

1                                   A bill to be entitled  
2           An act relating to land development; amending  
3           s. 197.502, F.S.; providing for the issuance of  
4           an escheatment tax deed that is free and clear  
5           of any tax certificates, accrued taxes, and  
6           liens of any nature for certain properties;  
7           providing immunity for a county from  
8           environmental liability for certain properties  
9           that escheat to the county; providing for a  
10          written agreement between a county and the  
11          Department of Environmental Protection which  
12          addresses any investigative and remedial acts  
13          necessary for certain properties; providing  
14          legislative findings with respect to the  
15          shortage of affordable rentals in the state;  
16          providing a statement of important public  
17          purpose; providing definitions; authorizing  
18          local governments to permit accessory dwelling  
19          units in areas zoned for single-family  
20          residential use based upon certain findings;  
21          providing for certain accessory dwelling units  
22          to apply towards satisfying the affordable  
23          housing component of the housing element in a  
24          local government's comprehensive plan;  
25          requiring the Department of Community Affairs  
26          to report to the Legislature; amending s.  
27          163.3167, F.S.; requiring a local government to  
28          address certain water supply sources in its  
29          comprehensive plan; amending s. 163.3177, F.S.;  
30          providing that rural land stewardship area  
31          designation should be specifically encouraged

1 as an overlay on the future land use map;  
2 extending the deadline for certain information  
3 to be included in a comprehensive plan;  
4 requiring a work plan to be updated at certain  
5 intervals; requiring the Department of  
6 Community Affairs, in cooperation with other  
7 specified state agencies, to provide assistance  
8 to local governments in implementing provisions  
9 relating to rural land stewardship areas;  
10 providing for multicounty rural land  
11 stewardship areas; revising requirements,  
12 including the acreage threshold for designating  
13 a rural land stewardship area; providing that  
14 transferable rural land use credits may be  
15 assigned at different ratios according to the  
16 natural resource or other beneficial use  
17 characteristics of the land; providing  
18 legislative findings regarding mixed-use,  
19 high-density urban infill and redevelopment  
20 projects; requiring the Department of Community  
21 Affairs to provide technical assistance to  
22 local governments; providing legislative  
23 findings regarding a program for the transfer  
24 of development rights and urban infill and  
25 redevelopment; requiring the Department of  
26 Community Affairs to provide technical  
27 assistance to local governments; amending s.  
28 163.3187, F.S.; providing an exception to the  
29 limitation on the frequency of plan amendments;  
30 providing an effective date.

31

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

2

3 Section 1. Subsection (8) of section 197.502, Florida  
4 Statutes, is amended to read:

5 197.502 Application for obtaining tax deed by holder  
6 of tax sale certificate; fees.--

7 (8) Taxes shall not be extended against parcels listed  
8 as lands available for taxes, but in each year the taxes that  
9 would have been due shall be treated as omitted years and  
10 added to the required minimum bid. Three years after ~~from~~ the  
11 day the land was offered for public sale, the land shall  
12 escheat to the county in which it is located, free and clear.  
13 All tax certificates, accrued taxes, and liens of any nature  
14 against the property shall be deemed canceled as a matter of  
15 law and of no further legal force and effect, and the clerk  
16 shall execute an escheatment ~~a~~ tax deed vesting title in the  
17 board of county commissioners of the county in which the land  
18 ~~it~~ is located.

19 (a) When a property escheats to the county under this  
20 subsection, the county is not subject to any liability imposed  
21 by chapter 376 or chapter 403 for preexisting soil or  
22 groundwater contamination due solely to its ownership.  
23 However, this subsection does not affect the rights or  
24 liabilities of any past or future owners of the escheated  
25 property and does not affect the liability of any governmental  
26 entity for the results of its actions that create or  
27 exacerbate a pollution source.

28 (b) The county and the Department of Environmental  
29 Protection may enter into a written agreement for the  
30 performance, funding, and reimbursement of the investigative  
31

1 and remedial acts necessary for a property that escheats to  
2 the county.

