

1 A bill to be entitled
 2 An act relating to high-speed rail; repealing ss.
 3 341.8201-341.842, F.S., the Florida High-Speed Rail
 4 Authority Act; amending ss. 163.3167 and 341.301, F.S.;
 5 removing reference to the Florida High-Speed Rail
 6 Authority Act; amending s. 163.3177, F.S.; correcting a
 7 cross reference; amending ss. 187.201 and 341.302, F.S.;
 8 removing reference to high-speed rail and magnetic
 9 levitation systems; repealing s. 373.4138, F.S., relating
 10 to mitigation requirements and associated costs with
 11 respect to the High Speed Rail Project; providing an
 12 effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

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 16 Section 1. Sections 341.8201, 341.8202, 341.8203, 341.821,
 17 341.822, 341.823, 341.824, 341.827, 341.828, 341.829, 341.830,
 18 341.831, 341.832, 341.833, 341.834, 341.835, 341.836, 341.837,
 19 341.838, 341.839, 341.840, 341.841, and 341.842, Florida
 20 Statutes, are repealed.

21 Section 2. Subsections (10), (11), (12), (13), and (14) of
 22 section 163.3167, Florida Statutes, are amended to read:

23 163.3167 Scope of act.--
 24 ~~(10) Nothing in this part shall supersede any provision of~~
 25 ~~ss. 341.8201-341.842.~~

26 (10)~~(11)~~ Each local government is encouraged to articulate
 27 a vision of the future physical appearance and qualities of its
 28 community as a component of its local comprehensive plan. The

29 vision should be developed through a collaborative planning
30 process with meaningful public participation and shall be
31 adopted by the governing body of the jurisdiction. Neighboring
32 communities, especially those sharing natural resources or
33 physical or economic infrastructure, are encouraged to create
34 collective visions for greater-than-local areas. Such collective
35 visions shall apply in each city or county only to the extent
36 that each local government chooses to make them applicable. The
37 state land planning agency shall serve as a clearinghouse for
38 creating a community vision of the future and may utilize the
39 Growth Management Trust Fund, created by s. 186.911, to provide
40 grants to help pay the costs of local visioning programs. When a
41 local vision of the future has been created, a local government
42 should review its comprehensive plan, land development
43 regulations, and capital improvement program to ensure that
44 these instruments will help to move the community toward its
45 vision in a manner consistent with this act and with the state
46 comprehensive plan. A local or regional vision must be
47 consistent with the state vision, when adopted, and be
48 internally consistent with the local or regional plan of which
49 it is a component. The state land planning agency shall not
50 adopt minimum criteria for evaluating or judging the form or
51 content of a local or regional vision.

52 (11)~~(12)~~ An initiative or referendum process in regard to
53 any development order or in regard to any local comprehensive
54 plan amendment or map amendment that affects five or fewer
55 parcels of land is prohibited.

56 (12)~~(13)~~ Each local government shall address in its
 57 comprehensive plan, as enumerated in this chapter, the water
 58 supply sources necessary to meet and achieve the existing and
 59 projected water use demand for the established planning period,
 60 considering the applicable plan developed pursuant to s.
 61 373.0361.

62 (13)~~(14)~~(a) If a local government grants a development
 63 order pursuant to its adopted land development regulations and
 64 the order is not the subject of a pending appeal and the
 65 timeframe for filing an appeal has expired, the development
 66 order may not be invalidated by a subsequent judicial
 67 determination that such land development regulations, or any
 68 portion thereof that is relevant to the development order, are
 69 invalid because of a deficiency in the approval standards.

70 (b) This subsection does not preclude or affect the timely
 71 institution of any other remedy available at law or equity,
 72 including a common law writ of certiorari proceeding pursuant to
 73 Rule 9.190, Florida Rules of Appellate Procedure, or an original
 74 proceeding pursuant to s. 163.3215, as applicable.

75 (c) This subsection applies retroactively to any
 76 development order granted on or after January 1, 2002.

