

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Cannon offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5  
6 Section 1. Section 125.379, Florida Statutes, is amended  
7 to read:

8 125.379 Disposition of county property for affordable  
9 housing.--

10 (1) By July 1, 2007, and every 3 years thereafter, each  
11 county shall prepare an inventory list of all real property  
12 within its jurisdiction to which the county holds fee simple  
13 title that is appropriate for use as affordable housing. The  
14 inventory list must include the address and legal description of  
15 each ~~such~~ real property and specify whether the property is  
16 vacant or improved. The governing body of the county must review

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17 the inventory list at a public hearing and may revise it at the  
18 conclusion of the public hearing. The governing body of the  
19 county shall adopt a resolution that includes an inventory list  
20 of the ~~such~~ property following the public hearing.

21 (2) The properties identified as appropriate for use as  
22 affordable housing on the inventory list adopted by the county  
23 may be offered for sale and the proceeds used to purchase land  
24 for the development of affordable housing or to increase the  
25 local government fund earmarked for affordable housing, or may  
26 be sold with a restriction that requires the development of the  
27 property as permanent affordable housing, or may be donated to a  
28 nonprofit housing organization for the construction of permanent  
29 affordable housing. Alternatively, the county may otherwise make  
30 the property available for use for the production and  
31 preservation of permanent affordable housing. For purposes of  
32 this section, the term "affordable" has the same meaning as in  
33 s. 420.0004(3).

34 (3) As a precondition to receiving any state affordable  
35 housing funding or allocation for any project or program within  
36 a county's jurisdiction, a county must, by July 1 of each year,  
37 provide certification that the inventory and any update required  
38 by this section are complete.

39 Section 2. Subsection (12) of section 163.3167, Florida  
40 Statutes, is amended to read:

41 163.3167 Scope of act.--

42 (12) An initiative or referendum process in regard to any  
43 of the following is prohibited:

44 (a) Any development order; or

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45        (b) ~~in regard to~~ Any local comprehensive plan amendment or  
46 map amendment ~~that affects five or fewer parcels of land is~~  
47 ~~prohibited.~~

48        Section 3. Paragraph (b) of subsection (3), paragraphs  
49 (a), (c), (f), (g), and (h) of subsection (6), and subsections  
50 (13) and (14) of section 163.3177, Florida Statutes, are amended  
51 to read:

52        163.3177 Required and optional elements of comprehensive  
53 plan; studies and surveys.--

54        (3)

55        (b)1. The capital improvements element must be reviewed on  
56 an annual basis and modified as necessary in accordance with s.  
57 163.3187 or s. 163.3189 in order to maintain a financially  
58 feasible 5-year schedule of capital improvements. Corrections  
59 and modifications concerning costs; revenue sources; or  
60 acceptance of facilities pursuant to dedications which are  
61 consistent with the plan may be accomplished by ordinance and  
62 shall not be deemed to be amendments to the local comprehensive  
63 plan. A copy of the ordinance shall be transmitted to the state  
64 land planning agency. An amendment to the comprehensive plan is  
65 required to update the schedule on an annual basis or to  
66 eliminate, defer, or delay the construction for any facility  
67 listed in the 5-year schedule. All public facilities must be  
68 consistent with the capital improvements element. Amendments to  
69 implement this section must be adopted and transmitted no later  
70 than December 1, 2009 ~~2008~~. Thereafter, a local government may  
71 not amend its future land use map, except for plan amendments to  
72 meet new requirements under this part and emergency amendments

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73 pursuant to s. 163.3187(1)(b) ~~163.3187(1)(a)~~, after December 1,  
74 2009 ~~2008~~, and every year thereafter, unless and until the local  
75 government has adopted the annual update and it has been  
76 transmitted to the state land planning agency.

77 2. Capital improvements element amendments adopted after  
78 the effective date of this act shall require only a single  
79 public hearing before the governing board which shall be an  
80 adoption hearing as described in s. 163.3184(7). Such amendments  
81 are not subject to the requirements of s. 163.3184(3)-(6).

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

85 (a) A future land use plan element designating proposed  
86 future general distribution, location, and extent of the uses of  
87 land for residential uses, commercial uses, industry,  
88 agriculture, recreation, conservation, education, public  
89 buildings and grounds, other public facilities, and other  
90 categories of the public and private uses of land. Counties are  
91 encouraged to designate rural land stewardship areas, pursuant  
92 to the provisions of paragraph (11)(d), as overlays on the  
93 future land use map.

94 1. Each future land use category must be defined in terms  
95 of uses included, and must include standards to be followed in  
96 the control and distribution of population densities and  
97 building and structure intensities. The proposed distribution,  
98 location, and extent of the various categories of land use shall  
99 be shown on a land use map or map series which shall be  
100 supplemented by goals, policies, and measurable objectives.

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101       2. The future land use plan shall be based upon surveys,  
102 studies, and data regarding the area, including the amount of  
103 land required to accommodate anticipated growth; the projected  
104 population of the area; the character of undeveloped land; the  
105 availability of water supplies, public facilities, and services;  
106 the need for redevelopment, including the renewal of blighted  
107 areas and the elimination of nonconforming uses which are  
108 inconsistent with the character of the community; the  
109 compatibility of uses on lands adjacent to or closely proximate  
110 to military installations; the discouragement of urban sprawl;  
111 energy-efficient land use patterns that reduce vehicle miles  
112 traveled; and, in rural communities, the need for job creation,  
113 capital investment, and economic development that will  
114 strengthen and diversify the community's economy.

115       3. The future land use plan may designate areas for future  
116 planned development use involving combinations of types of uses  
117 for which special regulations may be necessary to ensure  
118 development in accord with the principles and standards of the  
119 comprehensive plan and this act.

120       4. The future land use plan element shall include criteria  
121 ~~to be used~~ to achieve the compatibility of adjacent or closely  
122 proximate lands with military installations.

123       5. ~~In addition,~~ For rural communities, the amount of land  
124 designated for future planned industrial use shall be based upon  
125 the need to mitigate conditions described in s. 288.0656(2)(c)  
126 and shall ~~surveys and studies that~~ reflect the need for job  
127 creation, capital investment, and the necessity to strengthen

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128 and diversify the local economies, and shall not be limited  
129 solely by the projected population of the rural community.

130 6. The future land use plan of a county may also designate  
131 areas for possible future municipal incorporation.

132 7. The land use maps or map series shall generally  
133 identify and depict historic district boundaries and shall  
134 designate historically significant properties meriting  
135 protection.

136 8. For coastal counties, the future land use element must  
137 include, without limitation, regulatory incentives and criteria  
138 that encourage the preservation of recreational and commercial  
139 working waterfronts as defined in s. 342.07.

140 9. The future land use element must clearly identify the  
141 land use categories in which public schools are an allowable  
142 use. When delineating such the land use categories ~~in which~~  
143 ~~public schools are an allowable use~~, a local government shall  
144 include in the categories sufficient land proximate to  
145 residential development to meet the projected needs for schools  
146 in coordination with public school boards and may establish  
147 differing criteria for schools of different type or size. Each  
148 local government shall include lands contiguous to existing  
149 school sites, to the maximum extent possible, within the land  
150 use categories in which public schools are an allowable use. ~~The~~  
151 ~~failure by a local government to comply with these school siting~~  
152 ~~requirements will result in the prohibition of~~ The local  
153 government may not ~~government's ability to~~ amend the local  
154 comprehensive plan, except for plan amendments described in s.  
155 163.3187(1)(b), until the school siting requirements are met.

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156 ~~Amendments proposed by a local government for purposes of~~  
157 ~~identifying the land use categories in which public schools are~~  
158 ~~an allowable use are exempt from the limitation on the frequency~~  
159 ~~of plan amendments contained in s. 163.3187.~~ The future land use  
160 element shall include criteria that encourage the location of  
161 schools proximate to urban residential areas to the extent  
162 possible and shall require that the local government seek to  
163 collocate public facilities, such as parks, libraries, and  
164 community centers, with schools to the extent possible and to  
165 encourage the use of elementary schools as focal points for  
166 neighborhoods. For schools serving predominantly rural counties,  
167 defined as a county having ~~with~~ a population of 100,000 or  
168 fewer, an agricultural land use category shall be eligible for  
169 the location of public school facilities if the local  
170 comprehensive plan contains school siting criteria and the  
171 location is consistent with such criteria. Local governments  
172 required to update or amend their comprehensive plan to include  
173 criteria and address compatibility of adjacent or closely  
174 proximate lands with existing military installations in their  
175 future land use plan element shall transmit the update or  
176 amendment to the department by June 30, 2006.

177 (c) A general sanitary sewer, solid waste, drainage,  
178 potable water, and natural groundwater aquifer recharge element  
179 correlated to principles and guidelines for future land use,  
180 indicating ways to provide for future potable water, drainage,  
181 sanitary sewer, solid waste, and aquifer recharge protection  
182 requirements for the area. The element may be a detailed  
183 engineering plan including a topographic map depicting areas of

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184 prime groundwater recharge. The element shall describe the  
185 problems and needs and the general facilities that will be  
186 required for solution of the problems and needs. The element  
187 shall also include a topographic map depicting any areas adopted  
188 by a regional water management district as prime groundwater  
189 recharge areas for the Floridan or Biscayne aquifers. These  
190 areas shall be given special consideration when the local  
191 government is engaged in zoning or considering future land use  
192 for said designated areas. For areas served by septic tanks,  
193 soil surveys shall be provided which indicate the suitability of  
194 soils for septic tanks. Within 18 months after the governing  
195 board approves an updated regional water supply plan, the  
196 element must incorporate the alternative water supply project or  
197 projects selected by the local government from those identified  
198 in the regional water supply plan pursuant to s. 373.0361(2)(a)  
199 or proposed by the local government under s. 373.0361(7)(b). If  
200 a local government is located within two water management  
201 districts, the local government shall adopt its comprehensive  
202 plan amendment within 18 months after the later updated regional  
203 water supply plan. The element must identify such alternative  
204 water supply projects and traditional water supply projects and  
205 conservation and reuse necessary to meet the water needs  
206 identified in s. 373.0361(2)(a) within the local government's  
207 jurisdiction and include a work plan, covering at least a 10  
208 year planning period, for building public, private, and regional  
209 water supply facilities, including development of alternative  
210 water supplies, which are identified in the element as necessary  
211 to serve existing and new development. The work plan shall be

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212 updated, at a minimum, every 5 years within 18 months after the  
213 governing board of a water management district approves an  
214 updated regional water supply plan. ~~Amendments to incorporate~~  
215 ~~the work plan do not count toward the limitation on the~~  
216 ~~frequency of adoption of amendments to the comprehensive plan.~~  
217 Local governments, public and private utilities, regional water  
218 supply authorities, special districts, and water management  
219 districts are encouraged to cooperatively plan for the  
220 development of multijurisdictional water supply facilities that  
221 are sufficient to meet projected demands for established  
222 planning periods, including the development of alternative water  
223 sources to supplement traditional sources of groundwater and  
224 surface water supplies.

225 (f)1. A housing element consisting of standards, plans,  
226 and principles to be followed in:

227 a. The provision of housing for all current and  
228 anticipated future residents of the jurisdiction.

229 b. The elimination of substandard dwelling conditions.

230 c. The structural and aesthetic improvement of existing  
231 housing.

232 d. The provision of adequate sites for future housing,  
233 including affordable workforce housing as defined in s.  
234 380.0651(3)(j), housing for low-income, very low-income, and  
235 moderate-income families, mobile homes, senior affordable  
236 housing, and group home facilities and foster care facilities,  
237 with supporting infrastructure and public facilities. This  
238 includes compliance with the applicable public lands provision  
239 under s. 125.379 or s. 166.0451.

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240 e. Provision for relocation housing and identification of  
241 historically significant and other housing for purposes of  
242 conservation, rehabilitation, or replacement.

243 f. The formulation of housing implementation programs.

244 g. The creation or preservation of affordable housing to  
245 minimize the need for additional local services and avoid the  
246 concentration of affordable housing units only in specific areas  
247 of the jurisdiction.

248 ~~(I)h.~~ By July 1, 2008, each county in which the gap  
249 between the buying power of a family of four and the median  
250 county home sale price exceeds \$170,000, as determined by the  
251 Florida Housing Finance Corporation, and which is not designated  
252 as an area of critical state concern shall adopt a plan for  
253 ensuring affordable workforce housing. At a minimum, the plan  
254 shall identify adequate sites for such housing. For purposes of  
255 this sub-subparagraph, the term "workforce housing" means  
256 housing that is affordable to natural persons or families whose  
257 total household income does not exceed 140 percent of the area  
258 median income, adjusted for household size.

259 ~~(II)i.~~ As a precondition to receiving any state affordable  
260 housing funding or allocation for any project or program within  
261 the jurisdiction of a county that is subject to sub-sub-  
262 subparagraph (I), a county must, by July 1 of each year, provide  
263 certification that the county has complied with the requirements  
264 of sub-sub-subparagraph (I). ~~Failure by a local government to~~  
265 ~~comply with the requirement in sub subparagraph h. will result~~  
266 ~~in the local government being ineligible to receive any state~~

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267 ~~housing assistance grants until the requirement of sub-~~  
268 ~~subparagraph h. is met.~~

269       2. The goals, objectives, and policies of the housing  
270 element must be based on the data and analysis prepared on  
271 housing needs, including the affordable housing needs  
272 assessment. State and federal housing plans prepared on behalf  
273 of the local government must be consistent with the goals,  
274 objectives, and policies of the housing element. Local  
275 governments are encouraged to use ~~utilize~~ job training, job  
276 creation, and economic solutions to address a portion of their  
277 affordable housing concerns.

278       ~~3.2.~~ To assist local governments in housing data  
279 collection and analysis and assure uniform and consistent  
280 information regarding the state's housing needs, the state land  
281 planning agency shall conduct an affordable housing needs  
282 assessment for all local jurisdictions on a schedule that  
283 coordinates the implementation of the needs assessment with the  
284 evaluation and appraisal reports required by s. 163.3191. Each  
285 local government shall use ~~utilize~~ the data and analysis from  
286 the needs assessment as one basis for the housing element of its  
287 local comprehensive plan. The agency shall allow a local  
288 government ~~the option~~ to perform its own needs assessment, if it  
289 uses the methodology established by the agency by rule.

290       (g)1. For those units of local government identified in s.  
291 380.24, a coastal management element, appropriately related to  
292 the particular requirements of paragraphs (d) and (e) and  
293 meeting the requirements of s. 163.3178(2) and (3). The coastal  
294 management element shall set forth the policies that shall guide

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295 the local government's decisions and program implementation with  
296 respect to the following objectives:

297 a. Maintenance, restoration, and enhancement of the  
298 overall quality of the coastal zone environment, including, but  
299 not limited to, its amenities and aesthetic values.

300 b. Continued existence of viable populations of all  
301 species of wildlife and marine life.

302 c. The orderly and balanced utilization and preservation,  
303 consistent with sound conservation principles, of all living and  
304 nonliving coastal zone resources.

305 d. Avoidance of irreversible and irretrievable loss of  
306 coastal zone resources.

307 e. Ecological planning principles and assumptions to be  
308 used in the determination of suitability and extent of permitted  
309 development.

310 f. Proposed management and regulatory techniques.

311 g. Limitation of public expenditures that subsidize  
312 development in high-hazard coastal areas.

313 h. Protection of human life against the effects of natural  
314 disasters.

315 i. The orderly development, maintenance, and use of ports  
316 identified in s. 403.021(9) to facilitate deepwater commercial  
317 navigation and other related activities.

318 j. Preservation, including sensitive adaptive use of  
319 historic and archaeological resources.

320 2. As part of this element, a local government that has a  
321 coastal management element in its comprehensive plan is  
322 encouraged to adopt recreational surface water use policies that

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323 include applicable criteria for and consider such factors as  
324 natural resources, manatee protection needs, protection of  
325 working waterfronts and public access to the water, and  
326 recreation and economic demands. Criteria for manatee protection  
327 in the recreational surface water use policies should reflect  
328 applicable guidance outlined in the Boat Facility Siting Guide  
329 prepared by the Fish and Wildlife Conservation Commission. ~~If~~  
330 ~~the local government elects to adopt recreational surface water~~  
331 ~~use policies by comprehensive plan amendment, such comprehensive~~  
332 ~~plan amendment is exempt from the provisions of s. 163.3187(1).~~  
333 Local governments that wish to adopt recreational surface water  
334 use policies may be eligible for assistance with the development  
335 of such policies through the Florida Coastal Management Program.  
336 The Office of Program Policy Analysis and Government  
337 Accountability shall submit a report on the adoption of  
338 recreational surface water use policies under this subparagraph  
339 to the President of the Senate, the Speaker of the House of  
340 Representatives, and the majority and minority leaders of the  
341 Senate and the House of Representatives no later than December  
342 1, 2010.

343 (h)1. An intergovernmental coordination element showing  
344 relationships and stating principles and guidelines to be used  
345 in the accomplishment of coordination of the adopted  
346 comprehensive plan with the plans of school boards, regional  
347 water supply authorities, and other units of local government  
348 providing services but not having regulatory authority over the  
349 use of land, with the comprehensive plans of adjacent  
350 municipalities, the county, adjacent counties, or the region,

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351 with the state comprehensive plan and with the applicable  
352 regional water supply plan approved pursuant to s. 373.0361, as  
353 the case may require and as such adopted plans or plans in  
354 preparation may exist. This element of the local comprehensive  
355 plan shall demonstrate consideration of the particular effects  
356 of the local plan, when adopted, upon the development of  
357 adjacent municipalities, the county, adjacent counties, or the  
358 region, or upon the state comprehensive plan, as the case may  
359 require.

360 a. The intergovernmental coordination element shall  
361 provide for procedures to identify and implement joint planning  
362 areas, especially for the purpose of annexation, municipal  
363 incorporation, and joint infrastructure service areas.

364 b. The intergovernmental coordination element shall  
365 provide for recognition of campus master plans prepared pursuant  
366 to s. 1013.30.

367 c. The intergovernmental coordination element may provide  
368 for a voluntary dispute resolution process as established  
369 pursuant to s. 186.509 for bringing to closure in a timely  
370 manner intergovernmental disputes. A local government may  
371 develop and use an alternative local dispute resolution process  
372 for this purpose.

373 2. The intergovernmental coordination element shall  
374 further state principles and guidelines to be used in the  
375 accomplishment of coordination of the adopted comprehensive plan  
376 with the plans of school boards and other units of local  
377 government providing facilities and services but not having  
378 regulatory authority over the use of land. In addition, the  
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379 intergovernmental coordination element shall describe joint  
380 processes for collaborative planning and decisionmaking on  
381 population projections and public school siting, the location  
382 and extension of public facilities subject to concurrency, and  
383 siting facilities with countywide significance, including  
384 locally unwanted land uses whose nature and identity are  
385 established in an agreement. Within 1 year of adopting their  
386 intergovernmental coordination elements, each county, all the  
387 municipalities within that county, the district school board,  
388 and any unit of local government service providers in that  
389 county shall establish by interlocal or other formal agreement  
390 executed by all affected entities, the joint processes described  
391 in this subparagraph consistent with their adopted  
392 intergovernmental coordination elements.

393 3. To foster coordination between special districts and  
394 local general-purpose governments as local general-purpose  
395 governments implement local comprehensive plans, each  
396 independent special district must submit a public facilities  
397 report to the appropriate local government as required by s.  
398 189.415.

399 4.a. Local governments must execute an interlocal  
400 agreement with the district school board, the county, and  
401 nonexempt municipalities pursuant to s. 163.31777. The local  
402 government shall amend the intergovernmental coordination  
403 element to provide that coordination between the local  
404 government and school board is pursuant to the agreement and  
405 shall state the obligations of the local government under the  
406 agreement.

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407           b. Plan amendments that comply with this subparagraph are  
408 exempt from the provisions of s. 163.3187(1).

409           5. The state land planning agency shall establish a  
410 schedule for phased completion and transmittal of plan  
411 amendments to implement subparagraphs 1., 2., and 3. from all  
412 jurisdictions so as to accomplish their adoption by December 31,  
413 1999. A local government may complete and transmit its plan  
414 amendments to carry out these provisions prior to the scheduled  
415 date established by the state land planning agency. ~~The plan~~  
416 ~~amendments are exempt from the provisions of s. 163.3187(1).~~

417           6. By January 1, 2004, any county having a population  
418 greater than 100,000, and the municipalities and special  
419 districts within that county, shall submit a report to the  
420 Department of Community Affairs which:

421           a. Identifies all existing or proposed interlocal service  
422 delivery agreements regarding the following: education; sanitary  
423 sewer; public safety; solid waste; drainage; potable water;  
424 parks and recreation; and transportation facilities.

425           b. Identifies any deficits or duplication in the provision  
426 of services within its jurisdiction, whether capital or  
427 operational. Upon request, the Department of Community Affairs  
428 shall provide technical assistance to the local governments in  
429 identifying deficits or duplication.

430           7. Within 6 months after submission of the report, the  
431 Department of Community Affairs shall, through the appropriate  
432 regional planning council, coordinate a meeting of all local  
433 governments within the regional planning area to discuss the

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434 reports and potential strategies to remedy any identified  
435 deficiencies or duplications.

436 8. Each local government shall update its  
437 intergovernmental coordination element based upon the findings  
438 in the report submitted pursuant to subparagraph 6. The report  
439 may be used as supporting data and analysis for the  
440 intergovernmental coordination element.

441 ~~(13) Local governments are encouraged to develop a~~  
442 ~~community vision that provides for sustainable growth,~~  
443 ~~recognizes its fiscal constraints, and protects its natural~~  
444 ~~resources. At the request of a local government, the applicable~~  
445 ~~regional planning council shall provide assistance in the~~  
446 ~~development of a community vision.~~

447 ~~(a) As part of the process of developing a community~~  
448 ~~vision under this section, the local government must hold two~~  
449 ~~public meetings with at least one of those meetings before the~~  
450 ~~local planning agency. Before those public meetings, the local~~  
451 ~~government must hold at least one public workshop with~~  
452 ~~stakeholder groups such as neighborhood associations, community~~  
453 ~~organizations, businesses, private property owners, housing and~~  
454 ~~development interests, and environmental organizations.~~

455 ~~(b) The local government must, at a minimum, discuss five~~  
456 ~~of the following topics as part of the workshops and public~~  
457 ~~meetings required under paragraph (a):~~

458 1. ~~Future growth in the area using population forecasts~~  
459 ~~from the Bureau of Economic and Business Research;~~

460 2. ~~Priorities for economic development;~~

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461 ~~3. Preservation of open space, environmentally sensitive~~  
462 ~~lands, and agricultural lands;~~

463 ~~4. Appropriate areas and standards for mixed-use~~  
464 ~~development;~~

465 ~~5. Appropriate areas and standards for high-density~~  
466 ~~commercial and residential development;~~

467 ~~6. Appropriate areas and standards for economic~~  
468 ~~development opportunities and employment centers;~~

469 ~~7. Provisions for adequate workforce housing;~~

470 ~~8. An efficient, interconnected multimodal transportation~~  
471 ~~system; and~~

472 ~~9. Opportunities to create land use patterns that~~  
473 ~~accommodate the issues listed in subparagraphs 1-8.~~

474 ~~(c) As part of the workshops and public meetings, the~~  
475 ~~local government must discuss strategies for addressing the~~  
476 ~~topics discussed under paragraph (b), including:~~

477 ~~1. Strategies to preserve open space and environmentally~~  
478 ~~sensitive lands, and to encourage a healthy agricultural~~  
479 ~~economy, including innovative planning and development~~  
480 ~~strategies, such as the transfer of development rights;~~

481 ~~2. Incentives for mixed-use development, including~~  
482 ~~increased height and intensity standards for buildings that~~  
483 ~~provide residential use in combination with office or commercial~~  
484 ~~space;~~

485 ~~3. Incentives for workforce housing;~~

486 ~~4. Designation of an urban service boundary pursuant to~~  
487 ~~subsection (2); and~~

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488 ~~5. Strategies to provide mobility within the community and~~  
489 ~~to protect the Strategic Intermodal System, including the~~  
490 ~~development of a transportation corridor management plan under~~  
491 ~~s. 337.273.~~

492 ~~(d) The community vision must reflect the community's~~  
493 ~~shared concept for growth and development of the community,~~  
494 ~~including visual representations depicting the desired land use~~  
495 ~~patterns and character of the community during a 10-year~~  
496 ~~planning timeframe. The community vision must also take into~~  
497 ~~consideration economic viability of the vision and private~~  
498 ~~property interests.~~

499 ~~(e) After the workshops and public meetings required under~~  
500 ~~paragraph (a) are held, the local government may amend its~~  
501 ~~comprehensive plan to include the community vision as a~~  
502 ~~component in the plan. This plan amendment must be transmitted~~  
503 ~~and adopted pursuant to the procedures in ss. 163.3184 and~~  
504 ~~163.3189 at public hearings of the governing body other than~~  
505 ~~those identified in paragraph (a).~~

506 ~~(f) Amendments submitted under this subsection are exempt~~  
507 ~~from the limitation on the frequency of plan amendments in s.~~  
508 ~~163.3187.~~

509 ~~(g) A local government that has developed a community~~  
510 ~~vision or completed a visioning process after July 1, 2000, and~~  
511 ~~before July 1, 2005, which substantially accomplishes the goals~~  
512 ~~set forth in this subsection and the appropriate goals,~~  
513 ~~policies, or objectives have been adopted as part of the~~  
514 ~~comprehensive plan or reflected in subsequently adopted land~~  
515 ~~development regulations and the plan amendment incorporating the~~

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516 ~~community vision as a component has been found in compliance is~~  
517 ~~eligible for the incentives in s. 163.3184(17).~~

518 ~~(14) Local governments are also encouraged to designate an~~  
519 ~~urban service boundary. This area must be appropriate for~~  
520 ~~compact, contiguous urban development within a 10-year planning~~  
521 ~~timeframe. The urban service area boundary must be identified on~~  
522 ~~the future land use map or map series. The local government~~  
523 ~~shall demonstrate that the land included within the urban~~  
524 ~~service boundary is served or is planned to be served with~~  
525 ~~adequate public facilities and services based on the local~~  
526 ~~government's adopted level of service standards by adopting a~~  
527 ~~10-year facilities plan in the capital improvements element~~  
528 ~~which is financially feasible. The local government shall~~  
529 ~~demonstrate that the amount of land within the urban service~~  
530 ~~boundary does not exceed the amount of land needed to~~  
531 ~~accommodate the projected population growth at densities~~  
532 ~~consistent with the adopted comprehensive plan within the 10-~~  
533 ~~year planning timeframe.~~

534 ~~(a) As part of the process of establishing an urban~~  
535 ~~service boundary, the local government must hold two public~~  
536 ~~meetings with at least one of those meetings before the local~~  
537 ~~planning agency. Before those public meetings, the local~~  
538 ~~government must hold at least one public workshop with~~  
539 ~~stakeholder groups such as neighborhood associations, community~~  
540 ~~organizations, businesses, private property owners, housing and~~  
541 ~~development interests, and environmental organizations.~~

542 ~~(b)1. After the workshops and public meetings required~~  
543 ~~under paragraph (a) are held, the local government may amend its~~

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544 ~~comprehensive plan to include the urban service boundary. This~~  
545 ~~plan amendment must be transmitted and adopted pursuant to the~~  
546 ~~procedures in ss. 163.3184 and 163.3189 at meetings of the~~  
547 ~~governing body other than those required under paragraph (a).~~

548 ~~2. This subsection does not prohibit new development~~  
549 ~~outside an urban service boundary. However, a local government~~  
550 ~~that establishes an urban service boundary under this subsection~~  
551 ~~is encouraged to require a full-cost accounting analysis for any~~  
552 ~~new development outside the boundary and to consider the results~~  
553 ~~of that analysis when adopting a plan amendment for property~~  
554 ~~outside the established urban service boundary.~~

555 ~~(c) Amendments submitted under this subsection are exempt~~  
556 ~~from the limitation on the frequency of plan amendments in s.~~  
557 ~~163.3187.~~

558 ~~(d) A local government that has adopted an urban service~~  
559 ~~boundary before July 1, 2005, which substantially accomplishes~~  
560 ~~the goals set forth in this subsection is not required to comply~~  
561 ~~with paragraph (a) or subparagraph 1. of paragraph (b) in order~~  
562 ~~to be eligible for the incentives under s. 163.3184(17). In~~  
563 ~~order to satisfy the provisions of this paragraph, the local~~  
564 ~~government must secure a determination from the state land~~  
565 ~~planning agency that the urban service boundary adopted before~~  
566 ~~July 1, 2005, substantially complies with the criteria of this~~  
567 ~~subsection, based on data and analysis submitted by the local~~  
568 ~~government to support this determination. The determination by~~  
569 ~~the state land planning agency is not subject to administrative~~  
570 ~~challenge.~~

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571 Section 4. Subsections (3), (4), (5), and (6) of section  
572 163.31771, Florida Statutes, are amended to read:

573 163.31771 Accessory dwelling units.--

574 (3) Upon a finding by a local government that there is a  
575 shortage of affordable rentals within its jurisdiction, the  
576 local government may amend its comprehensive plan ~~adopt an~~  
577 ~~ordinance~~ to allow accessory dwelling units in any area zoned  
578 for single-family residential use.

579 (4) If the local government amends its comprehensive plan  
580 pursuant to ~~adopts an ordinance under~~ this section, an  
581 application for a building permit to construct an accessory  
582 dwelling unit must include an affidavit from the applicant which  
583 attests that the unit will be rented at an affordable rate to an  
584 extremely-low-income, very-low-income, low-income, or moderate-  
585 income person or persons.

586 (5) Each accessory dwelling unit allowed by the  
587 comprehensive plan ~~an ordinance adopted under this section~~ shall  
588 apply toward satisfying the affordable housing component of the  
589 housing element in the local government's comprehensive plan  
590 under s. 163.3177(6)(f). If such unit is subject to a recorded  
591 land use restriction agreement restricting its use to affordable  
592 housing, the unit may not be treated as a new unit for purposes  
593 of transportation concurrency or impact fees. Accessory dwelling  
594 units may not be located on land within a coastal high-hazard  
595 area, an area of critical state concern, or on lands identified  
596 as environmentally sensitive in the local comprehensive plan.