3 Section 2. Accessory dwelling units.--

4 (1) The Legislature finds that the median price of  
5 homes in this state has increased steadily over the last  
6 decade and at a greater rate of increase than the median  
7 income in many urban areas. The Legislature finds that the  
8 cost of rental housing has also increased steadily and the  
9 cost often exceeds an amount that is affordable to  
10 very-low-income, low-income, or moderate-income persons and  
11 has resulted in a critical shortage of affordable rentals in  
12 many urban areas in the state. This shortage of affordable  
13 rentals constitutes a threat to the health, safety, and  
14 welfare of the residents of the state. Therefore, the  
15 Legislature finds that it serves an important public purpose  
16 to encourage the permitting of accessory dwelling units in  
17 single-family residential areas in order to increase the  
18 availability of affordable rentals for very-low-income,  
19 low-income, or moderate-income persons.

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

21 (a) "Accessory dwelling unit" means an ancillary or  
22 secondary living unit, that has a separate kitchen, bathroom,  
23 and sleeping area, existing either within the same structure,  
24 or on the same lot, as the primary dwelling unit.

25 (b) "Affordable rental" means that monthly rent and  
26 utilities do not exceed 30 percent of that amount which  
27 represents the percentage of the median adjusted gross annual  
28 income for very-low-income, low-income, or moderate-income  
29 persons.

30 (c) "Local government" means a county or municipality.

31

1           (d) "Low-income persons" has the same meaning as in  
2 section 420.0004(9), Florida Statutes.

3           (e) "Moderate-income persons" has the same meaning as  
4 in section 420.0004(10), Florida Statutes.

5           (f) "Very-low-income persons" has the same meaning as  
6 in section 420.0004(14), Florida Statutes.

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

12           (4) If the local government adopts an ordinance under  
13 this section, an application for a building permit to  
14 construct an accessory dwelling unit must include an affidavit  
15 from the applicant which attests that the unit will be rented  
16 at an affordable rate to a very-low-income, low-income, or  
17 moderate-income person or persons.

18           (5) Each accessory dwelling unit allowed by an  
19 ordinance adopted under this section shall apply towards  
20 satisfying the affordable housing component of the housing  
21 element in the local government's comprehensive plan under  
22 section 163.3177(6)(f), Florida Statutes.

23           (6) The Department of Community Affairs shall evaluate  
24 the effectiveness of using accessory dwelling units to address  
25 a local government's shortage of affordable housing and report  
26 to the Legislature by January 1, 2007. The report must specify  
27 the number of ordinances adopted by a local government under  
28 this section and the number of accessory dwelling units that  
29 were created under these ordinances.

30           Section 3. Subsection (13) is added to section  
31 163.3167, Florida Statutes, to read:

1           163.3167 Scope of act.--

2           (13) Each local government shall address in its  
3 comprehensive plan, as enumerated in this chapter, the water  
4 supply sources necessary to meet and achieve the existing and  
5 projected water use demand for the established planning  
6 period, considering the applicable plan developed pursuant to  
7 s. 373.0361.

8           Section 4. Paragraphs (a) and (c) of subsection (6)  
9 and subsection (11) of section 163.3177, Florida Statutes, are  
10 amended to read:

11           163.3177 Required and optional elements of  
12 comprehensive plan; studies and surveys.--

13           (6) In addition to the requirements of subsections  
14 (1)-(5), the comprehensive plan shall include the following  
15 elements:

16           (a) A future land use plan element designating  
17 proposed future general distribution, location, and extent of  
18 the uses of land for residential uses, commercial uses,  
19 industry, agriculture, recreation, conservation, education,  
20 public buildings and grounds, other public facilities, and  
21 other categories of the public and private uses of land.  
22 Counties are encouraged to designate rural land stewardship  
23 areas, pursuant to the provisions of paragraph (11)(d), as  
24 overlays on the future land use map. Each future land use  
25 category must be defined in terms of uses included, and must  
26 include standards to be followed in the control and  
27 distribution of population densities and building and  
28 structure intensities. The proposed distribution, location,  
29 and extent of the various categories of land use shall be  
30 shown on a land use map or map series which shall be  
31 supplemented by goals, policies, and measurable objectives.

