A bill to be entitled

An act relating to growth management; amending s. 125.379, F.S.; requiring counties to certify that they have prepared a list of county-owned property appropriate for affordable housing before obtaining certain funding; amending s. 163.3167, F.S.; revising prohibited initiatives or referenda; amending s. 163.3177, F.S.; extending a date for adopting and transmitting certain required amendments; revising criteria and requirements for future land use plan elements of local government comprehensive plans; revising requirements for a housing element; revising requirements for an intergovernmental coordination element; revising requirements for a transportation element; deleting provisions encouraging local governments to develop a community vision and to designate an urban service boundary; amending s. 163.31771, F.S.; requiring a local government to amend its comprehensive plan to allow accessory dwelling units in an area zoned for single-family residential use; prohibiting such units from being treated as new units if there is a land use restriction agreement that restricts use to affordable housing; prohibiting accessory dwelling units from being located on certain land; amending s. 163.3180, F.S.; revising concurrency requirements; specifying municipal areas for transportation concurrency exception areas; revising provisions relating to the Strategic Intermodal System; deleting a requirement for local governments to annually submit a summary of de minimus

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

incentives for private developers; providing for recommendations for the establishment of a uniform mobility fee methodology to replace the current transportation concurrency management system; providing legislative intent relating to mobility fees for certain purposes; requiring the Legislative Committee on Intergovernmental Relations to study and develop a methodology for a mobility fee system; providing study and fee applicability requirements; providing for establishing a mobility fee pilot program in certain counties and municipalities in such counties; providing coordination requirements for the committee and such local governments; requiring implementation by a certain date; providing program requirements and criteria; providing mobility fee requirements and limitations; amending s. 163.3184, F.S.; providing certain meeting and notice requirements for applications for future land use amendments; increasing the time period for agency review; providing circumstances for abandonment of a plan amendment; providing for extension and status reports; revising requirements for public hearings for comprehensive plans or plan amendments; providing procedures and requirements for assistance to local governments by the Rural Economic Development Initiative for plan amendments in rural areas of critical economic importance; providing limited application and exemptions for certain plan map amendments; authorizing affected persons to file petitions for administrative review challenging compliance of

certain plan amendments; providing legislative findings relating to rural centers of economic development; providing a declaration of compelling state interest; providing a definition; authorizing certain landowners to apply for amendments to comprehensive plans for certain rural centers of economic development; providing application requirements, procedures, and limitations; deleting provisions relating to community vision and urban boundary amendments; amending s. 163.3187, F.S.; authorizing plan amendments once a year; authorizing certain plan amendments twice a year; providing for exceptions; providing requirements for small scale amendment effective dates; amending s. 163.3245, F.S.; increasing the number of authorized optional sector plans pilot projects; amending s. 163.32465, F.S.; revising legislative findings; revising alternative state review process pilot program requirements and procedures; expanding application of the program; revising requirements for the initial hearing on comprehensive plan amendments for the program; revising requirements for administrative challenges to plan amendments for the program; creating s. 163.351, F.S.; providing requirements concerning reporting by community redevelopment agencies; requiring an annual report of progress and plans to the governing body; requiring that the agency and the county or municipality make such report available for public inspection; requiring that certain reports or information concerning dependent special districts be annually

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

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

state allocation pool; creating s. 193.018, F.S.; providing for the assessment of property receiving the low-income housing tax credit; defining the term "community land trust"; providing for the assessment of structural improvements, condominium parcels, and cooperative parcels on land owned by a community land trust and used to provide affordable housing; providing for the conveyance of structural improvements, condominium parcels, and cooperative parcels subject to certain conditions; specifying the criteria to be used in arriving at just valuation of a structural improvement, condominium parcel, or cooperative parcel; amending s. 212.055, F.S.; redefining the term "infrastructure" to allow the proceeds of a local government infrastructure surtax to be used to purchase land for certain purposes relating to construction of affordable housing; amending s. 420.503, F.S.; defining the term "moderate rehabilitation" for purposes of the Florida Housing Finance Corporation Act; amending s. 420.507, F.S.; providing the corporation with certain powers relating to developing and administering a grant program; amending s. 420.5087, F.S.; revising purposes for which state apartment incentive loans may be used; amending s. 420.5095, F.S.; providing for the disbursement of certain Community Workforce Housing Innovation Pilot Program funds that were awarded but have been declined or returned; amending s. 420.615, F.S.; revising provisions relating to comprehensive plan amendments; authorizing certain persons to challenge the

