

By Representative Constantine

1 A bill to be entitled
2 An act relating to local government; creating
3 ss. 163.2511, 163.2514, 163.2517, 163.2520,
4 163.2523, and 163.2526, F.S., the Urban Infill
5 and Redevelopment Act; providing legislative
6 findings; providing definitions; authorizing
7 counties and municipalities to designate urban
8 infill and redevelopment areas based on
9 specified criteria; requiring preparation of a
10 plan or designation of an existing plan and
11 providing requirements with respect thereto;
12 requiring a public hearing; providing for
13 amendment of the local comprehensive plan;
14 providing that counties and municipalities that
15 have adopted such plan may issue revenue bonds
16 and employ tax increment financing under the
17 Community Redevelopment Act and exercise powers
18 granted to community redevelopment neighborhood
19 improvement districts; requiring a report by
20 certain state agencies; providing a program for
21 grants to counties and municipalities with
22 urban infill and redevelopment areas; providing
23 for review and evaluation of the act and
24 requiring a report; amending s. 163.3180, F.S.;
25 authorizing exemptions from the transportation
26 facilities concurrency requirement for
27 developments located in an urban infill and
28 redevelopment area; amending s. 163.3187, F.S.;
29 providing that comprehensive plan amendments to
30 designate such areas are not subject to
31 statutory limits on the frequency of plan

1 amendments; including such areas within certain
2 limitations relating to small scale development
3 amendments; amending s. 187.201, F.S.;
4 including policies relating to urban policy in
5 the State Comprehensive Plan; amending s.
6 380.06, F.S., relating to developments of
7 regional impact; increasing certain numerical
8 standards for determining a substantial
9 deviation for projects located in certain urban
10 infill and redevelopment areas; amending s.
11 163.375, F.S.; authorizing acquisition by
12 eminent domain of property in unincorporated
13 enclaves surrounded by a community
14 redevelopment area when necessary to accomplish
15 a community development plan; amending s.
16 171.0413, F.S., relating to municipal
17 annexation procedures; deleting a requirement
18 that a separate referendum be held in the
19 annexing municipality when the annexation
20 exceeds a certain size; providing procedures by
21 which a county or combination of counties and
22 the municipalities therein may develop and
23 adopt a plan to improve the efficiency,
24 accountability, and coordination of the
25 delivery of local government services;
26 providing for initiation of the process by
27 resolution; providing requirements for the
28 plan; requiring approval by the local
29 governments' governing bodies and by
30 referendum; authorizing municipal annexation
31 through such plan; providing an effective date.

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

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3 Section 1. Sections 163.2511, 163.2514, 163.2517,
4 163.2520, 163.2523, and 163.2526, Florida Statutes, are
5 created to read:

6 163.2511 Urban infill and redevelopment.--

7 (1) Sections 163.2511-163.2526 may be cited as the
8 "Urban Infill and Redevelopment Act."

9 (2) It is found and declared that:

10 (a) Fiscally strong urban centers are beneficial to
11 regional and state economies and resources, are a method for
12 reduction of future urban sprawl, and should be promoted by
13 state, regional, and local governments.

14 (b) The health and vibrancy of the urban cores benefit
15 their respective regions and the state. Conversely, the
16 deterioration of those urban cores negatively impacts the
17 surrounding area and the state.

18 (c) In recognition of the interwoven destiny between
19 the urban center, the suburbs, the region, and the state, the
20 respective governments need to establish a framework and work
21 in partnership with communities and the private sector to
22 revitalize urban centers.

23 (d) State urban policies should guide the state,
24 regional agencies, local governments, and the private sector
25 in preserving and redeveloping existing urban centers and
26 promoting the adequate provision of infrastructure, human
27 services, safe neighborhoods, educational facilities, and
28 economic development to sustain these centers into the future.

29 (e) Successfully revitalizing and sustaining the urban
30 centers is dependent on addressing, through an integrated and
31 coordinated community effort, a range of varied components

1 essential to a healthy urban environment, including cultural,
2 educational, recreational, economic, transportation, and
3 social service components.

4 (f) Infill development and redevelopment are
5 recognized as one of the important components and useful
6 mechanisms to promote and sustain urban centers. State and
7 regional entities and local governments should provide
8 incentives to promote urban infill and redevelopment. Existing
9 programs and incentives should be integrated to the extent
10 possible to promote urban infill and redevelopment and to
11 achieve the goals of the state urban policy.

12 163.2514 Definitions.--As used in ss.

13 163.2511-163.2526:

14 (1) "Local government" means any county or
15 municipality.