1 The future land use plan shall be based upon surveys, studies,  
2 and data regarding the area, including the amount of land  
3 required to accommodate anticipated growth; the projected  
4 population of the area; the character of undeveloped land; the  
5 availability of public services; the need for redevelopment,  
6 including the renewal of blighted areas and the elimination of  
7 nonconforming uses which are inconsistent with the character  
8 of the community; and, in rural communities, the need for job  
9 creation, capital investment, and economic development that  
10 will strengthen and diversify the community's economy. The  
11 future land use plan may designate areas for future planned  
12 development use involving combinations of types of uses for  
13 which special regulations may be necessary to ensure  
14 development in accord with the principles and standards of the  
15 comprehensive plan and this act. In addition, for rural  
16 communities, the amount of land designated for future planned  
17 industrial use shall be based upon surveys and studies that  
18 reflect the need for job creation, capital investment, and the  
19 necessity to strengthen and diversify the local economies, and  
20 shall not be limited solely by the projected population of the  
21 rural community. The future land use plan of a county may also  
22 designate areas for possible future municipal incorporation.  
23 The land use maps or map series shall generally identify and  
24 depict historic district boundaries and shall designate  
25 historically significant properties meriting protection. The  
26 future land use element must clearly identify the land use  
27 categories in which public schools are an allowable use. When  
28 delineating the land use categories in which public schools  
29 are an allowable use, a local government shall include in the  
30 categories sufficient land proximate to residential  
31 development to meet the projected needs for schools in

1 coordination with public school boards and may establish  
2 differing criteria for schools of different type or size.  
3 Each local government shall include lands contiguous to  
4 existing school sites, to the maximum extent possible, within  
5 the land use categories in which public schools are an  
6 allowable use. All comprehensive plans must comply with the  
7 school siting requirements of this paragraph no later than  
8 October 1, 1999. The failure by a local government to comply  
9 with these school siting requirements by October 1, 1999, will  
10 result in the prohibition of the local government's ability to  
11 amend the local comprehensive plan, except for plan amendments  
12 described in s. 163.3187(1)(b), until the school siting  
13 requirements are met. Amendments proposed by a local  
14 government for purposes of identifying the land use categories  
15 in which public schools are an allowable use or for adopting  
16 or amending the school-siting maps pursuant to s. 163.31776(3)  
17 are exempt from the limitation on the frequency of plan  
18 amendments contained in s. 163.3187. The future land use  
19 element shall include criteria that encourage the location of  
20 schools proximate to urban residential areas to the extent  
21 possible and shall require that the local government seek to  
22 collocate public facilities, such as parks, libraries, and  
23 community centers, with schools to the extent possible and to  
24 encourage the use of elementary schools as focal points for  
25 neighborhoods. For schools serving predominantly rural  
26 counties, defined as a county with a population of 100,000 or  
27 fewer, an agricultural land use category shall be eligible for  
28 the location of public school facilities if the local  
29 comprehensive plan contains school siting criteria and the  
30 location is consistent with such criteria.  
31