compliance of an amendment; creating s. 420.628, F.S.; providing legislative findings and intent; requiring certain governmental entities to develop and implement strategies and procedures designed to increase affordable housing opportunities for young adults who are leaving the child welfare system; amending s. 420.9071, F.S.; revising and providing definitions; amending s. 420.9072, F.S.; conforming a cross-reference; amending s. 420.9073, F.S.; revising the frequency with which local housing distributions are to be made by the corporation; authorizing the corporation to withhold funds from the total distribution annually for specified purposes; requiring counties and eligible municipalities that receive local housing distributions to expend those funds in a specified manner; amending s. 420.9075, F.S.; requiring that local housing assistance plans address the special housing needs of persons with disabilities; authorizing the corporation to define high-cost counties and eligible municipalities by rule; authorizing high-cost counties and certain municipalities to assist persons and households meeting specific income requirements; revising requirements to be included in the local housing assistance plan; requiring counties and certain municipalities to include certain initiatives and strategies in the local housing assistance plan; revising criteria that applies to awards made for the purpose of providing eligible housing; authorizing and limiting the percentage of funds from the local housing distribution

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

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

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

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

125.379 Disposition of county property for affordable housing.--

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

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

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

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

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

163.3167 Scope of act.--

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

(a) Any development order; or

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

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

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

(3)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. The elimination of substandard dwelling conditions.

c. The structural and aesthetic improvement of existing housing.

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

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

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

f. The formulation of housing implementation programs.

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

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

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

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

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

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

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

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

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

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

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

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

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

f. Proposed management and regulatory techniques.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~2. Priorities for economic development;~~

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

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

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

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

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

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

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

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

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

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

~~3. Incentives for workforce housing;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

163.31771 Accessory dwelling units.--

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

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

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

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

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

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

163.3180 Concurrency.--

(1) APPLICABILITY OF CONCURRENCY REQUIREMENT.--

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

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

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

(2) PUBLIC FACILITY AVAILABILITY STANDARDS.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~1. Urban infill development;~~

~~2. Urban redevelopment;~~

~~3. Downtown revitalization;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) LONG-TERM CONCURRENCY MANAGEMENT.--

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

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

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

1. The extent of the backlog.

2. For roads, whether the backlog is on local or state roads.

3. The cost of eliminating the backlog.

4. The local government's tax and other revenue-raising efforts.

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

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

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

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

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

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

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

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

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

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

(12) REGIONAL IMPACT PROPORTIONATE SHARE.--

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

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

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

3. ~~(c)~~ The owner and developer of the development of regional impact pays or assures payment of the proportionate-share contribution; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Intergovernmental coordination.--

1. When establishing concurrency requirements for public schools, a local government shall satisfy the requirements for intergovernmental coordination set forth in s. 163.3177(6)(h)1. and 2., except that a municipality is not required to be a signatory to the interlocal agreement required by ss. 163.3177(6)(h)2. and 163.31777(6), as a prerequisite for imposition of school concurrency, and as a nonsignatory, may ~~shall~~ not participate in the adopted local school concurrency system~~,~~ if the municipality meets all of the following criteria for not having a ~~no~~ significant impact on school attendance:

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

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

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

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

2. A municipality that ~~which~~ qualifies as not having a ~~no~~ significant impact on school attendance pursuant to ~~the criteria of~~ subparagraph 1. must review and determine at the time of its evaluation and appraisal report pursuant to s. 163.3191 whether

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

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

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

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

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

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

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

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

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

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

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

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

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

7. Include provisions relating to amendment of the agreement.

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

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

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

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

(15) MULTIMODAL DISTRICTS.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) STATE LAND PLANNING AGENCY REVIEW.--

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

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

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

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

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

(15) PUBLIC HEARINGS.--

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

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

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

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

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

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

~~(17) COMMUNITY VISION AND URBAN BOUNDARY PLAN AMENDMENTS. A local government that has adopted a community vision and urban service boundary under s. 163.3177(13) and (14) may adopt a plan amendment related to map amendments solely to property within an urban service boundary in the manner described in subsections (1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d. and e., 2., and 3., such that state and regional agency review is eliminated. The department may not issue an objections, recommendations, and comments report on proposed plan amendments or a notice of intent on adopted plan amendments; however, affected persons, as defined by paragraph (1)(a), may file a petition for administrative review pursuant to the requirements of s. 163.3187(3)(a) to challenge the compliance of an adopted plan amendment. This subsection does not apply to any amendment within an area of critical state concern, to any amendment that increases residential densities allowable in high-hazard coastal areas as defined in s. 163.3178(2)(h), or to a text change to the goals, policies, or objectives of the local government's comprehensive plan. Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.~~

(17)~~(18)~~ URBAN INFILL AND REDEVELOPMENT PLAN AMENDMENTS.--A municipality that has a designated urban infill and redevelopment area under s. 163.2517 may adopt a plan amendment related to map amendments solely to property within a designated urban infill and redevelopment area in the manner

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

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

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

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

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

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

(20) RURAL ECONOMIC DEVELOPMENT CENTERS.--

(a) The Legislature recognizes and finds that:

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

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

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

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

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

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

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

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

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

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

163.3187 Amendment of adopted comprehensive plan.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

163.3245 Optional sector plans.--

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

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

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

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

(1) LEGISLATIVE FINDINGS.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

163.356 Creation of community redevelopment agency.--

(3)

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

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

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

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

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

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

163.387 Redevelopment trust fund.--

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

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

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

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

(d) ~~(c)~~ The acquisition of real property in the redevelopment area.

