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1
2 An act relating to growth management; providing a
3 short title; amending s. 163.3164, F.S.; revising the
4 definition of the term "existing urban service area";
5 providing a definition for the term "dense urban land
6 area" and providing requirements of the Office of
7 Economic and Demographic Research and the state land
8 planning agency with respect thereto; amending s.
9 163.3177, F.S.; revising requirements for adopting
10 amendments to the capital improvements element of a
11 local comprehensive plan; revising requirements for
12 future land use plan elements and intergovernmental
13 coordination elements of a local comprehensive plan;
14 revising requirements for the public school facilities
15 element implementing a school concurrency program;
16 deleting a penalty for local governments that fail to
17 adopt a public school facilities element and
18 interlocal agreement; authorizing the Administration
19 Commission to impose sanctions; deleting authority of
20 the Administration Commission to impose sanctions on a
21 school board; amending s. 163.3180, F.S.; revising
22 concurrency requirements; providing legislative
23 findings relating to transportation concurrency
24 exception areas; providing for the applicability of
25 transportation concurrency exception areas; deleting
26 certain requirements for transportation concurrency
27 exception areas; providing that the designation of a
28 transportation concurrency exception area does not
29 limit a local government's home rule power to adopt

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30 ordinances or impose fees and does not affect any
31 contract or agreement entered into or development
32 order rendered before such designation; requiring the
33 Office of Program Policy Analysis and Government
34 Accountability to submit a report to the Legislature
35 concerning the effects of the transportation
36 concurrency exception areas; authorizing local
37 governments to provide for a waiver of transportation
38 concurrency requirements for certain projects under
39 certain circumstances; revising school concurrency
40 requirements; requiring charter schools to be
41 considered as a mitigation option under certain
42 circumstances; amending s. 163.31801, F.S.; revising
43 requirements for adoption of impact fees; creating s.
44 163.31802, F.S.; prohibiting establishment of local
45 standards for security cameras requiring businesses to
46 expend funds to enhance local governmental services or
47 functions under certain circumstances; amending s.
48 163.3184, F.S.; revising a definition; requiring local
49 governments to consider applications for certain
50 zoning changes required to comply with proposed plan
51 amendments; amending s. 163.3187, F.S.; revising
52 certain comprehensive plan amendments that are exempt
53 from the twice-per-year limitation; exempting certain
54 additional comprehensive plan amendments from the
55 twice-per-year limitation; amending s. 163.32465,
56 F.S.; authorizing local governments to use the
57 alternative state review process to designate urban
58 service areas; amending s. 171.091, F.S.; requiring

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59 that a municipality submit a copy of any revision to
60 the charter boundary article which results from an
61 annexation or contraction to the Office of Economic
62 and Demographic Research; amending s. 186.509, F.S.;
63 revising provisions relating to a dispute resolution
64 process to reconcile differences on planning and
65 growth management issues between certain parties of
66 interest; providing for mandatory mediation; amending
67 s. 380.06, F.S.; specifying levels of service required
68 in the transportation methodology to be the same
69 levels of service used to evaluate concurrency;
70 revising statutory exemptions from the development of
71 the regional impact review process; providing
72 exemptions for dense urban land areas from the
73 development-of-regional-impact program; providing
74 exceptions; providing legislative findings and
75 determinations relating to replacing the existing
76 transportation concurrency system with a mobility fee
77 system; requiring the state land planning agency and
78 the Department of Transportation to continue mobility
79 fee studies; requiring a joint report on a mobility
80 fee methodology study to the Legislature; specifying
81 report requirements; correcting cross-references;
82 providing for extending and renewing certain permits
83 subject to certain expiration dates; providing for
84 application of the extension to certain related
85 activities; providing for extension of commencement
86 and completion dates; requiring permitholders to
87 notify authorizing agencies of intent to use the

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88 extension and anticipated time of the extension;
89 specifying nonapplication to certain permits;
90 providing for application of certain rules to extended
91 permits; preserving the authority of counties and
92 municipalities to impose certain security and sanitary
93 requirements on property owners under certain
94 circumstances; requiring permitholders to notify
95 permitting agencies of intent to use the extension;
96 amending s. 159.807, F.S.; providing limitations on
97 the Florida Housing Finance Corporation's access to
98 the state allocation pool; deleting a provision
99 exempting the corporation from the applicability of
100 certain uses of the state allocation pool; creating s.
101 193.018, F.S.; providing for the assessment of
102 property receiving the low-income housing tax credit;
103 defining the term "community land trust"; providing
104 for the assessment of structural improvements,
105 condominium parcels, and cooperative parcels on land
106 owned by a community land trust and used to provide
107 affordable housing; providing for the conveyance of
108 structural improvements, condominium parcels, and
109 cooperative parcels subject to certain conditions;
110 specifying the criteria to be used in arriving at just
111 valuation of a structural improvement, condominium
112 parcel, or cooperative parcel; amending s. 196.196,
113 F.S.; providing additional criteria for determining
114 whether certain affordable housing property owned by
115 certain exempt organizations is entitled to an
116 exemption from ad valorem taxation; providing a

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117 definition; subjecting organizations owning certain
118 property to ad valorem taxation under certain
119 circumstances; providing for tax liens; providing for
120 penalties and interest; providing an exception;
121 providing notice requirements; amending s. 196.1978,
122 F.S.; providing that property owned by certain
123 nonprofit entities or Florida-based limited
124 partnerships and used or held for the purpose of
125 providing affordable housing to certain income-
126 qualified persons is exempt from ad valorem taxation;
127 revising legislative intent; amending s. 212.055,
128 F.S.; redefining the term "infrastructure" to allow
129 the proceeds of a local government infrastructure
130 surtax to be used to purchase land for certain
131 purposes relating to construction of affordable
132 housing; amending s. 163.3202, F.S.; requiring that
133 local land development regulations maintain the
134 existing density of residential properties or
135 recreational vehicle parks under certain
136 circumstances; amending s. 420.503, F.S.; defining the
137 term "moderate rehabilitation" for purposes of the
138 Florida Housing Finance Corporation Act; amending s.
139 420.507, F.S.; providing the corporation with the
140 power to provide by rule the criteria for developer
141 and contractor preference; providing criteria for the
142 valuation of domicile and experience of developers and
143 general contractors; amending s. 420.5087, F.S.;
144 revising purposes for which state apartment incentive
145 loans may be used; amending s. 420.622, F.S.;

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146 authorizing the agencies that provide a local homeless
147 assistance continuum of care to use homeless housing
148 assistance grants, provided by the State Office of
149 Homelessness within the Department of Children and
150 Family Services, to acquire transitional or permanent
151 housing units for homeless persons; creating s.
152 420.628, F.S.; providing legislative findings and
153 intent; requiring certain governmental entities to
154 develop and implement strategies and procedures
155 designed to increase affordable housing opportunities
156 for young adults who are leaving the child welfare
157 system; amending s. 420.9071, F.S.; revising and
158 providing definitions; amending s. 420.9072, F.S.;
159 conforming a cross-reference; authorizing counties and
160 eligible municipalities to use funds from the State
161 Housing Initiatives Partnership Program to provide
162 relocation grants for persons who are evicted from
163 rental properties that are in foreclosure; providing
164 eligibility requirements for receiving a grant;
165 providing that authorization for the relocation grants
166 expires July 1, 2010; amending s. 420.9073, F.S.;
167 revising the frequency with which local housing
168 distributions are to be made by the corporation;
169 authorizing the corporation to withhold funds from the
170 total distribution annually for specified purposes;
171 requiring counties and eligible municipalities that
172 receive local housing distributions to expend those
173 funds in a specified manner; amending s. 420.9075,
174 F.S.; requiring that local housing assistance plans

