

1 A bill to be entitled
2 An act relating to community affairs; creating s. 14.2017,
3 F.S.; creating the Office of Emergency Management within
4 the Executive Office of the Governor; providing for
5 appointment of a director; amending s. 20.10, F.S.;
6 creating additional divisions of the Department of State;
7 providing for appointment of certain directors or
8 executive directors by the Secretary of State; providing
9 appointment requirements; providing for employment of
10 personnel; specifying certain responsibilities of the
11 department; amending s. 163.3162, F.S.; conforming a
12 cross-reference; amending s. 163.3164, F.S.; revising and
13 providing definitions applicable to the Local Government
14 Comprehensive Planning and Land Development Regulation
15 Act; amending s. 163.3177, F.S.; revising requirements for
16 adopting amendments to the capital improvements element of
17 a local comprehensive plan; revising requirements for the
18 public school facilities element implementing a school
19 concurrency program; deleting a penalty for local
20 governments that fail to adopt a public school facilities
21 element and interlocal agreement; authorizing the
22 Administration Commission to impose sanctions; amending s.
23 163.3180, F.S.; revising concurrency requirements;
24 revising legislative findings; authorizing local
25 governments to establish areas that are exempt from
26 certain concurrency requirements for transportation
27 facilities; deleting certain requirements for
28 transportation concurrency exception areas; providing

29 | procedures and requirements; revising provisions for
30 | transportation concurrency exception areas to conform;
31 | providing legislative intent and findings; providing
32 | powers, duties, and responsibilities of the state land
33 | planning agency and the Department of Transportation;
34 | revising transportation concurrency requirements for
35 | developments of regional impact; revising proportionate-
36 | share contribution and mitigation requirements; revising
37 | school concurrency requirements; requiring charter schools
38 | to be considered as a mitigation option under certain
39 | circumstances; amending s. 163.31801, F.S.; revising
40 | requirements for adoption of impact fees; creating s.
41 | 163.31802, F.S.; prohibiting establishment of local
42 | security standards requiring businesses to expend funds to
43 | enhance local governmental services or functions under
44 | certain circumstances; amending s. 163.3184, F.S.;
45 | authorizing local governments to use a streamlined review
46 | process for certain comprehensive plan amendments or
47 | amendment packages; providing requirements; amending s.
48 | 163.32465, F.S.; providing for alternative state review
49 | processes for local comprehensive plan amendments;
50 | providing requirements, procedures, and limitations for
51 | exemptions from state review of comprehensive plans;
52 | replacing an alternative state review process pilot
53 | program with a streamlined state review process; providing
54 | requirements, procedures, and limitations for a
55 | streamlined review process; specifying amendment
56 | guidelines for streamlined review processes; requiring

57 | that agencies submit comments within a specified period
58 | after the state land planning agency notifies the local
59 | government that the plan amendment package is complete;
60 | requiring that the local government adopt a plan amendment
61 | within a specified period after comments are received;
62 | requiring that the state land planning agency adopt rules;
63 | deleting provisions relating to reporting requirements for
64 | the Office of Program Policy Analysis and Government
65 | Accountability; deleting pilot program provisions;
66 | providing legislative findings and determinations relating
67 | to replacing the transportation concurrency system with a
68 | mobility fee system; requiring the state land planning
69 | agency and the Department of Transportation to study and
70 | develop a methodology for a mobility fee system;
71 | specifying criteria; requiring joint reports to the
72 | Legislature; specifying report requirements; requiring the
73 | Department of Transportation to establish an approved
74 | transportation methodology for assessing the traffic
75 | impacts of certain developments; providing for extending
76 | certain permits, orders, or applications due to expire
77 | December 31, 2010; providing for application of the
78 | extension to certain related activities; amending ss.
79 | 186.513, 186.515, 287.042, 288.975, and 369.303, F.S.;
80 | conforming cross-references; amending ss. 420.504 and
81 | 420.506, F.S.; conforming provisions to the transfer of
82 | the Department of Community Affairs to the Department of
83 | State; amending ss. 420.5095, 420.9071, and 420.9076,
84 | F.S.; conforming cross-references; transferring the

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85 Division of Housing and Community Development and the
86 Division of Community Planning of the Department of
87 Community Affairs to the Department of State; preserving
88 the validity of certain judicial or administrative
89 actions; transferring the Division of Emergency Management
90 of the Department of Community Affairs to the Executive
91 Office of the Governor; preserving the validity of certain
92 judicial or administrative actions; directing the Division
93 of Statutory Revision of the Office of Legislative
94 Services to assist the relevant substantive committees of
95 the Legislature in developing legislation to conform the
96 Florida Statutes to the transfer of the Department of
97 Community Affairs to the Department of State; amending ss.
98 212.08, 220.183, 381.7354, and 624.5105, F.S.; conforming
99 cross-references; repealing s. 20.18, F.S., relating to
100 the Department of Community Affairs; providing effective
101 dates.

102
103 Be It Enacted by the Legislature of the State of Florida:

104
105 Section 1. Section 14.2017, Florida Statutes, is created
106 to read:

107 14.2017 Office of Emergency Management; creation; powers
108 and duties.--The Office of Emergency Management is created
109 within the Executive Office of the Governor. The director of the
110 Office of Emergency Management shall be appointed by and serve
111 at the pleasure of the Governor.

112 Section 2. Section 20.10, Florida Statutes, is amended to
 113 read:

114 20.10 Department of State.--There is created a Department
 115 of State.

116 (1) The head of the Department of State is the Secretary
 117 of State. The Secretary of State shall be appointed by the
 118 Governor, subject to confirmation by the Senate, and shall serve
 119 at the pleasure of the Governor. The Secretary of State shall
 120 perform the functions conferred by the State Constitution upon
 121 the custodian of state records.

122 (2) The following divisions of the Department of State are
 123 established:

- 124 (a) Division of Elections.
- 125 (b) Division of Historical Resources.
- 126 (c) Division of Corporations.
- 127 (d) Division of Library and Information Services.
- 128 (e) Division of Cultural Affairs.
- 129 (f) Division of Administration.
- 130 (g) Division of Housing and Community Development, which
 131 shall include the Office of Urban Opportunity.
- 132 (h) Division of State and Community Planning.

133 (3) Unless otherwise provided by law, the Secretary of
 134 State shall appoint the directors or executive directors of any
 135 commission or council assigned to the department, who shall
 136 serve at his or her pleasure as provided for division directors
 137 in s. 110.205. The appointment or termination by the Secretary
 138 of State shall be with the advice and consent of the commission
 139 or council, and the director or executive director may employ,

140 subject to departmental rules and procedures, such personnel as
 141 may be authorized and necessary.

142 (4) The role of state government required by part I of
 143 chapter 421 and chapters 422 and 423 is the responsibility of
 144 the Department of State, and the department is the agency of
 145 state government responsible for the state's role in housing and
 146 urban development.

147 (5)~~(3)~~ The Department of State may adopt rules pursuant to
 148 ss. 120.536(1) and 120.54 to administer the provisions of law
 149 conferring duties upon the department.

150 Section 3. Subsection (5) of section 163.3162, Florida
 151 Statutes, is amended to read:

152 163.3162 Agricultural Lands and Practices Act.--

153 (5) AMENDMENT TO LOCAL GOVERNMENT COMPREHENSIVE PLAN.--The
 154 owner of a parcel of land defined as an agricultural enclave
 155 under s. 163.3164~~(33)~~ may apply for an amendment to the local
 156 government comprehensive plan pursuant to s. 163.3187. Such
 157 amendment is presumed to be consistent with rule 9J-5.006(5),
 158 Florida Administrative Code, and may include land uses and
 159 intensities of use that are consistent with the uses and
 160 intensities of use of the industrial, commercial, or residential
 161 areas that surround the parcel. This presumption may be rebutted
 162 by clear and convincing evidence. Each application for a
 163 comprehensive plan amendment under this subsection for a parcel
 164 larger than 640 acres must include appropriate new urbanism
 165 concepts such as clustering, mixed-use development, the creation
 166 of rural village and city centers, and the transfer of

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167 development rights in order to discourage urban sprawl while
168 protecting landowner rights.

169 (a) The local government and the owner of a parcel of land
170 that is the subject of an application for an amendment shall
171 have 180 days following the date that the local government
172 receives a complete application to negotiate in good faith to
173 reach consensus on the land uses and intensities of use that are
174 consistent with the uses and intensities of use of the
175 industrial, commercial, or residential areas that surround the
176 parcel. Within 30 days after the local government's receipt of
177 such an application, the local government and owner must agree
178 in writing to a schedule for information submittal, public
179 hearings, negotiations, and final action on the amendment, which
180 schedule may thereafter be altered only with the written consent
181 of the local government and the owner. Compliance with the
182 schedule in the written agreement constitutes good faith
183 negotiations for purposes of paragraph (c).

184 (b) Upon conclusion of good faith negotiations under
185 paragraph (a), regardless of whether the local government and
186 owner reach consensus on the land uses and intensities of use
187 that are consistent with the uses and intensities of use of the
188 industrial, commercial, or residential areas that surround the
189 parcel, the amendment must be transmitted to the state land
190 planning agency for review pursuant to s. 163.3184. If the local
191 government fails to transmit the amendment within 180 days after
192 receipt of a complete application, the amendment must be
193 immediately transferred to the state land planning agency for
194 such review at the first available transmittal cycle. A plan

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195 amendment transmitted to the state land planning agency
 196 submitted under this subsection is presumed to be consistent
 197 with rule 9J-5.006(5), Florida Administrative Code. This
 198 presumption may be rebutted by clear and convincing evidence.

199 (c) If the owner fails to negotiate in good faith, a plan
 200 amendment submitted under this subsection is not entitled to the
 201 rebuttable presumption under this subsection in the negotiation
 202 and amendment process.

203 (d) Nothing within this subsection relating to
 204 agricultural enclaves shall preempt or replace any protection
 205 currently existing for any property located within the
 206 boundaries of the following areas:

- 207 1. The Wekiva Study Area, as described in s. 369.316; or
- 208 2. The Everglades Protection Area, as defined in s.
 209 373.4592(2).

210 Section 4. Section 163.3164, Florida Statutes, is amended
 211 to read:

212 163.3164 Local Government Comprehensive Planning and Land
 213 Development Regulation Act; definitions.--As used in this act:

214 (1) "Administration Commission" means the Governor and the
 215 Cabinet, and for purposes of this chapter the commission shall
 216 act on a simple majority vote, except that for purposes of
 217 imposing the sanctions provided in s. 163.3184(11), affirmative
 218 action shall require the approval of the Governor and at least
 219 three other members of the commission.

220 (2) ~~(33)~~ "Agricultural enclave" means an unincorporated,
 221 undeveloped parcel that:

222 (a) Is owned by a single person or entity;

223 (b) Has been in continuous use for bona fide agricultural
 224 purposes, as defined by s. 193.461, for a period of 5 years
 225 prior to the date of any comprehensive plan amendment
 226 application;

227 (c) Is surrounded on at least 75 percent of its perimeter
 228 by:

229 1. Property that has existing industrial, commercial, or
 230 residential development; or

231 2. Property that the local government has designated, in
 232 the local government's comprehensive plan, zoning map, and
 233 future land use map, as land that is to be developed for
 234 industrial, commercial, or residential purposes, and at least 75
 235 percent of such property is existing industrial, commercial, or
 236 residential development;

237 (d) Has public services, including water, wastewater,
 238 transportation, schools, and recreation facilities, available or
 239 such public services are scheduled in the capital improvement
 240 element to be provided by the local government or can be
 241 provided by an alternative provider of local government
 242 infrastructure in order to ensure consistency with applicable
 243 concurrency provisions of s. 163.3180; and

244 (e) Does not exceed 1,280 acres; however, if the property
 245 is surrounded by existing or authorized residential development
 246 that will result in a density at buildout of at least 1,000
 247 residents per square mile, then the area shall be determined to
 248 be urban and the parcel may not exceed 4,480 acres.

249 (3)~~(2)~~ "Area" or "area of jurisdiction" means the total
 250 area qualifying under the provisions of this act, whether this

251 | be all of the lands lying within the limits of an incorporated
 252 | municipality, lands in and adjacent to incorporated
 253 | municipalities, all unincorporated lands within a county, or
 254 | areas comprising combinations of the lands in incorporated
 255 | municipalities and unincorporated areas of counties.

256 | ~~(4)-(3)~~ "Coastal area" means the 35 coastal counties and
 257 | all coastal municipalities within their boundaries designated
 258 | coastal by the state land planning agency.

259 | ~~(5)-(4)~~ "Comprehensive plan" means a plan that meets the
 260 | requirements of ss. 163.3177 and 163.3178.