1 (c) A general sanitary sewer, solid waste, drainage,  
2 potable water, and natural groundwater aquifer recharge  
3 element correlated to principles and guidelines for future  
4 land use, indicating ways to provide for future potable water,  
5 drainage, sanitary sewer, solid waste, and aquifer recharge  
6 protection requirements for the area. The element may be a  
7 detailed engineering plan including a topographic map  
8 depicting areas of prime groundwater recharge. The element  
9 shall describe the problems and needs and the general  
10 facilities that will be required for solution of the problems  
11 and needs. The element shall also include a topographic map  
12 depicting any areas adopted by a regional water management  
13 district as prime groundwater recharge areas for the Floridan  
14 or Biscayne aquifers, pursuant to s. 373.0395. These areas  
15 shall be given special consideration when the local government  
16 is engaged in zoning or considering future land use for said  
17 designated areas. For areas served by septic tanks, soil  
18 surveys shall be provided which indicate the suitability of  
19 soils for septic tanks. By December 1, 2006 ~~January 1, 2005,~~  
20 ~~or the Evaluation and Appraisal Report adoption deadline~~  
21 ~~established for the local government pursuant to s.~~  
22 ~~163.3191(a), whichever date occurs first,~~ the element must  
23 consider the appropriate water management district's regional  
24 water supply plan approved pursuant to s. 373.0361. The  
25 element must include a work plan, covering at least a 10-year  
26 planning period, for building water supply facilities that are  
27 identified in the element as necessary to serve existing and  
28 new development and for which the local government is  
29 responsible. The work plan shall be updated, at a minimum,  
30 every 5 years within 12 months after the approval of the  
31 revised regional water supply plan. Amendments to incorporate

1 the work plan do not count toward the limitation on the  
2 frequency of adoption of amendments to a comprehensive plan.

3 (11)(a) The Legislature recognizes the need for  
4 innovative planning and development strategies which will  
5 address the anticipated demands of continued urbanization of  
6 Florida's coastal and other environmentally sensitive areas,  
7 and which will accommodate the development of less populated  
8 regions of the state which seek economic development and which  
9 have suitable land and water resources to accommodate growth  
10 in an environmentally acceptable manner. The Legislature  
11 further recognizes the substantial advantages of innovative  
12 approaches to development which may better serve to protect  
13 environmentally sensitive areas, maintain the economic  
14 viability of agricultural and other predominantly rural land  
15 uses, and provide for the cost-efficient delivery of public  
16 facilities and services.

17 (b) It is the intent of the Legislature that the local  
18 government comprehensive plans and plan amendments adopted  
19 pursuant to the provisions of this part provide for a planning  
20 process which allows for land use efficiencies within existing  
21 urban areas and which also allows for the conversion of rural  
22 lands to other uses, where appropriate and consistent with the  
23 other provisions of this part and the affected local  
24 comprehensive plans, through the application of innovative and  
25 flexible planning and development strategies and creative land  
26 use planning techniques, which may include, but not be limited  
27 to, urban villages, new towns, satellite communities,  
28 area-based allocations, clustering and open space provisions,  
29 mixed-use development, and sector planning.

30 (c) It is the further intent of the Legislature that  
31 local government comprehensive plans and implementing land

1 development regulations shall provide strategies which  
2 maximize the use of existing facilities and services through  
3 redevelopment, urban infill development, and other strategies  
4 for urban revitalization.

5 (d)1. The department, in cooperation with the  
6 Department of Agriculture and Consumer Services, the  
7 Department of Environmental Protection, water management  
8 districts, and regional planning councils, shall provide  
9 assistance to local governments in the implementation of this  
10 paragraph and rule 9J-5.006(5)(1), Florida Administrative  
11 Code. Implementation of those provisions shall include a  
12 process by which the department may authorize ~~up to five~~ local  
13 governments to designate all or portions of lands classified  
14 in the future land use element as predominantly agricultural,  
15 rural, open, open-rural, or a substantively equivalent land  
16 use, as a rural land stewardship area within which planning  
17 and economic incentives are applied to encourage the  
18 implementation of innovative and flexible planning and  
19 development strategies and creative land use planning  
20 techniques, including those contained herein and in rule  
21 9J-5.006(5)(1), Florida Administrative Code. Assistance may  
22 include, but is not limited to:

23 a. Assistance from the Department of Environmental  
24 Protection and water management districts in creating the  
25 geographic information systems land cover database and aerial  
26 photogrammetry needed to prepare for a rural land stewardship  
27 area;

28 b. Support for local government implementation of  
29 rural land stewardship concepts by providing information and  
30 assistance to local governments regarding land acquisition  
31 programs that may be used by the local government or

1 landowners to leverage the protection of greater acreage and  
2 maximize the effectiveness of rural land stewardship areas;  
3 and

4 c. Expansion of the role of the Department of  
5 Community Affairs as a resource agency to facilitate  
6 establishment of rural land stewardship areas in smaller rural  
7 counties that do not have the staff or planning budgets to  
8 create a rural land stewardship area.

