

1 A bill to be entitled
2 An act relating to growth management; amending s. 125.379,
3 F.S.; requiring counties to certify that they have
4 prepared a list of county-owned property appropriate for
5 affordable housing before obtaining certain funding;
6 amending s. 163.3167, F.S.; revising prohibited
7 initiatives or referenda; amending s. 163.3177, F.S.;
8 extending a date for adopting and transmitting certain
9 required amendments; revising criteria and requirements
10 for future land use plan elements of local government
11 comprehensive plans; revising requirements for a housing
12 element; revising requirements for an intergovernmental
13 coordination element; revising requirements for a
14 transportation element; deleting provisions encouraging
15 local governments to develop a community vision and to
16 designate an urban service boundary; amending s.
17 163.31771, F.S.; requiring a local government to amend its
18 comprehensive plan to allow accessory dwelling units in an
19 area zoned for single-family residential use; prohibiting
20 such units from being treated as new units if there is a
21 land use restriction agreement that restricts use to
22 affordable housing; prohibiting accessory dwelling units
23 from being located on certain land; amending s. 163.3180,
24 F.S.; revising concurrency requirements; specifying
25 municipal areas for transportation concurrency exception
26 areas; revising provisions relating to the Strategic
27 Intermodal System; deleting a requirement for local
28 governments to annually submit a summary of de minimus

29 records; increasing the percentage of transportation
30 impacts that must be reserved for urban redevelopment;
31 requiring concurrency management systems to be coordinated
32 with the appropriate metropolitan planning organization;
33 revising regional impact proportionate share provisions to
34 allow for improvements outside the jurisdiction in certain
35 circumstances; providing for the determination of
36 mitigation to include credit for certain mitigation
37 provided under an earlier phase, calculated at present
38 value; defining the terms "present value" and "backlogged
39 transportation facility"; revising the calculation of
40 school capacity to include relocatables used by a school
41 district; providing a minimum state availability standard
42 for school concurrency; providing that a developer may not
43 be required to reduce or eliminate backlog or address
44 class size reduction; requiring charter schools to be
45 considered as a mitigation option under certain
46 circumstances; requiring school districts to include
47 relocatables in their calculation of school capacity in
48 certain circumstances; providing for an Urban Placemaking
49 Initiative Pilot Project Program; providing for
50 designating certain local governments as urban placemaking
51 initiative pilot projects; providing purposes,
52 requirements, criteria, procedures, and limitations for
53 such local governments, the pilot projects, and the
54 program; authorizing a methodology based on vehicle and
55 miles traveled for calculating proportionate fair-share
56 methodology; providing transportation concurrency

57 | incentives for private developers; providing for
58 | recommendations for the establishment of a uniform
59 | mobility fee methodology to replace the current
60 | transportation concurrency management system; providing
61 | legislative intent relating to mobility fees for certain
62 | purposes; requiring the Legislative Committee on
63 | Intergovernmental Relations to study and develop a
64 | methodology for a mobility fee system; providing study and
65 | fee applicability requirements; providing for establishing
66 | a mobility fee pilot program in certain counties and
67 | municipalities in such counties; providing coordination
68 | requirements for the committee and such local governments;
69 | requiring implementation by a certain date; providing
70 | program requirements and criteria; providing mobility fee
71 | requirements and limitations; amending s. 163.3184, F.S.;
72 | providing certain meeting and notice requirements for
73 | applications for future land use amendments; increasing
74 | the time period for agency review; providing circumstances
75 | for abandonment of a plan amendment; providing for
76 | extension and status reports; revising requirements for
77 | public hearings for comprehensive plans or plan
78 | amendments; providing procedures and requirements for
79 | assistance to local governments by the Rural Economic
80 | Development Initiative for plan amendments in rural areas
81 | of critical economic importance; providing limited
82 | application and exemptions for certain plan map
83 | amendments; authorizing affected persons to file petitions
84 | for administrative review challenging compliance of

85 | certain plan amendments; providing legislative findings
86 | relating to rural centers of economic development;
87 | providing a declaration of compelling state interest;
88 | providing a definition; authorizing certain landowners to
89 | apply for amendments to comprehensive plans for certain
90 | rural centers of economic development; providing
91 | application requirements, procedures, and limitations;
92 | deleting provisions relating to community vision and urban
93 | boundary amendments; amending s. 163.3187, F.S.;
94 | authorizing plan amendments once a year; authorizing
95 | certain plan amendments twice a year; providing for
96 | exceptions; providing requirements for small scale
97 | amendment effective dates; amending s. 163.3245, F.S.;
98 | increasing the number of authorized optional sector plans
99 | pilot projects; amending s. 163.32465, F.S.; revising
100 | legislative findings; revising alternative state review
101 | process pilot program requirements and procedures;
102 | expanding application of the program; revising
103 | requirements for the initial hearing on comprehensive plan
104 | amendments for the program; revising requirements for
105 | administrative challenges to plan amendments for the
106 | program; creating s. 163.351, F.S.; providing requirements
107 | concerning reporting by community redevelopment agencies;
108 | requiring an annual report of progress and plans to the
109 | governing body; requiring that the agency and the county
110 | or municipality make such report available for public
111 | inspection; requiring that certain reports or information
112 | concerning dependent special districts be annually

113 provided to the Department of Community Affairs; requiring
114 that certain financial reports or information be annually
115 provided to the Department of Financial Services; amending
116 s. 163.356, F.S.; eliminating the requirement that
117 community redevelopment agencies file and make available
118 to the public certain reports concerning finances;
119 amending s. 163.370, F.S.; specifying additional projects
120 that may not be paid for or financed with increment
121 revenues; amending s. 163.387, F.S.; revising criteria for
122 making expenditures from moneys in the redevelopment trust
123 fund; specifying that the list is not exclusive;
124 eliminating requirements concerning the auditing of a
125 community redevelopment agency's redevelopment trust fund;
126 amending s. 288.0655, F.S.; providing for a waiver of
127 local match requirements for certain catalyst site funding
128 applications; authorizing the office to award grants for a
129 certain percentage of total infrastructure project costs
130 for certain catalyst site funding applications; amending
131 s. 288.0656, F.S.; providing legislative intent; revising
132 definitions; providing certain additional review and
133 action requirements for REDI relating to rural
134 communities; revising representation on REDI; deleting a
135 limitation on characterization as a rural area of critical
136 economic concern; authorizing rural areas of critical
137 economic concern to designate certain catalyst project for
138 certain purposes; providing project requirements;
139 requiring the initiative to assist local governments with
140 certain comprehensive planning needs; providing procedures

141 and requirements for such assistance; revising certain
142 reporting requirements for REDI; amending s. 380.06, F.S.;
143 requiring a specified level of service for certain
144 transportation methodologies; revising criteria for
145 extending application of certain deadline dates and
146 approvals for developments of regional impact; expanding
147 the exemption for certain proposed developments or
148 redevelopments to include certain additional areas;
149 providing an additional statutory exemption for certain
150 developments in certain counties; providing requirements
151 and limitations; amending s. 380.0651, F.S.; expanding the
152 criteria for determining whether certain additional hotel
153 or motel developments are required to undergo development-
154 of-regional impact review; amending s. 403.121, F.S.;
155 providing for limitations on building permits relating to
156 consent orders; amending s. 420.615, F.S.; providing
157 specified application and exemptions for certain
158 comprehensive plan amendments relating to affordable
159 housing land donation density bonus incentives;
160 authorizing affected persons to file petitions for
161 administrative review challenging compliance of such plan
162 amendments; amending ss. 257.193, 288.019, 288.06561,
163 339.2819, and 627.6699, F.S.; correcting cross-references;
164 amending s. 125.0104, F.S.; allowing certain counties to
165 use certain tax revenues for workforce, affordable, and
166 employee housing; amending s. 159.807, F.S.; deleting a
167 provision exempting the Florida Housing Finance
168 Corporation from the applicability of certain uses of the

169 state allocation pool; creating s. 193.018, F.S.;

170 providing for the assessment of property receiving the

171 low-income housing tax credit; defining the term

172 "community land trust"; providing for the assessment of

173 structural improvements, condominium parcels, and

174 cooperative parcels on land owned by a community land

175 trust and used to provide affordable housing; providing

176 for the conveyance of structural improvements, condominium

177 parcels, and cooperative parcels subject to certain

178 conditions; specifying the criteria to be used in arriving

179 at just valuation of a structural improvement, condominium

180 parcel, or cooperative parcel; amending s. 212.055, F.S.;

181 redefining the term "infrastructure" to allow the proceeds

182 of a local government infrastructure surtax to be used to

183 purchase land for certain purposes relating to

184 construction of affordable housing; amending s. 420.503,

185 F.S.; defining the term "moderate rehabilitation" for

186 purposes of the Florida Housing Finance Corporation Act;

187 amending s. 420.507, F.S.; providing the corporation with

188 certain powers relating to developing and administering a

189 grant program; amending s. 420.5087, F.S.; revising

190 purposes for which state apartment incentive loans may be

191 used; amending s. 420.5095, F.S.; providing for the

192 disbursement of certain Community Workforce Housing

193 Innovation Pilot Program funds that were awarded but have

194 been declined or returned; amending s. 420.615, F.S.;

195 revising provisions relating to comprehensive plan

196 amendments; authorizing certain persons to challenge the

197 compliance of an amendment; creating s. 420.628, F.S.;

198 providing legislative findings and intent; requiring

199 certain governmental entities to develop and implement

200 strategies and procedures designed to increase affordable

201 housing opportunities for young adults who are leaving the

202 child welfare system; amending s. 420.9071, F.S.; revising

203 and providing definitions; amending s. 420.9072, F.S.;

204 conforming a cross-reference; amending s. 420.9073, F.S.;

205 revising the frequency with which local housing

206 distributions are to be made by the corporation;

207 authorizing the corporation to withhold funds from the

208 total distribution annually for specified purposes;

209 requiring counties and eligible municipalities that

210 receive local housing distributions to expend those funds

211 in a specified manner; amending s. 420.9075, F.S.;

212 requiring that local housing assistance plans address the

213 special housing needs of persons with disabilities;

214 authorizing the corporation to define high-cost counties

215 and eligible municipalities by rule; authorizing high-cost

216 counties and certain municipalities to assist persons and

217 households meeting specific income requirements; revising

218 requirements to be included in the local housing

219 assistance plan; requiring counties and certain

220 municipalities to include certain initiatives and

221 strategies in the local housing assistance plan; revising

222 criteria that applies to awards made for the purpose of

223 providing eligible housing; authorizing and limiting the

224 percentage of funds from the local housing distribution

225 that may be used for manufactured housing; extending the
226 expiration date of an exemption from certain income
227 requirements in specified areas; authorizing the use of
228 certain funds for preconstruction activities; providing
229 that certain costs are a program expense; authorizing
230 counties and certain municipalities to award grant funds
231 under certain conditions; providing for the repayment of
232 funds by the local housing assistance trust fund; amending
233 s. 420.9076, F.S.; revising appointments to a local
234 affordable housing advisory committee; revising notice
235 requirements for public hearings of the advisory
236 committee; requiring the committee's final report,
237 evaluation, and recommendations to be submitted to the
238 corporation; deleting cross-references to conform to
239 changes made by the act; amending s. 420.9079, F.S.;
240 conforming cross-references; amending s. 1001.43, F.S.;
241 revising district school board powers and duties in
242 relation to use of land for affordable housing in certain
243 areas for certain personnel; amending s. 166.0451, F.S.;
244 requiring municipalities to certify that they have
245 prepared a list of county-owned property appropriate for
246 affordable housing before obtaining certain funding;
247 amending s. 253.034, F.S.; requiring that a manager of
248 conservation lands report to the Board of Trustees of the
249 Internal Improvement Trust Fund at specified intervals
250 regarding those lands not being used for the purpose for
251 which they were originally leased; requiring that the
252 Division of State Lands annually submit to the President

253 of the Senate and the Speaker of the House of
 254 Representatives a copy of the state inventory identifying
 255 all nonconservation lands; requiring the division to
 256 publish a copy of the annual inventory on its website and
 257 notify by electronic mail the executive head of the
 258 governing body of each local government having lands in
 259 the inventory within its jurisdiction; amending s. 421.08,
 260 F.S.; limiting the authority of housing authorities under
 261 certain circumstances; directing the Department of
 262 Transportation to establish an approved transportation
 263 methodology for certain purpose; providing requirements;
 264 requiring a report; repealing s. 420.9078, F.S., relating
 265 to state administration of funds remaining in the Local
 266 Government Housing Trust Fund; providing appropriations;
 267 providing an effective date.

268
 269 Be It Enacted by the Legislature of the State of Florida:

270
 271 Section 1. Section 125.379, Florida Statutes, is amended
 272 to read:

273 125.379 Disposition of county property for affordable
 274 housing.--

275 (1) By July 1, 2007, and every 3 years thereafter, each
 276 county shall prepare an inventory list of all real property
 277 within its jurisdiction to which the county holds fee simple
 278 title that is appropriate for use as affordable housing. The
 279 inventory list must include the address and legal description of
 280 each ~~such~~ real property and specify whether the property is

281 vacant or improved. The governing body of the county must review
 282 the inventory list at a public hearing and may revise it at the
 283 conclusion of the public hearing. The governing body of the
 284 county shall adopt a resolution that includes an inventory list
 285 of the ~~such~~ property following the public hearing.

286 (2) The properties identified as appropriate for use as
 287 affordable housing on the inventory list adopted by the county
 288 may be offered for sale and the proceeds used to purchase land
 289 for the development of affordable housing or to increase the
 290 local government fund earmarked for affordable housing, or may
 291 be sold with a restriction that requires the development of the
 292 property as permanent affordable housing, or may be donated to a
 293 nonprofit housing organization for the construction of permanent
 294 affordable housing. Alternatively, the county may otherwise make
 295 the property available for use for the production and
 296 preservation of permanent affordable housing. For purposes of
 297 this section, the term "affordable" has the same meaning as in
 298 s. 420.0004(3).

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

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

306 163.3167 Scope of act.--

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

309 (a) Any development order; or
 310 (b) ~~in regard to~~ Any local comprehensive plan amendment or
 311 map amendment ~~that affects five or fewer parcels of land is~~
 312 ~~prohibited.~~

313 Section 3. Paragraph (b) of subsection (3), paragraphs
 314 (a), (c), (f), (g), and (h) of subsection (6), and subsections
 315 (13) and (14) of section 163.3177, Florida Statutes, are amended
 316 to read:

317 163.3177 Required and optional elements of comprehensive
 318 plan; studies and surveys.--

319 (3)

320 (b)1. The capital improvements element must be reviewed on
 321 an annual basis and modified as necessary in accordance with s.
 322 163.3187 or s. 163.3189 in order to maintain a financially
 323 feasible 5-year schedule of capital improvements. Corrections
 324 and modifications concerning costs; revenue sources; or
 325 acceptance of facilities pursuant to dedications which are
 326 consistent with the plan may be accomplished by ordinance and
 327 shall not be deemed to be amendments to the local comprehensive
 328 plan. A copy of the ordinance shall be transmitted to the state
 329 land planning agency. An amendment to the comprehensive plan is
 330 required to update the schedule on an annual basis or to
 331 eliminate, defer, or delay the construction for any facility
 332 listed in the 5-year schedule. All public facilities must be
 333 consistent with the capital improvements element. Amendments to
 334 implement this section must be adopted and transmitted no later
 335 than December 1, 2009 ~~2008~~. Thereafter, a local government may
 336 not amend its future land use map, except for plan amendments to

337 meet new requirements under this part and emergency amendments
 338 pursuant to s. 163.3187(1)(b) ~~163.3187(1)(a)~~, after December 1,
 339 2009 ~~2008~~, and every year thereafter, unless and until the local
 340 government has adopted the annual update and it has been
 341 transmitted to the state land planning agency.

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

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

350 (a) A future land use plan element designating proposed
 351 future general distribution, location, and extent of the uses of
 352 land for residential uses, commercial uses, industry,
 353 agriculture, recreation, conservation, education, public
 354 buildings and grounds, other public facilities, and other
 355 categories of the public and private uses of land. Counties are
 356 encouraged to designate rural land stewardship areas, pursuant
 357 to the provisions of paragraph (11)(d), as overlays on the
 358 future land use map.

359 1. Each future land use category must be defined in terms
 360 of uses included, and must include standards to be followed in
 361 the control and distribution of population densities and
 362 building and structure intensities. The proposed distribution,
 363 location, and extent of the various categories of land use shall

364 be shown on a land use map or map series which shall be
365 supplemented by goals, policies, and measurable objectives.

366 2. The future land use plan shall be based upon surveys,
367 studies, and data regarding the area, including the amount of
368 land required to accommodate anticipated growth; the projected
369 population of the area; the character of undeveloped land; the
370 availability of water supplies, public facilities, and services;
371 the need for redevelopment, including the renewal of blighted
372 areas and the elimination of nonconforming uses which are
373 inconsistent with the character of the community; the
374 compatibility of uses on lands adjacent to or closely proximate
375 to military installations; the discouragement of urban sprawl;
376 energy-efficient land use patterns that reduce vehicle miles
377 traveled; and, in rural communities, the need for job creation,
378 capital investment, and economic development that will
379 strengthen and diversify the community's economy.

380 3. The future land use plan may designate areas for future
381 planned development use involving combinations of types of uses
382 for which special regulations may be necessary to ensure
383 development in accord with the principles and standards of the
384 comprehensive plan and this act.

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

388 5. ~~In addition,~~ For rural communities, the amount of land
389 designated for future planned industrial use shall be based upon
390 the need to mitigate conditions described in s. 288.0656(2)(c)
391 and shall ~~surveys and studies that~~ reflect the need for job

392 creation, capital investment, and the necessity to strengthen
393 and diversify the local economies, and shall not be limited
394 solely by the projected population of the rural community.

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

397 7. The land use maps or map series shall generally
398 identify and depict historic district boundaries and ~~shall~~
399 designate historically significant properties meriting
400 protection.

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

405 9. The future land use element must clearly identify the
406 land use categories in which public schools are an allowable
407 use. When delineating such ~~the~~ land use categories ~~in which~~
408 ~~public schools are an allowable use~~, a local government shall
409 include in the categories sufficient land proximate to
410 residential development to meet the projected needs for schools
411 in coordination with public school boards and may establish
412 differing criteria for schools of different type or size. Each
413 local government shall include lands contiguous to existing
414 school sites, to the maximum extent possible, within the land
415 use categories in which public schools are an allowable use. ~~The~~
416 ~~failure by a local government to comply with these school siting~~
417 ~~requirements will result in the prohibition of~~ The local
418 government may not ~~government's ability to~~ amend the local
419 comprehensive plan, except for plan amendments described in s.

420 163.3187(1)(b), until the school siting requirements are met.
 421 ~~Amendments proposed by a local government for purposes of~~
 422 ~~identifying the land use categories in which public schools are~~
 423 ~~an allowable use are exempt from the limitation on the frequency~~
 424 ~~of plan amendments contained in s. 163.3187.~~ The future land use
 425 element shall include criteria that encourage the location of
 426 schools proximate to urban residential areas to the extent
 427 possible and shall require that the local government seek to
 428 collocate public facilities, such as parks, libraries, and
 429 community centers, with schools to the extent possible and to
 430 encourage the use of elementary schools as focal points for
 431 neighborhoods. For schools serving predominantly rural counties,
 432 defined as a county having ~~with~~ a population of 100,000 or
 433 fewer, an agricultural land use category shall be eligible for
 434 the location of public school facilities if the local
 435 comprehensive plan contains school siting criteria and the
 436 location is consistent with such criteria. Local governments
 437 required to update or amend their comprehensive plan to include
 438 criteria and address compatibility of adjacent or closely
 439 proximate lands with existing military installations in their
 440 future land use plan element shall transmit the update or
 441 amendment to the department by June 30, 2006.

442 (c) A general sanitary sewer, solid waste, drainage,
 443 potable water, and natural groundwater aquifer recharge element
 444 correlated to principles and guidelines for future land use,
 445 indicating ways to provide for future potable water, drainage,
 446 sanitary sewer, solid waste, and aquifer recharge protection
 447 requirements for the area. The element may be a detailed

448 engineering plan including a topographic map depicting areas of
449 prime groundwater recharge. The element shall describe the
450 problems and needs and the general facilities that will be
451 required for solution of the problems and needs. The element
452 shall also include a topographic map depicting any areas adopted
453 by a regional water management district as prime groundwater
454 recharge areas for the Floridan or Biscayne aquifers. These
455 areas shall be given special consideration when the local
456 government is engaged in zoning or considering future land use
457 for said designated areas. For areas served by septic tanks,
458 soil surveys shall be provided which indicate the suitability of
459 soils for septic tanks. Within 18 months after the governing
460 board approves an updated regional water supply plan, the
461 element must incorporate the alternative water supply project or
462 projects selected by the local government from those identified
463 in the regional water supply plan pursuant to s. 373.0361(2)(a)
464 or proposed by the local government under s. 373.0361(7)(b). If
465 a local government is located within two water management
466 districts, the local government shall adopt its comprehensive
467 plan amendment within 18 months after the later updated regional
468 water supply plan. The element must identify such alternative
469 water supply projects and traditional water supply projects and
470 conservation and reuse necessary to meet the water needs
471 identified in s. 373.0361(2)(a) within the local government's
472 jurisdiction and include a work plan, covering at least a 10
473 year planning period, for building public, private, and regional
474 water supply facilities, including development of alternative
475 water supplies, which are identified in the element as necessary

476 to serve existing and new development. The work plan shall be
 477 updated, at a minimum, every 5 years within 18 months after the
 478 governing board of a water management district approves an
 479 updated regional water supply plan. ~~Amendments to incorporate~~
 480 ~~the work plan do not count toward the limitation on the~~
 481 ~~frequency of adoption of amendments to the comprehensive plan.~~
 482 Local governments, public and private utilities, regional water
 483 supply authorities, special districts, and water management
 484 districts are encouraged to cooperatively plan for the
 485 development of multijurisdictional water supply facilities that
 486 are sufficient to meet projected demands for established
 487 planning periods, including the development of alternative water
 488 sources to supplement traditional sources of groundwater and
 489 surface water supplies.

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

492 a. The provision of housing for all current and
 493 anticipated future residents of the jurisdiction.

494 b. The elimination of substandard dwelling conditions.

495 c. The structural and aesthetic improvement of existing
 496 housing.

497 d. The provision of adequate sites for future housing,
 498 including affordable workforce housing as defined in s.
 499 380.0651(3)(j), housing for low-income, very low-income, and
 500 moderate-income families, mobile homes, senior affordable
 501 housing, and group home facilities and foster care facilities,
 502 with supporting infrastructure and public facilities. This

503 includes compliance with the applicable public lands provision
 504 under s. 125.379 or s. 166.0451.

505 e. Provision for relocation housing and identification of
 506 historically significant and other housing for purposes of
 507 conservation, rehabilitation, or replacement.

508 f. The formulation of housing implementation programs.

509 g. The creation or preservation of affordable housing to
 510 minimize the need for additional local services and avoid the
 511 concentration of affordable housing units only in specific areas
 512 of the jurisdiction.

513 (I)h. By July 1, 2008, each county in which the gap
 514 between the buying power of a family of four and the median
 515 county home sale price exceeds \$170,000, as determined by the
 516 Florida Housing Finance Corporation, and which is not designated
 517 as an area of critical state concern shall adopt a plan for
 518 ensuring affordable workforce housing. At a minimum, the plan
 519 shall identify adequate sites for such housing. For purposes of
 520 this sub-subparagraph, the term "workforce housing" means
 521 housing that is affordable to natural persons or families whose
 522 total household income does not exceed 140 percent of the area
 523 median income, adjusted for household size.

524 (II)i. As a precondition to receiving any state affordable
 525 housing funding or allocation for any project or program within
 526 the jurisdiction of a county that is subject to sub-sub-
 527 subparagraph (I), a county must, by July 1 of each year, provide
 528 certification that the county has complied with the requirements
 529 of sub-sub-subparagraph (I). ~~Failure by a local government to~~
 530 ~~comply with the requirement in sub-subparagraph h. will result~~

531 ~~in the local government being ineligible to receive any state~~
532 ~~housing assistance grants until the requirement of sub-~~
533 ~~paragraph h. is met.~~

534 2. The goals, objectives, and policies of the housing
535 element must be based on the data and analysis prepared on
536 housing needs, including the affordable housing needs
537 assessment. State and federal housing plans prepared on behalf
538 of the local government must be consistent with the goals,
539 objectives, and policies of the housing element. Local
540 governments are encouraged to use ~~utilize~~ job training, job
541 creation, and economic solutions to address a portion of their
542 affordable housing concerns.

543 ~~3.2.~~ To assist local governments in housing data
544 collection and analysis and assure uniform and consistent
545 information regarding the state's housing needs, the state land
546 planning agency shall conduct an affordable housing needs
547 assessment for all local jurisdictions on a schedule that
548 coordinates the implementation of the needs assessment with the
549 evaluation and appraisal reports required by s. 163.3191. Each
550 local government shall use ~~utilize~~ the data and analysis from
551 the needs assessment as one basis for the housing element of its
552 local comprehensive plan. The agency shall allow a local
553 government ~~the option~~ to perform its own needs assessment, if it
554 uses the methodology established by the agency by rule.

555 (g)1. For those units of local government identified in s.
556 380.24, a coastal management element, appropriately related to
557 the particular requirements of paragraphs (d) and (e) and
558 meeting the requirements of s. 163.3178(2) and (3). The coastal

559 management element shall set forth the policies that shall guide
560 the local government's decisions and program implementation with
561 respect to the following objectives:

562 a. Maintenance, restoration, and enhancement of the
563 overall quality of the coastal zone environment, including, but
564 not limited to, its amenities and aesthetic values.

565 b. Continued existence of viable populations of all
566 species of wildlife and marine life.

567 c. The orderly and balanced utilization and preservation,
568 consistent with sound conservation principles, of all living and
569 nonliving coastal zone resources.

570 d. Avoidance of irreversible and irretrievable loss of
571 coastal zone resources.

572 e. Ecological planning principles and assumptions to be
573 used in the determination of suitability and extent of permitted
574 development.

575 f. Proposed management and regulatory techniques.

576 g. Limitation of public expenditures that subsidize
577 development in high-hazard coastal areas.

578 h. Protection of human life against the effects of natural
579 disasters.

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

583 j. Preservation, including sensitive adaptive use of
584 historic and archaeological resources.

585 2. As part of this element, a local government that has a
586 coastal management element in its comprehensive plan is

587 encouraged to adopt recreational surface water use policies that
588 include applicable criteria for and consider such factors as
589 natural resources, manatee protection needs, protection of
590 working waterfronts and public access to the water, and
591 recreation and economic demands. Criteria for manatee protection
592 in the recreational surface water use policies should reflect
593 applicable guidance outlined in the Boat Facility Siting Guide
594 prepared by the Fish and Wildlife Conservation Commission. ~~If~~
595 ~~the local government elects to adopt recreational surface water~~
596 ~~use policies by comprehensive plan amendment, such comprehensive~~
597 ~~plan amendment is exempt from the provisions of s. 163.3187(1).~~
598 Local governments that wish to adopt recreational surface water
599 use policies may be eligible for assistance with the development
600 of such policies through the Florida Coastal Management Program.
601 The Office of Program Policy Analysis and Government
602 Accountability shall submit a report on the adoption of
603 recreational surface water use policies under this subparagraph
604 to the President of the Senate, the Speaker of the House of
605 Representatives, and the majority and minority leaders of the
606 Senate and the House of Representatives no later than December
607 1, 2010.

608 (h)1. An intergovernmental coordination element showing
609 relationships and stating principles and guidelines to be used
610 in the accomplishment of coordination of the adopted
611 comprehensive plan with the plans of school boards, regional
612 water supply authorities, and other units of local government
613 providing services but not having regulatory authority over the
614 use of land, with the comprehensive plans of adjacent

615 municipalities, the county, adjacent counties, or the region,
616 with the state comprehensive plan and with the applicable
617 regional water supply plan approved pursuant to s. 373.0361, as
618 the case may require and as such adopted plans or plans in
619 preparation may exist. This element of the local comprehensive
620 plan shall demonstrate consideration of the particular effects
621 of the local plan, when adopted, upon the development of
622 adjacent municipalities, the county, adjacent counties, or the
623 region, or upon the state comprehensive plan, as the case may
624 require.

625 a. The intergovernmental coordination element shall
626 provide for procedures to identify and implement joint planning
627 areas, especially for the purpose of annexation, municipal
628 incorporation, and joint infrastructure service areas.

629 b. The intergovernmental coordination element shall
630 provide for recognition of campus master plans prepared pursuant
631 to s. 1013.30.

632 c. The intergovernmental coordination element may provide
633 for a voluntary dispute resolution process as established
634 pursuant to s. 186.509 for bringing to closure in a timely
635 manner intergovernmental disputes. A local government may
636 develop and use an alternative local dispute resolution process
637 for this purpose.

638 2. The intergovernmental coordination element shall
639 further state principles and guidelines to be used in the
640 accomplishment of coordination of the adopted comprehensive plan
641 with the plans of school boards and other units of local
642 government providing facilities and services but not having

643 regulatory authority over the use of land. In addition, the
 644 intergovernmental coordination element shall describe joint
 645 processes for collaborative planning and decisionmaking on
 646 population projections and public school siting, the location
 647 and extension of public facilities subject to concurrency, and
 648 siting facilities with countywide significance, including
 649 locally unwanted land uses whose nature and identity are
 650 established in an agreement. Within 1 year of adopting their
 651 intergovernmental coordination elements, each county, all the
 652 municipalities within that county, the district school board,
 653 and any unit of local government service providers in that
 654 county shall establish by interlocal or other formal agreement
 655 executed by all affected entities, the joint processes described
 656 in this subparagraph consistent with their adopted
 657 intergovernmental coordination elements.

