

1 A bill to be entitled
 2 An act relating to growth management; amending s.
 3 163.3177, F.S.; authorizing the Florida Fish and Wildlife
 4 Conservation Commission, in cooperation with other
 5 specified state agencies, to provide assistance to
 6 landowners and local governments in implementing
 7 provisions relating to rural land stewardship areas;
 8 revising criteria for establishing a rural land
 9 stewardship area; revising provisions relating to
 10 transferrable land use credits; revising credit
 11 limitations; providing legislative findings and intent;
 12 prohibiting the state land planning agency from adopting
 13 certain rules; repealing certain administrative rules
 14 relating to rural land stewardship areas; providing an
 15 effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Paragraph (d) of subsection (11) of section
 20 163.3177, Florida Statutes, is amended, paragraphs (e) through
 21 (h) are redesignated as paragraphs (f) through (i),
 22 respectively, and a new paragraph (e) is added to that
 23 subsection, to read:

24 163.3177 Required and optional elements of comprehensive
 25 plan; studies and surveys.—

26 (11)

27 (d)1. The ~~department, in cooperation with the~~ Department
 28 of Agriculture and Consumer Services, in cooperation with the

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29 Fish and Wildlife Conservation Commission, the Department of
30 Environmental Protection, ~~water management districts~~, and
31 regional planning councils, may ~~shall~~ provide assistance to
32 landowners and local governments in the implementation of this
33 paragraph and rule 9J-5.006(5)(1), Florida Administrative Code.
34 However, landowners and local governments are not required to
35 demonstrate need based on population growth or any other factor.
36 Implementation of those provisions shall include a process by
37 which one or more landowners ~~the department~~ may petition a
38 authorize local government ~~governments~~ to designate all or
39 portions of lands classified in the future land use element as
40 predominantly agricultural, rural, open, open-rural, or a
41 substantively equivalent land use, as a rural land stewardship
42 area within which planning and economic incentives are applied
43 to encourage a balancing of land uses through the implementation
44 of innovative and flexible planning and development strategies
45 and creative land use planning techniques, including those
46 contained herein and in rule 9J-5.006(5)(1), Florida
47 Administrative Code. Assistance may include, but is not limited
48 to:

49 a. Assistance with mapping environmental areas worthy of
50 protection and ~~from the Department of Environmental Protection~~
51 ~~and water management districts~~ in creating the geographic
52 information systems land cover database and aerial
53 photogrammetry needed to prepare for a rural land stewardship
54 area;

55 b. Support for local government implementation of rural
56 land stewardship concepts by providing information and technical

57 assistance to local governments as needed; and ~~regarding~~
 58 c. Making available land acquisition programs that may be
 59 used by the local government or landowners to leverage the
 60 protection of greater acreage and maximize the effectiveness of
 61 rural land stewardship areas. ~~;~~ and

62 ~~e. Expansion of the role of the Department of Community~~
 63 ~~Affairs as a resource agency to facilitate establishment of~~
 64 ~~rural land stewardship areas in smaller rural counties that do~~
 65 ~~not have the staff or planning budgets to create a rural land~~
 66 ~~stewardship area.~~

67 2. ~~The department shall encourage participation by local~~
 68 ~~governments of different sizes and rural characteristics in~~
 69 ~~establishing and implementing rural land stewardship areas. It~~
 70 ~~is the intent of the Legislature that rural land stewardship~~
 71 ~~areas be used to further the following broad principles of rural~~
 72 ~~sustainability: restoration and maintenance of the economic~~
 73 ~~value of rural land; control of urban sprawl; identification and~~
 74 ~~protection of ecosystems, habitats, and natural resources;~~
 75 ~~promotion of rural economic activity within rural areas;~~
 76 ~~maintenance of the viability of the state's Florida's~~
 77 ~~agricultural economy; and protection of private property rights~~
 78 ~~in the character of rural areas of the state Florida.~~ Rural land
 79 stewardship areas may be multicounty in order to encourage
 80 coordinated regional stewardship planning.

81 3. ~~A local government, in conjunction with a regional~~
 82 ~~planning council, a stakeholder organization of private land~~
 83 ~~owners, or another local government, shall notify the department~~
 84 ~~in writing of its intent to designate a rural land stewardship~~

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85 ~~area. The written notification shall describe the basis for the~~
86 ~~designation, including the extent to which the rural land~~
87 ~~stewardship area enhances rural land values, controls urban~~
88 ~~sprawl, provides necessary open space for agriculture and~~
89 ~~protection of the natural environment, promotes rural economic~~
90 ~~activity, and maintains rural character and the economic~~
91 ~~viability of agriculture.~~

92 3.4. A rural land stewardship area must be at least ~~shall~~
93 ~~be not less than~~ 10,000 acres, ~~and shall be~~ located outside of
94 municipalities and established urban service areas or planned
95 future urban service areas ~~growth boundaries, and shall be~~
96 designated by plan amendment or by more than one plan amendment
97 if the rural land stewardship area encompasses more than one
98 county. The plan amendment or amendments designating a rural
99 land stewardship area are ~~shall be~~ subject to review by the
100 Department of Community Affairs pursuant to s. 163.3184 and
101 shall provide for the following:

102 a. Criteria for the designation of receiving areas within
103 rural land stewardship areas in which innovative planning and
104 development strategies may be applied. Criteria shall at a
105 minimum provide for the following: adequacy of suitable land to
106 accommodate development so as to avoid conflict with
107 environmentally sensitive areas, resources, and habitats;
108 compatibility between and transition from higher density uses to
109 lower intensity rural uses; and the establishment of receiving
110 area service boundaries which provide for a transition from
111 ~~separation between~~ receiving areas and other land uses within
112 the rural land stewardship area through limitations on the

113 extension of services; ~~and connection of receiving areas with~~
 114 ~~the rest of the rural land stewardship area using rural design~~
 115 ~~and rural road corridors.~~

116 b. Goals, objectives, and policies setting forth the
 117 innovative planning and development strategies to be applied
 118 within rural land stewardship areas pursuant to the provisions
 119 of this section.

120 c. A process for the implementation of innovative planning
 121 and development strategies within the rural land stewardship
 122 area, including those described in this subsection and rule 9J-
 123 5.006(5)(1), Florida Administrative Code, which provide for a
 124 functional mix of land uses, ~~including adequate available~~
 125 ~~workforce housing, including low, very-low and moderate income~~
 126 ~~housing for the development anticipated in the receiving area~~
 127 ~~and which are applied~~ through the adoption by the local
 128 government of zoning and land development regulations applicable
 129 to the rural land stewardship area.

130 d. A process which encourages visioning pursuant to s.
 131 163.3167(11) to ensure that innovative planning and development
 132 strategies comply with the provisions of this section.

133 e. The ~~control of sprawl through the use of~~ applicable
 134 innovative strategies and creative land use techniques
 135 consistent with the provisions of this subsection and rule 9J-
 136 5.006(5)(1), Florida Administrative Code.

137 ~~4.5.~~ A receiving area may only ~~shall~~ be designated
 138 pursuant to procedures established in the local government's ~~by~~
 139 ~~the adoption of a land development~~ regulations ~~regulation.~~ Prior
 140 ~~to the designation of a receiving area, the local government~~

141 ~~shall provide the Department of Community Affairs a period of 30~~
 142 ~~days in which to review a proposed receiving area for~~
 143 ~~consistency with the rural land stewardship area plan amendment~~
 144 ~~and to provide comments to the local government.~~ At the time of
 145 designation of a stewardship receiving area, a listed species
 146 survey will be performed. If listed species occur on the
 147 receiving area site, the applicant ~~developer~~ shall coordinate
 148 with each appropriate local, state, or federal agency to
 149 determine whether ~~if~~ adequate provisions have been made to
 150 protect those species in accordance with applicable regulations.
 151 In determining the adequacy of provisions for the protection of
 152 listed species and their habitats, the rural land stewardship
 153 area shall be considered as a whole, and the potential impacts
 154 and protective measures taken within ~~to~~ areas to be developed as
 155 receiving areas shall be considered in conjunction ~~together~~ with
 156 the substantial environmental benefits derived from lands set
 157 aside and protective measures taken outside of the designation
 158 of receiving areas ~~protected as sending areas in fulfilling this~~
 159 ~~criteria.~~

160 5.6. Upon the adoption of a plan amendment creating a
 161 rural land stewardship area, the local government shall, by
 162 ordinance, establish a rural land stewardship overlay zoning
 163 district, which shall provide the methodology for the creation,
 164 conveyance, and use of transferable rural land use credits,
 165 hereinafter ~~otherwise~~ referred to as stewardship credits, the
 166 application of which does ~~shall~~ not constitute a right to
 167 develop land or, ~~nor~~ increase density of land, except as
 168 provided by this section. The total amount of stewardship

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169 ~~transferable rural land use~~ credits within the rural land
170 stewardship area must enable the realization of the long-term
171 vision and goals for the ~~25-year or greater projected population~~
172 ~~of the~~ rural land stewardship area, which may take into
173 consideration the anticipated effect of the proposed receiving
174 areas. The estimated amount of receiving area shall be projected
175 based on available data, and the development potential
176 represented by the stewardship credits created within the rural
177 land stewardship area must correlate that amount.

178 6. Stewardship ~~Transferable rural land use~~ credits are
179 subject to the following limitations:

180 a. Stewardship ~~Transferable rural land use~~ credits may
181 only exist within a rural land stewardship area.

182 b. Stewardship ~~Transferable rural land use~~ credits may
183 only be created from lands designated as stewardship sending
184 areas and may only be used on lands designated as stewardship
185 receiving areas and then solely for the purpose of implementing
186 innovative planning and development strategies and creative land
187 use planning techniques adopted by the local government pursuant
188 to this section.

189 c. Stewardship ~~Transferable rural land use~~ credits
190 assigned to a parcel of land within a rural land stewardship
191 area shall cease to exist if the parcel of land is removed from
192 the rural land stewardship area by plan amendment.