9 2. The department shall encourage participation by  
10 local governments of different sizes and rural characteristics  
11 in establishing and implementing rural land stewardship areas.

12 It is the intent of the Legislature that rural land  
13 stewardship areas be used to further the following broad  
14 principles of rural sustainability: restoration and  
15 maintenance of the economic value of rural land; control of  
16 urban sprawl; identification and protection of ecosystems,  
17 habitats, and natural resources; promotion of rural economic  
18 activity; maintenance of the viability of Florida's  
19 agricultural economy; and protection of the character of rural  
20 areas of Florida. Rural land stewardship areas may be  
21 multicounty in order to encourage coordinated regional  
22 stewardship planning.

23 3. A local government, in conjunction with a regional  
24 planning council, a stakeholder organization of private land  
25 owners, or another local government, shall notify ~~may apply to~~  
26 the department in writing of its intent ~~requesting~~  
27 ~~consideration for authorization~~ to designate a rural land  
28 ~~stewardship area and shall describe its reasons for applying~~  
29 ~~for the authorization with supporting documentation regarding~~  
30 ~~its compliance with criteria set forth in this section.~~

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1           ~~4. In selecting a local government, the department~~  
2 ~~shall, by written agreement:~~

3           ~~a. Ensure that the local government has expressed its~~  
4 ~~intent to designate a rural land stewardship area pursuant to~~  
5 ~~the provisions of this subsection and clarify that the rural~~  
6 ~~land stewardship area is intended.~~

7           ~~b. Ensure that the local government has the financial~~  
8 ~~and administrative capabilities to implement a rural land~~  
9 ~~stewardship area.~~

10           ~~5. The written notification agreement shall describe~~  
11 ~~include the basis for the designation, authorization and~~  
12 ~~provide criteria for evaluating the success of the~~  
13 ~~authorization including the extent to which the rural land~~  
14 ~~stewardship area enhances rural land values, controls; control~~  
15 ~~urban sprawl, + provides necessary open space for agriculture~~  
16 ~~and protection of the natural environment, + promotes rural~~  
17 ~~economic activity, + and maintains rural character and the~~  
18 ~~economic viability of agriculture. ~~The department may~~~~  
19 ~~terminate the agreement at any time if it determines that the~~  
20 ~~local government is not meeting the terms of the agreement.~~

21           ~~4.6.~~ A rural land stewardship area shall be not less  
22 than 10,000 ~~50,000~~ acres and shall ~~not exceed 250,000 acres in~~  
23 ~~size, shall~~ be located outside of municipalities and  
24 established urban growth boundaries, and shall be designated  
25 by plan amendment. The plan amendment designating a rural  
26 land stewardship area shall be subject to review by the  
27 Department of Community Affairs pursuant to s. 163.3184 and  
28 shall provide for the following:

29           a. Criteria for the designation of receiving areas  
30 within rural land stewardship areas in which innovative  
31 planning and development strategies may be applied. Criteria

1 shall at a minimum provide for the following: adequacy of  
2 suitable land to accommodate development so as to avoid  
3 conflict with environmentally sensitive areas, resources, and  
4 habitats; compatibility between and transition from higher  
5 density uses to lower intensity rural uses; the establishment  
6 of receiving area service boundaries which provide for a  
7 separation between receiving areas and other land uses within  
8 the rural land stewardship area through limitations on the  
9 extension of services; and connection of receiving areas with  
10 the rest of the rural land stewardship area using rural design  
11 and rural road corridors.

12         b. Goals, objectives, and policies setting forth the  
13 innovative planning and development strategies to be applied  
14 within rural land stewardship areas pursuant to the provisions  
15 of this section.