658 3. To foster coordination between special districts and
 659 local general-purpose governments as local general-purpose
 660 governments implement local comprehensive plans, each
 661 independent special district must submit a public facilities
 662 report to the appropriate local government as required by s.
 663 189.415.

664 4.a. Local governments must execute an interlocal
 665 agreement with the district school board, the county, and
 666 nonexempt municipalities pursuant to s. 163.31777. The local
 667 government shall amend the intergovernmental coordination
 668 element to provide that coordination between the local
 669 government and school board is pursuant to the agreement and

670 shall state the obligations of the local government under the
671 agreement.

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

674 5. The state land planning agency shall establish a
675 schedule for phased completion and transmittal of plan
676 amendments to implement subparagraphs 1., 2., and 3. from all
677 jurisdictions so as to accomplish their adoption by December 31,
678 1999. A local government may complete and transmit its plan
679 amendments to carry out these provisions prior to the scheduled
680 date established by the state land planning agency. ~~The plan~~
681 ~~amendments are exempt from the provisions of s. 163.3187(1).~~

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

686 a. Identifies all existing or proposed interlocal service
687 delivery agreements regarding the following: education; sanitary
688 sewer; public safety; solid waste; drainage; potable water;
689 parks and recreation; and transportation facilities.

690 b. Identifies any deficits or duplication in the provision
691 of services within its jurisdiction, whether capital or
692 operational. Upon request, the Department of Community Affairs
693 shall provide technical assistance to the local governments in
694 identifying deficits or duplication.

695 7. Within 6 months after submission of the report, the
696 Department of Community Affairs shall, through the appropriate
697 regional planning council, coordinate a meeting of all local

698 governments within the regional planning area to discuss the
 699 reports and potential strategies to remedy any identified
 700 deficiencies or duplications.

701 8. Each local government shall update its
 702 intergovernmental coordination element based upon the findings
 703 in the report submitted pursuant to subparagraph 6. The report
 704 may be used as supporting data and analysis for the
 705 intergovernmental coordination element.

706 ~~(13) Local governments are encouraged to develop a
 707 community vision that provides for sustainable growth,
 708 recognizes its fiscal constraints, and protects its natural
 709 resources. At the request of a local government, the applicable
 710 regional planning council shall provide assistance in the
 711 development of a community vision.~~

712 ~~(a) As part of the process of developing a community
 713 vision under this section, the local government must hold two
 714 public meetings with at least one of those meetings before the
 715 local planning agency. Before those public meetings, the local
 716 government must hold at least one public workshop with
 717 stakeholder groups such as neighborhood associations, community
 718 organizations, businesses, private property owners, housing and
 719 development interests, and environmental organizations.~~

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

- 723 ~~1. Future growth in the area using population forecasts~~
- 724 ~~from the Bureau of Economic and Business Research;~~
- 725 ~~2. Priorities for economic development;~~

726 ~~3. Preservation of open space, environmentally sensitive~~
727 ~~lands, and agricultural lands;~~

728 ~~4. Appropriate areas and standards for mixed-use~~
729 ~~development;~~

730 ~~5. Appropriate areas and standards for high-density~~
731 ~~commercial and residential development;~~

732 ~~6. Appropriate areas and standards for economic~~
733 ~~development opportunities and employment centers;~~

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

735 ~~8. An efficient, interconnected multimodal transportation~~
736 ~~system; and~~

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

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

742 ~~1. Strategies to preserve open space and environmentally~~
743 ~~sensitive lands, and to encourage a healthy agricultural~~
744 ~~economy, including innovative planning and development~~
745 ~~strategies, such as the transfer of development rights;~~

746 ~~2. Incentives for mixed-use development, including~~
747 ~~increased height and intensity standards for buildings that~~
748 ~~provide residential use in combination with office or commercial~~
749 ~~space;~~

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

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

753 ~~5. Strategies to provide mobility within the community and~~
754 ~~to protect the Strategic Intermodal System, including the~~
755 ~~development of a transportation corridor management plan under~~
756 ~~s. 337.273.~~

757 ~~(d) The community vision must reflect the community's~~
758 ~~shared concept for growth and development of the community,~~
759 ~~including visual representations depicting the desired land use~~
760 ~~patterns and character of the community during a 10-year~~
761 ~~planning timeframe. The community vision must also take into~~
762 ~~consideration economic viability of the vision and private~~
763 ~~property interests.~~

764 ~~(e) After the workshops and public meetings required under~~
765 ~~paragraph (a) are held, the local government may amend its~~
766 ~~comprehensive plan to include the community vision as a~~
767 ~~component in the plan. This plan amendment must be transmitted~~
768 ~~and adopted pursuant to the procedures in ss. 163.3184 and~~
769 ~~163.3189 at public hearings of the governing body other than~~
770 ~~those identified in paragraph (a).~~

771 ~~(f) Amendments submitted under this subsection are exempt~~
772 ~~from the limitation on the frequency of plan amendments in s.~~
773 ~~163.3187.~~

774 ~~(g) A local government that has developed a community~~
775 ~~vision or completed a visioning process after July 1, 2000, and~~
776 ~~before July 1, 2005, which substantially accomplishes the goals~~
777 ~~set forth in this subsection and the appropriate goals,~~
778 ~~policies, or objectives have been adopted as part of the~~
779 ~~comprehensive plan or reflected in subsequently adopted land~~
780 ~~development regulations and the plan amendment incorporating the~~

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

783 ~~(14) Local governments are also encouraged to designate an~~
784 ~~urban service boundary. This area must be appropriate for~~
785 ~~compact, contiguous urban development within a 10-year planning~~
786 ~~timeframe. The urban service area boundary must be identified on~~
787 ~~the future land use map or map series. The local government~~
788 ~~shall demonstrate that the land included within the urban~~
789 ~~service boundary is served or is planned to be served with~~
790 ~~adequate public facilities and services based on the local~~
791 ~~government's adopted level of service standards by adopting a~~
792 ~~10-year facilities plan in the capital improvements element~~
793 ~~which is financially feasible. The local government shall~~
794 ~~demonstrate that the amount of land within the urban service~~
795 ~~boundary does not exceed the amount of land needed to~~
796 ~~accommodate the projected population growth at densities~~
797 ~~consistent with the adopted comprehensive plan within the 10-~~
798 ~~year planning timeframe.~~

799 ~~(a) As part of the process of establishing an urban~~
800 ~~service boundary, the local government must hold two public~~
801 ~~meetings with at least one of those meetings before the local~~
802 ~~planning agency. Before those public meetings, the local~~
803 ~~government must hold at least one public workshop with~~
804 ~~stakeholder groups such as neighborhood associations, community~~
805 ~~organizations, businesses, private property owners, housing and~~
806 ~~development interests, and environmental organizations.~~

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

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

813 ~~2. This subsection does not prohibit new development~~
814 ~~outside an urban service boundary. However, a local government~~
815 ~~that establishes an urban service boundary under this subsection~~
816 ~~is encouraged to require a full cost accounting analysis for any~~
817 ~~new development outside the boundary and to consider the results~~
818 ~~of that analysis when adopting a plan amendment for property~~
819 ~~outside the established urban service boundary.~~

820 ~~(c) Amendments submitted under this subsection are exempt~~
821 ~~from the limitation on the frequency of plan amendments in s.~~
822 ~~163.3187.~~

823 ~~(d) A local government that has adopted an urban service~~
824 ~~boundary before July 1, 2005, which substantially accomplishes~~
825 ~~the goals set forth in this subsection is not required to comply~~
826 ~~with paragraph (a) or subparagraph 1. of paragraph (b) in order~~
827 ~~to be eligible for the incentives under s. 163.3184(17). In~~
828 ~~order to satisfy the provisions of this paragraph, the local~~
829 ~~government must secure a determination from the state land~~
830 ~~planning agency that the urban service boundary adopted before~~
831 ~~July 1, 2005, substantially complies with the criteria of this~~
832 ~~subsection, based on data and analysis submitted by the local~~
833 ~~government to support this determination. The determination by~~
834 ~~the state land planning agency is not subject to administrative~~
835 ~~challenge.~~

836 Section 4. Subsections (3), (4), (5), and (6) of section
837 163.31771, Florida Statutes, are amended to read:

838 163.31771 Accessory dwelling units.--

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

844 (4) If the local government amends its comprehensive plan
845 pursuant to ~~adopts an ordinance under~~ this section, an
846 application for a building permit to construct an accessory
847 dwelling unit must include an affidavit from the applicant which
848 attests that the unit will be rented at an affordable rate to an
849 extremely-low-income, very-low-income, low-income, or moderate-
850 income person or persons.

851 (5) Each accessory dwelling unit allowed by the
852 comprehensive plan ~~an ordinance adopted under this section~~ shall
853 apply toward satisfying the affordable housing component of the
854 housing element in the local government's comprehensive plan
855 under s. 163.3177(6)(f). If such unit is subject to a recorded
856 land use restriction agreement restricting its use to affordable
857 housing, the unit may not be treated as a new unit for purposes
858 of transportation concurrency or impact fees. Accessory dwelling
859 units may not be located on land within a coastal high-hazard
860 area, an area of critical state concern, or on lands identified
861 as environmentally sensitive in the local comprehensive plan.

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

864 ~~local government's shortage of affordable housing and report to~~
865 ~~the Legislature by January 1, 2007. The report must specify the~~
866 ~~number of ordinances adopted by a local government under this~~
867 ~~section and the number of accessory dwelling units that were~~
868 ~~created under these ordinances.~~

869 Section 5. Section 163.3180, Florida Statutes, is amended
870 to read:

871 163.3180 Concurrency.--

872 (1) APPLICABILITY OF CONCURRENCY REQUIREMENT.--

873 (a) Public facility types.--Sanitary sewer, solid waste,
874 drainage, potable water, parks and recreation, schools, and
875 transportation facilities, including mass transit, where
876 applicable, are the only public facilities and services subject
877 to the concurrency requirement on a statewide basis. Additional
878 public facilities and services may not be made subject to
879 concurrency on a statewide basis without appropriate study and
880 approval by the Legislature; however, any local government may
881 extend the concurrency requirement ~~so that it applies to~~ apply
882 to additional public facilities within its jurisdiction.

883 (b) Transportation methodologies.--Local governments shall
884 use professionally accepted techniques for measuring level of
885 service for automobiles, bicycles, pedestrians, transit, and
886 trucks. These techniques may be used to evaluate increased
887 accessibility by multiple modes and reductions in vehicle miles
888 of travel in an area or zone. The state land planning agency and
889 the Department of Transportation shall develop methodologies to
890 assist local governments in implementing this multimodal level-
891 of-service analysis and. ~~The Department of Community Affairs and~~

892 ~~the Department of Transportation~~ shall provide technical
893 assistance to local governments in applying the ~~these~~
894 methodologies.

895 (2) PUBLIC FACILITY AVAILABILITY STANDARDS.--

896 (a) Sanitary sewer, solid waste, drainage, adequate water
897 supply, and potable water facilities.--Consistent with public
898 health and safety, sanitary sewer, solid waste, drainage,
899 adequate water supplies, and potable water facilities shall be
900 in place and available to serve new development no later than
901 the issuance by the local government of a certificate of
902 occupancy or its functional equivalent. Prior to approval of a
903 building permit or its functional equivalent, the local
904 government shall consult with the applicable water supplier to
905 determine whether adequate water supplies to serve the new
906 development will be available by ~~no later than~~ the anticipated
907 date of issuance ~~by the local government~~ of the a certificate of
908 occupancy or its functional equivalent. A local government may
909 meet the concurrency requirement for sanitary sewer through the
910 use of onsite sewage treatment and disposal systems approved by
911 the Department of Health to serve new development.

912 (b) Parks and recreation facilities.--Consistent with the
913 public welfare, and except as otherwise provided in this
914 section, parks and recreation facilities to serve new
915 development shall be in place or under actual construction
916 within ~~no later than~~ 1 year after issuance by the local
917 government of a certificate of occupancy or its functional
918 equivalent. However, the acreage for such facilities must ~~shall~~
919 be dedicated or be acquired by the local government prior to

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

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

930 (3) ESTABLISHING LEVEL-OF-SERVICE STANDARDS.--Governmental
 931 entities that are not responsible for providing, financing,
 932 operating, or regulating public facilities needed to serve
 933 development may not establish binding level-of-service standards
 934 on governmental entities that do bear those responsibilities.
 935 This subsection does not limit the authority of any agency to
 936 recommend or make objections, recommendations, comments, or
 937 determinations during reviews conducted under s. 163.3184.

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

939 (a) State and other public facilities.--The concurrency
 940 requirement as implemented in local comprehensive plans applies
 941 to state and other public facilities and development to the same
 942 extent that it applies to all other facilities and development,
 943 as provided by law.

944 (b) Public transit facilities.--The concurrency
 945 requirement as implemented in local comprehensive plans does not
 946 apply to public transit facilities. For the purposes of this
 947 paragraph, public transit facilities include transit stations

948 and terminals; transit station parking; park-and-ride lots;
 949 intermodal public transit connection or transfer facilities;
 950 fixed bus, guideway, and rail stations; and airport passenger
 951 terminals and concourses, air cargo facilities, and hangars for
 952 the maintenance or storage of aircraft. As used in this
 953 paragraph, the terms "terminals" and "transit facilities" do not
 954 include seaports or commercial or residential development
 955 constructed in conjunction with a public transit facility.

956 (c) Infill and redevelopment areas.--The concurrency
 957 requirement, except as it relates to transportation facilities
 958 and public schools, as implemented in local government
 959 comprehensive plans, may be waived by a local government for
 960 urban infill and redevelopment areas designated pursuant to s.
 961 163.2517 if such a waiver does not endanger public health or
 962 safety as defined by the local government in its local
 963 government comprehensive plan. The waiver must ~~shall~~ be adopted
 964 as a plan amendment using ~~pursuant to~~ the process ~~set forth~~ in
 965 s. 163.3187(3)(a). A local government may grant a concurrency
 966 exception pursuant to subsection (5) for transportation
 967 facilities located within ~~these~~ urban infill and redevelopment
 968 areas.

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

970 (a) Legislative findings.--The Legislature finds that
 971 under limited circumstances ~~dealing with transportation~~
 972 ~~facilities~~, countervailing planning and public policy goals may
 973 come into conflict with the requirement that adequate public
 974 transportation facilities and services be available concurrent
 975 with the impacts of such development. The Legislature further

976 finds that ~~often~~ the unintended result of the concurrency
977 requirement for transportation facilities is often the
978 discouragement of urban infill development and redevelopment.
979 Such unintended results directly conflict with the goals and
980 policies of the state comprehensive plan and the intent of this
981 part. The Legislature finds that in urban centers transportation
982 cannot be effectively managed and mobility cannot be improved
983 solely through expansion of roadway capacity, that in many urban
984 areas the expansion of roadway capacity is not always physically
985 or financially possible, and that a range of transportation
986 alternatives are essential to satisfy mobility needs, reduce
987 congestion, and achieve healthy, vibrant centers. Therefore,
988 exceptions from the concurrency requirement for transportation
989 facilities may be granted as provided by this subsection.

990 (b) Geographic applicability of transportation concurrency
991 exception areas.--

992 1. Transportation concurrency exception areas are
993 established for those geographic areas identified in the
994 comprehensive plan for urban infill development, urban
995 redevelopment, downtown revitalization, or urban infill and
996 redevelopment under s. 163.2517.

997 2. A local government may grant an exception from the
998 concurrency requirement for transportation facilities if the
999 proposed development is otherwise consistent with the adopted
1000 local government comprehensive plan and is a project that
1001 promotes public transportation or is located within an area
1002 designated in the comprehensive plan as ~~for~~

1003 ~~1. Urban infill development;~~

1004 ~~2. Urban redevelopment;~~
 1005 ~~3. Downtown revitalization;~~
 1006 ~~4. Urban infill and redevelopment under s. 163.2517; or~~
 1007 ~~5.~~ an urban service area specifically designated as a
 1008 transportation concurrency exception area which includes lands
 1009 appropriate for compact, contiguous urban development, which
 1010 does not exceed the amount of land needed to accommodate the
 1011 projected population growth at densities consistent with the
 1012 adopted comprehensive plan within the 10-year planning period,
 1013 and which is served or is planned to be served with public
 1014 facilities and services as provided by the capital improvements
 1015 element.

1016 (c) Projects with special part-time demands.--The
 1017 Legislature also finds that developments located within urban
 1018 infill, urban redevelopment, existing urban service, or downtown
 1019 revitalization areas or areas designated as urban infill and
 1020 redevelopment areas under s. 163.2517 which pose only special
 1021 part-time demands on the transportation system should be
 1022 excepted from the concurrency requirement for transportation
 1023 facilities. A special part-time demand is one that does not have
 1024 more than 200 scheduled events during any calendar year and does
 1025 not affect the 100 highest traffic volume hours.

1026 (d) Establishment of concurrency exception areas.--For
 1027 transportation concurrency exception areas adopted pursuant to
 1028 subparagraph (b)2., the following requirements apply:

1029 1. A local government shall establish guidelines in the
 1030 comprehensive plan for granting the transportation concurrency
 1031 exceptions that authorized in paragraphs (b) and (c) and

1032 ~~subsections (7) and (15) which~~ must be consistent with and
 1033 support a comprehensive strategy adopted in the plan to promote
 1034 and facilitate development consistent with the planning and
 1035 public policy goals upon which the establishment of the
 1036 concurrency exception areas was predicated ~~the purpose of the~~
 1037 ~~exceptions.~~

1038 2.(e) The local government shall adopt into the plan and
 1039 implement long-term strategies to support and fund mobility
 1040 within the designated exception area, including alternative
 1041 modes of transportation. The plan amendment must also
 1042 demonstrate how strategies will support the purpose of the
 1043 exception and how mobility within the designated exception area
 1044 will be provided. In addition, the strategies must address urban
 1045 design; appropriate land use mixes, including intensity and
 1046 density; and network connectivity plans needed to promote urban
 1047 infill, redevelopment, or downtown revitalization. The
 1048 comprehensive plan amendment designating the concurrency
 1049 exception area must be accompanied by data and analysis
 1050 justifying the size of the area.

1051 3.(f) Prior to the designation of a concurrency exception
 1052 area pursuant to subparagraph (b)2., the state land planning
 1053 agency and the Department of Transportation shall be consulted
 1054 by the local government to assess the effect ~~impact~~ that the
 1055 proposed exception area is expected to have on the adopted
 1056 level-of-service standards established for Strategic Intermodal
 1057 System facilities, ~~as defined in s. 339.64,~~ and roadway
 1058 facilities funded in accordance with s. 339.2819. Further, the
 1059 local government shall, in consultation with the state land

1060 planning agency and the Department of Transportation, develop a
 1061 plan to mitigate any impacts to the Strategic Intermodal System,
 1062 including, if appropriate, access management, parallel reliever
 1063 roads, transportation demand management, and other measures.

1064 4. Local governments shall also meet with adjacent
 1065 jurisdictions that may be impacted by the designation to discuss
 1066 strategies to minimize impacts ~~the development of a long term~~
 1067 ~~concurrency management system pursuant to subsection (9) and s.~~
 1068 ~~163.3177(3) (d). The exceptions may be available only within the~~
 1069 ~~specific geographic area of the jurisdiction designated in the~~
 1070 ~~plan. Pursuant to s. 163.3184, any affected person may challenge~~
 1071 ~~a plan amendment establishing these guidelines and the areas~~
 1072 ~~within which an exception could be granted.~~

1073 ~~(g) Transportation concurrency exception areas existing~~
 1074 ~~prior to July 1, 2005, must, at a minimum, meet the provisions~~
 1075 ~~of this section by July 1, 2006, or at the time of the~~
 1076 ~~comprehensive plan update pursuant to the evaluation and~~
 1077 ~~appraisal report, whichever occurs last.~~

1078 (6) DE MINIMIS IMPACT.--The Legislature finds that a de
 1079 minimis impact is consistent with this part. A de minimis impact
 1080 is an impact that does ~~would~~ not affect more than 1 percent of
 1081 the maximum volume at the adopted level of service of the
 1082 affected transportation facility as determined by the local
 1083 government. An ~~No~~ impact is not ~~will be~~ de minimis if the sum of
 1084 existing roadway volumes and the projected volumes from approved
 1085 projects on a transportation facility exceeds ~~would exceed~~ 110
 1086 percent of the maximum volume at the adopted level of service of
 1087 the affected transportation facility; ~~provided~~ however, the ~~that~~

1088 ~~an~~ impact of a single family home on an existing lot is ~~will~~
 1089 ~~constitute~~ a de minimis impact on all roadways regardless of the
 1090 level of the deficiency of the roadway. Further, an ~~no~~ impact is
 1091 not ~~will be~~ de minimis if it exceeds ~~would exceed~~ the adopted
 1092 level-of-service standard of any affected designated hurricane
 1093 evacuation routes. Each local government shall maintain
 1094 sufficient records to ensure that the 110-percent criterion is
 1095 not exceeded. ~~Each local government shall submit annually, with~~
 1096 ~~its updated capital improvements element, a summary of the de~~
 1097 ~~minimis records. If the state land planning agency determines~~
 1098 ~~that the 110 percent criterion has been exceeded, the state land~~
 1099 ~~planning agency shall notify the local government of the~~
 1100 ~~exceedance and that no further de minimis exceptions for the~~
 1101 ~~applicable roadway may be granted until such time as the volume~~
 1102 ~~is reduced below the 110 percent. The local government shall~~
 1103 ~~provide proof of this reduction to the state land planning~~
 1104 ~~agency before issuing further de minimis exceptions.~~

1105 (7) CONCURRENCY MANAGEMENT AREAS.--In order to promote
 1106 infill development and redevelopment, one or more transportation
 1107 concurrency management areas may be designated in a local
 1108 government comprehensive plan. A transportation concurrency
 1109 management area must be a compact geographic area that has ~~with~~
 1110 an existing network of roads where multiple, viable alternative
 1111 travel paths or modes are available for common trips. A local
 1112 government may establish an areawide level-of-service standard
 1113 for ~~such~~ a transportation concurrency management area based upon
 1114 an analysis that provides for a justification for the areawide
 1115 level of service, how urban infill development or redevelopment

1116 will be promoted, and how mobility will be accomplished within
 1117 the transportation concurrency management area. Prior to the
 1118 designation of a concurrency management area, the local
 1119 government shall consult with the state land planning agency and
 1120 the Department of Transportation shall be consulted by the local
 1121 government to assess the effect ~~impact~~ that the proposed
 1122 concurrency management area is expected to have on the adopted
 1123 level-of-service standards established for Strategic Intermodal
 1124 System facilities, ~~as defined in s. 339.64,~~ and roadway
 1125 facilities funded in accordance with s. 339.2819. Further, the
 1126 local government shall, in cooperation with the state land
 1127 planning agency and the Department of Transportation, develop a
 1128 plan to mitigate any impacts to the Strategic Intermodal System,
 1129 including, if appropriate, the development of a long-term
 1130 concurrency management system pursuant to subsection (9) and s.
 1131 163.3177(3)(d). ~~Transportation concurrency management areas~~
 1132 ~~existing prior to July 1, 2005, shall meet, at a minimum, the~~
 1133 ~~provisions of this section by July 1, 2006, or at the time of~~
 1134 ~~the comprehensive plan update pursuant to the evaluation and~~
 1135 ~~appraisal report, whichever occurs last.~~ The state land planning
 1136 agency shall amend chapter 9J-5, Florida Administrative Code, to
 1137 be consistent with this subsection.

1138 (8) URBAN REDEVELOPMENT.--When assessing the
 1139 transportation impacts of proposed urban redevelopment within an
 1140 established existing urban service area, 150 ~~110~~ percent of the
 1141 actual transportation impact caused by the previously existing
 1142 development must be reserved for the redevelopment, even if the
 1143 previously existing development has a lesser or nonexistent

1144 impact pursuant to the calculations of the local government.
 1145 Redevelopment requiring less than 150 ~~110~~ percent of the
 1146 previously existing capacity may ~~shall~~ not be prohibited due to
 1147 the reduction of transportation levels of service below the
 1148 adopted standards. This does not preclude the appropriate
 1149 assessment of fees or accounting for the impacts within the
 1150 concurrency management system and capital improvements program
 1151 of the affected local government. This paragraph does not affect
 1152 local government requirements for appropriate development
 1153 permits.

1154 (9) LONG-TERM CONCURRENCY MANAGEMENT.--

1155 (a) Each local government may adopt, as a part of its
 1156 plan, long-term transportation and school concurrency management
 1157 systems that have ~~with~~ a planning period of up to 10 years for
 1158 specially designated districts or areas where significant
 1159 backlogs exist. The plan may include interim level-of-service
 1160 standards on certain facilities and shall rely on the local
 1161 government's schedule of capital improvements for up to 10 years
 1162 as a basis for issuing development orders that authorize
 1163 commencement of construction in these designated districts or
 1164 areas. The concurrency management system must be designed to
 1165 correct existing deficiencies and set priorities for addressing
 1166 backlogged facilities. For a long-term transportation system,
 1167 the local government shall consult with the appropriate
 1168 metropolitan planning organization in setting priorities for
 1169 addressing backlogged facilities. The concurrency management
 1170 system must be financially feasible and consistent with other

1171 portions of the adopted local plan, including the future land
 1172 use map.

1173 (b) If a local government has a transportation or school
 1174 facility backlog for existing development which cannot be
 1175 adequately addressed in a 10-year plan, the state land planning
 1176 agency may allow it to develop a plan and long-term schedule of
 1177 capital improvements covering up to 15 years for good and
 1178 sufficient cause, based on a general comparison between that
 1179 local government and all other similarly situated local
 1180 jurisdictions, using the following factors:

- 1181 1. The extent of the backlog.
- 1182 2. For roads, whether the backlog is on local or state
 1183 roads.
- 1184 3. The cost of eliminating the backlog.
- 1185 4. The local government's tax and other revenue-raising
 1186 efforts.

1187 (c) The local government may issue approvals to commence
 1188 construction notwithstanding this section, consistent with and
 1189 in areas that are subject to a long-term concurrency management
 1190 system.

1191 (d) If the local government adopts a long-term concurrency
 1192 management system, it must evaluate the system periodically. At
 1193 a minimum, the local government must assess its progress toward
 1194 improving levels of service within the long-term concurrency
 1195 management district or area in the evaluation and appraisal
 1196 report and determine any changes that are necessary to
 1197 accelerate progress in meeting acceptable levels of service.

1198 (10) TRANSPORTATION LEVEL-OF-SERVICE STANDARDS.--With
 1199 regard to roadway facilities on the Strategic Intermodal System
 1200 designated in accordance with s. ss. ~~339.61, 339.62,~~ 339.63, and
 1201 ~~339.64,~~ the Florida Intrastate Highway System ~~as defined in s.~~
 1202 ~~338.001,~~ and roadway facilities funded in accordance with s.
 1203 339.2819, local governments shall adopt the level-of-service
 1204 standard established by the Department of Transportation by
 1205 rule. For all other roads on the State Highway System, local
 1206 governments shall establish an adequate level-of-service
 1207 standard that need not be consistent with any level-of-service
 1208 standard established by the Department of Transportation. In
 1209 establishing adequate level-of-service standards for any
 1210 arterial roads, or collector roads as appropriate, which
 1211 traverse multiple jurisdictions, local governments shall
 1212 consider compatibility with the roadway facility's adopted
 1213 level-of-service standards in adjacent jurisdictions. Each local
 1214 government within a county shall use a professionally accepted
 1215 methodology for measuring impacts on transportation facilities
 1216 for the purposes of implementing its concurrency management
 1217 system. Counties are encouraged to coordinate with adjacent
 1218 counties, and local governments within a county are encouraged
 1219 to coordinate, for the purpose of using common methodologies for
 1220 measuring impacts on transportation facilities for the purpose
 1221 of implementing their concurrency management systems.

1222 (11) LIMITATION OF LIABILITY.--In order to limit the
 1223 liability of local governments, a local government may allow a
 1224 landowner to proceed with development of a specific parcel of
 1225 land notwithstanding a failure of the development to satisfy

1226 transportation concurrency, if ~~when~~ all the following factors
 1227 ~~are shown to~~ exist:

1228 (a) The local government that has ~~with~~ jurisdiction over
 1229 the property has adopted a local comprehensive plan that is in
 1230 compliance.

1231 (b) The proposed development is ~~would be~~ consistent with
 1232 the future land use designation for the specific property and
 1233 with pertinent portions of the adopted local plan, as determined
 1234 by the local government.

1235 (c) The local plan includes a financially feasible capital
 1236 improvements element that provides for transportation facilities
 1237 adequate to serve the proposed development, and the local
 1238 government has not implemented that element.

1239 (d) The local government has provided a means for
 1240 assessing ~~by which~~ the landowner for ~~will be assessed~~ a fair
 1241 share of the cost of providing the transportation facilities
 1242 necessary to serve the proposed development.

1243 (e) The landowner has made a binding commitment to the
 1244 local government to pay the fair share of the cost of providing
 1245 the transportation facilities to serve the proposed development.

1246 (12) REGIONAL IMPACT PROPORTIONATE SHARE.--

1247 (a) A development of regional impact may satisfy the
 1248 transportation concurrency requirements of the local
 1249 comprehensive plan, the local government's concurrency
 1250 management system, and s. 380.06 by payment of a proportionate-
 1251 share contribution for local and regionally significant traffic
 1252 impacts, if:

1253 1.(a) The development of regional impact which, based on
 1254 its location or mix of land uses, is designed to encourage
 1255 pedestrian or other nonautomotive modes of transportation;

1256 2.(b) The proportionate-share contribution for local and
 1257 regionally significant traffic impacts is sufficient to pay for
 1258 one or more required mobility improvements that will benefit the
 1259 network of a regionally significant transportation facilities if
 1260 impacts on the Strategic Intermodal System, the Florida
 1261 Intrastate Highway System, and other regionally significant
 1262 roadways outside the jurisdiction of the local government are
 1263 mitigated based on the prioritization of needed improvements
 1264 identified in the regional report pursuant to s. 380.06(12)
 1265 facility;

1266 3.(e) The owner and developer of the development of
 1267 regional impact pays or assures payment of the proportionate-
 1268 share contribution; and

1269 4.(d) ~~If~~ The regionally significant transportation
 1270 facility to be constructed or improved is under the maintenance
 1271 authority of a governmental entity, as defined by s. 334.03
 1272 334.03(12), other than the local government that has with
 1273 jurisdiction over the development of regional impact, the
 1274 developer must ~~is required to~~ enter into a binding and legally
 1275 enforceable commitment to transfer funds to the governmental
 1276 entity having maintenance authority or to otherwise assure
 1277 construction or improvement of the facility.