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175 address the special housing needs of persons with
176 disabilities; authorizing counties and certain
177 municipalities to assist persons and households
178 meeting specific income requirements; revising
179 requirements to be included in the local housing
180 assistance plan; requiring counties and certain
181 municipalities to include certain initiatives and
182 strategies in the local housing assistance plan;
183 revising criteria that applies to awards made for the
184 purpose of providing eligible housing; authorizing and
185 limiting the percentage of funds from the local
186 housing distribution which may be used for
187 manufactured housing; extending the expiration date of
188 an exemption from certain income requirements in
189 specified areas; providing for retroactive
190 application; authorizing the use of certain funds for
191 preconstruction activities; providing that certain
192 costs are a program expense; authorizing counties and
193 certain municipalities to award grant funds under
194 certain conditions; providing for the repayment of
195 funds by the local housing assistance trust fund;
196 amending s. 420.9076, F.S.; revising appointments to a
197 local affordable housing advisory committee; revising
198 notice requirements for public hearings of the
199 advisory committee; requiring the committee's final
200 report, evaluation, and recommendations to be
201 submitted to the corporation; deleting cross-
202 references to conform to changes made by the act;
203 repealing s. 420.9078, F.S., relating to state

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204 administration of funds remaining in the Local
205 Government Housing Trust Fund; amending s. 420.9079,
206 F.S.; conforming cross-references; amending s.
207 1001.43, F.S.; revising district school board powers
208 and duties in relation to use of land for affordable
209 housing in certain areas for certain personnel;
210 providing a legislative declaration of important state
211 interest; providing an effective date.
212

213 Be It Enacted by the Legislature of the State of Florida:
214

215 Section 1. This act may be cited as the "Community Renewal
216 Act."

217 Section 2. Subsection (29) of section 163.3164, Florida
218 Statutes, is amended, and subsection (34) is added to that
219 section, to read:

220 163.3164 Local Government Comprehensive Planning and Land
221 Development Regulation Act; definitions.—As used in this act:

222 (29) ~~"Existing Urban service area"~~ means built-up areas
223 where public facilities and services, including, but not limited
224 to, central water and sewer capacity and such as sewage
225 treatment systems, roads, schools, and recreation areas are
226 already in place or are committed in the first 3 years of the
227 capital improvement schedule. In addition, for counties that
228 qualify as dense urban land areas under subsection (34), the
229 nonrural area of a county which has adopted into the county
230 charter a rural area designation or areas identified in the
231 comprehensive plan as urban service areas or urban growth
232 boundaries on or before July 1, 2009, are also urban service

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233 areas under this definition.

234 (34) "Dense urban land area" means:

235 (a) A municipality that has an average of at least 1,000
236 people per square mile of land area and a minimum total
237 population of at least 5,000;

238 (b) A county, including the municipalities located therein,
239 which has an average of at least 1,000 people per square mile of
240 land area; or

241 (c) A county, including the municipalities located therein,
242 which has a population of at least 1 million.

243
244 The Office of Economic and Demographic Research within the
245 Legislature shall annually calculate the population and density
246 criteria needed to determine which jurisdictions qualify as
247 dense urban land areas by using the most recent land area data
248 from the decennial census conducted by the Bureau of the Census
249 of the United States Department of Commerce and the latest
250 available population estimates determined pursuant to s.
251 186.901. If any local government has had an annexation,
252 contraction, or new incorporation, the Office of Economic and
253 Demographic Research shall determine the population density
254 using the new jurisdictional boundaries as recorded in
255 accordance with s. 171.091. The Office of Economic and
256 Demographic Research shall submit to the state land planning
257 agency a list of jurisdictions that meet the total population
258 and density criteria necessary for designation as a dense urban
259 land area by July 1, 2009, and every year thereafter. The state
260 land planning agency shall publish the list of jurisdictions on
261 its Internet website within 7 days after the list is received.

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262 The designation of jurisdictions that qualify or do not qualify
263 as a dense urban land area is effective upon publication on the
264 state land planning agency's Internet website.

265 Section 3. Paragraph (b) of subsection (3), paragraph (h)
266 of subsection (6), and paragraphs (a), (j), and (k) of
267 subsection (12) of section 163.3177, Florida Statutes, are
268 amended, and paragraph (f) is added to subsection (3) of that
269 section, to read:

270 163.3177 Required and optional elements of comprehensive
271 plan; studies and surveys.—

272 (3)

273 (b)1. The capital improvements element must be reviewed on
274 an annual basis and modified as necessary in accordance with s.
275 163.3187 or s. 163.3189 in order to maintain a financially
276 feasible 5-year schedule of capital improvements. Corrections
277 and modifications concerning costs; revenue sources; or
278 acceptance of facilities pursuant to dedications which are
279 consistent with the plan may be accomplished by ordinance and
280 shall not be deemed to be amendments to the local comprehensive
281 plan. A copy of the ordinance shall be transmitted to the state
282 land planning agency. An amendment to the comprehensive plan is
283 required to update the schedule on an annual basis or to
284 eliminate, defer, or delay the construction for any facility
285 listed in the 5-year schedule. All public facilities must be
286 consistent with the capital improvements element. The annual
287 update to the capital improvements element of the comprehensive
288 plan need not comply with the financial feasibility requirement
289 until December 1, 2011. Amendments to implement this section
290 must be adopted and transmitted no later than December 1, 2008.

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291 Thereafter, a local government may not amend its future land use
292 map, except for plan amendments to meet new requirements under
293 this part and emergency amendments pursuant to s.
294 163.3187(1)(a), after December 1, 2011 ~~2008~~, and every year
295 thereafter, unless and until the local government has adopted
296 the annual update and it has been transmitted to the state land
297 planning agency.

298 2. Capital improvements element amendments adopted after
299 the effective date of this act shall require only a single
300 public hearing before the governing board which shall be an
301 adoption hearing as described in s. 163.3184(7). Such amendments
302 are not subject to the requirements of s. 163.3184(3)-(6).

303 (f) A local government's comprehensive plan and plan
304 amendments for land uses within all transportation concurrency
305 exception areas that are designated and maintained in accordance
306 with s. 163.3180(5) shall be deemed to meet the requirement to
307 achieve and maintain level-of-service standards for
308 transportation.