261 | ~~(6)~~ "Dense urban area" means a census tract having an
 262 | average of at least 1,000 people per square mile of land area
 263 | according to the most recent data from the decennial census
 264 | conducted by the Bureau of the Census of the United States
 265 | Department of Commerce.

266 | ~~(7)-(5)~~ "Developer" means any person, including a
 267 | governmental agency, undertaking any development as defined in
 268 | this act.

269 | ~~(8)-(6)~~ "Development" has the meaning given it in s.
 270 | 380.04.

271 | ~~(9)-(7)~~ "Development order" means any order granting,
 272 | denying, or granting with conditions an application for a
 273 | development permit.

274 | ~~(10)-(8)~~ "Development permit" includes any building permit,
 275 | zoning permit, subdivision approval, rezoning, certification,
 276 | special exception, variance, or any other official action of
 277 | local government having the effect of permitting the development
 278 | of land.

279 (11)~~(25)~~ "Downtown revitalization" means the physical and
 280 economic renewal of a central business district of a community
 281 as designated by local government, and includes both downtown
 282 development and redevelopment.

283 (12)~~(29)~~ "Existing urban service area" means built-up
 284 areas where public facilities and services such as sewage
 285 treatment systems, roads, schools, and recreation areas are
 286 already in place.

287 (13)~~(32)~~ "Financial feasibility" means that sufficient
 288 revenues are currently available or will be available from
 289 committed funding sources for the first 3 years, or will be
 290 available from committed or planned funding sources for years 4
 291 and 5, of a 5-year capital improvement schedule for financing
 292 capital improvements, such as ad valorem taxes, bonds, state and
 293 federal funds, tax revenues, impact fees, and developer
 294 contributions, which are adequate to fund the projected costs of
 295 the capital improvements identified in the comprehensive plan
 296 necessary to ensure that adopted level-of-service standards are
 297 achieved and maintained within the period covered by the 5-year
 298 schedule of capital improvements. A comprehensive plan shall be
 299 deemed financially feasible for transportation and school
 300 facilities throughout the planning period addressed by the
 301 capital improvements schedule if it can be demonstrated that the
 302 level-of-service standards will be achieved and maintained by
 303 the end of the planning period even if in a particular year such
 304 improvements are not concurrent as required by s. 163.3180.

305 (14)~~(9)~~ "Governing body" means the board of county
 306 commissioners of a county, the commission or council of an

307 incorporated municipality, or any other chief governing body of
 308 a unit of local government, however designated, or the
 309 combination of such bodies where joint utilization of the
 310 provisions of this act is accomplished as provided herein.

311 (15)~~(10)~~ "Governmental agency" means:

312 (a) The United States or any department, commission,
 313 agency, or other instrumentality thereof.

314 (b) This state or any department, commission, agency, or
 315 other instrumentality thereof.

316 (c) Any local government, as defined in this section, or
 317 any department, commission, agency, or other instrumentality
 318 thereof.

319 (d) Any school board or other special district, authority,
 320 or governmental entity.

321 (16)~~(11)~~ "Land" means the earth, water, and air, above,
 322 below, or on the surface, and includes any improvements or
 323 structures customarily regarded as land.

324 (17)~~(22)~~ "Land development regulation commission" means a
 325 commission designated by a local government to develop and
 326 recommend, to the local governing body, land development
 327 regulations which implement the adopted comprehensive plan and
 328 to review land development regulations, or amendments thereto,
 329 for consistency with the adopted plan and report to the
 330 governing body regarding its findings. The responsibilities of
 331 the land development regulation commission may be performed by
 332 the local planning agency.

333 (18)~~(23)~~ "Land development regulations" means ordinances
 334 enacted by governing bodies for the regulation of any aspect of

335 development and includes any local government zoning, rezoning,
 336 subdivision, building construction, or sign regulations or any
 337 other regulations controlling the development of land, except
 338 that this definition shall not apply in s. 163.3213.

339 (19)~~(12)~~ "Land use" means the development that has
 340 occurred on the land, the development that is proposed by a
 341 developer on the land, or the use that is permitted or
 342 permissible on the land under an adopted comprehensive plan or
 343 element or portion thereof, land development regulations, or a
 344 land development code, as the context may indicate.

345 (20)~~(13)~~ "Local government" means any county or
 346 municipality.

347 (21)~~(14)~~ "Local planning agency" means the agency
 348 designated to prepare the comprehensive plan or plan amendments
 349 required by this act.

350 (22)~~(15)~~ A "Newspaper of general circulation" means a
 351 newspaper published at least on a weekly basis and printed in
 352 the language most commonly spoken in the area within which it
 353 circulates, but does not include a newspaper intended primarily
 354 for members of a particular professional or occupational group,
 355 a newspaper whose primary function is to carry legal notices, or
 356 a newspaper that is given away primarily to distribute
 357 advertising.

358 (23)~~(31)~~ "Optional sector plan" means an optional process
 359 authorized by s. 163.3245 in which one or more local governments
 360 by agreement with the state land planning agency are allowed to
 361 address development-of-regional-impact issues within certain
 362 designated geographic areas identified in the local

363 comprehensive plan as a means of fostering innovative planning
 364 and development strategies in s. 163.3177(11)(a) and (b),
 365 furthering the purposes of this part and part I of chapter 380,
 366 reducing overlapping data and analysis requirements, protecting
 367 regionally significant resources and facilities, and addressing
 368 extrajurisdictional impacts.

369 (24)~~(16)~~ "Parcel of land" means any quantity of land
 370 capable of being described with such definiteness that its
 371 locations and boundaries may be established, which is designated
 372 by its owner or developer as land to be used, or developed as, a
 373 unit or which has been used or developed as a unit.

374 (25)~~(17)~~ "Person" means an individual, corporation,
 375 governmental agency, business trust, estate, trust, partnership,
 376 association, two or more persons having a joint or common
 377 interest, or any other legal entity.

378 (26)~~(28)~~ "Projects that promote public transportation"
 379 means projects that directly affect the provisions of public
 380 transit, including transit terminals, transit lines and routes,
 381 separate lanes for the exclusive use of public transit services,
 382 transit stops (shelters and stations), office buildings or
 383 projects that include fixed-rail or transit terminals as part of
 384 the building, and projects which are transit oriented and
 385 designed to complement reasonably proximate planned or existing
 386 public facilities.

387 (27)~~(24)~~ "Public facilities" means major capital
 388 improvements, including, but not limited to, transportation,
 389 sanitary sewer, solid waste, drainage, potable water,
 390 educational, parks and recreational, and health systems and

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391 facilities, and spoil disposal sites for maintenance dredging
392 located in the intracoastal waterways, except for spoil disposal
393 sites owned or used by ports listed in s. 403.021(9)(b).

394 (28)~~(18)~~ "Public notice" means notice as required by s.
395 125.66(2) for a county or by s. 166.041(3)(a) for a
396 municipality. The public notice procedures required in this part
397 are established as minimum public notice procedures.

398 (29)~~(19)~~ "Regional planning agency" means the agency
399 designated by the state land planning agency to exercise
400 responsibilities under law in a particular region of the state.

401 (30)~~(20)~~ "State land planning agency" means the Department
402 of State Community Affairs.

403 (31)~~(21)~~ "Structure" has the meaning given it by s.
404 380.031(19).

405 (32)~~(30)~~ "Transportation corridor management" means the
406 coordination of the planning of designated future transportation
407 corridors with land use planning within and adjacent to the
408 corridor to promote orderly growth, to meet the concurrency
409 requirements of this chapter, and to maintain the integrity of
410 the corridor for transportation purposes.

411 (33)~~(27)~~ "Urban infill" means the development of vacant
412 parcels in otherwise built-up areas where public facilities such
413 as sewer systems, roads, schools, and recreation areas are
414 already in place and the average residential density is at least
415 five dwelling units per acre, the average nonresidential
416 intensity is at least a floor area ratio of 1.0 and vacant,
417 developable land does not constitute more than 10 percent of the
418 area.

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419 ~~(34)-(26)~~ "Urban redevelopment" means demolition and
420 reconstruction or substantial renovation of existing buildings
421 or infrastructure within urban infill areas, existing urban
422 service areas, or community redevelopment areas created pursuant
423 to part III.

424 Section 5. Paragraphs (b) and (c) of subsection (3) and
425 paragraphs (a), (j), and (k) of subsection (12) of section
426 163.3177, Florida Statutes, are amended, and paragraph (f) is
427 added to subsection (3) of that section, to read:

428 163.3177 Required and optional elements of comprehensive
429 plan; studies and surveys.--

430 (3)

431 (b)1. The capital improvements element must be reviewed on
432 an annual basis and modified as necessary in accordance with s.
433 163.3187 or s. 163.3189 in order to maintain a financially
434 feasible 5-year schedule of capital improvements. Corrections
435 and modifications concerning costs; revenue sources; or
436 acceptance of facilities pursuant to dedications which are
437 consistent with the plan may be accomplished by ordinance and
438 shall not be deemed to be amendments to the local comprehensive
439 plan. A copy of the ordinance shall be transmitted to the state
440 land planning agency.

441 2. An amendment to the comprehensive plan is required to
442 update the schedule on an annual basis or to eliminate, defer,
443 or delay the construction for any facility listed in the 5-year
444 schedule. All public facilities must be consistent with the
445 capital improvements element. ~~Amendments to implement this~~
446 ~~section must be adopted and transmitted no later than December~~

447 ~~1, 2008. Thereafter, a local government may not amend its future~~
 448 ~~land use map, except for plan amendments to meet new~~
 449 ~~requirements under this part and emergency amendments pursuant~~
 450 ~~to s. 163.3187(1)(a), after December 1, 2008, and every year~~
 451 ~~thereafter, unless and until the local government has adopted~~
 452 ~~the annual update and it has been transmitted to the state land~~
 453 ~~planning agency.~~

454 3.2. Capital improvements element amendments adopted after
 455 the effective date of this act shall require only a single
 456 public hearing before the governing board which shall be an
 457 adoption hearing as described in s. 163.3184(7). Such amendments
 458 are not subject to the requirements of s. 163.3184(3)-(6).

459 (c) If the local government does not adopt the required
 460 annual update to the schedule of capital improvements, the state
 461 land planning agency may issue a notice to the local government
 462 to show cause why sanctions should not be enforced for failure
 463 to submit the annual update and may ~~must~~ notify the
 464 Administration Commission. A local government that has a
 465 demonstrated lack of commitment to meeting its obligations
 466 identified in the capital improvements element may be subject to
 467 sanctions by the Administration Commission pursuant to s.
 468 163.3184(11).

469 (f) A local government that has designated a
 470 transportation concurrency exception area in its comprehensive
 471 plan pursuant to s. 163.3180(5) shall be deemed to meet the
 472 requirement to achieve and maintain level-of-service standards
 473 if the capital improvements element and, as appropriate, the
 474 capital improvements schedule include any capital improvements

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475 planned within the scheduled timeframe based upon the strategies
476 adopted in the plan to promote mobility.

477 (12) A public school facilities element adopted to
478 implement a school concurrency program shall meet the
479 requirements of this subsection. Each county and each
480 municipality within the county, unless exempt or subject to a
481 waiver, must adopt a public school facilities element that is
482 consistent with those adopted by the other local governments
483 within the county and enter the interlocal agreement pursuant to
484 s. 163.31777.

485 (a) The state land planning agency may provide a waiver to
486 a county and to the municipalities within the county if the
487 capacity rate for all schools within the school district is no
488 greater than 100 percent and the projected 5-year capital outlay
489 full-time equivalent student growth rate is less than 10
490 percent. The state land planning agency may allow for a
491 projected 5-year capital outlay full-time equivalent student
492 growth rate to exceed 10 percent when the projected 10-year
493 capital outlay full-time equivalent student enrollment is less
494 than 2,000 students and the capacity rate for all schools within
495 the school district in the tenth year will not exceed the 100-
496 percent limitation. The state land planning agency may allow for
497 a single school to exceed the 100-percent limitation if it can
498 be demonstrated that the capacity rate for that single school is
499 not greater than 105 percent. In making this determination, the
500 state land planning agency shall consider the following
501 criteria:

- 502 1. Whether the exceedance is due to temporary
 503 circumstances;
- 504 2. Whether the projected 5-year capital outlay full time
 505 equivalent student growth rate for the school district is
 506 approaching the 10-percent threshold;
- 507 3. Whether one or more additional schools within the
 508 school district are at or approaching the 100-percent threshold;
 509 and
- 510 4. The adequacy of the data and analysis submitted to
 511 support the waiver request.
- 512 (j) If a local government fails ~~Failure~~ to adopt the
 513 public school facilities element, ~~to~~ enter into an approved
 514 interlocal agreement as required by subparagraph (6) (h)2. and s.
 515 163.31777, or ~~to~~ amend the comprehensive plan as necessary to
 516 implement school concurrency, according to the phased schedule,
 517 ~~shall result in a local government being prohibited from~~
 518 ~~adopting amendments to the comprehensive plan which increase~~
 519 ~~residential density until the necessary amendments have been~~
 520 ~~adopted and transmitted to the state land planning agency.~~
- 521 (k) ~~the~~ the state land planning agency may issue ~~the school~~
 522 ~~board~~ a notice to the school board and the local government to
 523 show cause why sanctions should not be enforced for such failure
 524 ~~to enter into an approved interlocal agreement as required by s.~~
 525 ~~163.31777 or for failure to implement the provisions of this act~~
 526 ~~relating to public school concurrency.~~ The school board may be
 527 subject to sanctions imposed by the Administration Commission
 528 directing the Department of Education to withhold from the
 529 district school board an equivalent amount of funds for school

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530 construction available pursuant to ss. 1013.65, 1013.68,
 531 1013.70, and 1013.72. The local government may be subject to
 532 sanctions by the Administration Commission pursuant to s.
 533 163.3184(11).