16 (2) "Urban infill and redevelopment area" means an
17 area or areas designated by a local government for the
18 development of vacant, abandoned, or significantly
19 underutilized parcels located where:

20 (a) Public services such as water and wastewater,
21 transportation, schools, and recreation are already available
22 or are scheduled to be provided in an adopted 5-year schedule
23 of capital improvements and are located within the existing
24 urban service area as defined in the local government's
25 comprehensive plan;

26 (b) The area contains not more than 10 percent
27 developable vacant land;

28 (c) The residential density is at least five dwelling
29 units per acre and the average nonresidential intensity is at
30 least a floor area ratio of 1.00; and

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1 (d) The land area designated as an urban infill and
2 redevelopment area does not exceed 2 percent of the land area
3 of the local government jurisdiction or a total area of 3
4 square miles, whichever is greater.

5 163.2517 Designation of urban infill and redevelopment
6 area.--

7 (1) A local government may designate a geographic area
8 or areas within its jurisdiction as an urban infill and
9 redevelopment area for the purpose of targeting economic, job
10 creation, housing, transportation, and land-use incentives to
11 encourage urban infill and redevelopment within the urban
12 core.

13 (2) A local government seeking to designate a
14 geographic area within its jurisdiction as an urban infill and
15 redevelopment area shall first prepare a plan that describes
16 the infill and redevelopment objectives of the local
17 government within the proposed area. In lieu of preparing a
18 new plan, the local government may demonstrate that an
19 existing plan or combination of plans associated with a
20 community development area, Florida Main Street program,
21 sustainable community, enterprise zone, or neighborhood
22 improvement district includes the factors listed in paragraphs
23 (a)-(j), or amend such existing plans to include the factors
24 listed in paragraphs (a)-(j). The plan shall demonstrate the
25 local government and community's commitment to comprehensively
26 addressing the urban problems within the urban infill and
27 redevelopment area and identify activities and programs to
28 accomplish locally identified goals such as code enforcement;
29 improved educational opportunities; reduction in crime;
30 provision of infrastructure needs, including mass transit and
31 multimodal linkages; and mixed-use planning to promote

1 multifunctional redevelopment to improve both the residential
2 and commercial quality of life in the area. The plan shall
3 also:
4 (a) Contain a map depicting the geographic area or
5 areas to be included within the designation.
6 (b) Identify the relationship between the proposed
7 area and the existing urban service area defined in the local
8 government's comprehensive plan.
9 (c) Identify existing enterprise zones, community
10 redevelopment areas, community development corporations,
11 brownfield areas, downtown redevelopment districts, safe
12 neighborhood improvement districts, historic preservation
13 districts, and empowerment zones located within the area
14 proposed for designation as an urban infill and redevelopment
15 area and provide a framework for coordinating infill and
16 redevelopment programs within the urban core.
17 (d) Identify a memorandum of understanding between the
18 district school board and the local government jurisdiction
19 regarding public school facilities located within the urban
20 infill and redevelopment area to identify how the school board
21 will provide priority to enhancing public school facilities
22 and programs in the designated area, including the reuse of
23 existing buildings for schools within the area.
24 (e) Identify how the local government intends to
25 implement affordable housing programs, including, but not
26 limited to, the State Housing Initiatives Partnership Program,
27 within the urban infill and redevelopment area.
28 (f) Adopt, if applicable, land development regulations
29 specific to the urban infill and redevelopment area which
30 include, for example, setbacks and parking requirements
31 appropriate to urban development.

1 (g) Identify any existing transportation concurrency
2 exception areas, and any relevant public transportation
3 corridors designated by a metropolitan planning organization
4 in its long-range transportation plans or by the local
5 government in its comprehensive plan for which the local
6 government seeks designation as a transportation concurrency
7 exception area.

8 (h) Identify and adopt a package of financial and
9 local government incentives which the local government will
10 offer for new development, expansion of existing development,
11 and redevelopment within the urban infill and redevelopment
12 area. Examples of such incentives include:

- 13 1. Waiver of license and permit fees.
- 14 2. Waiver of local option sales taxes.
- 15 3. Waiver of delinquent taxes or fees to promote the
16 return of property to productive use.
- 17 4. Expedited permitting.
- 18 5. Prioritization of infrastructure spending within
19 the urban infill and redevelopment area.
- 20 6. Local government absorption of developers'
21 concurrency costs.

22 (i) Identify how activities and incentives within the
23 urban infill and redevelopment area will be coordinated and
24 what administrative mechanism the local government will use
25 for the coordination.

26 (j) Identify performance measures to evaluate the
27 success of the local government in implementing the urban
28 infill and redevelopment plan.

29 (3) After the preparation of an urban infill and
30 redevelopment plan or designation of an existing plan and
31 before the adoption hearing required for comprehensive plan

1 amendments, the local government must conduct a public hearing
2 in the area targeted for designation as an urban infill and
3 redevelopment area to provide an opportunity for public input
4 on the size of the area; the objectives for urban infill and
5 redevelopment; coordination with existing redevelopment
6 programs; goals for improving transit and transportation; the
7 objectives for economic development; job creation; crime
8 reduction; and neighborhood preservation and revitalization.
9 The purpose of the public hearing is to encourage communities
10 within the proposed urban infill and redevelopment area to
11 participate in the design and implementation of the plan,
12 including a "visioning" of the community core, before
13 redevelopment. Notice for the public hearing must be in the
14 form established in s. 166.041(3)(c)2., for municipalities,
15 and s. 125.66(4)(b)2. for counties.