193 d. Neither the creation of the rural land stewardship area
194 by plan amendment nor the adoption of the assignment of
195 ~~transferable~~ rural land stewardship zoning overlay district use
196 ~~credits~~ by the local government shall ~~operate to~~ displace the

197 | underlying permitted uses or the density or intensity of land
 198 | uses assigned to a parcel of land within the rural land
 199 | stewardship area that existed prior to adoption of the plan
 200 | amendment or zoning overlay district; however, once stewardship
 201 | ~~if transferable rural land use credits have been~~ are transferred
 202 | from a designated sending area ~~parcel~~ for use within a
 203 | designated receiving area, the underlying density assigned to
 204 | the designated sending area ~~parcel of land~~ shall cease to exist.

205 | e. The underlying permitted uses or the density or
 206 | intensity on each parcel of land located within a rural land
 207 | stewardship area shall not be increased or decreased by the
 208 | local government, except as a result of the conveyance or
 209 | stewardship ~~use of transferable rural land use~~ credits, as long
 210 | as the parcel remains within the rural land stewardship area.

211 | f. Stewardship ~~Transferable rural land use~~ credits shall
 212 | cease to exist on a parcel of land where the underlying density
 213 | assigned to the parcel of land is utilized.

214 | g. An increase in the density or intensity of use on a
 215 | parcel of land located within a designated receiving area may
 216 | occur only through the assignment or use of stewardship
 217 | ~~transferable rural land use~~ credits and does ~~shall~~ not require a
 218 | plan amendment.

219 | h. A change in the density or intensity of land use on
 220 | parcels located within receiving areas shall be specified in a
 221 | development order which reflects the total number of stewardship
 222 | ~~transferable rural land use~~ credits assigned to the parcel of
 223 | land and the infrastructure and support services necessary to
 224 | provide for a functional mix of land uses corresponding to the

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225 plan of development.

226 i. Land within a rural land stewardship area may be
 227 removed from the rural land stewardship area through a plan
 228 amendment.

229 j. Stewardship ~~Transferable rural land use~~ credits may be
 230 assigned at different ratios of credits per acre according to
 231 the natural resource or other beneficial use characteristics of
 232 the land and according to the land use remaining following the
 233 transfer of credits, with the highest number of credits per acre
 234 assigned to the most environmentally valuable land or, in
 235 locations where the retention of open space and agricultural
 236 land is a priority, to such lands.

237 k. The use or conveyance of stewardship ~~transferable rural~~
 238 ~~land use~~ credits must be recorded in the public records of the
 239 county in which the property is located as a covenant or
 240 restrictive easement running with the land in favor of the
 241 county and either the Department of Environmental Protection,
 242 Department of Agriculture and Consumer Services, a water
 243 management district, or a recognized statewide land trust.

244 7. Owners of land within rural land stewardship sending
 245 areas should be provided incentives to enter into rural land
 246 stewardship agreements, pursuant to existing law and rules
 247 adopted thereto, with state agencies, water management
 248 districts, Fish and Wildlife Conservation Commission, and local
 249 governments to achieve mutually agreed upon ~~conservation~~
 250 objectives. Such incentives may include, but not be limited to,
 251 the following:

252 a. Opportunity to accumulate transferable mitigation

253 | credits for use or sale.

254 | b. Extended permit agreements.

255 | c. Opportunities for recreational leases and ecotourism.

256 | d. Compensation ~~Payment~~ for the achievement of specified

257 | land management activities of public benefit, including, but not

258 | limited to, facility and corridor siting, the leasing of

259 | property for recreational purposes, water conservation and

260 | storage, water reuse, wastewater recycling, water supply and

261 | water resource development, nutrient removal, environmental

262 | restoration and mitigation, public recreation, listed species

263 | protection and recovery, wildlife corridor management and

264 | enhancement, and activities relating to the reduction of

265 | greenhouse gas emissions ~~services on publicly owned land, or~~

266 | ~~property under covenant or restricted easement in favor of a~~

267 | ~~public entity.~~

268 | e. Option agreements for sale to public entities or

269 | private land conservation entities, in either fee or easement,

270 | upon achievement of specified conservation objectives.

271 | ~~8. The department shall report to the Legislature on an~~

272 | ~~annual basis on the results of implementation of rural land~~

273 | ~~stewardship areas authorized by the department, including~~

274 | ~~successes and failures in achieving the intent of the~~

275 | ~~Legislature as expressed in this paragraph.~~

276 | (e) The Legislature finds that paragraph (d) constitutes

277 | an overlay of land use options that provide economic and

278 | regulatory incentives for landowners outside of established and

279 | planned urban service areas to conserve and manage vast areas of

280 | land for the benefit of the state's citizens and natural

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281 environment while maintaining and enhancing the asset value of
282 their landholdings. Therefore, it is the intent of the
283 Legislature that paragraph (d) be implemented pursuant to law.
284 The state land planning agency may not adopt rules relating to
285 paragraph (d).

286 Section 2. Rules 9J-5.026 and 9J-11.023, Florida
287 Administrative Code, are repealed, and the Department of State
288 is directed to remove these rules from the Florida
289 Administrative Code.

290 Section 3. This act shall take effect July 1, 2011.