534 Section 6. Subsections (5) and (12), paragraph (e) of
 535 subsection (13), and subsection (16) of section 163.3180,
 536 Florida Statutes, are amended to read:

537 163.3180 Concurrency.--

538 (5) (a) The Legislature finds that under limited
 539 circumstances ~~dealing with transportation facilities,~~
 540 countervailing planning and public policy goals may come into
 541 conflict with the requirement that adequate public
 542 transportation facilities and services be available concurrent
 543 with the impacts of such development. The Legislature further
 544 finds that ~~often~~ the unintended result of the concurrency
 545 requirement for transportation facilities is often an impediment
 546 to the promotion of vibrant, sustainable multiuse urban
 547 communities ~~the discouragement of urban infill development and~~
 548 ~~redevelopment.~~ Such unintended results directly conflict with
 549 the goals and policies of the state comprehensive plan and the
 550 intent of this part. Therefore, exceptions from the concurrency
 551 requirement for transportation facilities may be granted as
 552 provided by this subsection.

553 (b) A local government may establish an area within its
 554 jurisdiction that is exempt ~~grant an exception~~ from the
 555 concurrency requirement for transportation facilities pursuant
 556 to the requirements of this subsection ~~if the proposed~~
 557 ~~development is otherwise consistent with the adopted local~~

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558 ~~government comprehensive plan and is a project that promotes~~
559 ~~public transportation or is located within an area designated in~~
560 ~~the comprehensive plan for:~~

- 561 ~~1. Urban infill development;~~
- 562 ~~2. Urban redevelopment;~~
- 563 ~~3. Downtown revitalization;~~
- 564 ~~4. Urban infill and redevelopment under s. 163.2517; or~~
- 565 ~~5. An urban service area specifically designated as a~~
566 ~~transportation concurrency exception area which includes lands~~
567 ~~appropriate for compact, contiguous urban development, which~~
568 ~~does not exceed the amount of land needed to accommodate the~~
569 ~~projected population growth at densities consistent with the~~
570 ~~adopted comprehensive plan within the 10-year planning period,~~
571 ~~and which is served or is planned to be served with public~~
572 ~~facilities and services as provided by the capital improvements~~
573 ~~element.~~

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

584 ~~1.(d) A local government shall establish transportation~~
585 ~~concurrency exception area boundaries guidelines in its the~~

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586 comprehensive plan ~~for granting the exceptions authorized in~~
587 ~~paragraphs (b) and (c) and subsections (7) and (15) which must~~
588 ~~be consistent with and support a comprehensive strategy adopted~~
589 ~~in the plan to promote the purpose of the exceptions.~~

590 2.(e) The local government shall adopt into the
591 comprehensive plan and implement long-term strategies to support
592 and fund mobility within the designated exception area,
593 including alternative modes of transportation. The plan
594 amendment must also demonstrate how strategies will support the
595 purpose of the exception and how mobility within the designated
596 exception area will be provided.

597 3. In addition, the strategies must address urban design;
598 appropriate land use mixes, including intensity and density; and
599 network connectivity plans needed to promote a vibrant,
600 sustainable, multiuse urban community ~~infill, redevelopment, or~~
601 ~~downtown revitalization~~. The comprehensive plan amendment
602 designating the concurrency exception area must be accompanied
603 by data and analysis supporting the local government's
604 determination of the boundaries of the transportation
605 concurrency exception ~~justifying the size of the area.~~

606 ~~(f) Prior to the designation of a concurrency exception~~
607 ~~area, the state land planning agency and the Department of~~
608 ~~Transportation shall be consulted by the local government to~~
609 ~~assess the impact that the proposed exception area is expected~~
610 ~~to have on the adopted level of service standards established~~
611 ~~for Strategic Intermodal System facilities, as defined in s.~~
612 ~~339.64, and roadway facilities funded in accordance with s.~~
613 ~~339.2819. Further,~~

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614 4. The local government shall provide strategies, ~~in~~
615 ~~consultation with the state land planning agency and the~~
616 ~~Department of Transportation, develop a plan to mitigate any~~
617 ~~impacts to the Strategic Intermodal System, including, if~~
618 ~~appropriate, but not limited to, access management, parallel~~
619 ~~reliever roads, and transportation demand management the~~
620 ~~development of a long-term concurrency management system~~
621 ~~pursuant to subsection (9) and s. 163.3177(3)(d). The exceptions~~
622 ~~may be available only within the specific geographic area of the~~
623 ~~jurisdiction designated in the plan. Pursuant to s. 163.3184,~~
624 ~~any affected person may challenge a plan amendment establishing~~
625 ~~these guidelines and the areas within which an exception could~~
626 ~~be granted.~~

627 ~~(d)(g)~~ Before designating a transportation concurrency
628 exception area, the local government shall consult with the
629 state land planning agency, the Department of Transportation,
630 and the appropriate regional planning council to assess the
631 impact the proposed exception area is expected to have on the
632 adopted level of service standards established for Strategic
633 Intermodal System facilities and roadway facilities funded in
634 accordance with s. 339.2819 areas existing prior to July 1,
635 ~~2005, must, at a minimum, meet the provisions of this section by~~
636 ~~July 1, 2006, or at the time of the comprehensive plan update~~
637 ~~pursuant to the evaluation and appraisal report, whichever~~
638 ~~occurs last.~~

639 (e) It is the intent of the Legislature that establishment
640 of transportation concurrency exception areas are a matter of
641 local authority within the jurisdiction of a municipality or

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642 within the boundary of a dense urban area, as defined in s.
643 163.3164, if within the jurisdiction of a county. As such,
644 amendments establishing transportation concurrency exception
645 areas in the comprehensive plan shall be subject to the
646 following review and challenge:

647 1. The state land planning agency, the Department of
648 Transportation, and the appropriate regional planning council
649 may review and comment on the proposed amendment that
650 establishes a transportation concurrency exception area.

651 2. Plan amendments shall be reviewed in the manner
652 described in ss. 163.3184(1), (2), (7), (14), (15), and (16) and
653 163.3187. The state land planning agency may not issue a report
654 as described in s. 163.3184(6)(c) giving any objections,
655 recommendations, or comments on proposed plan amendments or a
656 notice of intent on adopted plan amendments; however, affected
657 persons as defined in s. 163.3184(1)(a) may file a petition for
658 administrative review pursuant to s. 163.3187(3)(a) to challenge
659 the compliance of an adopted plan amendment.

660 (f) Plan amendments establishing transportation
661 concurrency exception areas outside of municipalities or dense
662 urban areas as defined in s. 163.3164 shall be subject to review
663 under s. 163.3184, s. 163.3187, s. 163.3246, or s. 163.32465, as
664 applicable.

665 (g) The Legislature also finds that certain developments,
666 due to their location or character, should be subject to special
667 consideration when applying concurrency for transportation.

668 1. Developments located within urban infill, urban
669 redevelopment, existing urban service, or downtown

670 revitalization areas or areas designated as urban infill and
 671 redevelopment areas under s. 163.2517, that impose only special
 672 part-time demands upon the transportation system, are exempt
 673 from concurrency requirements for transportation facilities. A
 674 special part-time demand is one that does not have more than 200
 675 scheduled events during any calendar year and does not affect
 676 the 100 highest traffic volume hours.

677 2. A development certified by the Office of Tourism,
 678 Trade, and Economic Development as a qualified job creation
 679 project that meets the criteria of s. 403.973(3) may be exempted
 680 from transportation concurrency requirements by the local
 681 government after consulting with the Department of
 682 Transportation concerning any impacts on the Strategic
 683 Intermodal System.

684 (12) (a)1. A development of regional impact satisfies ~~may~~
 685 ~~satisfy~~ the transportation concurrency requirements of the local
 686 comprehensive plan, the local government's concurrency
 687 management system, and s. 380.06 by paying ~~payment of~~ a
 688 proportionate-share contribution for local and regionally
 689 significant traffic impacts, if:

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

693 b. (b) The proportionate-share contribution for local and
 694 regionally significant traffic impacts is sufficient to pay for
 695 one or more ~~required~~ mobility improvements that will benefit the
 696 network of a regionally significant transportation facilities.
 697 ~~facility.~~

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

701 2.~~(d)~~ If the regionally significant transportation
 702 facility to be constructed or improved is under the maintenance
 703 authority of a governmental entity, as defined by s. 334.03(12),
 704 other than the local government having ~~with~~ jurisdiction over
 705 the development of regional impact, the developer shall ~~is~~
 706 ~~required to~~ enter into a binding and legally enforceable
 707 commitment to transfer funds to the governmental entity having
 708 maintenance authority or to otherwise assure construction or
 709 improvement of the facility.

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

714 1. The amount of the proportionate-share contribution
 715 shall be calculated as follows:

716 a. The determination of significantly affected roadways
 717 shall be based upon the cumulative number of trips from the
 718 previously approved stage or phase of development and the
 719 proposed new stage or phase of development expected to reach
 720 roadways during the peak hour at ~~from~~ the complete buildout of a
 721 stage or phase being approved.

722 b. For significantly affected roadways, the developer's
 723 proportionate-share contribution shall be based solely upon the
 724 number of trips from the proposed new stage or phase being
 725 approved which would exceed the peak hour maximum service volume

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726 of the roadway at the adopted level of service or the existing
727 volume, if the adopted level of service has been exceeded,
728 divided by the change in the peak hour maximum service volume of
729 the roadways resulting from the construction of an improvement
730 necessary to maintain the adopted level of service or, if
731 existing conditions exceed the adopted level of service, to
732 maintain existing conditions.

733 c. The existing volume shall be calculated as the peak
734 hour maximum service volume of the roadway at the time the local
735 government reviews the analysis for the phase or stage.

736 2. In order to determine the proportionate-share
737 contribution, the calculated proportionate-share contribution
738 shall be multiplied by the construction cost, at the time of
739 developer payment, of the improvement necessary to maintain the
740 adopted level of service or the existing volume, if the adopted
741 level of service has been exceeded. For purposes of this
742 subparagraph subsection, the term "construction cost" includes
743 all associated costs of the improvement.

744 3. Proportionate-share mitigation shall be limited to
745 ensure that a development of regional impact meeting the
746 requirements of this subsection mitigates its impact on the
747 transportation system but is not responsible for the additional
748 cost of reducing or eliminating backlogs.

749 4. Proportionate-share mitigation shall be applied as a
750 credit against any transportation impact fees or exactions
751 assessed for the traffic impacts of a development.

752 5. Proportionate-share mitigation may be directed toward
753 one or more specific transportation improvements reasonably

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754 related to the mobility demands created by the development, and
755 such improvements may address one or more modes of
756 transportation.

757 6. Payment for improvements that significantly benefit the
758 impacted transportation system satisfies concurrency
759 requirements as a mitigation of the development's stage or phase
760 impacts upon the overall transportation system, even if there
761 remains a failure of concurrency on other impacted facilities.

762 (c) For purposes of this subsection, the term:

763 1. "Backlog" or "backlogged transportation facility" means
764 any facility on which the adopted level-of-service standard is
765 exceeded by the existing trips, plus background trips.

766 2. "Background trips" means trips from sources other than
767 the development project under review that are forecasted by
768 established traffic standards, including, but not limited to,
769 traffic modeling, to be coincident with the particular stage or
770 phase of development under review.

771
772 This subsection also applies to Florida Quality Developments
773 pursuant to s. 380.061 and to detailed specific area plans
774 implementing optional sector plans pursuant to s. 163.3245.