16         c. A process for the implementation of innovative  
17 planning and development strategies within the rural land  
18 stewardship area, including those described in this subsection  
19 and rule 9J-5.006(5)(1), Florida Administrative Code, which  
20 provide for a functional mix of land uses and which are  
21 applied through the adoption by the local government of zoning  
22 and land development regulations applicable to the rural land  
23 stewardship area.

24         d. A process which encourages visioning pursuant to s.  
25 163.3167(11) to ensure that innovative planning and  
26 development strategies comply with the provisions of this  
27 section.

28         e. The control of sprawl through the use of innovative  
29 strategies and creative land use techniques consistent with  
30 the provisions of this subsection and rule 9J-5.006(5)(1),  
31 Florida Administrative Code.

1           ~~5.7.~~ A receiving area shall be designated by the  
2 adoption of a land development regulation. Prior to the  
3 designation of a receiving area, the local government shall  
4 provide the Department of Community Affairs a period of 30  
5 days in which to review a proposed receiving area for  
6 consistency with the rural land stewardship area plan  
7 amendment and to provide comments to the local government.

8           ~~6.8.~~ Upon the adoption of a plan amendment creating a  
9 rural land stewardship area, the local government shall, by  
10 ordinance, assign to the area a certain number of credits, to  
11 be known as "transferable rural land use credits," which shall  
12 not constitute a right to develop land, nor increase density  
13 of land, except as provided by this section. The total amount  
14 of transferable rural land use credits assigned to the rural  
15 land stewardship area must correspond to the 25-year or  
16 greater projected population of the rural land stewardship  
17 area. Transferable rural land use credits are subject to the  
18 following limitations:

19           a. Transferable rural land use credits may only exist  
20 within a rural land stewardship area.

21           b. Transferable rural land use credits may only be  
22 used on lands designated as receiving areas and then solely  
23 for the purpose of implementing innovative planning and  
24 development strategies and creative land use planning  
25 techniques adopted by the local government pursuant to this  
26 section.

27           c. Transferable rural land use credits assigned to a  
28 parcel of land within a rural land stewardship area shall  
29 cease to exist if the parcel of land is removed from the rural  
30 land stewardship area by plan amendment.

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1           d. Neither the creation of the rural land stewardship  
2 area by plan amendment nor the assignment of transferable  
3 rural land use credits by the local government shall operate  
4 to displace the underlying density of land uses assigned to a  
5 parcel of land within the rural land stewardship area;  
6 however, if transferable rural land use credits are  
7 transferred from a parcel for use within a designated  
8 receiving area, the underlying density assigned to the parcel  
9 of land shall cease to exist.

10           e. The underlying density on each parcel of land  
11 located within a rural land stewardship area shall not be  
12 increased or decreased by the local government, except as a  
13 result of the conveyance or use of transferable rural land use  
14 credits, as long as the parcel remains within the rural land  
15 stewardship area.

16           f. Transferable rural land use credits shall cease to  
17 exist on a parcel of land where the underlying density  
18 assigned to the parcel of land is utilized.

19           g. An increase in the density of use on a parcel of  
20 land located within a designated receiving area may occur only  
21 through the assignment or use of transferable rural land use  
22 credits and shall not require a plan amendment.

23           h. A change in the density of land use on parcels  
24 located within receiving areas shall be specified in a  
25 development order which reflects the total number of  
26 transferable rural land use credits assigned to the parcel of  
27 land and the infrastructure and support services necessary to  
28 provide for a functional mix of land uses corresponding to the  
29 plan of development.

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1 i. Land within a rural land stewardship area may be  
2 removed from the rural land stewardship area through a plan  
3 amendment.

4 j. Transferable rural land use credits may be assigned  
5 at different ratios of credits per acre according to the  
6 natural resource or other beneficial use characteristics of  
7 the land and according to the land use remaining following the  
8 transfer of credits, with the highest number of credits per  
9 acre assigned to the most ~~preserve~~ environmentally valuable  
10 land and a lesser number of credits to be assigned to open  
11 space and agricultural land.