1278 (b) The proportionate-share contribution may be applied to
 1279 any transportation facility to satisfy the provisions of this
 1280 subsection and the local comprehensive plan. ~~, but,~~ For the

1281 purposes of this subsection, the amount of the proportionate-
 1282 share contribution shall be calculated based upon the cumulative
 1283 number of trips from the proposed development expected to reach
 1284 roadways during the peak hour from the complete buildout of a
 1285 stage or phase being approved, divided by the change in the peak
 1286 hour maximum service volume of roadways resulting from
 1287 construction of an improvement necessary to maintain the adopted
 1288 level of service, multiplied by the construction cost, at the
 1289 time of developer payment, of the improvement necessary to
 1290 maintain the adopted level of service. If the number of trips
 1291 used in a transportation analysis includes trips from an earlier
 1292 phase of development, the determination of mitigation for the
 1293 subsequent phase of development shall account for any mitigation
 1294 required by the development order and provided by the developer
 1295 for the earlier phase, calculated at present value. For purposes
 1296 of this subsection, the term:

1297 1. "Present value" means the fair market value of right-
 1298 of-way at the time of contribution or the actual dollar value of
 1299 the construction improvements at the date of completion adjusted
 1300 by the Consumer Price Index.

1301 2. ~~For purposes of this subsection,~~ "Construction cost"
 1302 includes all associated costs of the improvement. The
 1303 proportionate-share contribution shall include the costs
 1304 associated with accommodating a transit facility within the
 1305 development of regional impact that is in a county's or the
 1306 Department of Transportation's long-range plan and shall be
 1307 credited against a development of regional impact's
 1308 proportionate-share contribution. Proportionate-share mitigation

1309 shall be limited to ensure that a development of regional impact
 1310 meeting the requirements of this subsection mitigates its impact
 1311 on the transportation system but is not responsible for the
 1312 additional cost of reducing or eliminating backlogs.

1313 3. "Backlogged transportation facility" means a facility
 1314 on which the adopted level-of-service standard is exceeded by
 1315 the existing trips plus committed trips. A developer may not be
 1316 required to fund or construct proportionate share mitigation
 1317 that is more extensive than mitigation necessary to offset the
 1318 impact of the development project in question.

1319
 1320 This subsection also applies to Florida Quality Developments
 1321 pursuant to s. 380.061 and to detailed specific area plans
 1322 implementing optional sector plans pursuant to s. 163.3245.

1323 (13) SCHOOL CONCURRENCY.--School concurrency shall be
 1324 established on a districtwide basis and ~~shall~~ include all public
 1325 schools in the district and all portions of the district,
 1326 whether located in a municipality or an unincorporated area
 1327 unless exempt from the public school facilities element pursuant
 1328 to s. 163.3177(12). The application of school concurrency to
 1329 development shall be based upon the adopted comprehensive plan,
 1330 as amended. All local governments within a county, except as
 1331 provided in paragraph (f), shall adopt and transmit to the state
 1332 land planning agency the necessary plan amendments, along with
 1333 the interlocal agreement, for a compliance review pursuant to s.
 1334 163.3184(7) and (8). The minimum requirements for school
 1335 concurrency are the following:

1336 (a) Public school facilities element.--A local government
 1337 shall adopt and transmit to the state land planning agency a
 1338 plan or plan amendment which includes a public school facilities
 1339 element which is consistent with the requirements of s.
 1340 163.3177(12) and which is determined to be in compliance as
 1341 defined in s. 163.3184(1)(b). All local government public school
 1342 facilities plan elements within a county must be consistent with
 1343 each other as well as the requirements of this part.

1344 (b) Level-of-service standards.--The Legislature
 1345 recognizes that an essential requirement for a concurrency
 1346 management system is the level of service at which a public
 1347 facility is expected to operate.

1348 1. Local governments and school boards imposing school
 1349 concurrency shall exercise authority in conjunction with each
 1350 other to establish jointly adequate level-of-service standards,
 1351 as defined in chapter 9J-5, Florida Administrative Code,
 1352 necessary to implement the adopted local government
 1353 comprehensive plan, based on data and analysis.

1354 2. Public school level-of-service standards shall be
 1355 included and adopted into the capital improvements element of
 1356 the local comprehensive plan and shall apply districtwide to all
 1357 schools of the same type. Types of schools may include
 1358 elementary, middle, and high schools as well as special purpose
 1359 facilities such as magnet schools.

1360 3. Local governments and school boards may use ~~shall have~~
 1361 ~~the option to utilize~~ tiered level-of-service standards to allow
 1362 time to achieve an adequate and desirable level of service as
 1363 circumstances warrant.

1364 4. A school district that includes relocatables in its
 1365 inventory of student stations shall include relocatables in its
 1366 calculation of capacity for purposes of determining whether
 1367 levels of service have been achieved.

1368 (c) Service areas.--The Legislature recognizes that an
 1369 essential requirement for a concurrency system is a designation
 1370 of the area within which the level of service will be measured
 1371 when an application for a residential development permit is
 1372 reviewed for school concurrency purposes. This delineation is
 1373 also important for ~~purposes of~~ determining whether the local
 1374 government has a financially feasible public school capital
 1375 facilities program for ~~that will provide~~ schools which will
 1376 achieve and maintain the adopted level-of-service standards.

1377 1. In order to balance competing interests, preserve the
 1378 constitutional concept of uniformity, and avoid disruption of
 1379 existing educational and growth management processes, local
 1380 governments are encouraged to initially apply school concurrency
 1381 to development only on a districtwide basis so that a
 1382 concurrency determination for a specific development is ~~will be~~
 1383 based upon the availability of school capacity districtwide. To
 1384 ensure that development is coordinated with schools having
 1385 available capacity, within 5 years after adoption of school
 1386 concurrency, local governments shall apply school concurrency on
 1387 a less than districtwide basis, ~~such as using school attendance~~
 1388 ~~zones or concurrency service areas,~~ as provided in subparagraph
 1389 2.

1390 2. For local governments applying school concurrency on a
 1391 less than districtwide basis, such as utilizing school

1392 attendance zones or larger school concurrency service areas,
 1393 local governments and school boards shall have the burden of
 1394 demonstrating ~~to demonstrate~~ that the utilization of school
 1395 capacity is maximized to the greatest extent possible in the
 1396 comprehensive plan and amendment, taking into account
 1397 transportation costs and court-approved desegregation plans, as
 1398 well as other factors. In addition, in order to achieve
 1399 concurrency within the service area boundaries selected by local
 1400 governments and school boards, the service area boundaries,
 1401 together with the standards for establishing those boundaries,
 1402 shall be identified and included as supporting data and analysis
 1403 for the comprehensive plan.

1404 3. Where school capacity is available on a districtwide
 1405 basis but school concurrency is applied on a less than
 1406 districtwide basis in the form of concurrency service areas, if
 1407 the adopted level-of-service standard cannot be met in a
 1408 particular service area as applied to an application for a
 1409 development permit and if the needed capacity for the particular
 1410 service area is available in one or more contiguous service
 1411 areas, as adopted by the local government, ~~then~~ the local
 1412 government may not deny an application for site plan or final
 1413 subdivision approval or the functional equivalent for a
 1414 development or phase of a development on the basis of school
 1415 concurrency, and if issued, development impacts shall be shifted
 1416 to contiguous service areas with schools having available
 1417 capacity.

1418 (d) Financial feasibility.--The Legislature recognizes
 1419 that financial feasibility is an important issue because the

1420 premise of concurrency is that ~~the~~ public facilities will be
 1421 provided in order to achieve and maintain the adopted level-of-
 1422 service standard. This part and chapter 9J-5, Florida
 1423 Administrative Code, contain specific standards for determining
 1424 ~~to determine~~ the financial feasibility of capital programs.
 1425 These standards were adopted to make concurrency more
 1426 predictable and local governments more accountable.

1427 1. A comprehensive plan amendment seeking to impose school
 1428 concurrency must ~~shall~~ contain appropriate amendments to the
 1429 capital improvements element of the comprehensive plan,
 1430 consistent with ~~the requirements of~~ s. 163.3177(3) and rule 9J-
 1431 5.016, Florida Administrative Code. The capital improvements
 1432 element must ~~shall~~ set forth a financially feasible public
 1433 school capital facilities program, established in conjunction
 1434 with the school board, that demonstrates that the adopted level-
 1435 of-service standards will be achieved and maintained.

1436 2. Such amendments to the capital improvements element
 1437 must ~~shall~~ demonstrate that the public school capital facilities
 1438 program meets all of the financial feasibility standards of this
 1439 part and chapter 9J-5, Florida Administrative Code, that apply
 1440 to capital programs which provide the basis for mandatory
 1441 concurrency on other public facilities and services.

1442 3. If ~~When~~ the financial feasibility of a public school
 1443 capital facilities program is evaluated by the state land
 1444 planning agency for purposes of a compliance determination, the
 1445 evaluation must ~~shall~~ be based upon the service areas selected
 1446 by the local governments and school board.

1447 (e) Availability standard.--Consistent with the public
1448 welfare, and except as otherwise provided in this subsection,
1449 public school facilities needed to serve new residential
1450 development shall be in place or under actual construction
1451 within 3 years after the issuance of final subdivision or site
1452 plan approval, or the functional equivalent. A local government
1453 may not deny an application for site plan, final subdivision
1454 approval, or the functional equivalent for a development or
1455 phase of a development authorizing residential development for
1456 failure to achieve and maintain the level-of-service standard
1457 for public school capacity in a local school concurrency
1458 management system where adequate school facilities will be in
1459 place or under actual construction within 3 years after the
1460 issuance of final subdivision or site plan approval, or the
1461 functional equivalent. Any mitigation required of a developer
1462 shall be limited to ensure that a development mitigates its own
1463 impact on public school facilities, but is not responsible for
1464 the additional cost of reducing or eliminating backlogs or
1465 addressing class size reduction. School concurrency is satisfied
1466 if the developer executes a legally binding commitment to
1467 provide mitigation proportionate to the demand for public school
1468 facilities to be created by actual development of the property,
1469 including, but not limited to, the options described in
1470 subparagraph 1. Options for proportionate-share mitigation of
1471 impacts on public school facilities must be established in the
1472 public school facilities element and the interlocal agreement
1473 pursuant to s. 163.31777.

1474 1. Appropriate mitigation options include the contribution
 1475 of land; the construction, expansion, or payment for land
 1476 acquisition or construction of a public school facility; the
 1477 construction of a charter school that complies with the
 1478 requirements of s. 1002.33(18)(f); or the creation of mitigation
 1479 banking based on the construction of a public school facility in
 1480 exchange for the right to sell capacity credits. Such options
 1481 must include execution by the applicant and the local government
 1482 of a development agreement that constitutes a legally binding
 1483 commitment to pay proportionate-share mitigation for the
 1484 additional residential units approved by the local government in
 1485 a development order and actually developed on the property,
 1486 taking into account residential density allowed on the property
 1487 prior to the plan amendment that increased the overall
 1488 residential density. The district school board must be a party
 1489 to such an agreement. As a condition of its entry into such a
 1490 development agreement, the local government may require the
 1491 landowner to agree to continuing renewal of the agreement upon
 1492 its expiration.

1493 2. If the education facilities plan and the public
 1494 educational facilities element authorize a contribution of land;
 1495 the construction, expansion, or payment for land acquisition; ~~or~~
 1496 the construction or expansion of a public school facility, or a
 1497 portion thereof; or the construction of a charter school that
 1498 complies with the requirements of s. 1002.33(18)(f), as
 1499 proportionate-share mitigation, the local government shall
 1500 credit such a contribution, construction, expansion, or payment
 1501 toward any other impact fee or exaction imposed by local

1502 ordinance for the same need, on a dollar-for-dollar basis at
 1503 fair market value.

1504 3. Any proportionate-share mitigation must be directed by
 1505 the school board toward a school capacity improvement identified
 1506 in a financially feasible 5-year district work plan that
 1507 satisfies the demands created by the development in accordance
 1508 with a binding developer's agreement.

1509 4. If a development is precluded from commencing because
 1510 there is inadequate classroom capacity to mitigate the impacts
 1511 of the development, the development may nevertheless commence if
 1512 there are accelerated facilities in an approved capital
 1513 improvement element scheduled for construction in year four or
 1514 later of such plan which, when built, will mitigate the proposed
 1515 development, or if such accelerated facilities will be in the
 1516 next annual update of the capital facilities element, the
 1517 developer enters into a binding, financially guaranteed
 1518 agreement with the school district to construct an accelerated
 1519 facility within the first 3 years of an approved capital
 1520 improvement plan, and the cost of the school facility is equal
 1521 to or greater than the development's proportionate share. When
 1522 the completed school facility is conveyed to the school
 1523 district, the developer shall receive impact fee credits usable
 1524 within the zone where the facility is constructed or any
 1525 attendance zone contiguous with or adjacent to the zone where
 1526 the facility is constructed.

1527 5. This paragraph does not limit the authority of a local
 1528 government to deny a development permit or its functional

1529 equivalent pursuant to its home rule regulatory powers, except
 1530 as provided in this part.

1531 (f) Intergovernmental coordination.--

1532 1. When establishing concurrency requirements for public
 1533 schools, a local government shall satisfy the requirements for
 1534 intergovernmental coordination set forth in s. 163.3177(6)(h)1.
 1535 and 2., except that a municipality is not required to be a
 1536 signatory to the interlocal agreement required by ss.

1537 163.3177(6)(h)2. and 163.31777(6), as a prerequisite for
 1538 imposition of school concurrency, and as a nonsignatory, may
 1539 ~~shall~~ not participate in the adopted local school concurrency
 1540 system, if the municipality meets all of the following criteria
 1541 for not having a ne significant impact on school attendance:

1542 a. The municipality has issued development orders for
 1543 fewer than 50 residential dwelling units during the preceding 5
 1544 years, or the municipality has generated fewer than 25
 1545 additional public school students during the preceding 5 years.

1546 b. The municipality has not annexed new land during the
 1547 preceding 5 years in land use categories which permit
 1548 residential uses that will affect school attendance rates.

1549 c. The municipality has no public schools located within
 1550 its boundaries.

1551 d. At least 80 percent of the developable land within the
 1552 boundaries of the municipality has been built upon.

1553 2. A municipality that ~~which~~ qualifies as not having a ne
 1554 significant impact on school attendance pursuant to ~~the criteria~~
 1555 ~~of~~ subparagraph 1. must review and determine at the time of its
 1556 evaluation and appraisal report pursuant to s. 163.3191 whether

1557 it continues to meet the criteria pursuant to s. 163.31777(6).
 1558 If the municipality determines that it no longer meets the
 1559 criteria, it must adopt appropriate school concurrency goals,
 1560 objectives, and policies in its plan amendments based on the
 1561 evaluation and appraisal report, and enter into the existing
 1562 interlocal agreement required by ss. 163.3177(6)(h)2. and
 1563 163.31777, in order to fully participate in the school
 1564 concurrency system. If such a municipality fails to do so, it is
 1565 ~~will be~~ subject to the enforcement provisions of s. 163.3191.

1566 (g) Interlocal agreement for school concurrency.--When
 1567 establishing concurrency requirements for public schools, a
 1568 local government must enter into an interlocal agreement that
 1569 satisfies the requirements in ss. 163.3177(6)(h)1. and 2. and
 1570 163.31777 and the requirements of this subsection. The
 1571 interlocal agreement must ~~shall~~ acknowledge both the school
 1572 board's constitutional and statutory obligations to provide a
 1573 uniform system of free public schools on a countywide basis, and
 1574 the land use authority of local governments, including their
 1575 authority to approve or deny comprehensive plan amendments and
 1576 development orders. The interlocal agreement shall be submitted
 1577 to the state land planning agency by the local government as a
 1578 part of the compliance review, along with the other necessary
 1579 amendments to the comprehensive plan required by this part. In
 1580 addition to the requirements of ss. 163.3177(6)(h) and
 1581 163.31777, the interlocal agreement must ~~shall~~ meet the
 1582 following requirements:

- 1583 1. Establish ~~the~~ mechanisms for coordinating the
- 1584 development, adoption, and amendment of each local government's

1585 public school facilities element with each other and the plans
 1586 of the school board to ensure a uniform districtwide school
 1587 concurrency system.

1588 2. Establish a process for developing ~~the development of~~
 1589 siting criteria that ~~which~~ encourages the location of public
 1590 schools proximate to urban residential areas to the extent
 1591 possible and seeks to collocate schools with other public
 1592 facilities such as parks, libraries, and community centers to
 1593 the extent possible.

1594 3. Specify uniform, districtwide level-of-service
 1595 standards for public schools of the same type and the process
 1596 for modifying the adopted level-of-service standards.

1597 4. Establish a process for the preparation, amendment, and
 1598 joint approval by each local government and the school board of
 1599 a public school capital facilities program that ~~which~~ is
 1600 financially feasible, and a process and schedule for
 1601 incorporation of the public school capital facilities program
 1602 into the local government comprehensive plans on an annual
 1603 basis.

1604 5. Define the geographic application of school
 1605 concurrency. If school concurrency is to be applied on a less
 1606 than districtwide basis in the form of concurrency service
 1607 areas, the agreement must ~~shall~~ establish criteria and standards
 1608 for the establishment and modification of school concurrency
 1609 service areas. The agreement must ~~shall~~ also establish a process
 1610 and schedule for the mandatory incorporation of the school
 1611 concurrency service areas and the criteria and standards for
 1612 establishment of the service areas into the local government

1613 comprehensive plans. The agreement must ~~shall~~ ensure maximum
 1614 utilization of school capacity, taking into account
 1615 transportation costs and court-approved desegregation plans, as
 1616 well as other factors. The agreement must ~~shall~~ also ensure the
 1617 achievement and maintenance of the adopted level-of-service
 1618 standards for the geographic area of application throughout the
 1619 5 years covered by the public school capital facilities plan and
 1620 thereafter by adding a new fifth year during the annual update.

1621 6. Establish a uniform districtwide procedure for
 1622 implementing school concurrency which provides for:

1623 a. The evaluation of development applications for
 1624 compliance with school concurrency requirements, including
 1625 information provided by the school board on affected schools,
 1626 impact on levels of service, ~~and~~ programmed improvements for
 1627 affected schools, and any options to provide sufficient
 1628 capacity;

1629 b. An opportunity for the school board to review and
 1630 comment on the effect of comprehensive plan amendments and
 1631 rezonings on the public school facilities plan; and

1632 c. The monitoring and evaluation of the school concurrency
 1633 system.

1634 7. Include provisions relating to amendment of the
 1635 agreement.

1636 8. A process and uniform methodology for determining
 1637 proportionate-share mitigation pursuant to subparagraph (e)1.

1638 (h) Local government authority.--This subsection does not
 1639 limit the authority of a local government to grant or deny a

1640 development permit or its functional equivalent prior to the
 1641 implementation of school concurrency.

1642 (14) RULEMAKING AUTHORITY.--The state land planning agency
 1643 shall, ~~by October 1, 1998,~~ adopt by rule minimum criteria for
 1644 the review and determination of compliance of a public school
 1645 facilities element adopted by a local government for purposes of
 1646 imposition of school concurrency.

1647 (15) MULTIMODAL DISTRICTS.--

1648 (a) Multimodal transportation districts may be established
 1649 under a local government comprehensive plan in areas delineated
 1650 on the future land use map for which the local comprehensive
 1651 plan assigns secondary priority to vehicle mobility and primary
 1652 priority to assuring a safe, comfortable, and attractive
 1653 pedestrian environment, with convenient interconnection to
 1654 transit. Such districts must incorporate community design
 1655 features that will reduce the number of automobile trips or
 1656 vehicle miles of travel and will support an integrated,
 1657 multimodal transportation system. Prior to the designation of
 1658 multimodal transportation districts, the Department of
 1659 Transportation shall be consulted by the local government to
 1660 assess the impact that the proposed multimodal district area is
 1661 expected to have on the adopted level-of-service standards
 1662 established for Strategic Intermodal System facilities, as
 1663 designated in s. 339.63 ~~defined in s. 339.64,~~ and roadway
 1664 facilities funded in accordance with s. 339.2819. Further, the
 1665 local government shall, in cooperation with the Department of
 1666 Transportation, develop a plan to mitigate any impacts to the
 1667 Strategic Intermodal System, including the development of a

1668 long-term concurrency management system pursuant to subsection
 1669 (9) and s. 163.3177(3)(d). ~~Multimodal transportation districts~~
 1670 ~~existing prior to July 1, 2005, shall meet, at a minimum, the~~
 1671 ~~provisions of this section by July 1, 2006, or at the time of~~
 1672 ~~the comprehensive plan update pursuant to the evaluation and~~
 1673 ~~appraisal report, whichever occurs last.~~

1674 (b) Community design elements of ~~such a~~ multimodal
 1675 transportation district include: a complementary mix and range
 1676 of land uses, including educational, recreational, and cultural
 1677 uses; interconnected networks of streets designed to encourage
 1678 walking and bicycling, with traffic-calming where desirable;
 1679 appropriate densities and intensities of use within walking
 1680 distance of transit stops; daily activities within walking
 1681 distance of residences, allowing independence to persons who do
 1682 not drive; public uses, streets, and squares that are safe,
 1683 comfortable, and attractive for the pedestrian, with adjoining
 1684 buildings open to the street and with parking not interfering
 1685 with pedestrian, transit, automobile, and truck travel modes.

1686 (c) Local governments may establish multimodal level-of-
 1687 service standards that rely primarily on nonvehicular modes of
 1688 transportation within the district, if ~~when~~ justified by an
 1689 analysis demonstrating that the existing and planned community
 1690 design will provide an adequate level of mobility within the
 1691 district based upon professionally accepted multimodal level-of-
 1692 service methodologies. The analysis must also demonstrate that
 1693 the capital improvements required to promote community design
 1694 are financially feasible over the development or redevelopment
 1695 timeframe for the district and that community design features

1696 within the district provide convenient interconnection for a
1697 multimodal transportation system. Local governments may issue
1698 development permits in reliance upon all planned community
1699 design capital improvements that are financially feasible over
1700 the development or redevelopment timeframe for the district,
1701 without regard to the period of time between development or
1702 redevelopment and the scheduled construction of the capital
1703 improvements. A determination of financial feasibility shall be
1704 based upon currently available funding or funding sources that
1705 could reasonably be expected to become available over the
1706 planning period.

1707 (d) Local governments may reduce impact fees or local
1708 access fees for development within multimodal transportation
1709 districts based on the reduction of vehicle trips per household
1710 or vehicle miles of travel expected from the development pattern
1711 planned for the district.

1712 (e) By December 1, 2007, the Department of Transportation,
1713 in consultation with the state land planning agency and
1714 interested local governments, may designate a study area for
1715 conducting a pilot project to determine the benefits of and
1716 barriers to establishing a regional multimodal transportation
1717 concurrency district that extends over more than one local
1718 government jurisdiction. If designated:

1719 1. The study area must be in a county that has a
1720 population of at least 1,000 persons per square mile, be within
1721 an urban service area, and have the consent of the local
1722 governments within the study area. The Department of

1723 Transportation and the state land planning agency shall provide
 1724 technical assistance.

1725 2. The local governments within the study area and the
 1726 Department of Transportation, in consultation with the state
 1727 land planning agency, shall cooperatively create a multimodal
 1728 transportation plan that meets the requirements of this section.
 1729 The multimodal transportation plan must include viable local
 1730 funding options and incorporate community design features,
 1731 including a range of mixed land uses and densities and
 1732 intensities, which will reduce the number of automobile trips or
 1733 vehicle miles of travel while supporting an integrated,
 1734 multimodal transportation system.

1735 3. To effectuate the multimodal transportation concurrency
 1736 district, participating local governments may adopt appropriate
 1737 comprehensive plan amendments.

1738 4. The Department of Transportation, in consultation with
 1739 the state land planning agency, shall submit a report by March
 1740 1, 2009, to the Governor, the President of the Senate, and the
 1741 Speaker of the House of Representatives on the status of the
 1742 pilot project. The report must identify any factors that support
 1743 or limit the creation and success of a regional multimodal
 1744 transportation district including intergovernmental
 1745 coordination.

1746 (f) The state land planning agency may designate up to
 1747 five local governments as Urban Placemaking Initiative Pilot
 1748 Projects. The purpose of the pilot project program is to assist
 1749 local communities with redevelopment of primarily single-use
 1750 suburban areas that surround strategic corridors and crossroads,

1751 to create livable, sustainable communities with a sense of
1752 place. Pilot communities must have a county population of at
1753 least 350,000, be able to demonstrate an ability to administer
1754 the pilot project, and have appropriate potential redevelopment
1755 areas suitable for the pilot project. Recognizing that both the
1756 form of existing development patterns and strict application of
1757 transportation concurrency requirements create obstacles to such
1758 redevelopment, the pilot project program shall further the
1759 ability of such communities to cultivate mixed-use and form-
1760 based communities that integrate all modes of transportation.
1761 The pilot project program shall provide an alternative
1762 regulatory framework that allows for the creation of a
1763 multimodal concurrency district that over the planning time
1764 period allows pilot project communities to incrementally realize
1765 the goals of the redevelopment area by guiding redevelopment of
1766 parcels and cultivating multimodal development in targeted
1767 transitional suburban areas. The Department of Transportation
1768 shall provide technical support to the state land planning
1769 agency and the department and the agency shall provide technical
1770 assistance to the local governments in the implementation of the
1771 pilot projects.

1772 1. Each pilot project community adopt criteria for
1773 designation of specific urban placemaking redevelopment areas
1774 and general location maps in the future land use element of
1775 their comprehensive plan. Such redevelopment areas must be
1776 within an adopted urban service boundary or functional
1777 equivalent. Each pilot project community shall also adopt
1778 comprehensive plan amendments that set forth criteria for

1779 development of the urban placemaking areas that contain land use
1780 and transportation strategies, including, but not limited to,
1781 the community design elements set forth in paragraph (b). A
1782 pilot project community shall undertake a process of public
1783 engagement to coordinate community vision, citizen interest, and
1784 development goals for developments within the urban placemaking
1785 redevelopment areas.

1786 2. Each pilot project community may assign transportation
1787 concurrency or trip generation credits and impact fee exemptions
1788 or reductions and establish transportation concurrency
1789 exceptions for developments that meet the adopted comprehensive
1790 plan criteria for urban placemaking redevelopment areas. The
1791 provisions of paragraph (c) apply to designated urban
1792 placemaking redevelopment areas.

1793 (16) FAIR-SHARE MITIGATION.--It is the intent of the
1794 Legislature to provide a method by which the impacts of
1795 development on transportation facilities can be mitigated by the
1796 cooperative efforts of the public and private sectors. The
1797 methodology used to calculate proportionate fair-share
1798 mitigation under this section shall be as provided for in
1799 subsection (12).

1800 (a) ~~By December 1, 2006,~~ Each local government shall adopt
1801 by ordinance a methodology for assessing proportionate fair-
1802 share mitigation options. ~~By December 1, 2005, the Department of~~
1803 ~~Transportation shall develop a model transportation concurrency~~
1804 ~~management ordinance with methodologies for assessing~~
1805 ~~proportionate fair share mitigation options.~~

1806 (b)1. In its transportation concurrency management system,
 1807 a local government shall, ~~by December 1, 2006,~~ include
 1808 methodologies that will be applied to calculate proportionate
 1809 fair-share mitigation. A developer may choose to satisfy all
 1810 transportation concurrency requirements by contributing or
 1811 paying proportionate fair-share mitigation if transportation
 1812 facilities or facility segments identified as mitigation for
 1813 traffic impacts are specifically identified for funding in the
 1814 5-year schedule of capital improvements in the capital
 1815 improvements element of the local plan or the long-term
 1816 concurrency management system or if such contributions or
 1817 payments to such facilities or segments are reflected in the 5-
 1818 year schedule of capital improvements in the next regularly
 1819 scheduled update of the capital improvements element. Updates to
 1820 the 5-year capital improvements element which reflect
 1821 proportionate fair-share contributions may not be found not in
 1822 compliance based on ss. 163.3164(32) and 163.3177(3) if
 1823 additional contributions, payments or funding sources are
 1824 reasonably anticipated during a period not to exceed 10 years to
 1825 fully mitigate impacts on the transportation facilities.

1826 2. Proportionate fair-share mitigation shall be applied as
 1827 a credit against impact fees to the extent ~~that all or a portion~~
 1828 ~~of~~ the proportionate fair-share mitigation is used to address
 1829 the same capital infrastructure improvements contemplated by the
 1830 local government's impact fee ordinance.

1831 (c) Proportionate fair-share mitigation includes, without
 1832 limitation, separately or collectively, private funds,
 1833 contributions of land, and construction and contribution of

1834 facilities and may include public funds as determined by the
1835 local government. Proportionate fair-share mitigation may be
1836 directed toward one or more specific transportation improvements
1837 reasonably related to the mobility demands created by the
1838 development and such improvements may address one or more modes
1839 of travel. The fair market value of the proportionate fair-share
1840 mitigation shall not differ based on the form of mitigation. A
1841 local government may not require a development to pay more than
1842 its proportionate fair-share contribution regardless of the
1843 method of mitigation. Proportionate fair-share mitigation shall
1844 be limited to ensure that a development meeting the requirements
1845 of this section mitigates its impact on the transportation
1846 system but is not responsible for the additional cost of
1847 reducing or eliminating backlogs. For purposes of this
1848 subsection, the term "backlogged transportation facility" means
1849 a facility on which the adopted level-of-service standard is
1850 exceeded by the existing trips plus committed trips. A developer
1851 may not be required to fund or construct proportionate-share
1852 mitigation for any backlogged transportation facility that is
1853 more extensive than mitigation necessary to offset the impact of
1854 the development project in question.

