

Bill No. CS for CS for SB 1020

Barcode 811920

CHAMBER ACTION

Senate

House

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The Committee on Transportation (Bennett) recommended the following **amendment to amendment** (700352):

Senate Amendment (with title amendment)

On page 1, line 18, through
page 3, line 6, delete those lines

and insert:

Section 1. Paragraph (g) of subsection (6) and paragraph (d) of subsection (11) of section 163.3177, Florida Statutes, are amended to read:

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

(6) In addition to the requirements of subsections (1)-(5) and (12), the comprehensive plan shall include the following elements:

(g)1. For those units of local government identified in s. 380.24, a coastal management element, appropriately related to the particular requirements of paragraphs (d) and (e) and meeting the requirements of s. 163.3178(2) and (3). The coastal management element shall set forth the policies

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1 that shall guide the local government's decisions and program
2 implementation with respect to the following objectives:

3 ~~a.1.~~ Maintenance, restoration, and enhancement of the
4 overall quality of the coastal zone environment, including,
5 but not limited to, its amenities and aesthetic values.

6 ~~b.2.~~ Continued existence of viable populations of all
7 species of wildlife and marine life.

8 ~~c.3.~~ The orderly and balanced utilization and
9 preservation, consistent with sound conservation principles,
10 of all living and nonliving coastal zone resources.

11 ~~d.4.~~ Avoidance of irreversible and irretrievable loss
12 of coastal zone resources.

13 ~~e.5.~~ Ecological planning principles and assumptions to
14 be used in the determination of suitability and extent of
15 permitted development.

16 ~~f.6.~~ Proposed management and regulatory techniques.

17 ~~g.7.~~ Limitation of public expenditures that subsidize
18 development in high-hazard coastal areas.

19 ~~h.8.~~ Protection of human life against the effects of
20 natural disasters.

21 ~~i.9.~~ The orderly development, maintenance, and use of
22 ports identified in s. 403.021(9) to facilitate deepwater
23 commercial navigation and other related activities.

24 ~~j.10.~~ Preservation, including sensitive adaptive use
25 of historic and archaeological resources.

26 2. As part of this element, affected local governments
27 are encouraged to adopt a boating facility siting plan or
28 policy that includes applicable criteria and considers such
29 factors as natural resources, manatee protection needs, and
30 recreation and economic demands as generally outlined in the
31 Boat Facility Siting Guide dated August 2000 and prepared by

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1 the Bureau of Protected Species Management of the Fish and
 2 Wildlife Conservation Commission. The local government's
 3 adoption of a boating facility siting plan or policy by
 4 comprehensive plan amendment is exempt from the provisions of
 5 s. 163.3187(1). Local governments that wish to adopt a boating
 6 facility siting plan or policy may be eligible for assistance
 7 with the development of a plan or policy through the Florida
 8 Coastal Management Program.

9 (11)

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

28 a. Assistance from the Department of Environmental
 29 Protection and water management districts in creating the
 30 geographic information systems land cover database and aerial
 31 photogrammetry needed to prepare for a rural land stewardship

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1 area;

2 b. Support for local government implementation of
3 rural land stewardship concepts by providing information and
4 assistance to local governments regarding land acquisition
5 programs that may be used by the local government or
6 landowners to leverage the protection of greater acreage and
7 maximize the effectiveness of rural land stewardship areas;
8 and

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

14 2. The department shall encourage participation by
15 local governments of different sizes and rural characteristics
16 in establishing and implementing rural land stewardship areas.
17 It is the intent of the Legislature that rural land
18 stewardship areas be used to further the following broad
19 principles of rural sustainability: restoration and
20 maintenance of the economic value of rural land; control of
21 urban sprawl; identification and protection of ecosystems,
22 habitats, and natural resources; promotion of rural economic
23 activity; maintenance of the viability of Florida's
24 agricultural economy; and protection of the character of rural
25 areas of Florida. Rural land stewardship areas may be
26 multicounty in order to encourage coordinated regional
27 stewardship planning.

28 3. A local government, in conjunction with a regional
29 planning council, a stakeholder organization of private land
30 owners, or another local government, shall notify the
31 department in writing of its intent to designate a rural land

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1 | stewardship area. The written notification shall describe the
 2 | basis for the designation, including the extent to which the
 3 | rural land stewardship area enhances rural land values,
 4 | controls urban sprawl, provides necessary open space for
 5 | agriculture and protection of the natural environment,
 6 | promotes rural economic activity, and maintains rural
 7 | character and the economic viability of agriculture.

8 | 4. A rural land stewardship area shall be not less
 9 | than 10,000 acres and shall be located outside of
 10 | municipalities and established urban growth boundaries, and
 11 | shall be designated by plan amendment. The plan amendment
 12 | designating a rural land stewardship area shall be subject to
 13 | review by the Department of Community Affairs pursuant to s.
 14 | 163.3184 and shall provide for the following:

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

29 | b. Goals, objectives, and policies setting forth the
 30 | innovative planning and development strategies to be applied
 31 | within rural land stewardship areas pursuant to the provisions

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1 of this section.

