economy. The future land use plan
21 may designate areas for future planned development use
22 involving combinations of types of uses for which special
23 regulations may be necessary to ensure development in accord
24 with the principles and standards of the comprehensive plan
25 and this act. The future land use plan shall contain
26 provisions to address antiquated subdivisions that are
27 underused to minimize the imbalance of single land use
28 buildout, lack of public services, and environmental and water
29 quality impacts. In addition, for rural communities, the
30 amount of land designated for future planned industrial use
31 shall be based upon surveys and studies that reflect the need

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

1 met. Amendments proposed by a local government for purposes of
2 identifying the land use categories in which public schools
3 are an allowable use or for adopting or amending the
4 school-siting maps pursuant to s. 163.31776(3) are exempt from
5 the limitation on the frequency of plan amendments contained
6 in s. 163.3187. The future land use element shall include
7 criteria that encourage the location of schools proximate to
8 urban residential areas to the extent possible and shall
9 require that the local government seek to collocate public
10 facilities, such as parks, libraries, and community centers,
11 with schools to the extent possible and to encourage the use
12 of elementary schools as focal points for neighborhoods. For
13 schools serving predominantly rural counties, defined as a
14 county with a population of 100,000 or fewer, an agricultural
15 land use category shall be eligible for the location of public
16 school facilities if the local comprehensive plan contains
17 school siting criteria and the location is consistent with
18 such criteria. Plan amendments that are needed to address
19 requirements related to land assembly or adjustment of platted
20 or subdivided lands or antiquated subdivisions shall be
21 addressed prior to local government action to exercise such
22 land assembly options or no later than the first evaluation
23 and appraisal report which is due to be submitted at least 3
24 years after July 1, 2004.

25 Section 10. Subsections (2) and (3) of section
26 163.3202, Florida Statutes, are amended to read:

27 163.3202 Land development regulations.--

28 (2) Local land development regulations shall contain
29 specific and detailed provisions necessary or desirable to
30 implement the adopted comprehensive plan and shall as a
31 minimum:

1 (a) Regulate the subdivision, assembly, reassembly, or
2 adjustment of land, as defined in ss. 163.3164(32) and
3 177.101;

4 (b) Regulate the use of land and water for those land
5 use categories included in the land use element and ensure the
6 compatibility of adjacent uses and provide for open space;

7 (c) Provide for protection of potable water
8 wellfields;

9 (d) Regulate areas subject to seasonal and periodic
10 flooding and provide for drainage and stormwater management;

11 (e) Ensure the protection of environmentally sensitive
12 lands designated in the comprehensive plan;

13 (f) Regulate signage;

14 (g) Provide that public facilities and services meet
15 or exceed the standards established in the capital
16 improvements element required by s. 163.3177 and are available
17 when needed for the development, or that development orders
18 and permits are conditioned on the availability of these
19 public facilities and services necessary to serve the proposed
20 development. Not later than 1 year after its due date
21 established by the state land planning agency's rule for
22 submission of local comprehensive plans pursuant to s.
23 163.3167(2), a local government shall not issue a development
24 order or permit which results in a reduction in the level of
25 services for the affected public facilities below the level of
26 services provided in the comprehensive plan of the local
27 government.

28 (h) Ensure safe and convenient onsite traffic flow,
29 considering needed vehicle parking.

30 (3) This section shall be construed to encourage the
31 use of innovative land development regulations which include

1 provisions such as transfer of development rights, incentive
2 and inclusionary zoning, planned-unit development, impact
3 fees, ~~and performance zoning, and land assembly, reassembly,~~
4 or adjustment, as described in chapter 177. These and all
5 other such regulations shall be combined and compiled into a
6 single land development code for the jurisdiction. A general
7 zoning code shall not be required if a local government's
8 adopted land development regulations meet the requirements of
9 this section.

10 Section 11. Section 177.011, Florida Statutes, is
11 amended to read:

12 177.011 Purpose and scope of part I.--This part shall
13 be deemed to establish consistent minimum requirements, and to
14 create such additional powers in local governing bodies, as
15 herein provided to regulate and control the platting,
16 replatting, and reassembly of lands. The public health,
17 safety, comfort, economy, order, appearance, convenience,
18 morals, and general welfare require the harmonious, orderly,
19 and progressive development of land within this state and its
20 counties and incorporated municipalities. In furtherance of
21 this general purpose, counties and incorporated
22 municipalities, individually or in combination, may adopt,
23 amend, or revise and enforce measures relating to platting and
24 land assembly or adjustment.