1855 (d) This subsection does not require a local government to
1856 approve a development that is not otherwise qualified for
1857 approval pursuant to the applicable local comprehensive plan and
1858 land development regulations.

1859 (e) Mitigation for development impacts to facilities on
1860 the Strategic Intermodal System made pursuant to this subsection
1861 requires the concurrence of the Department of Transportation.

1862 (f) If the funds in an adopted 5-year capital improvements
 1863 element are insufficient to fully fund construction of a
 1864 transportation improvement required by the local government's
 1865 concurrency management system, a local government and a
 1866 developer may still enter into a binding proportionate-share
 1867 agreement authorizing the developer to construct that amount of
 1868 development on which the proportionate share is calculated if
 1869 the proportionate-share amount in such agreement is sufficient
 1870 to pay for one or more improvements which will, in the opinion
 1871 of the governmental entity or entities maintaining the
 1872 transportation facilities, significantly benefit the impacted
 1873 transportation system. The improvements funded by the
 1874 proportionate-share component must be adopted into the 5-year
 1875 capital improvements schedule of the comprehensive plan at the
 1876 next annual capital improvements element update. The funding of
 1877 any improvements that significantly benefit the impacted
 1878 transportation system satisfies concurrency requirements as a
 1879 mitigation of the development's impact upon the overall
 1880 transportation system even if there remains a failure of
 1881 concurrency on other impacted facilities.

1882 (g) Except as provided in subparagraph (b)1., this section
 1883 may not prohibit the state land planning agency ~~Department of~~
 1884 ~~Community Affairs~~ from finding other portions of the capital
 1885 improvements element amendments not in compliance as provided in
 1886 this chapter.

1887 (h) The provisions of this subsection do not apply to a
 1888 development of regional impact satisfying the requirements of
 1889 subsection (12).

1890 (i) If the number of trips used in a transportation
1891 analysis includes trips from an earlier phase of development,
1892 the determination of mitigation for the subsequent phase of
1893 development shall account for any mitigation required by the
1894 development order and provided by the developer for the earlier
1895 phase, calculated at present value. For purposes of this
1896 subsection, the term "present value" means the fair market value
1897 of right-of-way at the time of contribution, or the actual
1898 dollar value of the construction improvements at the date of
1899 completion adjusted by the Consumer Price Index.

1900 Section 6. (1) The Legislature finds that the existing
1901 transportation concurrency system has not adequately addressed
1902 the state's transportation needs in an effective, predictable,
1903 and equitable manner and is not producing a sustainable
1904 transportation system for the state. The current system is
1905 complex, lacks uniformity among jurisdictions, is too focused on
1906 roadways to the detriment of desired land use patterns and
1907 transportation alternatives, and frequently prevents the
1908 attainment of important growth management goals. The state,
1909 therefore, should consider a different transportation
1910 concurrency approach that uses a mobility fee based on vehicle-
1911 miles or people-miles traveled. The mobility fee shall be
1912 designed to provide for mobility needs, ensure that development
1913 provides mitigation for its impacts on the transportation
1914 system, and promote compact, mixed-use, and energy-efficient
1915 development. The mobility fee shall be used to fund improvements
1916 to the transportation system.

1917 (2) The Legislative Committee on Intergovernmental
1918 Relations shall study and develop a methodology for a mobility
1919 fee system. The committee shall contract with a qualified
1920 transportation engineering firm or with a state university for
1921 the purpose of studying and developing a uniform mobility fee
1922 for statewide application to replace the existing transportation
1923 concurrency management systems adopted and implemented by local
1924 governments.

1925 (a) To assist the committee in its study, a mobility fee
1926 pilot program shall be authorized in Duval County, Nassau
1927 County, St. Johns County, and Clay County and the municipalities
1928 in such counties. The committee shall coordinate with
1929 participating local governments to implement a mobility fee on
1930 more than a single-jurisdiction basis. The local governments
1931 shall work with the committee to provide practical, field-tested
1932 experience in implementing this new approach to transportation
1933 concurrency, transportation impact fees, and proportionate-share
1934 mitigation. The committee and local governments shall make every
1935 effort to implement the pilot program no later than October 1,
1936 2008. Data from the pilot program shall be provided to the
1937 committee and the contracted entity for review and
1938 consideration.

1939 (b) No later than January 15, 2009, the committee shall
1940 provide an interim report to the President of the Senate and the
1941 Speaker of the House of Representatives reporting the status of
1942 the mobility fee study. The interim report shall discuss
1943 progress in the development of the fee, identify issues for
1944 which additional legislative guidance is needed, and recommend

1945 any interim measures that may need to be addressed to improve
 1946 the current transportation concurrency system that could be
 1947 taken prior to the final report in 2009.

1948 (c) On or before October 1, 2009, the committee shall
 1949 provide to the President of the Senate and the Speaker of the
 1950 House of Representatives a final report and recommendations
 1951 regarding the methodology, application, and implementation of a
 1952 mobility fee.

1953 (3) The study and mobility fees levied pursuant to the
 1954 pilot program shall focus on and the fee shall implement, to the
 1955 extent possible:

1956 (a) The amount, distribution, and timing of vehicle miles
 1957 and people miles traveled, applying professionally accepted
 1958 standards and practices in the disciplines of land use and
 1959 transportation planning and the requirements of constitutional
 1960 and statutory law.

1961 (b) The development of an equitable mobility fee that
 1962 provides funding for future mobility needs whereby new
 1963 development mitigates in approximate proportionality for its
 1964 impacts on the transportation system yet is not delayed or held
 1965 accountable for system backlogs or failures that are not
 1966 directly attributable to the proposed development.

1967 (c) The replacement of transportation financial
 1968 feasibility obligations, proportionate fair-share contributions,
 1969 and locally adopted transportation impact fees with the mobility
 1970 fee such that a single transportation fee, whether or not based
 1971 on number of trips or vehicle miles traveled, may be applied
 1972 uniformly on a statewide basis.

1973 (d) The ability for developer contributions of land for
 1974 right-of-way or developer-funded improvements to the
 1975 transportation network to be recognized as credits against the
 1976 mobility fee through mutually acceptable agreements reached with
 1977 the impacted jurisdictions.

1978 (e) An equitable methodology for distribution of mobility
 1979 fee proceeds among those jurisdictions responsible for
 1980 construction and maintenance of the impacted facilities such
 1981 that 100 percent of the collected mobility fees are used for
 1982 improvements to the overall transportation network of the
 1983 impacted jurisdictions.

1984 Section 7. Subsections (3) and (4), paragraphs (a) and (d)
 1985 of subsection (6), paragraph (a) of subsection (7), paragraphs
 1986 (b) and (c) of subsection (15), and subsections (17) and (18)
 1987 of section 163.3184, Florida Statutes, are amended, and
 1988 subsections (19) and (20) are added to that section, to read:

1989 163.3184 Process for adoption of comprehensive plan or
 1990 plan amendment.--

1991 (3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR
 1992 AMENDMENT.--

1993 (a) Effective January 1, 2009, prior to filing an
 1994 application for a future land use map amendment, an applicant
 1995 must conduct a neighborhood meeting to present, discuss, and
 1996 solicit public comment on a proposed amendment. The meeting
 1997 shall be conducted at least 30 and no more than 60 days before
 1998 the application for the amendment is filed with the local
 1999 government. At a minimum, the meeting shall be noticed and
 2000 conducted in accordance with the following:

2001 1. Notification by the applicant must be mailed at least
 2002 10 but no more than 14 days prior to the meeting to all persons
 2003 who own property within 500 feet of the property subject to the
 2004 proposed amendment as such information is maintained by the
 2005 county tax assessor, which list shall conclusively establish the
 2006 required recipients.

2007 2. Notice must be published by the applicant in accordance
 2008 with s. 125.66(4)(b)2. or s. 166.041(3)(c)2.b.

2009 3. Notice must be provided to the local government for
 2010 posting on the local government's web page, if available.

2011 4. Notice must be mailed by the applicant to the list of
 2012 home owner or condominium associations maintained by the
 2013 jurisdiction, if any.

2014 5. The meeting must be conducted by the applicant at an
 2015 accessible and convenient location.

2016 6. A sign-in list of all attendees must be maintained.

2017
 2018 This paragraph applies to applications for a map amendment filed
 2019 after January 1, 2009.

2020 (b) At least 15 but no more than 45 days before the local
 2021 governing body's scheduled adoption hearing, the applicant shall
 2022 conduct a second noticed community or neighborhood meeting to
 2023 present and discuss the map amendment application, including any
 2024 changes made to the proposed amendment after the first community
 2025 or neighborhood meeting. Direct mail notice by the applicant at
 2026 least 10 but no more than 14 days prior to the meeting shall
 2027 only be required for those who signed in at the preapplication
 2028 meeting and those whose names are on the sign-in sheet from the

2029 transmittal hearing pursuant to paragraph (15)(c); otherwise,
 2030 notice shall be by newspaper advertisement in accordance with s.
 2031 125.66(4)(b)2. and s. 166.041(3)(c)2.b. Prior to the adoption
 2032 hearing, the applicant shall file with the local government a
 2033 written certification or verification that the second meeting
 2034 has been noticed and conducted in accordance with this
 2035 paragraph. This paragraph applies to applications for a map
 2036 amendment filed after January 1, 2009.

2037 (c) The neighborhood meetings required in this subsection
 2038 shall not apply to small scale amendments as described in s.
 2039 163.3187 unless a local government, by ordinance, adopts a
 2040 procedure for holding a neighborhood meeting as part of the
 2041 small scale amendment process. In no event shall more than one
 2042 such meeting be required.

2043 (d)~~(a)~~ Each local governing body shall transmit the
 2044 complete proposed comprehensive plan or plan amendment to the
 2045 state land planning agency, the appropriate regional planning
 2046 council and water management district, the Department of
 2047 Environmental Protection, the Department of State, and the
 2048 Department of Transportation, and, in the case of municipal
 2049 plans, to the appropriate county, and, in the case of county
 2050 plans, to the Fish and Wildlife Conservation Commission and the
 2051 Department of Agriculture and Consumer Services, immediately
 2052 following a public hearing pursuant to subsection (15) as
 2053 specified in the state land planning agency's procedural rules.
 2054 The local governing body shall also transmit a copy of the
 2055 complete proposed comprehensive plan or plan amendment to any
 2056 other unit of local government or government agency in the state

2057 that has filed a written request with the governing body for the
2058 plan or plan amendment. The local government may request a
2059 review by the state land planning agency pursuant to subsection
2060 (6) at the time of the transmittal of an amendment.

2061 (e)~~(b)~~ A local governing body shall not transmit portions
2062 of a plan or plan amendment unless it has previously provided to
2063 all state agencies designated by the state land planning agency
2064 a complete copy of its adopted comprehensive plan pursuant to
2065 subsection (7) and as specified in the agency's procedural
2066 rules. In the case of comprehensive plan amendments, the local
2067 governing body shall transmit to the state land planning agency,
2068 the appropriate regional planning council and water management
2069 district, the Department of Environmental Protection, the
2070 Department of State, and the Department of Transportation, and,
2071 in the case of municipal plans, to the appropriate county and,
2072 in the case of county plans, to the Fish and Wildlife
2073 Conservation Commission and the Department of Agriculture and
2074 Consumer Services the materials specified in the state land
2075 planning agency's procedural rules and, in cases in which the
2076 plan amendment is a result of an evaluation and appraisal report
2077 adopted pursuant to s. 163.3191, a copy of the evaluation and
2078 appraisal report. Local governing bodies shall consolidate all
2079 proposed plan amendments into a single submission for each of
2080 the two plan amendment adoption dates during the calendar year
2081 pursuant to s. 163.3187.

2082 (f)~~(e)~~ A local government may adopt a proposed plan
2083 amendment previously transmitted pursuant to this subsection,

2084 unless review is requested or otherwise initiated pursuant to
 2085 subsection (6).

2086 (g)~~(d)~~ In cases in which a local government transmits
 2087 multiple individual amendments that can be clearly and legally
 2088 separated and distinguished for the purpose of determining
 2089 whether to review the proposed amendment, and the state land
 2090 planning agency elects to review several or a portion of the
 2091 amendments and the local government chooses to immediately adopt
 2092 the remaining amendments not reviewed, the amendments
 2093 immediately adopted and any reviewed amendments that the local
 2094 government subsequently adopts together constitute one amendment
 2095 cycle in accordance with s. 163.3187(1).

2096 (4) INTERGOVERNMENTAL REVIEW.--The governmental agencies
 2097 specified in paragraph (3) (d)~~(a)~~ shall provide comments to the
 2098 state land planning agency within 30 days after receipt by the
 2099 state land planning agency of the complete proposed plan
 2100 amendment. If the plan or plan amendment includes or relates to
 2101 the public school facilities element pursuant to s.
 2102 163.3177(12), the state land planning agency shall submit a copy
 2103 to the Office of Educational Facilities of the Commissioner of
 2104 Education for review and comment. The appropriate regional
 2105 planning council shall also provide its written comments to the
 2106 state land planning agency within 45 ~~30~~ days after receipt by
 2107 the state land planning agency of the complete proposed plan
 2108 amendment and shall specify any objections, recommendations for
 2109 modifications, and comments of any other regional agencies to
 2110 which the regional planning council may have referred the
 2111 proposed plan amendment. Written comments submitted by the

2112 public within 45 ~~30~~ days after notice of transmittal by the
 2113 local government of the proposed plan amendment will be
 2114 considered as if submitted by governmental agencies. All written
 2115 agency and public comments must be made part of the file
 2116 maintained under subsection (2).

2117 (6) STATE LAND PLANNING AGENCY REVIEW.--

2118 (a) The state land planning agency shall review a proposed
 2119 plan amendment upon request of a regional planning council,
 2120 affected person, or local government transmitting the plan
 2121 amendment. The request from the regional planning council or
 2122 affected person must be received within 45 ~~30~~ days after
 2123 transmittal of the proposed plan amendment pursuant to
 2124 subsection (3). A regional planning council or affected person
 2125 requesting a review shall do so by submitting a written request
 2126 to the agency with a notice of the request to the local
 2127 government and any other person who has requested notice.

2128 (d) The state land planning agency review shall identify
 2129 all written communications with the agency regarding the
 2130 proposed plan amendment. If the state land planning agency does
 2131 not issue such a review, it shall identify in writing to the
 2132 local government all written communications received 45 ~~30~~ days
 2133 after transmittal. The written identification must include a
 2134 list of all documents received or generated by the agency, which
 2135 list must be of sufficient specificity to enable the documents
 2136 to be identified and copies requested, if desired, and the name
 2137 of the person to be contacted to request copies of any
 2138 identified document. The list of documents must be made a part
 2139 of the public records of the state land planning agency.

2140 (7) LOCAL GOVERNMENT REVIEW OF COMMENTS; ADOPTION OF PLAN
 2141 OR AMENDMENTS AND TRANSMITTAL.--

2142 (a) The local government shall review the written comments
 2143 submitted to it by the state land planning agency, and any other
 2144 person, agency, or government. Any comments, recommendations, or
 2145 objections and any reply to them are ~~shall be~~ public documents,
 2146 a part of the permanent record in the matter, and admissible in
 2147 any proceeding in which the comprehensive plan or plan amendment
 2148 may be at issue. The local government, upon receipt of written
 2149 comments from the state land planning agency, shall have 120
 2150 days to adopt or adopt with changes the proposed comprehensive
 2151 plan or ~~s. 163.3191~~ plan amendments. ~~In the case of~~
 2152 ~~comprehensive plan amendments other than those proposed pursuant~~
 2153 ~~to s. 163.3191, the local government shall have 60 days to adopt~~
 2154 ~~the amendment, adopt the amendment with changes, or determine~~
 2155 ~~that it will not adopt the amendment.~~ The adoption of the
 2156 proposed plan or plan amendment or the determination not to
 2157 adopt a plan amendment, ~~other than a plan amendment proposed~~
 2158 ~~pursuant to s. 163.3191,~~ shall be made in the course of a public
 2159 hearing pursuant to subsection (15). If a local government fails
 2160 to adopt the comprehensive plan or plan amendment within the
 2161 timeframe set forth in this subsection, the plan or plan
 2162 amendment shall be deemed abandoned and may not be considered
 2163 until the next available amendment cycle pursuant to this
 2164 section and s. 163.3187. However, if the applicant or local
 2165 government, prior to the expiration of such timeframe, notifies
 2166 the state land planning agency that the applicant or local
 2167 government is proceeding in good faith to adopt the plan

2168 amendment, the state land planning agency shall grant one or
 2169 more extensions not to exceed a total of 360 days from the
 2170 issuance of the agency report or comments. During the pendency
 2171 of any such extension, the applicant or local government shall
 2172 provide to the state land planning agency a status report every
 2173 90 days identifying the items continuing to be addressed and the
 2174 manners in which the items are being addressed. The local
 2175 government shall transmit the complete adopted comprehensive
 2176 plan or plan amendment, including the names and addresses of
 2177 persons compiled pursuant to paragraph (15)(c), to the state
 2178 land planning agency as specified in the agency's procedural
 2179 rules within 10 working days after adoption. The local governing
 2180 body shall also transmit a copy of the adopted comprehensive
 2181 plan or plan amendment to the regional planning agency and to
 2182 any other unit of local government or governmental agency in the
 2183 state that has filed a written request with the governing body
 2184 for a copy of the plan or plan amendment.

2185 (15) PUBLIC HEARINGS.--

2186 (b) The local governing body shall hold at least two
 2187 advertised public hearings on the proposed comprehensive plan or
 2188 plan amendment as follows:

2189 1. The first public hearing shall be held at the
 2190 transmittal stage pursuant to subsection (3). It shall be held
 2191 on a weekday at least 7 days after the day that the first
 2192 advertisement is published.

2193 2. The second public hearing shall be held at the adoption
 2194 stage pursuant to subsection (7). It shall be held on a weekday
 2195 at least 5 days after the day that the second advertisement is

2196 published. The comprehensive plan or plan amendment to be
2197 considered for adoption must be available to the public at least
2198 5 days before the hearing, including through the local
2199 government's website if one is maintained. The proposed
2200 comprehensive plan amendment may not be altered during the 5
2201 days prior to the hearing if the alteration increases the
2202 permissible density, intensity, or height or decreases the
2203 minimum buffers, setbacks, or open space. If the amendment is
2204 altered in such manner during this time period or at the public
2205 hearing, the public hearing shall be continued to the next
2206 meeting of the local governing body. As part of the adoption
2207 package, the local government shall certify in writing to the
2208 state land planning agency that the local government has
2209 complied with this subsection.

2210 (c) The local government shall provide a sign-in form at
2211 the transmittal hearing and at the adoption hearing for persons
2212 to provide their names and mailing and electronic addresses. The
2213 sign-in form must advise that any person providing the requested
2214 information will receive a courtesy informational statement
2215 concerning publications of the state land planning agency's
2216 notice of intent. The local government shall add to the sign-in
2217 form the name and address of any person who submits written
2218 comments concerning the proposed plan or plan amendment during
2219 the time period between the commencement of the transmittal
2220 hearing and the end of the adoption hearing. It is the
2221 responsibility of the person completing the form or providing
2222 written comments to accurately, completely, and legibly provide

2223 all information needed in order to receive the courtesy
 2224 informational statement.

2225 ~~(17) COMMUNITY VISION AND URBAN BOUNDARY PLAN~~

2226 ~~AMENDMENTS. A local government that has adopted a community~~
 2227 ~~vision and urban service boundary under s. 163.3177(13) and (14)~~
 2228 ~~may adopt a plan amendment related to map amendments solely to~~
 2229 ~~property within an urban service boundary in the manner~~
 2230 ~~described in subsections (1), (2), (7), (14), (15), and (16) and~~
 2231 ~~s. 163.3187(1)(c)1.d. and e., 2., and 3., such that state and~~
 2232 ~~regional agency review is eliminated. The department may not~~
 2233 ~~issue an objections, recommendations, and comments report on~~
 2234 ~~proposed plan amendments or a notice of intent on adopted plan~~
 2235 ~~amendments; however, affected persons, as defined by paragraph~~
 2236 ~~(1)(a), may file a petition for administrative review pursuant~~
 2237 ~~to the requirements of s. 163.3187(3)(a) to challenge the~~
 2238 ~~compliance of an adopted plan amendment. This subsection does~~
 2239 ~~not apply to any amendment within an area of critical state~~
 2240 ~~concern, to any amendment that increases residential densities~~
 2241 ~~allowable in high hazard coastal areas as defined in s.~~
 2242 ~~163.3178(2)(h), or to a text change to the goals, policies, or~~
 2243 ~~objectives of the local government's comprehensive plan.~~

2244 ~~Amendments submitted under this subsection are exempt from the~~
 2245 ~~limitation on the frequency of plan amendments in s. 163.3187.~~

2246 (17)~~(18)~~ URBAN INFILL AND REDEVELOPMENT PLAN

2247 AMENDMENTS.--A municipality that has a designated urban infill
 2248 and redevelopment area under s. 163.2517 may adopt a plan
 2249 amendment related to map amendments solely to property within a
 2250 designated urban infill and redevelopment area in the manner

2251 described in subsections (1), (2), (7), (14), (15), and (16) and
 2252 s. 163.3187(1)(b)3.a.(IV) and (V), b., and c. ~~163.3187(1)(e)1.d.~~
 2253 ~~and e., 2., and 3.~~, such that state and regional agency review
 2254 is eliminated. The department may not issue an objections,
 2255 recommendations, and comments report on proposed plan amendments
 2256 or a notice of intent on adopted plan amendments; however,
 2257 affected persons, as defined by paragraph (1)(a), may file a
 2258 petition for administrative review pursuant to the requirements
 2259 of s. 163.3187(3)(a) to challenge the compliance of an adopted
 2260 plan amendment. This subsection does not apply to any amendment
 2261 within an area of critical state concern, to any amendment that
 2262 increases residential densities allowable in high-hazard coastal
 2263 areas as defined in s. 163.3178(2)(h), or to a text change to
 2264 the goals, policies, or objectives of the local government's
 2265 comprehensive plan. Amendments submitted under this subsection
 2266 are exempt from the limitation on the frequency of plan
 2267 amendments in s. 163.3187.

2268 (18)~~(19)~~ HOUSING INCENTIVE STRATEGY PLAN AMENDMENTS.--Any
 2269 local government that identifies in its comprehensive plan the
 2270 types of housing developments and conditions for which it will
 2271 consider plan amendments that are consistent with the local
 2272 housing incentive strategies identified in s. 420.9076 and
 2273 authorized by the local government may expedite consideration of
 2274 such plan amendments. At least 30 days prior to adopting a plan
 2275 amendment pursuant to this subsection, the local government
 2276 shall notify the state land planning agency of its intent to
 2277 adopt such an amendment, and the notice shall include the local
 2278 government's evaluation of site suitability and availability of

2279 facilities and services. A plan amendment considered under this
 2280 subsection shall require only a single public hearing before the
 2281 local governing body, which shall be a plan amendment adoption
 2282 hearing as described in subsection (7). The public notice of the
 2283 hearing required under subparagraph (15)(b)2. must include a
 2284 statement that the local government intends to use the expedited
 2285 adoption process authorized under this subsection. The state
 2286 land planning agency shall issue its notice of intent required
 2287 under subsection (8) within 30 days after determining that the
 2288 amendment package is complete. Any further proceedings shall be
 2289 governed by subsections (9)-(16).

2290 (19) PLAN AMENDMENTS IN RURAL AREAS OF CRITICAL ECONOMIC
 2291 CONCERN.--

2292 (a) A local government that is located in a rural area of
 2293 critical economic concern designated pursuant to s. 288.0656(7)
 2294 may request the Rural Economic Development Initiative to provide
 2295 assistance in the preparation of plan amendments that will
 2296 further economic activity consistent with the purpose of s.
 2297 288.0656.

2298 (b) A plan map amendment related solely to property within
 2299 a site selected for a designated catalyst project pursuant to s.
 2300 288.0656(7)(c) and that receives Rural Economic Development
 2301 Initiative assistance pursuant to s. 288.0656(8) is subject to
 2302 the alternative state review process in s. 163.32465(3)-(6). Any
 2303 special area plan policies or map notations directly related to
 2304 the map amendment may be adopted at the same time and in the
 2305 same manner as the adoption of the map amendment.

2306 (20) RURAL ECONOMIC DEVELOPMENT CENTERS.--

2307 (a) The Legislature recognizes and finds that:
2308 1. There are a number of facilities throughout the state
2309 that process, produce, or aid in the production or distribution
2310 of a variety of agriculturally based products, such as fruits,
2311 vegetables, timber, and other crops, as well as juices, paper,
2312 and building materials. These agricultural industrial facilities
2313 often have a significant amount of existing associated
2314 infrastructure that is used for the processing, production, or
2315 distribution of agricultural products.
2316 2. Such rural centers of economic development often are
2317 located within or near communities in which the economy is
2318 largely dependent upon agriculture and agriculturally based
2319 products. These rural centers of economic development
2320 significantly enhance the economy of such communities. However,
2321 such agriculturally based communities often are
2322 socioeconomically challenged and many such communities have been
2323 designated as rural areas of critical economic concern.
2324 3. If these rural centers of economic development are lost
2325 and not replaced with other job-creating enterprises, these
2326 communities will lose a substantial amount of their economies.
2327 The economies and employment bases of such communities should be
2328 diversified in order to protect against changes in national and
2329 international agricultural markets, land use patterns, weather,
2330 pests, or diseases or other events that could result in existing
2331 facilities within rural centers of economic development being
2332 permanently closed or temporarily shut down, ultimately
2333 resulting in an economic crisis for these communities.

2334 4. It is a compelling state interest to preserve the
 2335 viability of agriculture in this state and to protect rural and
 2336 agricultural communities and the state from the economic
 2337 upheaval that could result from short-term or long-term adverse
 2338 changes in the agricultural economy. An essential part of
 2339 protecting such communities while protecting viable agriculture
 2340 for the long term is to encourage diversification of the
 2341 employment base within rural centers of economic development for
 2342 the purpose of providing jobs that are not solely dependent upon
 2343 agricultural operations and to encourage the creation and
 2344 expansion of industries that use agricultural products in
 2345 innovative or new ways.

2346 (b) For purposes of this subsection, the term "rural
 2347 center of economic development" means a developed parcel or
 2348 parcels of land in an unincorporated area:

2349 1. On which there exists an operating facility or
 2350 facilities, which employ at least 200 full-time employees, in
 2351 the aggregate, used for processing and preparing for transport a
 2352 farm product as defined in s. 163.3162 or any biomass material
 2353 that could be used, directly or indirectly, for the production
 2354 of fuel, renewable energy, bioenergy, or alternative fuel as
 2355 defined by state law.

2356 2. Including all contiguous lands at the site which are
 2357 not used for cultivation of crops, but are still associated with
 2358 the operation of such a facility or facilities.

2359 3. Located within rural areas of critical economic concern
 2360 or located in a county any portion of which has been designated
 2361 as an area of critical economic concern as of January 1, 2008.

2362 (c) Landowners within a rural center of economic
 2363 development may apply for an amendment to the local government
 2364 comprehensive plan for the purpose of expanding the industrial
 2365 uses or facilities associated with the center or expanding the
 2366 existing center to include industrial uses or facilities that
 2367 are not dependent upon agriculture but that would diversify the
 2368 local economy. An application for a comprehensive plan amendment
 2369 under this paragraph may not increase the physical area of the
 2370 rural center of economic development by more than 50 percent of
 2371 the existing area unless the applicant demonstrates that
 2372 infrastructure capacity exists or can be provided to support the
 2373 improvements as required by the applicable sections of this
 2374 chapter. Any single application may not increase the physical
 2375 area of the existing rural center of economic development by
 2376 more than 200 percent or 320 acres, whichever is less. Such
 2377 amendment must propose projects that would create, upon
 2378 completion, at least 50 new full-time jobs, and an applicant is
 2379 encouraged to propose projects that would promote and further
 2380 economic activity in the area consistent with the purpose of s.
 2381 288.0656. Such amendment is presumed to be consistent with rule
 2382 9J-5.006(5), Florida Administrative Code, and may include land
 2383 uses and intensities of use consistent and compatible with the
 2384 uses and intensities of use of the rural center of economic
 2385 development. Such presumption may be rebutted by clear and
 2386 convincing evidence.

2387 Section 8. Section 163.3187, Florida Statutes, is amended
 2388 to read:

2389 163.3187 Amendment of adopted comprehensive plan.--

2390 (1) Amendments to comprehensive plans may be transmitted
 2391 and adopted pursuant to this part ~~may be made~~ not more than once
 2392 ~~two times~~ during any calendar year, with the following
 2393 exceptions except:

2394 (a) Local governments may transmit and adopt the following
 2395 comprehensive plan amendments twice during any calendar year:

2396 1. Future land use map amendments and special area
 2397 policies associated with those map amendments for land within
 2398 areas designated in the comprehensive plan for downtown
 2399 revitalization pursuant to s. 163.3164(25), urban redevelopment
 2400 pursuant to s. 163.3164(26), urban infill development pursuant
 2401 to s. 163.3164(27), urban infill and redevelopment pursuant to
 2402 s. 163.2517, or an urban service area pursuant to s.
 2403 163.3180(5)(b)2.