16 (4) In order for a local government to designate an
17 urban infill and redevelopment area, it must amend its
18 comprehensive land use plan under s. 163.3187 to adopt the
19 urban infill and redevelopment area plan and delineate the
20 urban infill and redevelopment area within the future land use
21 element of its comprehensive plan. If the local government
22 elects to employ an existing or amended community
23 redevelopment, Florida Main Street program, sustainable
24 community, enterprise zone, or neighborhood improvement
25 district plan or plans in lieu of preparation of an urban
26 infill and redevelopment plan, the local government must amend
27 its comprehensive land use plan under s. 163.3187 to delineate
28 the urban infill and redevelopment area within the future land
29 use element of its comprehensive plan. An amendment to the
30 local comprehensive plan to designate an urban infill and
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1 redevelopment area is exempt from the twice-a-year amendment
2 limitation of s. 163.3187.

3 163.2520 Economic incentives; report.--

4 (1) A local government with an adopted urban infill
5 and redevelopment plan or plan employed in lieu thereof may
6 issue revenue bonds under s. 163.385 and employ tax increment
7 financing under s. 163.387 for the purpose of financing the
8 implementation of the plan.

9 (2) A local government with an adopted urban infill
10 and redevelopment plan or plan employed in lieu thereof may
11 exercise the powers granted under s. 163.514 for community
12 redevelopment neighborhood improvement districts, including
13 the authority to levy special assessments.

14 (3) State agencies that provide infrastructure
15 funding, cost reimbursement, grants, or loans to local
16 governments, including, but not limited to, the Department of
17 Environmental Protection (Clean Water State Revolving Fund,
18 Drinking Water State Revolving Fund, and the State of Florida
19 Pollution Control Bond Program); the Department of Community
20 Affairs (State Housing Initiatives Partnership, Florida
21 Communities Trust); and the Department of Transportation
22 (Intermodal Transportation Efficiency Act funds), are directed
23 to report to the President of the Senate and the Speaker of
24 the House of Representatives by January 1, 1999, regarding
25 statutory and rule changes necessary to give urban infill and
26 redevelopment areas identified by local governments under this
27 act an elevated priority in infrastructure funding, loan, and
28 grant programs.

29 163.2523 Grant program.--An Urban Infill and
30 Redevelopment Assistance Grant Program is created for local
31 governments with adopted urban infill and redevelopment areas.

1 Ninety percent of the general revenue appropriated for this
2 program shall be available for fifty/fifty matching grants for
3 planning and implementing urban infill and redevelopment
4 projects that further the objectives set forth in the local
5 government's adopted urban infill and redevelopment plan or
6 plan employed in lieu thereof. The remaining 10 percent of the
7 revenue must be used for outright grants for smaller scale
8 projects. Projects that provide employment opportunities to
9 clients of the WAGES program and projects within urban infill
10 and redevelopment areas that include a community redevelopment
11 area, Florida Main Street Program, sustainable community,
12 enterprise zone, or neighborhood improvement district must be
13 given an elevated priority in the scoring of competing grant
14 applications. The Division of Housing and Community
15 Development of the Department of Community Affairs shall
16 administer the grant program. The Department of Community
17 Affairs shall adopt rules establishing grant review criteria
18 consistent with this section.

19 163.2526 Review and evaluation.--Before the 2003
20 Regular Session of the Legislature, the Office of Program
21 Policy Analysis and Government Accountability shall perform a
22 review and evaluation of ss. 163.2511-163.2526, including the
23 financial incentives listed in s. 163.2520. The report must
24 evaluate the effectiveness of the designation of urban infill
25 and redevelopment areas in stimulating urban infill and
26 redevelopment and strengthening the urban core. A report of
27 the findings and recommendations of the Office of Program
28 Policy Analysis and Government Accountability shall be
29 submitted to the President of the Senate and the Speaker of
30 the House of Representatives before the 2003 Regular Session
31 of the Legislature.

1 Section 2. Subsection (5) of section 163.3180, Florida
2 Statutes, is amended to read:

3 163.3180 Concurrency.--

4 (5)(a) The Legislature finds that under limited
5 circumstances dealing with transportation facilities,
6 countervailing planning and public policy goals may come into
7 conflict with the requirement that adequate public facilities
8 and services be available concurrent with the impacts of such
9 development. The Legislature further finds that often the
10 unintended result of the concurrency requirement for
11 transportation facilities is the discouragement of urban
12 infill development and redevelopment. Such unintended results
13 directly conflict with the goals and policies of the state
14 comprehensive plan and the intent of this part. Therefore,
15 exceptions from the concurrency requirement for transportation
16 facilities may be granted as provided by this subsection.