597 ~~(6) The Department of Community Affairs shall evaluate the~~  
598 ~~effectiveness of using accessory dwelling units to address a~~

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599 ~~local government's shortage of affordable housing and report to~~  
600 ~~the Legislature by January 1, 2007. The report must specify the~~  
601 ~~number of ordinances adopted by a local government under this~~  
602 ~~section and the number of accessory dwelling units that were~~  
603 ~~created under these ordinances.~~

604 Section 5. Section 163.3180, Florida Statutes, is amended  
605 to read:

606 163.3180 Concurrency.--

607 (1) APPLICABILITY OF CONCURRENCY REQUIREMENT.--

608 (a) Public facility types.--Sanitary sewer, solid waste,  
609 drainage, potable water, parks and recreation, schools, and  
610 transportation facilities, including mass transit, where  
611 applicable, are the only public facilities and services subject  
612 to the concurrency requirement on a statewide basis. Additional  
613 public facilities and services may not be made subject to  
614 concurrency on a statewide basis without appropriate study and  
615 approval by the Legislature; however, any local government may  
616 extend the concurrency requirement ~~so that it applies to~~ apply  
617 to additional public facilities within its jurisdiction.

618 (b) Transportation methodologies.--Local governments shall  
619 use professionally accepted techniques for measuring level of  
620 service for automobiles, bicycles, pedestrians, transit, and  
621 trucks. These techniques may be used to evaluate increased  
622 accessibility by multiple modes and reductions in vehicle miles  
623 of travel in an area or zone. The state land planning agency and  
624 the Department of Transportation shall develop methodologies to  
625 assist local governments in implementing this multimodal level-  
626 of-service analysis and. ~~The Department of Community Affairs and~~

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627 ~~the Department of Transportation~~ shall provide technical  
628 assistance to local governments in applying the ~~these~~  
629 methodologies.

630 (2) PUBLIC FACILITY AVAILABILITY STANDARDS.--

631 (a) Sanitary sewer, solid waste, drainage, adequate water  
632 supply, and potable water facilities.--Consistent with public  
633 health and safety, sanitary sewer, solid waste, drainage,  
634 adequate water supplies, and potable water facilities shall be  
635 in place and available to serve new development no later than  
636 the issuance by the local government of a certificate of  
637 occupancy or its functional equivalent. Prior to approval of a  
638 building permit or its functional equivalent, the local  
639 government shall consult with the applicable water supplier to  
640 determine whether adequate water supplies to serve the new  
641 development will be available by ~~no later than~~ the anticipated  
642 date of issuance ~~by the local government~~ of the a certificate of  
643 occupancy or its functional equivalent. A local government may  
644 meet the concurrency requirement for sanitary sewer through the  
645 use of onsite sewage treatment and disposal systems approved by  
646 the Department of Health to serve new development.

647 (b) Parks and recreation facilities.--Consistent with the  
648 public welfare, and except as otherwise provided in this  
649 section, parks and recreation facilities to serve new  
650 development shall be in place or under actual construction  
651 within ~~no later than~~ 1 year after issuance by the local  
652 government of a certificate of occupancy or its functional  
653 equivalent. However, the acreage for such facilities must ~~shall~~  
654 be dedicated or be acquired by the local government prior to

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655 issuance ~~by the local government~~ of the a certificate of  
656 occupancy or its functional equivalent, or funds in the amount  
657 of the developer's fair share shall be committed no later than  
658 the local government's approval to commence construction.

659 (c) Transportation facilities.--Consistent with the public  
660 welfare, and except as otherwise provided in this section,  
661 transportation facilities needed to serve new development must  
662 ~~shall~~ be in place or under actual construction within 3 years  
663 after the local government approves a building permit or its  
664 functional equivalent that results in traffic generation.

665 (3) ESTABLISHING LEVEL-OF-SERVICE STANDARDS.--Governmental  
666 entities that are not responsible for providing, financing,  
667 operating, or regulating public facilities needed to serve  
668 development may not establish binding level-of-service standards  
669 on governmental entities that do bear those responsibilities.  
670 This subsection does not limit the authority of any agency to  
671 recommend or make objections, recommendations, comments, or  
672 determinations during reviews conducted under s. 163.3184.

673 (4) APPLICATION OF CONCURRENCY TO PUBLIC FACILITIES.--

674 (a) State and other public facilities.--The concurrency  
675 requirement as implemented in local comprehensive plans applies  
676 to state and other public facilities and development to the same  
677 extent that it applies to all other facilities and development,  
678 as provided by law.

679 (b) Public transit facilities.--The concurrency  
680 requirement as implemented in local comprehensive plans does not  
681 apply to public transit facilities. For the purposes of this  
682 paragraph, public transit facilities include transit stations

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683 and terminals; transit station parking; park-and-ride lots;  
684 intermodal public transit connection or transfer facilities;  
685 fixed bus, guideway, and rail stations; and airport passenger  
686 terminals and concourses, air cargo facilities, and hangars for  
687 the maintenance or storage of aircraft. As used in this  
688 paragraph, the terms "terminals" and "transit facilities" do not  
689 include seaports or commercial or residential development  
690 constructed in conjunction with a public transit facility.

691 (c) Infill and redevelopment areas.--The concurrency  
692 requirement, except as it relates to transportation facilities  
693 and public schools, as implemented in local government  
694 comprehensive plans, may be waived by a local government for  
695 urban infill and redevelopment areas designated pursuant to s.  
696 163.2517 if such a waiver does not endanger public health or  
697 safety as defined by the local government in its local  
698 government comprehensive plan. The waiver must ~~shall~~ be adopted  
699 as a plan amendment using ~~pursuant to~~ the process ~~set forth~~ in  
700 s. 163.3187(3)(a). A local government may grant a concurrency  
701 exception pursuant to subsection (5) for transportation  
702 facilities located within ~~these~~ urban infill and redevelopment  
703 areas.

704 (5) COUNTERVAILING PLANNING AND PUBLIC POLICY GOALS.--

705 (a) Legislative findings.--The Legislature finds that  
706 under limited circumstances ~~dealing with transportation~~  
707 ~~facilities~~, countervailing planning and public policy goals may  
708 come into conflict with the requirement that adequate public  
709 transportation facilities and services be available concurrent  
710 with the impacts of such development. The Legislature further

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711 finds that ~~often~~ the unintended result of the concurrency  
712 requirement for transportation facilities is often the  
713 discouragement of urban infill development and redevelopment.  
714 Such unintended results directly conflict with the goals and  
715 policies of the state comprehensive plan and the intent of this  
716 part. The Legislature finds that in urban centers transportation  
717 cannot be effectively managed and mobility cannot be improved  
718 solely through expansion of roadway capacity, that in many urban  
719 areas the expansion of roadway capacity is not always physically  
720 or financially possible, and that a range of transportation  
721 alternatives are essential to satisfy mobility needs, reduce  
722 congestion, and achieve healthy, vibrant centers. Therefore,  
723 exceptions from the concurrency requirement for transportation  
724 facilities may be granted as provided by this subsection.

725 (b) Geographic applicability of transportation concurrency  
726 exception areas.--

727 1. Transportation concurrency exception areas are  
728 established for those geographic areas identified in the  
729 comprehensive plan for urban infill development, urban  
730 redevelopment, downtown revitalization, or urban infill and  
731 redevelopment under s. 163.2517.

732 2. A local government may grant an exception from the  
733 concurrency requirement for transportation facilities if the  
734 proposed development is otherwise consistent with the adopted  
735 local government comprehensive plan and is a project that  
736 promotes public transportation or is located within an area  
737 designated in the comprehensive plan ~~as for:~~

738 ~~1. Urban infill development,~~

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739 ~~2. Urban redevelopment,~~

740 ~~3. Downtown revitalization,~~

741 ~~4. Urban infill and redevelopment under s. 163.2517; or~~

742 5. an urban service area specifically designated as a  
743 transportation concurrency exception area which includes lands  
744 appropriate for compact, contiguous urban development, which  
745 does not exceed the amount of land needed to accommodate the  
746 projected population growth at densities consistent with the  
747 adopted comprehensive plan within the 10-year planning period,  
748 and which is served or is planned to be served with public  
749 facilities and services as provided by the capital improvements  
750 element.

751 (c) Projects with special part-time demands.--The  
752 Legislature also finds that developments located within urban  
753 infill, urban redevelopment, existing urban service, or downtown  
754 revitalization areas or areas designated as urban infill and  
755 redevelopment areas under s. 163.2517 which pose only special  
756 part-time demands on the transportation system should be  
757 excepted from the concurrency requirement for transportation  
758 facilities. A special part-time demand is one that does not have  
759 more than 200 scheduled events during any calendar year and does  
760 not affect the 100 highest traffic volume hours.

761 (d) Establishment of concurrency exception areas.--For  
762 transportation concurrency exception areas adopted pursuant to  
763 subparagraph (b)2., the following requirements apply:

764 1. A local government shall establish guidelines in the  
765 comprehensive plan for granting the transportation concurrency  
766 exceptions that authorized in paragraphs (b) and (c) and

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767 ~~subsections (7) and (15) which~~ must be consistent with and  
768 support a comprehensive strategy adopted in the plan to promote  
769 and facilitate development consistent with the planning and  
770 public policy goals upon which the establishment of the  
771 concurrency exception areas was predicated ~~the purpose of the~~  
772 ~~exceptions.~~

773 2.(e) The local government shall adopt into the plan and  
774 implement long-term strategies to support and fund mobility  
775 within the designated exception area, including alternative  
776 modes of transportation. The plan amendment must also  
777 demonstrate how strategies will support the purpose of the  
778 exception and how mobility within the designated exception area  
779 will be provided. In addition, the strategies must address urban  
780 design; appropriate land use mixes, including intensity and  
781 density; and network connectivity plans needed to promote urban  
782 infill, redevelopment, or downtown revitalization. The  
783 comprehensive plan amendment designating the concurrency  
784 exception area must be accompanied by data and analysis  
785 justifying the size of the area.

786 3.(f) Prior to the designation of a concurrency exception  
787 area pursuant to subparagraph (b)2., the state land planning  
788 agency and the Department of Transportation shall be consulted  
789 by the local government to assess the effect ~~impact~~ that the  
790 proposed exception area is expected to have on the adopted  
791 level-of-service standards established for Strategic Intermodal  
792 System facilities, ~~as defined in s. 339.64,~~ and roadway  
793 facilities funded in accordance with s. 339.2819. Further, the  
794 local government shall, in consultation with the state land

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795 | planning agency and the Department of Transportation, develop a  
796 | plan to mitigate any impacts to the Strategic Intermodal System,  
797 | including, if appropriate, access management, parallel reliever  
798 | roads, transportation demand management, and other measures.

799 | 4. Local governments shall also meet with adjacent  
800 | jurisdictions that may be impacted by the designation to discuss  
801 | strategies to minimize impacts the development of a long term  
802 | concurrency management system pursuant to subsection (9) and s.  
803 | 163.3177(3) (d). The exceptions may be available only within the  
804 | specific geographic area of the jurisdiction designated in the  
805 | plan. Pursuant to s. 163.3184, any affected person may challenge  
806 | a plan amendment establishing these guidelines and the areas  
807 | within which an exception could be granted.

808 | ~~(g) Transportation concurrency exception areas existing~~  
809 | ~~prior to July 1, 2005, must, at a minimum, meet the provisions~~  
810 | ~~of this section by July 1, 2006, or at the time of the~~  
811 | ~~comprehensive plan update pursuant to the evaluation and~~  
812 | ~~appraisal report, whichever occurs last.~~

813 | (6) DE MINIMIS IMPACT.--The Legislature finds that a de  
814 | minimis impact is consistent with this part. A de minimis impact  
815 | is an impact that does ~~would~~ not affect more than 1 percent of  
816 | the maximum volume at the adopted level of service of the  
817 | affected transportation facility as determined by the local  
818 | government. An ~~No~~ impact is not ~~will be~~ de minimis if the sum of  
819 | existing roadway volumes and the projected volumes from approved  
820 | projects on a transportation facility exceeds ~~would exceed~~ 110  
821 | percent of the maximum volume at the adopted level of service of  
822 | the affected transportation facility; ~~provided~~ however, the ~~that~~

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823 an impact of a single family home on an existing lot ~~is will~~  
824 ~~constitute~~ a de minimis impact on all roadways regardless of the  
825 level of the deficiency of the roadway. Further, ~~an ne~~ impact ~~is~~  
826 ~~not will be~~ de minimis if it exceeds ~~would exceed~~ the adopted  
827 level-of-service standard of any affected designated hurricane  
828 evacuation routes. Each local government shall maintain  
829 sufficient records to ensure that the 110-percent criterion is  
830 not exceeded. ~~Each local government shall submit annually, with~~  
831 ~~its updated capital improvements element, a summary of the de~~  
832 ~~minimis records. If the state land planning agency determines~~  
833 ~~that the 110 percent criterion has been exceeded, the state land~~  
834 ~~planning agency shall notify the local government of the~~  
835 ~~exceedance and that no further de minimis exceptions for the~~  
836 ~~applicable roadway may be granted until such time as the volume~~  
837 ~~is reduced below the 110 percent. The local government shall~~  
838 ~~provide proof of this reduction to the state land planning~~  
839 ~~agency before issuing further de minimis exceptions.~~

840 (7) CONCURRENCY MANAGEMENT AREAS.--In order to promote  
841 infill development and redevelopment, one or more transportation  
842 concurrency management areas may be designated in a local  
843 government comprehensive plan. A transportation concurrency  
844 management area must be a compact geographic area that has with  
845 an existing network of roads where multiple, viable alternative  
846 travel paths or modes are available for common trips. A local  
847 government may establish an areawide level-of-service standard  
848 for ~~such~~ a transportation concurrency management area based upon  
849 an analysis that provides for a justification for the areawide  
850 level of service, how urban infill development or redevelopment

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851 will be promoted, and how mobility will be accomplished within  
852 the transportation concurrency management area. Prior to the  
853 designation of a concurrency management area, the local  
854 government shall consult with the state land planning agency and  
855 the Department of Transportation ~~shall be consulted by the local~~  
856 ~~government~~ to assess the effect ~~impact~~ that the proposed  
857 concurrency management area is expected to have on the adopted  
858 level-of-service standards established for Strategic Intermodal  
859 System facilities, ~~as defined in s. 339.64,~~ and roadway  
860 facilities funded in accordance with s. 339.2819. Further, the  
861 local government shall, in cooperation with the state land  
862 planning agency and the Department of Transportation, develop a  
863 plan to mitigate any impacts to the Strategic Intermodal System,  
864 including, if appropriate, the development of a long-term  
865 concurrency management system pursuant to subsection (9) and s.  
866 163.3177(3)(d). ~~Transportation concurrency management areas~~  
867 ~~existing prior to July 1, 2005, shall meet, at a minimum, the~~  
868 ~~provisions of this section by July 1, 2006, or at the time of~~  
869 ~~the comprehensive plan update pursuant to the evaluation and~~  
870 ~~appraisal report, whichever occurs last.~~ The state land planning  
871 agency shall amend chapter 9J-5, Florida Administrative Code, to  
872 be consistent with this subsection.

873 (8) URBAN REDEVELOPMENT.--When assessing the  
874 transportation impacts of proposed urban redevelopment within an  
875 established existing urban service area, 150 ~~110~~ percent of the  
876 actual transportation impact caused by the previously existing  
877 development must be reserved for the redevelopment, even if the  
878 previously existing development has a lesser or nonexistent

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879 impact pursuant to the calculations of the local government.  
880 Redevelopment requiring less than 150 ~~110~~ percent of the  
881 previously existing capacity may ~~shall~~ not be prohibited due to  
882 the reduction of transportation levels of service below the  
883 adopted standards. This does not preclude the appropriate  
884 assessment of fees or accounting for the impacts within the  
885 concurrency management system and capital improvements program  
886 of the affected local government. This paragraph does not affect  
887 local government requirements for appropriate development  
888 permits.

889 (9) LONG-TERM CONCURRENCY MANAGEMENT.--

890 (a) Each local government may adopt, as a part of its  
891 plan, long-term transportation and school concurrency management  
892 systems that have ~~with~~ a planning period of up to 10 years for  
893 specially designated districts or areas where significant  
894 backlogs exist. The plan may include interim level-of-service  
895 standards on certain facilities and shall rely on the local  
896 government's schedule of capital improvements for up to 10 years  
897 as a basis for issuing development orders that authorize  
898 commencement of construction in these designated districts or  
899 areas. The concurrency management system must be designed to  
900 correct existing deficiencies and set priorities for addressing  
901 backlogged facilities. For a long-term transportation system,  
902 the local government shall consult with the appropriate  
903 metropolitan planning organization in setting priorities for  
904 addressing backlogged facilities. The concurrency management  
905 system must be financially feasible and consistent with other

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906 portions of the adopted local plan, including the future land  
907 use map.

908 (b) If a local government has a transportation or school  
909 facility backlog for existing development which cannot be  
910 adequately addressed in a 10-year plan, the state land planning  
911 agency may allow it to develop a plan and long-term schedule of  
912 capital improvements covering up to 15 years for good and  
913 sufficient cause, based on a general comparison between that  
914 local government and all other similarly situated local  
915 jurisdictions, using the following factors:

- 916 1. The extent of the backlog.
- 917 2. For roads, whether the backlog is on local or state  
918 roads.
- 919 3. The cost of eliminating the backlog.
- 920 4. The local government's tax and other revenue-raising  
921 efforts.

922 (c) The local government may issue approvals to commence  
923 construction notwithstanding this section, consistent with and  
924 in areas that are subject to a long-term concurrency management  
925 system.

926 (d) If the local government adopts a long-term concurrency  
927 management system, it must evaluate the system periodically. At  
928 a minimum, the local government must assess its progress toward  
929 improving levels of service within the long-term concurrency  
930 management district or area in the evaluation and appraisal  
931 report and determine any changes that are necessary to  
932 accelerate progress in meeting acceptable levels of service.

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933           (10) TRANSPORTATION LEVEL-OF-SERVICE STANDARDS.--With  
934 regard to roadway facilities on the Strategic Intermodal System  
935 designated in accordance with s. ss. ~~339.61, 339.62, 339.63, and~~  
936 ~~339.64~~, the Florida Intrastate Highway System as defined in s.  
937 ~~338.001~~, and roadway facilities funded in accordance with s.  
938 339.2819, local governments shall adopt the level-of-service  
939 standard established by the Department of Transportation by  
940 rule. For all other roads on the State Highway System, local  
941 governments shall establish an adequate level-of-service  
942 standard that need not be consistent with any level-of-service  
943 standard established by the Department of Transportation. In  
944 establishing adequate level-of-service standards for any  
945 arterial roads, or collector roads as appropriate, which  
946 traverse multiple jurisdictions, local governments shall  
947 consider compatibility with the roadway facility's adopted  
948 level-of-service standards in adjacent jurisdictions. Each local  
949 government within a county shall use a professionally accepted  
950 methodology for measuring impacts on transportation facilities  
951 for the purposes of implementing its concurrency management  
952 system. Counties are encouraged to coordinate with adjacent  
953 counties, and local governments within a county are encouraged  
954 to coordinate, for the purpose of using common methodologies for  
955 measuring impacts on transportation facilities for the purpose  
956 of implementing their concurrency management systems.

957           (11) LIMITATION OF LIABILITY.--In order to limit the  
958 liability of local governments, a local government may allow a  
959 landowner to proceed with development of a specific parcel of  
960 land notwithstanding a failure of the development to satisfy

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961 transportation concurrency, if ~~when~~ all the following factors  
962 ~~are shown to~~ exist:

963 (a) The local government that has ~~with~~ jurisdiction over  
964 the property has adopted a local comprehensive plan that is in  
965 compliance.

966 (b) The proposed development is ~~would be~~ consistent with  
967 the future land use designation for the specific property and  
968 with pertinent portions of the adopted local plan, as determined  
969 by the local government.

970 (c) The local plan includes a financially feasible capital  
971 improvements element that provides for transportation facilities  
972 adequate to serve the proposed development, and the local  
973 government has not implemented that element.

974 (d) The local government has provided a means for  
975 assessing ~~by which~~ the landowner for ~~will be assessed~~ a fair  
976 share of the cost of providing the transportation facilities  
977 necessary to serve the proposed development.

978 (e) The landowner has made a binding commitment to the  
979 local government to pay the fair share of the cost of providing  
980 the transportation facilities to serve the proposed development.

981 (12) REGIONAL IMPACT PROPORTIONATE SHARE.--

982 (a) A development of regional impact may satisfy the  
983 transportation concurrency requirements of the local  
984 comprehensive plan, the local government's concurrency  
985 management system, and s. 380.06 by payment of a proportionate-  
986 share contribution for local and regionally significant traffic  
987 impacts, if:

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988        1.(a) The development of regional impact which, based on  
989 its location or mix of land uses, is designed to encourage  
990 pedestrian or other nonautomotive modes of transportation;

991        2.(b) The proportionate-share contribution for local and  
992 regionally significant traffic impacts is sufficient to pay for  
993 one or more required mobility improvements that will benefit the  
994 network of a regionally significant transportation facilities if  
995 impacts on the Strategic Intermodal System, the Florida  
996 Intrastate Highway System, and other regionally significant  
997 roadways outside the jurisdiction of the local government are  
998 mitigated based on the prioritization of needed improvements  
999 identified in the regional report pursuant to s. 380.06(12)  
1000 facility;

1001        3.(e) The owner and developer of the development of  
1002 regional impact pays or assures payment of the proportionate-  
1003 share contribution; and

1004        4.(d) ~~If~~ The regionally significant transportation  
1005 facility to be constructed or improved is under the maintenance  
1006 authority of a governmental entity, as defined by s. 334.03  
1007 ~~334.03(12)~~, other than the local government that has with  
1008 jurisdiction over the development of regional impact, the  
1009 developer must ~~is required to~~ enter into a binding and legally  
1010 enforceable commitment to transfer funds to the governmental  
1011 entity having maintenance authority or to otherwise assure  
1012 construction or improvement of the facility.

1013        (b) The proportionate-share contribution may be applied to  
1014 any transportation facility to satisfy the provisions of this  
1015 subsection and the local comprehensive plan. ~~7. but,~~ For the

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1016 purposes of this subsection, the amount of the proportionate-  
1017 share contribution shall be calculated based upon the cumulative  
1018 number of trips from the proposed development expected to reach  
1019 roadways during the peak hour from the complete buildout of a  
1020 stage or phase being approved, divided by the change in the peak  
1021 hour maximum service volume of roadways resulting from  
1022 construction of an improvement necessary to maintain the adopted  
1023 level of service, multiplied by the construction cost, at the  
1024 time of developer payment, of the improvement necessary to  
1025 maintain the adopted level of service. If the number of trips  
1026 used in a transportation analysis includes trips from an earlier  
1027 phase of development, the determination of mitigation for the  
1028 subsequent phase of development shall account for any mitigation  
1029 required by the development order and provided by the developer  
1030 for the earlier phase, calculated at present value. For purposes  
1031 of this subsection, the term:

1032 1. "Present value" means the fair market value of right-  
1033 of-way at the time of contribution or the actual dollar value of  
1034 the construction improvements at the date of completion adjusted  
1035 by the Consumer Price Index.

1036 2. ~~For purposes of this subsection,~~ "Construction cost"  
1037 includes all associated costs of the improvement. The  
1038 proportionate-share contribution shall include the costs  
1039 associated with accommodating a transit facility within the  
1040 development of regional impact that is in a county's or the  
1041 Department of Transportation's long-range plan and shall be  
1042 credited against a development of regional impact's  
1043 proportionate-share contribution. Proportionate-share mitigation

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1044 shall be limited to ensure that a development of regional impact  
1045 meeting the requirements of this subsection mitigates its impact  
1046 on the transportation system but is not responsible for the  
1047 additional cost of reducing or eliminating backlogs.

1048 3. "Backlogged transportation facility" means a facility  
1049 on which the adopted level-of-service standard is exceeded by  
1050 the existing trips plus committed trips. A developer may not be  
1051 required to fund or construct proportionate share mitigation  
1052 that is more extensive than mitigation necessary to offset the  
1053 impact of the development project in question.

1054  
1055 This subsection also applies to Florida Quality Developments  
1056 pursuant to s. 380.061 and to detailed specific area plans  
1057 implementing optional sector plans pursuant to s. 163.3245.

1058 (13) SCHOOL CONCURRENCY.--School concurrency shall be  
1059 established on a districtwide basis and ~~shall~~ include all public  
1060 schools in the district and all portions of the district,  
1061 whether located in a municipality or an unincorporated area  
1062 unless exempt from the public school facilities element pursuant  
1063 to s. 163.3177(12). The application of school concurrency to  
1064 development shall be based upon the adopted comprehensive plan,  
1065 as amended. All local governments within a county, except as  
1066 provided in paragraph (f), shall adopt and transmit to the state  
1067 land planning agency the necessary plan amendments, along with  
1068 the interlocal agreement, for a compliance review pursuant to s.  
1069 163.3184(7) and (8). The minimum requirements for school  
1070 concurrency are the following:

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1071 (a) Public school facilities element.--A local government  
1072 shall adopt and transmit to the state land planning agency a  
1073 plan or plan amendment which includes a public school facilities  
1074 element which is consistent with the requirements of s.  
1075 163.3177(12) and which is determined to be in compliance as  
1076 defined in s. 163.3184(1)(b). All local government public school  
1077 facilities plan elements within a county must be consistent with  
1078 each other as well as the requirements of this part.

1079 (b) Level-of-service standards.--The Legislature  
1080 recognizes that an essential requirement for a concurrency  
1081 management system is the level of service at which a public  
1082 facility is expected to operate.

1083 1. Local governments and school boards imposing school  
1084 concurrency shall exercise authority in conjunction with each  
1085 other to establish jointly adequate level-of-service standards,  
1086 as defined in chapter 9J-5, Florida Administrative Code,  
1087 necessary to implement the adopted local government  
1088 comprehensive plan, based on data and analysis.

1089 2. Public school level-of-service standards shall be  
1090 included and adopted into the capital improvements element of  
1091 the local comprehensive plan and shall apply districtwide to all  
1092 schools of the same type. Types of schools may include  
1093 elementary, middle, and high schools as well as special purpose  
1094 facilities such as magnet schools.

1095 3. Local governments and school boards may use ~~shall have~~  
1096 ~~the option to utilize~~ tiered level-of-service standards to allow  
1097 time to achieve an adequate and desirable level of service as  
1098 circumstances warrant.

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1099        4. A school district that includes relocatables in its  
1100 inventory of student stations shall include relocatables in its  
1101 calculation of capacity for purposes of determining whether  
1102 levels of service have been achieved.

1103        (c) Service areas.--The Legislature recognizes that an  
1104 essential requirement for a concurrency system is a designation  
1105 of the area within which the level of service will be measured  
1106 when an application for a residential development permit is  
1107 reviewed for school concurrency purposes. This delineation is  
1108 also important for ~~purposes of~~ determining whether the local  
1109 government has a financially feasible public school capital  
1110 facilities program for ~~that will provide~~ schools which will  
1111 achieve and maintain the adopted level-of-service standards.

1112        1. In order to balance competing interests, preserve the  
1113 constitutional concept of uniformity, and avoid disruption of  
1114 existing educational and growth management processes, local  
1115 governments are encouraged to initially apply school concurrency  
1116 to development only on a districtwide basis so that a  
1117 concurrency determination for a specific development is ~~will be~~  
1118 based upon the availability of school capacity districtwide. To  
1119 ensure that development is coordinated with schools having  
1120 available capacity, within 5 years after adoption of school  
1121 concurrency, local governments shall apply school concurrency on  
1122 a less than districtwide basis, ~~such as using school attendance~~  
1123 ~~zones or concurrency service areas,~~ as provided in subparagraph  
1124 2.

1125        2. For local governments applying school concurrency on a  
1126 less than districtwide basis, such as utilizing school

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1127 attendance zones or larger school concurrency service areas,  
1128 local governments and school boards shall have the burden of  
1129 demonstrating ~~to demonstrate~~ that the utilization of school  
1130 capacity is maximized to the greatest extent possible in the  
1131 comprehensive plan and amendment, taking into account  
1132 transportation costs and court-approved desegregation plans, as  
1133 well as other factors. In addition, in order to achieve  
1134 concurrency within the service area boundaries selected by local  
1135 governments and school boards, the service area boundaries,  
1136 together with the standards for establishing those boundaries,  
1137 shall be identified and included as supporting data and analysis  
1138 for the comprehensive plan.

1139 3. Where school capacity is available on a districtwide  
1140 basis but school concurrency is applied on a less than  
1141 districtwide basis in the form of concurrency service areas, if  
1142 the adopted level-of-service standard cannot be met in a  
1143 particular service area as applied to an application for a  
1144 development permit and if the needed capacity for the particular  
1145 service area is available in one or more contiguous service  
1146 areas, as adopted by the local government, ~~then~~ the local  
1147 government may not deny an application for site plan or final  
1148 subdivision approval or the functional equivalent for a  
1149 development or phase of a development on the basis of school  
1150 concurrency, and if issued, development impacts shall be shifted  
1151 to contiguous service areas with schools having available  
1152 capacity.

1153 (d) Financial feasibility.--The Legislature recognizes  
1154 that financial feasibility is an important issue because the  
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1155 premise of concurrency is that ~~the~~ public facilities will be  
1156 provided in order to achieve and maintain the adopted level-of-  
1157 service standard. This part and chapter 9J-5, Florida  
1158 Administrative Code, contain specific standards for determining  
1159 ~~to determine~~ the financial feasibility of capital programs.  
1160 These standards were adopted to make concurrency more  
1161 predictable and local governments more accountable.

1162 1. A comprehensive plan amendment seeking to impose school  
1163 concurrency must ~~shall~~ contain appropriate amendments to the  
1164 capital improvements element of the comprehensive plan,  
1165 consistent with ~~the requirements of~~ s. 163.3177(3) and rule 9J-  
1166 5.016, Florida Administrative Code. The capital improvements  
1167 element must ~~shall~~ set forth a financially feasible public  
1168 school capital facilities program, established in conjunction  
1169 with the school board, that demonstrates that the adopted level-  
1170 of-service standards will be achieved and maintained.

1171 2. Such amendments to the capital improvements element  
1172 must ~~shall~~ demonstrate that the public school capital facilities  
1173 program meets all of the financial feasibility standards of this  
1174 part and chapter 9J-5, Florida Administrative Code, that apply  
1175 to capital programs which provide the basis for mandatory  
1176 concurrency on other public facilities and services.

1177 3. If ~~When~~ the financial feasibility of a public school  
1178 capital facilities program is evaluated by the state land  
1179 planning agency for purposes of a compliance determination, the  
1180 evaluation must ~~shall~~ be based upon the service areas selected  
1181 by the local governments and school board.