2404 2. Any local government comprehensive plan amendment
 2405 establishing or implementing a rural land stewardship area
 2406 pursuant to s. 163.3177(11)(d) or a sector plan pursuant to s.
 2407 163.3245.

2408 (b) The following amendments may be adopted by the local
 2409 government at any time during a calendar year without regard for
 2410 the frequency restrictions set forth in subparagraph (a)1.:

2411 1. ~~(a)~~ Any local government comprehensive ~~In the case of an~~
 2412 ~~emergency, comprehensive plan amendments may be made more often~~
 2413 ~~than twice during the calendar year if the additional plan~~
 2414 amendment that is enacted in case of emergency and receives the
 2415 approval of all of the members of the governing body. The term
 2416 "emergency" means any occurrence or threat thereof whether
 2417 accidental or natural, caused by humankind, in war or peace,

2418 | which results or may result in substantial injury or harm to the
 2419 | population or substantial damage to or loss of property or
 2420 | public funds.

2421 | 2.~~(b)~~ Any local government comprehensive plan amendments
 2422 | directly related to a proposed development of regional impact,
 2423 | including changes which have been determined to be substantial
 2424 | deviations and including Florida Quality Developments pursuant
 2425 | to s. 380.061, may be initiated by a local planning agency and
 2426 | considered by the local governing body at the same time as the
 2427 | application for development approval using the procedures
 2428 | provided for local plan amendment in this section and applicable
 2429 | local ordinances, ~~without regard to statutory or local ordinance~~
 2430 | ~~limits on the frequency of consideration of amendments to the~~
 2431 | ~~local comprehensive plan. Nothing in this subsection shall be~~
 2432 | ~~deemed to require favorable consideration of a plan amendment~~
 2433 | ~~solely because it is related to a development of regional~~
 2434 | ~~impact.~~

2435 | 3.~~(e)~~ Any local government comprehensive plan amendments
 2436 | directly related to proposed small scale development activities
 2437 | ~~may be approved without regard to statutory limits on the~~
 2438 | ~~frequency of consideration of amendments to the local~~
 2439 | ~~comprehensive plan.~~ A small scale development amendment may be
 2440 | adopted only under the following conditions:

2441 | a.~~1.~~ The proposed amendment involves a use of 10 acres or
 2442 | fewer and:

2443 | (I)~~a.~~ The cumulative annual effect of the acreage for all
 2444 | small scale development amendments adopted by the local
 2445 | government shall not exceed:

2446 (A)~~(I)~~ A maximum of 120 acres in a local government that
 2447 contains areas specifically designated in the local
 2448 comprehensive plan for urban infill, urban redevelopment, or
 2449 downtown revitalization as defined in s. 163.3164, urban infill
 2450 and redevelopment areas designated under s. 163.2517,
 2451 transportation concurrency exception areas approved pursuant to
 2452 s. 163.3180(5), or regional activity centers and urban central
 2453 business districts approved pursuant to s. 380.06(2)(e);
 2454 however, amendments under this subparagraph ~~paragraph~~ may be
 2455 applied to no more than 60 acres annually of property outside
 2456 the designated areas listed in this sub-sub-sub-subparagraph
 2457 ~~sub sub subparagraph~~. ~~Amendments adopted pursuant to paragraph~~
 2458 ~~(k) shall not be counted toward the acreage limitations for~~
 2459 ~~small scale amendments under this paragraph.~~

2460 (B)~~(II)~~ A maximum of 80 acres in a local government that
 2461 does not contain any of the designated areas set forth in sub-
 2462 sub-sub-subparagraph (A) ~~sub sub subparagraph (I)~~.

2463 (C)~~(III)~~ A maximum of 120 acres in a county established
 2464 pursuant to s. 9, Art. VIII of the State Constitution.

2465 (II)~~b~~. The proposed amendment does not involve the same
 2466 property granted a change within the prior 12 months.

2467 (III)~~e~~. The proposed amendment does not involve the same
 2468 owner's property within 200 feet of property granted a change
 2469 within the prior 12 months.

2470 (IV)~~d~~. The proposed amendment does not involve a text
 2471 change to the goals, policies, and objectives of the local
 2472 government's comprehensive plan, but only proposes a land use

2473 change to the future land use map for a site-specific small
 2474 scale development activity.

2475 (V)e. The property that is the subject of the proposed
 2476 amendment is not located within an area of critical state
 2477 concern, unless the project subject to the proposed amendment
 2478 involves the construction of affordable housing units meeting
 2479 the criteria of s. 420.0004(3), and is located within an area of
 2480 critical state concern designated by s. 380.0552 or by the
 2481 Administration Commission pursuant to s. 380.05(1). Such
 2482 amendment is not subject to the density limitations of sub-sub-
 2483 subparagraph (VI) ~~sub-subparagraph f.~~, and shall be reviewed by
 2484 the state land planning agency for consistency with the
 2485 principles for guiding development applicable to the area of
 2486 critical state concern where the amendment is located and is
 2487 ~~shall not become~~ effective until a final order is issued under
 2488 s. 380.05(6).

2489 (VI)f. If the proposed amendment involves a residential
 2490 land use, the residential land use has a density of 10 units or
 2491 less per acre or the proposed future land use category allows a
 2492 maximum residential density of the same or less than the maximum
 2493 residential density allowable under the existing future land use
 2494 category, except that this limitation does not apply to small
 2495 scale amendments involving the construction of affordable
 2496 housing units meeting the criteria of s. 420.0004(3) on property
 2497 which will be the subject of a land use restriction agreement,
 2498 or small scale amendments described in sub-sub-sub-subparagraph
 2499 (I) (A) ~~sub-sub-subparagraph a. (I)~~ that are designated in the
 2500 local comprehensive plan for urban infill, urban redevelopment,

2501 or downtown revitalization as defined in s. 163.3164, urban
 2502 infill and redevelopment areas designated under s. 163.2517,
 2503 transportation concurrency exception areas approved pursuant to
 2504 s. 163.3180(5), or regional activity centers and urban central
 2505 business districts approved pursuant to s. 380.06(2)(e).

2506 b.(I)2.a. A local government that proposes to consider a
 2507 plan amendment pursuant to this subparagraph ~~paragraph~~ is not
 2508 required to comply with the procedures and public notice
 2509 requirements of s. 163.3184(15)(c) for such plan amendments if
 2510 the local government complies with the provisions in s.
 2511 125.66(4)(a) for a county or in s. 166.041(3)(c) for a
 2512 municipality. If a request for a plan amendment under this
 2513 subparagraph ~~paragraph~~ is initiated by other than the local
 2514 government, public notice is required.

2515 (II)1. The local government shall send copies of the
 2516 notice and amendment to the state land planning agency, the
 2517 regional planning council, and any other person or entity
 2518 requesting a copy. This information shall also include a
 2519 statement identifying any property subject to the amendment that
 2520 is located within a coastal high-hazard area as identified in
 2521 the local comprehensive plan.

2522 c.3. Small scale development amendments adopted pursuant
 2523 to this subparagraph ~~paragraph~~ require only one public hearing
 2524 before the governing board, which shall be an adoption hearing
 2525 as described in s. 163.3184(7), and are not subject to the
 2526 requirements of s. 163.3184(3)-(6) unless the local government
 2527 elects to have them subject to those requirements.

2528 ~~d.4.~~ If the small scale development amendment involves a
2529 site within an area that is designated by the Governor as a
2530 rural area of critical economic concern under s. 288.0656(7) for
2531 the duration of such designation, the 10-acre limit listed in
2532 sub-subparagraph a. ~~subparagraph 1.~~ shall be increased by ~~100~~
2533 ~~percent~~ to 20 acres. ~~The local government approving the small~~
2534 ~~scale plan amendment shall certify to~~ The Office of Tourism,
2535 Trade, and Economic Development shall certify that the plan
2536 amendment furthers the economic objectives set forth in the
2537 executive order issued under s. 288.0656(7)(a) ~~288.0656(7)~~, and
2538 the local government shall certify that the property subject to
2539 the plan amendment shall undergo public review to ensure that
2540 all concurrency requirements and federal, state, and local
2541 environmental permit requirements are met.

2542 4.(d) Any comprehensive plan amendment required by a
2543 compliance agreement pursuant to s. 163.3184(16) ~~may be approved~~
2544 ~~without regard to statutory limits on the frequency of adoption~~
2545 ~~of amendments to the comprehensive plan.~~

2546 ~~(e)~~ ~~A comprehensive plan amendment for location of a state~~
2547 ~~correctional facility. Such an amendment may be made at any time~~
2548 ~~and does not count toward the limitation on the frequency of~~
2549 ~~plan amendments.~~

2550 5.(f) Any comprehensive plan amendment that changes the
2551 schedule in the capital improvements element, and any amendments
2552 directly related to the schedule, ~~may be made once in a calendar~~
2553 ~~year on a date different from the two times provided in this~~
2554 ~~subsection~~ when necessary to coincide with the adoption of the
2555 local government's budget and capital improvements program.

2556 ~~(g) Any local government comprehensive plan amendments~~
 2557 ~~directly related to proposed redevelopment of brownfield areas~~
 2558 ~~designated under s. 376.80 may be approved without regard to~~
 2559 ~~statutory limits on the frequency of consideration of amendments~~
 2560 ~~to the local comprehensive plan.~~

2561 6.(h) Any comprehensive plan amendments for port
 2562 transportation facilities and projects that are eligible for
 2563 funding by the Florida Seaport Transportation and Economic
 2564 Development Council pursuant to s. 311.07.

2565 ~~(i) A comprehensive plan amendment for the purpose of~~
 2566 ~~designating an urban infill and redevelopment area under s.~~
 2567 ~~163.2517 may be approved without regard to the statutory limits~~
 2568 ~~on the frequency of amendments to the comprehensive plan.~~

2569 7.(j) Any comprehensive plan amendment to establish public
 2570 school concurrency pursuant to s. 163.3180(13), including, but
 2571 not limited to, adoption of a public school facilities element
 2572 pursuant to s. 163.3177(12) and adoption of amendments to the
 2573 capital improvements element and intergovernmental coordination
 2574 element. In order to ensure the consistency of local government
 2575 public school facilities elements within a county, such elements
 2576 shall be prepared and adopted on a similar time schedule.

2577 ~~(k) A local comprehensive plan amendment directly related~~
 2578 ~~to providing transportation improvements to enhance life safety~~
 2579 ~~on Controlled Access Major Arterial Highways identified in the~~
 2580 ~~Florida Intrastate Highway System, in counties as defined in s.~~
 2581 ~~125.011, where such roadways have a high incidence of traffic~~
 2582 ~~accidents resulting in serious injury or death. Any such~~
 2583 ~~amendment shall not include any amendment modifying the~~

2584 ~~designation on a comprehensive development plan land use map nor~~
 2585 ~~any amendment modifying the allowable densities or intensities~~
 2586 ~~of any land.~~

2587 ~~8.(1) A comprehensive plan amendment to adopt a public~~
 2588 ~~educational facilities element pursuant to s. 163.3177(12) and~~
 2589 ~~Future land-use-map amendments for school siting may be approved~~
 2590 ~~notwithstanding statutory limits on the frequency of adopting~~
 2591 ~~plan amendments.~~

2592 ~~9.(m) A comprehensive plan amendment that addresses~~
 2593 ~~criteria or compatibility of land uses adjacent to or in close~~
 2594 ~~proximity to military installations in a local government's~~
 2595 ~~future land use element does not count toward the limitation on~~
 2596 ~~the frequency of the plan amendments.~~

2597 ~~(n) Any local government comprehensive plan amendment~~
 2598 ~~establishing or implementing a rural land stewardship area~~
 2599 ~~pursuant to the provisions of s. 163.3177(11)(d).~~

2600 ~~10.(o) A comprehensive plan amendment that is submitted by~~
 2601 ~~an area designated by the Governor as a rural area of critical~~
 2602 ~~economic concern under s. 288.0656(7) and that meets the~~
 2603 ~~economic development objectives. Before the adoption of such an~~
 2604 ~~amendment, the local government shall obtain from the Office of~~
 2605 ~~Tourism, Trade, and Economic Development written certification~~
 2606 ~~that the plan amendment furthers the economic objectives set~~
 2607 ~~forth in the executive order issued under s. 288.0656(7) may be~~
 2608 ~~approved without regard to the statutory limits on the frequency~~
 2609 ~~of adoption of amendments to the comprehensive plan.~~

2610 ~~11.(p) Any local government comprehensive plan amendment~~
 2611 ~~that is consistent with the local housing incentive strategies~~

2612 identified in s. 420.9076 and authorized by the local
 2613 government.

2614 12. Any local government comprehensive plan amendment
 2615 adopted pursuant to a final order issued by the Administration
 2616 Commission or the Florida Land and Water Adjudicatory
 2617 Commission.

2618 (2) Comprehensive plans may only be amended in such a way
 2619 as to preserve the internal consistency of the plan pursuant to
 2620 s. 163.3177(2). Corrections, updates, or modifications of
 2621 current costs which were set out as part of the comprehensive
 2622 plan shall not, for the purposes of this act, be deemed to be
 2623 amendments.

2624 (3) (a) The state land planning agency shall not review or
 2625 issue a notice of intent for small scale development amendments
 2626 which satisfy the requirements of subparagraph (1) (b) 3.
 2627 ~~paragraph (1) (c).~~ Any affected person may file a petition with
 2628 the Division of Administrative Hearings pursuant to ss. 120.569
 2629 and 120.57 to request a hearing to challenge the compliance of a
 2630 small scale development amendment with this act within 30 days
 2631 following the local government's adoption of the amendment,
 2632 shall serve a copy of the petition on the local government, and
 2633 shall furnish a copy to the state land planning agency. An
 2634 administrative law judge shall hold a hearing in the affected
 2635 jurisdiction not less than 30 days nor more than 60 days
 2636 following the filing of a petition and the assignment of an
 2637 administrative law judge. The parties to a hearing held pursuant
 2638 to this subsection shall be the petitioner, the local
 2639 government, and any intervenor. In the proceeding, the local

2640 government's determination that the small scale development
2641 amendment is in compliance is presumed to be correct. The local
2642 government's determination shall be sustained unless it is shown
2643 by a preponderance of the evidence that the amendment is not in
2644 compliance with the requirements of this act. In any proceeding
2645 initiated pursuant to this subsection, the state land planning
2646 agency may intervene.

2647 (b)1. If the administrative law judge recommends that the
2648 small scale development amendment be found not in compliance,
2649 the administrative law judge shall submit the recommended order
2650 to the Administration Commission for final agency action. If the
2651 administrative law judge recommends that the small scale
2652 development amendment be found in compliance, the administrative
2653 law judge shall submit the recommended order to the state land
2654 planning agency.

2655 2. If the state land planning agency determines that the
2656 plan amendment is not in compliance, the agency shall submit,
2657 within 30 days following its receipt, the recommended order to
2658 the Administration Commission for final agency action. If the
2659 state land planning agency determines that the plan amendment is
2660 in compliance, the agency shall enter a final order within 30
2661 days following its receipt of the recommended order.

2662 (c) Small scale development amendments shall not become
2663 effective until 31 days after adoption. If challenged within 30
2664 days after adoption, small scale development amendments shall
2665 not become effective until the state land planning agency or the
2666 Administration Commission, respectively, issues a final order
2667 determining the adopted small scale development amendment is in

2668 | compliance. However, a small-scale amendment shall not become
 2669 | effective until it has been submitted to the state land planning
 2670 | agency as required by sub-sub-subparagraph (1)(b)3.b.(I).

2671 | (4) Each governing body shall transmit to the state land
 2672 | planning agency a current copy of its comprehensive plan not
 2673 | later than December 1, 1985. Each governing body shall also
 2674 | transmit copies of any amendments it adopts to its comprehensive
 2675 | plan so as to continually update the plans on file with the
 2676 | state land planning agency.

2677 | (5) Nothing in this part is intended to prohibit or limit
 2678 | the authority of local governments to require that a person
 2679 | requesting an amendment pay some or all of the cost of public
 2680 | notice.

2681 | (6) (a) A ~~No~~ local government may not amend its
 2682 | comprehensive plan after the date established by the state land
 2683 | planning agency for adoption of its evaluation and appraisal
 2684 | report unless it has submitted its report or addendum to the
 2685 | state land planning agency as prescribed by s. 163.3191, except
 2686 | for plan amendments described in subparagraph (1)(b)2. paragraph
 2687 | ~~(1)(b)~~ or subparagraph (1)(b)6. paragraph (1)(h).

2688 | (b) A local government may amend its comprehensive plan
 2689 | after it has submitted its adopted evaluation and appraisal
 2690 | report and for a period of 1 year after the initial
 2691 | determination of sufficiency regardless of whether the report
 2692 | has been determined to be insufficient.

2693 | (c) A local government may not amend its comprehensive
 2694 | plan, except for plan amendments described in subparagraph
 2695 | (1)(b)2. paragraph (1)(b), if the 1-year period after the

2696 initial sufficiency determination of the report has expired and
 2697 the report has not been determined to be sufficient.

2698 (d) When the state land planning agency has determined
 2699 that the report has sufficiently addressed all pertinent
 2700 provisions of s. 163.3191, the local government may amend its
 2701 comprehensive plan without the limitations imposed by paragraph
 2702 (a) or paragraph (c).

2703 (e) Any plan amendment which a local government attempts
 2704 to adopt in violation of paragraph (a) or paragraph (c) is
 2705 invalid, but such invalidity may be overcome if the local
 2706 government readopts the amendment and transmits the amendment to
 2707 the state land planning agency pursuant to s. 163.3184(7) after
 2708 the report is determined to be sufficient.

2709 Section 9. Subsection (1) of section 163.3245, Florida
 2710 Statutes, is amended to read:

2711 163.3245 Optional sector plans.--

2712 (1) In recognition of the benefits of conceptual long-
 2713 range planning for the buildout of an area, and detailed
 2714 planning for specific areas, as a demonstration project, the
 2715 requirements of s. 380.06 may be addressed as identified by this
 2716 section for up to 10 ~~five~~ local governments or combinations of
 2717 local governments that ~~which~~ adopt into the comprehensive plan
 2718 an optional sector plan in accordance with this section. This
 2719 section is intended to further the intent of s. 163.3177(11),
 2720 which supports innovative and flexible planning and development
 2721 strategies, and the purposes of this part, and part I of chapter
 2722 380, and to avoid duplication of effort in terms of the level of
 2723 data and analysis required for a development of regional impact,

2724 while ensuring the adequate mitigation of impacts to applicable
 2725 regional resources and facilities, including those within the
 2726 jurisdiction of other local governments, as would otherwise be
 2727 provided. Optional sector plans are intended for substantial
 2728 geographic areas that include ~~including~~ at least 5,000 acres of
 2729 one or more local governmental jurisdictions and are to
 2730 emphasize urban form and protection of regionally significant
 2731 resources and facilities. The state land planning agency may
 2732 approve optional sector plans of less than 5,000 acres based on
 2733 local circumstances if it is determined that the plan would
 2734 further the purposes of this part and part I of chapter 380.
 2735 Preparation of an optional sector plan is authorized by
 2736 agreement between the state land planning agency and the
 2737 applicable local governments under s. 163.3171(4). An optional
 2738 sector plan may be adopted through one or more comprehensive
 2739 plan amendments under s. 163.3184. However, an optional sector
 2740 plan may not be authorized in an area of critical state concern.

2741 Section 10. Paragraph (a) of subsection (1), subsection
 2742 (2), paragraphs (b) and (c) of subsection (3), paragraph (b) of
 2743 subsection (4), paragraphs (b), (c), and (g) of subsection (6),
 2744 and subsection (7) of section 163.32465, Florida Statutes, are
 2745 amended to read:

2746 163.32465 State review of local comprehensive plans in
 2747 urban areas.--

2748 (1) LEGISLATIVE FINDINGS.--

2749 (a) The Legislature finds that local governments in this
 2750 state have a wide diversity of resources, conditions, abilities,
 2751 and needs. The Legislature also finds that the needs and

2752 resources of urban areas are different from those of rural areas
 2753 and that different planning and growth management approaches,
 2754 strategies, and techniques are required in urban areas. The
 2755 state role in overseeing growth management should reflect this
 2756 diversity and should vary based on local government conditions,
 2757 capabilities, and needs, and the extent and type of development.
 2758 Thus, the Legislature recognizes and finds that reduced state
 2759 oversight of local comprehensive planning is justified for some
 2760 local governments in urban areas.

2761 (2) ALTERNATIVE STATE REVIEW PROCESS PILOT
 2762 PROGRAM.--Pinellas and Broward Counties, and the municipalities
 2763 within these counties, and Jacksonville, Miami, Tampa, and
 2764 Hialeah shall follow an alternative state review process
 2765 provided in this section. Municipalities within the pilot
 2766 counties may elect, by super majority vote of the governing
 2767 body, not to participate in the pilot program. In addition, any
 2768 local government may elect, by simple majority vote, for the
 2769 alternative state review process to apply to future land use map
 2770 amendments and associated special area policies within areas
 2771 designated in a comprehensive plan for downtown revitalization
 2772 pursuant to s. 163.3164, urban redevelopment pursuant to s.
 2773 163.3164, urban infill development pursuant to s. 163.3164, an
 2774 urban service area pursuant to s. 163.3180(5)(b)2. or multimodal
 2775 districts pursuant to s. 163.3180(15) or for plan map amendments
 2776 related to catalyst projects pursuant to s. 163.3184(19). At
 2777 the public meeting for the election of the alternative process,
 2778 the local government shall adopt by ordinance standards for
 2779 ensuring compatible uses the local government will consider in

2780 evaluating future land use amendments within such areas. Local
 2781 governments shall provide the state land planning agency with
 2782 notification as to their election to use the alternative state
 2783 review process. The local government's determination to
 2784 participate in the pilot program shall be applied to all future
 2785 amendments.

2786 (3) PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS
 2787 UNDER THE PILOT PROGRAM.--

2788 (b) Amendments that qualify as small-scale development
 2789 amendments may continue to be adopted by the pilot program
 2790 jurisdictions pursuant to s. 163.3187(1)(c) ~~and (3)~~.

2791 (c) Plan amendments that propose a rural land stewardship
 2792 area pursuant to s. 163.3177(11)(d); propose an optional sector
 2793 plan; update a comprehensive plan based on an evaluation and
 2794 appraisal report; implement ~~new~~ statutory requirements not
 2795 previously incorporated into a comprehensive plan; or new plans
 2796 for newly incorporated municipalities are subject to state
 2797 review as set forth in s. 163.3184.

2798 (4) INITIAL HEARING ON COMPREHENSIVE PLAN AMENDMENT FOR
 2799 PILOT PROGRAM.--

2800 (b) The agencies and local governments specified in
 2801 paragraph (a) may provide comments regarding the amendment or
 2802 amendments to the local government. The regional planning
 2803 council review and comment shall be limited to effects on
 2804 regional resources or facilities identified in the strategic
 2805 regional policy plan and extrajurisdictional impacts that would
 2806 be inconsistent with the comprehensive plan of the affected
 2807 local government. A regional planning council shall not review

2808 and comment on a proposed comprehensive plan amendment prepared
 2809 by such council unless the plan amendment has been changed by
 2810 the local government subsequent to the preparation of the plan
 2811 amendment by the regional planning council. County comments on
 2812 municipal comprehensive plan amendments shall be primarily in
 2813 the context of the relationship and effect of the proposed plan
 2814 amendments on the county plan. Municipal comments on county plan
 2815 amendments shall be primarily in the context of the relationship
 2816 and effect of the amendments on the municipal plan. State agency
 2817 comments may include technical guidance on issues of agency
 2818 jurisdiction as it relates to the requirements of this part.
 2819 Such comments shall clearly identify issues that, if not
 2820 resolved, may result in an agency challenge to the plan
 2821 amendment. For the purposes of this pilot program, agencies are
 2822 encouraged to focus potential challenges on issues of regional
 2823 or statewide importance. Agencies and local governments must
 2824 transmit their comments to the affected local government ~~such~~
 2825 ~~that they are received by the local government~~ not later than 30
 2826 ~~thirty~~ days from the date on which the agency or government
 2827 received the amendment or amendments. Any comments from the
 2828 agencies and local governments shall also be transmitted to the
 2829 state land planning agency.

2830 (6) ADMINISTRATIVE CHALLENGES TO PLAN AMENDMENTS FOR PILOT
 2831 PROGRAM. --

2832 (b) The state land planning agency may file a petition
 2833 with the Division of Administrative Hearings pursuant to ss.
 2834 120.569 and 120.57, with a copy served on the affected local
 2835 government, to request a formal hearing. This petition must be

2836 filed with the Division within 30 days after the state land
 2837 planning agency notifies the local government that the plan
 2838 amendment package is complete. For purposes of this section, an
 2839 amendment shall be deemed complete if it contains a full,
 2840 executed copy of the adoption ordinance or ordinances; in the
 2841 case of a text amendment, a full copy of the amended language in
 2842 legislative format with new words inserted in the text
 2843 underlined, and words to be deleted lined through with hyphens;
 2844 in the case of a future land use map amendment, a copy of the
 2845 future land use map clearly depicting the parcel, its existing
 2846 future land use designation, and its adopted designation; and a
 2847 copy of any data and analyses the local government deems
 2848 appropriate. The state land planning agency shall notify the
 2849 local government ~~of any deficiencies~~ within 5 working days of
 2850 receipt of an amendment package that the package is complete or
 2851 identify any deficiencies regarding completeness.

2852 (c) The state land planning agency's challenge shall be
 2853 limited to those issues raised in the comments provided by the
 2854 reviewing agencies pursuant to paragraph (4) (b) that were
 2855 clearly identified in the agency comments as an issue that may
 2856 result in an agency challenge. The state land planning agency
 2857 may challenge a plan amendment that has substantially changed
 2858 from the version on which the agencies provided comments. For
 2859 the purposes of this pilot program, the Legislature strongly
 2860 encourages the state land planning agency to focus any challenge
 2861 on issues of regional or statewide importance.

2862 (g) An amendment adopted under the expedited provisions of
 2863 this section shall not become effective until the time period

2864 for filing a challenge under paragraph (a) has expired 31 days
 2865 after adoption. If timely challenged, an amendment shall not
 2866 become effective until the state land planning agency or the
 2867 Administration Commission enters a final order determining the
 2868 adopted amendment to be in compliance.

2869 (7) APPLICABILITY OF PILOT PROGRAM IN CERTAIN LOCAL
 2870 GOVERNMENTS.--Local governments and specific areas that have
 2871 been designated for alternate review process pursuant to ss.
 2872 163.3246 and 163.3184(17) ~~and (18)~~ are not subject to this
 2873 section.

2874 Section 11. Section 163.351, Florida Statutes, is created
 2875 to read:

2876 163.351 Reporting requirements for community redevelopment
 2877 agencies.--Each community redevelopment agency shall annually:

2878 (1) By March 31, file with the governing body a report
 2879 describing the progress made on each public project in the
 2880 redevelopment plan which was funded during the preceding fiscal
 2881 year and summarizing activities that, as of the end of the
 2882 fiscal year, are planned for the upcoming fiscal year. On the
 2883 date that the report is filed, the agency shall publish in a
 2884 newspaper of general circulation in the community a notice that
 2885 the report has been filed with the county or municipality and is
 2886 available for inspection during business hours in the office of
 2887 the clerk of the county or municipality and in the office of the
 2888 agency.

2889 (2) Provide the reports or information that a dependent
 2890 special district is required to file under chapter 189 to the
 2891 Department of Community Affairs.

2892 (3) Provide the reports or information required under ss.
 2893 218.32, 218.38, and 218.39 to the Department of Financial
 2894 Services.

2895 Section 12. Paragraph (c) of subsection (3) of section
 2896 163.356, Florida Statutes, is amended to read:

2897 163.356 Creation of community redevelopment agency.--

2898 (3)

2899 (c) The governing body of the county or municipality shall
 2900 designate a chair and vice chair from among the commissioners.
 2901 An agency may employ an executive director, technical experts,
 2902 and such other agents and employees, permanent and temporary, as
 2903 it requires, and determine their qualifications, duties, and
 2904 compensation. For such legal service as it requires, an agency
 2905 may employ or retain its own counsel and legal staff. ~~An agency~~
 2906 ~~authorized to transact business and exercise powers under this~~
 2907 ~~part shall file with the governing body, on or before March 31~~
 2908 ~~of each year, a report of its activities for the preceding~~
 2909 ~~fiscal year, which report shall include a complete financial~~
 2910 ~~statement setting forth its assets, liabilities, income, and~~
 2911 ~~operating expenses as of the end of such fiscal year. At the~~
 2912 ~~time of filing the report, the agency shall publish in a~~
 2913 ~~newspaper of general circulation in the community a notice to~~
 2914 ~~the effect that such report has been filed with the county or~~
 2915 ~~municipality and that the report is available for inspection~~
 2916 ~~during business hours in the office of the clerk of the city or~~
 2917 ~~county commission and in the office of the agency.~~

2918 Section 13. Paragraph (d) is added to subsection (3) of
 2919 section 163.370, Florida Statutes, to read:

2920 163.370 Powers; counties and municipalities; community
 2921 redevelopment agencies.--

2922 (3) The following projects may not be paid for or financed
 2923 by increment revenues:

2924 (d) The substitution of increment revenues as security or
 2925 payment for existing debt currently committed to pay debt
 2926 service on existing structures or projects that are completed
 2927 and operating.

2928 Section 14. Subsections (6) and (8) of section 163.387,
 2929 Florida Statutes, are amended to read:

2930 163.387 Redevelopment trust fund.--

2931 (6) Moneys in the redevelopment trust fund may be expended
 2932 from time to time for undertakings of a community redevelopment
 2933 agency as described in the community redevelopment plan. Such
 2934 expenditures may include ~~for the following purposes, including,~~
 2935 but are not limited to:

2936 (a) Administrative and overhead expenses necessary or
 2937 incidental to the implementation of a community redevelopment
 2938 plan adopted by the agency.