17 (b) A local government may grant an exception from the
18 concurrency requirement for transportation facilities if the
19 proposed development is otherwise consistent with the adopted
20 local government comprehensive plan and is a project that
21 promotes public transportation or is located within an area
22 designated in the comprehensive plan for:

- 23 1. Urban infill development,
- 24 2. Urban redevelopment, ~~or~~
- 25 3. Downtown revitalization, ~~or~~
- 26 4. Urban infill and redevelopment under s. 163.2517.

27 (c) The Legislature also finds that developments
28 located within urban infill, urban redevelopment, existing
29 urban service, or downtown revitalization areas or areas
30 designated as urban infill and redevelopment areas under s.
31 163.2517 which pose only special part-time demands on the

1 transportation system should be excepted from the concurrency
2 requirement for transportation facilities. A special
3 part-time demand is one that does not have more than 200
4 scheduled events during any calendar year and does not affect
5 the 100 highest traffic volume hours.

6 (d) A local government shall establish guidelines for
7 granting the exceptions authorized in paragraphs (b) and (c)
8 in the comprehensive plan. These guidelines must include
9 consideration of the impacts on the Florida Intrastate Highway
10 System, as defined in s. 338.001. The exceptions may be
11 available only within the specific geographic area of the
12 jurisdiction designated in the plan. Pursuant to s. 163.3184,
13 any affected person may challenge a plan amendment
14 establishing these guidelines and the areas within which an
15 exception could be granted.

16 Section 3. Subsection (1) of section 163.3187, Florida
17 Statutes, is amended to read:

18 163.3187 Amendment of adopted comprehensive plan.--

19 (1) Amendments to comprehensive plans adopted pursuant
20 to this part may be made not more than two times during any
21 calendar year, except:

22 (a) In the case of an emergency, comprehensive plan
23 amendments may be made more often than twice during the
24 calendar year if the additional plan amendment receives the
25 approval of all of the members of the governing body.

26 "Emergency" means any occurrence or threat thereof whether
27 accidental or natural, caused by humankind, in war or peace,
28 which results or may result in substantial injury or harm to
29 the population or substantial damage to or loss of property or
30 public funds.

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

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

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

23 a. The cumulative annual effect of the acreage for all
24 small scale development amendments adopted by the local
25 government shall not exceed:

26 (I) A maximum of 120 acres in a local government that
27 contains areas specifically designated in the local
28 comprehensive plan for urban infill, urban redevelopment, or
29 downtown revitalization as defined in s. 163.3164, urban
30 infill and redevelopment areas designated under s. 163.2517,
31 transportation concurrency exception areas approved pursuant

1 to s. 163.3180(5), or regional activity centers and urban
2 central business districts approved pursuant to s.
3 380.06(2)(e); however, amendments under this paragraph may be
4 applied to no more than 60 acres annually of property outside
5 the designated areas listed in this sub-sub-subparagraph.

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

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

11 b. The proposed amendment does not involve the same
12 property granted a change within the prior 12 months.

13 c. The proposed amendment does not involve the same
14 owner's property within 200 feet of property granted a change
15 within the prior 12 months.

16 d. The proposed amendment does not involve a text
17 change to the goals, policies, and objectives of the local
18 government's comprehensive plan, but only proposes a land use
19 change to the future land use map for a site-specific small
20 scale development activity.

21 e. The property that is the subject of the proposed
22 amendment is not located within an area of critical state
23 concern.

24 f. If the proposed amendment involves a residential
25 land use, the residential land use has a density of 10 units
26 or less per acre, except that this limitation does not apply
27 to small scale amendments described in sub-sub-subparagraph
28 a.(I) that are designated in the local comprehensive plan for
29 urban infill, urban redevelopment, or downtown revitalization
30 as defined in s. 163.3164, urban infill and redevelopment
31 areas designated under s. 163.2517, transportation concurrency

1 exception areas approved pursuant to s. 163.3180(5), or
2 regional activity centers and urban central business districts
3 approved pursuant to s. 380.06(2)(e).

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

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

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

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

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

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

10 (g) A comprehensive plan amendment for the purpose of
11 designating an urban infill and redevelopment area under s.
12 163.2517 may be approved without regard to the statutory
13 limits on the frequency of amendments to the comprehensive
14 plan.

15 Section 4. Subsection (17) of section 187.201, Florida
16 Statutes, is amended to read:

17 187.201 State Comprehensive Plan adopted.--The
18 Legislature hereby adopts as the State Comprehensive Plan the
19 following specific goals and policies:

20 (17) URBAN REDEVELOPMENT AND DOWNTOWN
21 REVITALIZATION.--

22 (a) Goal.--In recognition of the importance of
23 Florida's vital urban centers and of the need to develop and
24 redevelop ~~developing and redeveloping~~ downtowns to the state's
25 ability to use existing infrastructure and to accommodate
26 growth in an orderly, efficient, and environmentally
27 acceptable manner, Florida shall encourage the centralization
28 of commercial, governmental, retail, residential, and cultural
29 activities within downtown areas.