25 (1) The regulation of platting and land assembly or
26 adjustment is intended to:

27 (a) Aid in the coordination of land development in
28 counties and municipalities in accordance with orderly
29 physical patterns.

30 (b) Discourage haphazard, premature, uneconomic, or
31 scattered land development.

1 (c) Encourage development of economically stable and
2 healthful communities.

3 (d) Ensure adequate utilities provision to all lands
4 being developed.

5 (e) Serve as one of the several instruments of the
6 local comprehensive plan authorized by s. 163.3161.

7 (2) This part establishes minimum requirements and
8 does not exclude additional provisions or regulations by local
9 ordinance, laws, or regulations.

10 Section 12. Subsection (23) is added to section
11 177.031, Florida Statutes, to read:

12 177.031 Definitions.--As used in this part:

13 (23) "Land assembly or adjustment" means the
14 consolidation of contiguous and noncontiguous platted or
15 subdivided lots and the vacation or deplatting of all or a
16 portion of such lots to allow replatting and reassembly for
17 more appropriate development or use.

18 Section 13. Section 177.091, Florida Statutes, is
19 amended to read:

20 177.091 Plats made for recording.--Every approved plat
21 of a subdivision shall be recorded in the public records of
22 each county in which the property is situated and ~~offered for~~
23 ~~recording~~ shall conform to the following:

24 (1) It must be:

25 (a) An original drawing made with black permanent
26 drawing ink; or

27 (b) A nonadhered scaled print on a stable base film
28 made by photographic processes from a film scribing tested for
29 residual hypo testing solution to assure permanency.

30
31

1 Marginal lines, standard certificates and approval forms shall
2 be printed on the plat with a permanent black drawing ink. A
3 print or photographic copy of the original drawing must be
4 submitted with the original drawing.

5 (2) The size of each sheet shall be determined by the
6 local governing body and shall be drawn with a marginal line,
7 or printed when permitted by local ordinance, completely
8 around each sheet and placed so as to leave at least a
9 1/2-inch margin on each of three sides and a 3-inch margin on
10 the left side of the plat for binding purposes.

11 (3) When more than one sheet must be used to
12 accurately portray the lands subdivided, an index or key map
13 must be included and each sheet must show the particular
14 number of that sheet and the total number of sheets included,
15 as well as clearly labeled matchlines to show where other
16 sheets match or adjoin.

17 (4) In all cases, the letter size and scale used shall
18 be of sufficient size to show all detail. The scale shall be
19 both stated and graphically illustrated by a graphic scale
20 drawn on every sheet showing any portion of the lands
21 subdivided.

22 (5) The name of the plat shall be shown in bold
23 legible letters, as stated in s. 177.051. The name of the
24 subdivision shall be shown on each sheet included. The name of
25 the professional surveyor and mapper or legal entity, along
26 with the street and mailing address, must be shown on each
27 sheet included.

28 (6) A prominent "north arrow" shall be drawn on every
29 sheet included showing any portion of the lands subdivided.
30 The bearing or azimuth reference shall be clearly stated on
31 the face of the plat in the notes or legend, and, in all

1 cases, the bearings used shall be referenced to some well
2 established and monumented line.

3 (7) Permanent reference monuments must be placed at
4 each corner or change in direction on the boundary of the
5 lands being platted and may not be more than 1,400 feet apart.
6 Where such corners are in an inaccessible place, "P.R.M.s"
7 shall be set on a nearby offset within the boundary of the
8 plat and such offset shall be so noted on the plat. Where
9 corners are found to coincide with a previously set "P.R.M.,"
10 the Florida registration number of the professional surveyor
11 and mapper in responsible charge or the certificate of
12 authorization number of the legal entity on the previously set
13 "P.R.M." shall be shown on the new plat or, if unnumbered,
14 shall so state. Permanent reference monuments shall be set
15 before the recording of the plat. The "P.R.M.s" shall be shown
16 on the plat by an appropriate symbol or designation.