775 (13) School concurrency shall be established on a
776 districtwide basis and shall include all public schools in the
777 district and all portions of the district, whether located in a
778 municipality or an unincorporated area unless exempt from the
779 public school facilities element pursuant to s. 163.3177(12).
780 The application of school concurrency to development shall be
781 based upon the adopted comprehensive plan, as amended. All local

782 governments within a county, except as provided in paragraph
 783 (f), shall adopt and transmit to the state land planning agency
 784 the necessary plan amendments, along with the interlocal
 785 agreement, for a compliance review pursuant to s. 163.3184(7)
 786 and (8). The minimum requirements for school concurrency are the
 787 following:

788 (e) Availability standard.--Consistent with the public
 789 welfare, a local government may not deny an application for site
 790 plan, final subdivision approval, or the functional equivalent
 791 for a development or phase of a development authorizing
 792 residential development for failure to achieve and maintain the
 793 level-of-service standard for public school capacity in a local
 794 school concurrency management system where adequate school
 795 facilities will be in place or under actual construction within
 796 3 years after the issuance of final subdivision or site plan
 797 approval, or the functional equivalent. School concurrency is
 798 satisfied if the developer executes a legally binding commitment
 799 to provide mitigation proportionate to the demand for public
 800 school facilities to be created by actual development of the
 801 property, including, but not limited to, the options described
 802 in subparagraph 1. Options for proportionate-share mitigation of
 803 impacts on public school facilities must be established in the
 804 public school facilities element and the interlocal agreement
 805 pursuant to s. 163.31777.

806 1. Appropriate mitigation options include the contribution
 807 of land; the construction, expansion, or payment for land
 808 acquisition or construction of a public school facility; the
 809 construction of a charter school that complies with the

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810 requirements of s. 1002.33(18)(f); or the creation of mitigation
811 banking based on the construction of a public school facility in
812 exchange for the right to sell capacity credits. Such options
813 must include execution by the applicant and the local government
814 of a development agreement that constitutes a legally binding
815 commitment to pay proportionate-share mitigation for the
816 additional residential units approved by the local government in
817 a development order and actually developed on the property,
818 taking into account residential density allowed on the property
819 prior to the plan amendment that increased the overall
820 residential density. The district school board must be a party
821 to such an agreement. As a condition of its entry into such a
822 development agreement, the local government may require the
823 landowner to agree to continuing renewal of the agreement upon
824 its expiration.

825 2. If the education facilities plan and the public
826 educational facilities element authorize a contribution of land;
827 the construction, expansion, or payment for land acquisition; ~~or~~
828 the construction or expansion of a public school facility, or a
829 portion thereof; or the construction of a charter school that
830 complies with the requirements of s. 1002.33(18)(f), as
831 proportionate-share mitigation, the local government shall
832 credit such a contribution, construction, expansion, or payment
833 toward any other impact fee or exaction imposed by local
834 ordinance for the same need, on a dollar-for-dollar basis at
835 fair market value.

836 3. Any proportionate-share mitigation must be directed by
837 the school board toward a school capacity improvement identified

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838 | in a financially feasible 5-year district work plan that
839 | satisfies the demands created by the development in accordance
840 | with a binding developer's agreement.

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

859 | 5. This paragraph does not limit the authority of a local
860 | government to deny a development permit or its functional
861 | equivalent pursuant to its home rule regulatory powers, except
862 | as provided in this part.

863 | (16) It is the intent of the Legislature to provide a
864 | method by which the impacts of development on transportation
865 | facilities can be mitigated by the cooperative efforts of the

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866 public and private sectors. The methodology used to calculate
867 proportionate fair-share mitigation under this section shall be
868 as provided for in paragraph subsection (12) (b).

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

875 (b)1. In its transportation concurrency management system,
876 a local government shall, ~~by December 1, 2006,~~ include
877 methodologies that will be applied to calculate proportionate
878 fair-share mitigation. A developer may choose to satisfy all
879 transportation concurrency requirements by contributing or
880 paying proportionate fair-share mitigation if transportation
881 facilities or facility segments identified as mitigation for
882 traffic impacts are specifically identified for funding in the
883 5-year schedule of capital improvements in the capital
884 improvements element of the local plan or the long-term
885 concurrency management system or if such contributions or
886 payments to such facilities or segments are reflected in the 5-
887 year schedule of capital improvements in the next regularly
888 scheduled update of the capital improvements element. Updates to
889 the 5-year capital improvements element which reflect
890 proportionate fair-share contributions may not be found not in
891 compliance based on ss. 163.3164 (13) ~~(32)~~ and 163.3177(3) if
892 additional contributions, payments or funding sources are

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893 reasonably anticipated during a period not to exceed 10 years to
894 fully mitigate impacts on the transportation facilities.

895 2. Proportionate fair-share mitigation shall be applied as
896 a credit against any transportation impact fees or exactions
897 assessed for the traffic impacts of a development ~~to the extent~~
898 ~~that all or a portion of the proportionate fair-share mitigation~~
899 ~~is used to address the same capital infrastructure improvements~~
900 ~~contemplated by the local government's impact fee ordinance.~~

901 (c) Proportionate fair-share mitigation includes, without
902 limitation, separately or collectively, private funds,
903 contributions of land, and construction and contribution of
904 facilities and may include public funds as determined by the
905 local government. Proportionate fair-share mitigation may be
906 directed toward one or more specific transportation improvements
907 reasonably related to the mobility demands created by the
908 development and such improvements may address one or more modes
909 of travel. The fair market value of the proportionate fair-share
910 mitigation shall not differ based on the form of mitigation. A
911 local government may not require a development to pay more than
912 its proportionate fair-share contribution regardless of the
913 method of mitigation. Proportionate fair-share mitigation shall
914 be limited to ensure that a development meeting the requirements
915 of this section mitigates its impact on the transportation
916 system but is not responsible for the additional cost of
917 reducing or eliminating backlogs.

918 (d) This subsection does not require a local government to
919 approve a development that is not otherwise qualified for

920 approval pursuant to the applicable local comprehensive plan and
 921 land development regulations.

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

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

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

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948 improvements element amendments not in compliance as provided in
 949 this chapter.

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

953 (i) For purposes of this subsection, the term:

954 1. "Backlog" or "backlogged transportation facility" means
 955 any facility on which the adopted level-of-service standard is
 956 exceeded by the existing trips, plus background trips.

957 2. "Background trips" means trips from sources other than
 958 the development project under review that are forecasted by
 959 established traffic standards, including, but not limited to,
 960 traffic modeling, to be coincident with the particular stage or
 961 phase of development under review.

962 Section 7. Paragraph (d) of subsection (3) of section
 963 163.31801, Florida Statutes, is amended to read:

964 163.31801 Impact fees; short title; intent; definitions;
 965 ordinances levying impact fees.--

966 (3) An impact fee adopted by ordinance of a county or
 967 municipality or by resolution of a special district must, at
 968 minimum:

969 (d) Require that notice be provided no less than 90 days
 970 before the effective date of an ordinance or resolution imposing
 971 a new or increased ~~amended~~ impact fee. A county or municipality
 972 is not required to wait 90 days to decrease, suspend, or
 973 eliminate an impact fee.

974 Section 8. Section 163.31802, Florida Statutes, is created
 975 to read:

976 163.31802 Prohibited standards for security.--A county,
 977 municipality, or other entity of local government may not adopt
 978 or maintain in effect an ordinance or rule that establishes
 979 standards for security that require a lawful business to expend
 980 funds to enhance the services or functions provided by local
 981 government unless specifically provided by general law.

982 Section 9. Subsection (2) of section 163.3184, Florida
 983 Statutes, is amended, and paragraph (e) is added to subsection
 984 (3) of that section, to read:

985 163.3184 Process for adoption of comprehensive plan or
 986 plan amendment.--

987 (2) COORDINATION.--Each comprehensive plan or plan
 988 amendment proposed to be adopted pursuant to this part shall be
 989 transmitted, adopted, and reviewed in the manner prescribed in
 990 this section. The state land planning agency shall have
 991 responsibility for plan review, coordination, and the
 992 preparation and transmission of comments, pursuant to this
 993 section, to the local governing body responsible for the
 994 comprehensive plan. The state land planning agency shall
 995 maintain a single file concerning any proposed or adopted plan
 996 amendment submitted by a local government for any review under
 997 this section. Copies of all correspondence, papers, notes,
 998 memoranda, and other documents received or generated by the
 999 state land planning agency must be placed in the appropriate
 1000 file. Paper copies of all electronic mail correspondence must be
 1001 placed in the file. The file and its contents must be available
 1002 for public inspection and copying as provided in chapter 119. A
 1003 local government may elect to use the streamlined review process

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1004 in s. 163.32465 for any amendment or amendment package not
 1005 expressly excluded by s. 163.32465(4). The local government must
 1006 establish in its transmittal hearing required pursuant to this
 1007 subsection that it elects to undergo the streamlined review
 1008 process. If the local government has not specifically approved
 1009 the streamlined review process for the amendment or amendment
 1010 package, the amendment or amendment package shall be reviewed
 1011 subject to the applicable process established in this section or
 1012 s. 163.3187.

1013 (3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR
 1014 AMENDMENT.--

1015 (e) At the request of an applicant, a local government
 1016 shall consider an application for zoning changes that would be
 1017 required to properly enact the provisions of any proposed plan
 1018 amendment transmitted pursuant to this subsection. Zoning
 1019 changes approved by the local government are contingent upon the
 1020 state land planning agency issuing a notice of intent to find
 1021 that the comprehensive plan or plan amendment transmitted is in
 1022 compliance with this act.

1023 Section 10. Section 163.32465, Florida Statutes, is
 1024 amended to read:

1025 163.32465 Alternative state review processes for ~~of~~ local
 1026 comprehensive plan amendments ~~plans in urban areas.--~~

1027 (1) LEGISLATIVE FINDINGS.--

1028 (a) The Legislature finds that local governments in this
 1029 state have a wide diversity of resources, conditions, abilities,
 1030 and needs. The Legislature also finds that the needs and
 1031 resources of urban areas are different from those of rural areas

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1032 and that different planning and growth management approaches,
 1033 strategies, and techniques are required ~~in urban areas~~. The
 1034 state role in overseeing growth management should reflect this
 1035 diversity and should vary based on local government conditions,
 1036 capabilities, needs, and extent of development. Thus, the
 1037 Legislature recognizes and finds that reduced state oversight of
 1038 local comprehensive planning is justified for some local
 1039 governments ~~in urban areas~~.

1040 (b) The Legislature finds and declares that the diversity
 1041 among local governments of this state ~~state's urban areas~~
 1042 require recognition that the ~~a reduced~~ level of state oversight
 1043 should reflect the ~~because of their high~~ degree of urbanization
 1044 and the planning capabilities and resources available to ~~of many~~
 1045 ~~of their~~ local governments. An Alternative state review
 1046 processes ~~process~~ that are ~~is~~ adequate to protect issues of
 1047 regional or statewide importance should be reflective of local
 1048 governments' needs and capabilities ~~created for appropriate~~
 1049 ~~local governments in these areas~~. Further, the Legislature finds
 1050 that development, including urban infill and redevelopment,
 1051 should be encouraged in ~~these~~ urban areas. The Legislature finds
 1052 that an alternative process for amending local comprehensive
 1053 plans in these areas should be established with an objective of
 1054 streamlining the process and recognizing local responsibility
 1055 and accountability.

1056 ~~(c) The Legislature finds a pilot program will be~~
 1057 ~~beneficial in evaluating an alternative, expedited plan~~
 1058 ~~amendment adoption and review process. Pilot local governments~~

1059 ~~shall represent highly developed counties and the municipalities~~
 1060 ~~within these counties and highly populated municipalities.~~

1061 (2) STATE REVIEW EXEMPTIONS.--Counties that have a
 1062 population greater than 1 million and an average of at least
 1063 1,000 residents per square mile and municipalities that have a
 1064 population greater than 100,000 and an average of at least 1,000
 1065 residents per square mile are subject to the review process
 1066 established in this subsection.

1067 (a) All comprehensive plan amendments, unless specifically
 1068 identified as not eligible under subsection (4), must be adopted
 1069 and reviewed in the manner described in ss. 163.3184(1), (2),
 1070 (7), (14), (15), and (16) and 163.3187, such that state and
 1071 regional agency review is eliminated. The state land planning
 1072 agency may not issue a report as described in s. 163.3184(6)(c)
 1073 giving any objections, recommendations, and comments on proposed
 1074 plan amendments or a notice of intent on adopted plan
 1075 amendments; however, affected persons as defined in s.
 1076 163.3184(1)(a) may file a petition for administrative review
 1077 pursuant to s. 163.3187(3)(a) to challenge the compliance of an
 1078 adopted plan amendment.

1079 (b) The local government's determination that the
 1080 amendment is in compliance is presumed to be correct and shall
 1081 be sustained unless it is shown by a preponderance of the
 1082 evidence that the amendment is not in compliance.