30 (b) Policies.--

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- 1 1. Provide incentives to encourage private sector
2 investment in the preservation and enhancement of downtown
3 areas.
- 4 2. Assist local governments in the planning,
5 financing, and implementation of development efforts aimed at
6 revitalizing distressed downtown areas.
- 7 3. Promote state programs and investments which
8 encourage redevelopment of downtown areas.
- 9 4. Promote and encourage communities to engage in a
10 redesign step to include public participation of members of
11 the community in envisioning redevelopment goals and design of
12 the community core before redevelopment.
- 13 5. Ensure that local governments have adequate
14 flexibility to determine and address their urban priorities
15 within the state urban policy.
- 16 6. Enhance the linkages between land use, water use,
17 and transportation planning in state, regional, and local
18 plans for current and future designated urban areas.
- 19 7. Develop concurrency requirements for urban areas
20 that promote redevelopment efforts where the requirements do
21 not compromise public health and safety.
- 22 8. Promote processes for the state, general purpose
23 local governments, school boards, and local community colleges
24 to coordinate and cooperate regarding educational facilities
25 in urban areas, including planning functions, the development
26 of joint facilities, and the reuse of existing buildings.
- 27 9. Encourage the development of mass transit systems
28 for urban centers, including multimodal transportation feeder
29 systems, as a priority of local, metropolitan, regional, and
30 state transportation planning.
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1 10. Locate appropriate public facilities within urban
2 centers to demonstrate public commitment to the centers and to
3 encourage private sector development.

4 11. Integrate state programs that have been developed
5 to promote economic development and neighborhood
6 revitalization through incentives to promote the development
7 of designated urban infill areas.

8 12. Promote infill development and redevelopment as an
9 important mechanism to revitalize and sustain urban centers.

10 Section 5. Paragraph (b) of subsection (19) of section
11 380.06, Florida Statutes, is amended to read:

12 380.06 Developments of regional impact.--

13 (19) SUBSTANTIAL DEVIATIONS.--

14 (b) Any proposed change to a previously approved
15 development of regional impact or development order condition
16 which, either individually or cumulatively with other changes,
17 exceeds any of the following criteria shall constitute a
18 substantial deviation and shall cause the development to be
19 subject to further development-of-regional-impact review
20 without the necessity for a finding of same by the local
21 government:

22 1. An increase in the number of parking spaces at an
23 attraction or recreational facility by 5 percent or 300
24 spaces, whichever is greater, or an increase in the number of
25 spectators that may be accommodated at such a facility by 5
26 percent or 1,000 spectators, whichever is greater.

27 2. A new runway, a new terminal facility, a 25-percent
28 lengthening of an existing runway, or a 25-percent increase in
29 the number of gates of an existing terminal, but only if the
30 increase adds at least three additional gates. However, if an
31 airport is located in two counties, a 10-percent lengthening

1 of an existing runway or a 20-percent increase in the number
2 of gates of an existing terminal is the applicable criteria.

3 3. An increase in the number of hospital beds by 5
4 percent or 60 beds, whichever is greater.

5 4. An increase in industrial development area by 5
6 percent or 32 acres, whichever is greater.

7 5. An increase in the average annual acreage mined by
8 5 percent or 10 acres, whichever is greater, or an increase in
9 the average daily water consumption by a mining operation by 5
10 percent or 300,000 gallons, whichever is greater. An increase
11 in the size of the mine by 5 percent or 750 acres, whichever
12 is less.

13 6. An increase in land area for office development by
14 5 percent or 6 acres, whichever is greater, or an increase of
15 gross floor area of office development by 5 percent or 60,000
16 gross square feet, whichever is greater.

17 7. An increase in the storage capacity for chemical or
18 petroleum storage facilities by 5 percent, 20,000 barrels, or
19 7 million pounds, whichever is greater.

20 8. An increase of development at a waterport of wet
21 storage for 20 watercraft, dry storage for 30 watercraft, or
22 wet/dry storage for 60 watercraft in an area identified in the
23 state marina siting plan as an appropriate site for additional
24 waterport development or a 5-percent increase in watercraft
25 storage capacity, whichever is greater.

26 9. An increase in the number of dwelling units by 5
27 percent or 50 dwelling units, whichever is greater.

28 10. An increase in commercial development by 6 acres
29 of land area or by 50,000 square feet of gross floor area, or
30 of parking spaces provided for customers for 300 cars or a
31 5-percent increase of any of these, whichever is greater.

1 11. An increase in hotel or motel facility units by 5
2 percent or 75 units, whichever is greater.

3 12. An increase in a recreational vehicle park area by
4 5 percent or 100 vehicle spaces, whichever is less.

5 13. A decrease in the area set aside for open space of
6 5 percent or 20 acres, whichever is less.

7 14. A proposed increase to an approved multiuse
8 development of regional impact where the sum of the increases
9 of each land use as a percentage of the applicable substantial
10 deviation criteria is equal to or exceeds 100 percent. The
11 percentage of any decrease in the amount of open space shall
12 be treated as an increase for purposes of determining when 100
13 percent has been reached or exceeded.