309 (6) In addition to the requirements of subsections (1)-(5)
310 and (12), the comprehensive plan shall include the following
311 elements:

312 (h)1. An intergovernmental coordination element showing
313 relationships and stating principles and guidelines to be used
314 in the accomplishment of coordination of the adopted
315 comprehensive plan with the plans of school boards, regional
316 water supply authorities, and other units of local government
317 providing services but not having regulatory authority over the
318 use of land, with the comprehensive plans of adjacent
319 municipalities, the county, adjacent counties, or the region,

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320 with the state comprehensive plan and with the applicable
321 regional water supply plan approved pursuant to s. 373.0361, as
322 the case may require and as such adopted plans or plans in
323 preparation may exist. This element of the local comprehensive
324 plan shall demonstrate consideration of the particular effects
325 of the local plan, when adopted, upon the development of
326 adjacent municipalities, the county, adjacent counties, or the
327 region, or upon the state comprehensive plan, as the case may
328 require.

329 a. The intergovernmental coordination element shall provide
330 for procedures to identify and implement joint planning areas,
331 especially for the purpose of annexation, municipal
332 incorporation, and joint infrastructure service areas.

333 b. The intergovernmental coordination element shall provide
334 for recognition of campus master plans prepared pursuant to s.
335 1013.30.

336 c. The intergovernmental coordination element shall ~~may~~
337 provide for a ~~voluntary~~ dispute resolution process as
338 established pursuant to s. 186.509 for bringing to closure in a
339 timely manner intergovernmental disputes. ~~A local government may~~
340 ~~develop and use an alternative local dispute resolution process~~
341 ~~for this purpose.~~

342 2. The intergovernmental coordination element shall further
343 state principles and guidelines to be used in the accomplishment
344 of coordination of the adopted comprehensive plan with the plans
345 of school boards and other units of local government providing
346 facilities and services but not having regulatory authority over
347 the use of land. In addition, the intergovernmental coordination
348 element shall describe joint processes for collaborative

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349 planning and decisionmaking on population projections and public
350 school siting, the location and extension of public facilities
351 subject to concurrency, and siting facilities with countywide
352 significance, including locally unwanted land uses whose nature
353 and identity are established in an agreement. Within 1 year of
354 adopting their intergovernmental coordination elements, each
355 county, all the municipalities within that county, the district
356 school board, and any unit of local government service providers
357 in that county shall establish by interlocal or other formal
358 agreement executed by all affected entities, the joint processes
359 described in this subparagraph consistent with their adopted
360 intergovernmental coordination elements.

361 3. To foster coordination between special districts and
362 local general-purpose governments as local general-purpose
363 governments implement local comprehensive plans, each
364 independent special district must submit a public facilities
365 report to the appropriate local government as required by s.
366 189.415.

367 4.a. Local governments must execute an interlocal agreement
368 with the district schoolboard, the county, and nonexempt
369 municipalities pursuant to s. 163.31777. The local government
370 shall amend the intergovernmental coordination element to
371 provide that coordination between the local government and
372 school board is pursuant to the agreement and shall state the
373 obligations of the local government under the agreement.

374 b. Plan amendments that comply with this subparagraph are
375 exempt from the provisions of s. 163.3187(1).

376 5. The state land planning agency shall establish a
377 schedule for phased completion and transmittal of plan

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378 amendments to implement subparagraphs 1., 2., and 3. from all
379 jurisdictions so as to accomplish their adoption by December 31,
380 1999. A local government may complete and transmit its plan
381 amendments to carry out these provisions prior to the scheduled
382 date established by the state land planning agency. The plan
383 amendments are exempt from the provisions of s. 163.3187(1).

384 6. By January 1, 2004, any county having a population
385 greater than 100,000, and the municipalities and special
386 districts within that county, shall submit a report to the
387 Department of Community Affairs which:

388 a. Identifies all existing or proposed interlocal service
389 delivery agreements regarding the following: education; sanitary
390 sewer; public safety; solid waste; drainage; potable water;
391 parks and recreation; and transportation facilities.

392 b. Identifies any deficits or duplication in the provision
393 of services within its jurisdiction, whether capital or
394 operational. Upon request, the Department of Community Affairs
395 shall provide technical assistance to the local governments in
396 identifying deficits or duplication.

397 7. Within 6 months after submission of the report, the
398 Department of Community Affairs shall, through the appropriate
399 regional planning council, coordinate a meeting of all local
400 governments within the regional planning area to discuss the
401 reports and potential strategies to remedy any identified
402 deficiencies or duplications.

403 8. Each local government shall update its intergovernmental
404 coordination element based upon the findings in the report
405 submitted pursuant to subparagraph 6. The report may be used as
406 supporting data and analysis for the intergovernmental

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407 coordination element.

408 (12) A public school facilities element adopted to
409 implement a school concurrency program shall meet the
410 requirements of this subsection. Each county and each
411 municipality within the county, unless exempt or subject to a
412 waiver, must adopt a public school facilities element that is
413 consistent with those adopted by the other local governments
414 within the county and enter the interlocal agreement pursuant to
415 s. 163.31777.

416 (a) The state land planning agency may provide a waiver to
417 a county and to the municipalities within the county if the
418 capacity rate for all schools within the school district is no
419 greater than 100 percent and the projected 5-year capital outlay
420 full-time equivalent student growth rate is less than 10
421 percent. The state land planning agency may allow for a
422 projected 5-year capital outlay full-time equivalent student
423 growth rate to exceed 10 percent when the projected 10-year
424 capital outlay full-time equivalent student enrollment is less
425 than 2,000 students and the capacity rate for all schools within
426 the school district in the tenth year will not exceed the 100-
427 percent limitation. The state land planning agency may allow for
428 a single school to exceed the 100-percent limitation if it can
429 be demonstrated that the capacity rate for that single school is
430 not greater than 105 percent. In making this determination, the
431 state land planning agency shall consider the following
432 criteria:

433 1. Whether the exceedance is due to temporary
434 circumstances;

435 2. Whether the projected 5-year capital outlay full time

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436 equivalent student growth rate for the school district is
437 approaching the 10-percent threshold;

438 3. Whether one or more additional schools within the school
439 district are at or approaching the 100-percent threshold; and

440 4. The adequacy of the data and analysis submitted to
441 support the waiver request.

442 ~~(j) Failure to adopt the public school facilities element,~~
443 ~~to enter into an approved interlocal agreement as required by~~
444 ~~subparagraph (6) (h) 2. and s. 163.31777, or to amend the~~
445 ~~comprehensive plan as necessary to implement school concurrency,~~
446 ~~according to the phased schedule, shall result in a local~~
447 ~~government being prohibited from adopting amendments to the~~
448 ~~comprehensive plan which increase residential density until the~~
449 ~~necessary amendments have been adopted and transmitted to the~~
450 ~~state land planning agency.~~

451 (j)(k) The state land planning agency may issue the school
452 board a notice to the school board and the local government to
453 show cause why sanctions should not be enforced for failure to
454 enter into an approved interlocal agreement as required by s.
455 163.31777 or for failure to implement the provisions of this act
456 relating to public school concurrency. If the state land
457 planning agency finds that insufficient cause exists for the
458 school board's or local government's failure to enter into an
459 approved interlocal agreement as required by s. 163.31777 or for
460 the school board's or local government's failure to implement
461 the provisions relating to public school concurrency, the state
462 land planning agency shall submit its finding to the
463 Administration Commission which may impose on the local
464 government any of the sanctions set forth in s. 163.3184(11) (a)