17 (8) Permanent control points shall be set on the
18 centerline of the right-of-way at the intersection and
19 terminus of all streets, at each change of direction, and no
20 more than 1,000 feet apart. Such "P.C.P.s" shall be shown on
21 the plat by an appropriate symbol or designation. In those
22 counties or municipalities that do not require subdivision
23 improvements and do not accept bonds or escrow accounts to
24 construct improvements, "P.C.P.s" may be set prior to the
25 recording of the plat and must be set within 1 year of the
26 date the plat was recorded. In the counties or municipalities
27 that require subdivision improvements and have the means of
28 insuring the construction of said improvements, such as
29 bonding requirements, "P.C.P.s" must be set prior to the
30 expiration of the bond or other surety. If the professional
31 surveyor and mapper or legal entity of record is no longer in

1 | practice or is not available due to relocation, or when the
2 | contractual relationship between the subdivider and
3 | professional surveyor and mapper or legal entity has been
4 | terminated, the subdivider shall contract with a professional
5 | surveyor and mapper or legal entity in good standing to place
6 | the "P.C.P.s" within the time allotted.

7 | (9) Monuments shall be set at all lot corners, points
8 | of intersection, and changes of direction of lines within the
9 | subdivision which do not require a "P.R.M." or a "P.C.P.";
10 | however, a monument need not be set if a monument already
11 | exists at such corner, point, or change of direction or when a
12 | monument cannot be set due to a physical obstruction. In those
13 | counties or municipalities that do not require subdivision
14 | improvements and do not accept bonds or escrow accounts to
15 | construct improvements, monuments may be set prior to the
16 | recording of the plat and must be set at the lot corners
17 | before the transfer of the lot. In those counties or
18 | municipalities that require subdivision improvements and have
19 | the means of ensuring the construction of those improvements,
20 | such as bonding requirements, monuments shall be set prior to
21 | the expiration of the bond or other surety. If the
22 | professional surveyor and mapper or legal entity of record is
23 | no longer in practice or is not available due to relocation,
24 | or when the contractual relationship between the subdivider
25 | and professional surveyor and mapper or legal entity has been
26 | terminated, the subdivider shall contract with a professional
27 | surveyor and mapper or legal entity in good standing who shall
28 | be allowed to place the monuments within the time allotted.

29 | (10) The section, township, and range shall appear
30 | immediately under the name of the plat on each sheet included,
31 |

1 along with the name of the city, town, village, county, and
2 state in which the land being platted is situated.

3 (11) Each plat shall show a description of the lands
4 subdivided, and the description shall be the same in the title
5 certification. The description must be so complete that from
6 it, without reference to the plat, the starting point and
7 boundary can be determined.

8 (12) The dedications and approvals required by ss.
9 177.071 and 177.081 must be shown.

10 (13) The circuit court clerk's certificate and the
11 professional surveyor and mapper's seal and statement required
12 by s. 177.061 shall be shown.

13 (14) All section lines and quarter section lines
14 occurring within the subdivision shall be indicated by lines
15 drawn upon the map or plat, with appropriate words and
16 figures. If the description is by metes and bounds, all
17 information called for, such as the point of commencement,
18 course bearings and distances, and the point of beginning,
19 shall be indicated. If the platted lands are in a land grant
20 or are not included in the subdivision of government surveys,
21 then the boundaries are to be defined by metes and bounds and
22 courses.

23 (15) Location, width, and names of all streets,
24 waterways, or other rights-of-way shall be shown, as
25 applicable.

26 (16) Location and width of proposed easements and
27 existing easements identified in the title opinion or
28 certification required by s. 177.041(2) shall be shown on the
29 plat or in the notes or legend, and their intended use shall
30 be clearly stated. Where easements are not coincident with
31 property lines, they must be labeled with bearings and

1 distances and tied to the principal lot, tract, or
2 right-of-way.

3 (17) All contiguous properties shall be identified by
4 subdivision title, plat book, and page, or, if unplatted, land
5 shall be so designated. If the subdivision platted is a part
6 or the whole of a previously recorded subdivision, sufficient
7 ties shall be shown to controlling lines appearing on the
8 earlier plat to permit an overlay to be made; the fact of its
9 being a replat shall be stated as a subtitle under the name of
10 the plat on each sheet included. The subtitle must state the
11 name of the subdivision being replatted and the appropriate
12 recording reference.

13 (18) All lots shall be numbered either by progressive
14 numbers or, if in blocks, progressively numbered in each
15 block, and the blocks progressively numbered or lettered,
16 except that blocks in numbered additions bearing the same name
17 may be numbered consecutively throughout the several
18 additions.

