

By Senator Bennett

21-01722B-10

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1 A bill to be entitled
2 An act relating to platted lots; creating s. 163.08,
3 F.S.; providing legislative findings and intent;
4 establishing a pilot program for the purpose of
5 redeveloping antiquated subdivisions; providing
6 definitions; requiring that the Department of
7 Community Affairs administer the pilot program;
8 providing eligibility requirements for participation
9 in the pilot program; providing for the determination
10 of density credits or units and for the transfer or
11 sale of density credits or units; requiring the owner
12 of a lot that receives density credits to execute a
13 restrictive covenant; clarifying that platted lots
14 where the pilot program is implemented remain subject
15 to other land use and development regulations;
16 providing that the pilot program does not affect the
17 existing future land use map or zoning designation of
18 any property; requiring that the Office of Program
19 Policy Analysis and Government Accountability submit a
20 report to the Legislature by a specified date;
21 providing for future expiration; providing an
22 effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

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26 Section 1. Section 163.08, Florida Statutes, is created to
27 read:

28 163.08 Platted lots pilot program.—

29 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature

21-01722B-10

20102078

30 recognizes that some areas of Florida are beset by a large
31 number of antiquated subdivisions with platted lots which have
32 failed to develop. The Legislature finds that it is appropriate
33 to establish a pilot program to determine the feasibility of
34 redeveloping these areas and allow the full use of existing
35 urban infrastructure such as roads and sanitary sewer systems.
36 The Legislature further finds that the pilot program benefits
37 the local and state economies by providing job opportunities and
38 revitalizing urban areas.

39 (2) DEFINITIONS.-As used in this section, the term:

40 (a) "Antiquated subdivision" means:

41 1. A subdivision that was recorded before February 1, 1992,
42 or approved before February 1, 1992;

43 2. Less than 30 percent of the total subdivision area has
44 been built in accordance with the subdivision's zones or land
45 use purposes; and

46 3. The continued buildout of the subdivision would cause an
47 imbalance of land uses and would be detrimental to the local and
48 regional economies and environment, hinder current planning
49 practices, and lead to inefficient and fiscally irresponsible
50 development patterns as determined by the respective
51 jurisdiction in which the subdivision is located.

52 (b) "Base density" means the number of residential density
53 units permitted by a lot's or parcel's existing zoning district
54 per gross acre of land, which is determined by dividing the
55 number of units by the total area of land within the boundaries
56 of a lot or parcel. If there is an inconsistency between the
57 future land use map designation and the zoning district, the
58 density of the least intensive zoning district that implements

21-01722B-10

20102078

59 the future land use map designation shall be used.

60 (c) "Certificate of transferable density credits" or
61 "certificate" means the certificate issued by the pilot
62 community which indicates the amount of density available to be
63 used or sold by the certificateholder, as well as any
64 specifications for use of the density.

65 (d) "Certification of transferable density units" or
66 "certification" means the process whereby density is severed
67 from real property and a certificate is issued by the pilot
68 community signifying that the certificateholder has ownership of
69 the indicated number of density units.

70 (e) "Covenant" means a perpetual conservation easement or
71 other perpetual restrictive covenant that encumbers the property
72 constituting a sending zone, granted by the owner thereof to the
73 pilot community or to some other entity acceptable to the pilot
74 community.

75 (f) "Density" means the number of density units permissible
76 within a given property.

77 (g) "Density credit" means a density unit that has been
78 severed from a property through the processes identified in this
79 section and recognized by a certificate of transferable density
80 credits.

81 (h) "Density unit" means a development right equaling one
82 increment of housing designed and intended for residential use
83 by one family, such as a single-family residence or mobile home,
84 or as part of a duplex, apartment, or condominium project.

85 (i) "Receiving zone" means an area designated in the pilot
86 community's comprehensive plan where density credits may be
87 transferred. The receiving zone must be in an urban service area

21-01722B-10

20102078

88 as designated in the pilot community's comprehensive plan.

89 (j) "Residential zoning" means any zoning category in the
90 pilot community's regulations which allows for the development
91 of single-family or multifamily dwelling units.

92 (k) "Sending zone" means an area designated in the pilot
93 community's comprehensive plan from which density credits may be
94 transferred.

