

By Senator Bennett

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1 A bill to be entitled

2 An act relating to alternative water resource projects;
3 amending s. 163.3177, F.S., relating to the elements of a
4 comprehensive plan; authorizing transferable rural land
5 use credits for certain alternative water resource
6 projects if a local government has established a rural
7 land stewardship area; providing economic and other
8 incentives for certain alternative water supply projects
9 that are incorporated into the rural land stewardship
10 area; amending s. 373.196, F.S.; authorizing a water
11 management district to enter into an agreement with a
12 private entity, a regional water supply authority, or a
13 water utility to provide long-term consumptive use rights
14 in exchange for contributions to alternative water
15 resource development projects; providing an effective
16 date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Paragraph (d) of subsection (11) of section
21 163.3177, Florida Statutes, is amended to read:

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

24 (11)

25 (d)1. The department, in cooperation with the Department of
26 Agriculture and Consumer Services, the Department of
27 Environmental Protection, water management districts, and
28 regional planning councils, shall provide assistance to local
29 governments in the implementation of this paragraph and rule 9J-

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30 5.006(5)(1), Florida Administrative Code. Implementation of those
31 provisions shall include a process by which the department may
32 authorize local governments to designate all or portions of lands
33 classified in the future land use element as predominantly
34 agricultural, rural, open, open-rural, or a substantively
35 equivalent land use, as a rural land stewardship area within
36 which planning and economic incentives are applied to encourage
37 the implementation of innovative and flexible planning and
38 development strategies and creative land use planning techniques,
39 including those contained herein and in rule 9J-5.006(5)(1),
40 Florida Administrative Code. Assistance may include, but is not
41 limited to:

42 a. Assistance from the Department of Environmental
43 Protection and water management districts in creating the
44 geographic information systems land cover database and aerial
45 photogrammetry needed to prepare for a rural land stewardship
46 area;

47 b. Support for local government implementation of rural
48 land stewardship concepts by providing information and assistance
49 to local governments regarding land acquisition programs that may
50 be used by the local government or landowners to leverage the
51 protection of greater acreage and maximize the effectiveness of
52 rural land stewardship areas; and

53 c. Expansion of the role of the Department of Community
54 Affairs as a resource agency to facilitate establishment of rural
55 land stewardship areas in smaller rural counties that do not have
56 the staff or planning budgets to create a rural land stewardship
57 area.

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58 2. The department shall encourage participation by local
59 governments of different sizes and rural characteristics in
60 establishing and implementing rural land stewardship areas. It is
61 the intent of the Legislature that rural land stewardship areas
62 be used to further the following broad principles of rural
63 sustainability: restoration and maintenance of the economic value
64 of rural land; control of urban sprawl; identification and
65 protection of ecosystems, habitats, and natural resources;
66 promotion of rural economic activity; maintenance of the
67 viability of Florida's agricultural economy; and protection of
68 the character of rural areas of Florida. Rural land stewardship
69 areas may be multicounty in order to encourage coordinated
70 regional stewardship planning.

71 3. A local government, in conjunction with a regional
72 planning council, a stakeholder organization of private land
73 owners, or another local government, shall notify the department
74 in writing of its intent to designate a rural land stewardship
75 area. The written notification shall describe the basis for the
76 designation, including the extent to which the rural land
77 stewardship area enhances rural land values, controls urban
78 sprawl, provides necessary open space for agriculture and
79 protection of the natural environment, promotes rural economic
80 activity, and maintains rural character and the economic
81 viability of agriculture.