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465 and (b) and may impose on the district school board any of the
466 sanctions set forth in s. 1008.32(4). ~~The school board may be~~
467 ~~subject to sanctions imposed by the Administration Commission~~
468 ~~directing the Department of Education to withhold from the~~
469 ~~district school board an equivalent amount of funds for school~~
470 ~~construction available pursuant to ss. 1013.65, 1013.68,~~
471 ~~1013.70, and 1013.72.~~

472 Section 4. Subsections (5) and (10) and paragraphs (b) and
473 (e) of subsection (13) of section 163.3180, Florida Statutes,
474 are amended to read:

475 163.3180 Concurrency.—

476 (5) (a) The Legislature finds that under limited
477 circumstances ~~dealing with transportation facilities,~~
478 countervailing planning and public policy goals may come into
479 conflict with the requirement that adequate public
480 transportation facilities and services be available concurrent
481 with the impacts of such development. The Legislature further
482 finds that ~~often~~ the unintended result of the concurrency
483 requirement for transportation facilities is often the
484 discouragement of urban infill development and redevelopment.
485 Such unintended results directly conflict with the goals and
486 policies of the state comprehensive plan and the intent of this
487 part. The Legislature also finds that in urban centers
488 transportation cannot be effectively managed and mobility cannot
489 be improved solely through the expansion of roadway capacity,
490 that the expansion of roadway capacity is not always physically
491 or financially possible, and that a range of transportation
492 alternatives are essential to satisfy mobility needs, reduce
493 congestion, and achieve healthy, vibrant centers. ~~Therefore,~~

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494 ~~exceptions from the concurrency requirement for transportation~~
495 ~~facilities may be granted as provided by this subsection.~~

496 (b)1. The following are transportation concurrency
497 exception areas:

498 a. A municipality that qualifies as a dense urban land area
499 under s. 163.3164;

500 b. An urban service area under s. 163.3164 that has been
501 adopted into the local comprehensive plan and is located within
502 a county that qualifies as a dense urban land area under s.
503 163.3164; and

504 c. A county, including the municipalities located therein,
505 which has a population of at least 900,000 and qualifies as a
506 dense urban land area under s. 163.3164, but does not have an
507 urban service area designated in the local comprehensive plan.

508 2. A municipality that does not qualify as a dense urban
509 land area pursuant to s. 163.3164 may designate in its local
510 comprehensive plan the following areas as transportation
511 concurrency exception areas:

512 a. Urban infill as defined in s. 163.3164;

513 b. Community redevelopment areas as defined in s. 163.340;

514 c. Downtown revitalization areas as defined in s. 163.3164;

515 d. Urban infill and redevelopment under s. 163.2517; or

516 e. Urban service areas as defined in s. 163.3164 or areas
517 within a designated urban service boundary under s.
518 163.3177(14).

519 3. A county that does not qualify as a dense urban land
520 area pursuant to s. 163.3164 may designate in its local
521 comprehensive plan the following areas as transportation
522 concurrency exception areas:

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523 a. Urban infill as defined in s. 163.3164;
524 b. Urban infill and redevelopment under s. 163.2517; or
525 c. Urban service areas as defined in s. 163.3164.

526 4. A local government that has a transportation concurrency
527 exception area designated pursuant to subparagraph 1.,
528 subparagraph 2., or subparagraph 3. shall, within 2 years after
529 the designated area becomes exempt, adopt into its local
530 comprehensive plan land use and transportation strategies to
531 support and fund mobility within the exception area, including
532 alternative modes of transportation. Local governments are
533 encouraged to adopt complementary land use and transportation
534 strategies that reflect the region's shared vision for its
535 future. If the state land planning agency finds insufficient
536 cause for the failure to adopt into its comprehensive plan land
537 use and transportation strategies to support and fund mobility
538 within the designated exception area after 2 years, it shall
539 submit the finding to the Administration Commission, which may
540 impose any of the sanctions set forth in s. 163.3184(11)(a) and
541 (b) against the local government.

542 5. Transportation concurrency exception areas designated
543 pursuant to subparagraph 1., subparagraph 2., or subparagraph 3.
544 do not apply to designated transportation concurrency districts
545 located within a county that has a population of at least 1.5
546 million, has implemented and uses a transportation-related
547 concurrency assessment to support alternative modes of
548 transportation, including, but not limited to, mass transit, and
549 does not levy transportation impact fees within the concurrency
550 district.

551 6. Transportation concurrency exception areas designated

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552 under subparagraph 1., subparagraph 2., or subparagraph 3. do
553 not apply in any county that has exempted more than 40 percent
554 of the area inside the urban service area from transportation
555 concurrency for the purpose of urban infill.

556 7. A local government that does not have a transportation
557 concurrency exception area designated pursuant to subparagraph
558 1., subparagraph 2., or subparagraph 3. may grant an exception
559 from the concurrency requirement for transportation facilities
560 if the proposed development is otherwise consistent with the
561 adopted local government comprehensive plan and is a project
562 that promotes public transportation or is located within an area
563 designated in the comprehensive plan for:

564 a.1. Urban infill development;

565 b.2. Urban redevelopment;

566 c.3. Downtown revitalization;

567 d.4. Urban infill and redevelopment under s. 163.2517; or

568 e.5. An urban service area specifically designated as a
569 transportation concurrency exception area which includes lands
570 appropriate for compact, contiguous urban development, which
571 does not exceed the amount of land needed to accommodate the
572 projected population growth at densities consistent with the
573 adopted comprehensive plan within the 10-year planning period,
574 and which is served or is planned to be served with public
575 facilities and services as provided by the capital improvements
576 element.

577 (c) The Legislature also finds that developments located
578 within urban infill, urban redevelopment, ~~existing~~ urban
579 service, or downtown revitalization areas or areas designated as
580 urban infill and redevelopment areas under s. 163.2517, which

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581 pose only special part-time demands on the transportation
582 system, are exempt ~~should be excepted~~ from the concurrency
583 requirement for transportation facilities. A special part-time
584 demand is one that does not have more than 200 scheduled events
585 during any calendar year and does not affect the 100 highest
586 traffic volume hours.

587 (d) Except for transportation concurrency exception areas
588 designated pursuant to subparagraph (b)1., subparagraph (b)2.,
589 or subparagraph (b)3., the following requirements apply: ~~A local~~
590 ~~government shall establish guidelines in the comprehensive plan~~
591 ~~for granting the exceptions authorized in paragraphs (b) and (c)~~
592 ~~and subsections (7) and (15) which must be consistent with and~~
593 ~~support a comprehensive strategy adopted in the plan to promote~~
594 ~~the purpose of the exceptions.~~

595 1.(e) The local government shall both adopt into the
596 comprehensive plan and implement long-term strategies to support
597 and fund mobility within the designated exception area,
598 including alternative modes of transportation. The plan
599 amendment must also demonstrate how strategies will support the
600 purpose of the exception and how mobility within the designated
601 exception area will be provided.

602 2. ~~In addition,~~ The strategies must address urban design;
603 appropriate land use mixes, including intensity and density; and
604 network connectivity plans needed to promote urban infill,
605 redevelopment, or downtown revitalization. The comprehensive
606 plan amendment designating the concurrency exception area must
607 be accompanied by data and analysis supporting the local
608 government's determination of the boundaries of the
609 transportation concurrency exception ~~justifying the size of the~~

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610 area.