77 Section 3. Paragraph (d) of subsection (11) of section
 78 163.3177, Florida Statutes, is amended to read:

79 163.3177 Required and optional elements of comprehensive
 80 plan; studies and surveys.--

81 (11)

82 (d)1. The department, in cooperation with the Department
 83 of Agriculture and Consumer Services, the Department of

84 Environmental Protection, water management districts, and
85 regional planning councils, shall provide assistance to local
86 governments in the implementation of this paragraph and rule 9J-
87 5.006(5)(1), Florida Administrative Code. Implementation of
88 those provisions shall include a process by which the department
89 may authorize local governments to designate all or portions of
90 lands classified in the future land use element as predominantly
91 agricultural, rural, open, open-rural, or a substantively
92 equivalent land use, as a rural land stewardship area within
93 which planning and economic incentives are applied to encourage
94 the implementation of innovative and flexible planning and
95 development strategies and creative land use planning
96 techniques, including those contained herein and in rule 9J-
97 5.006(5)(1), Florida Administrative Code. Assistance may
98 include, but is not limited to:

99 a. Assistance from the Department of Environmental
100 Protection and water management districts in creating the
101 geographic information systems land cover database and aerial
102 photogrammetry needed to prepare for a rural land stewardship
103 area;

104 b. Support for local government implementation of rural
105 land stewardship concepts by providing information and
106 assistance to local governments regarding land acquisition
107 programs that may be used by the local government or landowners
108 to leverage the protection of greater acreage and maximize the
109 effectiveness of rural land stewardship areas; and

110 c. Expansion of the role of the Department of Community
111 Affairs as a resource agency to facilitate establishment of

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112 rural land stewardship areas in smaller rural counties that do
113 not have the staff or planning budgets to create a rural land
114 stewardship area.

115 2. The department shall encourage participation by local
116 governments of different sizes and rural characteristics in
117 establishing and implementing rural land stewardship areas. It
118 is the intent of the Legislature that rural land stewardship
119 areas be used to further the following broad principles of rural
120 sustainability: restoration and maintenance of the economic
121 value of rural land; control of urban sprawl; identification and
122 protection of ecosystems, habitats, and natural resources;
123 promotion of rural economic activity; maintenance of the
124 viability of Florida's agricultural economy; and protection of
125 the character of rural areas of Florida. Rural land stewardship
126 areas may be multicounty in order to encourage coordinated
127 regional stewardship planning.

128 3. A local government, in conjunction with a regional
129 planning council, a stakeholder organization of private land
130 owners, or another local government, shall notify the department
131 in writing of its intent to designate a rural land stewardship
132 area. The written notification shall describe the basis for the
133 designation, including the extent to which the rural land
134 stewardship area enhances rural land values, controls urban
135 sprawl, provides necessary open space for agriculture and
136 protection of the natural environment, promotes rural economic
137 activity, and maintains rural character and the economic
138 viability of agriculture.

139 4. A rural land stewardship area shall be not less than
140 10,000 acres and shall be located outside of municipalities and
141 established urban growth boundaries, and shall be designated by
142 plan amendment. The plan amendment designating a rural land
143 stewardship area shall be subject to review by the Department of
144 Community Affairs pursuant to s. 163.3184 and shall provide for
145 the following:

146 a. Criteria for the designation of receiving areas within
147 rural land stewardship areas in which innovative planning and
148 development strategies may be applied. Criteria shall at a
149 minimum provide for the following: adequacy of suitable land to
150 accommodate development so as to avoid conflict with
151 environmentally sensitive areas, resources, and habitats;
152 compatibility between and transition from higher density uses to
153 lower intensity rural uses; the establishment of receiving area
154 service boundaries which provide for a separation between
155 receiving areas and other land uses within the rural land
156 stewardship area through limitations on the extension of
157 services; and connection of receiving areas with the rest of the
158 rural land stewardship area using rural design and rural road
159 corridors.

160 b. Goals, objectives, and policies setting forth the
161 innovative planning and development strategies to be applied
162 within rural land stewardship areas pursuant to the provisions
163 of this section.

164 c. A process for the implementation of innovative planning
165 and development strategies within the rural land stewardship
166 area, including those described in this subsection and rule 9J-

167 5.006(5)(1), Florida Administrative Code, which provide for a
 168 functional mix of land uses and which are applied through the
 169 adoption by the local government of zoning and land development
 170 regulations applicable to the rural land stewardship area.