12 k. The use or conveyance of transferable rural land  
13 use credits must be recorded in the public records of the  
14 county in which the property is located as a covenant or  
15 restrictive easement running with the land in favor of the  
16 county and either the Department of Environmental Protection,  
17 Department of Agriculture and Consumer Services, a water  
18 management district, or a recognized statewide land trust.

19 ~~7.9.~~ Owners of land within rural land stewardship  
20 areas should be provided incentives to enter into rural land  
21 stewardship agreements, pursuant to existing law and rules  
22 adopted thereto, with state agencies, water management  
23 districts, and local governments to achieve mutually agreed  
24 upon conservation objectives. Such incentives may include,  
25 but not be limited to, the following:

26 a. Opportunity to accumulate transferable mitigation  
27 credits.

28 b. Extended permit agreements.

29 c. Opportunities for recreational leases and  
30 ecotourism.

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1           d. Payment for specified land management services on  
2 publicly owned land, or property under covenant or restricted  
3 easement in favor of a public entity.

4           e. Option agreements for sale to public entities or  
5 private land conservation entities ~~government~~, in either fee  
6 or easement, upon achievement of conservation objectives.

7           ~~8.10.~~ The department shall report to the Legislature  
8 on an annual basis on the results of implementation of rural  
9 land stewardship areas authorized by the department, including  
10 successes and failures in achieving the intent of the  
11 Legislature as expressed in this paragraph. ~~It is further the~~  
12 ~~intent of the Legislature that the success of authorized rural~~  
13 ~~land stewardship areas be substantiated before implementation~~  
14 ~~occurs on a statewide basis.~~

15           (e) The Legislature finds that mixed-use, high-density  
16 development is appropriate for urban infill and redevelopment  
17 areas. Mixed-use projects accommodate a variety of uses,  
18 including residential and commercial, and usually at higher  
19 densities that promote pedestrian-friendly, sustainable  
20 communities. The Legislature recognizes that mixed-use,  
21 high-density development improves the quality of life for  
22 residents and businesses in urban areas. The Legislature finds  
23 that mixed-use, high-density redevelopment and infill benefits  
24 residents by creating a livable community with alternative  
25 modes of transportation. Furthermore, the Legislature finds  
26 that local zoning ordinances often discourage mixed-use,  
27 high-density development in areas that are appropriate for  
28 urban infill and redevelopment. The Legislature intends to  
29 discourage single-use zoning in urban areas which often leads  
30 to lower-density, land-intensive development outside an urban  
31 service area. Therefore, the Department of Community Affairs

1 shall provide technical assistance to local governments in  
2 order to encourage mixed-use, high-density urban infill and  
3 redevelopment projects.

4 (f) The Legislature finds that a program for the  
5 transfer of development rights is a useful tool to preserve  
6 historic buildings and create public open spaces in urban  
7 areas. A program for the transfer of development rights allows  
8 the transfer of density credits from historic properties and  
9 public open spaces to areas designated for high-density  
10 development. The Legislature recognizes that high-density  
11 development is integral to the success of many urban infill  
12 and redevelopment projects. The Legislature intends to  
13 encourage high-density urban infill and redevelopment while  
14 preserving historic structures and open spaces. Therefore, the  
15 Department of Community Affairs shall provide technical  
16 assistance to local governments in order to promote the  
17 transfer of development rights within urban areas for  
18 high-density infill and redevelopment projects.

19 (g)(e) The implementation of this subsection shall be  
20 subject to the provisions of this chapter, chapters 186 and  
21 187, and applicable agency rules.

22 (h)(f) The department may adopt rules necessary to  
23 implement the provisions of this subsection.

24 Section 5. Paragraph (m) is added to subsection (1) of  
25 section 163.3187, Florida Statutes, to read:

26 163.3187 Amendment of adopted comprehensive plan.--

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

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

4           Section 6. This act shall take effect July 1, 2004.  
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