611 ~~(e)-(f) Before designating~~ Prior to the designation of a
612 concurrency exception area pursuant to subparagraph (b)6., the
613 state land planning agency and the Department of Transportation
614 shall be consulted by the local government to assess the impact
615 that the proposed exception area is expected to have on the
616 adopted level-of-service standards established for regional
617 transportation facilities identified pursuant to s. 186.507,
618 including the Strategic Intermodal System facilities, as defined
619 ~~in s. 339.64,~~ and roadway facilities funded in accordance with
620 s. 339.2819. Further, the local government shall provide a plan
621 for the mitigation of, ~~in consultation with the state land~~
622 ~~planning agency and the Department of Transportation,~~ develop a
623 plan to mitigate any impacts to the Strategic Intermodal System,
624 including, if appropriate, access management, parallel reliever
625 roads, transportation demand management, and other measures the
626 ~~development of a long-term concurrency management system~~
627 ~~pursuant to subsection (9) and s. 163.3177(3)(d).~~ The exceptions
628 may be available only within the specific geographic area of the
629 jurisdiction designated in the plan. Pursuant to s. 163.3184,
630 any affected person may challenge a plan amendment establishing
631 these guidelines and the areas within which an exception could
632 be granted.

633 ~~(g) Transportation concurrency exception areas existing~~
634 ~~prior to July 1, 2005, must, at a minimum, meet the provisions~~
635 ~~of this section by July 1, 2006, or at the time of the~~
636 ~~comprehensive plan update pursuant to the evaluation and~~
637 ~~appraisal report, whichever occurs last.~~

638 (f) The designation of a transportation concurrency

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639 exception area does not limit a local government's home rule
640 power to adopt ordinances or impose fees. This subsection does
641 not affect any contract or agreement entered into or development
642 order rendered before the creation of the transportation
643 concurrency exception area except as provided in s.
644 380.06(29) (e).

645 (g) The Office of Program Policy Analysis and Government
646 Accountability shall submit to the President of the Senate and
647 the Speaker of the House of Representatives by February 1, 2015,
648 a report on transportation concurrency exception areas created
649 pursuant to this subsection. At a minimum, the report shall
650 address the methods that local governments have used to
651 implement and fund transportation strategies to achieve the
652 purposes of designated transportation concurrency exception
653 areas, and the effects of the strategies on mobility,
654 congestion, urban design, the density and intensity of land use
655 mixes, and network connectivity plans used to promote urban
656 infill, redevelopment, or downtown revitalization.

657 (10) Except in transportation concurrency exception areas,
658 with regard to roadway facilities on the Strategic Intermodal
659 System designated in accordance with s. ~~ss.339.61, 339.62,~~
660 339.63 , and 339.64, the Florida Intrastate Highway System as
661 defined in s. ~~338.001,~~ and roadway facilities funded in
662 accordance with s. ~~339.2819,~~ local governments shall adopt the
663 level-of-service standard established by the Department of
664 Transportation by rule. However, if the Office of Tourism,
665 Trade, and Economic Development concurs in writing with the
666 local government that the proposed development is for a
667 qualified job creation project under s. 288.0656 or s. 403.973,

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668 the affected local government, after consulting with the
669 Department of Transportation, may provide for a waiver of
670 transportation concurrency for the project. For all other roads
671 on the State Highway System, local governments shall establish
672 an adequate level-of-service standard that need not be
673 consistent with any level-of-service standard established by the
674 Department of Transportation. In establishing adequate level-of-
675 service standards for any arterial roads, or collector roads as
676 appropriate, which traverse multiple jurisdictions, local
677 governments shall consider compatibility with the roadway
678 facility's adopted level-of-service standards in adjacent
679 jurisdictions. Each local government within a county shall use a
680 professionally accepted methodology for measuring impacts on
681 transportation facilities for the purposes of implementing its
682 concurrency management system. Counties are encouraged to
683 coordinate with adjacent counties, and local governments within
684 a county are encouraged to coordinate, for the purpose of using
685 common methodologies for measuring impacts on transportation
686 facilities for the purpose of implementing their concurrency
687 management systems.

688 (13) School concurrency shall be established on a
689 districtwide basis and shall include all public schools in the
690 district and all portions of the district, whether located in a
691 municipality or an unincorporated area unless exempt from the
692 public school facilities element pursuant to s. 163.3177(12).
693 The application of school concurrency to development shall be
694 based upon the adopted comprehensive plan, as amended. All local
695 governments within a county, except as provided in paragraph
696 (f), shall adopt and transmit to the state land planning agency

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697 the necessary plan amendments, along with the interlocal
698 agreement, for a compliance review pursuant to s. 163.3184(7)
699 and (8). The minimum requirements for school concurrency are the
700 following:

701 (b) Level-of-service standards.—The Legislature recognizes
702 that an essential requirement for a concurrency management
703 system is the level of service at which a public facility is
704 expected to operate.

705 1. Local governments and school boards imposing school
706 concurrency shall exercise authority in conjunction with each
707 other to establish jointly adequate level-of-service standards,
708 as defined in chapter 9J-5, Florida Administrative Code,
709 necessary to implement the adopted local government
710 comprehensive plan, based on data and analysis.

711 2. Public school level-of-service standards shall be
712 included and adopted into the capital improvements element of
713 the local comprehensive plan and shall apply districtwide to all
714 schools of the same type. Types of schools may include
715 elementary, middle, and high schools as well as special purpose
716 facilities such as magnet schools.

717 3. Local governments and school boards shall have the
718 option to utilize tiered level-of-service standards to allow
719 time to achieve an adequate and desirable level of service as
720 circumstances warrant.

721 4. For the purpose of determining whether levels of service
722 have been achieved, for the first 3 years of school concurrency
723 implementation, a school district that includes relocatable
724 facilities in its inventory of student stations shall include
725 the capacity of such relocatable facilities as provided in s.

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726 1013.35(2)(b)2.f., provided the relocatable facilities were
727 purchased after 1998 and the relocatable facilities meet the
728 standards for long-term use pursuant to s. 1013.20.

729 (e) Availability standard.—Consistent with the public
730 welfare, a local government may not deny an application for site
731 plan, final subdivision approval, or the functional equivalent
732 for a development or phase of a development authorizing
733 residential development for failure to achieve and maintain the
734 level-of-service standard for public school capacity in a local
735 school concurrency management system where adequate school
736 facilities will be in place or under actual construction within
737 3 years after the issuance of final subdivision or site plan
738 approval, or the functional equivalent. School concurrency is
739 satisfied if the developer executes a legally binding commitment
740 to provide mitigation proportionate to the demand for public
741 school facilities to be created by actual development of the
742 property, including, but not limited to, the options described
743 in subparagraph 1. Options for proportionate-share mitigation of
744 impacts on public school facilities must be established in the
745 public school facilities element and the interlocal agreement
746 pursuant to s. 163.3177.