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1182 (e) Availability standard.--Consistent with the public  
1183 welfare, and except as otherwise provided in this subsection,  
1184 public school facilities needed to serve new residential  
1185 development shall be in place or under actual construction  
1186 within 3 years after the issuance of final subdivision or site  
1187 plan approval, or the functional equivalent. A local government  
1188 may not deny an application for site plan, final subdivision  
1189 approval, or the functional equivalent for a development or  
1190 phase of a development authorizing residential development for  
1191 failure to achieve and maintain the level-of-service standard  
1192 for public school capacity in a local school concurrency  
1193 management system where adequate school facilities will be in  
1194 place or under actual construction within 3 years after the  
1195 issuance of final subdivision or site plan approval, or the  
1196 functional equivalent. Any mitigation required of a developer  
1197 shall be limited to ensure that a development mitigates its own  
1198 impact on public school facilities, but is not responsible for  
1199 the additional cost of reducing or eliminating backlogs or  
1200 addressing class size reduction. School concurrency is satisfied  
1201 if the developer executes a legally binding commitment to  
1202 provide mitigation proportionate to the demand for public school  
1203 facilities to be created by actual development of the property,  
1204 including, but not limited to, the options described in  
1205 subparagraph 1. Options for proportionate-share mitigation of  
1206 impacts on public school facilities must be established in the  
1207 public school facilities element and the interlocal agreement  
1208 pursuant to s. 163.31777.

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1209 1. Appropriate mitigation options include the contribution  
1210 of land; the construction, expansion, or payment for land  
1211 acquisition or construction of a public school facility; the  
1212 construction of a charter school that complies with the  
1213 requirements of s. 1002.33(18)(f); or the creation of mitigation  
1214 banking based on the construction of a public school facility in  
1215 exchange for the right to sell capacity credits. Such options  
1216 must include execution by the applicant and the local government  
1217 of a development agreement that constitutes a legally binding  
1218 commitment to pay proportionate-share mitigation for the  
1219 additional residential units approved by the local government in  
1220 a development order and actually developed on the property,  
1221 taking into account residential density allowed on the property  
1222 prior to the plan amendment that increased the overall  
1223 residential density. The district school board must be a party  
1224 to such an agreement. As a condition of its entry into such a  
1225 development agreement, the local government may require the  
1226 landowner to agree to continuing renewal of the agreement upon  
1227 its expiration.

1228 2. If the education facilities plan and the public  
1229 educational facilities element authorize a contribution of land;  
1230 the construction, expansion, or payment for land acquisition; ~~or~~  
1231 the construction or expansion of a public school facility, or a  
1232 portion thereof; or the construction of a charter school that  
1233 complies with the requirements of s. 1002.33(18)(f), as  
1234 proportionate-share mitigation, the local government shall  
1235 credit such a contribution, construction, expansion, or payment  
1236 toward any other impact fee or exaction imposed by local

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1237 ordinance for the same need, on a dollar-for-dollar basis at  
1238 fair market value.

1239 3. Any proportionate-share mitigation must be directed by  
1240 the school board toward a school capacity improvement identified  
1241 in a financially feasible 5-year district work plan that  
1242 satisfies the demands created by the development in accordance  
1243 with a binding developer's agreement.

1244 4. If a development is precluded from commencing because  
1245 there is inadequate classroom capacity to mitigate the impacts  
1246 of the development, the development may nevertheless commence if  
1247 there are accelerated facilities in an approved capital  
1248 improvement element scheduled for construction in year four or  
1249 later of such plan which, when built, will mitigate the proposed  
1250 development, or if such accelerated facilities will be in the  
1251 next annual update of the capital facilities element, the  
1252 developer enters into a binding, financially guaranteed  
1253 agreement with the school district to construct an accelerated  
1254 facility within the first 3 years of an approved capital  
1255 improvement plan, and the cost of the school facility is equal  
1256 to or greater than the development's proportionate share. When  
1257 the completed school facility is conveyed to the school  
1258 district, the developer shall receive impact fee credits usable  
1259 within the zone where the facility is constructed or any  
1260 attendance zone contiguous with or adjacent to the zone where  
1261 the facility is constructed.

1262 5. This paragraph does not limit the authority of a local  
1263 government to deny a development permit or its functional

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1264 equivalent pursuant to its home rule regulatory powers, except  
1265 as provided in this part.

1266 (f) Intergovernmental coordination.--

1267 1. When establishing concurrency requirements for public  
1268 schools, a local government shall satisfy the requirements for  
1269 intergovernmental coordination set forth in s. 163.3177(6)(h)1.  
1270 and 2., except that a municipality is not required to be a  
1271 signatory to the interlocal agreement required by ss.

1272 163.3177(6)(h)2. and 163.31777(6), as a prerequisite for  
1273 imposition of school concurrency, and as a nonsignatory, may  
1274 ~~shall~~ not participate in the adopted local school concurrency  
1275 system, if the municipality meets all of the following criteria  
1276 for not having a ne significant impact on school attendance:

1277 a. The municipality has issued development orders for  
1278 fewer than 50 residential dwelling units during the preceding 5  
1279 years, or the municipality has generated fewer than 25  
1280 additional public school students during the preceding 5 years.

1281 b. The municipality has not annexed new land during the  
1282 preceding 5 years in land use categories which permit  
1283 residential uses that will affect school attendance rates.

1284 c. The municipality has no public schools located within  
1285 its boundaries.

1286 d. At least 80 percent of the developable land within the  
1287 boundaries of the municipality has been built upon.

1288 2. A municipality that ~~which~~ qualifies as not having a ne  
1289 significant impact on school attendance pursuant to ~~the criteria~~  
1290 of subparagraph 1. must review and determine at the time of its  
1291 evaluation and appraisal report pursuant to s. 163.3191 whether

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1292 it continues to meet the criteria pursuant to s. 163.31777(6).  
1293 If the municipality determines that it no longer meets the  
1294 criteria, it must adopt appropriate school concurrency goals,  
1295 objectives, and policies in its plan amendments based on the  
1296 evaluation and appraisal report, and enter into the existing  
1297 interlocal agreement required by ss. 163.3177(6)(h)2. and  
1298 163.31777, in order to fully participate in the school  
1299 concurrency system. If such a municipality fails to do so, it is  
1300 ~~will be~~ subject to the enforcement provisions of s. 163.3191.

1301 (g) Interlocal agreement for school concurrency.--When  
1302 establishing concurrency requirements for public schools, a  
1303 local government must enter into an interlocal agreement that  
1304 satisfies the requirements in ss. 163.3177(6)(h)1. and 2. and  
1305 163.31777 and the requirements of this subsection. The  
1306 interlocal agreement must ~~shall~~ acknowledge both the school  
1307 board's constitutional and statutory obligations to provide a  
1308 uniform system of free public schools on a countywide basis, and  
1309 the land use authority of local governments, including their  
1310 authority to approve or deny comprehensive plan amendments and  
1311 development orders. The interlocal agreement shall be submitted  
1312 to the state land planning agency by the local government as a  
1313 part of the compliance review, along with the other necessary  
1314 amendments to the comprehensive plan required by this part. In  
1315 addition to the requirements of ss. 163.3177(6)(h) and  
1316 163.31777, the interlocal agreement must ~~shall~~ meet the  
1317 following requirements:

1318 1. Establish ~~the~~ mechanisms for coordinating the  
1319 development, adoption, and amendment of each local government's

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1320 public school facilities element with each other and the plans  
1321 of the school board to ensure a uniform districtwide school  
1322 concurrency system.

1323 2. Establish a process for developing ~~the development of~~  
1324 siting criteria that ~~which~~ encourages the location of public  
1325 schools proximate to urban residential areas to the extent  
1326 possible and seeks to collocate schools with other public  
1327 facilities such as parks, libraries, and community centers to  
1328 the extent possible.

1329 3. Specify uniform, districtwide level-of-service  
1330 standards for public schools of the same type and the process  
1331 for modifying the adopted level-of-service standards.

1332 4. Establish a process for the preparation, amendment, and  
1333 joint approval by each local government and the school board of  
1334 a public school capital facilities program that ~~which~~ is  
1335 financially feasible, and a process and schedule for  
1336 incorporation of the public school capital facilities program  
1337 into the local government comprehensive plans on an annual  
1338 basis.

1339 5. Define the geographic application of school  
1340 concurrency. If school concurrency is to be applied on a less  
1341 than districtwide basis in the form of concurrency service  
1342 areas, the agreement must ~~shall~~ establish criteria and standards  
1343 for the establishment and modification of school concurrency  
1344 service areas. The agreement must ~~shall~~ also establish a process  
1345 and schedule for the mandatory incorporation of the school  
1346 concurrency service areas and the criteria and standards for  
1347 establishment of the service areas into the local government

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1348 comprehensive plans. The agreement must ~~shall~~ ensure maximum  
1349 utilization of school capacity, taking into account  
1350 transportation costs and court-approved desegregation plans, as  
1351 well as other factors. The agreement must ~~shall~~ also ensure the  
1352 achievement and maintenance of the adopted level-of-service  
1353 standards for the geographic area of application throughout the  
1354 5 years covered by the public school capital facilities plan and  
1355 thereafter by adding a new fifth year during the annual update.

1356 6. Establish a uniform districtwide procedure for  
1357 implementing school concurrency which provides for:

1358 a. The evaluation of development applications for  
1359 compliance with school concurrency requirements, including  
1360 information provided by the school board on affected schools,  
1361 impact on levels of service, ~~and~~ programmed improvements for  
1362 affected schools, and any options to provide sufficient  
1363 capacity;

1364 b. An opportunity for the school board to review and  
1365 comment on the effect of comprehensive plan amendments and  
1366 rezonings on the public school facilities plan; and

1367 c. The monitoring and evaluation of the school concurrency  
1368 system.

1369 7. Include provisions relating to amendment of the  
1370 agreement.

1371 8. A process and uniform methodology for determining  
1372 proportionate-share mitigation pursuant to subparagraph (e)1.

1373 (h) Local government authority.--This subsection does not  
1374 limit the authority of a local government to grant or deny a

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1375 development permit or its functional equivalent prior to the  
1376 implementation of school concurrency.

1377 (14) RULEMAKING AUTHORITY.--The state land planning agency  
1378 shall, ~~by October 1, 1998,~~ adopt by rule minimum criteria for  
1379 the review and determination of compliance of a public school  
1380 facilities element adopted by a local government for purposes of  
1381 imposition of school concurrency.

1382 (15) MULTIMODAL DISTRICTS.--

1383 (a) Multimodal transportation districts may be established  
1384 under a local government comprehensive plan in areas delineated  
1385 on the future land use map for which the local comprehensive  
1386 plan assigns secondary priority to vehicle mobility and primary  
1387 priority to assuring a safe, comfortable, and attractive  
1388 pedestrian environment, with convenient interconnection to  
1389 transit. Such districts must incorporate community design  
1390 features that will reduce the number of automobile trips or  
1391 vehicle miles of travel and will support an integrated,  
1392 multimodal transportation system. Prior to the designation of  
1393 multimodal transportation districts, the Department of  
1394 Transportation shall be consulted by the local government to  
1395 assess the impact that the proposed multimodal district area is  
1396 expected to have on the adopted level-of-service standards  
1397 established for Strategic Intermodal System facilities, as  
1398 designated in s. 339.63 ~~defined in s. 339.64,~~ and roadway  
1399 facilities funded in accordance with s. 339.2819. Further, the  
1400 local government shall, in cooperation with the Department of  
1401 Transportation, develop a plan to mitigate any impacts to the  
1402 Strategic Intermodal System, including the development of a

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1403 long-term concurrency management system pursuant to subsection  
1404 (9) and s. 163.3177(3)(d). ~~Multimodal transportation districts~~  
1405 ~~existing prior to July 1, 2005, shall meet, at a minimum, the~~  
1406 ~~provisions of this section by July 1, 2006, or at the time of~~  
1407 ~~the comprehensive plan update pursuant to the evaluation and~~  
1408 ~~appraisal report, whichever occurs last.~~

1409 (b) Community design elements of ~~such~~ a multimodal  
1410 transportation district include: a complementary mix and range  
1411 of land uses, including educational, recreational, and cultural  
1412 uses; interconnected networks of streets designed to encourage  
1413 walking and bicycling, with traffic-calming where desirable;  
1414 appropriate densities and intensities of use within walking  
1415 distance of transit stops; daily activities within walking  
1416 distance of residences, allowing independence to persons who do  
1417 not drive; public uses, streets, and squares that are safe,  
1418 comfortable, and attractive for the pedestrian, with adjoining  
1419 buildings open to the street and with parking not interfering  
1420 with pedestrian, transit, automobile, and truck travel modes.

1421 (c) Local governments may establish multimodal level-of-  
1422 service standards that rely primarily on nonvehicular modes of  
1423 transportation within the district, if ~~when~~ justified by an  
1424 analysis demonstrating that the existing and planned community  
1425 design will provide an adequate level of mobility within the  
1426 district based upon professionally accepted multimodal level-of-  
1427 service methodologies. The analysis must also demonstrate that  
1428 the capital improvements required to promote community design  
1429 are financially feasible over the development or redevelopment  
1430 timeframe for the district and that community design features

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1431 within the district provide convenient interconnection for a  
1432 multimodal transportation system. Local governments may issue  
1433 development permits in reliance upon all planned community  
1434 design capital improvements that are financially feasible over  
1435 the development or redevelopment timeframe for the district,  
1436 without regard to the period of time between development or  
1437 redevelopment and the scheduled construction of the capital  
1438 improvements. A determination of financial feasibility shall be  
1439 based upon currently available funding or funding sources that  
1440 could reasonably be expected to become available over the  
1441 planning period.

1442 (d) Local governments may reduce impact fees or local  
1443 access fees for development within multimodal transportation  
1444 districts based on the reduction of vehicle trips per household  
1445 or vehicle miles of travel expected from the development pattern  
1446 planned for the district.

1447 (e) By December 1, 2007, the Department of Transportation,  
1448 in consultation with the state land planning agency and  
1449 interested local governments, may designate a study area for  
1450 conducting a pilot project to determine the benefits of and  
1451 barriers to establishing a regional multimodal transportation  
1452 concurrency district that extends over more than one local  
1453 government jurisdiction. If designated:

1454 1. The study area must be in a county that has a  
1455 population of at least 1,000 persons per square mile, be within  
1456 an urban service area, and have the consent of the local  
1457 governments within the study area. The Department of

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1458 Transportation and the state land planning agency shall provide  
1459 technical assistance.

1460         2. The local governments within the study area and the  
1461 Department of Transportation, in consultation with the state  
1462 land planning agency, shall cooperatively create a multimodal  
1463 transportation plan that meets the requirements of this section.  
1464 The multimodal transportation plan must include viable local  
1465 funding options and incorporate community design features,  
1466 including a range of mixed land uses and densities and  
1467 intensities, which will reduce the number of automobile trips or  
1468 vehicle miles of travel while supporting an integrated,  
1469 multimodal transportation system.

1470         3. To effectuate the multimodal transportation concurrency  
1471 district, participating local governments may adopt appropriate  
1472 comprehensive plan amendments.

1473         4. The Department of Transportation, in consultation with  
1474 the state land planning agency, shall submit a report by March  
1475 1, 2009, to the Governor, the President of the Senate, and the  
1476 Speaker of the House of Representatives on the status of the  
1477 pilot project. The report must identify any factors that support  
1478 or limit the creation and success of a regional multimodal  
1479 transportation district including intergovernmental  
1480 coordination.

1481         (f) The state land planning agency may designate up to  
1482 five local governments as Urban Placemaking Initiative Pilot  
1483 Projects. The purpose of the pilot project program is to assist  
1484 local communities with redevelopment of primarily single-use  
1485 suburban areas that surround strategic corridors and crossroads,

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1486 to create livable, sustainable communities with a sense of  
1487 place. Pilot communities must have a county population of at  
1488 least 350,000, be able to demonstrate an ability to administer  
1489 the pilot project, and have appropriate potential redevelopment  
1490 areas suitable for the pilot project. Recognizing that both the  
1491 form of existing development patterns and strict application of  
1492 transportation concurrency requirements create obstacles to such  
1493 redevelopment, the pilot project program shall further the  
1494 ability of such communities to cultivate mixed-use and form-  
1495 based communities that integrate all modes of transportation.  
1496 The pilot project program shall provide an alternative  
1497 regulatory framework that allows for the creation of a  
1498 multimodal concurrency district that over the planning time  
1499 period allows pilot project communities to incrementally realize  
1500 the goals of the redevelopment area by guiding redevelopment of  
1501 parcels and cultivating multimodal development in targeted  
1502 transitional suburban areas. The Department of Transportation  
1503 shall provide technical support to the state land planning  
1504 agency and the department and the agency shall provide technical  
1505 assistance to the local governments in the implementation of the  
1506 pilot projects.

1507 1. Each pilot project community adopt criteria for  
1508 designation of specific urban placemaking redevelopment areas  
1509 and general location maps in the future land use element of  
1510 their comprehensive plan. Such redevelopment areas must be  
1511 within an adopted urban service boundary or functional  
1512 equivalent. Each pilot project community shall also adopt  
1513 comprehensive plan amendments that set forth criteria for

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1514 development of the urban placemaking areas that contain land use  
1515 and transportation strategies, including, but not limited to,  
1516 the community design elements set forth in paragraph (b). A  
1517 pilot project community shall undertake a process of public  
1518 engagement to coordinate community vision, citizen interest, and  
1519 development goals for developments within the urban placemaking  
1520 redevelopment areas.

1521 2. Each pilot project community may assign transportation  
1522 concurrency or trip generation credits and impact fee exemptions  
1523 or reductions and establish transportation concurrency  
1524 exceptions for developments that meet the adopted comprehensive  
1525 plan criteria for urban placemaking redevelopment areas. The  
1526 provisions of paragraph (c) apply to designated urban  
1527 placemaking redevelopment areas.

1528 (16) FAIR-SHARE MITIGATION.--It is the intent of the  
1529 Legislature to provide a method by which the impacts of  
1530 development on transportation facilities can be mitigated by the  
1531 cooperative efforts of the public and private sectors. The  
1532 methodology used to calculate proportionate fair-share  
1533 mitigation under this section shall be as provided for in  
1534 subsection (12).

1535 (a) ~~By December 1, 2006,~~ Each local government shall adopt  
1536 by ordinance a methodology for assessing proportionate fair-  
1537 share mitigation options. ~~By December 1, 2005, the Department of~~  
1538 ~~Transportation shall develop a model transportation concurrency~~  
1539 ~~management ordinance with methodologies for assessing~~  
1540 ~~proportionate fair-share mitigation options.~~

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1541 (b)1. In its transportation concurrency management system,  
1542 a local government shall, ~~by December 1, 2006,~~ include  
1543 methodologies that will be applied to calculate proportionate  
1544 fair-share mitigation. A developer may choose to satisfy all  
1545 transportation concurrency requirements by contributing or  
1546 paying proportionate fair-share mitigation if transportation  
1547 facilities or facility segments identified as mitigation for  
1548 traffic impacts are specifically identified for funding in the  
1549 5-year schedule of capital improvements in the capital  
1550 improvements element of the local plan or the long-term  
1551 concurrency management system or if such contributions or  
1552 payments to such facilities or segments are reflected in the 5-  
1553 year schedule of capital improvements in the next regularly  
1554 scheduled update of the capital improvements element. Updates to  
1555 the 5-year capital improvements element which reflect  
1556 proportionate fair-share contributions may not be found not in  
1557 compliance based on ss. 163.3164(32) and 163.3177(3) if  
1558 additional contributions, payments or funding sources are  
1559 reasonably anticipated during a period not to exceed 10 years to  
1560 fully mitigate impacts on the transportation facilities.

1561 2. Proportionate fair-share mitigation shall be applied as  
1562 a credit against impact fees to the extent ~~that all or a portion~~  
1563 ~~of~~ the proportionate fair-share mitigation is used to address  
1564 the same capital infrastructure improvements contemplated by the  
1565 local government's impact fee ordinance.

1566 (c) Proportionate fair-share mitigation includes, without  
1567 limitation, separately or collectively, private funds,  
1568 contributions of land, and construction and contribution of

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1569 facilities and may include public funds as determined by the  
1570 local government. Proportionate fair-share mitigation may be  
1571 directed toward one or more specific transportation improvements  
1572 reasonably related to the mobility demands created by the  
1573 development and such improvements may address one or more modes  
1574 of travel. The fair market value of the proportionate fair-share  
1575 mitigation shall not differ based on the form of mitigation. A  
1576 local government may not require a development to pay more than  
1577 its proportionate fair-share contribution regardless of the  
1578 method of mitigation. Proportionate fair-share mitigation shall  
1579 be limited to ensure that a development meeting the requirements  
1580 of this section mitigates its impact on the transportation  
1581 system but is not responsible for the additional cost of  
1582 reducing or eliminating backlogs. For purposes of this  
1583 subsection, the term "backlogged transportation facility" means  
1584 a facility on which the adopted level-of-service standard is  
1585 exceeded by the existing trips plus committed trips. A developer  
1586 may not be required to fund or construct proportionate-share  
1587 mitigation for any backlogged transportation facility that is  
1588 more extensive than mitigation necessary to offset the impact of  
1589 the development project in question.

1590 (d) This subsection does not require a local government to  
1591 approve a development that is not otherwise qualified for  
1592 approval pursuant to the applicable local comprehensive plan and  
1593 land development regulations.

1594 (e) Mitigation for development impacts to facilities on  
1595 the Strategic Intermodal System made pursuant to this subsection  
1596 requires the concurrence of the Department of Transportation.

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1597 (f) If the funds in an adopted 5-year capital improvements  
1598 element are insufficient to fully fund construction of a  
1599 transportation improvement required by the local government's  
1600 concurrency management system, a local government and a  
1601 developer may still enter into a binding proportionate-share  
1602 agreement authorizing the developer to construct that amount of  
1603 development on which the proportionate share is calculated if  
1604 the proportionate-share amount in such agreement is sufficient  
1605 to pay for one or more improvements which will, in the opinion  
1606 of the governmental entity or entities maintaining the  
1607 transportation facilities, significantly benefit the impacted  
1608 transportation system. The improvements funded by the  
1609 proportionate-share component must be adopted into the 5-year  
1610 capital improvements schedule of the comprehensive plan at the  
1611 next annual capital improvements element update. The funding of  
1612 any improvements that significantly benefit the impacted  
1613 transportation system satisfies concurrency requirements as a  
1614 mitigation of the development's impact upon the overall  
1615 transportation system even if there remains a failure of  
1616 concurrency on other impacted facilities.

1617 (g) Except as provided in subparagraph (b)1., this section  
1618 may not prohibit the state land planning agency ~~Department of~~  
1619 ~~Community Affairs~~ from finding other portions of the capital  
1620 improvements element amendments not in compliance as provided in  
1621 this chapter.

1622 (h) The provisions of this subsection do not apply to a  
1623 development of regional impact satisfying the requirements of  
1624 subsection (12).

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1625 (i) If the number of trips used in a transportation  
1626 analysis includes trips from an earlier phase of development,  
1627 the determination of mitigation for the subsequent phase of  
1628 development shall account for any mitigation required by the  
1629 development order and provided by the developer for the earlier  
1630 phase, calculated at present value. For purposes of this  
1631 subsection, the term "present value" means the fair market value  
1632 of right-of-way at the time of contribution, or the actual  
1633 dollar value of the construction improvements at the date of  
1634 completion adjusted by the Consumer Price Index.

1635 Section 6. (1) The Legislature finds that the existing  
1636 transportation concurrency system has not adequately addressed  
1637 the state's transportation needs in an effective, predictable,  
1638 and equitable manner and is not producing a sustainable  
1639 transportation system for the state. The current system is  
1640 complex, lacks uniformity among jurisdictions, is too focused on  
1641 roadways to the detriment of desired land use patterns and  
1642 transportation alternatives, and frequently prevents the  
1643 attainment of important growth management goals. The state,  
1644 therefore, should consider a different transportation  
1645 concurrency approach that uses a mobility fee based on vehicle-  
1646 miles or people-miles traveled. The mobility fee shall be  
1647 designed to provide for mobility needs, ensure that development  
1648 provides mitigation for its impacts on the transportation  
1649 system, and promote compact, mixed-use, and energy-efficient  
1650 development. The mobility fee shall be used to fund improvements  
1651 to the transportation system.

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1652       (2) The Legislative Committee on Intergovernmental  
1653 Relations shall study and develop a methodology for a mobility  
1654 fee system. The committee shall contract with a qualified  
1655 transportation engineering firm or with a state university for  
1656 the purpose of studying and developing a uniform mobility fee  
1657 for statewide application to replace the existing transportation  
1658 concurrency management systems adopted and implemented by local  
1659 governments.

1660       (a) To assist the committee in its study, a mobility fee  
1661 pilot program shall be authorized in Duval County, Nassau  
1662 County, St. Johns County, and Clay County and the municipalities  
1663 in such counties. The committee shall coordinate with  
1664 participating local governments to implement a mobility fee on  
1665 more than a single-jurisdiction basis. The local governments  
1666 shall work with the committee to provide practical, field-tested  
1667 experience in implementing this new approach to transportation  
1668 concurrency, transportation impact fees, and proportionate-share  
1669 mitigation. The committee and local governments shall make every  
1670 effort to implement the pilot program no later than October 1,  
1671 2008. Data from the pilot program shall be provided to the  
1672 committee and the contracted entity for review and  
1673 consideration.

1674       (b) No later than January 15, 2009, the committee shall  
1675 provide an interim report to the President of the Senate and the  
1676 Speaker of the House of Representatives reporting the status of  
1677 the mobility fee study. The interim report shall discuss  
1678 progress in the development of the fee, identify issues for  
1679 which additional legislative guidance is needed, and recommend

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1680 any interim measures that may need to be addressed to improve  
1681 the current transportation concurrency system that could be  
1682 taken prior to the final report in 2009.

1683 (c) On or before October 1, 2009, the committee shall  
1684 provide to the President of the Senate and the Speaker of the  
1685 House of Representatives a final report and recommendations  
1686 regarding the methodology, application, and implementation of a  
1687 mobility fee.

1688 (3) The study and mobility fees levied pursuant to the  
1689 pilot program shall focus on and the fee shall implement, to the  
1690 extent possible:

1691 (a) The amount, distribution, and timing of vehicle miles  
1692 and people miles traveled, applying professionally accepted  
1693 standards and practices in the disciplines of land use and  
1694 transportation planning and the requirements of constitutional  
1695 and statutory law.

1696 (b) The development of an equitable mobility fee that  
1697 provides funding for future mobility needs whereby new  
1698 development mitigates in approximate proportionality for its  
1699 impacts on the transportation system yet is not delayed or held  
1700 accountable for system backlogs or failures that are not  
1701 directly attributable to the proposed development.

1702 (c) The replacement of transportation financial  
1703 feasibility obligations, proportionate fair-share contributions,  
1704 and locally adopted transportation impact fees with the mobility  
1705 fee such that a single transportation fee, whether or not based  
1706 on number of trips or vehicle miles traveled, may be applied  
1707 uniformly on a statewide basis.

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1708       (d) The ability for developer contributions of land for  
1709 right-of-way or developer-funded improvements to the  
1710 transportation network to be recognized as credits against the  
1711 mobility fee through mutually acceptable agreements reached with  
1712 the impacted jurisdictions.

1713       (e) An equitable methodology for distribution of mobility  
1714 fee proceeds among those jurisdictions responsible for  
1715 construction and maintenance of the impacted facilities such  
1716 that 100 percent of the collected mobility fees are used for  
1717 improvements to the overall transportation network of the  
1718 impacted jurisdictions.

1719       Section 7. Subsections (3) and (4), paragraphs (a) and (d)  
1720 of subsection (6), paragraph (a) of subsection (7), paragraphs  
1721 (b) and (c) of subsection (15), and subsections (17) and (18)  
1722 of section 163.3184, Florida Statutes, are amended, and  
1723 subsections (19) and (20) are added to that section, to read:

1724       163.3184 Process for adoption of comprehensive plan or  
1725 plan amendment.--

1726       (3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR  
1727 AMENDMENT.--

1728       (a) Effective January 1, 2009, prior to filing an  
1729 application for a future land use map amendment, an applicant  
1730 must conduct a neighborhood meeting to present, discuss, and  
1731 solicit public comment on a proposed amendment. The meeting  
1732 shall be conducted at least 30 and no more than 60 days before  
1733 the application for the amendment is filed with the local  
1734 government. At a minimum, the meeting shall be noticed and  
1735 conducted in accordance with the following:

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1736 1. Notification by the applicant must be mailed at least  
1737 10 but no more than 14 days prior to the meeting to all persons  
1738 who own property within 500 feet of the property subject to the  
1739 proposed amendment as such information is maintained by the  
1740 county tax assessor, which list shall conclusively establish the  
1741 required recipients.

1742 2. Notice must be published by the applicant in accordance  
1743 with s. 125.66(4)(b)2. or s. 166.041(3)(c)2.b.

1744 3. Notice must be provided to the local government for  
1745 posting on the local government's web page, if available.

1746 4. Notice must be mailed by the applicant to the list of  
1747 home owner or condominium associations maintained by the  
1748 jurisdiction, if any.

1749 5. The meeting must be conducted by the applicant at an  
1750 accessible and convenient location.

1751 6. A sign-in list of all attendees must be maintained.

1752  
1753 This paragraph applies to applications for a map amendment filed  
1754 after January 1, 2009.

1755 (b) At least 15 but no more than 45 days before the local  
1756 governing body's scheduled adoption hearing, the applicant shall  
1757 conduct a second noticed community or neighborhood meeting to  
1758 present and discuss the map amendment application, including any  
1759 changes made to the proposed amendment after the first community  
1760 or neighborhood meeting. Direct mail notice by the applicant at  
1761 least 10 but no more than 14 days prior to the meeting shall  
1762 only be required for those who signed in at the preapplication  
1763 meeting and those whose names are on the sign-in sheet from the

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1764 transmittal hearing pursuant to paragraph (15)(c); otherwise,  
1765 notice shall be by newspaper advertisement in accordance with s.  
1766 125.66(4)(b)2. and s. 166.041(3)(c)2.b. Prior to the adoption  
1767 hearing, the applicant shall file with the local government a  
1768 written certification or verification that the second meeting  
1769 has been noticed and conducted in accordance with this  
1770 paragraph. This paragraph applies to applications for a map  
1771 amendment filed after January 1, 2009.

1772 (c) The neighborhood meetings required in this subsection  
1773 shall not apply to small scale amendments as described in s.  
1774 163.3187 unless a local government, by ordinance, adopts a  
1775 procedure for holding a neighborhood meeting as part of the  
1776 small scale amendment process. In no event shall more than one  
1777 such meeting be required.