171 d. A process which encourages visioning pursuant to s.
 172 163.3167(10)~~(11)~~ to ensure that innovative planning and
 173 development strategies comply with the provisions of this
 174 section.

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

179 5. A receiving area shall be designated by the adoption of
 180 a land development regulation. Prior to the designation of a
 181 receiving area, the local government shall provide the
 182 Department of Community Affairs a period of 30 days in which to
 183 review a proposed receiving area for consistency with the rural
 184 land stewardship area plan amendment and to provide comments to
 185 the local government.

186 6. Upon the adoption of a plan amendment creating a rural
 187 land stewardship area, the local government shall, by ordinance,
 188 assign to the area a certain number of credits, to be known as
 189 "transferable rural land use credits," which shall not
 190 constitute a right to develop land, nor increase density of
 191 land, except as provided by this section. The total amount of
 192 transferable rural land use credits assigned to the rural land
 193 stewardship area must correspond to the 25-year or greater
 194 projected population of the rural land stewardship area.

195 Transferable rural land use credits are subject to the following
196 limitations:

197 a. Transferable rural land use credits may only exist
198 within a rural land stewardship area.

199 b. Transferable rural land use credits may only be used on
200 lands designated as receiving areas and then solely for the
201 purpose of implementing innovative planning and development
202 strategies and creative land use planning techniques adopted by
203 the local government pursuant to this section.

204 c. Transferable rural land use credits assigned to a
205 parcel of land within a rural land stewardship area shall cease
206 to exist if the parcel of land is removed from the rural land
207 stewardship area by plan amendment.

208 d. Neither the creation of the rural land stewardship area
209 by plan amendment nor the assignment of transferable rural land
210 use credits by the local government shall operate to displace
211 the underlying density of land uses assigned to a parcel of land
212 within the rural land stewardship area; however, if transferable
213 rural land use credits are transferred from a parcel for use
214 within a designated receiving area, the underlying density
215 assigned to the parcel of land shall cease to exist.

216 e. The underlying density on each parcel of land located
217 within a rural land stewardship area shall not be increased or
218 decreased by the local government, except as a result of the
219 conveyance or use of transferable rural land use credits, as
220 long as the parcel remains within the rural land stewardship
221 area.

222 f. Transferable rural land use credits shall cease to
 223 exist on a parcel of land where the underlying density assigned
 224 to the parcel of land is utilized.

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

229 h. A change in the density of land use on parcels located
 230 within receiving areas shall be specified in a development order
 231 which reflects the total number of transferable rural land use
 232 credits assigned to the parcel of land and the infrastructure
 233 and support services necessary to provide for a functional mix
 234 of land uses corresponding to the plan of development.

235 i. Land within a rural land stewardship area may be
 236 removed from the rural land stewardship area through a plan
 237 amendment.

238 j. Transferable rural land use credits may be assigned at
 239 different ratios of credits per acre according to the natural
 240 resource or other beneficial use characteristics of the land and
 241 according to the land use remaining following the transfer of
 242 credits, with the highest number of credits per acre assigned to
 243 the most environmentally valuable land and a lesser number of
 244 credits to be assigned to open space and agricultural land.

245 k. The use or conveyance of transferable rural land use
 246 credits must be recorded in the public records of the county in
 247 which the property is located as a covenant or restrictive
 248 easement running with the land in favor of the county and either
 249 the Department of Environmental Protection, Department of

250 Agriculture and Consumer Services, a water management district,
 251 or a recognized statewide land trust.

252 7. Owners of land within rural land stewardship areas
 253 should be provided incentives to enter into rural land
 254 stewardship agreements, pursuant to existing law and rules
 255 adopted thereto, with state agencies, water management
 256 districts, and local governments to achieve mutually agreed upon
 257 conservation objectives. Such incentives may include, but not be
 258 limited to, the following:

259 a. Opportunity to accumulate transferable mitigation
 260 credits.

261 b. Extended permit agreements.

262 c. Opportunities for recreational leases and ecotourism.

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

266 e. Option agreements for sale to public entities or
 267 private land conservation entities, in either fee or easement,
 268 upon achievement of conservation objectives.