747 1. Appropriate mitigation options include the contribution
748 of land; the construction, expansion, or payment for land
749 acquisition or construction of a public school facility; the
750 construction of a charter school that complies with the
751 requirements of s. 1002.33(18); or the creation of mitigation
752 banking based on the construction of a public school facility in
753 exchange for the right to sell capacity credits. Such options
754 must include execution by the applicant and the local government

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755 of a development agreement that constitutes a legally binding
756 commitment to pay proportionate-share mitigation for the
757 additional residential units approved by the local government in
758 a development order and actually developed on the property,
759 taking into account residential density allowed on the property
760 prior to the plan amendment that increased the overall
761 residential density. The district school board must be a party
762 to such an agreement. As a condition of its entry into such a
763 development agreement, the local government may require the
764 landowner to agree to continuing renewal of the agreement upon
765 its expiration.

766 2. If the education facilities plan and the public
767 educational facilities element authorize a contribution of land;
768 the construction, expansion, or payment for land acquisition; ~~or~~
769 the construction or expansion of a public school facility, or a
770 portion thereof; or the construction of a charter school that
771 complies with the requirements of s. 1002.33(18), as
772 proportionate-share mitigation, the local government shall
773 credit such a contribution, construction, expansion, or payment
774 toward any other impact fee or exaction imposed by local
775 ordinance for the same need, on a dollar-for-dollar basis at
776 fair market value.

777 3. Any proportionate-share mitigation must be directed by
778 the school board toward a school capacity improvement identified
779 in a financially feasible 5-year district work plan that
780 satisfies the demands created by the development in accordance
781 with a binding developer's agreement.

782 4. If a development is precluded from commencing because
783 there is inadequate classroom capacity to mitigate the impacts

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784 of the development, the development may nevertheless commence if
785 there are accelerated facilities in an approved capital
786 improvement element scheduled for construction in year four or
787 later of such plan which, when built, will mitigate the proposed
788 development, or if such accelerated facilities will be in the
789 next annual update of the capital facilities element, the
790 developer enters into a binding, financially guaranteed
791 agreement with the school district to construct an accelerated
792 facility within the first 3 years of an approved capital
793 improvement plan, and the cost of the school facility is equal
794 to or greater than the development's proportionate share. When
795 the completed school facility is conveyed to the school
796 district, the developer shall receive impact fee credits usable
797 within the zone where the facility is constructed or any
798 attendance zone contiguous with or adjacent to the zone where
799 the facility is constructed.

800 5. This paragraph does not limit the authority of a local
801 government to deny a development permit or its functional
802 equivalent pursuant to its home rule regulatory powers, except
803 as provided in this part.

804 Section 5. Paragraph (d) of subsection (3) of section
805 163.31801, Florida Statutes, is amended to read:

806 163.31801 Impact fees; short title; intent; definitions;
807 ordinances levying impact fees.—

808 (3) An impact fee adopted by ordinance of a county or
809 municipality or by resolution of a special district must, at
810 minimum:

811 (d) Require that notice be provided no less than 90 days
812 before the effective date of an ordinance or resolution imposing

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813 a new or increased ~~amended~~ impact fee. A county or municipality
814 is not required to wait 90 days to decrease, suspend, or
815 eliminate an impact fee.

816 Section 6. Section 163.31802, Florida Statutes, is created
817 to read:

818 163.31802 Prohibited standards for security devices.—A
819 county, municipality, or other entity of local government may
820 not adopt or maintain in effect an ordinance or rule that
821 establishes standards for security cameras that require a lawful
822 business to expend funds to enhance the services or functions
823 provided by local government unless specifically provided by
824 general law. Nothing in this section shall be construed to limit
825 the ability of a county, municipality, airport, seaport, or
826 other local governmental entity to adopt standards for security
827 cameras in publicly operated facilities, including standards for
828 private businesses operating within such public facilities
829 pursuant to a lease or other contractual arrangement.

830 Section 7. Paragraph (b) of subsection (1) of section
831 163.3184, Florida Statutes, is amended, and paragraph (e) is
832 added to subsection (3) of that section, to read:

833 163.3184 Process for adoption of comprehensive plan or plan
834 amendment.—

835 (1) DEFINITIONS.—As used in this section, the term:

836 (b) "In compliance" means consistent with the requirements
837 of ss. 163.3177, ~~when a local government adopts an educational~~
838 ~~facilities element,~~ 163.3178, 163.3180, 163.3191, and 163.3245,
839 with the state comprehensive plan, with the appropriate
840 strategic regional policy plan, and with chapter 9J-5, Florida
841 Administrative Code, where such rule is not inconsistent with

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842 this part and with the principles for guiding development in
843 designated areas of critical state concern and with part III of
844 chapter 369, where applicable.

845 (3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR
846 AMENDMENT.—

847 (e) At the request of an applicant, a local government
848 shall consider an application for zoning changes that would be
849 required to properly enact the provisions of any proposed plan
850 amendment transmitted pursuant to this subsection. Zoning
851 changes approved by the local government are contingent upon the
852 comprehensive plan or plan amendment transmitted becoming
853 effective.

854 Section 8. Paragraphs (b) and (f) of subsection (1) of
855 section 163.3187, Florida Statutes, are amended, and paragraph
856 (q) is added to that subsection, to read:

857 163.3187 Amendment of adopted comprehensive plan.—

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

861 (b) Any local government comprehensive plan amendments
862 directly related to a proposed development of regional impact,
863 including changes which have been determined to be substantial
864 deviations and including Florida Quality Developments pursuant
865 to s. 380.061, may be initiated by a local planning agency and
866 considered by the local governing body at the same time as the
867 application for development approval using the procedures
868 provided for local plan amendment in this section and applicable
869 local ordinances, ~~without regard to statutory or local ordinance~~
870 ~~limits on the frequency of consideration of amendments to the~~

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871 ~~local comprehensive plan. Nothing in this subsection shall be~~
872 ~~deemed to require favorable consideration of a plan amendment~~
873 ~~solely because it is related to a development of regional~~
874 ~~impact.~~

875 ~~(f) Any comprehensive plan amendment that changes the~~
876 ~~schedule in~~ The capital improvements element annual update
877 required in s. 163.3177(3)(b)1.7 and any amendments directly
878 related to the schedule, ~~may be made once in a calendar year on~~
879 ~~a date different from the two times provided in this subsection~~
880 ~~when necessary to coincide with the adoption of the local~~
881 ~~government's budget and capital improvements program.~~

882 (g) Any local government plan amendment to designate an
883 urban service area as a transportation concurrency exception
884 area under s. 163.3180(5)(b)2. or 3. and an area exempt from the
885 development-of-regional-impact process under s. 380.06(29).

886 Section 9. Subsection (2) of section 163.32465, Florida
887 Statutes, is amended to read:

888 163.32465 State review of local comprehensive plans in
889 urban areas.—

890 (2) ALTERNATIVE STATE REVIEW PROCESS PILOT PROGRAM.—
891 Pinellas and Broward Counties, and the municipalities within
892 these counties, and Jacksonville, Miami, Tampa, and Hialeah
893 shall follow an alternative state review process provided in
894 this section. Municipalities within the pilot counties may
895 elect, by super majority vote of the governing body, not to
896 participate in the pilot program. In addition to the pilot
897 program jurisdictions, any local government may use the
898 alternative state review process to designate an urban service
899 area as defined in s. 163.3164(29) in its comprehensive plan.