1778 (d)~~(a)~~ Each local governing body shall transmit the  
1779 complete proposed comprehensive plan or plan amendment to the  
1780 state land planning agency, the appropriate regional planning  
1781 council and water management district, the Department of  
1782 Environmental Protection, the Department of State, and the  
1783 Department of Transportation, and, in the case of municipal  
1784 plans, to the appropriate county, and, in the case of county  
1785 plans, to the Fish and Wildlife Conservation Commission and the  
1786 Department of Agriculture and Consumer Services, immediately  
1787 following a public hearing pursuant to subsection (15) as  
1788 specified in the state land planning agency's procedural rules.  
1789 The local governing body shall also transmit a copy of the  
1790 complete proposed comprehensive plan or plan amendment to any  
1791 other unit of local government or government agency in the state

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1792 that has filed a written request with the governing body for the  
1793 plan or plan amendment. The local government may request a  
1794 review by the state land planning agency pursuant to subsection  
1795 (6) at the time of the transmittal of an amendment.

1796 ~~(e)-(b)~~ A local governing body shall not transmit portions  
1797 of a plan or plan amendment unless it has previously provided to  
1798 all state agencies designated by the state land planning agency  
1799 a complete copy of its adopted comprehensive plan pursuant to  
1800 subsection (7) and as specified in the agency's procedural  
1801 rules. In the case of comprehensive plan amendments, the local  
1802 governing body shall transmit to the state land planning agency,  
1803 the appropriate regional planning council and water management  
1804 district, the Department of Environmental Protection, the  
1805 Department of State, and the Department of Transportation, and,  
1806 in the case of municipal plans, to the appropriate county and,  
1807 in the case of county plans, to the Fish and Wildlife  
1808 Conservation Commission and the Department of Agriculture and  
1809 Consumer Services the materials specified in the state land  
1810 planning agency's procedural rules and, in cases in which the  
1811 plan amendment is a result of an evaluation and appraisal report  
1812 adopted pursuant to s. 163.3191, a copy of the evaluation and  
1813 appraisal report. Local governing bodies shall consolidate all  
1814 proposed plan amendments into a single submission for each of  
1815 the two plan amendment adoption dates during the calendar year  
1816 pursuant to s. 163.3187.

1817 ~~(f)-(e)~~ A local government may adopt a proposed plan  
1818 amendment previously transmitted pursuant to this subsection,

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1819 unless review is requested or otherwise initiated pursuant to  
1820 subsection (6).

1821 (g)~~(d)~~ In cases in which a local government transmits  
1822 multiple individual amendments that can be clearly and legally  
1823 separated and distinguished for the purpose of determining  
1824 whether to review the proposed amendment, and the state land  
1825 planning agency elects to review several or a portion of the  
1826 amendments and the local government chooses to immediately adopt  
1827 the remaining amendments not reviewed, the amendments  
1828 immediately adopted and any reviewed amendments that the local  
1829 government subsequently adopts together constitute one amendment  
1830 cycle in accordance with s. 163.3187(1).

1831 (4) INTERGOVERNMENTAL REVIEW.--The governmental agencies  
1832 specified in paragraph (3) (d)~~(a)~~ shall provide comments to the  
1833 state land planning agency within 30 days after receipt by the  
1834 state land planning agency of the complete proposed plan  
1835 amendment. If the plan or plan amendment includes or relates to  
1836 the public school facilities element pursuant to s.  
1837 163.3177(12), the state land planning agency shall submit a copy  
1838 to the Office of Educational Facilities of the Commissioner of  
1839 Education for review and comment. The appropriate regional  
1840 planning council shall also provide its written comments to the  
1841 state land planning agency within 45 ~~30~~ days after receipt by  
1842 the state land planning agency of the complete proposed plan  
1843 amendment and shall specify any objections, recommendations for  
1844 modifications, and comments of any other regional agencies to  
1845 which the regional planning council may have referred the  
1846 proposed plan amendment. Written comments submitted by the

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1847 public within 45 ~~30~~ days after notice of transmittal by the  
1848 local government of the proposed plan amendment will be  
1849 considered as if submitted by governmental agencies. All written  
1850 agency and public comments must be made part of the file  
1851 maintained under subsection (2).

1852 (6) STATE LAND PLANNING AGENCY REVIEW.--

1853 (a) The state land planning agency shall review a proposed  
1854 plan amendment upon request of a regional planning council,  
1855 affected person, or local government transmitting the plan  
1856 amendment. The request from the regional planning council or  
1857 affected person must be received within 45 ~~30~~ days after  
1858 transmittal of the proposed plan amendment pursuant to  
1859 subsection (3). A regional planning council or affected person  
1860 requesting a review shall do so by submitting a written request  
1861 to the agency with a notice of the request to the local  
1862 government and any other person who has requested notice.

1863 (d) The state land planning agency review shall identify  
1864 all written communications with the agency regarding the  
1865 proposed plan amendment. If the state land planning agency does  
1866 not issue such a review, it shall identify in writing to the  
1867 local government all written communications received 45 ~~30~~ days  
1868 after transmittal. The written identification must include a  
1869 list of all documents received or generated by the agency, which  
1870 list must be of sufficient specificity to enable the documents  
1871 to be identified and copies requested, if desired, and the name  
1872 of the person to be contacted to request copies of any  
1873 identified document. The list of documents must be made a part  
1874 of the public records of the state land planning agency.

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1875 (7) LOCAL GOVERNMENT REVIEW OF COMMENTS; ADOPTION OF PLAN  
1876 OR AMENDMENTS AND TRANSMITTAL.--

1877 (a) The local government shall review the written comments  
1878 submitted to it by the state land planning agency, and any other  
1879 person, agency, or government. Any comments, recommendations, or  
1880 objections and any reply to them are ~~shall be~~ public documents,  
1881 a part of the permanent record in the matter, and admissible in  
1882 any proceeding in which the comprehensive plan or plan amendment  
1883 may be at issue. The local government, upon receipt of written  
1884 comments from the state land planning agency, shall have 120  
1885 days to adopt or adopt with changes the proposed comprehensive  
1886 plan or ~~s. 163.3191~~ plan amendments. ~~In the case of~~  
1887 ~~comprehensive plan amendments other than those proposed pursuant~~  
1888 ~~to s. 163.3191, the local government shall have 60 days to adopt~~  
1889 ~~the amendment, adopt the amendment with changes, or determine~~  
1890 ~~that it will not adopt the amendment.~~ The adoption of the  
1891 proposed plan or plan amendment or the determination not to  
1892 adopt a plan amendment, ~~other than a plan amendment proposed~~  
1893 ~~pursuant to s. 163.3191,~~ shall be made in the course of a public  
1894 hearing pursuant to subsection (15). If a local government fails  
1895 to adopt the comprehensive plan or plan amendment within the  
1896 timeframe set forth in this subsection, the plan or plan  
1897 amendment shall be deemed abandoned and may not be considered  
1898 until the next available amendment cycle pursuant to this  
1899 section and s. 163.3187. However, if the applicant or local  
1900 government, prior to the expiration of such timeframe, notifies  
1901 the state land planning agency that the applicant or local  
1902 government is proceeding in good faith to adopt the plan

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1903 amendment, the state land planning agency shall grant one or  
1904 more extensions not to exceed a total of 360 days from the  
1905 issuance of the agency report or comments. During the pendency  
1906 of any such extension, the applicant or local government shall  
1907 provide to the state land planning agency a status report every  
1908 90 days identifying the items continuing to be addressed and the  
1909 manners in which the items are being addressed. The local  
1910 government shall transmit the complete adopted comprehensive  
1911 plan or plan amendment, including the names and addresses of  
1912 persons compiled pursuant to paragraph (15) (c), to the state  
1913 land planning agency as specified in the agency's procedural  
1914 rules within 10 working days after adoption. The local governing  
1915 body shall also transmit a copy of the adopted comprehensive  
1916 plan or plan amendment to the regional planning agency and to  
1917 any other unit of local government or governmental agency in the  
1918 state that has filed a written request with the governing body  
1919 for a copy of the plan or plan amendment.

1920 (15) PUBLIC HEARINGS.--

1921 (b) The local governing body shall hold at least two  
1922 advertised public hearings on the proposed comprehensive plan or  
1923 plan amendment as follows:

1924 1. The first public hearing shall be held at the  
1925 transmittal stage pursuant to subsection (3). It shall be held  
1926 on a weekday at least 7 days after the day that the first  
1927 advertisement is published.

1928 2. The second public hearing shall be held at the adoption  
1929 stage pursuant to subsection (7). It shall be held on a weekday  
1930 at least 5 days after the day that the second advertisement is

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1931 published. The comprehensive plan or plan amendment to be  
1932 considered for adoption must be available to the public at least  
1933 5 days before the hearing, including through the local  
1934 government's website if one is maintained. The proposed  
1935 comprehensive plan amendment may not be altered during the 5  
1936 days prior to the hearing if the alteration increases the  
1937 permissible density, intensity, or height or decreases the  
1938 minimum buffers, setbacks, or open space. If the amendment is  
1939 altered in such manner during this time period or at the public  
1940 hearing, the public hearing shall be continued to the next  
1941 meeting of the local governing body. As part of the adoption  
1942 package, the local government shall certify in writing to the  
1943 state land planning agency that the local government has  
1944 complied with this subsection.

1945 (c) The local government shall provide a sign-in form at  
1946 the transmittal hearing and at the adoption hearing for persons  
1947 to provide their names and mailing and electronic addresses. The  
1948 sign-in form must advise that any person providing the requested  
1949 information will receive a courtesy informational statement  
1950 concerning publications of the state land planning agency's  
1951 notice of intent. The local government shall add to the sign-in  
1952 form the name and address of any person who submits written  
1953 comments concerning the proposed plan or plan amendment during  
1954 the time period between the commencement of the transmittal  
1955 hearing and the end of the adoption hearing. It is the  
1956 responsibility of the person completing the form or providing  
1957 written comments to accurately, completely, and legibly provide

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1958 all information needed in order to receive the courtesy  
1959 informational statement.

1960 ~~(17) COMMUNITY VISION AND URBAN BOUNDARY PLAN~~

1961 ~~AMENDMENTS. A local government that has adopted a community~~  
1962 ~~vision and urban service boundary under s. 163.3177(13) and (14)~~  
1963 ~~may adopt a plan amendment related to map amendments solely to~~  
1964 ~~property within an urban service boundary in the manner~~  
1965 ~~described in subsections (1), (2), (7), (14), (15), and (16) and~~  
1966 ~~s. 163.3187(1)(c)1.d. and e., 2., and 3., such that state and~~  
1967 ~~regional agency review is eliminated. The department may not~~  
1968 ~~issue an objections, recommendations, and comments report on~~  
1969 ~~proposed plan amendments or a notice of intent on adopted plan~~  
1970 ~~amendments; however, affected persons, as defined by paragraph~~  
1971 ~~(1)(a), may file a petition for administrative review pursuant~~  
1972 ~~to the requirements of s. 163.3187(3)(a) to challenge the~~  
1973 ~~compliance of an adopted plan amendment. This subsection does~~  
1974 ~~not apply to any amendment within an area of critical state~~  
1975 ~~concern, to any amendment that increases residential densities~~  
1976 ~~allowable in high hazard coastal areas as defined in s.~~  
1977 ~~163.3178(2)(h), or to a text change to the goals, policies, or~~  
1978 ~~objectives of the local government's comprehensive plan.~~  
1979 ~~Amendments submitted under this subsection are exempt from the~~  
1980 ~~limitation on the frequency of plan amendments in s. 163.3187.~~

1981 ~~(17)(18) URBAN INFILL AND REDEVELOPMENT PLAN~~

1982 ~~AMENDMENTS.--A municipality that has a designated urban infill~~  
1983 ~~and redevelopment area under s. 163.2517 may adopt a plan~~  
1984 ~~amendment related to map amendments solely to property within a~~  
1985 ~~designated urban infill and redevelopment area in the manner~~

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1986 described in subsections (1), (2), (7), (14), (15), and (16) and  
1987 s. 163.3187(1)(b)3.a.(IV) and (V), b., and c. ~~163.3187(1)(e)1.d.~~  
1988 ~~and e., 2., and 3.~~, such that state and regional agency review  
1989 is eliminated. The department may not issue an objections,  
1990 recommendations, and comments report on proposed plan amendments  
1991 or a notice of intent on adopted plan amendments; however,  
1992 affected persons, as defined by paragraph (1)(a), may file a  
1993 petition for administrative review pursuant to the requirements  
1994 of s. 163.3187(3)(a) to challenge the compliance of an adopted  
1995 plan amendment. This subsection does not apply to any amendment  
1996 within an area of critical state concern, to any amendment that  
1997 increases residential densities allowable in high-hazard coastal  
1998 areas as defined in s. 163.3178(2)(h), or to a text change to  
1999 the goals, policies, or objectives of the local government's  
2000 comprehensive plan. Amendments submitted under this subsection  
2001 are exempt from the limitation on the frequency of plan  
2002 amendments in s. 163.3187.

2003 (18) ~~(19)~~ HOUSING INCENTIVE STRATEGY PLAN AMENDMENTS.--Any  
2004 local government that identifies in its comprehensive plan the  
2005 types of housing developments and conditions for which it will  
2006 consider plan amendments that are consistent with the local  
2007 housing incentive strategies identified in s. 420.9076 and  
2008 authorized by the local government may expedite consideration of  
2009 such plan amendments. At least 30 days prior to adopting a plan  
2010 amendment pursuant to this subsection, the local government  
2011 shall notify the state land planning agency of its intent to  
2012 adopt such an amendment, and the notice shall include the local  
2013 government's evaluation of site suitability and availability of  
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2014 facilities and services. A plan amendment considered under this  
2015 subsection shall require only a single public hearing before the  
2016 local governing body, which shall be a plan amendment adoption  
2017 hearing as described in subsection (7). The public notice of the  
2018 hearing required under subparagraph (15)(b)2. must include a  
2019 statement that the local government intends to use the expedited  
2020 adoption process authorized under this subsection. The state  
2021 land planning agency shall issue its notice of intent required  
2022 under subsection (8) within 30 days after determining that the  
2023 amendment package is complete. Any further proceedings shall be  
2024 governed by subsections (9)-(16).

2025 (19) PLAN AMENDMENTS IN RURAL AREAS OF CRITICAL ECONOMIC  
2026 CONCERN.--

2027 (a) A local government that is located in a rural area of  
2028 critical economic concern designated pursuant to s. 288.0656(7)  
2029 may request the Rural Economic Development Initiative to provide  
2030 assistance in the preparation of plan amendments that will  
2031 further economic activity consistent with the purpose of s.  
2032 288.0656.

2033 (b) A plan map amendment related solely to property within  
2034 a site selected for a designated catalyst project pursuant to s.  
2035 288.0656(7)(c) and that receives Rural Economic Development  
2036 Initiative assistance pursuant to s. 288.0656(8) is subject to  
2037 the alternative state review process in s. 163.32465(3)-(6). Any  
2038 special area plan policies or map notations directly related to  
2039 the map amendment may be adopted at the same time and in the  
2040 same manner as the adoption of the map amendment.

2041 (20) RURAL ECONOMIC DEVELOPMENT CENTERS.--

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2042 (a) The Legislature recognizes and finds that:

2043 1. There are a number of facilities throughout the state  
2044 that process, produce, or aid in the production or distribution  
2045 of a variety of agriculturally based products, such as fruits,  
2046 vegetables, timber, and other crops, as well as juices, paper,  
2047 and building materials. These agricultural industrial facilities  
2048 often have a significant amount of existing associated  
2049 infrastructure that is used for the processing, production, or  
2050 distribution of agricultural products.

2051 2. Such rural centers of economic development often are  
2052 located within or near communities in which the economy is  
2053 largely dependent upon agriculture and agriculturally based  
2054 products. These rural centers of economic development  
2055 significantly enhance the economy of such communities. However,  
2056 such agriculturally based communities often are  
2057 socioeconomically challenged and many such communities have been  
2058 designated as rural areas of critical economic concern.

2059 3. If these rural centers of economic development are lost  
2060 and not replaced with other job-creating enterprises, these  
2061 communities will lose a substantial amount of their economies.  
2062 The economies and employment bases of such communities should be  
2063 diversified in order to protect against changes in national and  
2064 international agricultural markets, land use patterns, weather,  
2065 pests, or diseases or other events that could result in existing  
2066 facilities within rural centers of economic development being  
2067 permanently closed or temporarily shut down, ultimately  
2068 resulting in an economic crisis for these communities.

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2069       4. It is a compelling state interest to preserve the  
2070 viability of agriculture in this state and to protect rural and  
2071 agricultural communities and the state from the economic  
2072 upheaval that could result from short-term or long-term adverse  
2073 changes in the agricultural economy. An essential part of  
2074 protecting such communities while protecting viable agriculture  
2075 for the long term is to encourage diversification of the  
2076 employment base within rural centers of economic development for  
2077 the purpose of providing jobs that are not solely dependent upon  
2078 agricultural operations and to encourage the creation and  
2079 expansion of industries that use agricultural products in  
2080 innovative or new ways.

2081       (b) For purposes of this subsection, the term "rural  
2082 center of economic development" means a developed parcel or  
2083 parcels of land in an unincorporated area:

2084       1. On which there exists an operating facility or  
2085 facilities, which employ at least 200 full-time employees, in  
2086 the aggregate, used for processing and preparing for transport a  
2087 farm product as defined in s. 163.3162 or any biomass material  
2088 that could be used, directly or indirectly, for the production  
2089 of fuel, renewable energy, bioenergy, or alternative fuel as  
2090 defined by state law.

2091       2. Including all contiguous lands at the site which are  
2092 not used for cultivation of crops, but are still associated with  
2093 the operation of such a facility or facilities.

2094       3. Located within rural areas of critical economic concern  
2095 or located in a county any portion of which has been designated  
2096 as an area of critical economic concern as of January 1, 2008.

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2097       (c) Landowners within a rural center of economic  
2098 development may apply for an amendment to the local government  
2099 comprehensive plan for the purpose of expanding the industrial  
2100 uses or facilities associated with the center or expanding the  
2101 existing center to include industrial uses or facilities that  
2102 are not dependent upon agriculture but that would diversify the  
2103 local economy. An application for a comprehensive plan amendment  
2104 under this paragraph may not increase the physical area of the  
2105 rural center of economic development by more than 50 percent of  
2106 the existing area unless the applicant demonstrates that  
2107 infrastructure capacity exists or can be provided to support the  
2108 improvements as required by the applicable sections of this  
2109 chapter. Any single application may not increase the physical  
2110 area of the existing rural center of economic development by  
2111 more than 200 percent or 320 acres, whichever is less. Such  
2112 amendment must propose projects that would create, upon  
2113 completion, at least 50 new full-time jobs, and an applicant is  
2114 encouraged to propose projects that would promote and further  
2115 economic activity in the area consistent with the purpose of s.  
2116 288.0656. Such amendment is presumed to be consistent with rule  
2117 9J-5.006(5), Florida Administrative Code, and may include land  
2118 uses and intensities of use consistent and compatible with the  
2119 uses and intensities of use of the rural center of economic  
2120 development. Such presumption may be rebutted by clear and  
2121 convincing evidence.

2122       Section 8. Section 163.3187, Florida Statutes, is amended  
2123 to read:

2124       163.3187 Amendment of adopted comprehensive plan.--

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2125 (1) Amendments to comprehensive plans may be transmitted  
2126 and adopted pursuant to this part ~~may be made~~ not more than once  
2127 ~~two times~~ during any calendar year, with the following  
2128 exceptions except:

2129 (a) Local governments may transmit and adopt the following  
2130 comprehensive plan amendments twice during any calendar year:

2131 1. Future land use map amendments and special area  
2132 policies associated with those map amendments for land within  
2133 areas designated in the comprehensive plan for downtown  
2134 revitalization pursuant to s. 163.3164(25), urban redevelopment  
2135 pursuant to s. 163.3164(26), urban infill development pursuant  
2136 to s. 163.3164(27), urban infill and redevelopment pursuant to  
2137 s. 163.2517, or an urban service area pursuant to s.  
2138 163.3180(5)(b)2.

2139 2. Any local government comprehensive plan amendment  
2140 establishing or implementing a rural land stewardship area  
2141 pursuant to s. 163.3177(11)(d) or a sector plan pursuant to s.  
2142 163.3245.

2143 (b) The following amendments may be adopted by the local  
2144 government at any time during a calendar year without regard for  
2145 the frequency restrictions set forth in subparagraph (a)1.:

2146 1.(a) Any local government comprehensive ~~In the case of an~~  
2147 ~~emergency, comprehensive plan amendments may be made more often~~  
2148 ~~than twice during the calendar year if the additional plan~~  
2149 amendment that is enacted in case of emergency and receives the  
2150 approval of all of the members of the governing body. The term  
2151 "emergency" means any occurrence or threat thereof whether  
2152 accidental or natural, caused by humankind, in war or peace,

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2153 which results or may result in substantial injury or harm to the  
2154 population or substantial damage to or loss of property or  
2155 public funds.

2156 ~~2.(b)~~ Any local government comprehensive plan amendments  
2157 directly related to a proposed development of regional impact,  
2158 including changes which have been determined to be substantial  
2159 deviations and including Florida Quality Developments pursuant  
2160 to s. 380.061, may be initiated by a local planning agency and  
2161 considered by the local governing body at the same time as the  
2162 application for development approval using the procedures  
2163 provided for local plan amendment in this section and applicable  
2164 local ordinances, ~~without regard to statutory or local ordinance~~  
2165 ~~limits on the frequency of consideration of amendments to the~~  
2166 ~~local comprehensive plan. Nothing in this subsection shall be~~  
2167 ~~deemed to require favorable consideration of a plan amendment~~  
2168 ~~solely because it is related to a development of regional~~  
2169 ~~impact.~~

2170 ~~3.(e)~~ Any local government comprehensive plan amendments  
2171 directly related to proposed small scale development activities  
2172 ~~may be approved without regard to statutory limits on the~~  
2173 ~~frequency of consideration of amendments to the local~~  
2174 ~~comprehensive plan.~~ A small scale development amendment may be  
2175 adopted only under the following conditions:

2176 ~~a.1-~~ The proposed amendment involves a use of 10 acres or  
2177 fewer and:

2178 ~~(I)a-~~ The cumulative annual effect of the acreage for all  
2179 small scale development amendments adopted by the local  
2180 government shall not exceed:

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2181        (A) ~~(I)~~ A maximum of 120 acres in a local government that  
2182 contains areas specifically designated in the local  
2183 comprehensive plan for urban infill, urban redevelopment, or  
2184 downtown revitalization as defined in s. 163.3164, urban infill  
2185 and redevelopment areas designated under s. 163.2517,  
2186 transportation concurrency exception areas approved pursuant to  
2187 s. 163.3180(5), or regional activity centers and urban central  
2188 business districts approved pursuant to s. 380.06(2)(e);  
2189 however, amendments under this subparagraph ~~paragraph~~ may be  
2190 applied to no more than 60 acres annually of property outside  
2191 the designated areas listed in this sub-sub-sub-subparagraph  
2192 ~~sub-sub-subparagraph~~. ~~Amendments adopted pursuant to paragraph~~  
2193 ~~(k) shall not be counted toward the acreage limitations for~~  
2194 ~~small scale amendments under this paragraph.~~

2195        (B) ~~(II)~~ A maximum of 80 acres in a local government that  
2196 does not contain any of the designated areas set forth in sub-  
2197 sub-sub-subparagraph (A) ~~sub-sub-subparagraph (I)~~.

2198        (C) ~~(III)~~ A maximum of 120 acres in a county established  
2199 pursuant to s. 9, Art. VIII of the State Constitution.

2200        (II) ~~b-~~ The proposed amendment does not involve the same  
2201 property granted a change within the prior 12 months.

2202        (III) ~~e-~~ The proposed amendment does not involve the same  
2203 owner's property within 200 feet of property granted a change  
2204 within the prior 12 months.

2205        (IV) ~~d-~~ The proposed amendment does not involve a text  
2206 change to the goals, policies, and objectives of the local  
2207 government's comprehensive plan, but only proposes a land use

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2208 change to the future land use map for a site-specific small  
2209 scale development activity.

2210 ~~(V)e.~~ The property that is the subject of the proposed  
2211 amendment is not located within an area of critical state  
2212 concern, unless the project subject to the proposed amendment  
2213 involves the construction of affordable housing units meeting  
2214 the criteria of s. 420.0004(3), and is located within an area of  
2215 critical state concern designated by s. 380.0552 or by the  
2216 Administration Commission pursuant to s. 380.05(1). Such  
2217 amendment is not subject to the density limitations of sub-sub-  
2218 subparagraph (VI) ~~sub-subparagraph f.~~, and shall be reviewed by  
2219 the state land planning agency for consistency with the  
2220 principles for guiding development applicable to the area of  
2221 critical state concern where the amendment is located and is  
2222 ~~shall not become~~ effective until a final order is issued under  
2223 s. 380.05(6).

2224 ~~(VI)f.~~ If the proposed amendment involves a residential  
2225 land use, the residential land use has a density of 10 units or  
2226 less per acre or the proposed future land use category allows a  
2227 maximum residential density of the same or less than the maximum  
2228 residential density allowable under the existing future land use  
2229 category, except that this limitation does not apply to small  
2230 scale amendments involving the construction of affordable  
2231 housing units meeting the criteria of s. 420.0004(3) on property  
2232 which will be the subject of a land use restriction agreement,  
2233 or small scale amendments described in sub-sub-sub-subparagraph  
2234 (I) (A) ~~sub-sub-subparagraph a. (I)~~ that are designated in the  
2235 local comprehensive plan for urban infill, urban redevelopment,

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2236 or downtown revitalization as defined in s. 163.3164, urban  
2237 infill and redevelopment areas designated under s. 163.2517,  
2238 transportation concurrency exception areas approved pursuant to  
2239 s. 163.3180(5), or regional activity centers and urban central  
2240 business districts approved pursuant to s. 380.06(2)(e).

2241 ~~b.(I)2.a.~~ A local government that proposes to consider a  
2242 plan amendment pursuant to this subparagraph ~~paragraph~~ is not  
2243 required to comply with the procedures and public notice  
2244 requirements of s. 163.3184(15)(c) for such plan amendments if  
2245 the local government complies with the provisions in s.  
2246 125.66(4)(a) for a county or in s. 166.041(3)(c) for a  
2247 municipality. If a request for a plan amendment under this  
2248 subparagraph ~~paragraph~~ is initiated by other than the local  
2249 government, public notice is required.

2250 ~~(II)b.~~ The local government shall send copies of the  
2251 notice and amendment to the state land planning agency, the  
2252 regional planning council, and any other person or entity  
2253 requesting a copy. This information shall also include a  
2254 statement identifying any property subject to the amendment that  
2255 is located within a coastal high-hazard area as identified in  
2256 the local comprehensive plan.

2257 ~~c.3.~~ Small scale development amendments adopted pursuant  
2258 to this subparagraph ~~paragraph~~ require only one public hearing  
2259 before the governing board, which shall be an adoption hearing  
2260 as described in s. 163.3184(7), and are not subject to the  
2261 requirements of s. 163.3184(3)-(6) unless the local government  
2262 elects to have them subject to those requirements.

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2263 ~~d.4-~~ If the small scale development amendment involves a  
2264 site within an area that is designated by the Governor as a  
2265 rural area of critical economic concern under s. 288.0656(7) for  
2266 the duration of such designation, the 10-acre limit listed in  
2267 sub-subparagraph a. ~~subparagraph 1.~~ shall be increased by ~~100~~  
2268 ~~percent~~ to 20 acres. ~~The local government approving the small~~  
2269 ~~scale plan amendment shall certify to~~ The Office of Tourism,  
2270 Trade, and Economic Development shall certify that the plan  
2271 amendment furthers the economic objectives set forth in the  
2272 executive order issued under s. 288.0656(7)(a) ~~288.0656(7)~~, and  
2273 the local government shall certify that the property subject to  
2274 the plan amendment shall undergo public review to ensure that  
2275 all concurrency requirements and federal, state, and local  
2276 environmental permit requirements are met.

2277 ~~4.(d)~~ Any comprehensive plan amendment required by a  
2278 compliance agreement pursuant to s. 163.3184(16) ~~may be approved~~  
2279 ~~without regard to statutory limits on the frequency of adoption~~  
2280 ~~of amendments to the comprehensive plan.~~

2281 ~~(e)~~ ~~A comprehensive plan amendment for location of a state~~  
2282 ~~correctional facility. Such an amendment may be made at any time~~  
2283 ~~and does not count toward the limitation on the frequency of~~  
2284 ~~plan amendments.~~

2285 ~~5.(f)~~ Any comprehensive plan amendment that changes the  
2286 schedule in the capital improvements element, and any amendments  
2287 directly related to the schedule, ~~may be made once in a calendar~~  
2288 ~~year on a date different from the two times provided in this~~  
2289 ~~subsection~~ when necessary to coincide with the adoption of the  
2290 local government's budget and capital improvements program.

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2291 ~~(g) Any local government comprehensive plan amendments~~  
2292 ~~directly related to proposed redevelopment of brownfield areas~~  
2293 ~~designated under s. 376.80 may be approved without regard to~~  
2294 ~~statutory limits on the frequency of consideration of amendments~~  
2295 ~~to the local comprehensive plan.~~

2296 6.(h) Any comprehensive plan amendments for port  
2297 transportation facilities and projects that are eligible for  
2298 funding by the Florida Seaport Transportation and Economic  
2299 Development Council pursuant to s. 311.07.

2300 ~~(i) A comprehensive plan amendment for the purpose of~~  
2301 ~~designating an urban infill and redevelopment area under s.~~  
2302 ~~163.2517 may be approved without regard to the statutory limits~~  
2303 ~~on the frequency of amendments to the comprehensive plan.~~

2304 7.(j) Any comprehensive plan amendment to establish public  
2305 school concurrency pursuant to s. 163.3180(13), including, but  
2306 not limited to, adoption of a public school facilities element  
2307 pursuant to s. 163.3177(12) and adoption of amendments to the  
2308 capital improvements element and intergovernmental coordination  
2309 element. In order to ensure the consistency of local government  
2310 public school facilities elements within a county, such elements  
2311 shall be prepared and adopted on a similar time schedule.