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

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

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

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

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

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

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

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

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

288.0655 Rural Infrastructure Fund.--

(2)

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

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

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

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

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

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

288.0656 Rural Economic Development Initiative.--

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

rural communities of major economic development projects of significant scale.

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

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

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

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

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

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

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

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

1. A county with a population of 75,000 or less.

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

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

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

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

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

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

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

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

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

1. The Department of Community Affairs.
2. The Department of Transportation.
3. The Department of Environmental Protection.
4. The Department of Agriculture and Consumer Services.
5. The Department of State.
6. The Department of Health.

7. The Department of Children and Family Services.

8. The Department of Corrections.

9. The Agency for Workforce Innovation.

10. The Department of Education.

11. The Department of Juvenile Justice.

12. The Fish and Wildlife Conservation Commission.

13. Each water management district.

14. Enterprise Florida, Inc.

15. Workforce Florida, Inc.

16. The Florida Commission on Tourism or VISIT Florida.

17. The Florida Regional Planning Council Association.

18. The Agency for Health Care Administration ~~Florida State Rural Development Council~~.

19. The Institute of Food and Agricultural Sciences (IFAS).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

380.06 Developments of regional impact.--

(7) PREAPPLICATION PROCEDURES.--

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

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

(19) SUBSTANTIAL DEVIATIONS.--

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

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

(24) STATUTORY EXEMPTIONS.--

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

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

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

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

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

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

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

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

380.0651 Statewide guidelines and standards.--

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

(f) Hotel or motel development.--

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

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

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

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

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

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

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

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

420.615 Affordable housing land donation density bonus incentives.--

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

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

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

257.193 Community Libraries in Caring Program.--

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

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

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

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

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

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

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

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

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

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

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

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

288.06561 Reduction or waiver of financial match requirements.--

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

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

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

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

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

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

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

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

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

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

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

339.2819 Transportation Regional Incentive Program.--

(4)

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

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

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

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

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

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

627.6699 Employee Health Care Access Act.--

(15) SMALL EMPLOYERS ACCESS PROGRAM.--

(d) Eligibility.--

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

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

3. Nursing home employers may participate.

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

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

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

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

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

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

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

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

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

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

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

159.807 State allocation pool.--

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

~~(b) This subsection does not apply to the Florida Housing Finance Corporation:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

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

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

1.~~2.~~ For the purposes of this paragraph, the term "infrastructure" means:

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

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

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

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

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

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

2.~~3.~~ Notwithstanding any other provision of this subsection, a local government infrastructure ~~discretionary sales~~ surtax imposed or extended after July 1, 1998, ~~the effective date of this act~~ may allocate up to ~~provide for an amount not to exceed~~ 15 percent of the ~~local option sales~~ surtax

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Sponsor's agreement to reserve more than:

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

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

5. Provision for tenant counseling.

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

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

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

9. Project feasibility.

10. Economic viability of the project.

11. Commitment of first mortgage financing.

12. Sponsor's prior experience.

13. Sponsor's ability to proceed with construction.

14. Projects that directly implement or assist welfare-to-work transitioning.

15. Projects that reserve units for extremely-low-income persons.

16. Projects that include green building principles, storm-resistant construction, or other elements that reduce long-term costs relating to maintenance, utilities, or insurance.

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

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

420.5095 Community Workforce Housing Innovation Pilot Program.--

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

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

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

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

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

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

420.615 Affordable housing land donation density bonus incentives.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

420.9073 Local housing distributions.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

420.9075 Local housing assistance plans; partnerships.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(13)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) If the corporation fails to receive timely the approved amended local housing assistance plan to incorporate local housing incentive strategies, a notice of termination of its share of the local housing distribution shall be sent by certified mail by the corporation to the affected county or eligible municipality. The notice of termination must specify a date of termination of the funding if the affected county or eligible municipality has not adopted an amended local housing assistance plan to incorporate local housing incentive strategies. If the county or the eligible municipality has not adopted an amended local housing assistance plan to incorporate local housing incentive strategies by the termination date specified in the notice of termination, the local distribution share terminates; and any uncommitted local distribution funds held by the affected county or eligible municipality in its

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

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

420.9079 Local Government Housing Trust Fund.--

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

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

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

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

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

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

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

166.0451 Disposition of municipal property for affordable housing.--

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

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

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

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

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

253.034 State-owned lands; uses.--

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

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

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

(8)

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

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

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

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

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

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

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

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

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

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