14 15. A 15-percent increase in the number of external
15 vehicle trips generated by the development above that which
16 was projected during the original
17 development-of-regional-impact review.

18 16. Any change which would result in development of
19 any area which was specifically set aside in the application
20 for development approval or in the development order for
21 preservation or special protection of endangered or threatened
22 plants or animals designated as endangered, threatened, or
23 species of special concern and their habitat, primary dunes,
24 or archaeological and historical sites designated as
25 significant by the Division of Historical Resources of the
26 Department of State. The further refinement of such areas by
27 survey shall be considered under sub-subparagraph (e)5.b.

28
29 The substantial deviation numerical standards in subparagraphs
30 4., 6., 10., 14., excluding residential uses, and 15., are
31 increased by 100 percent for a project certified under s.

1 403.973 which creates jobs and meets criteria established by
2 the Office of Tourism, Trade, and Economic Development as to
3 its impact on an area's economy, employment, and prevailing
4 wage and skill levels. The substantial deviation numerical
5 standards in subparagraphs 4., 6., 9., 10., 11., and 14. are
6 increased by 50 percent for a project located wholly within an
7 urban infill and redevelopment area designated on the
8 applicable adopted local comprehensive plan future land use
9 map and not located within the coastal high hazard area.

10 Section 6. Subsection (1) of section 163.375, Florida
11 Statutes, is amended to read:

12 163.375 Eminent domain.--

13 (1) Any county or municipality, or any community
14 redevelopment agency pursuant to specific approval of the
15 governing body of the county or municipality which established
16 the agency, as provided by any county or municipal ordinance
17 has the right to acquire by condemnation any interest in real
18 property, including a fee simple title thereto, which it deems
19 necessary for, or in connection with, community redevelopment
20 and related activities under this part. Any county or
21 municipality, or any community redevelopment agency pursuant
22 to specific approval by the governing body of the county or
23 municipality which established the agency, as provided by any
24 county or municipal ordinance may exercise the power of
25 eminent domain in the manner provided in chapters 73 and 74
26 and acts amendatory thereof or supplementary thereto, or it
27 may exercise the power of eminent domain in the manner now or
28 which may be hereafter provided by any other statutory
29 provision for the exercise of the power of eminent domain.
30 Property in unincorporated enclaves surrounded by the
31 boundaries of a community redevelopment area may be acquired

1 when it is determined necessary by the agency to accomplish
2 the community redevelopment plan. Property already devoted to
3 a public use may be acquired in like manner. However, no real
4 property belonging to the United States, the state, or any
5 political subdivision of the state may be acquired without its
6 consent.

7 Section 7. Section 171.0413, Florida Statutes, is
8 amended to read:

9 171.0413 Annexation procedures.--Any municipality may
10 annex contiguous, compact, unincorporated territory in the
11 following manner:

12 (1) An ordinance proposing to annex an area of
13 contiguous, compact, unincorporated territory shall be adopted
14 by the governing body of the annexing municipality pursuant to
15 the procedure for the adoption of a nonemergency ordinance
16 established by s. 166.041. Each such ordinance shall propose
17 only one reasonably compact area to be annexed. However,
18 prior to the ordinance of annexation becoming effective, a
19 referendum on annexation shall be held as set out below, and,
20 if approved by the referendum, the ordinance shall become
21 effective 10 days after the referendum or as otherwise
22 provided in the ordinance, but not more than 1 year following
23 the date of the referendum.

24 (2) Following the final adoption of the ordinance of
25 annexation by the governing body of the annexing municipality,
26 the ordinance shall be submitted to a vote of the registered
27 electors of the area proposed to be annexed. ~~If the proposed~~
28 ~~ordinance would cause the total area annexed by a municipality~~
29 ~~pursuant to this section during any one calendar year period~~
30 ~~cumulatively to exceed more than 5 percent of the total land~~
31 ~~area of the municipality or cumulatively to exceed more than 5~~

1 ~~percent of the municipal population, the ordinance shall be~~
2 ~~submitted to a separate vote of the registered electors of the~~
3 ~~annexing municipality and of the area proposed to be annexed.~~

4 The referendum on annexation shall be called and conducted and
5 the expense thereof paid by the governing body of the annexing
6 municipality.

7 (a) The referendum on annexation shall be held at the
8 next regularly scheduled election following the final adoption
9 of the ordinance of annexation by the governing body of the
10 annexing municipality or at a special election called for the
11 purpose of holding the referendum. However, the referendum,
12 whether held at a regularly scheduled election or at a special
13 election, shall not be held sooner than 30 days following the
14 final adoption of the ordinance by the governing body of the
15 annexing municipality.