2312 ~~(k) A local comprehensive plan amendment directly related~~  
2313 ~~to providing transportation improvements to enhance life safety~~  
2314 ~~on Controlled Access Major Arterial Highways identified in the~~  
2315 ~~Florida Intrastate Highway System, in counties as defined in s.~~  
2316 ~~125.011, where such roadways have a high incidence of traffic~~  
2317 ~~accidents resulting in serious injury or death. Any such~~  
2318 ~~amendment shall not include any amendment modifying the~~

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2319 ~~designation on a comprehensive development plan land use map nor~~  
2320 ~~any amendment modifying the allowable densities or intensities~~  
2321 ~~of any land.~~

2322 ~~8.(l) A comprehensive plan amendment to adopt a public~~  
2323 ~~educational facilities element pursuant to s. 163.3177(12) and~~  
2324 Future land-use-map amendments for school siting may be approved  
2325 notwithstanding statutory limits on the frequency of adopting  
2326 plan amendments.

2327 ~~9.(m) A comprehensive plan amendment that addresses~~  
2328 criteria or compatibility of land uses adjacent to or in close  
2329 proximity to military installations in a local government's  
2330 future land use element does not count toward the limitation on  
2331 the frequency of the plan amendments.

2332 ~~(n) Any local government comprehensive plan amendment~~  
2333 ~~establishing or implementing a rural land stewardship area~~  
2334 ~~pursuant to the provisions of s. 163.3177(11)(d).~~

2335 ~~10.(o) A comprehensive plan amendment that is submitted by~~  
2336 an area designated by the Governor as a rural area of critical  
2337 economic concern under s. 288.0656(7) and that meets the  
2338 economic development objectives. Before the adoption of such an  
2339 amendment, the local government shall obtain from the Office of  
2340 Tourism, Trade, and Economic Development written certification  
2341 that the plan amendment furthers the economic objectives set  
2342 forth in the executive order issued under s. 288.0656(7) ~~may be~~  
2343 ~~approved without regard to the statutory limits on the frequency~~  
2344 ~~of adoption of amendments to the comprehensive plan.~~

2345 ~~11.(p) Any local government comprehensive plan amendment~~  
2346 that is consistent with the local housing incentive strategies  
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2347 identified in s. 420.9076 and authorized by the local  
2348 government.

2349 12. Any local government comprehensive plan amendment  
2350 adopted pursuant to a final order issued by the Administration  
2351 Commission or the Florida Land and Water Adjudicatory  
2352 Commission.

2353 (2) Comprehensive plans may only be amended in such a way  
2354 as to preserve the internal consistency of the plan pursuant to  
2355 s. 163.3177(2). Corrections, updates, or modifications of  
2356 current costs which were set out as part of the comprehensive  
2357 plan shall not, for the purposes of this act, be deemed to be  
2358 amendments.

2359 (3) (a) The state land planning agency shall not review or  
2360 issue a notice of intent for small scale development amendments  
2361 which satisfy the requirements of subparagraph (1)(b)3.  
2362 ~~paragraph (1)(c).~~ Any affected person may file a petition with  
2363 the Division of Administrative Hearings pursuant to ss. 120.569  
2364 and 120.57 to request a hearing to challenge the compliance of a  
2365 small scale development amendment with this act within 30 days  
2366 following the local government's adoption of the amendment,  
2367 shall serve a copy of the petition on the local government, and  
2368 shall furnish a copy to the state land planning agency. An  
2369 administrative law judge shall hold a hearing in the affected  
2370 jurisdiction not less than 30 days nor more than 60 days  
2371 following the filing of a petition and the assignment of an  
2372 administrative law judge. The parties to a hearing held pursuant  
2373 to this subsection shall be the petitioner, the local  
2374 government, and any intervenor. In the proceeding, the local

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2375 government's determination that the small scale development  
2376 amendment is in compliance is presumed to be correct. The local  
2377 government's determination shall be sustained unless it is shown  
2378 by a preponderance of the evidence that the amendment is not in  
2379 compliance with the requirements of this act. In any proceeding  
2380 initiated pursuant to this subsection, the state land planning  
2381 agency may intervene.

2382 (b)1. If the administrative law judge recommends that the  
2383 small scale development amendment be found not in compliance,  
2384 the administrative law judge shall submit the recommended order  
2385 to the Administration Commission for final agency action. If the  
2386 administrative law judge recommends that the small scale  
2387 development amendment be found in compliance, the administrative  
2388 law judge shall submit the recommended order to the state land  
2389 planning agency.

2390 2. If the state land planning agency determines that the  
2391 plan amendment is not in compliance, the agency shall submit,  
2392 within 30 days following its receipt, the recommended order to  
2393 the Administration Commission for final agency action. If the  
2394 state land planning agency determines that the plan amendment is  
2395 in compliance, the agency shall enter a final order within 30  
2396 days following its receipt of the recommended order.

2397 (c) Small scale development amendments shall not become  
2398 effective until 31 days after adoption. If challenged within 30  
2399 days after adoption, small scale development amendments shall  
2400 not become effective until the state land planning agency or the  
2401 Administration Commission, respectively, issues a final order  
2402 determining the adopted small scale development amendment is in

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2403 compliance. However, a small-scale amendment shall not become  
2404 effective until it has been submitted to the state land planning  
2405 agency as required by sub-sub-subparagraph (1)(b)3.b.(I).

2406 (4) Each governing body shall transmit to the state land  
2407 planning agency a current copy of its comprehensive plan not  
2408 later than December 1, 1985. Each governing body shall also  
2409 transmit copies of any amendments it adopts to its comprehensive  
2410 plan so as to continually update the plans on file with the  
2411 state land planning agency.

2412 (5) Nothing in this part is intended to prohibit or limit  
2413 the authority of local governments to require that a person  
2414 requesting an amendment pay some or all of the cost of public  
2415 notice.

2416 (6)(a) A ~~No~~ local government may not amend its  
2417 comprehensive plan after the date established by the state land  
2418 planning agency for adoption of its evaluation and appraisal  
2419 report unless it has submitted its report or addendum to the  
2420 state land planning agency as prescribed by s. 163.3191, except  
2421 for plan amendments described in subparagraph (1)(b)2. paragraph  
2422 ~~(1)(b)~~ or subparagraph (1)(b)6. paragraph (1)(h).

2423 (b) A local government may amend its comprehensive plan  
2424 after it has submitted its adopted evaluation and appraisal  
2425 report and for a period of 1 year after the initial  
2426 determination of sufficiency regardless of whether the report  
2427 has been determined to be insufficient.

2428 (c) A local government may not amend its comprehensive  
2429 plan, except for plan amendments described in subparagraph  
2430 (1)(b)2. paragraph (1)(b), if the 1-year period after the

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2431 initial sufficiency determination of the report has expired and  
2432 the report has not been determined to be sufficient.

2433 (d) When the state land planning agency has determined  
2434 that the report has sufficiently addressed all pertinent  
2435 provisions of s. 163.3191, the local government may amend its  
2436 comprehensive plan without the limitations imposed by paragraph  
2437 (a) or paragraph (c).

2438 (e) Any plan amendment which a local government attempts  
2439 to adopt in violation of paragraph (a) or paragraph (c) is  
2440 invalid, but such invalidity may be overcome if the local  
2441 government readopts the amendment and transmits the amendment to  
2442 the state land planning agency pursuant to s. 163.3184(7) after  
2443 the report is determined to be sufficient.

2444 Section 9. Subsection (1) of section 163.3245, Florida  
2445 Statutes, is amended to read:

2446 163.3245 Optional sector plans.--

2447 (1) In recognition of the benefits of conceptual long-  
2448 range planning for the buildout of an area, and detailed  
2449 planning for specific areas, as a demonstration project, the  
2450 requirements of s. 380.06 may be addressed as identified by this  
2451 section for up to 10 ~~five~~ local governments or combinations of  
2452 local governments that ~~which~~ adopt into the comprehensive plan  
2453 an optional sector plan in accordance with this section. This  
2454 section is intended to further the intent of s. 163.3177(11),  
2455 which supports innovative and flexible planning and development  
2456 strategies, and the purposes of this part, and part I of chapter  
2457 380, and to avoid duplication of effort in terms of the level of  
2458 data and analysis required for a development of regional impact,

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2459 while ensuring the adequate mitigation of impacts to applicable  
2460 regional resources and facilities, including those within the  
2461 jurisdiction of other local governments, as would otherwise be  
2462 provided. Optional sector plans are intended for substantial  
2463 geographic areas that include ~~including~~ at least 5,000 acres of  
2464 one or more local governmental jurisdictions and are to  
2465 emphasize urban form and protection of regionally significant  
2466 resources and facilities. The state land planning agency may  
2467 approve optional sector plans of less than 5,000 acres based on  
2468 local circumstances if it is determined that the plan would  
2469 further the purposes of this part and part I of chapter 380.  
2470 Preparation of an optional sector plan is authorized by  
2471 agreement between the state land planning agency and the  
2472 applicable local governments under s. 163.3171(4). An optional  
2473 sector plan may be adopted through one or more comprehensive  
2474 plan amendments under s. 163.3184. However, an optional sector  
2475 plan may not be authorized in an area of critical state concern.

2476 Section 10. Paragraph (a) of subsection (1), subsection  
2477 (2), paragraphs (b) and (c) of subsection (3), paragraph (b) of  
2478 subsection (4), paragraphs (b), (c), and (g) of subsection (6),  
2479 and subsection (7) of section 163.32465, Florida Statutes, are  
2480 amended to read:

2481 163.32465 State review of local comprehensive plans in  
2482 urban areas.--

2483 (1) LEGISLATIVE FINDINGS.--

2484 (a) The Legislature finds that local governments in this  
2485 state have a wide diversity of resources, conditions, abilities,  
2486 and needs. The Legislature also finds that the needs and

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2487 resources of urban areas are different from those of rural areas  
2488 and that different planning and growth management approaches,  
2489 strategies, and techniques are required in urban areas. The  
2490 state role in overseeing growth management should reflect this  
2491 diversity and should vary based on local government conditions,  
2492 capabilities, and needs, and the extent and type of development.  
2493 Thus, the Legislature recognizes and finds that reduced state  
2494 oversight of local comprehensive planning is justified for some  
2495 local governments in urban areas.

2496 (2) ALTERNATIVE STATE REVIEW PROCESS PILOT  
2497 PROGRAM.--Pinellas and Broward Counties, and the municipalities  
2498 within these counties, and Jacksonville, Miami, Tampa, and  
2499 Hialeah shall follow an alternative state review process  
2500 provided in this section. Municipalities within the pilot  
2501 counties may elect, by super majority vote of the governing  
2502 body, not to participate in the pilot program. In addition, any  
2503 local government may elect, by simple majority vote, for the  
2504 alternative state review process to apply to future land use map  
2505 amendments and associated special area policies within areas  
2506 designated in a comprehensive plan for downtown revitalization  
2507 pursuant to s. 163.3164, urban redevelopment pursuant to s.  
2508 163.3164, urban infill development pursuant to s. 163.3164, an  
2509 urban service area pursuant to s. 163.3180(5)(b)2. or multimodal  
2510 districts pursuant to s. 163.3180(15) or for plan map amendments  
2511 related to catalyst projects pursuant to s. 163.3184(19). At  
2512 the public meeting for the election of the alternative process,  
2513 the local government shall adopt by ordinance standards for  
2514 ensuring compatible uses the local government will consider in

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2515 evaluating future land use amendments within such areas. Local  
2516 governments shall provide the state land planning agency with  
2517 notification as to their election to use the alternative state  
2518 review process. The local government's determination to  
2519 participate in the pilot program shall be applied to all future  
2520 amendments.

2521 (3) PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS  
2522 UNDER THE PILOT PROGRAM.--

2523 (b) Amendments that qualify as small-scale development  
2524 amendments may continue to be adopted by the pilot program  
2525 jurisdictions pursuant to s. 163.3187(1)(c) and (3).

2526 (c) Plan amendments that propose a rural land stewardship  
2527 area pursuant to s. 163.3177(11)(d); propose an optional sector  
2528 plan; update a comprehensive plan based on an evaluation and  
2529 appraisal report; implement ~~new~~ statutory requirements not  
2530 previously incorporated into a comprehensive plan; or new plans  
2531 for newly incorporated municipalities are subject to state  
2532 review as set forth in s. 163.3184.

2533 (4) INITIAL HEARING ON COMPREHENSIVE PLAN AMENDMENT FOR  
2534 PILOT PROGRAM.--

2535 (b) The agencies and local governments specified in  
2536 paragraph (a) may provide comments regarding the amendment or  
2537 amendments to the local government. The regional planning  
2538 council review and comment shall be limited to effects on  
2539 regional resources or facilities identified in the strategic  
2540 regional policy plan and extrajurisdictional impacts that would  
2541 be inconsistent with the comprehensive plan of the affected  
2542 local government. A regional planning council shall not review

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2543 and comment on a proposed comprehensive plan amendment prepared  
2544 by such council unless the plan amendment has been changed by  
2545 the local government subsequent to the preparation of the plan  
2546 amendment by the regional planning council. County comments on  
2547 municipal comprehensive plan amendments shall be primarily in  
2548 the context of the relationship and effect of the proposed plan  
2549 amendments on the county plan. Municipal comments on county plan  
2550 amendments shall be primarily in the context of the relationship  
2551 and effect of the amendments on the municipal plan. State agency  
2552 comments may include technical guidance on issues of agency  
2553 jurisdiction as it relates to the requirements of this part.  
2554 Such comments shall clearly identify issues that, if not  
2555 resolved, may result in an agency challenge to the plan  
2556 amendment. For the purposes of this pilot program, agencies are  
2557 encouraged to focus potential challenges on issues of regional  
2558 or statewide importance. Agencies and local governments must  
2559 transmit their comments to the affected local government ~~such~~  
2560 ~~that they are received by the local government~~ not later than 30  
2561 ~~thirty~~ days from the date on which the agency or government  
2562 received the amendment or amendments. Any comments from the  
2563 agencies and local governments shall also be transmitted to the  
2564 state land planning agency.

2565 (6) ADMINISTRATIVE CHALLENGES TO PLAN AMENDMENTS FOR PILOT  
2566 PROGRAM.--

2567 (b) The state land planning agency may file a petition  
2568 with the Division of Administrative Hearings pursuant to ss.  
2569 120.569 and 120.57, with a copy served on the affected local  
2570 government, to request a formal hearing. This petition must be  
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2571 filed with the Division within 30 days after the state land  
2572 planning agency notifies the local government that the plan  
2573 amendment package is complete. For purposes of this section, an  
2574 amendment shall be deemed complete if it contains a full,  
2575 executed copy of the adoption ordinance or ordinances; in the  
2576 case of a text amendment, a full copy of the amended language in  
2577 legislative format with new words inserted in the text  
2578 underlined, and words to be deleted lined through with hyphens;  
2579 in the case of a future land use map amendment, a copy of the  
2580 future land use map clearly depicting the parcel, its existing  
2581 future land use designation, and its adopted designation; and a  
2582 copy of any data and analyses the local government deems  
2583 appropriate. The state land planning agency shall notify the  
2584 local government ~~of any deficiencies~~ within 5 working days of  
2585 receipt of an amendment package that the package is complete or  
2586 identify any deficiencies regarding completeness.

2587 (c) The state land planning agency's challenge shall be  
2588 limited to those issues raised in the comments provided by the  
2589 reviewing agencies pursuant to paragraph (4) (b) that were  
2590 clearly identified in the agency comments as an issue that may  
2591 result in an agency challenge. The state land planning agency  
2592 may challenge a plan amendment that has substantially changed  
2593 from the version on which the agencies provided comments. For  
2594 the purposes of this pilot program, the Legislature strongly  
2595 encourages the state land planning agency to focus any challenge  
2596 on issues of regional or statewide importance.

2597 (g) An amendment adopted under the expedited provisions of  
2598 this section shall not become effective until the time period

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2599 for filing a challenge under paragraph (a) has expired 31 days  
2600 after adoption. If timely challenged, an amendment shall not  
2601 become effective until the state land planning agency or the  
2602 Administration Commission enters a final order determining the  
2603 adopted amendment to be in compliance.

2604 (7) APPLICABILITY OF PILOT PROGRAM IN CERTAIN LOCAL  
2605 GOVERNMENTS.--Local governments and specific areas that have  
2606 been designated for alternate review process pursuant to ss.  
2607 163.3246 and 163.3184(17) ~~and (18)~~ are not subject to this  
2608 section.

2609 Section 11. Section 163.351, Florida Statutes, is created  
2610 to read:

2611 163.351 Reporting requirements for community redevelopment  
2612 agencies.--Each community redevelopment agency shall annually:

2613 (1) By March 31, file with the governing body a report  
2614 describing the progress made on each public project in the  
2615 redevelopment plan which was funded during the preceding fiscal  
2616 year and summarizing activities that, as of the end of the  
2617 fiscal year, are planned for the upcoming fiscal year. On the  
2618 date that the report is filed, the agency shall publish in a  
2619 newspaper of general circulation in the community a notice that  
2620 the report has been filed with the county or municipality and is  
2621 available for inspection during business hours in the office of  
2622 the clerk of the county or municipality and in the office of the  
2623 agency.

2624 (2) Provide the reports or information that a dependent  
2625 special district is required to file under chapter 189 to the  
2626 Department of Community Affairs.

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2627       (3) Provide the reports or information required under ss.  
2628 218.32, 218.38, and 218.39 to the Department of Financial  
2629 Services.

2630       Section 12. Paragraph (c) of subsection (3) of section  
2631 163.356, Florida Statutes, is amended to read:

2632       163.356 Creation of community redevelopment agency.--

2633       (3)

2634       (c) The governing body of the county or municipality shall  
2635 designate a chair and vice chair from among the commissioners.  
2636 An agency may employ an executive director, technical experts,  
2637 and such other agents and employees, permanent and temporary, as  
2638 it requires, and determine their qualifications, duties, and  
2639 compensation. For such legal service as it requires, an agency  
2640 may employ or retain its own counsel and legal staff. ~~An agency~~  
2641 ~~authorized to transact business and exercise powers under this~~  
2642 ~~part shall file with the governing body, on or before March 31~~  
2643 ~~of each year, a report of its activities for the preceding~~  
2644 ~~fiscal year, which report shall include a complete financial~~  
2645 ~~statement setting forth its assets, liabilities, income, and~~  
2646 ~~operating expenses as of the end of such fiscal year. At the~~  
2647 ~~time of filing the report, the agency shall publish in a~~  
2648 ~~newspaper of general circulation in the community a notice to~~  
2649 ~~the effect that such report has been filed with the county or~~  
2650 ~~municipality and that the report is available for inspection~~  
2651 ~~during business hours in the office of the clerk of the city or~~  
2652 ~~county commission and in the office of the agency.~~

2653       Section 13. Paragraph (d) is added to subsection (3) of  
2654 section 163.370, Florida Statutes, to read:

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2655 163.370 Powers; counties and municipalities; community  
2656 redevelopment agencies.--

2657 (3) The following projects may not be paid for or financed  
2658 by increment revenues:

2659 (d) The substitution of increment revenues as security or  
2660 payment for existing debt currently committed to pay debt  
2661 service on existing structures or projects that are completed  
2662 and operating.

2663 Section 14. Subsections (6) and (8) of section 163.387,  
2664 Florida Statutes, are amended to read:

2665 163.387 Redevelopment trust fund.--

2666 (6) Moneys in the redevelopment trust fund may be expended  
2667 from time to time for undertakings of a community redevelopment  
2668 agency as described in the community redevelopment plan. Such  
2669 expenditures may include ~~for the following purposes, including,~~  
2670 but are not limited to:

2671 (a) Administrative and overhead expenses necessary or  
2672 incidental to the implementation of a community redevelopment  
2673 plan adopted by the agency.

2674 (b) Expenses of redevelopment planning, surveys, and  
2675 financial analysis, including the reimbursement of the governing  
2676 body, any taxing authority, or the community redevelopment  
2677 agency for such expenses incurred before the redevelopment plan  
2678 was approved and adopted.

2679 (c) Expenses related to the promotion or marketing of  
2680 projects or activities in the redevelopment area which are  
2681 sponsored by the community redevelopment agency.

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2682        (d)~~(e)~~ The acquisition of real property in the  
2683 redevelopment area.

2684        (e)~~(d)~~ The clearance and preparation of any redevelopment  
2685 area for redevelopment and relocation of site occupants within  
2686 or outside the community redevelopment area as provided in s.  
2687 163.370.

2688        (f)~~(e)~~ The repayment of principal and interest or any  
2689 redemption premium for loans, advances, bonds, bond anticipation  
2690 notes, and any other form of indebtedness.

2691        (g)~~(f)~~ All expenses incidental to or connected with the  
2692 issuance, sale, redemption, retirement, or purchase of bonds,  
2693 bond anticipation notes, or other form of indebtedness,  
2694 including funding of any reserve, redemption, or other fund or  
2695 account provided for in the ordinance or resolution authorizing  
2696 such bonds, notes, or other form of indebtedness.

2697        (h)~~(g)~~ The development of affordable housing within the  
2698 community redevelopment area.

2699        (i)~~(h)~~ ~~The development of~~ Community policing innovations.

2700        (j) The provision of law enforcement, fire rescue, or  
2701 emergency medical services if the community redevelopment area  
2702 has been in existence for at least 5 years.

2703  
2704 This listing of types of expenditures is not an exclusive list  
2705 of the expenditures that may be made under this subsection and  
2706 is intended only to provide examples of some of the activities,  
2707 projects, or expenses for which an expenditure may be made under  
2708 this subsection.

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2709       ~~(8) Each community redevelopment agency shall provide for~~  
2710 ~~an audit of the trust fund each fiscal year and a report of such~~  
2711 ~~audit to be prepared by an independent certified public~~  
2712 ~~accountant or firm. Such report shall describe the amount and~~  
2713 ~~source of deposits into, and the amount and purpose of~~  
2714 ~~withdrawals from, the trust fund during such fiscal year and the~~  
2715 ~~amount of principal and interest paid during such year on any~~  
2716 ~~indebtedness to which increment revenues are pledged and the~~  
2717 ~~remaining amount of such indebtedness. The agency shall provide~~  
2718 ~~by registered mail a copy of the report to each taxing~~  
2719 ~~authority.~~

2720       Section 15. Paragraphs (b) and (e) of subsection (2) of  
2721 section 288.0655, Florida Statutes, are amended to read:

2722       288.0655 Rural Infrastructure Fund.--

2723       (2)

2724       (b) To facilitate access of rural communities and rural  
2725 areas of critical economic concern as defined by the Rural  
2726 Economic Development Initiative to infrastructure funding  
2727 programs of the Federal Government, such as those offered by the  
2728 United States Department of Agriculture and the United States  
2729 Department of Commerce, and state programs, including those  
2730 offered by Rural Economic Development Initiative agencies, and  
2731 to facilitate local government or private infrastructure funding  
2732 efforts, the office may award grants for up to 30 percent of the  
2733 total infrastructure project cost. If an application for funding  
2734 is for a catalyst site, as defined in s. 288.0656, the  
2735 requirement for a local match may be waived. Eligible projects  
2736 must be related to specific job-creation or job-retention

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2737 opportunities. Eligible projects may also include improving any  
2738 inadequate infrastructure that has resulted in regulatory action  
2739 that prohibits economic or community growth or reducing the  
2740 costs to community users of proposed infrastructure improvements  
2741 that exceed such costs in comparable communities. Eligible uses  
2742 of funds shall include improvements to public infrastructure for  
2743 industrial or commercial sites and upgrades to or development of  
2744 public tourism infrastructure. Authorized infrastructure may  
2745 include the following public or public-private partnership  
2746 facilities: storm water systems; telecommunications facilities;  
2747 roads or other remedies to transportation impediments; nature-  
2748 based tourism facilities; or other physical requirements  
2749 necessary to facilitate tourism, trade, and economic development  
2750 activities in the community. Authorized infrastructure may also  
2751 include publicly owned self-powered nature-based tourism  
2752 facilities; and additions to the distribution facilities of the  
2753 existing natural gas utility as defined in s. 366.04(3)(c), the  
2754 existing electric utility as defined in s. 366.02, or the  
2755 existing water or wastewater utility as defined in s.  
2756 367.021(12), or any other existing water or wastewater facility,  
2757 which owns a gas or electric distribution system or a water or  
2758 wastewater system in this state where:

2759 1. A contribution-in-aid of construction is required to  
2760 serve public or public-private partnership facilities under the  
2761 tariffs of any natural gas, electric, water, or wastewater  
2762 utility as defined herein; and

2763 2. Such utilities as defined herein are willing and able  
2764 to provide such service.

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2765 (e) To enable local governments to access the resources  
2766 available pursuant to s. 403.973(19), the office may award  
2767 grants for surveys, feasibility studies, and other activities  
2768 related to the identification and preclearance review of land  
2769 which is suitable for preclearance review. Authorized grants  
2770 under this paragraph shall not exceed \$75,000 each, except in  
2771 the case of a project in a rural area of critical economic  
2772 concern, in which case the grant shall not exceed \$300,000. Any  
2773 funds awarded under this paragraph must be matched at a level of  
2774 50 percent with local funds, except that any funds awarded for a  
2775 project in a rural area of critical economic concern must be  
2776 matched at a level of 33 percent with local funds. If an  
2777 application for funding is for a catalyst site, as defined in s.  
2778 288.0656, the office may award grants for up to 40 percent of  
2779 the total infrastructure project cost. In evaluating  
2780 applications under this paragraph, the office shall consider the  
2781 extent to which the application seeks to minimize administrative  
2782 and consultant expenses.

2783 Section 16. Section 288.0656, Florida Statutes, is amended  
2784 to read:

2785 288.0656 Rural Economic Development Initiative.--

2786 (1) (a) Recognizing that rural communities and regions  
2787 continue to face extraordinary challenges in their efforts to  
2788 achieve significant improvements to their economies,  
2789 specifically in terms of personal income, job creation, average  
2790 wages, and strong tax bases, it is the intent of the Legislature  
2791 to encourage and facilitate the location and expansion in such

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2792 rural communities of major economic development projects of  
2793 significant scale.

2794 (b) The Rural Economic Development Initiative, known as  
2795 "REDI," is created within the Office of Tourism, Trade, and  
2796 Economic Development, and the participation of state and  
2797 regional agencies in this initiative is authorized.

2798 (2) As used in this section, the term:

2799 (a) "Catalyst project" means a business locating or  
2800 expanding in a rural area of critical economic concern that is  
2801 likely to serve as an economic growth opportunity of regional  
2802 significance for the growth of a regional target industry  
2803 cluster. The project shall provide capital investment of  
2804 significant scale that will affect the entire region and that  
2805 will facilitate the development of high-wage and high-skill  
2806 jobs.

2807 (b) "Catalyst site" means a parcel or parcels of land  
2808 within a rural area of critical economic concern that has been  
2809 prioritized by representatives of the jurisdictions within the  
2810 rural area of critical economic concern, reviewed by REDI, and  
2811 approved by the Office of Tourism, Trade, and Economic  
2812 Development for purposes of locating a catalyst project.

2813 (c) ~~(a)~~ "Economic distress" means conditions affecting the  
2814 fiscal and economic viability of a rural community, including  
2815 such factors as low per capita income, low per capita taxable  
2816 values, high unemployment, high underemployment, low weekly  
2817 earned wages compared to the state average, low housing values  
2818 compared to the state average, high percentages of the  
2819 population receiving public assistance, high poverty levels

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2820 compared to the state average, and a lack of year-round stable  
2821 employment opportunities.

2822 (d) "Rural area of critical economic concern" means a  
2823 rural community, or a region composed of rural communities,  
2824 designated by the Governor, that has been adversely affected by  
2825 an extraordinary economic event, severe or chronic distress, or  
2826 a natural disaster or that presents a unique economic  
2827 development opportunity of regional impact.

2828 (e) ~~(b)~~ "Rural community" means:

2829 1. A county with a population of 75,000 or less.  
2830 2. A county with a population of 120,000 ~~100,000~~ or less  
2831 that is contiguous to a county with a population of 75,000 or  
2832 less.

2833 3. A municipality within a county described in  
2834 subparagraph 1. or subparagraph 2.

2835 4. An unincorporated federal enterprise community or an  
2836 incorporated rural city with a population of 25,000 or less and  
2837 an employment base focused on traditional agricultural or  
2838 resource-based industries, located in a county not defined as  
2839 rural, which has at least three or more of the economic distress  
2840 factors identified in paragraph (a) and verified by the Office  
2841 of Tourism, Trade, and Economic Development.

2842  
2843 For purposes of this paragraph, population shall be determined  
2844 in accordance with the most recent official estimate pursuant to  
2845 s. 186.901.

2846 (3) REDI shall be responsible for coordinating and  
2847 focusing the efforts and resources of state and regional

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2848 agencies on the problems which affect the fiscal, economic, and  
2849 community viability of Florida's economically distressed rural  
2850 communities, working with local governments, community-based  
2851 organizations, and private organizations that have an interest  
2852 in the growth and development of these communities to find ways  
2853 to balance environmental and growth management issues with local  
2854 needs.

2855 (4) REDI shall review and evaluate the impact of laws  
2856 ~~statutes~~ and rules on rural communities and ~~shall~~ work to  
2857 minimize any adverse impact and undertake outreach and capacity  
2858 building efforts.

2859 (5) REDI shall facilitate better access to state resources  
2860 by promoting direct access and referrals to appropriate state  
2861 and regional agencies and statewide organizations. REDI may  
2862 undertake outreach, capacity-building, and other advocacy  
2863 efforts to improve conditions in rural communities. These  
2864 activities may include sponsorship of conferences and  
2865 achievement awards.

2866 (6) (a) By August 1 of each year, the head of each of the  
2867 following agencies and organizations shall designate a high-  
2868 level staff person from within the agency or organization to  
2869 serve as the REDI representative for the agency or organization:

- 2870 1. The Department of Community Affairs.
- 2871 2. The Department of Transportation.
- 2872 3. The Department of Environmental Protection.
- 2873 4. The Department of Agriculture and Consumer Services.
- 2874 5. The Department of State.
- 2875 6. The Department of Health.

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- 2876           7. The Department of Children and Family Services.  
2877           8. The Department of Corrections.  
2878           9. The Agency for Workforce Innovation.  
2879           10. The Department of Education.  
2880           11. The Department of Juvenile Justice.  
2881           12. The Fish and Wildlife Conservation Commission.  
2882           13. Each water management district.  
2883           14. Enterprise Florida, Inc.  
2884           15. Workforce Florida, Inc.  
2885           16. The Florida Commission on Tourism or VISIT Florida.  
2886           17. The Florida Regional Planning Council Association.  
2887           18. The Agency for Health Care Administration Florida  
2888 ~~State Rural Development Council~~.  
2889           19. The Institute of Food and Agricultural Sciences  
2890 (IFAS).

2891  
2892 An alternate for each designee shall also be chosen, and the  
2893 names of the designees and alternates shall be sent to the  
2894 director of the Office of Tourism, Trade, and Economic  
2895 Development.