2939 (b) Expenses of redevelopment planning, surveys, and
 2940 financial analysis, including the reimbursement of the governing
 2941 body, any taxing authority, or the community redevelopment
 2942 agency for such expenses incurred before the redevelopment plan
 2943 was approved and adopted.

2944 (c) Expenses related to the promotion or marketing of
 2945 projects or activities in the redevelopment area which are
 2946 sponsored by the community redevelopment agency.

2947 (d)~~(e)~~ The acquisition of real property in the
 2948 redevelopment area.

2949 (e)~~(d)~~ The clearance and preparation of any redevelopment
 2950 area for redevelopment and relocation of site occupants within
 2951 or outside the community redevelopment area as provided in s.
 2952 163.370.

2953 (f)~~(e)~~ The repayment of principal and interest or any
 2954 redemption premium for loans, advances, bonds, bond anticipation
 2955 notes, and any other form of indebtedness.

2956 (g)~~(f)~~ All expenses incidental to or connected with the
 2957 issuance, sale, redemption, retirement, or purchase of bonds,
 2958 bond anticipation notes, or other form of indebtedness,
 2959 including funding of any reserve, redemption, or other fund or
 2960 account provided for in the ordinance or resolution authorizing
 2961 such bonds, notes, or other form of indebtedness.

2962 (h)~~(g)~~ The development of affordable housing within the
 2963 community redevelopment area.

2964 (i)~~(h)~~ ~~The development of~~ Community policing innovations.

2965 (j) The provision of law enforcement, fire rescue, or
 2966 emergency medical services if the community redevelopment area
 2967 has been in existence for at least 5 years.

2968
 2969 This listing of types of expenditures is not an exclusive list
 2970 of the expenditures that may be made under this subsection and
 2971 is intended only to provide examples of some of the activities,
 2972 projects, or expenses for which an expenditure may be made under
 2973 this subsection.

2974 ~~(8) Each community redevelopment agency shall provide for~~
 2975 ~~an audit of the trust fund each fiscal year and a report of such~~
 2976 ~~audit to be prepared by an independent certified public~~
 2977 ~~accountant or firm. Such report shall describe the amount and~~
 2978 ~~source of deposits into, and the amount and purpose of~~
 2979 ~~withdrawals from, the trust fund during such fiscal year and the~~
 2980 ~~amount of principal and interest paid during such year on any~~
 2981 ~~indebtedness to which increment revenues are pledged and the~~
 2982 ~~remaining amount of such indebtedness. The agency shall provide~~
 2983 ~~by registered mail a copy of the report to each taxing~~
 2984 ~~authority.~~

2985 Section 15. Paragraphs (b) and (e) of subsection (2) of
 2986 section 288.0655, Florida Statutes, are amended to read:

2987 288.0655 Rural Infrastructure Fund.--

2988 (2)

2989 (b) To facilitate access of rural communities and rural
 2990 areas of critical economic concern as defined by the Rural
 2991 Economic Development Initiative to infrastructure funding
 2992 programs of the Federal Government, such as those offered by the
 2993 United States Department of Agriculture and the United States
 2994 Department of Commerce, and state programs, including those
 2995 offered by Rural Economic Development Initiative agencies, and
 2996 to facilitate local government or private infrastructure funding
 2997 efforts, the office may award grants for up to 30 percent of the
 2998 total infrastructure project cost. If an application for funding
 2999 is for a catalyst site, as defined in s. 288.0656, the
 3000 requirement for a local match may be waived. Eligible projects
 3001 must be related to specific job-creation or job-retention

3002 opportunities. Eligible projects may also include improving any
3003 inadequate infrastructure that has resulted in regulatory action
3004 that prohibits economic or community growth or reducing the
3005 costs to community users of proposed infrastructure improvements
3006 that exceed such costs in comparable communities. Eligible uses
3007 of funds shall include improvements to public infrastructure for
3008 industrial or commercial sites and upgrades to or development of
3009 public tourism infrastructure. Authorized infrastructure may
3010 include the following public or public-private partnership
3011 facilities: storm water systems; telecommunications facilities;
3012 roads or other remedies to transportation impediments; nature-
3013 based tourism facilities; or other physical requirements
3014 necessary to facilitate tourism, trade, and economic development
3015 activities in the community. Authorized infrastructure may also
3016 include publicly owned self-powered nature-based tourism
3017 facilities; and additions to the distribution facilities of the
3018 existing natural gas utility as defined in s. 366.04(3)(c), the
3019 existing electric utility as defined in s. 366.02, or the
3020 existing water or wastewater utility as defined in s.

3021 367.021(12), or any other existing water or wastewater facility,
3022 which owns a gas or electric distribution system or a water or
3023 wastewater system in this state where:

3024 1. A contribution-in-aid of construction is required to
3025 serve public or public-private partnership facilities under the
3026 tariffs of any natural gas, electric, water, or wastewater
3027 utility as defined herein; and

3028 2. Such utilities as defined herein are willing and able
3029 to provide such service.

3030 (e) To enable local governments to access the resources
 3031 available pursuant to s. 403.973(19), the office may award
 3032 grants for surveys, feasibility studies, and other activities
 3033 related to the identification and preclearance review of land
 3034 which is suitable for preclearance review. Authorized grants
 3035 under this paragraph shall not exceed \$75,000 each, except in
 3036 the case of a project in a rural area of critical economic
 3037 concern, in which case the grant shall not exceed \$300,000. Any
 3038 funds awarded under this paragraph must be matched at a level of
 3039 50 percent with local funds, except that any funds awarded for a
 3040 project in a rural area of critical economic concern must be
 3041 matched at a level of 33 percent with local funds. If an
 3042 application for funding is for a catalyst site, as defined in s.
 3043 288.0656, the office may award grants for up to 40 percent of
 3044 the total infrastructure project cost. In evaluating
 3045 applications under this paragraph, the office shall consider the
 3046 extent to which the application seeks to minimize administrative
 3047 and consultant expenses.

3048 Section 16. Section 288.0656, Florida Statutes, is amended
 3049 to read:

3050 288.0656 Rural Economic Development Initiative.--

3051 (1) (a) Recognizing that rural communities and regions
 3052 continue to face extraordinary challenges in their efforts to
 3053 achieve significant improvements to their economies,
 3054 specifically in terms of personal income, job creation, average
 3055 wages, and strong tax bases, it is the intent of the Legislature
 3056 to encourage and facilitate the location and expansion in such

3057 rural communities of major economic development projects of
 3058 significant scale.

3059 (b) The Rural Economic Development Initiative, known as
 3060 "REDI," is created within the Office of Tourism, Trade, and
 3061 Economic Development, and the participation of state and
 3062 regional agencies in this initiative is authorized.

3063 (2) As used in this section, the term:

3064 (a) "Catalyst project" means a business locating or
 3065 expanding in a rural area of critical economic concern that is
 3066 likely to serve as an economic growth opportunity of regional
 3067 significance for the growth of a regional target industry
 3068 cluster. The project shall provide capital investment of
 3069 significant scale that will affect the entire region and that
 3070 will facilitate the development of high-wage and high-skill
 3071 jobs.

3072 (b) "Catalyst site" means a parcel or parcels of land
 3073 within a rural area of critical economic concern that has been
 3074 prioritized by representatives of the jurisdictions within the
 3075 rural area of critical economic concern, reviewed by REDI, and
 3076 approved by the Office of Tourism, Trade, and Economic
 3077 Development for purposes of locating a catalyst project.

3078 (c) ~~(a)~~ "Economic distress" means conditions affecting the
 3079 fiscal and economic viability of a rural community, including
 3080 such factors as low per capita income, low per capita taxable
 3081 values, high unemployment, high underemployment, low weekly
 3082 earned wages compared to the state average, low housing values
 3083 compared to the state average, high percentages of the
 3084 population receiving public assistance, high poverty levels

3085 compared to the state average, and a lack of year-round stable
 3086 employment opportunities.

3087 (d) "Rural area of critical economic concern" means a
 3088 rural community, or a region composed of rural communities,
 3089 designated by the Governor, that has been adversely affected by
 3090 an extraordinary economic event, severe or chronic distress, or
 3091 a natural disaster or that presents a unique economic
 3092 development opportunity of regional impact.

3093 (e)~~(b)~~ "Rural community" means:

- 3094 1. A county with a population of 75,000 or less.
- 3095 2. A county with a population of 120,000 ~~±00,000~~ or less
 3096 that is contiguous to a county with a population of 75,000 or
 3097 less.

- 3098 3. A municipality within a county described in
 3099 subparagraph 1. or subparagraph 2.

- 3100 4. An unincorporated federal enterprise community or an
 3101 incorporated rural city with a population of 25,000 or less and
 3102 an employment base focused on traditional agricultural or
 3103 resource-based industries, located in a county not defined as
 3104 rural, which has at least three or more of the economic distress
 3105 factors identified in paragraph (a) and verified by the Office
 3106 of Tourism, Trade, and Economic Development.

3107
 3108 For purposes of this paragraph, population shall be determined
 3109 in accordance with the most recent official estimate pursuant to
 3110 s. 186.901.

3111 (3) REDI shall be responsible for coordinating and
 3112 focusing the efforts and resources of state and regional

3113 agencies on the problems which affect the fiscal, economic, and
 3114 community viability of Florida's economically distressed rural
 3115 communities, working with local governments, community-based
 3116 organizations, and private organizations that have an interest
 3117 in the growth and development of these communities to find ways
 3118 to balance environmental and growth management issues with local
 3119 needs.

3120 (4) REDI shall review and evaluate the impact of laws
 3121 ~~statutes~~ and rules on rural communities and ~~shall~~ work to
 3122 minimize any adverse impact and undertake outreach and capacity
 3123 building efforts.

3124 (5) REDI shall facilitate better access to state resources
 3125 by promoting direct access and referrals to appropriate state
 3126 and regional agencies and statewide organizations. REDI may
 3127 undertake outreach, capacity-building, and other advocacy
 3128 efforts to improve conditions in rural communities. These
 3129 activities may include sponsorship of conferences and
 3130 achievement awards.

3131 (6) (a) By August 1 of each year, the head of each of the
 3132 following agencies and organizations shall designate a high-
 3133 level staff person from within the agency or organization to
 3134 serve as the REDI representative for the agency or organization:

- 3135 1. The Department of Community Affairs.
- 3136 2. The Department of Transportation.
- 3137 3. The Department of Environmental Protection.
- 3138 4. The Department of Agriculture and Consumer Services.
- 3139 5. The Department of State.
- 3140 6. The Department of Health.

- 3141 7. The Department of Children and Family Services.
- 3142 8. The Department of Corrections.
- 3143 9. The Agency for Workforce Innovation.
- 3144 10. The Department of Education.
- 3145 11. The Department of Juvenile Justice.
- 3146 12. The Fish and Wildlife Conservation Commission.
- 3147 13. Each water management district.
- 3148 14. Enterprise Florida, Inc.
- 3149 15. Workforce Florida, Inc.
- 3150 16. The Florida Commission on Tourism or VISIT Florida.
- 3151 17. The Florida Regional Planning Council Association.
- 3152 18. The Agency for Health Care Administration ~~Florida~~
- 3153 ~~State Rural Development Council.~~
- 3154 19. The Institute of Food and Agricultural Sciences
- 3155 (IFAS).

3156
 3157 An alternate for each designee shall also be chosen, and the
 3158 names of the designees and alternates shall be sent to the
 3159 director of the Office of Tourism, Trade, and Economic
 3160 Development.

3161 (b) Each REDI representative must have comprehensive
 3162 knowledge of his or her agency's functions, both regulatory and
 3163 service in nature, and of the state's economic goals, policies,
 3164 and programs. This person shall be the primary point of contact
 3165 for his or her agency with REDI on issues and projects relating
 3166 to economically distressed rural communities and with regard to
 3167 expediting project review, shall ensure a prompt effective
 3168 response to problems arising with regard to rural issues, and

3169 shall work closely with the other REDI representatives in the
 3170 identification of opportunities for preferential awards of
 3171 program funds and allowances and waiver of program requirements
 3172 when necessary to encourage and facilitate long-term private
 3173 capital investment and job creation.

3174 (c) The REDI representatives shall work with REDI in the
 3175 review and evaluation of statutes and rules for adverse impact
 3176 on rural communities and the development of alternative
 3177 proposals to mitigate that impact.

3178 (d) Each REDI representative shall be responsible for
 3179 ensuring that each district office or facility of his or her
 3180 agency is informed about the Rural Economic Development
 3181 Initiative and for providing assistance throughout the agency in
 3182 the implementation of REDI activities.

3183 (7) (a) REDI may recommend to the Governor up to three
 3184 rural areas of critical economic concern. ~~A rural area of~~
 3185 ~~critical economic concern must be a rural community, or a region~~
 3186 ~~composed of such, that has been adversely affected by an~~
 3187 ~~extraordinary economic event or a natural disaster or that~~
 3188 ~~presents a unique economic development opportunity of regional~~
 3189 ~~impact that will create more than 1,000 jobs over a 5-year~~
 3190 ~~period.~~ The Governor may by executive order designate up to
 3191 three rural areas of critical economic concern which will
 3192 establish these areas as priority assignments for REDI as well
 3193 as to allow the Governor, acting through REDI, to waive
 3194 criteria, requirements, or similar provisions of any economic
 3195 development incentive. Such incentives shall include, but not be
 3196 limited to: the Qualified Target Industry Tax Refund Program

3197 under s. 288.106, the Quick Response Training Program under s.
 3198 288.047, the Quick Response Training Program for participants in
 3199 the welfare transition program under s. 288.047(8),
 3200 transportation projects under s. 288.063, the brownfield
 3201 redevelopment bonus refund under s. 288.107, and the rural job
 3202 tax credit program under ss. 212.098 and 220.1895.

3203 (b) Designation as a rural area of critical economic
 3204 concern under this subsection shall be contingent upon the
 3205 execution of a memorandum of agreement among the Office of
 3206 Tourism, Trade, and Economic Development; the governing body of
 3207 the county; and the governing bodies of any municipalities to be
 3208 included within a rural area of critical economic concern. Such
 3209 agreement shall specify the terms and conditions of the
 3210 designation, including, but not limited to, the duties and
 3211 responsibilities of the county and any participating
 3212 municipalities to take actions designed to facilitate the
 3213 retention and expansion of existing businesses in the area, as
 3214 well as the recruitment of new businesses to the area.

3215 (c) Each rural area of critical economic concern may
 3216 designate catalyst projects provided that each catalyst project
 3217 is specifically recommended by REDI, identified as a catalyst
 3218 project by Enterprise Florida, Inc., and confirmed as a catalyst
 3219 project by the Office of Tourism, Trade, and Economic
 3220 Development. All state agencies and departments shall use all
 3221 available tools and resources to the extent permissible by law
 3222 to promote the creation and development of each catalyst project
 3223 and the development of catalyst sites.

3224 (8) REDI shall assist local governments within rural areas
 3225 of critical economic concern with comprehensive planning needs
 3226 pursuant to s. 163.3184(20) and that implement the provisions of
 3227 this section. Such assistance shall reflect a multidisciplinary
 3228 approach among all agencies and shall include economic
 3229 development and planning objectives.

3230 (a) A local government may request assistance in the
 3231 preparation of plan amendments that will stimulate economic
 3232 activity.

3233 1. The local government must contact the Office of
 3234 Tourism, Trade, and Economic Development to request assistance.

3235 2. REDI representatives shall meet with the local
 3236 government within 15 days after such request to develop the
 3237 scope of assistance that will be provided to assist the
 3238 development, transmittal, and adoption of the proposed
 3239 comprehensive plan amendment.

3240 3. As part of the assistance provided, REDI
 3241 representatives shall also identify other needed local and
 3242 developer actions for approval of the project and recommend a
 3243 timeline for the local government and developer that will
 3244 minimize project delays.

3245 (b) In addition, REDI shall solicit requests each year for
 3246 assistance from local governments within a rural area of
 3247 critical economic concern to update the future land use element
 3248 and other associated elements of the local government's
 3249 comprehensive plan to better position the community to respond
 3250 to economic development potential within the county or
 3251 municipality. REDI shall provide direct assistance to such local

3252 governments to update their comprehensive plans pursuant to this
 3253 paragraph. At least one comprehensive planning technical
 3254 assistance effort shall be selected each year.

3255 (c) REDI shall develop and annually update a technical
 3256 assistance manual based upon experiences learned in providing
 3257 direct assistance under this subsection.

3258 (9)~~(8)~~ REDI shall submit a report to the Governor, the
 3259 President of the Senate, and the Speaker of the House of
 3260 Representatives each year on or before September ~~February~~ 1 on
 3261 all REDI activities for the prior fiscal year. This report shall
 3262 include a status report on all projects currently being
 3263 coordinated through REDI, the number of preferential awards and
 3264 allowances made pursuant to this section, the dollar amount of
 3265 such awards, and the names of the recipients. The report shall
 3266 also include a description of all waivers of program
 3267 requirements granted. The report shall also include information
 3268 as to the economic impact of the projects coordinated by REDI.

3269 Section 17. Paragraph (a) of subsection (7), paragraph (c)
 3270 of subsection (19), and paragraph (n) of subsection (24) of
 3271 section 380.06, Florida Statutes, are amended, and paragraph (v)
 3272 is added to subsection (24) of that section, to read:

3273 380.06 Developments of regional impact.--

3274 (7) PREAPPLICATION PROCEDURES.--

3275 (a) Before filing an application for development approval,
 3276 the developer shall contact the regional planning agency with
 3277 jurisdiction over the proposed development to arrange a
 3278 preapplication conference. Upon the request of the developer or
 3279 the regional planning agency, other affected state and regional

3280 agencies shall participate in this conference and shall identify
 3281 the types of permits issued by the agencies, the level of
 3282 information required, and the permit issuance procedures as
 3283 applied to the proposed development. The levels of service
 3284 required in the transportation methodology shall be the same
 3285 levels of service used to evaluate concurrency in accordance
 3286 with s. 163.3180. The regional planning agency shall provide the
 3287 developer information about the development-of-regional-impact
 3288 process and the use of preapplication conferences to identify
 3289 issues, coordinate appropriate state and local agency
 3290 requirements, and otherwise promote a proper and efficient
 3291 review of the proposed development. If agreement is reached
 3292 regarding assumptions and methodology to be used in the
 3293 application for development approval, the reviewing agencies may
 3294 not subsequently object to those assumptions and methodologies
 3295 unless subsequent changes to the project or information obtained
 3296 during the review make those assumptions and methodologies
 3297 inappropriate.

3298 (19) SUBSTANTIAL DEVIATIONS.--

3299 (c) An extension of the date of buildout of a development,
 3300 or any phase thereof, by more than 7 years is presumed to create
 3301 a substantial deviation subject to further development-of-
 3302 regional-impact review. An extension of the date of buildout, or
 3303 any phase thereof, of more than 5 years but not more than 7
 3304 years is presumed not to create a substantial deviation. The
 3305 extension of the date of buildout of an areawide development of
 3306 regional impact by more than 5 years but less than 10 years is
 3307 presumed not to create a substantial deviation. These

3308 | presumptions may be rebutted by clear and convincing evidence at
 3309 | the public hearing held by the local government. An extension of
 3310 | 5 years or less is not a substantial deviation. For the purpose
 3311 | of calculating when a buildout or phase date has been exceeded,
 3312 | the time shall be tolled during the pendency of administrative
 3313 | or judicial proceedings relating to development permits. Any
 3314 | extension of the buildout date of a project or a phase thereof
 3315 | shall automatically extend the commencement date of the project,
 3316 | the termination date of the development order, the expiration
 3317 | date of the development of regional impact, and the phases
 3318 | thereof if applicable by a like period of time. In recognition
 3319 | of the 2007 real estate market conditions, all development order
 3320 | phase, buildout, commencement, and expiration dates and all
 3321 | related local government approvals for projects that are
 3322 | developments of regional impact or Florida Quality Developments
 3323 | and under active construction on July 1, 2007, or for which a
 3324 | development order was adopted between January 1, 2006, and July
 3325 | 1, 2007, regardless of whether or not active construction has
 3326 | commenced, are extended for 3 years regardless of any prior
 3327 | extension. The 3-year extension is not a substantial deviation,
 3328 | is not subject to further development-of-regional-impact review,
 3329 | and may not be considered when determining whether a subsequent
 3330 | extension is a substantial deviation under this subsection. This
 3331 | extension also applies to all associated local government
 3332 | approvals, including, but not limited to, agreements,
 3333 | certificates, and permits related to the project.

3334 | (24) STATUTORY EXEMPTIONS.--

3335 (n) Any proposed development or redevelopment within an
 3336 area designated in the comprehensive plan as an urban
 3337 redevelopment area, a downtown revitalization area, an urban
 3338 infill area, or an urban infill and redevelopment area under s.
 3339 ~~163.2517 is exempt from this section if the local government has~~
 3340 ~~entered into a binding agreement with jurisdictions that would~~
 3341 ~~be impacted and the Department of Transportation regarding the~~
 3342 ~~mitigation of impacts on state and regional transportation~~
 3343 ~~facilities, and has adopted a proportionate share methodology~~
 3344 ~~pursuant to s. 163.3180(16).~~

3345 (v) Any development or change to a previously approved
 3346 development of regional impact that is proposed for at least two
 3347 uses, one of which is for use as an office, university medical
 3348 school, hospital, or laboratory appropriate for research and
 3349 development of medical technology, biotechnology, or life
 3350 science applications is exempt from this section if:

3351 1. The land is located in a designated urban infill area
 3352 or within 5 miles of a state-supported biotechnical research
 3353 facility or if a local government having jurisdiction
 3354 recognizes, by resolution, that the land is located in a
 3355 compact, high-intensity, and high-density multiuse area that is
 3356 appropriate for intensive growth.

3357 2. The land is located within three-fourths of 1 mile from
 3358 one or more planned or programmed bus or light rail transit
 3359 stops.

3360 3. The development is registered with the United States
 3361 Green Building Council and there is an intent to apply for
 3362 certification of each building under the Leadership in Energy

3363 and Environmental Design rating program, or the development is
 3364 registered by an alternate green building or development rating
 3365 system that a local government having jurisdiction finds
 3366 appropriate, by resolution.

3367
 3368 If a use is exempt from review as a development of regional
 3369 impact under paragraphs (a)-(u)~~(a)-(t)~~, but will be part of a
 3370 larger project that is subject to review as a development of
 3371 regional impact, the impact of the exempt use must be included
 3372 in the review of the larger project.

3373 Section 18. Paragraph (f) of subsection (3) of section
 3374 380.0651, Florida Statutes, is amended to read:

3375 380.0651 Statewide guidelines and standards.--

3376 (3) The following statewide guidelines and standards shall
 3377 be applied in the manner described in s. 380.06(2) to determine
 3378 whether the following developments shall be required to undergo
 3379 development-of-regional-impact review:

3380 (f) Hotel or motel development.--

3381 1. Any proposed hotel or motel development that is planned
 3382 to create or accommodate 350 or more units; ~~or~~

3383 2. Any proposed hotel or motel development that is planned
 3384 to create or accommodate 750 or more units, in a county with a
 3385 population greater than 500,000 but not exceeding 1.5 million;
 3386 or

3387 3. Any proposed hotel or motel development that is planned
 3388 to create or accommodate 750 or more units, in a county with a
 3389 population greater than 1.5 million, and only in a geographic
 3390 area specifically designated as highly suitable for increased

3391 threshold intensity in the approved local comprehensive plan and
 3392 in the strategic regional policy plan.

3393 Section 19. Subsection (13) is added to section 403.121,
 3394 Florida Statutes, to read:

3395 403.121 Enforcement; procedure; remedies.--The department
 3396 shall have the following judicial and administrative remedies
 3397 available to it for violations of this chapter, as specified in
 3398 s. 403.161(1).

3399 (13) Any party subject to an executed consent order of the
 3400 Department of Environmental Protection under chapter 373 or this
 3401 chapter, pursuant to which a building permit is necessary to
 3402 comply with the consent order for any existing operation,
 3403 including nonconforming uses and structures, shall not be
 3404 required to undergo or obtain site plan approval, conditional
 3405 use, special exception, special permit, or other similar zoning
 3406 approvals as a condition to issuance of the building permit.

3407 Section 20. Subsection (5) of section 420.615, Florida
 3408 Statutes, is amended to read:

3409 420.615 Affordable housing land donation density bonus
 3410 incentives.--

3411 (5) The local government, as part of the approval process,
 3412 shall adopt a comprehensive plan amendment, pursuant to part II
 3413 of chapter 163, for the receiving land that incorporates the
 3414 density bonus. Such amendment shall be deemed a small scale
 3415 amendment, shall be subject only to the requirements of adopted
 3416 in the manner as required for small scale amendments pursuant to
 3417 s. 163.3187(1)(b)3.b. and c., is not subject to the requirements
 3418 of s. 163.3184(3)-(11)-(3)-(6), and is exempt from s.

3419 163.3187(1)(b)3.a. and from the limitation on the frequency of
 3420 plan amendments as provided in s. 163.3187. An affected person
 3421 as defined in s. 163.3184 may file a petition for administrative
 3422 review pursuant to s. 163.3187(3) to challenge the compliance of
 3423 an adopted plan amendment.

3424 Section 21. Subsection (2) of section 257.193, Florida
 3425 Statutes, is amended to read:

3426 257.193 Community Libraries in Caring Program.--

3427 (2) The purpose of the Community Libraries in Caring
 3428 Program is to assist libraries in rural communities, as defined
 3429 in s. 288.0656(2)(e) ~~288.0656(2)(b)~~ and subject to the
 3430 provisions of s. 288.06561, to strengthen their collections and
 3431 services, improve literacy in their communities, and improve the
 3432 economic viability of their communities.

3433 Section 22. Section 288.019, Florida Statutes, is amended
 3434 to read:

3435 288.019 Rural considerations in grant review and
 3436 evaluation processes.--

3437 (1) Notwithstanding any other law, and to the fullest
 3438 extent possible, the member agencies and organizations of the
 3439 Rural Economic Development Initiative (REDI) as defined in s.
 3440 288.0656(6)(a) shall review all grant and loan application
 3441 evaluation criteria to ensure the fullest access for rural
 3442 counties as defined in s. 288.0656(2)(e) ~~288.0656(2)(b)~~ to
 3443 resources available throughout the state.

3444 (2) ~~(1)~~ Each REDI agency and organization shall review all
 3445 evaluation and scoring procedures and develop modifications to

3446 those procedures which minimize the impact of a project within a
3447 rural area.

3448 (a)~~(2)~~ Evaluation criteria and scoring procedures must
3449 provide for an appropriate ranking based on the proportionate
3450 impact that projects have on a rural area when compared with
3451 similar project impacts on an urban area.

3452 (b)~~(3)~~ Evaluation criteria and scoring procedures must
3453 recognize the disparity of available fiscal resources for an
3454 equal level of financial support from an urban county and a
3455 rural county.

3456 1.~~(a)~~ The evaluation criteria should weight contribution
3457 in proportion to the amount of funding available at the local
3458 level.

3459 2.~~(b)~~ In-kind match should be allowed and applied as
3460 financial match when a county is experiencing financial distress
3461 through elevated unemployment at a rate in excess of the state's
3462 average by 5 percentage points or because of the loss of its ad
3463 valorem base.

3464 (c)~~(4)~~ For existing programs, the modified evaluation
3465 criteria and scoring procedure must be delivered to the Office
3466 of Tourism, Trade, and Economic Development for distribution to
3467 the REDI agencies and organizations. The REDI agencies and
3468 organizations shall review and make comments. Future rules,
3469 programs, evaluation criteria, and scoring processes must be
3470 brought before a REDI meeting for review, discussion, and
3471 recommendation to allow rural counties fuller access to the
3472 state's resources.

3473 Section 23. Section 288.06561, Florida Statutes, is
 3474 amended to read:

3475 288.06561 Reduction or waiver of financial match
 3476 requirements.--

3477 (1) Notwithstanding any other law, the member agencies and
 3478 organizations of the Rural Economic Development Initiative
 3479 (REDI), as defined in s. 288.0656(6)(a), shall review the
 3480 financial match requirements for projects in rural areas as
 3481 defined in s. 288.0656(2)(e) ~~288.0656(2)(b)~~.

3482 (2)~~(1)~~ Each agency and organization shall develop a
 3483 proposal to waive or reduce the match requirement for rural
 3484 areas.

3485 (3)~~(2)~~ Agencies and organizations shall ensure that all
 3486 proposals are submitted to the Office of Tourism, Trade, and
 3487 Economic Development for review by the REDI agencies.

3488 (4)~~(3)~~ These proposals shall be delivered to the Office of
 3489 Tourism, Trade, and Economic Development for distribution to the
 3490 REDI agencies and organizations. A meeting of REDI agencies and
 3491 organizations must be called within 30 days after receipt of
 3492 such proposals for REDI comment and recommendations on each
 3493 proposal.

3494 (5)~~(4)~~ Waivers and reductions must be requested by the
 3495 county or community, and such county or community must have
 3496 three or more of the factors identified in s. 288.0656(2)(c)
 3497 ~~288.0656(2)(a)~~.

3498 (6)~~(5)~~ Any other funds available to the project may be
 3499 used for financial match of federal programs when there is

3500 fiscal hardship, and the match requirements may not be waived or
 3501 reduced.

3502 (7)~~(6)~~ When match requirements are not reduced or
 3503 eliminated, donations of land, though usually not recognized as
 3504 an in-kind match, may be permitted.

3505 (8)~~(7)~~ To the fullest extent possible, agencies and
 3506 organizations shall expedite the rule adoption and amendment
 3507 process if necessary to incorporate the reduction in match by
 3508 rural areas in fiscal distress.

3509 (9)~~(8)~~ REDI shall include in its annual report an
 3510 evaluation on the status of changes to rules, number of awards
 3511 made with waivers, and recommendations for future changes.