1083 (c) The population and density needed to identify local
 1084 governments that qualify for state review exemption under this
 1085 subsection shall be determined annually by the Office of
 1086 Economic and Demographic Research using the most recent land

1087 area data from the decennial census conducted by the Bureau of
 1088 the Census of the United States Department of Commerce and the
 1089 latest available population estimates determined pursuant to s.
 1090 186.901. For any local government that has a population meeting
 1091 the criteria specified in this subsection and that has had its
 1092 boundaries changed by annexation or contraction or by a new
 1093 incorporation, the office shall determine the population density
 1094 using the new jurisdictional boundaries as recorded in
 1095 accordance with s. 171.091. The office shall annually submit to
 1096 the state land planning agency a list of jurisdictions that meet
 1097 the total population and density criteria necessary to qualify
 1098 for a state review exemption under this subsection, and the
 1099 state land planning agency shall publish the list of
 1100 jurisdictions on its website within 7 days after receiving the
 1101 list.

1102 ~~(3)-(2) STREAMLINED ALTERNATIVE STATE REVIEW PROCESS PILOT~~
 1103 ~~PROGRAM.--A local government may elect pursuant to s. 163.3184~~
 1104 ~~to use the streamlined review process for any amendment or~~
 1105 ~~amendment package not expressly excluded by subsection (4).~~
 1106 ~~Pinellas and Broward Counties, and the municipalities within~~
 1107 ~~these counties, and Jacksonville, Miami, Tampa, and Hialeah~~
 1108 ~~shall follow an alternative state review process provided in~~
 1109 ~~this section. Municipalities within the pilot counties may~~
 1110 ~~elect, by super majority vote of the governing body, not to~~
 1111 ~~participate in the pilot program.~~

1112 ~~(3) PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS~~
 1113 ~~UNDER THE PILOT PROGRAM.--~~

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1114 ~~(a) Plan amendments adopted by the pilot program~~
1115 ~~jurisdictions shall follow the alternate, expedited process in~~
1116 ~~subsections (4) and (5), except as set forth in paragraphs (b)-~~
1117 ~~(c) of this subsection.~~

1118 ~~(b) Amendments that qualify as small-scale development~~
1119 ~~amendments may continue to be adopted by the pilot program~~
1120 ~~jurisdictions pursuant to s. 163.3187(1)(c) and (3).~~

1121 ~~(c) Plan amendments that propose a rural land stewardship~~
1122 ~~area pursuant to s. 163.3177(11)(d); propose an optional sector~~
1123 ~~plan; update a comprehensive plan based on an evaluation and~~
1124 ~~appraisal report; implement new statutory requirements; or new~~
1125 ~~plans for newly incorporated municipalities are subject to state~~
1126 ~~review as set forth in s. 163.3184.~~

1127 ~~(d) Pilot program jurisdictions shall be subject to the~~
1128 ~~frequency and timing requirements for plan amendments set forth~~
1129 ~~in ss. 163.3187 and 163.3191, except where otherwise stated in~~
1130 ~~this section.~~

1131 ~~(e) The mediation and expedited hearing provisions in s.~~
1132 ~~163.3189(3) apply to all plan amendments adopted by the pilot~~
1133 ~~program jurisdictions.~~

1134 ~~(4) INITIAL HEARING ON COMPREHENSIVE PLAN AMENDMENT FOR~~
1135 ~~PILOT PROGRAM.~~

1136 (a)1. The local government shall hold its first public
1137 hearing on a comprehensive plan amendment on a weekday at least
1138 7 days after the day the first advertisement is published
1139 pursuant to the requirements of chapter 125 or chapter 166. Upon
1140 an affirmative vote of not less than a majority of the members
1141 of the governing body present at the hearing, the local

1142 government shall immediately transmit the amendment or
 1143 amendments and appropriate supporting data and analyses to the
 1144 state land planning agency; the appropriate regional planning
 1145 council and water management district; the Department of
 1146 Environmental Protection; the Department of State; the
 1147 Department of Transportation; in the case of municipal plans, to
 1148 the appropriate county; the Fish and Wildlife Conservation
 1149 Commission; the Department of Agriculture and Consumer Services;
 1150 and in the case of amendments that include or impact the public
 1151 school facilities element, the Office of Educational Facilities
 1152 of the Commissioner of Education. The local governing body shall
 1153 also transmit a copy of the amendments and supporting data and
 1154 analyses to any other local government or governmental agency
 1155 that has filed a written request with the governing body.

1156 2.~~(b)~~ The agencies and local governments specified in
 1157 subparagraph 1. ~~paragraph (a)~~ may provide comments regarding the
 1158 amendment or amendments to the local government. The regional
 1159 planning council review and comment shall be limited to effects
 1160 on regional resources or facilities identified in the strategic
 1161 regional policy plan and extrajurisdictional impacts that would
 1162 be inconsistent with the comprehensive plan of the affected
 1163 local government. A regional planning council shall not review
 1164 and comment on a proposed comprehensive plan amendment prepared
 1165 by such council unless the plan amendment has been changed by
 1166 the local government subsequent to the preparation of the plan
 1167 amendment by the regional planning council. County comments on
 1168 municipal comprehensive plan amendments shall be primarily in
 1169 the context of the relationship and effect of the proposed plan

1170 amendments on the county plan. Municipal comments on county plan
 1171 amendments shall be primarily in the context of the relationship
 1172 and effect of the amendments on the municipal plan. State agency
 1173 comments shall clearly identify as objections any issues that,
 1174 if not resolved, may result in an agency request that the state
 1175 land planning agency challenge the plan amendment and may
 1176 include technical guidance on issues of agency jurisdiction as
 1177 it relates to the requirements of this part. ~~Such comments shall~~
 1178 ~~clearly identify issues that, if not resolved, may result in an~~
 1179 ~~agency challenge to the plan amendment. For the purposes of this~~
 1180 ~~pilot program, Agencies shall are encouraged to focus potential~~
 1181 challenges on issues of regional or statewide importance.
 1182 Agencies and local governments must transmit their comments, if
 1183 issued, to the affected local government within 30 days after
 1184 the state land planning agency notifies the affected local
 1185 government that the plan amendment package is complete. The
 1186 state land planning agency shall notify the local government of
 1187 any deficiencies within 5 working days after receipt of an
 1188 amendment package. Any comments from the agencies and local
 1189 governments shall also be transmitted to the state land planning
 1190 agency such that they are received by the local government not
 1191 later than thirty days from the date on which the agency or
 1192 government received the amendment or amendments.

1193 ~~(5) ADOPTION OF COMPREHENSIVE PLAN AMENDMENT FOR PILOT~~
 1194 ~~AREAS.~~

1195 (b) 1. (a) The local government shall hold its second public
 1196 hearing, which shall be a hearing on whether to adopt one or
 1197 more comprehensive plan amendments, on a weekday at least 5 days

1198 after the day the second advertisement is published pursuant to
 1199 the requirements of chapter 125 or chapter 166. Adoption of
 1200 comprehensive plan amendments must be by ordinance and requires
 1201 an affirmative vote of a majority of the members of the
 1202 governing body present at the second hearing. The hearing must
 1203 be conducted and the amendment must be adopted, adopted with
 1204 changes, or not adopted within 120 days after the agency
 1205 comments are received pursuant to subparagraph (a)2. If a local
 1206 government fails to adopt the plan amendment within the
 1207 timeframe set forth in this subparagraph, the plan amendment is
 1208 deemed abandoned and the plan amendment may not be considered
 1209 until the next available amendment cycle pursuant to s.
 1210 163.3187. However, if the applicant or local government, prior
 1211 to the expiration of such timeframe, notifies the state land
 1212 planning agency that the applicant or local government is
 1213 proceeding in good faith to adopt the plan amendment, the state
 1214 land planning agency shall grant one or more extensions not to
 1215 exceed a total of 360 days after the issuance of the agency
 1216 report or comments. During the pendency of any such extension,
 1217 the applicant or local government shall provide to the state
 1218 land planning agency a status report every 90 days identifying
 1219 the items continuing to be addressed and the manner in which the
 1220 items are being addressed.

1221 2.-(b) All comprehensive plan amendments adopted by the
 1222 governing body along with the supporting data and analysis shall
 1223 be transmitted within 10 days of the second public hearing to
 1224 the state land planning agency and any other agency or local

1225 government that provided timely comments under subparagraph
 1226 (a)2. ~~paragraph (4) (b).~~
 1227 ~~(6) ADMINISTRATIVE CHALLENGES TO PLAN AMENDMENTS FOR PILOT~~
 1228 ~~PROGRAM.~~
 1229 (c)1.(a) Any "affected person" as defined in s.
 1230 163.3184(1) (a) may file a petition with the Division of
 1231 Administrative Hearings pursuant to ss. 120.569 and 120.57, with
 1232 a copy served on the affected local government, to request a
 1233 formal hearing to challenge whether the amendments are "in
 1234 compliance" as defined in s. 163.3184(1) (b). This petition must
 1235 be filed with the Division within 30 days after the local
 1236 government adopts the amendment. The state land planning agency
 1237 may intervene in a proceeding instituted by an affected person.
 1238 2.(b) The state land planning agency may file a petition
 1239 with the Division of Administrative Hearings pursuant to ss.
 1240 120.569 and 120.57, with a copy served on the affected local
 1241 government, to request a formal hearing. This petition must be
 1242 filed with the Division within 30 days after the state land
 1243 planning agency notifies the local government that the plan
 1244 amendment package is complete. For purposes of this section, an
 1245 amendment shall be deemed complete if it contains a full,
 1246 executed copy of the adoption ordinance or ordinances; in the
 1247 case of a text amendment, a full copy of the amended language in
 1248 legislative format with new words inserted in the text
 1249 underlined, and words to be deleted lined through with hyphens;
 1250 in the case of a future land use map amendment, a copy of the
 1251 future land use map clearly depicting the parcel, its existing
 1252 future land use designation, and its adopted designation; and a

1253 | copy of any data and analyses the local government deems
 1254 | appropriate. The state land planning agency shall notify the
 1255 | local government of any deficiencies within 5 working days of
 1256 | receipt of an amendment package.

1257 | 3.(e) The state land planning agency's challenge shall be
 1258 | limited to those objections ~~issues~~ raised in the comments
 1259 | provided by the reviewing agencies pursuant to subparagraph
 1260 | (a)2. ~~paragraph (4)(b).~~ The state land planning agency may
 1261 | challenge a plan amendment that has substantially changed from
 1262 | the version on which the agencies provided comments. For the
 1263 | purposes of the streamlined review process under this subsection
 1264 | ~~this pilot program, the Legislature strongly encourages the~~
 1265 | state land planning agency shall ~~to~~ focus any challenge on
 1266 | issues of regional or statewide importance.

1267 | 4.(d) An administrative law judge shall hold a hearing in
 1268 | the affected local jurisdiction. In a proceeding involving an
 1269 | affected person as defined in s. 163.3184(1)(a), the local
 1270 | government's determination of compliance is fairly debatable. In
 1271 | a proceeding in which the state land planning agency challenges
 1272 | the local government's determination that the amendment is "in
 1273 | compliance," the determination is presumed to be correct and
 1274 | shall be sustained unless it is shown by a preponderance of the
 1275 | evidence that the amendment is not "in compliance."

1276 | 5.(e) If the administrative law judge recommends that the
 1277 | amendment be found not in compliance, the judge shall submit the
 1278 | recommended order to the Administration Commission for final
 1279 | agency action. The Administration Commission shall enter a final
 1280 | order within 45 days after its receipt of the recommended order.

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1281 ~~6.(f)~~ If the administrative law judge recommends that the
1282 amendment be found in compliance, the judge shall submit the
1283 recommended order to the state land planning agency.

1284 ~~a.1.~~ If the state land planning agency determines that the
1285 plan amendment should be found not in compliance, the agency
1286 shall refer, within 30 days of receipt of the recommended order,
1287 the recommended order and its determination to the
1288 Administration Commission for final agency action. If the
1289 commission determines that the amendment is not in compliance,
1290 it may sanction the local government as set forth in s.
1291 163.3184(11).

1292 ~~b.2.~~ If the state land planning agency determines that the
1293 plan amendment should be found in compliance, the agency shall
1294 enter its final order not later than 30 days from receipt of the
1295 recommended order.

1296 ~~7.(g)~~ An amendment adopted under the expedited provisions
1297 of this section shall not become effective until after the
1298 completion of the time period available to the state land
1299 planning agency for administrative challenge under this
1300 paragraph 31 days after adoption. If timely challenged, an
1301 amendment shall not become effective until the state land
1302 planning agency or the Administration Commission enters a final
1303 order determining that the adopted amendment is to be in
1304 compliance.