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900 Section 10. Section 171.091, Florida Statutes, is amended
901 to read:

902 171.091 Recording.—Any change in the municipal boundaries
903 through annexation or contraction shall revise the charter
904 boundary article and shall be filed as a revision of the charter
905 with the Department of State within 30 days. A copy of such
906 revision must be submitted to the Office of Economic and
907 Demographic Research along with a statement specifying the
908 population census effect and the affected land area.

909 Section 11. Section 186.509, Florida Statutes, is amended
910 to read:

911 186.509 Dispute resolution process.—Each regional planning
912 council shall establish by rule a dispute resolution process to
913 reconcile differences on planning and growth management issues
914 between local governments, regional agencies, and private
915 interests. The dispute resolution process shall, within a
916 reasonable set of timeframes, provide for: voluntary meetings
917 among the disputing parties; if those meetings fail to resolve
918 the dispute, initiation of mandatory ~~voluntary~~ mediation or a
919 similar process; if that process fails, initiation of
920 arbitration or administrative or judicial action, where
921 appropriate. The council shall not utilize the dispute
922 resolution process to address disputes involving environmental
923 permits or other regulatory matters unless requested to do so by
924 the parties. The resolution of any issue through the dispute
925 resolution process shall not alter any person's right to a
926 judicial determination of any issue if that person is entitled
927 to such a determination under statutory or common law.

928 Section 12. Paragraph (a) of subsection (7) and subsections

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929 (24) and (28) of section 380.06, Florida Statutes, are amended,
930 and subsection (29) is added to that section, to read:

931 380.06 Developments of regional impact.—

932 (7) PREAPPLICATION PROCEDURES.—

933 (a) Before filing an application for development approval,
934 the developer shall contact the regional planning agency with
935 jurisdiction over the proposed development to arrange a
936 preapplication conference. Upon the request of the developer or
937 the regional planning agency, other affected state and regional
938 agencies shall participate in this conference and shall identify
939 the types of permits issued by the agencies, the level of
940 information required, and the permit issuance procedures as
941 applied to the proposed development. The levels of service
942 required in the transportation methodology shall be the same
943 levels of service used to evaluate concurrency in accordance
944 with s. 163.3180. The regional planning agency shall provide the
945 developer information about the development-of-regional-impact
946 process and the use of preapplication conferences to identify
947 issues, coordinate appropriate state and local agency
948 requirements, and otherwise promote a proper and efficient
949 review of the proposed development. If agreement is reached
950 regarding assumptions and methodology to be used in the
951 application for development approval, the reviewing agencies may
952 not subsequently object to those assumptions and methodologies
953 unless subsequent changes to the project or information obtained
954 during the review make those assumptions and methodologies
955 inappropriate.

956 (24) STATUTORY EXEMPTIONS.—

957 (a) Any proposed hospital is exempt from the provisions of

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958 this section.

959 (b) Any proposed electrical transmission line or electrical
960 power plant is exempt from the provisions of this section.

961 (c) Any proposed addition to an existing sports facility
962 complex is exempt from the provisions of this section if the
963 addition meets the following characteristics:

964 1. It would not operate concurrently with the scheduled
965 hours of operation of the existing facility.

966 2. Its seating capacity would be no more than 75 percent of
967 the capacity of the existing facility.

968 3. The sports facility complex property is owned by a
969 public body prior to July 1, 1983.

970

971 This exemption does not apply to any pari-mutuel facility.

972 (d) Any proposed addition or cumulative additions
973 subsequent to July 1, 1988, to an existing sports facility
974 complex owned by a state university is exempt if the increased
975 seating capacity of the complex is no more than 30 percent of
976 the capacity of the existing facility.

977 (e) Any addition of permanent seats or parking spaces for
978 an existing sports facility located on property owned by a
979 public body prior to July 1, 1973, is exempt from the provisions
980 of this section if future additions do not expand existing
981 permanent seating or parking capacity more than 15 percent
982 annually in excess of the prior year's capacity.

983 (f) Any increase in the seating capacity of an existing
984 sports facility having a permanent seating capacity of at least
985 50,000 spectators is exempt from the provisions of this section,
986 provided that such an increase does not increase permanent

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987 seating capacity by more than 5 percent per year and not to
988 exceed a total of 10 percent in any 5-year period, and provided
989 that the sports facility notifies the appropriate local
990 government within which the facility is located of the increase
991 at least 6 months prior to the initial use of the increased
992 seating, in order to permit the appropriate local government to
993 develop a traffic management plan for the traffic generated by
994 the increase. Any traffic management plan shall be consistent
995 with the local comprehensive plan, the regional policy plan, and
996 the state comprehensive plan.

997 (g) Any expansion in the permanent seating capacity or
998 additional improved parking facilities of an existing sports
999 facility is exempt from the provisions of this section, if the
1000 following conditions exist:

1001 1.a. The sports facility had a permanent seating capacity
1002 on January 1, 1991, of at least 41,000 spectator seats;

1003 b. The sum of such expansions in permanent seating capacity
1004 does not exceed a total of 10 percent in any 5-year period and
1005 does not exceed a cumulative total of 20 percent for any such
1006 expansions; or

1007 c. The increase in additional improved parking facilities
1008 is a one-time addition and does not exceed 3,500 parking spaces
1009 serving the sports facility; and

1010 2. The local government having jurisdiction of the sports
1011 facility includes in the development order or development permit
1012 approving such expansion under this paragraph a finding of fact
1013 that the proposed expansion is consistent with the
1014 transportation, water, sewer and stormwater drainage provisions
1015 of the approved local comprehensive plan and local land

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1016 development regulations relating to those provisions.

1017

1018 Any owner or developer who intends to rely on this statutory
1019 exemption shall provide to the department a copy of the local
1020 government application for a development permit. Within 45 days
1021 of receipt of the application, the department shall render to
1022 the local government an advisory and nonbinding opinion, in
1023 writing, stating whether, in the department's opinion, the
1024 prescribed conditions exist for an exemption under this
1025 paragraph. The local government shall render the development
1026 order approving each such expansion to the department. The
1027 owner, developer, or department may appeal the local government
1028 development order pursuant to s. 380.07, within 45 days after
1029 the order is rendered. The scope of review shall be limited to
1030 the determination of whether the conditions prescribed in this
1031 paragraph exist. If any sports facility expansion undergoes
1032 development-of-regional-impact review, all previous expansions
1033 which were exempt under this paragraph shall be included in the
1034 development-of-regional-impact review.

1035 (h) Expansion to port harbors, spoil disposal sites,
1036 navigation channels, turning basins, harbor berths, and other
1037 related inwater harbor facilities of ports listed in s.
1038 403.021(9)(b), port transportation facilities and projects
1039 listed in s. 311.07(3)(b), and intermodal transportation
1040 facilities identified pursuant to s. 311.09(3) are exempt from
1041 the provisions of this section when such expansions, projects,
1042 or facilities are consistent with comprehensive master plans
1043 that are in compliance with the provisions of s. 163.3178.

1044 (i) Any proposed facility for the storage of any petroleum

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1045 product or any expansion of an existing facility is exempt from
1046 the provisions of this section.