82 4. A rural land stewardship area shall be not less than
83 10,000 acres and shall be located outside of municipalities and
84 established urban growth boundaries, and shall be designated by
85 plan amendment. The plan amendment designating a rural land
86 stewardship area shall be subject to review by the Department of

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87 | Community Affairs pursuant to s. 163.3184 and shall provide for
88 | the following:

89 | a. Criteria for the designation of receiving areas within
90 | rural land stewardship areas in which innovative planning and
91 | development strategies may be applied. Criteria shall at a
92 | minimum provide for the following: adequacy of suitable land to
93 | accommodate development so as to avoid conflict with
94 | environmentally sensitive areas, resources, and habitats;
95 | compatibility between and transition from higher density uses to
96 | lower intensity rural uses; the establishment of receiving area
97 | service boundaries which provide for a separation between
98 | receiving areas and other land uses within the rural land
99 | stewardship area through limitations on the extension of
100 | services; and connection of receiving areas with the rest of the
101 | rural land stewardship area using rural design and rural road
102 | corridors.

103 | b. Goals, objectives, and policies setting forth the
104 | innovative planning and development strategies to be applied
105 | within rural land stewardship areas pursuant to the provisions of
106 | this section.

107 | c. A process for the implementation of innovative planning
108 | and development strategies within the rural land stewardship
109 | area, including those described in this subsection and rule 9J-
110 | 5.006(5)(1), Florida Administrative Code, which provide for a
111 | functional mix of land uses, including adequate available
112 | workforce housing, including low, very-low and moderate income
113 | housing for the development anticipated in the receiving area and
114 | which are applied through the adoption by the local government of

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115 zoning and land development regulations applicable to the rural
116 land stewardship area.

117 d. A process which encourages visioning pursuant to s.
118 163.3167(11) to ensure that innovative planning and development
119 strategies comply with the provisions of this section.

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

124 5. A receiving area shall be designated by the adoption of
125 a land development regulation. Prior to the designation of a
126 receiving area, the local government shall provide the Department
127 of Community Affairs a period of 30 days in which to review a
128 proposed receiving area for consistency with the rural land
129 stewardship area plan amendment and to provide comments to the
130 local government. At the time of designation of a stewardship
131 receiving area, a listed species survey will be performed. If
132 listed species occur on the receiving area site, the developer
133 shall coordinate with each appropriate local, state, or federal
134 agency to determine if adequate provisions have been made to
135 protect those species in accordance with applicable regulations.
136 In determining the adequacy of provisions for the protection of
137 listed species and their habitats, the rural land stewardship
138 area shall be considered as a whole, and the impacts to areas to
139 be developed as receiving areas shall be considered together with
140 the environmental benefits of areas protected as sending areas in
141 fulfilling this criteria.

142 6. Upon the adoption of a plan amendment creating a rural
143 land stewardship area, the local government shall, by ordinance,

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144 establish the methodology for the creation, conveyance, and use
145 of transferable rural land use credits, otherwise referred to as
146 stewardship credits, the application of which shall not
147 constitute a right to develop land, nor increase density of land,
148 except as provided by this section. The total amount of
149 transferable rural land use credits within the rural land
150 stewardship area must enable the realization of the long-term
151 vision and goals for the 25-year or greater projected population
152 of the rural land stewardship area, which may take into
153 consideration the anticipated effect of the proposed receiving
154 areas. Transferable rural land use credits are subject to the
155 following limitations:

156 a. Transferable rural land use credits may only exist
157 within a rural land stewardship area.

158 b. Transferable rural land use credits may only be used on
159 lands designated as receiving areas and then solely for the
160 purpose of implementing innovative planning and development
161 strategies and creative land use planning techniques adopted by
162 the local government pursuant to this section.

163 c. Transferable rural land use credits assigned to a parcel
164 of land within a rural land stewardship area shall cease to exist
165 if the parcel of land is removed from the rural land stewardship
166 area by plan amendment.

167 d. Neither the creation of the rural land stewardship area
168 by plan amendment nor the assignment of transferable rural land
169 use credits by the local government shall operate to displace the
170 underlying density of land uses assigned to a parcel of land
171 within the rural land stewardship area; however, if transferable
172 rural land use credits are transferred from a parcel for use

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173 within a designated receiving area, the underlying density
174 assigned to the parcel of land shall cease to exist.