16 (b) The governing body of the annexing municipality
17 shall publish notice of the referendum on annexation at least
18 once each week for 2 consecutive weeks immediately preceding
19 the date of the referendum in a newspaper of general
20 circulation in the area in which the referendum is to be held.
21 The notice shall give the ordinance number, the time and
22 places for the referendum, and a brief, general description of
23 the area proposed to be annexed. The description shall
24 include a map clearly showing the area and a statement that
25 the complete legal description by metes and bounds and the
26 ordinance can be obtained from the office of the city clerk.

27 (c) On the day of the referendum on annexation there
28 shall be prominently displayed at each polling place a copy of
29 the ordinance of annexation and a description of the property
30 proposed to be annexed. The description shall be by metes and
31 bounds and shall include a map clearly showing such area.

1 (d) Ballots or mechanical voting devices used in the
2 referendum on annexation shall offer the choice "For
3 annexation of property described in ordinance number of
4 the City of" and "Against annexation of property
5 described in ordinance number of the City of" in
6 that order.

7 (e) If the referendum ~~is held only~~ in the area
8 proposed to be annexed ~~and receives a majority vote, or if the~~
9 ~~ordinance is submitted to a separate vote of the registered~~
10 ~~electors of the annexing municipality and the area proposed to~~
11 ~~be annexed and there is a separate majority vote for~~
12 ~~annexation in the annexing municipality and in the area~~
13 ~~proposed to be annexed,~~ the ordinance of annexation shall
14 become effective on the effective date specified therein. If
15 there is a any majority vote against annexation, the ordinance
16 shall not become effective, and the area proposed to be
17 annexed shall not be the subject of an annexation ordinance by
18 the annexing municipality for a period of 2 years from the
19 date of the referendum on annexation.

20 (3) Any parcel of land which is owned by one
21 individual, corporation, or legal entity, or owned
22 collectively by one or more individuals, corporations, or
23 legal entities, proposed to be annexed under the provisions of
24 this act shall not be severed, separated, divided, or
25 partitioned by the provisions of said ordinance, but shall, if
26 intended to be annexed, or if annexed, under the provisions of
27 this act, be annexed in its entirety and as a whole. However,
28 nothing herein contained shall be construed as affecting the
29 validity or enforceability of any ordinance declaring an
30 intention to annex land under the existing law that has been
31 enacted by a municipality prior to July 1, 1975. The owner of

1 such property may waive the requirements of this subsection if
2 such owner does not desire all of the tract or parcel included
3 in said annexation.

4 (4) Except as otherwise provided in this law, the
5 annexation procedure as set forth in this section shall
6 constitute a uniform method for the adoption of an ordinance
7 of annexation by the governing body of any municipality in
8 this state, and all existing provisions of special laws which
9 establish municipal annexation procedures are repealed hereby;
10 except that any provision or provisions of special law or laws
11 which prohibit annexation of territory that is separated from
12 the annexing municipality by a body of water or watercourse
13 shall not be repealed.

14 (5) If more than 70 percent of the land in an area
15 proposed to be annexed is owned by individuals, corporations,
16 or legal entities which are not registered electors of such
17 area, such area shall not be annexed unless the owners of more
18 than 50 percent of the land in such area consent to such
19 annexation. Such consent shall be obtained by the parties
20 proposing the annexation prior to the referendum to be held on
21 the annexation.

22 (6) Notwithstanding subsections (1) and (2), if the
23 area proposed to be annexed does not have any registered
24 electors on the date the ordinance is finally adopted, a vote
25 of electors of the area proposed to be annexed is not
26 required. In addition to the requirements of subsection (5),
27 the area may not be annexed unless the owners of more than 50
28 percent of the parcels of land in the area proposed to be
29 annexed consent to the annexation. ~~If a referendum of the~~
30 ~~annexing municipality is not required as well pursuant to~~
31 ~~subsection (2), then~~ The property owner consents required

1 pursuant to subsection (5) shall be obtained by the parties
2 proposing the annexation prior to the final adoption of the
3 ordinance, and the annexation ordinance shall be effective
4 upon becoming a law or as otherwise provided in the ordinance.

5 Section 8. Efficiency and accountability in local
6 government services.--

7 (1) The intent of this section is to provide and
8 encourage a process that will:

9 (a) Allow municipalities and counties to resolve
10 conflicts among local jurisdictions regarding the delivery and
11 financing of local services.

12 (b) Increase local government efficiency and
13 accountability.

14 (c) Provide greater flexibility in the use of local
15 revenue sources for local governments involved in the process.

16 (2) Any county or combination of counties, and the
17 municipalities therein, may use the procedures provided by
18 this section to develop and adopt a plan to improve the
19 efficiency, accountability, and coordination of the delivery
20 of local government services. The development of such a plan
21 may be initiated by a resolution adopted by a majority vote of
22 the governing body of each of the counties involved, by
23 resolutions adopted by a majority vote of the governing bodies
24 of a majority of the municipalities within each county, or by
25 resolutions adopted by a majority vote of the governing bodies
26 of the municipality or combination of municipalities
27 representing a majority of the municipal population of each
28 county. The resolution shall specify the representatives of
29 the county and municipal governments, of any affected special
30 districts, and of any relevant local government agencies who
31 will be responsible for developing the plan. The resolution

1 shall include a proposed timetable for development of the plan
2 and shall specify the local government support and personnel
3 services which will be made available to the representatives
4 developing the plan.