269 8. The department shall report to the Legislature on an
 270 annual basis on the results of implementation of rural land
 271 stewardship areas authorized by the department, including
 272 successes and failures in achieving the intent of the
 273 Legislature as expressed in this paragraph.

274 Section 4. Paragraph (b) of subsection (19) of section
 275 187.201, Florida Statutes, is amended to read:

276 187.201 State Comprehensive Plan adopted.--The Legislature
 277 hereby adopts as the State Comprehensive Plan the following
 278 specific goals and policies:

279 (19) TRANSPORTATION.--

280 (b) Policies.--

281 ~~1. By 1995, establish a high-speed rail system that links~~
 282 ~~the Tampa Bay area, Orlando, and Miami.~~

283 1.2. Coordinate transportation investments in major travel
 284 corridors to enhance system efficiency and minimize adverse
 285 environmental impacts.

286 2.3. Promote a comprehensive transportation planning
 287 process which coordinates state, regional, and local
 288 transportation plans.

289 3.4. Allow flexibility in state and local participation in
 290 funding of public transit projects and encourage construction
 291 and use of toll facilities in order to meet transportation
 292 needs.

293 4.5. Ensure that existing port facilities and airports are
 294 being used to the maximum extent possible before encouraging the
 295 expansion or development of new port facilities and airports to
 296 support economic growth.

297 5.6. Promote timely resurfacing and repair of roads and
 298 bridges to minimize costly reconstruction and to enhance safety.

299 6.7. Develop a revenue base for transportation which is
 300 consistent with the goals and policies of this plan.

301 7.8. Encourage the construction and utilization of a
 302 public transit system, ~~including, but not limited to, a high-~~

303 ~~speed rail system, in lieu of the expansion of the highway~~
304 ~~system, where appropriate.~~

305 8.9. Ensure that the transportation system provides
306 Florida's citizens and visitors with timely and efficient access
307 to services, jobs, markets, and attractions.

308 ~~9.10.~~ Promote ride sharing by public and private sector
309 employees.

310 ~~10.11.~~ Emphasize state transportation investments in major
311 travel corridors and direct state transportation investments to
312 contribute to efficient urban development.

313 ~~11.12.~~ Avoid transportation improvements which encourage
314 or subsidize increased development in coastal high-hazard areas
315 or in identified environmentally sensitive areas such as
316 wetlands, floodways, or productive marine areas.

317 ~~12.13.~~ Coordinate transportation improvements with state,
318 local, and regional plans.

319 ~~13.14.~~ Acquire advanced rights-of-way for transportation
320 projects in designated transportation corridors consistent with
321 state, regional, and local plans.

322 ~~14.15.~~ Promote effective coordination among various modes
323 of transportation in urban areas to assist urban development and
324 redevelopment efforts.

325 Section 5. Subsection (5) of section 341.301, Florida
326 Statutes, is amended to read:

327 341.301 Definitions; ss. 341.302 and 341.303.--As used in
328 ss. 341.302 and 341.303, the term:

329 (5) "Railroad" or "rail system" means any common carrier
330 fixed-guideway transportation system such as the conventional

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331 steel rail-supported, steel-wheeled system. ~~The term does not~~
332 ~~include a high-speed rail line developed by the Department of~~
333 ~~Transportation pursuant to ss. 341.8201-341.842.~~

334 Section 6. Subsection (2) of section 341.302, Florida
335 Statutes, is amended to read:

336 341.302 Rail program, duties and responsibilities of the
337 department.--The department, in conjunction with other
338 governmental units and the private sector, shall develop and
339 implement a rail program of statewide application designed to
340 ensure the proper maintenance, safety, revitalization, and
341 expansion of the rail system to assure its continued and
342 increased availability to respond to statewide mobility needs.
343 Within the resources provided pursuant to chapter 216, and as
344 authorized under Title 49 C.F.R. part 212, the department shall:

345 (2) Promote and facilitate the implementation of advanced
346 rail systems, ~~including high-speed rail and magnetic levitation~~
347 ~~systems.~~

348 Section 7. Section 373.4138, Florida Statutes, is
349 repealed.

350 Section 8. This act shall take effect July 1, 2005.