

Bill No. CS for CS for CS for SB 360, 1st Eng.

Barcode 862538

CHAMBER ACTION

Senate

House

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Senator Bennett moved the following amendment:

**Senate Amendment (with title amendment)**

On page 18, between lines 24 and 25,

insert:

(11)

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

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

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

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

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

22       2. The department shall encourage participation by  
23 local governments of different sizes and rural characteristics  
24 in establishing and implementing rural land stewardship areas.  
25 It is the intent of the Legislature that rural land  
26 stewardship areas be used to further the following broad  
27 principles of rural sustainability: restoration and  
28 maintenance of the economic value of rural land; control of  
29 urban sprawl; identification and protection of ecosystems,  
30 habitats, and natural resources; promotion of rural economic  
31 activity; maintenance of the viability of Florida's

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

5           3. A local government, in conjunction with a regional  
6 planning council, a stakeholder organization of private land  
7 owners, or another local government, shall notify the  
8 department in writing of its intent to designate a rural land  
9 stewardship area. The written notification shall describe the  
10 basis for the designation, including the extent to which the  
11 rural land stewardship area enhances rural land values,  
12 controls urban sprawl, provides necessary open space for  
13 agriculture and protection of the natural environment,  
14 promotes rural economic activity, and maintains rural  
15 character and the economic viability of agriculture.

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

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

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1 separation between receiving areas and other land uses within  
2 the rural land stewardship area through limitations on the  
3 extension of services; and connection of receiving areas with  
4 the rest of the rural land stewardship area using rural design  
5 and rural road corridors.

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

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

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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. At  
 4 the time of designation of a stewardship receiving area, a  
 5 listed species survey will be performed. If listed species  
 6 occur on the receiving area site, the developer shall  
 7 coordinate with each appropriate local, state, or federal  
 8 agency to determine if adequate provisions have been made to  
 9 protect those species in accordance with applicable  
 10 regulations. In determining the adequacy of provisions for the  
 11 protection of listed species and their habitats, the rural  
 12 land stewardship area shall be considered as a whole, and the  
 13 impacts to areas to be developed as receiving areas shall be  
 14 considered together with the environmental benefits of areas  
 15 protected as sending areas in fulfilling this criteria.

16           6. Upon the adoption of a plan amendment creating a  
 17 rural land stewardship area, the local government shall, by  
 18 ordinance, establish the methodology for the creation,  
 19 conveyance, and use of transferrable rural land use credits,  
 20 otherwise referred to as stewardship credits, the application  
 21 of assign to the area a certain number of credits, to be known  
 22 as "transferable rural land use credits," which shall not  
 23 constitute a right to develop land, nor increase density of  
 24 land, except as provided by this section. The total amount of  
 25 transferable rural land use credits within assigned to the  
 26 rural land stewardship area must enable the realization of the  
 27 long-term vision and goals for ~~correspond to~~ the 25-year or  
 28 greater projected population of the rural land stewardship  
 29 area. Transferable rural land use credits are subject to the  
 30 following limitations:

31           a. Transferable rural land use credits may only exist

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1 within a rural land stewardship area.

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

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

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

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

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

30           g. An increase in the density of use on a parcel of  
31 land located within a designated receiving area may occur only

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1 through the assignment or use of transferable rural land use  
2 credits and shall not require a plan amendment.

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

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

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

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

29 7. Owners of land within rural land stewardship areas  
30 should be provided incentives to enter into rural land  
31 stewardship agreements, pursuant to existing law and rules

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

5 a. Opportunity to accumulate transferable mitigation  
6 credits.

7 b. Extended permit agreements.

8 c. Opportunities for recreational leases and  
9 ecotourism.

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

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

16 8. The department shall report to the Legislature on  
17 an annual basis on the results of implementation of rural land  
18 stewardship areas authorized by the department, including  
19 successes and failures in achieving the intent of the  
20 Legislature as expressed in this paragraph.

21 (e) The Legislature finds that mixed-use, high-density  
22 development is appropriate for urban infill and redevelopment  
23 areas. Mixed-use projects accommodate a variety of uses,  
24 including residential and commercial, and usually at higher  
25 densities that promote pedestrian-friendly, sustainable  
26 communities. The Legislature recognizes that mixed-use,  
27 high-density development improves the quality of life for  
28 residents and businesses in urban areas. The Legislature finds  
29 that mixed-use, high-density redevelopment and infill benefits  
30 residents by creating a livable community with alternative  
31 modes of transportation. Furthermore, the Legislature finds



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1 that local zoning ordinances often discourage mixed-use,  
 2 high-density development in areas that are appropriate for  
 3 urban infill and redevelopment. The Legislature intends to  
 4 discourage single-use zoning in urban areas which often leads  
 5 to lower-density, land-intensive development outside an urban  
 6 service area. Therefore, the Department of Community Affairs  
 7 shall provide technical assistance to local governments in  
 8 order to encourage mixed-use, high-density urban infill and  
 9 redevelopment projects.

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

25 (g) The implementation of this subsection shall be  
 26 subject to the provisions of this chapter, chapters 186 and  
 27 187, and applicable agency rules.

28 (h) The department may adopt rules necessary to  
 29 implement the provisions of this subsection.

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 1, line 22, after the semicolon

4

5 insert:

6 revising the requirements and criteria for  
7 establishing a rural land stewardship area;  
8 revising the requirements for designating a  
9 stewardship receiving area to address listed  
10 species; revising requirements for an ordinance  
11 adopting a plan amendment to create a rural  
12 land stewardship area;

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