1305 ~~8.(h)~~ Parties to a proceeding under this section may enter
1306 into compliance agreements using the process in s. 163.3184(16).
1307 Any remedial amendment adopted pursuant to a settlement

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1308 agreement shall be provided to the agencies and governments
 1309 listed in subparagraph (a)1. ~~paragraph (4)(a).~~

1310 (4) AMENDMENT GUIDELINES FOR THE STATE REVIEW EXEMPTIONS
 1311 AND STREAMLINED STATE REVIEW PROCESSES.--

1312 (a) The following plan amendments are not eligible for the
 1313 alternative state review processes under this section and shall
 1314 be reviewed subject to the applicable processes established in
 1315 ss. 163.3184 and 163.3187:

1316 1. Designate a rural land stewardship area pursuant to s.
 1317 163.3177(11)(d).

1318 2. Designate an optional sector plan.

1319 3. Relate to an area of critical state concern or a
 1320 coastal high hazard area.

1321 4. Make the first change to a land use for lands that have
 1322 been annexed into a municipality.

1323 5. Update a comprehensive plan based on an evaluation and
 1324 appraisal report.

1325 6. Implement new plans for newly incorporated
 1326 municipalities.

1327 (b) Amendments under the alternative review processes are
 1328 subject to the frequency and timing requirements for plan
 1329 amendments set forth in ss. 163.3187 and 163.3191, except as
 1330 otherwise stated in this section.

1331 (c) The mediation and expedited hearing provisions in s.
 1332 163.3189(3) apply to all plan amendments adopted pursuant to the
 1333 alternative state review processes.

1334 ~~(7) APPLICABILITY OF PILOT PROGRAM IN CERTAIN LOCAL~~
 1335 ~~GOVERNMENTS.--Local governments and specific areas that have~~

1336 ~~been designated for alternate review process pursuant to ss.~~
 1337 ~~163.3246 and 163.3184(17) and (18) are not subject to this~~
 1338 ~~section.~~

1339 (5)~~(8)~~ RULEMAKING AUTHORITY FOR PILOT PROGRAM.--The state
 1340 land planning agency may adopt procedural ~~Agencies shall not~~
 1341 ~~promulgate~~ rules to administer ~~implement~~ this section ~~pilot~~
 1342 ~~program.~~

1343 (6)~~(9)~~ REPORT.--The state land planning agency may, from
 1344 time to time, report to ~~Office of Program Policy Analysis and~~
 1345 ~~Government Accountability shall submit to the Governor, the~~
 1346 ~~President of the Senate,~~ and the Speaker of the House of
 1347 Representatives on the implementation of this section ~~by~~
 1348 ~~December 1, 2008, a report and recommendations for implementing~~
 1349 ~~a statewide program that addresses the legislative findings in~~
 1350 ~~subsection (1) in areas that meet urban criteria. The Office of~~
 1351 ~~Program Policy Analysis and Government Accountability in~~
 1352 ~~consultation with the state land planning agency shall develop~~
 1353 ~~the report and recommendations with input from other state and~~
 1354 ~~regional agencies, local governments, and interest groups.~~
 1355 ~~Additionally, the office shall review local and state actions~~
 1356 ~~and correspondence relating to the pilot program to identify~~
 1357 ~~issues of process and substance in recommending changes to the~~
 1358 ~~pilot program. At a minimum, the report and recommendations~~
 1359 ~~shall include the following:~~

1360 ~~(a) Identification of local governments beyond those~~
 1361 ~~participating in the pilot program that should be subject to the~~
 1362 ~~alternative expedited state review process. The report may~~

1363 ~~recommend that pilot program local governments may no longer be~~
 1364 ~~appropriate for such alternative review process.~~

1365 ~~(b) Changes to the alternative expedited state review~~
 1366 ~~process for local comprehensive plan amendments identified in~~
 1367 ~~the pilot program.~~

1368 ~~(c) Criteria for determining issues of regional or~~
 1369 ~~statewide importance that are to be protected in the alternative~~
 1370 ~~state review process.~~

1371 ~~(d) In preparing the report and recommendations, the~~
 1372 ~~Office of Program Policy Analysis and Government Accountability~~
 1373 ~~shall consult with the state land planning agency, the~~
 1374 ~~Department of Transportation, the Department of Environmental~~
 1375 ~~Protection, and the regional planning agencies in identifying~~
 1376 ~~highly developed local governments to participate in the~~
 1377 ~~alternative expedited state review process. The Office of~~
 1378 ~~Program Policy Analysis and Governmental Accountability shall~~
 1379 ~~also solicit citizen input in the potentially affected areas and~~
 1380 ~~consult with the affected local governments and stakeholder~~
 1381 ~~groups.~~

1382 Section 11. (1) (a) The Legislature finds that the
 1383 existing transportation concurrency system has not adequately
 1384 addressed the transportation needs of this state in an
 1385 effective, predictable, and equitable manner and is not
 1386 producing a sustainable transportation system for the state. The
 1387 Legislature finds that the current system is complex, lacks
 1388 uniformity among jurisdictions, is too focused on roadways to
 1389 the detriment of desired land use patterns and transportation
 1390 alternatives, and frequently prevents the attainment of

1391 important growth management goals.

1392 (b) The Legislature determines that the state shall
 1393 evaluate and, as deemed feasible, implement a different adequate
 1394 public facility requirement for transportation which uses a
 1395 mobility fee. The mobility fee shall be designed to provide for
 1396 mobility needs, ensure that development provides mitigation for
 1397 its impacts on the transportation system in approximate
 1398 proportionality to those impacts, fairly distribute financial
 1399 burdens, and promote compact, mixed-use, and energy efficient
 1400 development.

1401 (2) The Legislature directs the state land planning agency
 1402 and the Department of Transportation, both of which are
 1403 currently performing independent mobility fee studies, to
 1404 coordinate and use those studies in developing a methodology for
 1405 a mobility fee system as follows:

1406 (a) The uniform mobility fee methodology for statewide
 1407 application is intended to replace existing transportation
 1408 concurrency management systems adopted and implemented by local
 1409 governments. The studies shall focus upon developing a
 1410 methodology that includes:

1411 1. A determination of the amount, distribution, and timing
 1412 of vehicular and people-miles traveled by applying
 1413 professionally accepted standards and practices in the
 1414 disciplines of land use and transportation planning, including
 1415 requirements of constitutional and statutory law.

1416 2. The development of an equitable mobility fee that
 1417 provides funding for future mobility needs whereby new
 1418 development mitigates in approximate proportionality its impacts

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1419 on the transportation system, yet is not delayed or held
1420 accountable for system backlogs or failures that are not
1421 directly attributable to the proposed development.

1422 3. The replacement of transportation-related financial
1423 feasibility obligations, proportionate-share contributions for
1424 developments of regional impacts, proportionate fair-share
1425 contributions, and locally adopted transportation impact fees
1426 with the mobility fee, such that a single transportation fee may
1427 be applied uniformly on a statewide basis by application of the
1428 mobility fee formula developed by these studies.

1429 4. Applicability of the mobility fee on a statewide or
1430 more limited geographic basis, accounting for special
1431 requirements arising from implementation for urban, suburban,
1432 and rural areas, including recommendations for an equitable
1433 implementation in these areas.

1434 5. The feasibility of developer contributions of land for
1435 right-of-way or developer-funded improvements to the
1436 transportation network to be recognized as credits against the
1437 mobility fee by entering into mutually acceptable agreements
1438 reached with the impacted jurisdiction.

1439 6. An equitable methodology for distribution of the
1440 mobility fee proceeds among those jurisdictions responsible for
1441 construction and maintenance of the impacted roadways, such that
1442 the collected mobility fees are used for improvements to the
1443 overall transportation network of the impacted jurisdiction.

1444 (b) The state land planning agency and the Department of
1445 Transportation shall develop and submit to the President of the
1446 Senate and the Speaker of the House of Representatives, no later

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1447 than July 15, 2009, an initial interim joint report on the
1448 status of the mobility fee methodology study, no later than
1449 October 1, 2009, a second interim joint report on the status of
1450 the mobility fee methodology study, and no later than December
1451 1, 2009, a final joint report on the mobility fee methodology
1452 study, complete with recommended legislation and a plan to
1453 implement the mobility fee as a replacement for the existing
1454 transportation concurrency management systems adopted and
1455 implemented by local governments. The final joint report shall
1456 also contain, but is not limited to, an economic analysis of
1457 implementation of the mobility fee, activities necessary to
1458 implement the fee, and potential costs and benefits at the state
1459 and local levels and to the private sector.

1460 Section 12. The Department of Transportation shall
1461 establish an approved transportation methodology that recognizes
1462 that a planned, sustainable, or self-sufficient development area
1463 will likely achieve a community internal capture rate in excess
1464 of 30 percent when fully developed. A sustainable or self-
1465 sufficient development area consists of 500 acres or more of
1466 large-scale developments individually or collectively designed
1467 to achieve self containment by providing a balance of land uses
1468 to fulfill a majority of the community's needs. The adopted
1469 transportation methodology shall use a regional transportation
1470 model that incorporates professionally accepted modeling
1471 techniques applicable to well-planned, sustainable communities
1472 of the size, location, mix of uses, and design features
1473 consistent with such communities. The adopted transportation
1474 methodology shall serve as the basis for traffic impact

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1475 assessments by the department of sustainable or self-sufficient
1476 developments. The methodology review must be completed and in
1477 use no later than October 1, 2009.

1478 Section 13. Statewide permit extension.--

1479 (1) In recognition of 2009 real estate market conditions,
1480 any construction or operating permit, development order,
1481 building or environmental permit, or other land use application
1482 that has been approved by a state or local governmental agency
1483 pursuant to chapter 161, chapter 163, chapter 253, chapter 373,
1484 chapter 378, chapter 379, chapter 380, chapter 381, chapter 403,
1485 or chapter 553, Florida Statutes, or pursuant to a local
1486 ordinance or resolution, and that has an expiration date prior
1487 to December 31, 2010, is extended and renewed for a period of 3
1488 years following its date of expiration.

1489 (2) The 3-year extension also applies to phase,
1490 commencement, and build-out dates for any development order,
1491 including any build-out date extension previously granted under
1492 s. 380.06(19)(c), Florida Statutes, local land use approval, or
1493 related permits, including a certificate of concurrency or
1494 developer agreement or the equivalent thereof that has an
1495 expiration date or a previously extended expiration date prior
1496 to December 31, 2010. The completion date for any required
1497 mitigation associated with any phase of construction is
1498 similarly extended so that such mitigation takes place within
1499 the phase originally intended.

1500 (3) The permitholder shall notify the permitting agencies
1501 of the intent to use this extension.

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1502 Section 14. Section 186.513, Florida Statutes, is amended
 1503 to read:

1504 186.513 Reports.--Each regional planning council shall
 1505 prepare and furnish an annual report on its activities to the
 1506 state land planning agency as defined in s. 163.3164~~(20)~~ and the
 1507 local general-purpose governments within its boundaries and,
 1508 upon payment as may be established by the council, to any
 1509 interested person. The regional planning councils shall make a
 1510 joint report and recommendations to appropriate legislative
 1511 committees.

1512 Section 15. Section 186.515, Florida Statutes, is amended
 1513 to read:

1514 186.515 Creation of regional planning councils under
 1515 chapter 163.--Nothing in ss. 186.501-186.507, 186.513, and
 1516 186.515 is intended to repeal or limit the provisions of chapter
 1517 163; however, the local general-purpose governments serving as
 1518 voting members of the governing body of a regional planning
 1519 council created pursuant to ss. 186.501-186.507, 186.513, and
 1520 186.515 are not authorized to create a regional planning council
 1521 pursuant to chapter 163 unless an agency, other than a regional
 1522 planning council created pursuant to ss. 186.501-186.507,
 1523 186.513, and 186.515, is designated to exercise the powers and
 1524 duties in any one or more of ss. 163.3164 (29) ~~(19)~~ and
 1525 380.031(15); in which case, such a regional planning council is
 1526 also without authority to exercise the powers and duties in s.
 1527 163.3164 (29) ~~(19)~~ or s. 380.031(15).

1528 Section 16. Paragraph (a) of subsection (15) of section
 1529 287.042, Florida Statutes, is amended to read:

1530 287.042 Powers, duties, and functions.--The department
1531 shall have the following powers, duties, and functions:

1532 (15) (a) To enter into joint agreements with governmental
1533 agencies, as defined in s. 163.3164~~(10)~~, for the purpose of
1534 pooling funds for the purchase of commodities or information
1535 technology that can be used by multiple agencies. However, the
1536 department shall consult with the State Technology Office on
1537 joint agreements that involve the purchase of information
1538 technology. Agencies entering into joint purchasing agreements
1539 with the department or the State Technology Office shall
1540 authorize the department or the State Technology Office to
1541 contract for such purchases on their behalf.

1542 Section 17. Paragraph (a) of subsection (2) of section
1543 288.975, Florida Statutes, is amended to read:

1544 288.975 Military base reuse plans.--

1545 (2) As used in this section, the term:

1546 (a) "Affected local government" means a local government
1547 adjoining the host local government and any other unit of local
1548 government that is not a host local government but that is
1549 identified in a proposed military base reuse plan as providing,
1550 operating, or maintaining one or more public facilities as
1551 defined in s. 163.3164~~(24)~~ on lands within or serving a military
1552 base designated for closure by the Federal Government.