95 (3) PILOT PROGRAM ELIGIBILITY.—

96 (a) The Department of Community Affairs shall administer a
97 pilot program for the redevelopment of antiquated subdivisions.
98 The department shall grant at least one application from a local
99 government on or before October 1, 2010, if the application
100 meets the requirements in this subsection.

101 (b) In order to be eligible to participate in this pilot
102 program, a local government:

103 1. Must be a county having a population of 150,000 or more
104 or a municipality having a population of 50,000 or more;

105 2. Must have more than 75,000 platted lots located within
106 antiquated subdivisions;

107 3. Must designate antiquated subdivisions as being within
108 sending zones in the pilot community's comprehensive plan;

109 4. Must have an existing transferable density units program
110 that allows for the transfer of buildable density units from
111 sending zones to receiving zones;

112 5. Must hold at least one public hearing soliciting public
113 input concerning the local government's proposal to participate;
114 and

115 6. Must designate receiving zones for density severed under
116 this pilot program in the pilot community's comprehensive plan.

21-01722B-10

20102078

117 (4) DETERMINATION OF DENSITY.—

118 (a) In order to encourage communities to eliminate
119 unproductive platted lots, the pilot community shall provide
120 density credits to landowners within sending zones designated in
121 the pilot community's comprehensive plan who relinquish their
122 development rights. These density credits may be transferred to
123 receiving zones designated in the pilot community's
124 comprehensive plan which are more suitable for development.

125 (b) The pilot program shall provide plat owners with up to
126 three density credits for every density unit severed from a
127 parcel within an antiquated subdivision. If a landowner
128 relinquishes development rights to eight or more contiguous
129 platted lots in an antiquated subdivision, or four or more lots
130 in areas having high environmental or ecological quality, the
131 program shall provide plat owners up to four density credits per
132 lot.

133 (c) The density for a sending zone:

134 1. Within an urban service area shall be the base density.

135 2. Outside an urban service area for platted lots that
136 existed on or before February 1, 1992, and that are divided into
137 individual lots of size less than that allowed by existing
138 zoning shall be one density unit per each lot or parcel.
139 Otherwise, the density shall be the base density.

140 3. Shall be certified and transferred only in whole units.

141 A fractional unit does not entitle the petitioner to an
142 additional density unit.

143 (d) A certification of transferable density units may not
144 be derived from density that has already been sold, transferred,
145 or limited by easements, deed restrictions, equitable

21-01722B-10

20102078

146 servitudes, restrictive covenants, special exceptions, existing
147 development, land development regulations, or similar measures.

148 (e) In order to receive the three or four density credits,
149 an owner of a platted lot must execute a covenant that restricts
150 the use of the property to agricultural, conservation, or
151 environmental uses. Once a platted lot owner executes the
152 covenant, the owner shall be granted a certificate of
153 transferable density credits which allows the owner to transfer
154 density credits to lots within the pilot community's receiving
155 zone which have a zoning designation that permits residential
156 uses by right. Alternatively, these density credits may be sold
157 to a party desiring to build on a lot in the pilot community's
158 receiving zone having a residential zoning designation that
159 permits residential uses by right. Density credits shall be
160 added to the existing base density of the residential lot in the
161 receiving zone.

162 (f) Any comprehensive plan amendment associated with a
163 receiving zone parcel that receives density credits from an
164 antiquated subdivision is not required to demonstrate that the
165 land in the receiving zone parcel is necessary in order to
166 accommodate anticipated growth or that the additional density is
167 necessitated by the projected population of the pilot community
168 pursuant to s. 163.3177(6)(a). Platted lots within the pilot
169 community's sending and receiving zones shall remain subject to
170 all other land use and development regulations, including, but
171 not limited to, setback, side lot line, and lot coverage
172 requirements.

173 (g) This section does not affect the existing future land
174 use map or zoning designation of any property. Therefore, a

21-01722B-10

20102078

175 petitioner may not increase density beyond that allowed by the
176 pilot community's laws and ordinances or the pilot community's
177 comprehensive plan.

178 (5) REPORT.—On or before February 1, 2018, the Office of
179 Program Policy Analysis and Government Accountability shall
180 submit a report to the Legislature which contains an analysis of
181 the impact the pilot program has had on the number of
182 unproductive platted lots, the use of the severed density
183 credits, and the local and state economies.

184 (6) EXPIRATION.—This section expires December 31, 2020.
185 Section 2. This act shall take effect July 1, 2010.