3512 Section 24. Paragraph (b) of subsection (4) of section
 3513 339.2819, Florida Statutes, is amended to read:

3514 339.2819 Transportation Regional Incentive Program.--

3515 (4)

3516 (b) In allocating Transportation Regional Incentive
 3517 Program funds, priority shall be given to projects that:

3518 1. Provide connectivity to the Strategic Intermodal System
 3519 developed under s. 339.64.

3520 2. Support economic development and the movement of goods
 3521 in rural areas of critical economic concern designated under s.
 3522 288.0656(7)(a) ~~288.0656(7)~~.

3523 3. Are subject to a local ordinance that establishes
 3524 corridor management techniques, including access management
 3525 strategies, right-of-way acquisition and protection measures,
 3526 appropriate land use strategies, zoning, and setback
 3527 requirements for adjacent land uses.

3528 4. Improve connectivity between military installations and
 3529 the Strategic Highway Network or the Strategic Rail Corridor
 3530 Network.

3531 Section 25. Paragraph (d) of subsection (15) of section
 3532 627.6699, Florida Statutes, is amended to read:

3533 627.6699 Employee Health Care Access Act.--

3534 (15) SMALL EMPLOYERS ACCESS PROGRAM.--

3535 (d) Eligibility.--

3536 1. Any small employer that is actively engaged in
 3537 business, has its principal place of business in this state,
 3538 employs up to 25 eligible employees on business days during the
 3539 preceding calendar year, employs at least 2 employees on the
 3540 first day of the plan year, and has had no prior coverage for
 3541 the last 6 months may participate.

3542 2. Any municipality, county, school district, or hospital
 3543 employer located in a rural community as defined in s.
 3544 288.0656(2)(e) ~~288.0656(2)(b)~~ may participate.

3545 3. Nursing home employers may participate.

3546 4. Each dependent of a person eligible for coverage is
 3547 also eligible to participate.

3548
 3549 Any employer participating in the program must do so until the
 3550 end of the term for which the carrier providing the coverage is
 3551 obligated to provide such coverage to the program. Coverage for
 3552 a small employer group that ceases to meet the eligibility
 3553 requirements of this section may be terminated at the end of the
 3554 policy period for which the necessary premiums have been paid.

3555 Section 26. Paragraph (m) of subsection (3) of section
 3556 125.0104, Florida Statutes, is amended to read:
 3557 125.0104 Tourist development tax; procedure for levying;
 3558 authorized uses; referendum; enforcement.--
 3559 (3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.--
 3560 (m)1. In addition to any other tax which is imposed
 3561 pursuant to this section, a high tourism impact county may
 3562 impose an additional 1-percent tax on the exercise of the
 3563 privilege described in paragraph (a) by extraordinary vote of
 3564 the governing board of the county. The tax revenues received
 3565 pursuant to this paragraph shall be used for one or more of the
 3566 authorized uses pursuant to subsection (5). In addition, any
 3567 high tourism impact county that is designated as an area of
 3568 critical state concern pursuant to chapter 380 may also utilize
 3569 revenues received pursuant to this paragraph for affordable or
 3570 workforce housing as defined in chapter 420, or for affordable,
 3571 workforce, or employee housing as defined in any adopted
 3572 comprehensive plan, land development regulation, or local
 3573 housing assistance plan. Such authority for the use of revenues
 3574 for workforce, affordable, or employee housing shall extend for
 3575 10 years after the date of any de-designation of a location as
 3576 an area of critical state concern, or for the period of time
 3577 required under any bond or other financing issued in accordance
 3578 with or based upon the authority granted pursuant to the
 3579 provisions of this section. Revenues derived pursuant to this
 3580 paragraph shall be bondable in accordance with other laws
 3581 regarding revenue bonding. Should a high tourism impact county
 3582 designated as an area of critical state concern enact the tax

3583 specified in this paragraph, the revenue generated shall be
 3584 distributed among incorporated and unincorporated areas based on
 3585 the location of the living quarters or accommodations that are
 3586 leased or rented. However, nothing in this paragraph shall
 3587 preclude an interlocal agreement between local governments for
 3588 the use of funds received pursuant to this paragraph in a manner
 3589 that addresses the provision of affordable and workforce housing
 3590 opportunities on a regional basis or in accordance with a
 3591 multijurisdictional housing strategy, program, or policy.

3592 2. A county is considered to be a high tourism impact
 3593 county after the Department of Revenue has certified to such
 3594 county that the sales subject to the tax levied pursuant to this
 3595 section exceeded \$600 million during the previous calendar year,
 3596 or were at least 18 percent of the county's total taxable sales
 3597 under chapter 212 where the sales subject to the tax levied
 3598 pursuant to this section were a minimum of \$200 million, except
 3599 that no county authorized to levy a convention development tax
 3600 pursuant to s. 212.0305 shall be considered a high tourism
 3601 impact county. Once a county qualifies as a high tourism impact
 3602 county, it shall retain this designation for the period the tax
 3603 is levied pursuant to this paragraph.

3604 3. The provisions of paragraphs (4)(a)-(d) shall not apply
 3605 to the adoption of the additional tax authorized in this
 3606 paragraph. The effective date of the levy and imposition of the
 3607 tax authorized under this paragraph shall be the first day of
 3608 the second month following approval of the ordinance by the
 3609 governing board or the first day of any subsequent month as may
 3610 be specified in the ordinance. A certified copy of such

3611 ordinance shall be furnished by the county to the Department of
 3612 Revenue within 10 days after approval of such ordinance.

3613 Section 27. Subsection (4) of section 159.807, Florida
 3614 Statutes, is amended to read:

3615 159.807 State allocation pool.--

3616 (4)(a) The state allocation pool shall also be used to
 3617 provide written confirmations for private activity bonds that
 3618 are to be issued by state agencies after June 1, which bonds,
 3619 notwithstanding any other provisions of this part, shall receive
 3620 priority in the use of the pool available at the time the notice
 3621 of intent to issue such bonds is filed with the division.

3622 ~~(b) This subsection does not apply to the Florida Housing
 3623 Finance Corporation.~~

3624 ~~1. Until its allocation pursuant to s. 159.804(3) has been
 3625 exhausted, is unavailable, or is inadequate to provide an
 3626 allocation pursuant to s. 159.804(3) and any carryforwards of
 3627 volume limitation from prior years for the same carryforward
 3628 purpose, as that term is defined in s. 146 of the Code, as the
 3629 bonds it intends to issue have been completely utilized or have
 3630 expired.~~

3631 ~~2. Prior to July 1 of any year, when housing bonds for
 3632 which the Florida Housing Finance Corporation has made an
 3633 assignment of its allocation permitted by s. 159.804(3)(c) have
 3634 not been issued.~~

3635 Section 28. Section 193.018, Florida Statutes, is created
 3636 to read:

3637 193.018 Land owned by a community land trust used to
 3638 provide affordable housing; assessment; structural improvements,
 3639 condominium parcels, and cooperative parcels.--

3640 (1) As used in this section, the term "community land
 3641 trust" means a nonprofit entity that is qualified as charitable
 3642 under s. 501(c)(3) of the Internal Revenue Code and has as one
 3643 of its purposes the acquisition of land to be held in perpetuity
 3644 for the primary purpose of providing affordable homeownership.

3645 (2) A community land trust may convey structural
 3646 improvements, condominium parcels, or cooperative parcels, that
 3647 are located on specific parcels of land that are identified by a
 3648 legal description contained in and subject to a ground lease
 3649 having a term of at least 99 years, for the purpose of providing
 3650 affordable housing to natural persons or families who meet the
 3651 extremely-low, very-low, low, or moderate income limits
 3652 specified in s. 420.0004, or the income limits for workforce
 3653 housing, as defined in s. 420.5095(3). A community land trust
 3654 shall retain a preemptive option to purchase any structural
 3655 improvements, condominium parcels, or cooperative parcels on the
 3656 land at a price determined by a formula specified in the ground
 3657 lease which is designed to ensure that the structural
 3658 improvements, condominium parcels, or cooperative parcels remain
 3659 affordable.

3660 (3) In arriving at just valuation under s. 193.011, a
 3661 structural improvement, condominium parcel, or cooperative
 3662 parcel providing affordable housing on land owned by a community
 3663 land trust, and the land owned by a community land trust that is

3664 subject to a 99-year or longer ground lease, shall be assessed
 3665 using the following criteria:

3666 (a) The amount a willing purchase would pay a willing
 3667 seller for the land is limited to an amount commensurate with
 3668 the terms of the ground lease that restricts the use of the land
 3669 to the provision of affordable housing in perpetuity.

3670 (b) The amount a willing purchaser would pay a willing
 3671 seller for resale-restricted improvements, condominium parcels,
 3672 or cooperative parcels is limited to the amount determined by
 3673 the formula in the ground lease.

3674 (c) If the ground lease and all amendments and supplements
 3675 thereto, or a memorandum documenting how such lease and
 3676 amendments or supplements restrict the price at which the
 3677 improvements, condominium parcels, or cooperative parcels may be
 3678 sold, is recorded in the official public records of the county
 3679 in which the leased land is located, the recorded lease and any
 3680 amendments and supplements, or the recorded memorandum, shall be
 3681 deemed a land use regulation during the term of the lease as
 3682 amended or supplemented.

3683 Section 29. Paragraph (d) of subsection (2) of section
 3684 212.055, Florida Statutes, is amended to read:

3685 212.055 Discretionary sales surtaxes; legislative intent;
 3686 authorization and use of proceeds.--It is the legislative intent
 3687 that any authorization for imposition of a discretionary sales
 3688 surtax shall be published in the Florida Statutes as a
 3689 subsection of this section, irrespective of the duration of the
 3690 levy. Each enactment shall specify the types of counties
 3691 authorized to levy; the rate or rates which may be imposed; the

3692 maximum length of time the surtax may be imposed, if any; the
 3693 procedure which must be followed to secure voter approval, if
 3694 required; the purpose for which the proceeds may be expended;
 3695 and such other requirements as the Legislature may provide.
 3696 Taxable transactions and administrative procedures shall be as
 3697 provided in s. 212.054.

3698 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

3699 (d)~~1~~. The proceeds of the surtax authorized by this
 3700 subsection and any accrued interest ~~accrued thereto~~ shall be
 3701 expended by the school district, ~~or~~ within the county and
 3702 municipalities within the county, or, in the case of a
 3703 negotiated joint county agreement, within another county, to
 3704 finance, plan, and construct infrastructure; ~~and~~ to acquire land
 3705 for public recreation, ~~or~~ conservation, or protection of natural
 3706 resources; ~~or~~ and to finance the closure of county-owned or
 3707 municipally owned solid waste landfills that have been ~~are~~
 3708 ~~already~~ closed or are required to be closed ~~close~~ by order of
 3709 the Department of Environmental Protection. Any use of the ~~such~~
 3710 proceeds or interest for purposes of landfill closure before
 3711 ~~prior to~~ July 1, 1993, is ratified. ~~Neither~~ The proceeds and ~~nor~~
 3712 any interest may not ~~accrued thereto shall~~ be used for the
 3713 operational expenses of ~~any~~ infrastructure, except that a ~~any~~
 3714 county that has ~~with~~ a population of fewer ~~less~~ than 75,000 and
 3715 that is required to close a landfill ~~by order of the Department~~
 3716 ~~of Environmental Protection~~ may use the proceeds or any interest
 3717 ~~accrued thereto~~ for long-term maintenance costs associated with
 3718 landfill closure. Counties, as defined in s. 125.011 ~~s.~~
 3719 ~~125.011(1)~~, and charter counties may, in addition, use the

3720 proceeds or ~~and any~~ interest ~~accrued thereto~~ to retire or
 3721 service indebtedness incurred for bonds issued before ~~prior to~~
 3722 July 1, 1987, for infrastructure purposes, and for bonds
 3723 subsequently issued to refund such bonds. Any use of the ~~such~~
 3724 proceeds or interest for purposes of retiring or servicing
 3725 indebtedness incurred for ~~such~~ refunding bonds before ~~prior to~~
 3726 July 1, 1999, is ratified.

3727 1.2- For the purposes of this paragraph, the term
 3728 "infrastructure" means:

3729 a. Any fixed capital expenditure or fixed capital outlay
 3730 associated with the construction, reconstruction, or improvement
 3731 of public facilities that have a life expectancy of 5 or more
 3732 years and any related land acquisition, land improvement,
 3733 design, and engineering costs ~~related thereto~~.

3734 b. A fire department vehicle, an emergency medical service
 3735 vehicle, a sheriff's office vehicle, a police department
 3736 vehicle, or any other vehicle, and the ~~such~~ equipment necessary
 3737 to outfit the vehicle for its official use or equipment that has
 3738 a life expectancy of at least 5 years.

3739 c. Any expenditure for the construction, lease, or
 3740 maintenance of, or provision of utilities or security for,
 3741 facilities, as defined in s. 29.008.

3742 d. Any fixed capital expenditure or fixed capital outlay
 3743 associated with the improvement of private facilities that have
 3744 a life expectancy of 5 or more years and that the owner agrees
 3745 to make available for use on a temporary basis as needed by a
 3746 local government as a public emergency shelter or a staging area
 3747 for emergency response equipment during an emergency officially

3748 | declared by the state or by the local government under s.
 3749 | 252.38. Such improvements ~~under this sub-subparagraph~~ are
 3750 | limited to those necessary to comply with current standards for
 3751 | public emergency evacuation shelters. The owner must ~~shall~~ enter
 3752 | into a written contract with the local government providing the
 3753 | improvement funding to make the ~~such~~ private facility available
 3754 | to the public for purposes of emergency shelter at no cost to
 3755 | the local government for a minimum ~~period~~ of 10 years after
 3756 | completion of the improvement, with the provision that the ~~such~~
 3757 | obligation will transfer to any subsequent owner until the end
 3758 | of the minimum period.

3759 | e. Any land expenditure acquisition for a residential
 3760 | housing project in which at least 30 percent of the units are
 3761 | affordable to individuals or families whose total annual
 3762 | household income does not exceed 120 percent of the area median
 3763 | income adjusted for household size, if the land is owned by a
 3764 | local government or by a special district that enters into a
 3765 | written agreement with the local government to provide such
 3766 | housing. The local government or special district may enter into
 3767 | a ground lease with a public or private person or entity for
 3768 | nominal or other consideration for the construction of the
 3769 | residential housing project on land acquired pursuant to this
 3770 | sub-subparagraph..

3771 | ~~2.3-~~ Notwithstanding any other provision of this
 3772 | subsection, a local government infrastructure discretionary
 3773 | ~~sales~~ surtax imposed or extended after July 1, 1998, the
 3774 | ~~effective date of this act~~ may allocate up to ~~provide for an~~
 3775 | ~~amount not to exceed~~ 15 percent of the ~~local option sales~~ surtax

3776 proceeds ~~to be allocated~~ for deposit in ~~to~~ a trust fund within
 3777 the county's accounts created for the purpose of funding
 3778 economic development projects having ~~of~~ a general public purpose
 3779 of improving ~~targeted to improve~~ local economies, including the
 3780 funding of operational costs and incentives related to ~~such~~
 3781 economic development. The ballot statement must indicate the
 3782 intention to make an allocation under the authority of this
 3783 subparagraph.

3784 Section 30. Present subsections (25) through (41) of
 3785 section 420.503, Florida Statutes, are redesignated as
 3786 subsections (26) through (42), respectively, and a new
 3787 subsection (25) is added to that section to read:

3788 420.503 Definitions.--As used in this part, the term:

3789 (25) "Moderate rehabilitation" means repair or restoration
 3790 of a dwelling unit when the value of such repair or restoration
 3791 is 40 percent or less of the value of the dwelling but not less
 3792 than \$10,000 per dwelling unit.

3793 Section 31. Subsection (47) is added to section 420.507,
 3794 Florida Statutes, to read:

3795 420.507 Powers of the corporation.--The corporation shall
 3796 have all the powers necessary or convenient to carry out and
 3797 effectuate the purposes and provisions of this part, including
 3798 the following powers which are in addition to all other powers
 3799 granted by other provisions of this part:

3800 (47) To develop and administer the Florida Public Housing
 3801 Authority Preservation Grant Program. In developing and
 3802 administering the program, the corporation may:

3803 (a) Develop criteria for determining the priority for
 3804 expending grants to preserve and rehabilitate 30-year and older
 3805 buildings and units under public housing authority control as
 3806 defined in chapter 421.

3807 (b) Adopt rules for the grant program and exercise the
 3808 powers authorized in this section.

3809 Section 32. Paragraphs (c) and (1) of subsection (6) of
 3810 section 420.5087, Florida Statutes, are amended to read:

3811 420.5087 State Apartment Incentive Loan Program.--There is
 3812 hereby created the State Apartment Incentive Loan Program for
 3813 the purpose of providing first, second, or other subordinated
 3814 mortgage loans or loan guarantees to sponsors, including for-
 3815 profit, nonprofit, and public entities, to provide housing
 3816 affordable to very-low-income persons.

3817 (6) On all state apartment incentive loans, except loans
 3818 made to housing communities for the elderly to provide for
 3819 lifesafety, building preservation, health, sanitation, or
 3820 security-related repairs or improvements, the following
 3821 provisions shall apply:

3822 (c) The corporation shall provide by rule for the
 3823 establishment of a review committee composed of the department
 3824 and corporation staff and shall establish by rule a scoring
 3825 system for evaluation and competitive ranking of applications
 3826 submitted in this program, including, but not limited to, the
 3827 following criteria:

3828 1. Tenant income and demographic targeting objectives of
 3829 the corporation.

3830 2. Targeting objectives of the corporation which will
 3831 ensure an equitable distribution of loans between rural and
 3832 urban areas.

3833 3. Sponsor's agreement to reserve the units for persons or
 3834 families who have incomes below 50 percent of the state or local
 3835 median income, whichever is higher, for a time period to exceed
 3836 the minimum required by federal law or the provisions of this
 3837 part.

3838 4. Sponsor's agreement to reserve more than:

3839 a. Twenty percent of the units in the project for persons
 3840 or families who have incomes that do not exceed 50 percent of
 3841 the state or local median income, whichever is higher; or

3842 b. Forty percent of the units in the project for persons
 3843 or families who have incomes that do not exceed 60 percent of
 3844 the state or local median income, whichever is higher, without
 3845 requiring a greater amount of the loans as provided in this
 3846 section.

3847 5. Provision for tenant counseling.

3848 6. Sponsor's agreement to accept rental assistance
 3849 certificates or vouchers as payment for rent.

3850 7. Projects requiring the least amount of a state
 3851 apartment incentive loan compared to overall project cost except
 3852 that the share of the loan attributable to units serving
 3853 extremely-low-income persons shall be excluded from this
 3854 requirement.

3855 8. Local government contributions and local government
 3856 comprehensive planning and activities that promote affordable
 3857 housing.

- 3858 9. Project feasibility.
- 3859 10. Economic viability of the project.
- 3860 11. Commitment of first mortgage financing.
- 3861 12. Sponsor's prior experience.
- 3862 13. Sponsor's ability to proceed with construction.
- 3863 14. Projects that directly implement or assist welfare-to-
- 3864 work transitioning.
- 3865 15. Projects that reserve units for extremely-low-income
- 3866 persons.
- 3867 16. Projects that include green building principles,
- 3868 storm-resistant construction, or other elements that reduce
- 3869 long-term costs relating to maintenance, utilities, or
- 3870 insurance.
- 3871 (1) The proceeds of all loans shall be used for new
- 3872 construction, moderate rehabilitation, or substantial
- 3873 rehabilitation which creates or preserves affordable, safe, and
- 3874 sanitary housing units.
- 3875 Section 33. Subsection (17) is added to section 420.5095,
- 3876 Florida Statutes, to read:
- 3877 420.5095 Community Workforce Housing Innovation Pilot
- 3878 Program.--
- 3879 (17) (a) Funds appropriated by s. 33, chapter 2006-69, Laws
- 3880 of Florida, that were awarded but have been declined or returned
- 3881 shall be made available for projects that otherwise comply with
- 3882 the provisions of this section and that are created to provide
- 3883 workforce housing for teachers and instructional personnel
- 3884 employed by the school district in the county in which the
- 3885 project is located.

3886 (b) Projects shall be given priority for funding when the
 3887 school district provides the property for the project pursuant
 3888 to s. 1001.43.

3889 (c) Projects shall be given priority for funding when the
 3890 public-private partnership includes the school district and a
 3891 national nonprofit organization to provide financial support,
 3892 technical assistance, and training for community-based
 3893 revitalization efforts.

3894 (d) Projects in counties which had a project selected for
 3895 funding that declined or returned funds shall be given priority
 3896 for funding.

3897 (e) Projects shall be selected for funding by requests for
 3898 proposals.

3899 Section 34. Subsection (5) of section 420.615, Florida
 3900 Statutes, is amended to read:

3901 420.615 Affordable housing land donation density bonus
 3902 incentives.--

3903 (5) The local government, as part of the approval process,
 3904 shall adopt a comprehensive plan amendment, pursuant to part II
 3905 of chapter 163, for the receiving land that incorporates the
 3906 density bonus. Such amendment shall be deemed by operation of
 3907 law a small scale amendment, shall be subject only to the
 3908 requirements of adopted in the manner as required for small-
 3909 scale amendments pursuant to s. 163.3187(1)(c)2. and 3., is not
 3910 subject to the requirements of s. 163.3184(3)-(11)(3)-(6), and
 3911 is exempt from s. 163.3187(1)(c)1. and the limitation on the
 3912 frequency of plan amendments as provided in s. 163.3187. An
 3913 affected person, as defined in s. 163.3184(1), may file a

3914 petition for administrative review pursuant to the requirements
3915 of s. 163.3187(3) to challenge the compliance of an adopted plan
3916 amendment.

3917 Section 35. Section 420.628, Florida Statutes, is created
3918 to read:

3919 420.628 Affordable housing for children and young adults
3920 leaving foster care; legislative findings and intent.--

3921 (1) The Legislature finds that there are many young adults
3922 who, through no fault of their own, live in foster families,
3923 group homes, and institutions and who face numerous barriers to
3924 a successful transition to adulthood.

3925 (2) These youth in foster care are among those who may
3926 enter adulthood without the knowledge, skills, attitudes,
3927 habits, and relationships that will enable them to be productive
3928 members of society.

3929 (3) The main barriers to safe and affordable housing for
3930 youth aging out of the foster care system are cost, lack of
3931 availability, the unwillingness of many landlords to rent to
3932 them, and their own lack of knowledge about how to be good
3933 tenants.

3934 (4) The Legislature also finds that young adults who
3935 emancipate from the child welfare system are at risk of becoming
3936 homeless and those who were formerly in foster care are
3937 disproportionately represented in the homeless population.
3938 Without the stability of safe housing, all other services,
3939 training, and opportunities may not be effective.

3940 (5) The Legislature further finds that making affordable
3941 housing available for young adults who transition from foster

3942 care decreases their chance of homelessness and may increase
 3943 their ability to live independently in the future.

3944 (6) The Legislature finds that the Road-to-Independence
 3945 Program, as described in s. 409.1451, is similar to the Job
 3946 Training Partnership Act for purposes of s. 42(i)(3)(D)(i)(II)
 3947 of the Internal Revenue Code.

3948 (7) The Legislature affirms that young adults
 3949 transitioning out of foster care are to be considered eligible
 3950 persons, as defined in ss. 420.503(17) and 420.9071(10), for
 3951 affordable housing purposes and shall be encouraged to
 3952 participate in state, federal, and local affordable housing
 3953 programs.

3954 (8) It is therefore the intent of the Legislature to
 3955 encourage the Florida Housing Finance Corporation, State Housing
 3956 Initiative Partnership Program agencies, local housing finance
 3957 agencies, public housing authorities and their agents,
 3958 developers, and other providers of affordable housing to make
 3959 affordable housing available to youth transitioning out of
 3960 foster care whenever and wherever possible.

3961 (9) The Florida Housing Finance Corporation, State Housing
 3962 Initiative Partnership Program agencies, local housing finance
 3963 agencies, and public housing authorities shall coordinate with
 3964 the Department of Children and Family Services and their agents
 3965 and community-based care providers who are operating pursuant to
 3966 s. 409.1671 to develop and implement strategies and procedures
 3967 designed to increase affordable housing opportunities for young
 3968 adults who are leaving the child welfare system.

3969 Section 36. Subsections (4), (8), (16), and (25) of
 3970 section 420.9071, Florida Statutes, are amended, and subsections
 3971 (29) and (30) are added to that section, to read:

3972 420.9071 Definitions.--As used in ss. 420.907-420.9079,
 3973 the term:

3974 (4) "Annual gross income" means annual income as defined
 3975 under the Section 8 housing assistance payments programs in 24
 3976 C.F.R. part 5; annual income as reported under the census long
 3977 form for the recent available decennial census; ~~or~~ adjusted
 3978 gross income as defined for purposes of reporting under Internal
 3979 Revenue Service Form 1040 for individual federal annual income
 3980 tax purposes or as defined by standard practices used in the
 3981 lending industry as detailed in the local housing assistance
 3982 plan and approved by the corporation. Counties and eligible
 3983 municipalities shall calculate income by annualizing verified
 3984 sources of income for the household as the amount of income to
 3985 be received in a household during the 12 months following the
 3986 effective date of the determination.

3987 (8) "Eligible housing" means any real and personal
 3988 property located within the county or the eligible municipality
 3989 which is designed and intended for the primary purpose of
 3990 providing decent, safe, and sanitary residential units that are
 3991 designed to meet the standards of the Florida Building Code or a
 3992 predecessor building code adopted under chapter 553, or
 3993 manufactured housing constructed after June 1994 and installed
 3994 in accordance with mobile home installation standards of the
 3995 Department of Highway Safety and Motor Vehicles, for home
 3996 ownership or rental for eligible persons as designated by each

3997 county or eligible municipality participating in the State
 3998 Housing Initiatives Partnership Program.

3999 (16) "Local housing incentive strategies" means local
 4000 regulatory reform or incentive programs to encourage or
 4001 facilitate affordable housing production, which include at a
 4002 minimum, assurance that permits as defined in s. 163.3164(7) and
 4003 (8) for affordable housing projects are expedited to a greater
 4004 degree than other projects; an ongoing process for review of
 4005 local policies, ordinances, regulations, and plan provisions
 4006 that increase the cost of housing prior to their adoption; and a
 4007 schedule for implementing the incentive strategies. Local
 4008 housing incentive strategies may also include other regulatory
 4009 reforms, such as those enumerated in s. 420.9076 or those
 4010 recommended by the affordable housing advisory committee in its
 4011 triennial evaluation and adopted by the local governing body.

4012 (25) "Recaptured funds" means funds that are recouped by a
 4013 county or eligible municipality in accordance with the recapture
 4014 provisions of its local housing assistance plan pursuant to s.
 4015 420.9075(5) (h) ~~(g)~~ from eligible persons or eligible sponsors,
 4016 which funds were not used for assistance to an eligible
 4017 household for an eligible activity, when there is a ~~wa~~ default
 4018 on the terms of a grant award or loan award.

4019 (29) "Assisted housing" or "assisted housing development"
 4020 means a rental housing development, including rental housing in
 4021 a mixed-use development, that received or currently receives
 4022 funding from any federal or state housing program.

4023 (30) "Preservation" means actions taken to keep rents in
 4024 existing assisted housing affordable for extremely-low-income,

4025 very-low-income, low-income, and moderate-income households
 4026 while ensuring that the property stays in good physical and
 4027 financial condition for an extended period.

4028 Section 37. Subsection (6) of section 420.9072, Florida
 4029 Statutes, is amended to read:

4030 420.9072 State Housing Initiatives Partnership
 4031 Program.--The State Housing Initiatives Partnership Program is
 4032 created for the purpose of providing funds to counties and
 4033 eligible municipalities as an incentive for the creation of
 4034 local housing partnerships, to expand production of and preserve
 4035 affordable housing, to further the housing element of the local
 4036 government comprehensive plan specific to affordable housing,
 4037 and to increase housing-related employment.

4038 (6) The moneys that otherwise would be distributed
 4039 pursuant to s. 420.9073 to a local government that does not meet
 4040 the program's requirements for receipts of such distributions
 4041 shall remain in the Local Government Housing Trust Fund to be
 4042 administered by the corporation ~~pursuant to s. 420.9078.~~

4043 Section 38. Subsections (1) and (2) of section 420.9073,
 4044 Florida Statutes, are amended, and subsections (5), (6), and (7)
 4045 are added to that section, to read:

4046 420.9073 Local housing distributions.--

4047 (1) Distributions calculated in this section shall be
 4048 disbursed on a quarterly or more frequent ~~monthly~~ basis by the
 4049 corporation ~~beginning the first day of the month after program~~
 4050 ~~approval~~ pursuant to s. 420.9072, subject to availability of
 4051 funds. Each county's share of the funds to be distributed from
 4052 the portion of the funds in the Local Government Housing Trust

4053 Fund received pursuant to s. 201.15(9) shall be calculated by
 4054 the corporation for each fiscal year as follows:

4055 (a) Each county other than a county that has implemented
 4056 the provisions of chapter 83-220, Laws of Florida, as amended by
 4057 chapters 84-270, 86-152, and 89-252, Laws of Florida, shall
 4058 receive the guaranteed amount for each fiscal year.

4059 (b) Each county other than a county that has implemented
 4060 the provisions of chapter 83-220, Laws of Florida, as amended by
 4061 chapters 84-270, 86-152, and 89-252, Laws of Florida, may
 4062 receive an additional share calculated as follows:

4063 1. Multiply each county's percentage of the total state
 4064 population excluding the population of any county that has
 4065 implemented the provisions of chapter 83-220, Laws of Florida,
 4066 as amended by chapters 84-270, 86-152, and 89-252, Laws of
 4067 Florida, by the total funds to be distributed.

4068 2. If the result in subparagraph 1. is less than the
 4069 guaranteed amount as determined in subsection (3), that county's
 4070 additional share shall be zero.