175 e. The underlying density on each parcel of land located
176 within a rural land stewardship area shall not be increased or
177 decreased by the local government, except as a result of the
178 conveyance or use of transferable rural land use credits, as long
179 as the parcel remains within the rural land stewardship area.

180 f. Transferable rural land use credits shall cease to exist
181 on a parcel of land where the underlying density assigned to the
182 parcel of land is utilized.

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

187 h. A change in the density of land use on parcels located
188 within receiving areas shall be specified in a development order
189 which reflects the total number of transferable rural land use
190 credits assigned to the parcel of land and the infrastructure and
191 support services necessary to provide for a functional mix of
192 land uses corresponding to the plan of development.

193 i. Land within a rural land stewardship area may be removed
194 from the rural land stewardship area through a plan amendment.

195 j. Transferable rural land use credits may be assigned at
196 different ratios of credits per acre according to the natural
197 resource or other beneficial use characteristics of the land and
198 according to the land use remaining following the transfer of
199 credits. ~~with~~ The highest number of credits per acre may be
200 assigned to the most environmentally valuable land; to land used
201 for water storage, alternative water supply, or water quality

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202 enhancement as part of the plan approved by the Legislature for
203 the restoration of Lake Okeechobee and estuaries that receive
204 waters from Lake Okeechobee; or to lands, in locations where the
205 retention of open space and agricultural land is a priority, ~~to~~
206 ~~such lands.~~

207 k. The use or conveyance of transferable rural land use
208 credits must be recorded in the public records of the county in
209 which the property is located as a covenant or restrictive
210 easement running with the land in favor of the county and either
211 the Department of Environmental Protection, Department of
212 Agriculture and Consumer Services, a water management district,
213 or a recognized statewide land trust.

214 7. Owners of land within rural land stewardship areas
215 should be provided incentives to enter into rural land
216 stewardship agreements, pursuant to existing law and rules
217 adopted thereto, with state agencies, water management districts,
218 and local governments to achieve mutually agreed upon
219 conservation objectives. Such incentives may include, but not be
220 limited to, the following:

221 a. Opportunity to accumulate transferable mitigation
222 credits.

223 b. Extended permit agreements.

224 c. Opportunities for recreational leases and ecotourism.

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

228 e. Option agreements for sale to public entities or private
229 land conservation entities, in either fee or easement, upon
230 achievement of conservation objectives.

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231 f. If an alternative water supply project such as a surface
232 reservoir or an aquifer storage and recovery well is incorporated
233 into the rural land stewardship area, these projects shall be
234 given priority for funding under the Water Protection and
235 Sustainability Program, the consumptive use applications shall be
236 given preference pursuant to s. 373.233, and the source may be
237 considered a preferred water supply source under s. 373.2234.

238 8. The department shall report to the Legislature on an
239 annual basis on the results of implementation of rural land
240 stewardship areas authorized by the department, including
241 successes and failures in achieving the intent of the Legislature
242 as expressed in this paragraph.

243 Section 2. Subsection (7) is added to section 373.196,
244 Florida Statutes, to read:

245 373.196 Alternative water supply development.--

246 (7) The state, water management districts, regional water
247 supply authorities, and local governments have inadequate
248 resources to fully address the water supply, water storage, water
249 quality improvement, and environmental enhancement and
250 restoration needs of the state. It is essential that private
251 entities and landowners be encouraged to participate and
252 contribute to alternative water resource development projects and
253 water quality and environmental enhancement and restoration
254 projects. In order to provide an incentive for private entities
255 to participate and contribute to such projects, water management
256 districts may enter into agreements with private entities,
257 regional water supply authorities, and water utilities which
258 provide long-term consumptive use rights to private entities
259 consistent with s. 373.223(1), based upon innovative and

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260 extraordinary contributions to alternative water resource
261 development projects or water quality and environmental
262 enhancement and restoration projects.

263 Section 3. This act shall take effect upon becoming a law.