5 (3) Upon adoption of a resolution or resolutions as
6 provided in subsection (2), the designated representatives
7 shall develop a plan for delivery of local government
8 services. The plan shall:

9 (a) Designate the areawide and local government
10 services which are the subject of the plan.

11 (b) Describe the existing organization of such
12 services and the means of financing the services, and create a
13 reorganization of such services and the financing thereof that
14 will meet the goals of this section.

15 (c) Designate the local agency that should be
16 responsible for the delivery of each service.

17 (d) Designate those services that should be delivered
18 regionally or countywide. No provision of the plan shall
19 operate to restrict the power of a municipality to finance and
20 deliver services in addition to, or at a higher level than,
21 the services designated for regional or countywide delivery
22 under this paragraph.

23 (e) Provide means to reduce the cost of providing
24 local services and enhance the accountability of service
25 providers.

26 (f) Include a multiyear capital outlay plan for
27 infrastructure.

28 (g) Specifically describe any expansion of municipal
29 boundaries that would further the goals of this section. Any
30 area proposed to be annexed must meet the standards for
31 annexation provided in chapter 171, Florida Statutes. The plan

1 shall not contain any provision for contraction of municipal
2 boundaries or elimination of any municipality.

3 (h) Provide specific procedures for modification or
4 termination of the plan.

5 (i) Specify the effective date of the plan.

6 (4)(a) A plan developed pursuant to this section must
7 conform to all comprehensive plans that have been found to be
8 in compliance under part II of chapter 163, Florida Statutes,
9 for the local governments participating in the plan.

10 (b) No provision of a plan developed pursuant to this
11 section shall restrict the authority of any state or regional
12 governmental agency to perform any duty required to be
13 performed by that agency by law.

14 (5)(a) A plan developed pursuant to this section must
15 be approved by a majority vote of the governing body of each
16 county involved in the plan, and by a majority vote of the
17 governing bodies of a majority of municipalities in each
18 county, and by a majority vote of the governing bodies of the
19 municipality or municipalities that represent a majority of
20 the municipal population of each county.

21 (b) After approval by the county and municipal
22 governing bodies as required by paragraph (a), the plan shall
23 be submitted for referendum approval in a countywide election
24 in each county involved. The plan shall not take effect unless
25 approved by a majority of the electors of each county who vote
26 in the referendum, and also by a majority of the electors of
27 the municipalities that represent a majority of the municipal
28 population of each county who vote in the referendum. If
29 approved by the electors as required by this paragraph, the
30 plan shall take effect on the date specified in the plan.

31

1 (6) If a plan developed pursuant to this section
2 includes areas proposed for municipal annexation that meet the
3 standards for annexation provided in chapter 171, Florida
4 Statutes, such annexation shall take effect upon approval of
5 the plan as provided in this section, notwithstanding the
6 procedures for approval of municipal annexation specified in
7 chapter 171, Florida Statutes.

8 Section 9. This act shall take effect July 1 of the
9 year in which enacted.

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HOUSE SUMMARY

Creates the Urban Infill and Redevelopment Act, authorizing counties and municipalities to designate urban infill and redevelopment areas based on specified criteria. Requires preparation of a plan or designation of an existing plan and provides requirements with respect thereto. Requires a public hearing, and provides for amendment of the local comprehensive plan. Provides that counties and municipalities that have adopted such plan may issue revenue bonds and employ tax increment financing under the Community Redevelopment Act, and exercise powers granted to community redevelopment neighborhood improvement districts. Requires a report by certain state agencies. Provides a program for grants to counties and municipalities with urban infill and redevelopment areas. Provides for review and evaluation of the act and requires a report.

Authorizes exemptions from the transportation facilities concurrency requirement for developments located in an urban infill and redevelopment area. Provides that comprehensive plan amendments to designate such areas are not subject to statutory limits on the frequency of plan amendments, and includes such areas within certain limitations relating to small scale development amendments. Includes policies relating to urban policy in the State Comprehensive Plan. Revises provisions relating to developments of regional impact to increase certain numerical standards for determining a substantial deviation for projects located in certain urban infill and redevelopment areas.

Authorizes acquisition by eminent domain of property in unincorporated enclaves surrounded by a community redevelopment area when necessary to accomplish a community development plan. Revises annexation procedures to delete a requirement that a separate referendum be held in the annexing municipality when the annexation exceeds a certain size.

Provides procedures by which a county or combination of counties and the municipalities therein may develop and adopt a plan to improve the efficiency, accountability, and coordination of the delivery of local government services. Provides for initiation of the process by resolution. Provides requirements for the plan. Requires approval by the local governments' governing bodies and by referendum. Authorizes municipal annexation through such plan.