4071 3. For each county in which the result in subparagraph 1.
 4072 is greater than the guaranteed amount as determined in
 4073 subsection (3), the amount calculated in subparagraph 1. shall
 4074 be reduced by the guaranteed amount. The result for each such
 4075 county shall be expressed as a percentage of the amounts so
 4076 determined for all counties. Each such county shall receive an
 4077 additional share equal to such percentage multiplied by the
 4078 total funds received by the Local Government Housing Trust Fund
 4079 pursuant to s. 201.15(9) reduced by the guaranteed amount paid
 4080 to all counties.

4081 (2) ~~Effective July 1, 1995,~~ Distributions calculated in
 4082 this section shall be disbursed on a quarterly or more frequent
 4083 ~~monthly~~ basis by the corporation ~~beginning the first day of the~~
 4084 ~~month after program approval~~ pursuant to s. 420.9072, subject to
 4085 availability of funds. Each county's share of the funds to be
 4086 distributed from the portion of the funds in the Local
 4087 Government Housing Trust Fund received pursuant to s. 201.15(10)
 4088 shall be calculated by the corporation for each fiscal year as
 4089 follows:

4090 (a) Each county shall receive the guaranteed amount for
 4091 each fiscal year.

4092 (b) Each county may receive an additional share calculated
 4093 as follows:

4094 1. Multiply each county's percentage of the total state
 4095 population, by the total funds to be distributed.

4096 2. If the result in subparagraph 1. is less than the
 4097 guaranteed amount as determined in subsection (3), that county's
 4098 additional share shall be zero.

4099 3. For each county in which the result in subparagraph 1.
 4100 is greater than the guaranteed amount, the amount calculated in
 4101 subparagraph 1. shall be reduced by the guaranteed amount. The
 4102 result for each such county shall be expressed as a percentage
 4103 of the amounts so determined for all counties. Each such county
 4104 shall receive an additional share equal to this percentage
 4105 multiplied by the total funds received by the Local Government
 4106 Housing Trust Fund pursuant to s. 201.15(10) as reduced by the
 4107 guaranteed amount paid to all counties.

4108 (5) Notwithstanding subsections (1)-(4), the corporation
 4109 is authorized to withhold up to \$5 million from the total
 4110 distribution each fiscal year to provide additional funding to
 4111 counties and eligible municipalities in which a state of
 4112 emergency has been declared by the Governor pursuant to chapter
 4113 252. Any portion of such funds not distributed under this
 4114 subsection by the end of the fiscal year shall be distributed as
 4115 provided in this section.

4116 (6) Notwithstanding subsections (1)-(4), the corporation
 4117 is authorized to withhold up to \$5 million from the total
 4118 distribution each fiscal year to provide funding to counties and
 4119 eligible municipalities to purchase properties subject to a
 4120 State Housing Initiative Partnership Program lien and on which
 4121 foreclosure proceedings have been initiated by any mortgagee.
 4122 Each county and eligible municipality that receives funds under
 4123 this subsection shall repay such funds to the corporation not
 4124 later than the expenditure deadline for the fiscal year in which
 4125 the funds were awarded. Amounts not repaid shall be withheld
 4126 from the subsequent year's distribution. Any portion of such
 4127 funds not distributed under this subsection by the end of the
 4128 fiscal year shall be distributed as provided in this section.

4129 (7) A county or eligible municipality that receives local
 4130 housing distributions pursuant to this section shall expend
 4131 those funds in accordance with the provisions of ss. 420.907-
 4132 420.9079, corporation rule, and its local housing assistance
 4133 plan.

4134 Section 39. Subsections (1), (3), (5), and (8), paragraphs
 4135 (a) and (h) of subsection (10), and paragraph (b) of subsection

4136 (13) of section 420.9075, Florida Statutes, are amended, and
 4137 subsection (14) is added to that section, to read:

4138 420.9075 Local housing assistance plans; partnerships.--

4139 (1) (a) Each county or eligible municipality participating
 4140 in the State Housing Initiatives Partnership Program shall
 4141 develop and implement a local housing assistance plan created to
 4142 make affordable residential units available to persons of very
 4143 low income, low income, or moderate income and to persons who
 4144 have special housing needs, including, but not limited to,
 4145 homeless people, the elderly, ~~and migrant farmworkers,~~ and
 4146 persons with disabilities. High-cost counties or eligible
 4147 municipalities as defined by rule of the corporation may include
 4148 strategies to assist persons and households having annual
 4149 incomes of not more than 140 percent of area median income. The
 4150 plans are intended to increase the availability of affordable
 4151 residential units by combining local resources and cost-saving
 4152 measures into a local housing partnership and using private and
 4153 public funds to reduce the cost of housing.

4154 (b) Local housing assistance plans may allocate funds to:

4155 1. Implement local housing assistance strategies for the
 4156 provision of affordable housing.

4157 2. Supplement funds available to the corporation to
 4158 provide enhanced funding of state housing programs within the
 4159 county or the eligible municipality.

4160 3. Provide the local matching share of federal affordable
 4161 housing grants or programs.

4162 4. Fund emergency repairs, including, but not limited to,
 4163 repairs performed by existing service providers under
 4164 weatherization assistance programs under ss. 409.509-409.5093.

4165 5. Further the housing element of the local government
 4166 comprehensive plan adopted pursuant to s. 163.3184, specific to
 4167 affordable housing.

4168 (3) (a) Each local housing assistance plan shall include a
 4169 definition of essential service personnel for the county or
 4170 eligible municipality, including, but not limited to, teachers
 4171 and educators, other school district, community college, and
 4172 university employees, police and fire personnel, health care
 4173 personnel, skilled building trades personnel, and other job
 4174 categories.

4175 (b) Each county and each eligible municipality is
 4176 encouraged to develop a strategy within its local housing
 4177 assistance plan that emphasizes the recruitment and retention of
 4178 essential service personnel. The local government is encouraged
 4179 to involve public and private sector employers. Compliance with
 4180 the eligibility criteria established under this strategy shall
 4181 be verified by the county or eligible municipality.

4182 (c) Each county and each eligible municipality is
 4183 encouraged to develop a strategy within its local housing
 4184 assistance plan that addresses the needs of persons who are
 4185 deprived of affordable housing due to the closure of a mobile
 4186 home park or the conversion of affordable rental units to
 4187 condominiums.

4188 (d) Each county and each eligible municipality shall
 4189 describe initiatives in the local housing assistance plan to

4190 encourage or require innovative design, green building
 4191 principles, storm-resistant construction, or other elements that
 4192 reduce long-term costs relating to maintenance, utilities, or
 4193 insurance.

4194 (e) Each county and each eligible municipality is
 4195 encouraged to develop a strategy within its local housing
 4196 assistance plan that provides program funds for the preservation
 4197 of assisted housing.

4198 (5) The following criteria apply to awards made to
 4199 eligible sponsors or eligible persons for the purpose of
 4200 providing eligible housing:

4201 (a) At least 65 percent of the funds made available in
 4202 each county and eligible municipality from the local housing
 4203 distribution must be reserved for home ownership for eligible
 4204 persons.

4205 (b) At least 75 percent of the funds made available in
 4206 each county and eligible municipality from the local housing
 4207 distribution must be reserved for construction, rehabilitation,
 4208 or emergency repair of affordable, eligible housing.

4209 (c) Not more than 15 percent of the funds made available
 4210 in each county and eligible municipality from the local housing
 4211 distribution may be used for manufactured housing.

4212 (d)-(e) The sales price or value of new or existing
 4213 eligible housing may not exceed 90 percent of the average area
 4214 purchase price in the statistical area in which the eligible
 4215 housing is located. Such average area purchase price may be that
 4216 calculated for any 12-month period beginning not earlier than
 4217 the fourth calendar year prior to the year in which the award

4218 | occurs or as otherwise established by the United States
 4219 | Department of the Treasury.

4220 | ~~(e)-(d)~~1. All units constructed, rehabilitated, or
 4221 | otherwise assisted with the funds provided from the local
 4222 | housing assistance trust fund must be occupied by very-low-
 4223 | income persons, low-income persons, and moderate-income persons
 4224 | except as otherwise provided in this section.

4225 | 2. At least 30 percent of the funds deposited into the
 4226 | local housing assistance trust fund must be reserved for awards
 4227 | to very-low-income persons or eligible sponsors who will serve
 4228 | very-low-income persons and at least an additional 30 percent of
 4229 | the funds deposited into the local housing assistance trust fund
 4230 | must be reserved for awards to low-income persons or eligible
 4231 | sponsors who will serve low-income persons. This subparagraph
 4232 | does not apply to a county or an eligible municipality that
 4233 | includes, or has included within the previous 5 years, an area
 4234 | of critical state concern designated or ratified by the
 4235 | Legislature for which the Legislature has declared its intent to
 4236 | provide affordable housing. The exemption created by this act
 4237 | expires on July 1, 2013 ~~2008~~.

4238 | ~~(f)-(e)~~ Loans shall be provided for periods not exceeding
 4239 | 30 years, except for deferred payment loans or loans that extend
 4240 | beyond 30 years which continue to serve eligible persons.

4241 | ~~(g)-(f)~~ Loans or grants for eligible rental housing
 4242 | constructed, rehabilitated, or otherwise assisted from the local
 4243 | housing assistance trust fund must be subject to recapture
 4244 | requirements as provided by the county or eligible municipality
 4245 | in its local housing assistance plan unless reserved for

4246 eligible persons for 15 years or the term of the assistance,
 4247 whichever period is longer. Eligible sponsors that offer rental
 4248 housing for sale before 15 years or that have remaining
 4249 mortgages funded under this program must give a first right of
 4250 refusal to eligible nonprofit organizations for purchase at the
 4251 current market value for continued occupancy by eligible
 4252 persons.

4253 (h)~~(g)~~ Loans or grants for eligible owner-occupied housing
 4254 constructed, rehabilitated, or otherwise assisted from proceeds
 4255 provided from the local housing assistance trust fund shall be
 4256 subject to recapture requirements as provided by the county or
 4257 eligible municipality in its local housing assistance plan.

4258 (i)~~(h)~~ The total amount of monthly mortgage payments or
 4259 the amount of monthly rent charged by the eligible sponsor or
 4260 her or his designee must be made affordable.

4261 (j)~~(i)~~ The maximum sales price or value per unit and the
 4262 maximum award per unit for eligible housing benefiting from
 4263 awards made pursuant to this section must be established in the
 4264 local housing assistance plan.

4265 (k)~~(j)~~ The benefit of assistance provided through the
 4266 State Housing Initiatives Partnership Program must accrue to
 4267 eligible persons occupying eligible housing. This provision
 4268 shall not be construed to prohibit use of the local housing
 4269 distribution funds for a mixed income rental development.

4270 (l)~~(k)~~ Funds from the local housing distribution not used
 4271 to meet the criteria established in paragraph (a) or paragraph
 4272 (b) or not used for the administration of a local housing
 4273 assistance plan must be used for housing production and finance

4274 activities, including, but not limited to, financing
 4275 preconstruction activities or the purchase of existing units,
 4276 providing rental housing, and providing home ownership training
 4277 to prospective home buyers and owners of homes assisted through
 4278 the local housing assistance plan.

4279 1. Notwithstanding the provisions of paragraphs (a) and
 4280 (b), program income as defined in s. 420.9071(24) may also be
 4281 used to fund activities described in this paragraph.

4282 2. When preconstruction due diligence activities conducted
 4283 as part of a preservation strategy show that preservation of the
 4284 units is not feasible and will not result in the production of
 4285 an eligible unit, such costs shall be deemed a program expense
 4286 rather than an administrative expense if such program expenses
 4287 do not exceed 3 percent of the annual local housing
 4288 distribution.

4289 3. If both an award under the local housing assistance
 4290 plan and federal low-income housing tax credits are used to
 4291 assist a project and there is a conflict between the criteria
 4292 prescribed in this subsection and the requirements of s. 42 of
 4293 the Internal Revenue Code of 1986, as amended, the county or
 4294 eligible municipality may resolve the conflict by giving
 4295 precedence to the requirements of s. 42 of the Internal Revenue
 4296 Code of 1986, as amended, in lieu of following the criteria
 4297 prescribed in this subsection with the exception of paragraphs
 4298 (a) and (e) ~~(d)~~ of this subsection.

4299 4. Each county and each eligible municipality may award
 4300 funds as a grant for construction, rehabilitation, or repair as
 4301 part of disaster recovery or emergency repairs or to remedy

4302 accessibility or health and safety deficiencies. Any other
 4303 grants must be approved as part of the local housing assistance
 4304 plan.

4305 (8) Pursuant to s. 420.531, the corporation shall provide
 4306 training and technical assistance to local governments regarding
 4307 the creation of partnerships, the design of local housing
 4308 assistance strategies, the implementation of local housing
 4309 incentive strategies, and the provision of support services.

4310 (10) Each county or eligible municipality shall submit to
 4311 the corporation by September 15 of each year a report of its
 4312 affordable housing programs and accomplishments through June 30
 4313 immediately preceding submittal of the report. The report shall
 4314 be certified as accurate and complete by the local government's
 4315 chief elected official or his or her designee. Transmittal of
 4316 the annual report by a county's or eligible municipality's chief
 4317 elected official, or his or her designee, certifies that the
 4318 local housing incentive strategies, or, if applicable, the local
 4319 housing incentive plan, have been implemented or are in the
 4320 process of being implemented pursuant to the adopted schedule
 4321 for implementation. The report must include, but is not limited
 4322 to:

4323 (a) The number of households served by income category,
 4324 age, family size, and race, and data regarding any special needs
 4325 populations such as farmworkers, homeless persons, persons with
 4326 disabilities, and the elderly. Counties shall report this
 4327 information separately for households served in the
 4328 unincorporated area and each municipality within the county.

4329 (h) Such other data or affordable housing accomplishments
 4330 considered significant by the reporting county or eligible
 4331 municipality or by the corporation.

4332 (13)

4333 (b) If, as a result of its review of the annual report,
 4334 the corporation determines that a county or eligible
 4335 municipality has failed to implement a local housing incentive
 4336 strategy, or, if applicable, a local housing incentive plan, it
 4337 shall send a notice of termination of the local government's
 4338 share of the local housing distribution by certified mail to the
 4339 affected county or eligible municipality.

4340 1. The notice must specify a date of termination of the
 4341 funding if the affected county or eligible municipality does not
 4342 implement the plan or strategy and provide for a local response.
 4343 A county or eligible municipality shall respond to the
 4344 corporation within 30 days after receipt of the notice of
 4345 termination.

4346 2. The corporation shall consider the local response that
 4347 extenuating circumstances precluded implementation and grant an
 4348 extension to the timeframe for implementation. Such an extension
 4349 shall be made in the form of an extension agreement that
 4350 provides a timeframe for implementation. The chief elected
 4351 official of a county or eligible municipality or his or her
 4352 designee shall have the authority to enter into the agreement on
 4353 behalf of the local government.

4354 3. If the county or the eligible municipality has not
 4355 implemented the incentive strategy or entered into an extension
 4356 agreement by the termination date specified in the notice, the

4357 local housing distribution share terminates, and any uncommitted
 4358 local housing distribution funds held by the affected county or
 4359 eligible municipality in its local housing assistance trust fund
 4360 shall be transferred to the Local Government Housing Trust Fund
 4361 to the credit of the corporation to administer ~~pursuant to s.~~
 4362 ~~420.9078.~~

4363 4.a. If the affected local government fails to meet the
 4364 timeframes specified in the agreement, the corporation shall
 4365 terminate funds. The corporation shall send a notice of
 4366 termination of the local government's share of the local housing
 4367 distribution by certified mail to the affected local government.
 4368 The notice shall specify the termination date, and any
 4369 uncommitted funds held by the affected local government shall be
 4370 transferred to the Local Government Housing Trust Fund to the
 4371 credit of the corporation to administer ~~pursuant to s. 420.9078.~~

4372 b. If the corporation terminates funds to a county, but an
 4373 eligible municipality receiving a local housing distribution
 4374 pursuant to an interlocal agreement maintains compliance with
 4375 program requirements, the corporation shall thereafter
 4376 distribute directly to the participating eligible municipality
 4377 its share calculated in the manner provided in s. 420.9072.

4378 c. Any county or eligible municipality whose local
 4379 distribution share has been terminated may subsequently elect to
 4380 receive directly its local distribution share by adopting the
 4381 ordinance, resolution, and local housing assistance plan in the
 4382 manner and according to the procedures provided in ss. 420.907-
 4383 420.9079.

4384 (14) If the corporation determines that a county or
 4385 eligible municipality has expended program funds for an
 4386 ineligible activity, the corporation shall require such funds to
 4387 be repaid to the local housing assistance trust fund. Such
 4388 repayment may not be made with funds from State Housing
 4389 Initiatives Partnership Program funds.

4390 Section 40. Paragraph (h) of subsection (2), subsections
 4391 (5) and (6), and paragraph (a) of subsection (7) of section
 4392 420.9076, Florida Statutes, are amended to read:

4393 420.9076 Adoption of affordable housing incentive
 4394 strategies; committees.--

4395 (2) The governing board of a county or municipality shall
 4396 appoint the members of the affordable housing advisory committee
 4397 by resolution. Pursuant to the terms of any interlocal
 4398 agreement, a county and municipality may create and jointly
 4399 appoint an advisory committee to prepare a joint plan. The
 4400 ordinance adopted pursuant to s. 420.9072 which creates the
 4401 advisory committee or the resolution appointing the advisory
 4402 committee members must provide for 11 committee members and
 4403 their terms. The committee must include:

4404 (h) One citizen who actively serves on the local planning
 4405 agency pursuant to s. 163.3174. If the local planning agency is
 4406 comprised of the county or municipality commission, the
 4407 commission may appoint a designee who is knowledgeable in the
 4408 local planning process.

4409
 4410 If a county or eligible municipality whether due to its small
 4411 size, the presence of a conflict of interest by prospective

4412 appointees, or other reasonable factor, is unable to appoint a
4413 citizen actively engaged in these activities in connection with
4414 affordable housing, a citizen engaged in the activity without
4415 regard to affordable housing may be appointed. Local governments
4416 that receive the minimum allocation under the State Housing
4417 Initiatives Partnership Program may elect to appoint an
4418 affordable housing advisory committee with fewer than 11
4419 representatives if they are unable to find representatives who
4420 meet the criteria of paragraphs (a)-(k).

4421 (5) The approval by the advisory committee of its local
4422 housing incentive strategies recommendations and its review of
4423 local government implementation of previously recommended
4424 strategies must be made by affirmative vote of a majority of the
4425 membership of the advisory committee taken at a public hearing.
4426 Notice of the time, date, and place of the public hearing of the
4427 advisory committee to adopt its evaluation and final local
4428 housing incentive strategies recommendations must be published
4429 in a newspaper of general paid circulation in the county. The
4430 notice must contain a short and concise summary of the
4431 evaluation and local housing incentives strategies
4432 recommendations to be considered by the advisory committee. The
4433 notice must state the public place where a copy of the
4434 evaluation and tentative advisory committee recommendations can
4435 be obtained by interested persons. The final report, evaluation,
4436 and recommendations shall be submitted to the corporation.

4437 (6) Within 90 days after the date of receipt of the
4438 evaluation and local housing incentive strategies
4439 recommendations from the advisory committee, the governing body

4440 of the appointing local government shall adopt an amendment to
 4441 its local housing assistance plan to incorporate the local
 4442 housing incentive strategies it will implement within its
 4443 jurisdiction. The amendment must include, at a minimum, the
 4444 local housing incentive strategies required under s.
 4445 420.9071(16). The local government must consider the strategies
 4446 specified in paragraphs (4)(a)-(k) as recommended by the
 4447 advisory committee.

4448 (7) The governing board of the county or the eligible
 4449 municipality shall notify the corporation by certified mail of
 4450 its adoption of an amendment of its local housing assistance
 4451 plan to incorporate local housing incentive strategies. The
 4452 notice must include a copy of the approved amended plan.

4453 (a) If the corporation fails to receive timely the
 4454 approved amended local housing assistance plan to incorporate
 4455 local housing incentive strategies, a notice of termination of
 4456 its share of the local housing distribution shall be sent by
 4457 certified mail by the corporation to the affected county or
 4458 eligible municipality. The notice of termination must specify a
 4459 date of termination of the funding if the affected county or
 4460 eligible municipality has not adopted an amended local housing
 4461 assistance plan to incorporate local housing incentive
 4462 strategies. If the county or the eligible municipality has not
 4463 adopted an amended local housing assistance plan to incorporate
 4464 local housing incentive strategies by the termination date
 4465 specified in the notice of termination, the local distribution
 4466 share terminates; and any uncommitted local distribution funds
 4467 held by the affected county or eligible municipality in its

4468 local housing assistance trust fund shall be transferred to the
 4469 Local Government Housing Trust Fund to the credit of the
 4470 corporation to administer the local government housing program
 4471 pursuant to ~~s. 420.9078~~.

4472 Section 41. Section 420.9079, Florida Statutes, is amended
 4473 to read:

4474 420.9079 Local Government Housing Trust Fund.--

4475 (1) There is created in the State Treasury the Local
 4476 Government Housing Trust Fund, which shall be administered by
 4477 the corporation on behalf of the department according to the
 4478 provisions of ss. 420.907-420.9076 ~~420.907-420.9078~~ and this
 4479 section. There shall be deposited into the fund a portion of the
 4480 documentary stamp tax revenues as provided in s. 201.15, moneys
 4481 received from any other source for the purposes of ss. 420.907-
 4482 420.9076 ~~420.907-420.9078~~ and this section, and all proceeds
 4483 derived from the investment of such moneys. Moneys in the fund
 4484 that are not currently needed for the purposes of the programs
 4485 administered pursuant to ss. 420.907-420.9076 ~~420.907-420.9078~~
 4486 and this section shall be deposited to the credit of the fund
 4487 and may be invested as provided by law. The interest received on
 4488 any such investment shall be credited to the fund.

4489 (2) The corporation shall administer the fund exclusively
 4490 for the purpose of implementing the programs described in ss.
 4491 420.907-420.9076 ~~420.907-420.9078~~ and this section. With the
 4492 exception of monitoring the activities of counties and eligible
 4493 municipalities to determine local compliance with program
 4494 requirements, the corporation shall not receive appropriations
 4495 from the fund for administrative or personnel costs. For the

4496 purpose of implementing the compliance monitoring provisions of
 4497 s. 420.9075(9), the corporation may request a maximum of one-
 4498 quarter of 1 percent of the annual appropriation per state
 4499 fiscal year. When such funding is appropriated, the corporation
 4500 shall deduct the amount appropriated prior to calculating the
 4501 local housing distribution pursuant to ss. 420.9072 and
 4502 420.9073.

4503 Section 42. Subsection (12) of section 1001.43, Florida
 4504 Statutes, is amended to read:

4505 1001.43 Supplemental powers and duties of district school
 4506 board.--The district school board may exercise the following
 4507 supplemental powers and duties as authorized by this code or
 4508 State Board of Education rule.

4509 (12) AFFORDABLE HOUSING.--A district school board may use
 4510 portions of school sites purchased within the guidelines of the
 4511 State Requirements for Educational Facilities, land deemed not
 4512 usable for educational purposes because of location or other
 4513 factors, or land declared as surplus by the board to provide
 4514 sites for affordable housing for teachers and other district
 4515 personnel and, in areas of critical state concern, for other
 4516 essential services personnel as defined by local affordable
 4517 housing eligibility requirements, independently or in
 4518 conjunction with other agencies as described in subsection (5).

4519 Section 43. Section 166.0451, Florida Statutes, is amended
 4520 to read:

4521 166.0451 Disposition of municipal property for affordable
 4522 housing.--

4523 (1) By July 1, 2007, and every 3 years thereafter, each
 4524 municipality shall prepare an inventory list of all real
 4525 property within its jurisdiction to which the municipality holds
 4526 fee simple title that is appropriate for use as affordable
 4527 housing. The inventory list must include the address and legal
 4528 description of each ~~such~~ property and specify whether the
 4529 property is vacant or improved. The governing body of the
 4530 municipality must review the inventory list at a public hearing
 4531 and may revise it at the conclusion of the public hearing.
 4532 Following the public hearing, the governing body of the
 4533 municipality shall adopt a resolution that includes an inventory
 4534 list of such property.

4535 (2) The properties identified as appropriate for use as
 4536 affordable housing on the inventory list adopted by the
 4537 municipality may be offered for sale and the proceeds may be
 4538 used to purchase land for the development of affordable housing
 4539 or to increase the local government fund earmarked for
 4540 affordable housing, or may be sold with a restriction that
 4541 requires the development of the property as permanent affordable
 4542 housing, or may be donated to a nonprofit housing organization
 4543 for the construction of permanent affordable housing.
 4544 Alternatively, the municipality may otherwise make the property
 4545 available for use for the production and preservation of
 4546 permanent affordable housing. For purposes of this section, the
 4547 term "affordable" has the same meaning as in s. 420.0004(3).

4548 (3) As a precondition to receiving any state affordable
 4549 housing funding or allocation for any project or program within
 4550 the municipality's jurisdiction, a municipality must, by July 1

4551 of each year, provide certification that the inventory and any
 4552 update required by this section is complete.

4553 Section 44. Paragraph (c) of subsection (6) of section
 4554 253.034, Florida Statutes, is amended, and paragraph (d) is
 4555 added to subsection (8) of that section, to read:

4556 253.034 State-owned lands; uses.--

4557 (6) The Board of Trustees of the Internal Improvement
 4558 Trust Fund shall determine which lands, the title to which is
 4559 vested in the board, may be surplus. For conservation lands,
 4560 the board shall make a determination that the lands are no
 4561 longer needed for conservation purposes and may dispose of them
 4562 by an affirmative vote of at least three members. In the case of
 4563 a land exchange involving the disposition of conservation lands,
 4564 the board must determine by an affirmative vote of at least
 4565 three members that the exchange will result in a net positive
 4566 conservation benefit. For all other lands, the board shall make
 4567 a determination that the lands are no longer needed and may
 4568 dispose of them by an affirmative vote of at least three
 4569 members.

4570 (c) At least every 5 ~~10~~ years, as a component of each land
 4571 management plan or land use plan and in a form and manner
 4572 prescribed by rule by the board, each manager shall evaluate and
 4573 indicate to the board those lands that are not being used for
 4574 the purpose for which they were originally leased. For
 4575 conservation lands, the council shall review and shall recommend
 4576 to the board whether such lands should be retained in public
 4577 ownership or disposed of by the board. For nonconservation
 4578 lands, the division shall review such lands and shall recommend

4579 to the board whether such lands should be retained in public
 4580 ownership or disposed of by the board.

4581 (8)

4582 (d) Beginning December 1, 2008, the Division of State
 4583 Lands shall annually submit to the President of the Senate and
 4584 the Speaker of the House of Representatives a copy of the state
 4585 inventory that identifies all nonconservation lands, including
 4586 lands that meet the surplus requirements of subsection (6) and
 4587 lands purchased by the state, a state agency, or a water
 4588 management district which are not essential or necessary for
 4589 conservation purposes. The division shall also publish a copy of
 4590 the annual inventory on its website and notify by electronic
 4591 mail the executive head of the governing body of each local
 4592 government that has lands in the inventory within its
 4593 jurisdiction.

4594 Section 45. Subsection (6) of section 421.08, Florida
 4595 Statutes, is amended to read:

4596 421.08 Powers of authority.--An authority shall constitute
 4597 a public body corporate and politic, exercising the public and
 4598 essential governmental functions set forth in this chapter, and
 4599 having all the powers necessary or convenient to carry out and
 4600 effectuate the purpose and provisions of this chapter, including
 4601 the following powers in addition to others herein granted:

4602 (6) Within its area of operation: to investigate into
 4603 living, dwelling, and housing conditions and into the means and
 4604 methods of improving such conditions; to determine where slum
 4605 areas exist or where there is a shortage of decent, safe, and
 4606 sanitary dwelling accommodations for persons of low income; to

4607 make studies and recommendations relating to the problem of
4608 clearing, replanning, and reconstruction of slum areas and the
4609 problem of providing dwelling accommodations for persons of low
4610 income; to administer fair housing ordinances and other
4611 ordinances as adopted by cities, counties, or other authorities
4612 who wish to contract for administrative services and to
4613 cooperate with the city, the county, the state or any political
4614 subdivision thereof in action taken in connection with such
4615 problems; and to engage in research, studies, and
4616 experimentation on the subject of housing. However, the housing
4617 authority may not take action to prohibit access to a housing
4618 project by a state or local elected official or a candidate for
4619 state or local government office.

4620 Section 46. The Legislature directs the Department of
4621 Transportation to establish an approved transportation
4622 methodology which recognizes that a planned, sustainable
4623 development of regional impact will likely achieve an internal
4624 capture rate in excess of 40 percent when fully developed. The
4625 adopted transportation methodology shall use a regional
4626 transportation model which incorporates professionally accepted
4627 modeling techniques applicable to well planned sustainable
4628 communities of the size, location, mix of uses, and design
4629 features, consistent with such communities. The adopted
4630 transportation methodology shall serve as the basis for
4631 sustainable development's traffic impact assessments by the
4632 department. The methodology review shall be completed and in use
4633 no later than December 1, 2008.

4634 Section 47. Section 420.9078, Florida Statutes, is
4635 repealed.

4636 Section 48. The sum of \$300,000 is appropriated from
4637 nonrecurring revenue in the General Revenue Fund to the
4638 Legislative Committee on Intergovernmental Relations for the
4639 2008-2009 fiscal year to pay for costs associated with the
4640 mobility fee study and pilot project program established in
4641 section 4.

4642 Section 49. There is hereby appropriated to the Department
4643 of Community Affairs, Division of Community Planning, 8 full-
4644 time equivalent positions and \$431,299 from the Operating Trust
4645 Fund for fiscal year 2008-2009.

4646 Section 50. This act shall take effect July 1, 2008.