19 (19) Sufficient survey data shall be shown to
20 positively describe the bounds of every lot, block, street
21 easement, and all other areas shown on the plat. When any lot
22 or portion of the subdivision is bounded by an irregular line,
23 the major portion of that lot or subdivision shall be enclosed
24 by a witness line showing complete data, with distances along
25 all lines extended beyond the enclosure to the irregular
26 boundary shown with as much certainty as can be determined or
27 as "more or less," if variable. Lot, block, street, and all
28 other dimensions except to irregular boundaries, shall be
29 shown to a minimum of hundredths of feet. All measurements
30 shall refer to horizontal plane and in accordance with the
31 definition of the U.S. Survey foot or meter adopted by the

1 National Institute of Standards and Technology. All
2 measurements shall use the $39.37/12=3.280833333333$ equation for
3 conversion from a U.S. foot to meters.

4 (20) Curvilinear lot lines shall show the radii, arc
5 distances, and central angles. Radial lines will be so
6 designated. Direction of nonradial lines shall be indicated.

7 (21) Sufficient angles, bearings, or azimuth to show
8 direction of all lines shall be shown, and all bearings,
9 angles, or azimuth shall be shown to the nearest second of
10 arc.

11 (22) The centerlines of all streets shall be shown as
12 follows: noncurved lines: distances together with either
13 angles, bearings, or azimuths; curved lines: arc distances,
14 central angles, and radii, together with chord and chord
15 bearing or azimuths.

16 (23) Park and recreation parcels as applicable shall
17 be so designated.

18 (24) All interior excepted parcels as described in the
19 description of the lands being subdivided shall be clearly
20 indicated and labeled "Not a part of this plat."

21 (25) The purpose of all areas dedicated must be
22 clearly indicated or stated on the plat.

23 (26) When it is not possible to show line or curve
24 data information on the map, a tabular form may be used. The
25 tabular data must appear on the sheet to which it applies.

26 (27) The plat shall include in a prominent place the
27 following statements: "NOTICE: This plat, as recorded in its
28 graphic form, is the official depiction of the subdivided
29 lands described herein and will in no circumstances be
30 supplanted in authority by any other graphic or digital form
31 of the plat. There may be additional restrictions that are not

1 recorded on this plat that may be found in the public records
2 of this county."

3 (28) All platted utility easements shall provide that
4 such easements shall also be easements for the construction,
5 installation, maintenance, and operation of cable television
6 services; provided, however, no such construction,
7 installation, maintenance, and operation of cable television
8 services shall interfere with the facilities and services of
9 an electric, telephone, gas, or other public utility. In the
10 event a cable television company damages the facilities of a
11 public utility, it shall be solely responsible for the
12 damages. This section shall not apply to those private
13 easements granted to or obtained by a particular electric,
14 telephone, gas, or other public utility. Such construction,
15 installation, maintenance, and operation shall comply with the
16 National Electrical Safety Code as adopted by the Florida
17 Public Service Commission.

18 (29) A legend of all symbols and abbreviations shall
19 be shown.

20 Section 14. Section 177.101, Florida Statutes, is
21 amended to read:

22 177.101 Assembly, replat, vacation, and annulment of
23 plats subdividing land.--

24 (1) Whenever it is discovered, after the plat has been
25 recorded in the public records, that the developer has
26 previously caused the lands embraced in the second plat to be
27 differently subdivided under and by virtue of another plat of
28 the same identical lands, and the first plat was also filed of
29 public record at an earlier date, and no conveyances of lots
30 by reference to the first plat so filed appears of record in
31 such county, the governing body of the county is authorized

1 and directed to and shall, by resolution, vacate and annul the
2 first plat of such lands appearing of record upon the
3 application of the developer of such lands under the first
4 plat or upon application of the owners of all the lots shown
5 and designated upon the second and subsequent plat of such
6 lands, and the circuit court clerk of the county shall
7 thereupon make proper notation of the annulment of such plat
8 upon the face of such annulled plat.