1553 Section 18. Subsection (5) of section 369.303, Florida
1554 Statutes, is amended to read:

1555 369.303 Definitions.--As used in this part:

1556 (5) "Land development regulation" means a land development
1557 regulation as defined ~~covered by the definition~~ in s.

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1558 | 163.3164~~(23)~~ and any of the types of regulations described in s.
 1559 | 163.3202.

1560 | Section 19. Subsections (1) and (3) of section 420.504,
 1561 | Florida Statutes, are amended to read:

1562 | 420.504 Public corporation; creation, membership, terms,
 1563 | expenses.--

1564 | (1) There is created within the Department of State
 1565 | ~~Community Affairs~~ a public corporation and a public body
 1566 | corporate and politic, to be known as the "Florida Housing
 1567 | Finance Corporation." It is declared to be the intent of and
 1568 | constitutional construction by the Legislature that the Florida
 1569 | Housing Finance Corporation constitutes an entrepreneurial
 1570 | public corporation organized to provide and promote the public
 1571 | welfare by administering the governmental function of financing
 1572 | or refinancing housing and related facilities in Florida and
 1573 | that the corporation is not a department of the executive branch
 1574 | of state government within the scope and meaning of s. 6, Art.
 1575 | IV of the State Constitution, but is functionally related to the
 1576 | Department of State ~~Community Affairs~~ in which it is placed. The
 1577 | executive function of state government to be performed by the
 1578 | secretary of the department in the conduct of the business of
 1579 | the Florida Housing Finance Corporation must be performed
 1580 | pursuant to a contract to monitor and set performance standards
 1581 | for the implementation of the business plan for the provision of
 1582 | housing approved for the corporation as provided in s. 420.0006.
 1583 | This contract shall include the performance standards for the
 1584 | provision of affordable housing in Florida established in the
 1585 | business plan described in s. 420.511.

1586 (3) The corporation is a separate budget entity and is not
 1587 subject to control, supervision, or direction by the Department
 1588 of State ~~Community Affairs~~ in any manner, including, but not
 1589 limited to, personnel, purchasing, transactions involving real
 1590 or personal property, and budgetary matters. The corporation
 1591 shall consist of a board of directors composed of the Secretary
 1592 of State ~~Community Affairs~~ as an ex officio and voting member
 1593 and eight members appointed by the Governor subject to
 1594 confirmation by the Senate from the following:

1595 (a) One citizen actively engaged in the residential home
 1596 building industry.

1597 (b) One citizen actively engaged in the banking or
 1598 mortgage banking industry.

1599 (c) One citizen who is a representative of those areas of
 1600 labor engaged in home building.

1601 (d) One citizen with experience in housing development who
 1602 is an advocate for low-income persons.

1603 (e) One citizen actively engaged in the commercial
 1604 building industry.

1605 (f) One citizen who is a former local government elected
 1606 official.

1607 (g) Two citizens of the state who are not principally
 1608 employed as members or representatives of any of the groups
 1609 specified in paragraphs (a)-(f).

1610 Section 20. Section 420.506, Florida Statutes, is amended
 1611 to read:

1612 420.506 Executive director; agents and employees.--The
 1613 appointment and removal of an executive director shall be by the

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1614 Secretary of State ~~Community Affairs~~, with the advice and
 1615 consent of the corporation's board of directors. The executive
 1616 director shall employ legal and technical experts and such other
 1617 agents and employees, permanent and temporary, as the
 1618 corporation may require, and shall communicate with and provide
 1619 information to the Legislature with respect to the corporation's
 1620 activities. The board is authorized, notwithstanding the
 1621 provisions of s. 216.262, to develop and implement rules
 1622 regarding the employment of employees of the corporation and
 1623 service providers, including legal counsel. The board of
 1624 directors of the corporation is entitled to establish travel
 1625 procedures and guidelines for employees of the corporation. The
 1626 executive director's office and the corporation's files and
 1627 records must be located in Leon County.

1628 Section 21. Subsection (10) of section 420.5095, Florida
 1629 Statutes, is amended to read:

1630 420.5095 Community Workforce Housing Innovation Pilot
 1631 Program.--

1632 (10) The processing of approvals of development orders or
 1633 development permits, as defined in s. 163.3164~~(7)~~ and ~~(8)~~, for
 1634 innovative community workforce housing projects shall be
 1635 expedited.

1636 Section 22. Subsection (16) of section 420.9071, Florida
 1637 Statutes, is amended to read:

1638 420.9071 Definitions.--As used in ss. 420.907-420.9079,
 1639 the term:

1640 (16) "Local housing incentive strategies" means local
 1641 regulatory reform or incentive programs to encourage or

1642 facilitate affordable housing production, which include at a
 1643 minimum, assurance that development orders and development
 1644 permits as defined in s. 163.3164(7) ~~and (8)~~ for affordable
 1645 housing projects are expedited to a greater degree than other
 1646 projects; an ongoing process for review of local policies,
 1647 ordinances, regulations, and plan provisions that increase the
 1648 cost of housing prior to their adoption; and a schedule for
 1649 implementing the incentive strategies. Local housing incentive
 1650 strategies may also include other regulatory reforms, such as
 1651 those enumerated in s. 420.9076 and adopted by the local
 1652 governing body.

1653 Section 23. Paragraph (a) of subsection (4) of section
 1654 420.9076, Florida Statutes, is amended to read:

1655 420.9076 Adoption of affordable housing incentive
 1656 strategies; committees.--

1657 (4) Triennially, the advisory committee shall review the
 1658 established policies and procedures, ordinances, land
 1659 development regulations, and adopted local government
 1660 comprehensive plan of the appointing local government and shall
 1661 recommend specific actions or initiatives to encourage or
 1662 facilitate affordable housing while protecting the ability of
 1663 the property to appreciate in value. The recommendations may
 1664 include the modification or repeal of existing policies,
 1665 procedures, ordinances, regulations, or plan provisions; the
 1666 creation of exceptions applicable to affordable housing; or the
 1667 adoption of new policies, procedures, regulations, ordinances,
 1668 or plan provisions, including recommendations to amend the local
 1669 government comprehensive plan and corresponding regulations,

1670 ordinances, and other policies. At a minimum, each advisory
 1671 committee shall submit a report to the local governing body that
 1672 includes recommendations on, and triennially thereafter
 1673 evaluates the implementation of, affordable housing incentives
 1674 in the following areas:

1675 (a) The processing of approvals of development orders or
 1676 development permits, as defined in s. 163.3164~~(7)~~ and ~~(8)~~, for
 1677 affordable housing projects is expedited to a greater degree
 1678 than other projects.

1679
 1680 The advisory committee recommendations may also include other
 1681 affordable housing incentives identified by the advisory
 1682 committee. Local governments that receive the minimum allocation
 1683 under the State Housing Initiatives Partnership Program shall
 1684 perform the initial review but may elect to not perform the
 1685 triennial review.

1686 Section 24. (1) Effective October 1, 2009, the Division
 1687 of Housing and Community Development and the Division of
 1688 Community Planning of the Department of Community Affairs are
 1689 hereby transferred by a type two transfer, as defined in s.
 1690 20.06(2), Florida Statutes, to the Department of State. The
 1691 transfer includes:

1692 (a) All statutory powers, duties, functions, records,
 1693 personnel, and property of the Division of Housing and Community
 1694 Development and the Division of Community Planning within the
 1695 Department of Community Affairs.

1696 (b) All unexpended balances of appropriations,
 1697 allocations, trust funds, and other funds used to fund the

1698 operations of the Division of Housing and Community Development
 1699 and the Division of Community Planning within the Department of
 1700 Community Affairs.

1701 (c) All existing legal authorities and actions of the
 1702 Division of Housing and Community Development and the Division
 1703 of Community Planning within the Department of Community
 1704 Affairs, including, but not limited to, all pending and
 1705 completed action on orders and rules, all enforcement matters,
 1706 and all delegations, interagency agreements, and contracts with
 1707 federal, state, regional, and local governments and private
 1708 entities.

1709 (2) This section shall not affect the validity of any
 1710 judicial or administrative action involving the Division of
 1711 Housing and Community Development or the Division of Community
 1712 Planning within the Department of Community Affairs pending on
 1713 October 1, 2009, and the Department of State shall be
 1714 substituted as a party in interest in any such action.

1715 Section 25. (1) Effective October 1, 2009, the Division
 1716 of Emergency Management of the Department of Community Affairs
 1717 is hereby transferred by a type two transfer, as defined in s.
 1718 20.06(2), Florida Statutes, to the Executive Office of the
 1719 Governor and is renamed the Office of Emergency Management. The
 1720 transfer includes:

1721 (a) All statutory powers, duties, functions, records,
 1722 personnel, and property of the Division of Emergency Management
 1723 within the Department of Community Affairs.

1724 (b) All unexpended balances of appropriations,
 1725 allocations, trust funds, and other funds used to fund the

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1726 operations of the Division of Emergency Management within the
1727 Department of Community Affairs.

1728 (c) All existing legal authorities and actions of the
1729 Division of Emergency Management, including, but not limited to,
1730 all pending and completed action on orders and rules, all
1731 enforcement matters, and all delegations, interagency
1732 agreements, and contracts with federal, state, regional, and
1733 local governments and private entities.

1734 (2) This section shall not affect the validity of any
1735 judicial or administrative action involving the Division of
1736 Emergency Management within the Department of Community Affairs
1737 pending on October 1, 2009, and the Executive Office of the
1738 Governor shall be substituted as a party in interest in any such
1739 action.

1740 Section 26. Conforming legislation.--The Legislature
1741 recognizes that there is a need to conform the Florida Statutes
1742 to the policy decisions reflected in this act and that there is
1743 a need to resolve apparent conflicts between this act and any
1744 other legislation enacted during 2009 relating to the Department
1745 of Community Affairs, the Department of State, and the Executive
1746 Office of the Governor. Therefore, in the interim between this
1747 act becoming a law and the 2010 Regular Session of the
1748 Legislature or an earlier special session addressing this issue,
1749 the Division of Statutory Revision of the Office of Legislative
1750 Services shall, upon request, provide the relevant substantive
1751 committees of the Senate and the House of Representatives with
1752 assistance to enable such committees to prepare draft

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1753 legislation to conform the Florida Statutes and any legislation
1754 enacted during 2009 to the provisions of this act.

1755 Section 27. The Secretary of State shall evaluate the
1756 programs, functions, and activities transferred to the
1757 Department of State by this act and recommend statutory changes
1758 to best effectuate and incorporate the programs, functions, and
1759 activities within the Department of State, including
1760 recommendations for achieving efficiencies in management and
1761 operation, improving service delivery to the public, and
1762 ensuring compliance with federal and state laws. The secretary
1763 shall submit his or her recommendations to the Governor, the
1764 President of the Senate, and the Speaker of the House of
1765 Representatives no later than January 1, 2010.

1766 Section 28. Except as otherwise provided in this act, it
1767 is the intent of the Legislature that the programs, functions,
1768 and activities of the Department of Community Affairs continue
1769 without significant change during the 2009-2010 fiscal year, and
1770 no change in department rules shall be made until July 1, 2010,
1771 except as is required to reflect changes in or for compliance
1772 with new federal or state laws. This limitation on rule adoption
1773 shall not apply to rules regarding the Florida Building Code
1774 adopted under the authority of chapter 553, Florida Statutes.

1775 Section 29. Paragraph (p) of subsection (5) of section
1776 212.08, Florida Statutes, is amended to read:

1777 212.08 Sales, rental, use, consumption, distribution, and
1778 storage tax; specified exemptions.--The sale at retail, the
1779 rental, the use, the consumption, the distribution, and the
1780 storage to be used or consumed in this state of the following

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1781 are hereby specifically exempt from the tax imposed by this
1782 chapter.

1783 (5) EXEMPTIONS; ACCOUNT OF USE.--

1784 (p) Community contribution tax credit for donations.--

1785 1. Authorization.--Persons who are registered with the
1786 department under s. 212.18 to collect or remit sales or use tax
1787 and who make donations to eligible sponsors are eligible for tax
1788 credits against their state sales and use tax liabilities as
1789 provided in this paragraph:

1790 a. The credit shall be computed as 50 percent of the
1791 person's approved annual community contribution.

1792 b. The credit shall be granted as a refund against state
1793 sales and use taxes reported on returns and remitted in the 12
1794 months preceding the date of application to the department for
1795 the credit as required in sub-subparagraph 3.c. If the annual
1796 credit is not fully used through such refund because of
1797 insufficient tax payments during the applicable 12-month period,
1798 the unused amount may be included in an application for a refund
1799 made pursuant to sub-subparagraph 3.c. in subsequent years
1800 against the total tax payments made for such year. Carryover
1801 credits may be applied for a 3-year period without regard to any
1802 time limitation that would otherwise apply under s. 215.26.