2896           (b) Each REDI representative must have comprehensive  
2897 knowledge of his or her agency's functions, both regulatory and  
2898 service in nature, and of the state's economic goals, policies,  
2899 and programs. This person shall be the primary point of contact  
2900 for his or her agency with REDI on issues and projects relating  
2901 to economically distressed rural communities and with regard to  
2902 expediting project review, shall ensure a prompt effective  
2903 response to problems arising with regard to rural issues, and

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2904 shall work closely with the other REDI representatives in the  
2905 identification of opportunities for preferential awards of  
2906 program funds and allowances and waiver of program requirements  
2907 when necessary to encourage and facilitate long-term private  
2908 capital investment and job creation.

2909 (c) The REDI representatives shall work with REDI in the  
2910 review and evaluation of statutes and rules for adverse impact  
2911 on rural communities and the development of alternative  
2912 proposals to mitigate that impact.

2913 (d) Each REDI representative shall be responsible for  
2914 ensuring that each district office or facility of his or her  
2915 agency is informed about the Rural Economic Development  
2916 Initiative and for providing assistance throughout the agency in  
2917 the implementation of REDI activities.

2918 (7) (a) REDI may recommend to the Governor up to three  
2919 rural areas of critical economic concern. ~~A rural area of~~  
2920 ~~critical economic concern must be a rural community, or a region~~  
2921 ~~composed of such, that has been adversely affected by an~~  
2922 ~~extraordinary economic event or a natural disaster or that~~  
2923 ~~presents a unique economic development opportunity of regional~~  
2924 ~~impact that will create more than 1,000 jobs over a 5-year~~  
2925 ~~period.~~ The Governor may by executive order designate up to  
2926 three rural areas of critical economic concern which will  
2927 establish these areas as priority assignments for REDI as well  
2928 as to allow the Governor, acting through REDI, to waive  
2929 criteria, requirements, or similar provisions of any economic  
2930 development incentive. Such incentives shall include, but not be  
2931 limited to: the Qualified Target Industry Tax Refund Program

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2932 under s. 288.106, the Quick Response Training Program under s.  
2933 288.047, the Quick Response Training Program for participants in  
2934 the welfare transition program under s. 288.047(8),  
2935 transportation projects under s. 288.063, the brownfield  
2936 redevelopment bonus refund under s. 288.107, and the rural job  
2937 tax credit program under ss. 212.098 and 220.1895.

2938 (b) Designation as a rural area of critical economic  
2939 concern under this subsection shall be contingent upon the  
2940 execution of a memorandum of agreement among the Office of  
2941 Tourism, Trade, and Economic Development; the governing body of  
2942 the county; and the governing bodies of any municipalities to be  
2943 included within a rural area of critical economic concern. Such  
2944 agreement shall specify the terms and conditions of the  
2945 designation, including, but not limited to, the duties and  
2946 responsibilities of the county and any participating  
2947 municipalities to take actions designed to facilitate the  
2948 retention and expansion of existing businesses in the area, as  
2949 well as the recruitment of new businesses to the area.

2950 (c) Each rural area of critical economic concern may  
2951 designate catalyst projects provided that each catalyst project  
2952 is specifically recommended by REDI, identified as a catalyst  
2953 project by Enterprise Florida, Inc., and confirmed as a catalyst  
2954 project by the Office of Tourism, Trade, and Economic  
2955 Development. All state agencies and departments shall use all  
2956 available tools and resources to the extent permissible by law  
2957 to promote the creation and development of each catalyst project  
2958 and the development of catalyst sites.

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2959 (8) REDI shall assist local governments within rural areas  
2960 of critical economic concern with comprehensive planning needs  
2961 pursuant to s. 163.3184(20) and that implement the provisions of  
2962 this section. Such assistance shall reflect a multidisciplinary  
2963 approach among all agencies and shall include economic  
2964 development and planning objectives.

2965 (a) A local government may request assistance in the  
2966 preparation of plan amendments that will stimulate economic  
2967 activity.

2968 1. The local government must contact the Office of  
2969 Tourism, Trade, and Economic Development to request assistance.

2970 2. REDI representatives shall meet with the local  
2971 government within 15 days after such request to develop the  
2972 scope of assistance that will be provided to assist the  
2973 development, transmittal, and adoption of the proposed  
2974 comprehensive plan amendment.

2975 3. As part of the assistance provided, REDI  
2976 representatives shall also identify other needed local and  
2977 developer actions for approval of the project and recommend a  
2978 timeline for the local government and developer that will  
2979 minimize project delays.

2980 (b) In addition, REDI shall solicit requests each year for  
2981 assistance from local governments within a rural area of  
2982 critical economic concern to update the future land use element  
2983 and other associated elements of the local government's  
2984 comprehensive plan to better position the community to respond  
2985 to economic development potential within the county or  
2986 municipality. REDI shall provide direct assistance to such local

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2987 governments to update their comprehensive plans pursuant to this  
2988 paragraph. At least one comprehensive planning technical  
2989 assistance effort shall be selected each year.

2990 (c) REDI shall develop and annually update a technical  
2991 assistance manual based upon experiences learned in providing  
2992 direct assistance under this subsection.

2993 (9)(8) REDI shall submit a report to the Governor, the  
2994 President of the Senate, and the Speaker of the House of  
2995 Representatives each year on or before September ~~February~~ 1 on  
2996 all REDI activities for the prior fiscal year. This report shall  
2997 include a status report on all projects currently being  
2998 coordinated through REDI, the number of preferential awards and  
2999 allowances made pursuant to this section, the dollar amount of  
3000 such awards, and the names of the recipients. The report shall  
3001 also include a description of all waivers of program  
3002 requirements granted. The report shall also include information  
3003 as to the economic impact of the projects coordinated by REDI.

3004 Section 17. Paragraph (a) of subsection (7), paragraph (c)  
3005 of subsection (19), and paragraph (n) of subsection (24) of  
3006 section 380.06, Florida Statutes, are amended, and paragraph (v)  
3007 is added to subsection (24) of that section, to read:

3008 380.06 Developments of regional impact.--

3009 (7) PREAPPLICATION PROCEDURES.--

3010 (a) Before filing an application for development approval,  
3011 the developer shall contact the regional planning agency with  
3012 jurisdiction over the proposed development to arrange a  
3013 preapplication conference. Upon the request of the developer or  
3014 the regional planning agency, other affected state and regional  
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3015 agencies shall participate in this conference and shall identify  
3016 the types of permits issued by the agencies, the level of  
3017 information required, and the permit issuance procedures as  
3018 applied to the proposed development. The levels of service  
3019 required in the transportation methodology shall be the same  
3020 levels of service used to evaluate concurrency in accordance  
3021 with s. 163.3180. The regional planning agency shall provide the  
3022 developer information about the development-of-regional-impact  
3023 process and the use of preapplication conferences to identify  
3024 issues, coordinate appropriate state and local agency  
3025 requirements, and otherwise promote a proper and efficient  
3026 review of the proposed development. If agreement is reached  
3027 regarding assumptions and methodology to be used in the  
3028 application for development approval, the reviewing agencies may  
3029 not subsequently object to those assumptions and methodologies  
3030 unless subsequent changes to the project or information obtained  
3031 during the review make those assumptions and methodologies  
3032 inappropriate.

3033 (19) SUBSTANTIAL DEVIATIONS.--

3034 (c) An extension of the date of buildout of a development,  
3035 or any phase thereof, by more than 7 years is presumed to create  
3036 a substantial deviation subject to further development-of-  
3037 regional-impact review. An extension of the date of buildout, or  
3038 any phase thereof, of more than 5 years but not more than 7  
3039 years is presumed not to create a substantial deviation. The  
3040 extension of the date of buildout of an areawide development of  
3041 regional impact by more than 5 years but less than 10 years is  
3042 presumed not to create a substantial deviation. These

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3043 presumptions may be rebutted by clear and convincing evidence at  
3044 the public hearing held by the local government. An extension of  
3045 5 years or less is not a substantial deviation. For the purpose  
3046 of calculating when a buildout or phase date has been exceeded,  
3047 the time shall be tolled during the pendency of administrative  
3048 or judicial proceedings relating to development permits. Any  
3049 extension of the buildout date of a project or a phase thereof  
3050 shall automatically extend the commencement date of the project,  
3051 the termination date of the development order, the expiration  
3052 date of the development of regional impact, and the phases  
3053 thereof if applicable by a like period of time. In recognition  
3054 of the 2007 real estate market conditions, all development order  
3055 phase, buildout, commencement, and expiration dates and all  
3056 related local government approvals for projects that are  
3057 developments of regional impact or Florida Quality Developments  
3058 and under active construction on July 1, 2007, or for which a  
3059 development order was adopted between January 1, 2006, and July  
3060 1, 2007, regardless of whether or not active construction has  
3061 commenced, are extended for 3 years regardless of any prior  
3062 extension. The 3-year extension is not a substantial deviation,  
3063 is not subject to further development-of-regional-impact review,  
3064 and may not be considered when determining whether a subsequent  
3065 extension is a substantial deviation under this subsection. This  
3066 extension also applies to all associated local government  
3067 approvals, including, but not limited to, agreements,  
3068 certificates, and permits related to the project.

3069 (24) STATUTORY EXEMPTIONS.--

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3070 (n) Any proposed development or redevelopment within an  
3071 area designated in the comprehensive plan as an urban  
3072 redevelopment area, a downtown revitalization area, an urban  
3073 infill area, or an urban infill and redevelopment area under s.  
3074 163.2517 is exempt from this section ~~if the local government has~~  
3075 ~~entered into a binding agreement with jurisdictions that would~~  
3076 ~~be impacted and the Department of Transportation regarding the~~  
3077 ~~mitigation of impacts on state and regional transportation~~  
3078 ~~facilities, and has adopted a proportionate share methodology~~  
3079 ~~pursuant to s. 163.3180(16).~~

3080 (v) Any development or change to a previously approved  
3081 development of regional impact that is proposed for at least two  
3082 uses, one of which is for use as an office, university medical  
3083 school, hospital, or laboratory appropriate for research and  
3084 development of medical technology, biotechnology, or life  
3085 science applications is exempt from this section if:

3086 1. The land is located in a designated urban infill area  
3087 or within 5 miles of a state-supported biotechnical research  
3088 facility or if a local government having jurisdiction  
3089 recognizes, by resolution, that the land is located in a  
3090 compact, high-intensity, and high-density multiuse area that is  
3091 appropriate for intensive growth.

3092 2. The land is located within three-fourths of 1 mile from  
3093 one or more planned or programmed bus or light rail transit  
3094 stops.

3095 3. The development is registered with the United States  
3096 Green Building Council and there is an intent to apply for  
3097 certification of each building under the Leadership in Energy

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3098 and Environmental Design rating program, or the development is  
3099 registered by an alternate green building or development rating  
3100 system that a local government having jurisdiction finds  
3101 appropriate, by resolution.

3102  
3103 If a use is exempt from review as a development of regional  
3104 impact under paragraphs (a)-(u)~~(a)-(t)~~, but will be part of a  
3105 larger project that is subject to review as a development of  
3106 regional impact, the impact of the exempt use must be included  
3107 in the review of the larger project.

3108 Section 18. Paragraph (f) of subsection (3) of section  
3109 380.0651, Florida Statutes, is amended to read:

3110 380.0651 Statewide guidelines and standards.--

3111 (3) The following statewide guidelines and standards shall  
3112 be applied in the manner described in s. 380.06(2) to determine  
3113 whether the following developments shall be required to undergo  
3114 development-of-regional-impact review:

3115 (f) Hotel or motel development.--

3116 1. Any proposed hotel or motel development that is planned  
3117 to create or accommodate 350 or more units; ~~or~~

3118 2. Any proposed hotel or motel development that is planned  
3119 to create or accommodate 750 or more units, in a county with a  
3120 population greater than 500,000 but not exceeding 1.5 million;  
3121 or

3122 3. Any proposed hotel or motel development that is planned  
3123 to create or accommodate 750 or more units, in a county with a  
3124 population greater than 1.5 million, and only in a geographic  
3125 area specifically designated as highly suitable for increased

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3126 threshold intensity in the approved local comprehensive plan and  
3127 in the strategic regional policy plan.

3128 Section 19. Subsection (13) is added to section 403.121,  
3129 Florida Statutes, to read:

3130 403.121 Enforcement; procedure; remedies.--The department  
3131 shall have the following judicial and administrative remedies  
3132 available to it for violations of this chapter, as specified in  
3133 s. 403.161(1).

3134 (13) Any party subject to an executed consent order of the  
3135 Department of Environmental Protection under chapter 373 or this  
3136 chapter, pursuant to which a building permit is necessary to  
3137 comply with the consent order for any existing operation,  
3138 including nonconforming uses and structures, shall not be  
3139 required to undergo or obtain site plan approval, conditional  
3140 use, special exception, special permit, or other similar zoning  
3141 approvals as a condition to issuance of the building permit.

3142 Section 20. Subsection (5) of section 420.615, Florida  
3143 Statutes, is amended to read:

3144 420.615 Affordable housing land donation density bonus  
3145 incentives.--

3146 (5) The local government, as part of the approval process,  
3147 shall adopt a comprehensive plan amendment, pursuant to part II  
3148 of chapter 163, for the receiving land that incorporates the  
3149 density bonus. Such amendment shall be deemed a small scale  
3150 amendment, shall be subject only to the requirements of adopted  
3151 in the manner as required for small scale amendments pursuant to  
3152 s. 163.3187(1)(b)3.b. and c., is not subject to the requirements  
3153 of s. 163.3184(3)-(11)(3)-(6), and is exempt from s.

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3154 163.3187(1)(b)3.a. and from the limitation on the frequency of  
3155 plan amendments as provided in s. 163.3187. An affected person  
3156 as defined in s. 163.3184 may file a petition for administrative  
3157 review pursuant to s. 163.3187(3) to challenge the compliance of  
3158 an adopted plan amendment.

3159 Section 21. Subsection (2) of section 257.193, Florida  
3160 Statutes, is amended to read:

3161 257.193 Community Libraries in Caring Program.--

3162 (2) The purpose of the Community Libraries in Caring  
3163 Program is to assist libraries in rural communities, as defined  
3164 in s. 288.0656(2)(e) ~~288.0656(2)(b)~~ and subject to the  
3165 provisions of s. 288.06561, to strengthen their collections and  
3166 services, improve literacy in their communities, and improve the  
3167 economic viability of their communities.

3168 Section 22. Section 288.019, Florida Statutes, is amended  
3169 to read:

3170 288.019 Rural considerations in grant review and  
3171 evaluation processes.--

3172 (1) Notwithstanding any other law, and to the fullest  
3173 extent possible, the member agencies and organizations of the  
3174 Rural Economic Development Initiative (REDI) as defined in s.  
3175 288.0656(6)(a) shall review all grant and loan application  
3176 evaluation criteria to ensure the fullest access for rural  
3177 counties as defined in s. 288.0656(2)(e) ~~288.0656(2)(b)~~ to  
3178 resources available throughout the state.

3179 (2)~~(1)~~ Each REDI agency and organization shall review all  
3180 evaluation and scoring procedures and develop modifications to

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3181 those procedures which minimize the impact of a project within a  
3182 rural area.

3183 ~~(a)(2)~~ Evaluation criteria and scoring procedures must  
3184 provide for an appropriate ranking based on the proportionate  
3185 impact that projects have on a rural area when compared with  
3186 similar project impacts on an urban area.

3187 ~~(b)(3)~~ Evaluation criteria and scoring procedures must  
3188 recognize the disparity of available fiscal resources for an  
3189 equal level of financial support from an urban county and a  
3190 rural county.

3191 ~~1.(a)~~ The evaluation criteria should weight contribution  
3192 in proportion to the amount of funding available at the local  
3193 level.

3194 ~~2.(b)~~ In-kind match should be allowed and applied as  
3195 financial match when a county is experiencing financial distress  
3196 through elevated unemployment at a rate in excess of the state's  
3197 average by 5 percentage points or because of the loss of its ad  
3198 valorem base.

3199 ~~(c)(4)~~ For existing programs, the modified evaluation  
3200 criteria and scoring procedure must be delivered to the Office  
3201 of Tourism, Trade, and Economic Development for distribution to  
3202 the REDI agencies and organizations. The REDI agencies and  
3203 organizations shall review and make comments. Future rules,  
3204 programs, evaluation criteria, and scoring processes must be  
3205 brought before a REDI meeting for review, discussion, and  
3206 recommendation to allow rural counties fuller access to the  
3207 state's resources.

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3208 Section 23. Section 288.06561, Florida Statutes, is  
3209 amended to read:

3210 288.06561 Reduction or waiver of financial match  
3211 requirements.--

3212 (1) Notwithstanding any other law, the member agencies and  
3213 organizations of the Rural Economic Development Initiative  
3214 (REDI), as defined in s. 288.0656(6)(a), shall review the  
3215 financial match requirements for projects in rural areas as  
3216 defined in s. 288.0656(2)(e) ~~288.0656(2)(b)~~.

3217 (2)~~(1)~~ Each agency and organization shall develop a  
3218 proposal to waive or reduce the match requirement for rural  
3219 areas.

3220 (3)~~(2)~~ Agencies and organizations shall ensure that all  
3221 proposals are submitted to the Office of Tourism, Trade, and  
3222 Economic Development for review by the REDI agencies.

3223 (4)~~(3)~~ These proposals shall be delivered to the Office of  
3224 Tourism, Trade, and Economic Development for distribution to the  
3225 REDI agencies and organizations. A meeting of REDI agencies and  
3226 organizations must be called within 30 days after receipt of  
3227 such proposals for REDI comment and recommendations on each  
3228 proposal.

3229 (5)~~(4)~~ Waivers and reductions must be requested by the  
3230 county or community, and such county or community must have  
3231 three or more of the factors identified in s. 288.0656(2)(c)  
3232 ~~288.0656(2)(a)~~.

3233 (6)~~(5)~~ Any other funds available to the project may be  
3234 used for financial match of federal programs when there is

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3235 fiscal hardship, and the match requirements may not be waived or  
3236 reduced.

3237 ~~(7)(6)~~ When match requirements are not reduced or  
3238 eliminated, donations of land, though usually not recognized as  
3239 an in-kind match, may be permitted.

3240 ~~(8)(7)~~ To the fullest extent possible, agencies and  
3241 organizations shall expedite the rule adoption and amendment  
3242 process if necessary to incorporate the reduction in match by  
3243 rural areas in fiscal distress.

3244 ~~(9)(8)~~ REDI shall include in its annual report an  
3245 evaluation on the status of changes to rules, number of awards  
3246 made with waivers, and recommendations for future changes.

3247 Section 24. Paragraph (b) of subsection (4) of section  
3248 339.2819, Florida Statutes, is amended to read:

3249 339.2819 Transportation Regional Incentive Program.--

3250 (4)

3251 (b) In allocating Transportation Regional Incentive  
3252 Program funds, priority shall be given to projects that:

3253 1. Provide connectivity to the Strategic Intermodal System  
3254 developed under s. 339.64.

3255 2. Support economic development and the movement of goods  
3256 in rural areas of critical economic concern designated under s.  
3257 288.0656(7)(a) ~~288.0656(7)~~.

3258 3. Are subject to a local ordinance that establishes  
3259 corridor management techniques, including access management  
3260 strategies, right-of-way acquisition and protection measures,  
3261 appropriate land use strategies, zoning, and setback  
3262 requirements for adjacent land uses.

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3263 4. Improve connectivity between military installations and  
3264 the Strategic Highway Network or the Strategic Rail Corridor  
3265 Network.

3266 Section 25. Paragraph (d) of subsection (15) of section  
3267 627.6699, Florida Statutes, is amended to read:

3268 627.6699 Employee Health Care Access Act.--

3269 (15) SMALL EMPLOYERS ACCESS PROGRAM.--

3270 (d) Eligibility.--

3271 1. Any small employer that is actively engaged in  
3272 business, has its principal place of business in this state,  
3273 employs up to 25 eligible employees on business days during the  
3274 preceding calendar year, employs at least 2 employees on the  
3275 first day of the plan year, and has had no prior coverage for  
3276 the last 6 months may participate.

3277 2. Any municipality, county, school district, or hospital  
3278 employer located in a rural community as defined in s.  
3279 288.0656(2)(e) ~~288.0656(2)(b)~~ may participate.

3280 3. Nursing home employers may participate.

3281 4. Each dependent of a person eligible for coverage is  
3282 also eligible to participate.

3283  
3284 Any employer participating in the program must do so until the  
3285 end of the term for which the carrier providing the coverage is  
3286 obligated to provide such coverage to the program. Coverage for  
3287 a small employer group that ceases to meet the eligibility  
3288 requirements of this section may be terminated at the end of the  
3289 policy period for which the necessary premiums have been paid.

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3290 Section 26. Paragraph (m) of subsection (3) of section  
3291 125.0104, Florida Statutes, is amended to read:

3292 125.0104 Tourist development tax; procedure for levying;  
3293 authorized uses; referendum; enforcement.--

3294 (3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.--

3295 (m)1. In addition to any other tax which is imposed  
3296 pursuant to this section, a high tourism impact county may  
3297 impose an additional 1-percent tax on the exercise of the  
3298 privilege described in paragraph (a) by extraordinary vote of  
3299 the governing board of the county. The tax revenues received  
3300 pursuant to this paragraph shall be used for one or more of the  
3301 authorized uses pursuant to subsection (5). In addition, any  
3302 high tourism impact county that is designated as an area of  
3303 critical state concern pursuant to chapter 380 may also utilize  
3304 revenues received pursuant to this paragraph for affordable or  
3305 workforce housing as defined in chapter 420, or for affordable,  
3306 workforce, or employee housing as defined in any adopted  
3307 comprehensive plan, land development regulation, or local  
3308 housing assistance plan. Such authority for the use of revenues  
3309 for workforce, affordable, or employee housing shall extend for  
3310 10 years after the date of any de-designation of a location as  
3311 an area of critical state concern, or for the period of time  
3312 required under any bond or other financing issued in accordance  
3313 with or based upon the authority granted pursuant to the  
3314 provisions of this section. Revenues derived pursuant to this  
3315 paragraph shall be bondable in accordance with other laws  
3316 regarding revenue bonding. Should a high tourism impact county  
3317 designated as an area of critical state concern enact the tax

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3318 specified in this paragraph, the revenue generated shall be  
3319 distributed among incorporated and unincorporated areas based on  
3320 the location of the living quarters or accommodations that are  
3321 leased or rented. However, nothing in this paragraph shall  
3322 preclude an interlocal agreement between local governments for  
3323 the use of funds received pursuant to this paragraph in a manner  
3324 that addresses the provision of affordable and workforce housing  
3325 opportunities on a regional basis or in accordance with a  
3326 multijurisdictional housing strategy, program, or policy.

3327       2. A county is considered to be a high tourism impact  
3328 county after the Department of Revenue has certified to such  
3329 county that the sales subject to the tax levied pursuant to this  
3330 section exceeded \$600 million during the previous calendar year,  
3331 or were at least 18 percent of the county's total taxable sales  
3332 under chapter 212 where the sales subject to the tax levied  
3333 pursuant to this section were a minimum of \$200 million, except  
3334 that no county authorized to levy a convention development tax  
3335 pursuant to s. 212.0305 shall be considered a high tourism  
3336 impact county. Once a county qualifies as a high tourism impact  
3337 county, it shall retain this designation for the period the tax  
3338 is levied pursuant to this paragraph.

3339       3. The provisions of paragraphs (4)(a)-(d) shall not apply  
3340 to the adoption of the additional tax authorized in this  
3341 paragraph. The effective date of the levy and imposition of the  
3342 tax authorized under this paragraph shall be the first day of  
3343 the second month following approval of the ordinance by the  
3344 governing board or the first day of any subsequent month as may  
3345 be specified in the ordinance. A certified copy of such

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3346 ordinance shall be furnished by the county to the Department of  
3347 Revenue within 10 days after approval of such ordinance.

3348 Section 27. Subsection (4) of section 159.807, Florida  
3349 Statutes, is amended to read:

3350 159.807 State allocation pool.--

3351 (4)(a) The state allocation pool shall also be used to  
3352 provide written confirmations for private activity bonds that  
3353 are to be issued by state agencies after June 1, which bonds,  
3354 notwithstanding any other provisions of this part, shall receive  
3355 priority in the use of the pool available at the time the notice  
3356 of intent to issue such bonds is filed with the division.

3357 ~~(b) This subsection does not apply to the Florida Housing~~  
3358 ~~Finance Corporation.~~

3359 ~~1. Until its allocation pursuant to s. 159.804(3) has been~~  
3360 ~~exhausted, is unavailable, or is inadequate to provide an~~  
3361 ~~allocation pursuant to s. 159.804(3) and any carryforwards of~~  
3362 ~~volume limitation from prior years for the same carryforward~~  
3363 ~~purpose, as that term is defined in s. 146 of the Code, as the~~  
3364 ~~bonds it intends to issue have been completely utilized or have~~  
3365 ~~expired.~~

3366 ~~2. Prior to July 1 of any year, when housing bonds for~~  
3367 ~~which the Florida Housing Finance Corporation has made an~~  
3368 ~~assignment of its allocation permitted by s. 159.804(3)(c) have~~  
3369 ~~not been issued.~~

3370 Section 28. Section 193.018, Florida Statutes, is created  
3371 to read:

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3372 193.018 Land owned by a community land trust used to  
3373 provide affordable housing; assessment; structural improvements,  
3374 condominium parcels, and cooperative parcels.--

3375 (1) As used in this section, the term "community land  
3376 trust" means a nonprofit entity that is qualified as charitable  
3377 under s. 501(c)(3) of the Internal Revenue Code and has as one  
3378 of its purposes the acquisition of land to be held in perpetuity  
3379 for the primary purpose of providing affordable homeownership.

3380 (2) A community land trust may convey structural  
3381 improvements, condominium parcels, or cooperative parcels, that  
3382 are located on specific parcels of land that are identified by a  
3383 legal description contained in and subject to a ground lease  
3384 having a term of at least 99 years, for the purpose of providing  
3385 affordable housing to natural persons or families who meet the  
3386 extremely-low, very-low, low, or moderate income limits  
3387 specified in s. 420.0004, or the income limits for workforce  
3388 housing, as defined in s. 420.5095(3). A community land trust  
3389 shall retain a preemptive option to purchase any structural  
3390 improvements, condominium parcels, or cooperative parcels on the  
3391 land at a price determined by a formula specified in the ground  
3392 lease which is designed to ensure that the structural  
3393 improvements, condominium parcels, or cooperative parcels remain  
3394 affordable.

3395 (3) In arriving at just valuation under s. 193.011, a  
3396 structural improvement, condominium parcel, or cooperative  
3397 parcel providing affordable housing on land owned by a community  
3398 land trust, and the land owned by a community land trust that is

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3399 subject to a 99-year or longer ground lease, shall be assessed  
3400 using the following criteria:

3401 (a) The amount a willing purchase would pay a willing  
3402 seller for the land is limited to an amount commensurate with  
3403 the terms of the ground lease that restricts the use of the land  
3404 to the provision of affordable housing in perpetuity.

3405 (b) The amount a willing purchaser would pay a willing  
3406 seller for resale-restricted improvements, condominium parcels,  
3407 or cooperative parcels is limited to the amount determined by  
3408 the formula in the ground lease.

3409 (c) If the ground lease and all amendments and supplements  
3410 thereto, or a memorandum documenting how such lease and  
3411 amendments or supplements restrict the price at which the  
3412 improvements, condominium parcels, or cooperative parcels may be  
3413 sold, is recorded in the official public records of the county  
3414 in which the leased land is located, the recorded lease and any  
3415 amendments and supplements, or the recorded memorandum, shall be  
3416 deemed a land use regulation during the term of the lease as  
3417 amended or supplemented.

3418 Section 29. Paragraph (d) of subsection (2) of section  
3419 212.055, Florida Statutes, is amended to read:

3420 212.055 Discretionary sales surtaxes; legislative intent;  
3421 authorization and use of proceeds.--It is the legislative intent  
3422 that any authorization for imposition of a discretionary sales  
3423 surtax shall be published in the Florida Statutes as a  
3424 subsection of this section, irrespective of the duration of the  
3425 levy. Each enactment shall specify the types of counties  
3426 authorized to levy; the rate or rates which may be imposed; the

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3427 maximum length of time the surtax may be imposed, if any; the  
3428 procedure which must be followed to secure voter approval, if  
3429 required; the purpose for which the proceeds may be expended;  
3430 and such other requirements as the Legislature may provide.  
3431 Taxable transactions and administrative procedures shall be as  
3432 provided in s. 212.054.

3433 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

3434 (d)~~1~~. The proceeds of the surtax authorized by this  
3435 subsection and any accrued interest ~~accrued thereto~~ shall be  
3436 expended by the school district, ~~or~~ within the county and  
3437 municipalities within the county, or, in the case of a  
3438 negotiated joint county agreement, within another county, to  
3439 finance, plan, and construct infrastructure; ~~and~~ to acquire land  
3440 for public recreation, ~~or~~ conservation, or protection of natural  
3441 resources; ~~or~~ ~~and~~ to finance the closure of county-owned or  
3442 municipally owned solid waste landfills that have been ~~are~~  
3443 already closed or are required to be closed ~~close~~ by order of  
3444 the Department of Environmental Protection. Any use of the ~~such~~  
3445 proceeds or interest for purposes of landfill closure before  
3446 ~~prior to~~ July 1, 1993, is ratified. ~~Neither~~ The proceeds ~~and~~ ~~nor~~  
3447 any interest may not ~~accrued thereto shall~~ be used for the  
3448 operational expenses of ~~any~~ infrastructure, except that a ~~any~~  
3449 county that has ~~with~~ a population of fewer ~~less~~ than 75,000 and  
3450 that is required to close a landfill ~~by order of the Department~~  
3451 ~~of Environmental Protection~~ may use the proceeds or ~~any~~ interest  
3452 ~~accrued thereto~~ for long-term maintenance costs associated with  
3453 landfill closure. Counties, as defined in s. 125.011 ~~s.~~

3454 ~~125.011(1)~~, and charter counties may, in addition, use the  
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3455 proceeds or ~~and any~~ interest ~~accrued thereto~~ to retire or  
3456 service indebtedness incurred for bonds issued before ~~prior to~~  
3457 July 1, 1987, for infrastructure purposes, and for bonds  
3458 subsequently issued to refund such bonds. Any use of the ~~such~~  
3459 proceeds or interest for purposes of retiring or servicing  
3460 indebtedness incurred for ~~such~~ refunding bonds before ~~prior to~~  
3461 July 1, 1999, is ratified.