9 (2) Whenever it is discovered that after the filing of
10 a plat subdividing a parcel of land located in the county, the
11 developer of the lands therein and thereby subdivided did
12 cause such lands embraced in said plat, or a part thereof, to
13 be again and subsequently differently subdivided under another
14 plat of the same and identical lands or a part thereof, which
15 said second plat was also filed at a later date; and it is
16 further made to appear to the governing body of the county
17 that the filing and recording of the second plat would not
18 materially affect the right of convenient access to lots
19 previously conveyed under the first plat, the governing body
20 of the county is authorized by resolution to vacate and annul
21 so much of the first plat of such lands appearing of record as
22 are included in the second plat, upon application of the
23 owners and developer of such lands under the first plat or
24 their successors, grantees, or assignees, and the circuit
25 court clerk of the county shall thereupon make proper notation
26 of the action of the governing body upon the face of the first
27 plat. The approval of a replat by the governing body of a
28 local government, which encompasses lands embraced in all or
29 part of a prior plat filed of public record shall, upon
30 recordation of the replat, automatically and simultaneously
31

1 vacate and annul all of the prior plat encompassed by the
2 replat.

3 (3) The governing bodies of the counties of the state
4 may adopt resolutions vacating plats in whole or in part of
5 subdivisions in said counties, returning the property covered
6 by such plats either in whole or in part into acreage. Before
7 such resolution of vacating any plat either in whole or in
8 part shall be entered by the governing body of a county, it
9 must be shown that the persons making application for said
10 vacation own the fee simple title to the whole or that part of
11 the tract covered by the plat sought to be vacated, and it
12 must be further shown that the vacation by the governing body
13 of the county will not affect the ownership or right of
14 convenient access of persons owning other parts of the
15 subdivision.

16 (4) Persons making application for vacations of plats
17 either in whole or in part shall give notice of their
18 intention to apply to the governing body of the county to
19 vacate said plat by publishing legal notice in a newspaper of
20 general circulation in the county in which the tract or parcel
21 of land is located, in not less than two weekly issues of said
22 paper, and must attach to the petition for vacation the proof
23 of such publication, together with certificates showing that
24 all state and county taxes have been paid. For the purpose of
25 the tax collector's certification that state, county, and
26 municipal taxes have been paid, the taxes shall be deemed to
27 have been paid if, in addition to any partial payment under s.
28 194.171, the owner of the platted lands sought to be vacated
29 shall post a cash bond, approved by the tax collector of the
30 county where the land is located and by the Department of
31 Revenue, conditioned to pay the full amount of any judgment

1 entered pursuant to s. 194.192 adverse to the person making
2 partial payment, including all costs, interest, and penalties.
3 The circuit court shall fix the amount of said bond by order,
4 after considering the reasonable timeframe for such litigation
5 and all other relevant factors; and a certified copy of such
6 approval, order, and cash bond shall be attached to the
7 application. If such tract or parcel of land is within the
8 corporate limits of any incorporated city or town, the
9 governing body of the county shall be furnished with a
10 certified copy of a resolution of the town council or city
11 commission, as the case may be, showing that it has already by
12 suitable resolution vacated such plat or subdivision or such
13 part thereof sought to be vacated.

14 (5) Every such resolution by the governing body shall
15 have the effect of vacating all streets and alleys which have
16 not become highways necessary for use by the traveling public.
17 Such vacation shall not become effective until a certified
18 copy of such resolution has been filed in the offices of the
19 circuit court clerk and duly recorded in the public records of
20 said county.

21 (6) All resolutions vacating plats by the governing
22 body of a county prior to September 1, 1971, are hereby
23 validated, ratified, and confirmed. Such resolutions shall
24 have the same effect as if the plat had been vacated after
25 September 1, 1971.

26 (7)(a) The governing body of a county may order the
27 assembly or adjustment of all or part of a subdivision within
28 its jurisdiction to the provisions and objectives of the
29 revised local comprehensive plan. It may order the assembly,
30 replatting, or vacation of the acreage of the existing plat on
31 any portion of the subdivision, including the vacation of

1 streets, except any roads on the State Highway System, or
2 other parcels of land dedicated for public purposes or any of
3 such streets or other parcels, when:

4 1. The plat of the subdivision was recorded as
5 provided by law, or approved pursuant to law but not recorded,
6 not less than 25 years before the date of such action.

7 2. In the subdivision or a portion of the subdivision,
8 not more than 20 percent of the total subdivision area has
9 been built into the uses of the subdivision's zoned or land
10 use purposes.

11 (b) The governing body of a local government may not
12 order the assembly or adjustment of all or part of a
13 subdivision if 30 percent or more of the lands are in single
14 ownership and that owner does not consent to such assembly or
15 adjustment.