2 c. A process for the implementation of innovative
 3 planning and development strategies within the rural land
 4 stewardship area, including those described in this subsection
 5 and rule 9J-5.006(5)(1), Florida Administrative Code, which
 6 provide for a functional mix of land uses, including adequate
 7 available workforce housing, including low, very-low and
 8 moderate income housing for the development anticipated in the
 9 receiving area and which are applied through the adoption by
 10 the local government of zoning and land development
 11 regulations applicable to the rural land stewardship area.

12 d. A process which encourages visioning pursuant to s.
 13 163.3167(11) to ensure that innovative planning and
 14 development strategies comply with the provisions of this
 15 section.

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

20 5. A receiving area shall be designated by the
 21 adoption of a land development regulation. Prior to the
 22 designation of a receiving area, the local government shall
 23 provide the Department of Community Affairs a period of 30
 24 days in which to review a proposed receiving area for
 25 consistency with the rural land stewardship area plan
 26 amendment and to provide comments to the local government. At
 27 the time of designation of a stewardship receiving area, a
 28 listed species survey will be performed. If listed species
 29 occur on the receiving area site, the developer shall
 30 coordinate with each appropriate local, state, or federal
 31 agency to determine if adequate provisions have been made to

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1 protect those species in accordance with applicable
 2 regulations. In determining the adequacy of provisions for the
 3 protection of listed species and their habitats, the rural
 4 land stewardship area shall be considered as a whole, and the
 5 impacts to areas to be developed as receiving areas shall be
 6 considered together with the environmental benefits of areas
 7 protected as sending areas in fulfilling this criteria.

8 6. Upon the adoption of a plan amendment creating a
 9 rural land stewardship area, the local government shall, by
 10 ordinance, establish the methodology for the creation,
 11 conveyance, and use of transferable rural land use credits,
 12 otherwise referred to as stewardship credits, the application
 13 of which shall not constitute a right to develop land, nor
 14 increase density of land, except as provided by this section.
 15 The total amount of transferable rural land use credits within
 16 the rural land stewardship area must enable the realization of
 17 the long-term vision and goals for the 25-year or greater
 18 projected population of the rural land stewardship area, which
 19 may take into consideration the anticipated effect of the
 20 proposed receiving areas. Transferable rural land use credits
 21 are subject to the following limitations:

22 a. Transferable rural land use credits may only exist
 23 within a rural land stewardship area.

24 b. Transferable rural land use credits may only be
 25 used on lands designated as receiving areas and then solely
 26 for the purpose of implementing innovative planning and
 27 development strategies and creative land use planning
 28 techniques adopted by the local government pursuant to this
 29 section.

30 c. Transferable rural land use credits assigned to a
 31 parcel of land within a rural land stewardship area shall

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1 cease to exist if the parcel of land is removed from the rural
2 land stewardship area by plan amendment.

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

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

18 f. Transferable rural land use credits shall cease to
19 exist on a parcel of land where the underlying density
20 assigned to the parcel of land is utilized.

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

25 h. A change in the density of land use on parcels
26 located within receiving areas shall be specified in a
27 development order which reflects the total number of
28 transferable rural land use credits assigned to the parcel of
29 land and the infrastructure and support services necessary to
30 provide for a functional mix of land uses corresponding to the
31 plan of development.

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1 i. Land within a rural land stewardship area may be
2 removed from the rural land stewardship area through a plan
3 amendment.

4 j. Transferable rural land use credits may be assigned
5 at different ratios of credits per acre according to the
6 natural resource or other beneficial use characteristics of
7 the land and according to the land use remaining following the
8 transfer of credits, with the highest number of credits per
9 acre assigned to the most environmentally valuable land or, in
10 locations where the retention of open space and agricultural
11 land is a priority, to such lands.

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

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

26 a. Opportunity to accumulate transferable mitigation
27 credits.

28 b. Extended permit agreements.

29 c. Opportunities for recreational leases and
30 ecotourism.

31 d. Payment for specified land management services on

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1 publicly owned land, or property under covenant or restricted
2 easement in favor of a public entity.

3 e. Option agreements for sale to public entities or
4 private land conservation entities, in either fee or easement,
5 upon achievement of conservation objectives.

6 8. The department shall report to the Legislature on
7 an annual basis on the results of implementation of rural land
8 stewardship areas authorized by the department, including
9 successes and failures in achieving the intent of the
10 Legislature as expressed in this paragraph.

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12

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

14 And the title is amended as follows:

15 On page 44, line 4, following the semicolon

16
17 insert:

18 revising guidelines for determining rural land
19 use credits;

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