3462 1.2. For the purposes of this paragraph, the term  
3463 "infrastructure" means:

3464 a. Any fixed capital expenditure or fixed capital outlay  
3465 associated with the construction, reconstruction, or improvement  
3466 of public facilities that have a life expectancy of 5 or more  
3467 years and any related land acquisition, land improvement,  
3468 design, and engineering costs ~~related thereto~~.

3469 b. A fire department vehicle, an emergency medical service  
3470 vehicle, a sheriff's office vehicle, a police department  
3471 vehicle, or any other vehicle, and the ~~such~~ equipment necessary  
3472 to outfit the vehicle for its official use or equipment that has  
3473 a life expectancy of at least 5 years.

3474 c. Any expenditure for the construction, lease, or  
3475 maintenance of, or provision of utilities or security for,  
3476 facilities, as defined in s. 29.008.

3477 d. Any fixed capital expenditure or fixed capital outlay  
3478 associated with the improvement of private facilities that have  
3479 a life expectancy of 5 or more years and that the owner agrees  
3480 to make available for use on a temporary basis as needed by a  
3481 local government as a public emergency shelter or a staging area  
3482 for emergency response equipment during an emergency officially

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3483 declared by the state or by the local government under s.  
3484 252.38. Such improvements ~~under this sub-subparagraph~~ are  
3485 limited to those necessary to comply with current standards for  
3486 public emergency evacuation shelters. The owner must ~~shall~~ enter  
3487 into a written contract with the local government providing the  
3488 improvement funding to make the ~~such~~ private facility available  
3489 to the public for purposes of emergency shelter at no cost to  
3490 the local government for a minimum ~~period~~ of 10 years after  
3491 completion of the improvement, with the provision that the ~~such~~  
3492 obligation will transfer to any subsequent owner until the end  
3493 of the minimum period.

3494 e. Any land expenditure acquisition for a residential  
3495 housing project in which at least 30 percent of the units are  
3496 affordable to individuals or families whose total annual  
3497 household income does not exceed 120 percent of the area median  
3498 income adjusted for household size, if the land is owned by a  
3499 local government or by a special district that enters into a  
3500 written agreement with the local government to provide such  
3501 housing. The local government or special district may enter into  
3502 a ground lease with a public or private person or entity for  
3503 nominal or other consideration for the construction of the  
3504 residential housing project on land acquired pursuant to this  
3505 sub-subparagraph..

3506 2.3- Notwithstanding any other provision of this  
3507 subsection, a local government infrastructure discretionary  
3508 ~~sales~~ surtax imposed or extended after July 1, 1998, ~~the~~  
3509 ~~effective date of this act~~ may allocate up to ~~provide for an~~  
3510 ~~amount not to exceed~~ 15 percent of the ~~local option sales~~ surtax  
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3511 proceeds ~~to be allocated~~ for deposit in ~~to~~ a trust fund within  
3512 the county's accounts created for the purpose of funding  
3513 economic development projects having ~~of~~ a general public purpose  
3514 of improving ~~targeted to improve~~ local economies, including the  
3515 funding of operational costs and incentives related to ~~such~~  
3516 economic development. The ballot statement must indicate the  
3517 intention to make an allocation under the authority of this  
3518 subparagraph.

3519 Section 30. Present subsections (25) through (41) of  
3520 section 420.503, Florida Statutes, are redesignated as  
3521 subsections (26) through (42), respectively, and a new  
3522 subsection (25) is added to that section to read:

3523 420.503 Definitions.--As used in this part, the term:

3524 (25) "Moderate rehabilitation" means repair or restoration  
3525 of a dwelling unit when the value of such repair or restoration  
3526 is 40 percent or less of the value of the dwelling but not less  
3527 than \$10,000 per dwelling unit.

3528 Section 31. Subsection (47) is added to section 420.507,  
3529 Florida Statutes, to read:

3530 420.507 Powers of the corporation.--The corporation shall  
3531 have all the powers necessary or convenient to carry out and  
3532 effectuate the purposes and provisions of this part, including  
3533 the following powers which are in addition to all other powers  
3534 granted by other provisions of this part:

3535 (47) To develop and administer the Florida Public Housing  
3536 Authority Preservation Grant Program. In developing and  
3537 administering the program, the corporation may:



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3538       (a) Develop criteria for determining the priority for  
3539 expending grants to preserve and rehabilitate 30-year and older  
3540 buildings and units under public housing authority control as  
3541 defined in chapter 421.

3542       (b) Adopt rules for the grant program and exercise the  
3543 powers authorized in this section.

3544       Section 32. Paragraphs (c) and (1) of subsection (6) of  
3545 section 420.5087, Florida Statutes, are amended to read:

3546       420.5087 State Apartment Incentive Loan Program.--There is  
3547 hereby created the State Apartment Incentive Loan Program for  
3548 the purpose of providing first, second, or other subordinated  
3549 mortgage loans or loan guarantees to sponsors, including for-  
3550 profit, nonprofit, and public entities, to provide housing  
3551 affordable to very-low-income persons.

3552       (6) On all state apartment incentive loans, except loans  
3553 made to housing communities for the elderly to provide for  
3554 lifesafety, building preservation, health, sanitation, or  
3555 security-related repairs or improvements, the following  
3556 provisions shall apply:

3557       (c) The corporation shall provide by rule for the  
3558 establishment of a review committee composed of the department  
3559 and corporation staff and shall establish by rule a scoring  
3560 system for evaluation and competitive ranking of applications  
3561 submitted in this program, including, but not limited to, the  
3562 following criteria:

3563       1. Tenant income and demographic targeting objectives of  
3564 the corporation.

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3565           2. Targeting objectives of the corporation which will  
3566 ensure an equitable distribution of loans between rural and  
3567 urban areas.

3568           3. Sponsor's agreement to reserve the units for persons or  
3569 families who have incomes below 50 percent of the state or local  
3570 median income, whichever is higher, for a time period to exceed  
3571 the minimum required by federal law or the provisions of this  
3572 part.

3573           4. Sponsor's agreement to reserve more than:

3574           a. Twenty percent of the units in the project for persons  
3575 or families who have incomes that do not exceed 50 percent of  
3576 the state or local median income, whichever is higher; or

3577           b. Forty percent of the units in the project for persons  
3578 or families who have incomes that do not exceed 60 percent of  
3579 the state or local median income, whichever is higher, without  
3580 requiring a greater amount of the loans as provided in this  
3581 section.

3582           5. Provision for tenant counseling.

3583           6. Sponsor's agreement to accept rental assistance  
3584 certificates or vouchers as payment for rent.

3585           7. Projects requiring the least amount of a state  
3586 apartment incentive loan compared to overall project cost except  
3587 that the share of the loan attributable to units serving  
3588 extremely-low-income persons shall be excluded from this  
3589 requirement.

3590           8. Local government contributions and local government  
3591 comprehensive planning and activities that promote affordable  
3592 housing.

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- 3593 9. Project feasibility.  
3594 10. Economic viability of the project.  
3595 11. Commitment of first mortgage financing.  
3596 12. Sponsor's prior experience.  
3597 13. Sponsor's ability to proceed with construction.  
3598 14. Projects that directly implement or assist welfare-to-  
3599 work transitioning.  
3600 15. Projects that reserve units for extremely-low-income  
3601 persons.  
3602 16. Projects that include green building principles,  
3603 storm-resistant construction, or other elements that reduce  
3604 long-term costs relating to maintenance, utilities, or  
3605 insurance.

3606 (1) The proceeds of all loans shall be used for new  
3607 construction, moderate rehabilitation, or substantial  
3608 rehabilitation which creates or preserves affordable, safe, and  
3609 sanitary housing units.

3610 Section 33. Subsection (17) is added to section 420.5095,  
3611 Florida Statutes, to read:

3612 420.5095 Community Workforce Housing Innovation Pilot  
3613 Program.--

3614 (17)(a) Funds appropriated by s. 33, chapter 2006-69, Laws  
3615 of Florida, that were awarded but have been declined or returned  
3616 shall be made available for projects that otherwise comply with  
3617 the provisions of this section and that are created to provide  
3618 workforce housing for teachers and instructional personnel  
3619 employed by the school district in the county in which the  
3620 project is located.

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3621 (b) Projects shall be given priority for funding when the  
3622 school district provides the property for the project pursuant  
3623 to s. 1001.43.

3624 (c) Projects shall be given priority for funding when the  
3625 public-private partnership includes the school district and a  
3626 national nonprofit organization to provide financial support,  
3627 technical assistance, and training for community-based  
3628 revitalization efforts.

3629 (d) Projects in counties which had a project selected for  
3630 funding that declined or returned funds shall be given priority  
3631 for funding.

3632 (e) Projects shall be selected for funding by requests for  
3633 proposals.

3634 Section 34. Subsection (5) of section 420.615, Florida  
3635 Statutes, is amended to read:

3636 420.615 Affordable housing land donation density bonus  
3637 incentives.--

3638 (5) The local government, as part of the approval process,  
3639 shall adopt a comprehensive plan amendment, pursuant to part II  
3640 of chapter 163, for the receiving land that incorporates the  
3641 density bonus. Such amendment shall be deemed by operation of  
3642 law a small scale amendment, shall be subject only to the  
3643 requirements of adopted in the manner as required for small-  
3644 scale amendments pursuant to s. 163.3187(1)(c)2. and 3., is not  
3645 subject to the requirements of s. 163.3184(3)-(11)(3)-(6), and  
3646 is exempt from s. 163.3187(1)(c)1. and the limitation on the  
3647 frequency of plan amendments as provided in s. 163.3187. An  
3648 affected person, as defined in s. 163.3184(1), may file a

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3649 petition for administrative review pursuant to the requirements  
3650 of s. 163.3187(3) to challenge the compliance of an adopted plan  
3651 amendment.

3652 Section 35. Section 420.628, Florida Statutes, is created  
3653 to read:

3654 420.628 Affordable housing for children and young adults  
3655 leaving foster care; legislative findings and intent.--

3656 (1) The Legislature finds that there are many young adults  
3657 who, through no fault of their own, live in foster families,  
3658 group homes, and institutions and who face numerous barriers to  
3659 a successful transition to adulthood.

3660 (2) These youth in foster care are among those who may  
3661 enter adulthood without the knowledge, skills, attitudes,  
3662 habits, and relationships that will enable them to be productive  
3663 members of society.

3664 (3) The main barriers to safe and affordable housing for  
3665 youth aging out of the foster care system are cost, lack of  
3666 availability, the unwillingness of many landlords to rent to  
3667 them, and their own lack of knowledge about how to be good  
3668 tenants.

3669 (4) The Legislature also finds that young adults who  
3670 emancipate from the child welfare system are at risk of becoming  
3671 homeless and those who were formerly in foster care are  
3672 disproportionately represented in the homeless population.  
3673 Without the stability of safe housing, all other services,  
3674 training, and opportunities may not be effective.

3675 (5) The Legislature further finds that making affordable  
3676 housing available for young adults who transition from foster

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3677 care decreases their chance of homelessness and may increase  
3678 their ability to live independently in the future.

3679 (6) The Legislature finds that the Road-to-Independence  
3680 Program, as described in s. 409.1451, is similar to the Job  
3681 Training Partnership Act for purposes of s. 42(i)(3)(D)(i)(II)  
3682 of the Internal Revenue Code.

3683 (7) The Legislature affirms that young adults  
3684 transitioning out of foster care are to be considered eligible  
3685 persons, as defined in ss. 420.503(17) and 420.9071(10), for  
3686 affordable housing purposes and shall be encouraged to  
3687 participate in state, federal, and local affordable housing  
3688 programs.

3689 (8) It is therefore the intent of the Legislature to  
3690 encourage the Florida Housing Finance Corporation, State Housing  
3691 Initiative Partnership Program agencies, local housing finance  
3692 agencies, public housing authorities and their agents,  
3693 developers, and other providers of affordable housing to make  
3694 affordable housing available to youth transitioning out of  
3695 foster care whenever and wherever possible.

3696 (9) The Florida Housing Finance Corporation, State Housing  
3697 Initiative Partnership Program agencies, local housing finance  
3698 agencies, and public housing authorities shall coordinate with  
3699 the Department of Children and Family Services and their agents  
3700 and community-based care providers who are operating pursuant to  
3701 s. 409.1671 to develop and implement strategies and procedures  
3702 designed to increase affordable housing opportunities for young  
3703 adults who are leaving the child welfare system.

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3704 Section 36. Subsections (4), (8), (16), and (25) of  
3705 section 420.9071, Florida Statutes, are amended, and subsections  
3706 (29) and (30) are added to that section, to read:

3707 420.9071 Definitions.--As used in ss. 420.907-420.9079,  
3708 the term:

3709 (4) "Annual gross income" means annual income as defined  
3710 under the Section 8 housing assistance payments programs in 24  
3711 C.F.R. part 5; annual income as reported under the census long  
3712 form for the recent available decennial census; ~~or~~ adjusted  
3713 gross income as defined for purposes of reporting under Internal  
3714 Revenue Service Form 1040 for individual federal annual income  
3715 tax purposes or as defined by standard practices used in the  
3716 lending industry as detailed in the local housing assistance  
3717 plan and approved by the corporation. Counties and eligible  
3718 municipalities shall calculate income by annualizing verified  
3719 sources of income for the household as the amount of income to  
3720 be received in a household during the 12 months following the  
3721 effective date of the determination.

3722 (8) "Eligible housing" means any real and personal  
3723 property located within the county or the eligible municipality  
3724 which is designed and intended for the primary purpose of  
3725 providing decent, safe, and sanitary residential units that are  
3726 designed to meet the standards of the Florida Building Code or a  
3727 predecessor building code adopted under chapter 553, or  
3728 manufactured housing constructed after June 1994 and installed  
3729 in accordance with mobile home installation standards of the  
3730 Department of Highway Safety and Motor Vehicles, for home  
3731 ownership or rental for eligible persons as designated by each  
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3732 county or eligible municipality participating in the State  
3733 Housing Initiatives Partnership Program.

3734 (16) "Local housing incentive strategies" means local  
3735 regulatory reform or incentive programs to encourage or  
3736 facilitate affordable housing production, which include at a  
3737 minimum, assurance that permits as defined in s. 163.3164(7) and  
3738 (8) for affordable housing projects are expedited to a greater  
3739 degree than other projects; an ongoing process for review of  
3740 local policies, ordinances, regulations, and plan provisions  
3741 that increase the cost of housing prior to their adoption; and a  
3742 schedule for implementing the incentive strategies. Local  
3743 housing incentive strategies may also include other regulatory  
3744 reforms, such as those enumerated in s. 420.9076 or those  
3745 recommended by the affordable housing advisory committee in its  
3746 triennial evaluation and adopted by the local governing body.

3747 (25) "Recaptured funds" means funds that are recouped by a  
3748 county or eligible municipality in accordance with the recapture  
3749 provisions of its local housing assistance plan pursuant to s.  
3750 420.9075(5) (h) ~~(g)~~ from eligible persons or eligible sponsors,  
3751 which funds were not used for assistance to an eligible  
3752 household for an eligible activity, when there is a ~~who~~ default  
3753 on the terms of a grant award or loan award.

3754 (29) "Assisted housing" or "assisted housing development"  
3755 means a rental housing development, including rental housing in  
3756 a mixed-use development, that received or currently receives  
3757 funding from any federal or state housing program.

3758 (30) "Preservation" means actions taken to keep rents in  
3759 existing assisted housing affordable for extremely-low-income,  
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3760 very-low-income, low-income, and moderate-income households  
3761 while ensuring that the property stays in good physical and  
3762 financial condition for an extended period.

3763 Section 37. Subsection (6) of section 420.9072, Florida  
3764 Statutes, is amended to read:

3765 420.9072 State Housing Initiatives Partnership  
3766 Program.--The State Housing Initiatives Partnership Program is  
3767 created for the purpose of providing funds to counties and  
3768 eligible municipalities as an incentive for the creation of  
3769 local housing partnerships, to expand production of and preserve  
3770 affordable housing, to further the housing element of the local  
3771 government comprehensive plan specific to affordable housing,  
3772 and to increase housing-related employment.

3773 (6) The moneys that otherwise would be distributed  
3774 pursuant to s. 420.9073 to a local government that does not meet  
3775 the program's requirements for receipts of such distributions  
3776 shall remain in the Local Government Housing Trust Fund to be  
3777 administered by the corporation ~~pursuant to s. 420.9078.~~

3778 Section 38. Subsections (1) and (2) of section 420.9073,  
3779 Florida Statutes, are amended, and subsections (5), (6), and (7)  
3780 are added to that section, to read:

3781 420.9073 Local housing distributions.--

3782 (1) Distributions calculated in this section shall be  
3783 disbursed on a quarterly or more frequent ~~monthly~~ basis by the  
3784 corporation ~~beginning the first day of the month after program~~  
3785 ~~approval~~ pursuant to s. 420.9072, subject to availability of  
3786 funds. Each county's share of the funds to be distributed from  
3787 the portion of the funds in the Local Government Housing Trust  
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3788 Fund received pursuant to s. 201.15(9) shall be calculated by  
3789 the corporation for each fiscal year as follows:

3790 (a) Each county other than a county that has implemented  
3791 the provisions of chapter 83-220, Laws of Florida, as amended by  
3792 chapters 84-270, 86-152, and 89-252, Laws of Florida, shall  
3793 receive the guaranteed amount for each fiscal year.

3794 (b) Each county other than a county that has implemented  
3795 the provisions of chapter 83-220, Laws of Florida, as amended by  
3796 chapters 84-270, 86-152, and 89-252, Laws of Florida, may  
3797 receive an additional share calculated as follows:

3798 1. Multiply each county's percentage of the total state  
3799 population excluding the population of any county that has  
3800 implemented the provisions of chapter 83-220, Laws of Florida,  
3801 as amended by chapters 84-270, 86-152, and 89-252, Laws of  
3802 Florida, by the total funds to be distributed.

3803 2. If the result in subparagraph 1. is less than the  
3804 guaranteed amount as determined in subsection (3), that county's  
3805 additional share shall be zero.

3806 3. For each county in which the result in subparagraph 1.  
3807 is greater than the guaranteed amount as determined in  
3808 subsection (3), the amount calculated in subparagraph 1. shall  
3809 be reduced by the guaranteed amount. The result for each such  
3810 county shall be expressed as a percentage of the amounts so  
3811 determined for all counties. Each such county shall receive an  
3812 additional share equal to such percentage multiplied by the  
3813 total funds received by the Local Government Housing Trust Fund  
3814 pursuant to s. 201.15(9) reduced by the guaranteed amount paid  
3815 to all counties.

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3816           (2) ~~Effective July 1, 1995,~~ Distributions calculated in  
3817 this section shall be disbursed on a quarterly or more frequent  
3818 ~~monthly~~ basis by the corporation ~~beginning the first day of the~~  
3819 ~~month after program approval~~ pursuant to s. 420.9072, subject to  
3820 availability of funds. Each county's share of the funds to be  
3821 distributed from the portion of the funds in the Local  
3822 Government Housing Trust Fund received pursuant to s. 201.15(10)  
3823 shall be calculated by the corporation for each fiscal year as  
3824 follows:

3825           (a) Each county shall receive the guaranteed amount for  
3826 each fiscal year.

3827           (b) Each county may receive an additional share calculated  
3828 as follows:

3829           1. Multiply each county's percentage of the total state  
3830 population, by the total funds to be distributed.

3831           2. If the result in subparagraph 1. is less than the  
3832 guaranteed amount as determined in subsection (3), that county's  
3833 additional share shall be zero.

3834           3. For each county in which the result in subparagraph 1.  
3835 is greater than the guaranteed amount, the amount calculated in  
3836 subparagraph 1. shall be reduced by the guaranteed amount. The  
3837 result for each such county shall be expressed as a percentage  
3838 of the amounts so determined for all counties. Each such county  
3839 shall receive an additional share equal to this percentage  
3840 multiplied by the total funds received by the Local Government  
3841 Housing Trust Fund pursuant to s. 201.15(10) as reduced by the  
3842 guaranteed amount paid to all counties.

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3843       (5) Notwithstanding subsections (1)-(4), the corporation  
3844 is authorized to withhold up to \$5 million from the total  
3845 distribution each fiscal year to provide additional funding to  
3846 counties and eligible municipalities in which a state of  
3847 emergency has been declared by the Governor pursuant to chapter  
3848 252. Any portion of such funds not distributed under this  
3849 subsection by the end of the fiscal year shall be distributed as  
3850 provided in this section.

3851       (6) Notwithstanding subsections (1)-(4), the corporation  
3852 is authorized to withhold up to \$5 million from the total  
3853 distribution each fiscal year to provide funding to counties and  
3854 eligible municipalities to purchase properties subject to a  
3855 State Housing Initiative Partnership Program lien and on which  
3856 foreclosure proceedings have been initiated by any mortgagee.  
3857 Each county and eligible municipality that receives funds under  
3858 this subsection shall repay such funds to the corporation not  
3859 later than the expenditure deadline for the fiscal year in which  
3860 the funds were awarded. Amounts not repaid shall be withheld  
3861 from the subsequent year's distribution. Any portion of such  
3862 funds not distributed under this subsection by the end of the  
3863 fiscal year shall be distributed as provided in this section.

3864       (7) A county or eligible municipality that receives local  
3865 housing distributions pursuant to this section shall expend  
3866 those funds in accordance with the provisions of ss. 420.907-  
3867 420.9079, corporation rule, and its local housing assistance  
3868 plan.

3869       Section 39. Subsections (1), (3), (5), and (8), paragraphs  
3870 (a) and (h) of subsection (10), and paragraph (b) of subsection  
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3871 (13) of section 420.9075, Florida Statutes, are amended, and  
3872 subsection (14) is added to that section, to read:

3873 420.9075 Local housing assistance plans; partnerships.--

3874 (1) (a) Each county or eligible municipality participating  
3875 in the State Housing Initiatives Partnership Program shall  
3876 develop and implement a local housing assistance plan created to  
3877 make affordable residential units available to persons of very  
3878 low income, low income, or moderate income and to persons who  
3879 have special housing needs, including, but not limited to,  
3880 homeless people, the elderly, ~~and~~ migrant farmworkers, and  
3881 persons with disabilities. High-cost counties or eligible  
3882 municipalities as defined by rule of the corporation may include  
3883 strategies to assist persons and households having annual  
3884 incomes of not more than 140 percent of area median income. The  
3885 plans are intended to increase the availability of affordable  
3886 residential units by combining local resources and cost-saving  
3887 measures into a local housing partnership and using private and  
3888 public funds to reduce the cost of housing.

3889 (b) Local housing assistance plans may allocate funds to:

3890 1. Implement local housing assistance strategies for the  
3891 provision of affordable housing.

3892 2. Supplement funds available to the corporation to  
3893 provide enhanced funding of state housing programs within the  
3894 county or the eligible municipality.

3895 3. Provide the local matching share of federal affordable  
3896 housing grants or programs.

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3897 4. Fund emergency repairs, including, but not limited to,  
3898 repairs performed by existing service providers under  
3899 weatherization assistance programs under ss. 409.509-409.5093.

3900 5. Further the housing element of the local government  
3901 comprehensive plan adopted pursuant to s. 163.3184, specific to  
3902 affordable housing.

3903 (3) (a) Each local housing assistance plan shall include a  
3904 definition of essential service personnel for the county or  
3905 eligible municipality, including, but not limited to, teachers  
3906 and educators, other school district, community college, and  
3907 university employees, police and fire personnel, health care  
3908 personnel, skilled building trades personnel, and other job  
3909 categories.

3910 (b) Each county and each eligible municipality is  
3911 encouraged to develop a strategy within its local housing  
3912 assistance plan that emphasizes the recruitment and retention of  
3913 essential service personnel. The local government is encouraged  
3914 to involve public and private sector employers. Compliance with  
3915 the eligibility criteria established under this strategy shall  
3916 be verified by the county or eligible municipality.

3917 (c) Each county and each eligible municipality is  
3918 encouraged to develop a strategy within its local housing  
3919 assistance plan that addresses the needs of persons who are  
3920 deprived of affordable housing due to the closure of a mobile  
3921 home park or the conversion of affordable rental units to  
3922 condominiums.

3923 (d) Each county and each eligible municipality shall  
3924 describe initiatives in the local housing assistance plan to

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3925 encourage or require innovative design, green building  
3926 principles, storm-resistant construction, or other elements that  
3927 reduce long-term costs relating to maintenance, utilities, or  
3928 insurance.

3929 (e) Each county and each eligible municipality is  
3930 encouraged to develop a strategy within its local housing  
3931 assistance plan that provides program funds for the preservation  
3932 of assisted housing.

3933 (5) The following criteria apply to awards made to  
3934 eligible sponsors or eligible persons for the purpose of  
3935 providing eligible housing:

3936 (a) At least 65 percent of the funds made available in  
3937 each county and eligible municipality from the local housing  
3938 distribution must be reserved for home ownership for eligible  
3939 persons.

3940 (b) At least 75 percent of the funds made available in  
3941 each county and eligible municipality from the local housing  
3942 distribution must be reserved for construction, rehabilitation,  
3943 or emergency repair of affordable, eligible housing.

3944 (c) Not more than 15 percent of the funds made available  
3945 in each county and eligible municipality from the local housing  
3946 distribution may be used for manufactured housing.

3947 (d)-(e) The sales price or value of new or existing  
3948 eligible housing may not exceed 90 percent of the average area  
3949 purchase price in the statistical area in which the eligible  
3950 housing is located. Such average area purchase price may be that  
3951 calculated for any 12-month period beginning not earlier than  
3952 the fourth calendar year prior to the year in which the award

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3953 occurs or as otherwise established by the United States  
3954 Department of the Treasury.

3955 (e)~~(d)~~1. All units constructed, rehabilitated, or  
3956 otherwise assisted with the funds provided from the local  
3957 housing assistance trust fund must be occupied by very-low-  
3958 income persons, low-income persons, and moderate-income persons  
3959 except as otherwise provided in this section.

3960 2. At least 30 percent of the funds deposited into the  
3961 local housing assistance trust fund must be reserved for awards  
3962 to very-low-income persons or eligible sponsors who will serve  
3963 very-low-income persons and at least an additional 30 percent of  
3964 the funds deposited into the local housing assistance trust fund  
3965 must be reserved for awards to low-income persons or eligible  
3966 sponsors who will serve low-income persons. This subparagraph  
3967 does not apply to a county or an eligible municipality that  
3968 includes, or has included within the previous 5 years, an area  
3969 of critical state concern designated or ratified by the  
3970 Legislature for which the Legislature has declared its intent to  
3971 provide affordable housing. The exemption created by this act  
3972 expires on July 1, 2013 ~~2008~~.

3973 (f)~~(e)~~ Loans shall be provided for periods not exceeding  
3974 30 years, except for deferred payment loans or loans that extend  
3975 beyond 30 years which continue to serve eligible persons.

3976 (g)~~(f)~~ Loans or grants for eligible rental housing  
3977 constructed, rehabilitated, or otherwise assisted from the local  
3978 housing assistance trust fund must be subject to recapture  
3979 requirements as provided by the county or eligible municipality  
3980 in its local housing assistance plan unless reserved for

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3981 eligible persons for 15 years or the term of the assistance,  
3982 whichever period is longer. Eligible sponsors that offer rental  
3983 housing for sale before 15 years or that have remaining  
3984 mortgages funded under this program must give a first right of  
3985 refusal to eligible nonprofit organizations for purchase at the  
3986 current market value for continued occupancy by eligible  
3987 persons.

3988 (h)~~(g)~~ Loans or grants for eligible owner-occupied housing  
3989 constructed, rehabilitated, or otherwise assisted from proceeds  
3990 provided from the local housing assistance trust fund shall be  
3991 subject to recapture requirements as provided by the county or  
3992 eligible municipality in its local housing assistance plan.

3993 (i)~~(h)~~ The total amount of monthly mortgage payments or  
3994 the amount of monthly rent charged by the eligible sponsor or  
3995 her or his designee must be made affordable.

3996 (j)~~(i)~~ The maximum sales price or value per unit and the  
3997 maximum award per unit for eligible housing benefiting from  
3998 awards made pursuant to this section must be established in the  
3999 local housing assistance plan.

4000 (k)~~(j)~~ The benefit of assistance provided through the  
4001 State Housing Initiatives Partnership Program must accrue to  
4002 eligible persons occupying eligible housing. This provision  
4003 shall not be construed to prohibit use of the local housing  
4004 distribution funds for a mixed income rental development.

4005 (l)~~(k)~~ Funds from the local housing distribution not used  
4006 to meet the criteria established in paragraph (a) or paragraph  
4007 (b) or not used for the administration of a local housing  
4008 assistance plan must be used for housing production and finance

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4009 activities, including, but not limited to, financing  
4010 preconstruction activities or the purchase of existing units,  
4011 providing rental housing, and providing home ownership training  
4012 to prospective home buyers and owners of homes assisted through  
4013 the local housing assistance plan.

4014 1. Notwithstanding the provisions of paragraphs (a) and  
4015 (b), program income as defined in s. 420.9071(24) may also be  
4016 used to fund activities described in this paragraph.

4017 2. When preconstruction due diligence activities conducted  
4018 as part of a preservation strategy show that preservation of the  
4019 units is not feasible and will not result in the production of  
4020 an eligible unit, such costs shall be deemed a program expense  
4021 rather than an administrative expense if such program expenses  
4022 do not exceed 3 percent of the annual local housing  
4023 distribution.

4024 3. If both an award under the local housing assistance  
4025 plan and federal low-income housing tax credits are used to  
4026 assist a project and there is a conflict between the criteria  
4027 prescribed in this subsection and the requirements of s. 42 of  
4028 the Internal Revenue Code of 1986, as amended, the county or  
4029 eligible municipality may resolve the conflict by giving  
4030 precedence to the requirements of s. 42 of the Internal Revenue  
4031 Code of 1986, as amended, in lieu of following the criteria  
4032 prescribed in this subsection with the exception of paragraphs  
4033 (a) and (e) ~~(d)~~ of this subsection.

4034 4. Each county and each eligible municipality may award  
4035 funds as a grant for construction, rehabilitation, or repair as  
4036 part of disaster recovery or emergency repairs or to remedy

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4037 accessibility or health and safety deficiencies. Any other  
4038 grants must be approved as part of the local housing assistance  
4039 plan.

4040 (8) Pursuant to s. 420.531, the corporation shall provide  
4041 training and technical assistance to local governments regarding  
4042 the creation of partnerships, the design of local housing  
4043 assistance strategies, the implementation of local housing  
4044 incentive strategies, and the provision of support services.