16 (c) Any persons or entities, other than the local
17 governing body, pursuing reassembly of a parcel pursuant to
18 this subsection must demonstrate that the persons or entities
19 making application for such vacation own the fee simple title
20 to at least 60 percent of the subdivision or portion of the
21 tract covered by the plat sought to be vacated and must
22 demonstrate that the vacation will not affect the ownership or
23 right of convenient access of persons owning other parts of
24 the subdivision.

25 (d) Such action shall be based on a finding by the
26 governing body that the proposed assembly or adjustment, or
27 vacation and reversion to acreage of subdivided land, conforms
28 to the comprehensive plan of the area and that the public
29 health, safety, economy, comfort, order, convenience, and
30 welfare will be promoted.

31

1 (e) Notwithstanding any provision of this subsection,
2 paragraph (a) does not apply to those subdivisions that are
3 approved or recorded again no later than 6 months from the
4 effective date of this act.

5 Section 15. Section 177.111, Florida Statutes, is
6 amended to read:

7 177.111 Instructions for filing plat.--After the
8 approval by the appropriate governing body required by s.
9 177.071, the plat shall be submitted to ~~recorded by~~ the
10 circuit court clerk or other recording officer for recording
11 in the public records of the county ~~upon submission thereto of~~
12 ~~such approved plat~~. The circuit court clerk or other recording
13 officer shall maintain in his or her office a book of the
14 proper size for such papers so that they shall not be folded,
15 to be kept in the vault. A print or photographic copy must be
16 filed in a similar book and kept in his or her office for the
17 use of the public. The clerk shall make available to the
18 public a full size copy of the record plat at a reasonable
19 fee.

20 Section 16. Section 290.003, Florida Statutes, is
21 amended to read:

22 290.003 Policy and purpose.--It is the policy of this
23 state to provide the necessary means to assist local
24 communities, their residents, and the private sector in
25 creating the proper economic and social environment to induce
26 the investment of private resources in productive business
27 enterprises located in severely distressed areas and to
28 provide jobs for residents of such areas. In achieving this
29 objective, the state will seek to provide appropriate
30 investments, tax benefits, and regulatory relief of sufficient
31 importance to encourage the business community to commit its

1 financial participation. The purpose of ss. 290.001-290.016 is
 2 to establish a process that clearly identifies such severely
 3 distressed areas and provides incentives by both the state and
 4 local government to induce private investment in such areas.
 5 The Legislature, therefore, declares the revitalization of
 6 enterprise zones and antiquated subdivisions, through the
 7 concerted efforts of government and the private sector, to be
 8 a public purpose.

9 Section 17. Subsection (4) of section 290.0058,
 10 Florida Statutes, is amended to read:

11 290.0058 Determination of pervasive poverty,
 12 unemployment, and general distress.--

13 (4) General distress shall be evidenced by describing
 14 adverse conditions within the nominated area, including
 15 antiquated subdivisions, other than those of pervasive poverty
 16 and unemployment. A high incidence of crime, abandoned
 17 structures, and deteriorated infrastructure; ~~or~~ substantial
 18 population change; a high percentage of tax delinquent
 19 parcels; or inappropriate lot sizes to ensure a balance of
 20 land uses decline are examples of appropriate indicators of
 21 general distress.

22 Section 18. Subsection (8) of section 380.031, Florida
 23 Statutes, is amended, and subsections (21) and (22) are added
 24 to that section, to read:

25 380.031 Definitions.--As used in this chapter:

26 (8) "Land development regulations" include local
 27 zoning, subdivision, assembly, reassembly, or adjustment of
 28 platted or subdivided lands, building, and other regulations
 29 controlling the development of land.

30 (21) "Land assembly or adjustment" means the
 31 consolidation of contiguous and noncontiguous platted or

1 subdivided lots and the vacation or deplattng of all or a
2 portion of these lots to allow replatting and reassembly for
3 more appropriate development or use.

4 (22) "Antiquated subdivisions" means subdivisions or
5 large numbers of lots within platted and unplatted
6 subdivisions that were recorded prior to 1980 in which the
7 continued buildout of the subdivision would provide an
8 imbalance of land uses and would be detrimental to the local
9 and regional economies and environment, hinder current
10 planning practices, and lead to inefficient development
11 patterns.

12 Section 19. This act shall take effect upon becoming a
13 law.

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