1803 c. A person may not receive more than \$200,000 in annual
1804 tax credits for all approved community contributions made in any
1805 one year.

1806 d. All proposals for the granting of the tax credit
1807 require the prior approval of the Office of Tourism, Trade, and
1808 Economic Development.

1809 e. The total amount of tax credits which may be granted
 1810 for all programs approved under this paragraph, s. 220.183, and
 1811 s. 624.5105 is \$10.5 million annually for projects that provide
 1812 homeownership opportunities for low-income or very-low-income
 1813 households as defined in s. 420.9071(19) and (28) and \$3.5
 1814 million annually for all other projects.

1815 f. A person who is eligible to receive the credit provided
 1816 for in this paragraph, s. 220.183, or s. 624.5105 may receive
 1817 the credit only under the one section of the person's choice.

1818 2. Eligibility requirements.--

1819 a. A community contribution by a person must be in the
 1820 following form:

- 1821 (I) Cash or other liquid assets;
- 1822 (II) Real property;
- 1823 (III) Goods or inventory; or
- 1824 (IV) Other physical resources as identified by the Office
 1825 of Tourism, Trade, and Economic Development.

1826 b. All community contributions must be reserved
 1827 exclusively for use in a project. As used in this sub-
 1828 subparagraph, the term "project" means any activity undertaken
 1829 by an eligible sponsor which is designed to construct, improve,
 1830 or substantially rehabilitate housing that is affordable to low-
 1831 income or very-low-income households as defined in s.
 1832 420.9071(19) and (28); designed to provide commercial,
 1833 industrial, or public resources and facilities; or designed to
 1834 improve entrepreneurial and job-development opportunities for
 1835 low-income persons. A project may be the investment necessary to
 1836 increase access to high-speed broadband capability in rural

1837 communities with enterprise zones, including projects that
 1838 result in improvements to communications assets that are owned
 1839 by a business. A project may include the provision of museum
 1840 educational programs and materials that are directly related to
 1841 any project approved between January 1, 1996, and December 31,
 1842 1999, and located in an enterprise zone designated pursuant to
 1843 s. 290.0065. This paragraph does not preclude projects that
 1844 propose to construct or rehabilitate housing for low-income or
 1845 very-low-income households on scattered sites. With respect to
 1846 housing, contributions may be used to pay the following eligible
 1847 low-income and very-low-income housing-related activities:

1848 (I) Project development impact and management fees for
 1849 low-income or very-low-income housing projects;

1850 (II) Down payment and closing costs for eligible persons,
 1851 as defined in s. 420.9071(19) and (28);

1852 (III) Administrative costs, including housing counseling
 1853 and marketing fees, not to exceed 10 percent of the community
 1854 contribution, directly related to low-income or very-low-income
 1855 projects; and

1856 (IV) Removal of liens recorded against residential
 1857 property by municipal, county, or special district local
 1858 governments when satisfaction of the lien is a necessary
 1859 precedent to the transfer of the property to an eligible person,
 1860 as defined in s. 420.9071(19) and (28), for the purpose of
 1861 promoting home ownership. Contributions for lien removal must be
 1862 received from a nonrelated third party.

1863 c. The project must be undertaken by an "eligible
 1864 sponsor," which includes:

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- 1865 (I) A community action program;
- 1866 (II) A nonprofit community-based development organization
- 1867 whose mission is the provision of housing for low-income or
- 1868 very-low-income households or increasing entrepreneurial and
- 1869 job-development opportunities for low-income persons;
- 1870 (III) A neighborhood housing services corporation;
- 1871 (IV) A local housing authority created under chapter 421;
- 1872 (V) A community redevelopment agency created under s.
- 1873 163.356;
- 1874 (VI) The Florida Industrial Development Corporation;
- 1875 (VII) A historic preservation district agency or
- 1876 organization;
- 1877 (VIII) A regional workforce board;
- 1878 (IX) A direct-support organization as provided in s.
- 1879 1009.983;
- 1880 (X) An enterprise zone development agency created under s.
- 1881 290.0056;
- 1882 (XI) A community-based organization incorporated under
- 1883 chapter 617 which is recognized as educational, charitable, or
- 1884 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
- 1885 and whose bylaws and articles of incorporation include
- 1886 affordable housing, economic development, or community
- 1887 development as the primary mission of the corporation;
- 1888 (XII) Units of local government;
- 1889 (XIII) Units of state government; or
- 1890 (XIV) Any other agency that the Office of Tourism, Trade,
- 1891 and Economic Development designates by rule.
- 1892

1893 In no event may a contributing person have a financial interest
 1894 in the eligible sponsor.

1895 d. The project must be located in an area designated an
 1896 enterprise zone or a Front Porch Florida Community ~~pursuant to~~
 1897 ~~s. 20.18(6)~~, unless the project increases access to high-speed
 1898 broadband capability for rural communities with enterprise zones
 1899 but is physically located outside the designated rural zone
 1900 boundaries. Any project designed to construct or rehabilitate
 1901 housing for low-income or very-low-income households as defined
 1902 in s. 420.9071(19) and (28) is exempt from the area requirement
 1903 of this sub-subparagraph.

1904 e.(I) If, during the first 10 business days of the state
 1905 fiscal year, eligible tax credit applications for projects that
 1906 provide homeownership opportunities for low-income or very-low-
 1907 income households as defined in s. 420.9071(19) and (28) are
 1908 received for less than the annual tax credits available for
 1909 those projects, the Office of Tourism, Trade, and Economic
 1910 Development shall grant tax credits for those applications and
 1911 shall grant remaining tax credits on a first-come, first-served
 1912 basis for any subsequent eligible applications received before
 1913 the end of the state fiscal year. If, during the first 10
 1914 business days of the state fiscal year, eligible tax credit
 1915 applications for projects that provide homeownership
 1916 opportunities for low-income or very-low-income households as
 1917 defined in s. 420.9071(19) and (28) are received for more than
 1918 the annual tax credits available for those projects, the office
 1919 shall grant the tax credits for those applications as follows:

1920 (A) If tax credit applications submitted for approved
 1921 projects of an eligible sponsor do not exceed \$200,000 in total,
 1922 the credits shall be granted in full if the tax credit
 1923 applications are approved.

1924 (B) If tax credit applications submitted for approved
 1925 projects of an eligible sponsor exceed \$200,000 in total, the
 1926 amount of tax credits granted pursuant to sub-sub-sub-
 1927 subparagraph (A) shall be subtracted from the amount of
 1928 available tax credits, and the remaining credits shall be
 1929 granted to each approved tax credit application on a pro rata
 1930 basis.

1931 (II) If, during the first 10 business days of the state
 1932 fiscal year, eligible tax credit applications for projects other
 1933 than those that provide homeownership opportunities for low-
 1934 income or very-low-income households as defined in s.
 1935 420.9071(19) and (28) are received for less than the annual tax
 1936 credits available for those projects, the office shall grant tax
 1937 credits for those applications and shall grant remaining tax
 1938 credits on a first-come, first-served basis for any subsequent
 1939 eligible applications received before the end of the state
 1940 fiscal year. If, during the first 10 business days of the state
 1941 fiscal year, eligible tax credit applications for projects other
 1942 than those that provide homeownership opportunities for low-
 1943 income or very-low-income households as defined in s.
 1944 420.9071(19) and (28) are received for more than the annual tax
 1945 credits available for those projects, the office shall grant the
 1946 tax credits for those applications on a pro rata basis.

1947 3. Application requirements.--

1948 a. Any eligible sponsor seeking to participate in this
 1949 program must submit a proposal to the Office of Tourism, Trade,
 1950 and Economic Development which sets forth the name of the
 1951 sponsor, a description of the project, and the area in which the
 1952 project is located, together with such supporting information as
 1953 is prescribed by rule. The proposal must also contain a
 1954 resolution from the local governmental unit in which the project
 1955 is located certifying that the project is consistent with local
 1956 plans and regulations.

1957 b. Any person seeking to participate in this program must
 1958 submit an application for tax credit to the office which sets
 1959 forth the name of the sponsor, a description of the project, and
 1960 the type, value, and purpose of the contribution. The sponsor
 1961 shall verify the terms of the application and indicate its
 1962 receipt of the contribution, which verification must be in
 1963 writing and accompany the application for tax credit. The person
 1964 must submit a separate tax credit application to the office for
 1965 each individual contribution that it makes to each individual
 1966 project.

1967 c. Any person who has received notification from the
 1968 office that a tax credit has been approved must apply to the
 1969 department to receive the refund. Application must be made on
 1970 the form prescribed for claiming refunds of sales and use taxes
 1971 and be accompanied by a copy of the notification. A person may
 1972 submit only one application for refund to the department within
 1973 any 12-month period.

1974 4. Administration.--

1975 a. The Office of Tourism, Trade, and Economic Development
 1976 may adopt rules pursuant to ss. 120.536(1) and 120.54 necessary
 1977 to administer this paragraph, including rules for the approval
 1978 or disapproval of proposals by a person.

1979 b. The decision of the office must be in writing, and, if
 1980 approved, the notification shall state the maximum credit
 1981 allowable to the person. Upon approval, the office shall
 1982 transmit a copy of the decision to the Department of Revenue.

1983 c. The office shall periodically monitor all projects in a
 1984 manner consistent with available resources to ensure that
 1985 resources are used in accordance with this paragraph; however,
 1986 each project must be reviewed at least once every 2 years.

1987 d. The office shall, in consultation with the Department
 1988 of Community Affairs and the statewide and regional housing and
 1989 financial intermediaries, market the availability of the
 1990 community contribution tax credit program to community-based
 1991 organizations.

1992 5. Notwithstanding sub-subparagraph 1.e., and for the
 1993 2008-2009 fiscal year only, the total amount of tax credit which
 1994 may be granted for all programs approved under this section and
 1995 ss. 220.183 and 624.5105 is \$13 million annually for projects
 1996 that provide homeownership opportunities for low-income or very-
 1997 low-income households as defined in s. 420.9071(19) and (28) and
 1998 \$3.5 million annually for all other projects. This subparagraph
 1999 expires June 30, 2009.

2000 6. Expiration.--This paragraph expires June 30, 2015;
 2001 however, any accrued credit carryover that is unused on that

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2002 date may be used until the expiration of the 3-year carryover
 2003 period for such credit.

2004 Section 30. Paragraph (d) of subsection (2) of section
 2005 220.183, Florida Statutes, is amended to read:

2006 220.183 Community contribution tax credit.--

2007 (2) ELIGIBILITY REQUIREMENTS.--

2008 (d) The project shall be located in an area designated as
 2009 an enterprise zone or a Front Porch Florida Community ~~pursuant~~
 2010 ~~to s. 20.18(6)~~. Any project designed to construct or
 2011 rehabilitate housing for low-income or very-low-income
 2012 households as defined in s. 420.9071(19) and (28) is exempt from
 2013 the area requirement of this paragraph. This section does not
 2014 preclude projects that propose to construct or rehabilitate
 2015 housing for low-income or very-low-income households on
 2016 scattered sites. Any project designed to provide increased
 2017 access to high-speed broadband capabilities which includes
 2018 coverage of a rural enterprise zone may locate the project's
 2019 infrastructure in any area of a rural county.

2020 Section 31. Subsection (3) of section 381.7354, Florida
 2021 Statutes, is amended to read:

2022 381.7354 Eligibility.--

2023 (3) In addition to the grants awarded under subsections
 2024 (1) and (2), up to 20 percent of the funding for the Reducing
 2025 Racial and Ethnic Health Disparities: Closing the Gap grant
 2026 program shall be dedicated to projects that address improving
 2027 racial and ethnic health status within specific Front Porch
 2028 Florida Communities, ~~as designated pursuant to s. 20.18(6)~~.

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2029 Section 32. Paragraph (d) of subsection (2) of section
 2030 624.5105, Florida Statutes, is amended to read:
 2031 624.5105 Community contribution tax credit; authorization;
 2032 limitations; eligibility and application requirements;
 2033 administration; definitions; expiration.--

2034 (2) ELIGIBILITY REQUIREMENTS.--

2035 (d) The project shall be located in an area designated as
 2036 an enterprise zone or a Front Porch Community ~~pursuant to s.~~
 2037 ~~20.18(6)~~. Any project designed to construct or rehabilitate
 2038 housing for low-income or very-low-income households as defined
 2039 in s. 420.9071(19) and (28) is exempt from the area requirement
 2040 of this paragraph.

2041 Section 33. Section 20.18, Florida Statutes, is repealed.

2042 Section 34. Except as otherwise expressly provided in this
 2043 act, this act shall take effect July 1, 2009.