4045 (10) Each county or eligible municipality shall submit to  
4046 the corporation by September 15 of each year a report of its  
4047 affordable housing programs and accomplishments through June 30  
4048 immediately preceding submittal of the report. The report shall  
4049 be certified as accurate and complete by the local government's  
4050 chief elected official or his or her designee. Transmittal of  
4051 the annual report by a county's or eligible municipality's chief  
4052 elected official, or his or her designee, certifies that the  
4053 local housing incentive strategies, or, if applicable, the local  
4054 housing incentive plan, have been implemented or are in the  
4055 process of being implemented pursuant to the adopted schedule  
4056 for implementation. The report must include, but is not limited  
4057 to:

4058 (a) The number of households served by income category,  
4059 age, family size, and race, and data regarding any special needs  
4060 populations such as farmworkers, homeless persons, persons with  
4061 disabilities, and the elderly. Counties shall report this  
4062 information separately for households served in the  
4063 unincorporated area and each municipality within the county.

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4064 (h) Such other data or affordable housing accomplishments  
4065 considered significant by the reporting county or eligible  
4066 municipality or by the corporation.

4067 (13)

4068 (b) If, as a result of its review of the annual report,  
4069 the corporation determines that a county or eligible  
4070 municipality has failed to implement a local housing incentive  
4071 strategy, or, if applicable, a local housing incentive plan, it  
4072 shall send a notice of termination of the local government's  
4073 share of the local housing distribution by certified mail to the  
4074 affected county or eligible municipality.

4075 1. The notice must specify a date of termination of the  
4076 funding if the affected county or eligible municipality does not  
4077 implement the plan or strategy and provide for a local response.  
4078 A county or eligible municipality shall respond to the  
4079 corporation within 30 days after receipt of the notice of  
4080 termination.

4081 2. The corporation shall consider the local response that  
4082 extenuating circumstances precluded implementation and grant an  
4083 extension to the timeframe for implementation. Such an extension  
4084 shall be made in the form of an extension agreement that  
4085 provides a timeframe for implementation. The chief elected  
4086 official of a county or eligible municipality or his or her  
4087 designee shall have the authority to enter into the agreement on  
4088 behalf of the local government.

4089 3. If the county or the eligible municipality has not  
4090 implemented the incentive strategy or entered into an extension  
4091 agreement by the termination date specified in the notice, the  
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4092 local housing distribution share terminates, and any uncommitted  
4093 local housing distribution funds held by the affected county or  
4094 eligible municipality in its local housing assistance trust fund  
4095 shall be transferred to the Local Government Housing Trust Fund  
4096 to the credit of the corporation to administer ~~pursuant to s.~~  
4097 ~~420.9078.~~

4098 4.a. If the affected local government fails to meet the  
4099 timeframes specified in the agreement, the corporation shall  
4100 terminate funds. The corporation shall send a notice of  
4101 termination of the local government's share of the local housing  
4102 distribution by certified mail to the affected local government.  
4103 The notice shall specify the termination date, and any  
4104 uncommitted funds held by the affected local government shall be  
4105 transferred to the Local Government Housing Trust Fund to the  
4106 credit of the corporation to administer ~~pursuant to s. 420.9078.~~

4107 b. If the corporation terminates funds to a county, but an  
4108 eligible municipality receiving a local housing distribution  
4109 pursuant to an interlocal agreement maintains compliance with  
4110 program requirements, the corporation shall thereafter  
4111 distribute directly to the participating eligible municipality  
4112 its share calculated in the manner provided in s. 420.9072.

4113 c. Any county or eligible municipality whose local  
4114 distribution share has been terminated may subsequently elect to  
4115 receive directly its local distribution share by adopting the  
4116 ordinance, resolution, and local housing assistance plan in the  
4117 manner and according to the procedures provided in ss. 420.907-  
4118 420.9079.

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4119       (14) If the corporation determines that a county or  
4120 eligible municipality has expended program funds for an  
4121 ineligible activity, the corporation shall require such funds to  
4122 be repaid to the local housing assistance trust fund. Such  
4123 repayment may not be made with funds from State Housing  
4124 Initiatives Partnership Program funds.

4125       Section 40. Paragraph (h) of subsection (2), subsections  
4126 (5) and (6), and paragraph (a) of subsection (7) of section  
4127 420.9076, Florida Statutes, are amended to read:

4128       420.9076 Adoption of affordable housing incentive  
4129 strategies; committees.--

4130       (2) The governing board of a county or municipality shall  
4131 appoint the members of the affordable housing advisory committee  
4132 by resolution. Pursuant to the terms of any interlocal  
4133 agreement, a county and municipality may create and jointly  
4134 appoint an advisory committee to prepare a joint plan. The  
4135 ordinance adopted pursuant to s. 420.9072 which creates the  
4136 advisory committee or the resolution appointing the advisory  
4137 committee members must provide for 11 committee members and  
4138 their terms. The committee must include:

4139       (h) One citizen who actively serves on the local planning  
4140 agency pursuant to s. 163.3174. If the local planning agency is  
4141 comprised of the county or municipality commission, the  
4142 commission may appoint a designee who is knowledgeable in the  
4143 local planning process.

4144  
4145 If a county or eligible municipality whether due to its small  
4146 size, the presence of a conflict of interest by prospective  
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4147 appointees, or other reasonable factor, is unable to appoint a  
4148 citizen actively engaged in these activities in connection with  
4149 affordable housing, a citizen engaged in the activity without  
4150 regard to affordable housing may be appointed. Local governments  
4151 that receive the minimum allocation under the State Housing  
4152 Initiatives Partnership Program may elect to appoint an  
4153 affordable housing advisory committee with fewer than 11  
4154 representatives if they are unable to find representatives who  
4155 meet the criteria of paragraphs (a)-(k).

4156 (5) The approval by the advisory committee of its local  
4157 housing incentive strategies recommendations and its review of  
4158 local government implementation of previously recommended  
4159 strategies must be made by affirmative vote of a majority of the  
4160 membership of the advisory committee taken at a public hearing.  
4161 Notice of the time, date, and place of the public hearing of the  
4162 advisory committee to adopt its evaluation and final local  
4163 housing incentive strategies recommendations must be published  
4164 in a newspaper of general paid circulation in the county. The  
4165 notice must contain a short and concise summary of the  
4166 evaluation and local housing incentives strategies  
4167 recommendations to be considered by the advisory committee. The  
4168 notice must state the public place where a copy of the  
4169 evaluation and tentative advisory committee recommendations can  
4170 be obtained by interested persons. The final report, evaluation,  
4171 and recommendations shall be submitted to the corporation.

4172 (6) Within 90 days after the date of receipt of the  
4173 evaluation and local housing incentive strategies  
4174 recommendations from the advisory committee, the governing body

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4175 of the appointing local government shall adopt an amendment to  
4176 its local housing assistance plan to incorporate the local  
4177 housing incentive strategies it will implement within its  
4178 jurisdiction. The amendment must include, at a minimum, the  
4179 local housing incentive strategies required under s.  
4180 420.9071(16). The local government must consider the strategies  
4181 specified in paragraphs (4)(a)-(k) as recommended by the  
4182 advisory committee.

4183 (7) The governing board of the county or the eligible  
4184 municipality shall notify the corporation by certified mail of  
4185 its adoption of an amendment of its local housing assistance  
4186 plan to incorporate local housing incentive strategies. The  
4187 notice must include a copy of the approved amended plan.

4188 (a) If the corporation fails to receive timely the  
4189 approved amended local housing assistance plan to incorporate  
4190 local housing incentive strategies, a notice of termination of  
4191 its share of the local housing distribution shall be sent by  
4192 certified mail by the corporation to the affected county or  
4193 eligible municipality. The notice of termination must specify a  
4194 date of termination of the funding if the affected county or  
4195 eligible municipality has not adopted an amended local housing  
4196 assistance plan to incorporate local housing incentive  
4197 strategies. If the county or the eligible municipality has not  
4198 adopted an amended local housing assistance plan to incorporate  
4199 local housing incentive strategies by the termination date  
4200 specified in the notice of termination, the local distribution  
4201 share terminates; and any uncommitted local distribution funds  
4202 held by the affected county or eligible municipality in its

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4203 local housing assistance trust fund shall be transferred to the  
4204 Local Government Housing Trust Fund to the credit of the  
4205 corporation to administer the local government housing program  
4206 pursuant to ~~s. 420.9078~~.

4207 Section 41. Section 420.9079, Florida Statutes, is amended  
4208 to read:

4209 420.9079 Local Government Housing Trust Fund.--

4210 (1) There is created in the State Treasury the Local  
4211 Government Housing Trust Fund, which shall be administered by  
4212 the corporation on behalf of the department according to the  
4213 provisions of ss. 420.907-420.9076 ~~420.907-420.9078~~ and this  
4214 section. There shall be deposited into the fund a portion of the  
4215 documentary stamp tax revenues as provided in s. 201.15, moneys  
4216 received from any other source for the purposes of ss. 420.907-  
4217 420.9076 ~~420.907-420.9078~~ and this section, and all proceeds  
4218 derived from the investment of such moneys. Moneys in the fund  
4219 that are not currently needed for the purposes of the programs  
4220 administered pursuant to ss. 420.907-420.9076 ~~420.907-420.9078~~  
4221 and this section shall be deposited to the credit of the fund  
4222 and may be invested as provided by law. The interest received on  
4223 any such investment shall be credited to the fund.

4224 (2) The corporation shall administer the fund exclusively  
4225 for the purpose of implementing the programs described in ss.  
4226 420.907-420.9076 ~~420.907-420.9078~~ and this section. With the  
4227 exception of monitoring the activities of counties and eligible  
4228 municipalities to determine local compliance with program  
4229 requirements, the corporation shall not receive appropriations  
4230 from the fund for administrative or personnel costs. For the

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4231 purpose of implementing the compliance monitoring provisions of  
4232 s. 420.9075(9), the corporation may request a maximum of one-  
4233 quarter of 1 percent of the annual appropriation per state  
4234 fiscal year. When such funding is appropriated, the corporation  
4235 shall deduct the amount appropriated prior to calculating the  
4236 local housing distribution pursuant to ss. 420.9072 and  
4237 420.9073.

4238 Section 42. Subsection (12) of section 1001.43, Florida  
4239 Statutes, is amended to read:

4240 1001.43 Supplemental powers and duties of district school  
4241 board.--The district school board may exercise the following  
4242 supplemental powers and duties as authorized by this code or  
4243 State Board of Education rule.

4244 (12) AFFORDABLE HOUSING.--A district school board may use  
4245 portions of school sites purchased within the guidelines of the  
4246 State Requirements for Educational Facilities, land deemed not  
4247 usable for educational purposes because of location or other  
4248 factors, or land declared as surplus by the board to provide  
4249 sites for affordable housing for teachers and other district  
4250 personnel and, in areas of critical state concern, for other  
4251 essential services personnel as defined by local affordable  
4252 housing eligibility requirements, independently or in  
4253 conjunction with other agencies as described in subsection (5).

4254 Section 43. Section 166.0451, Florida Statutes, is amended  
4255 to read:

4256 166.0451 Disposition of municipal property for affordable  
4257 housing.--

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4258 (1) By July 1, 2007, and every 3 years thereafter, each  
4259 municipality shall prepare an inventory list of all real  
4260 property within its jurisdiction to which the municipality holds  
4261 fee simple title that is appropriate for use as affordable  
4262 housing. The inventory list must include the address and legal  
4263 description of each ~~such~~ property and specify whether the  
4264 property is vacant or improved. The governing body of the  
4265 municipality must review the inventory list at a public hearing  
4266 and may revise it at the conclusion of the public hearing.  
4267 Following the public hearing, the governing body of the  
4268 municipality shall adopt a resolution that includes an inventory  
4269 list of such property.

4270 (2) The properties identified as appropriate for use as  
4271 affordable housing on the inventory list adopted by the  
4272 municipality may be offered for sale and the proceeds may be  
4273 used to purchase land for the development of affordable housing  
4274 or to increase the local government fund earmarked for  
4275 affordable housing, or may be sold with a restriction that  
4276 requires the development of the property as permanent affordable  
4277 housing, or may be donated to a nonprofit housing organization  
4278 for the construction of permanent affordable housing.  
4279 Alternatively, the municipality may otherwise make the property  
4280 available for use for the production and preservation of  
4281 permanent affordable housing. For purposes of this section, the  
4282 term "affordable" has the same meaning as in s. 420.0004(3).

4283 (3) As a precondition to receiving any state affordable  
4284 housing funding or allocation for any project or program within  
4285 the municipality's jurisdiction, a municipality must, by July 1

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4286 of each year, provide certification that the inventory and any  
4287 update required by this section is complete.

4288 Section 44. Paragraph (c) of subsection (6) of section  
4289 253.034, Florida Statutes, is amended, and paragraph (d) is  
4290 added to subsection (8) of that section, to read:

4291 253.034 State-owned lands; uses.--

4292 (6) The Board of Trustees of the Internal Improvement  
4293 Trust Fund shall determine which lands, the title to which is  
4294 vested in the board, may be surplus. For conservation lands,  
4295 the board shall make a determination that the lands are no  
4296 longer needed for conservation purposes and may dispose of them  
4297 by an affirmative vote of at least three members. In the case of  
4298 a land exchange involving the disposition of conservation lands,  
4299 the board must determine by an affirmative vote of at least  
4300 three members that the exchange will result in a net positive  
4301 conservation benefit. For all other lands, the board shall make  
4302 a determination that the lands are no longer needed and may  
4303 dispose of them by an affirmative vote of at least three  
4304 members.

4305 (c) At least every 5 ~~10~~ years, as a component of each land  
4306 management plan or land use plan and in a form and manner  
4307 prescribed by rule by the board, each manager shall evaluate and  
4308 indicate to the board those lands that are not being used for  
4309 the purpose for which they were originally leased. For  
4310 conservation lands, the council shall review and shall recommend  
4311 to the board whether such lands should be retained in public  
4312 ownership or disposed of by the board. For nonconservation  
4313 lands, the division shall review such lands and shall recommend

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4314 to the board whether such lands should be retained in public  
4315 ownership or disposed of by the board.

4316 (8)

4317 (d) Beginning December 1, 2008, the Division of State  
4318 Lands shall annually submit to the President of the Senate and  
4319 the Speaker of the House of Representatives a copy of the state  
4320 inventory that identifies all nonconservation lands, including  
4321 lands that meet the surplus requirements of subsection (6) and  
4322 lands purchased by the state, a state agency, or a water  
4323 management district which are not essential or necessary for  
4324 conservation purposes. The division shall also publish a copy of  
4325 the annual inventory on its website and notify by electronic  
4326 mail the executive head of the governing body of each local  
4327 government that has lands in the inventory within its  
4328 jurisdiction.

4329 Section 45. Subsection (6) of section 421.08, Florida  
4330 Statutes, is amended to read:

4331 421.08 Powers of authority.--An authority shall constitute  
4332 a public body corporate and politic, exercising the public and  
4333 essential governmental functions set forth in this chapter, and  
4334 having all the powers necessary or convenient to carry out and  
4335 effectuate the purpose and provisions of this chapter, including  
4336 the following powers in addition to others herein granted:

4337 (6) Within its area of operation: to investigate into  
4338 living, dwelling, and housing conditions and into the means and  
4339 methods of improving such conditions; to determine where slum  
4340 areas exist or where there is a shortage of decent, safe, and  
4341 sanitary dwelling accommodations for persons of low income; to

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4342 make studies and recommendations relating to the problem of  
4343 clearing, replanning, and reconstruction of slum areas and the  
4344 problem of providing dwelling accommodations for persons of low  
4345 income; to administer fair housing ordinances and other  
4346 ordinances as adopted by cities, counties, or other authorities  
4347 who wish to contract for administrative services and to  
4348 cooperate with the city, the county, the state or any political  
4349 subdivision thereof in action taken in connection with such  
4350 problems; and to engage in research, studies, and  
4351 experimentation on the subject of housing. However, the housing  
4352 authority may not take action to prohibit access to a housing  
4353 project by a state or local elected official or a candidate for  
4354 state or local government office.

4355       Section 46. The Legislature directs the Department of  
4356 Transportation to establish an approved transportation  
4357 methodology which recognizes that a planned, sustainable  
4358 development of regional impact will likely achieve an internal  
4359 capture rate in excess of 40 percent when fully developed. The  
4360 adopted transportation methodology shall use a regional  
4361 transportation model which incorporates professionally accepted  
4362 modeling techniques applicable to well planned sustainable  
4363 communities of the size, location, mix of uses, and design  
4364 features, consistent with such communities. The adopted  
4365 transportation methodology shall serve as the basis for  
4366 sustainable development's traffic impact assessments by the  
4367 department. The methodology review shall be completed and in use  
4368 no later than December 1, 2008.

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4369           Section 47. Section 420.9078, Florida Statutes, is  
4370 repealed.

4371           Section 48. The sum of \$300,000 is appropriated from  
4372 nonrecurring revenue in the General Revenue Fund to the  
4373 Legislative Committee on Intergovernmental Relations for the  
4374 2008-2009 fiscal year to pay for costs associated with the  
4375 mobility fee study and pilot project program established in  
4376 section 4.

4377           Section 49. This act shall take effect July 1, 2008.

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4383

**T I T L E   A M E N D M E N T**

4384

Remove the entire title and insert:

4385

A bill to be entitled

4386

An act relating to growth management; amending s. 125.379, F.S.;

4387

requiring counties to certify that they have prepared a list of

4388

county-owned property appropriate for affordable housing before

4389

obtaining certain funding; amending s. 163.3167, F.S.; revising

4390

prohibited initiatives or referenda; amending s. 163.3177, F.S.;

4391

extending a date for adopting and transmitting certain required

4392

amendments; revising criteria and requirements for future land

4393

use plan elements of local government comprehensive plans;

4394

revising requirements for a housing element; revising

4395

requirements for an intergovernmental coordination element;

4396

revising requirements for a transportation element; deleting

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4397 provisions encouraging local governments to develop a community  
4398 vision and to designate an urban service boundary; amending s.  
4399 163.31771, F.S.; requiring a local government to amend its  
4400 comprehensive plan to allow accessory dwelling units in an area  
4401 zoned for single-family residential use; prohibiting such units  
4402 from being treated as new units if there is a land use  
4403 restriction agreement that restricts use to affordable housing;  
4404 prohibiting accessory dwelling units from being located on  
4405 certain land; amending s. 163.3180, F.S.; revising concurrency  
4406 requirements; specifying municipal areas for transportation  
4407 concurrency exception areas; revising provisions relating to the  
4408 Strategic Intermodal System; deleting a requirement for local  
4409 governments to annually submit a summary of de minimus records;  
4410 increasing the percentage of transportation impacts that must be  
4411 reserved for urban redevelopment; requiring concurrency  
4412 management systems to be coordinated with the appropriate  
4413 metropolitan planning organization; revising regional impact  
4414 proportionate share provisions to allow for improvements outside  
4415 the jurisdiction in certain circumstances; providing for the  
4416 determination of mitigation to include credit for certain  
4417 mitigation provided under an earlier phase, calculated at  
4418 present value; defining the terms "present value" and  
4419 "backlogged transportation facility"; revising the calculation  
4420 of school capacity to include relocatables used by a school  
4421 district; providing a minimum state availability standard for  
4422 school concurrency; providing that a developer may not be  
4423 required to reduce or eliminate backlog or address class size  
4424 reduction; requiring charter schools to be considered as a

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4425 mitigation option under certain circumstances; requiring school  
4426 districts to include relocatables in their calculation of school  
4427 capacity in certain circumstances; providing for an Urban  
4428 Placemaking Initiative Pilot Project Program; providing for  
4429 designating certain local governments as urban placemaking  
4430 initiative pilot projects; providing purposes, requirements,  
4431 criteria, procedures, and limitations for such local  
4432 governments, the pilot projects, and the program; authorizing a  
4433 methodology based on vehicle and miles traveled for calculating  
4434 proportionate fair-share methodology; providing transportation  
4435 concurrency incentives for private developers; providing for  
4436 recommendations for the establishment of a uniform mobility fee  
4437 methodology to replace the current transportation concurrency  
4438 management system; providing legislative intent relating to  
4439 mobility fees for certain purposes; requiring the Legislative  
4440 Committee on Intergovernmental Relations to study and develop a  
4441 methodology for a mobility fee system; providing study and fee  
4442 applicability requirements; providing for establishing a  
4443 mobility fee pilot program in certain counties and  
4444 municipalities in such counties; providing coordination  
4445 requirements for the committee and such local governments;  
4446 requiring implementation by a certain date; providing program  
4447 requirements and criteria; providing mobility fee requirements  
4448 and limitations; amending s. 163.3184, F.S.; providing certain  
4449 meeting and notice requirements for applications for future land  
4450 use amendments; increasing the time period for agency review;  
4451 providing circumstances for abandonment of a plan amendment;  
4452 providing for extension and status reports; revising

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4453 requirements for public hearings for comprehensive plans or plan  
4454 amendments; providing procedures and requirements for assistance  
4455 to local governments by the Rural Economic Development  
4456 Initiative for plan amendments in rural areas of critical  
4457 economic importance; providing limited application and  
4458 exemptions for certain plan map amendments; authorizing affected  
4459 persons to file petitions for administrative review challenging  
4460 compliance of certain plan amendments; providing legislative  
4461 findings relating to rural centers of economic development;  
4462 providing a declaration of compelling state interest; providing  
4463 a definition; authorizing certain landowners to apply for  
4464 amendments to comprehensive plans for certain rural centers of  
4465 economic development; providing application requirements,  
4466 procedures, and limitations; deleting provisions relating to  
4467 community vision and urban boundary amendments; amending s.  
4468 163.3187, F.S.; authorizing plan amendments once a year;  
4469 authorizing certain plan amendments twice a year; providing for  
4470 exceptions; providing requirements for small scale amendment  
4471 effective dates; amending s. 163.3245, F.S.; increasing the  
4472 number of authorized optional sector plans pilot projects;  
4473 amending s. 163.32465, F.S.; revising legislative findings;  
4474 revising alternative state review process pilot program  
4475 requirements and procedures; expanding application of the  
4476 program; revising requirements for the initial hearing on  
4477 comprehensive plan amendments for the program; revising  
4478 requirements for administrative challenges to plan amendments  
4479 for the program; creating s. 163.351, F.S.; providing  
4480 requirements concerning reporting by community redevelopment  
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4481 agencies; requiring an annual report of progress and plans to  
4482 the governing body; requiring that the agency and the county or  
4483 municipality make such report available for public inspection;  
4484 requiring that certain reports or information concerning  
4485 dependent special districts be annually provided to the  
4486 Department of Community Affairs; requiring that certain  
4487 financial reports or information be annually provided to the  
4488 Department of Financial Services; amending s. 163.356, F.S. ;  
4489 eliminating the requirement that community redevelopment  
4490 agencies file and make available to the public certain reports  
4491 concerning finances; amending s. 163.370, F.S.; specifying  
4492 additional projects that may not be paid for or financed with  
4493 increment revenues; amending s. 163.387, F.S.; revising criteria  
4494 for making expenditures from moneys in the redevelopment trust  
4495 fund; specifying that the list is not exclusive; eliminating  
4496 requirements concerning the auditing of a community  
4497 redevelopment agency's redevelopment trust fund; amending s.  
4498 288.0655, F.S.; providing for a waiver of local match  
4499 requirements for certain catalyst site funding applications;  
4500 authorizing the office to award grants for a certain percentage  
4501 of total infrastructure project costs for certain catalyst site  
4502 funding applications; amending s. 288.0656, F.S.; providing  
4503 legislative intent; revising definitions; providing certain  
4504 additional review and action requirements for REDI relating to  
4505 rural communities; revising representation on REDI; deleting a  
4506 limitation on characterization as a rural area of critical  
4507 economic concern; authorizing rural areas of critical economic  
4508 concern to designate certain catalyst project for certain

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4509 | purposes; providing project requirements; requiring the  
4510 | initiative to assist local governments with certain  
4511 | comprehensive planning needs; providing procedures and  
4512 | requirements for such assistance; revising certain reporting  
4513 | requirements for REDI; amending s. 380.06, F.S.; requiring a  
4514 | specified level of service for certain transportation  
4515 | methodologies; revising criteria for extending application of  
4516 | certain deadline dates and approvals for developments of  
4517 | regional impact; expanding the exemption for certain proposed  
4518 | developments or redevelopments to include certain additional  
4519 | areas; providing an additional statutory exemption for certain  
4520 | developments in certain counties; providing requirements and  
4521 | limitations; amending s. 380.0651, F.S.; expanding the criteria  
4522 | for determining whether certain additional hotel or motel  
4523 | developments are required to undergo development-of-regional  
4524 | impact review; amending s. 403.121, F.S.; providing for  
4525 | limitations on building permits relating to consent orders;  
4526 | amending s. 420.615, F.S.; providing specified application and  
4527 | exemptions for certain comprehensive plan amendments relating to  
4528 | affordable housing land donation density bonus incentives;  
4529 | authorizing affected persons to file petitions for  
4530 | administrative review challenging compliance of such plan  
4531 | amendments; amending ss. 257.193, 288.019, 288.06561, 339.2819,  
4532 | and 627.6699, F.S.; correcting cross-references; amending s.  
4533 | 125.0104, F.S.; allowing certain counties to use certain tax  
4534 | revenues for workforce, affordable, and employee housing;  
4535 | amending s. 159.807, F.S.; deleting a provision exempting the  
4536 | Florida Housing Finance Corporation from the applicability of  
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4537 certain uses of the state allocation pool; creating s. 193.018,  
4538 F.S.; providing for the assessment of property receiving the  
4539 low-income housing tax credit; defining the term "community land  
4540 trust"; providing for the assessment of structural improvements,  
4541 condominium parcels, and cooperative parcels on land owned by a  
4542 community land trust and used to provide affordable housing;  
4543 providing for the conveyance of structural improvements,  
4544 condominium parcels, and cooperative parcels subject to certain  
4545 conditions; specifying the criteria to be used in arriving at  
4546 just valuation of a structural improvement, condominium parcel,  
4547 or cooperative parcel; amending s. 212.055, F.S.; redefining the  
4548 term "infrastructure" to allow the proceeds of a local  
4549 government infrastructure surtax to be used to purchase land for  
4550 certain purposes relating to construction of affordable housing;  
4551 amending s. 420.503, F.S.; defining the term "moderate  
4552 rehabilitation" for purposes of the Florida Housing Finance  
4553 Corporation Act; amending s. 420.507, F.S.; providing the  
4554 corporation with certain powers relating to developing and  
4555 administering a grant program; amending s. 420.5087, F.S.;  
4556 revising purposes for which state apartment incentive loans may  
4557 be used; amending s. 420.5095, F.S.; providing for the  
4558 disbursement of certain Community Workforce Housing Innovation  
4559 Pilot Program funds that were awarded but have been declined or  
4560 returned; amending s. 420.615, F.S.; revising provisions  
4561 relating to comprehensive plan amendments; authorizing certain  
4562 persons to challenge the compliance of an amendment; creating s.  
4563 420.628, F.S.; providing legislative findings and intent;  
4564 requiring certain governmental entities to develop and implement

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Amendment No.

4565 strategies and procedures designed to increase affordable  
4566 housing opportunities for young adults who are leaving the child  
4567 welfare system; amending s. 420.9071, F.S.; revising and  
4568 providing definitions; amending s. 420.9072, F.S.; conforming a  
4569 cross-reference; amending s. 420.9073, F.S.; revising the  
4570 frequency with which local housing distributions are to be made  
4571 by the corporation; authorizing the corporation to withhold  
4572 funds from the total distribution annually for specified  
4573 purposes; requiring counties and eligible municipalities that  
4574 receive local housing distributions to expend those funds in a  
4575 specified manner; amending s. 420.9075, F.S.; requiring that  
4576 local housing assistance plans address the special housing needs  
4577 of persons with disabilities; authorizing the corporation to  
4578 define high-cost counties and eligible municipalities by rule;  
4579 authorizing high-cost counties and certain municipalities to  
4580 assist persons and households meeting specific income  
4581 requirements; revising requirements to be included in the local  
4582 housing assistance plan; requiring counties and certain  
4583 municipalities to include certain initiatives and strategies in  
4584 the local housing assistance plan; revising criteria that  
4585 applies to awards made for the purpose of providing eligible  
4586 housing; authorizing and limiting the percentage of funds from  
4587 the local housing distribution that may be used for manufactured  
4588 housing; extending the expiration date of an exemption from  
4589 certain income requirements in specified areas; authorizing the  
4590 use of certain funds for preconstruction activities; providing  
4591 that certain costs are a program expense; authorizing counties  
4592 and certain municipalities to award grant funds under certain

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Amendment No.

4593 conditions; providing for the repayment of funds by the local  
4594 housing assistance trust fund; amending s. 420.9076, F.S.;  
4595 revising appointments to a local affordable housing advisory  
4596 committee; revising notice requirements for public hearings of  
4597 the advisory committee; requiring the committee's final report,  
4598 evaluation, and recommendations to be submitted to the  
4599 corporation; deleting cross-references to conform to changes  
4600 made by the act; amending s. 420.9079, F.S.; conforming cross-  
4601 references; amending s. 1001.43, F.S.; revising district school  
4602 board powers and duties in relation to use of land for  
4603 affordable housing in certain areas for certain personnel;  
4604 amending s. 166.0451, F.S.; requiring municipalities to certify  
4605 that they have prepared a list of county-owned property  
4606 appropriate for affordable housing before obtaining certain  
4607 funding; amending s. 253.034, F.S.; requiring that a manager of  
4608 conservation lands report to the Board of Trustees of the  
4609 Internal Improvement Trust Fund at specified intervals regarding  
4610 those lands not being used for the purpose for which they were  
4611 originally leased; requiring that the Division of State Lands  
4612 annually submit to the President of the Senate and the Speaker  
4613 of the House of Representatives a copy of the state inventory  
4614 identifying all nonconservation lands; requiring the division to  
4615 publish a copy of the annual inventory on its website and notify  
4616 by electronic mail the executive head of the governing body of  
4617 each local government having lands in the inventory within its  
4618 jurisdiction; amending s. 421.08, F.S.; limiting the authority  
4619 of housing authorities under certain circumstances; directing  
4620 the Department of Transportation to establish an approved

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HOUSE AMENDMENT  
Bill No. CS/HB 7129

Amendment No.

4621 transportation methodology for certain purpose; providing  
4622 requirements; requiring a report; repealing s. 420.9078, F.S.,  
4623 relating to state administration of funds remaining in the Local  
4624 Government Housing Trust Fund; providing an appropriation;  
4625 providing an effective date.