1047 (j) Any renovation or redevelopment within the same land
1048 parcel which does not change land use or increase density or
1049 intensity of use.

1050 (k) Waterport and marina development, including dry storage
1051 facilities, are exempt from the provisions of this section.

1052 (l) Any proposed development within an urban service
1053 boundary established under s. 163.3177(14), which is not
1054 otherwise exempt pursuant to subsection (29), is exempt from the
1055 provisions of this section if the local government having
1056 jurisdiction over the area where the development is proposed has
1057 adopted the urban service boundary, has entered into a binding
1058 agreement with jurisdictions that would be impacted and with the
1059 Department of Transportation regarding the mitigation of impacts
1060 on state and regional transportation facilities, and has adopted
1061 a proportionate share methodology pursuant to s. 163.3180(16).

1062 (m) Any proposed development within a rural land
1063 stewardship area created under s. 163.3177(11)(d) is exempt from
1064 the provisions of this section if the local government that has
1065 adopted the rural land stewardship area has entered into a
1066 binding agreement with jurisdictions that would be impacted and
1067 the Department of Transportation regarding the mitigation of
1068 impacts on state and regional transportation facilities, and has
1069 adopted a proportionate share methodology pursuant to s.
1070 163.3180(16).

1071 ~~(n) Any proposed development or redevelopment within an~~
1072 ~~area designated as an urban infill and redevelopment area under~~
1073 ~~s. 163.2517 is exempt from this section if the local government~~

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1074 ~~has entered into a binding agreement with jurisdictions that~~
1075 ~~would be impacted and the Department of Transportation regarding~~
1076 ~~the mitigation of impacts on state and regional transportation~~
1077 ~~facilities, and has adopted a proportionate share methodology~~
1078 ~~pursuant to s. 163.3180(16).~~

1079 (n)~~(e)~~ The establishment, relocation, or expansion of any
1080 military installation as defined in s. 163.3175, is exempt from
1081 this section.

1082 (o)~~(p)~~ Any self-storage warehousing that does not allow
1083 retail or other services is exempt from this section.

1084 (p)~~(q)~~ Any proposed nursing home or assisted living
1085 facility is exempt from this section.

1086 (q)~~(r)~~ Any development identified in an airport master plan
1087 and adopted into the comprehensive plan pursuant to s.
1088 163.3177(6)(k) is exempt from this section.

1089 (r)~~(s)~~ Any development identified in a campus master plan
1090 and adopted pursuant to s. 1013.30 is exempt from this section.

1091 (s)~~(t)~~ Any development in a specific area plan which is
1092 prepared pursuant to s. 163.3245 and adopted into the
1093 comprehensive plan is exempt from this section.

1094 (t)~~(u)~~ Any development within a county with a research and
1095 education authority created by special act and that is also
1096 within a research and development park that is operated or
1097 managed by a research and development authority pursuant to part
1098 V of chapter 159 is exempt from this section.

1099
1100 If a use is exempt from review as a development of regional
1101 impact under paragraphs (a)-(s)~~(t)~~, but will be part of a larger
1102 project that is subject to review as a development of regional

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1103 impact, the impact of the exempt use must be included in the
1104 review of the larger project, unless such exempt use involves a
1105 development of regional impact that includes a landowner,
1106 tenant, or user that has entered into a funding agreement with
1107 the Office of Tourism, Trade, and Economic Development under the
1108 Innovation Incentive Program and the agreement contemplates a
1109 state award of at least \$50 million.

1110 (28) PARTIAL STATUTORY EXEMPTIONS.—

1111 (a) If the binding agreement referenced under paragraph
1112 (24) (l) for urban service boundaries is not entered into within
1113 12 months after establishment of the urban service boundary, the
1114 development-of-regional-impact review for projects within the
1115 urban service boundary must address transportation impacts only.

1116 (b) If the binding agreement referenced under paragraph
1117 (24) (m) for rural land stewardship areas is not entered into
1118 within 12 months after the designation of a rural land
1119 stewardship area, the development-of-regional-impact review for
1120 projects within the rural land stewardship area must address
1121 transportation impacts only.

1122 (c) If the binding agreement ~~referenced under paragraph~~
1123 ~~(24) (n)~~ for designated urban infill and redevelopment areas is
1124 not entered into within 12 months after the designation of the
1125 area or July 1, 2007, whichever occurs later, the development-
1126 of-regional-impact review for projects within the urban infill
1127 and redevelopment area must address transportation impacts only.

1128 (d) A local government that does not wish to enter into a
1129 binding agreement or that is unable to agree on the terms of the
1130 agreement referenced under paragraph (24) (l) or paragraph
1131 (24) (m), ~~or paragraph (24) (n)~~ shall provide written notification

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1132 to the state land planning agency of the decision to not enter
1133 into a binding agreement or the failure to enter into a binding
1134 agreement within the 12-month period referenced in paragraphs
1135 (a), (b) and (c). Following the notification of the state land
1136 planning agency, development-of-regional-impact review for
1137 projects within an urban service boundary under paragraph
1138 (24) (l), or a rural land stewardship area under paragraph
1139 (24) (m), ~~or an urban infill and redevelopment area under~~
1140 ~~paragraph (24) (n)~~, must address transportation impacts only.

1141 (e) The vesting provision of s. 163.3167(8) relating to an
1142 authorized development of regional impact shall not apply to
1143 those projects partially exempt from the development-of-
1144 regional-impact review process under paragraphs (a)-(d).

1145 (29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—

1146 (a) The following are exempt from this section:

- 1147 1. Any proposed development in a municipality that
1148 qualifies as a dense urban land area as defined in s. 163.3164;
1149 2. Any proposed development within a county that qualifies
1150 as a dense urban land area as defined in s. 163.3164 and that is
1151 located within an urban service area defined in s. 163.3164
1152 which has been adopted into the comprehensive plan; or
1153 3. Any proposed development within a county, including the
1154 municipalities located therein, which has a population of at
1155 least 900,000, which qualifies as a dense urban land area under
1156 s. 163.3164, but which does not have an urban service area
1157 designated in the comprehensive plan.

1158 (b) If a municipality that does not qualify as a dense
1159 urban land area pursuant to s. 163.3164 designates any of the
1160 following areas in its comprehensive plan, any proposed

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1161 development within the designated area is exempt from the
1162 development-of-regional-impact process:

- 1163 1. Urban infill as defined in s. 163.3164;
1164 2. Community redevelopment areas as defined in s. 163.340;
1165 3. Downtown revitalization areas as defined in s. 163.3164;
1166 4. Urban infill and redevelopment under s. 163.2517; or
1167 5. Urban service areas as defined in s. 163.3164 or areas
1168 within a designated urban service boundary under s.
1169 163.3177(14).

1170 (c) If a county that does not qualify as a dense urban land
1171 area pursuant to s. 163.3164 designates any of the following
1172 areas in its comprehensive plan, any proposed development within
1173 the designated area is exempt from the development-of-regional-
1174 impact process:

- 1175 1. Urban infill as defined in s. 163.3164;
1176 2. Urban infill and redevelopment under s. 163.2517; or
1177 3. Urban service areas as defined in s. 163.3164.

1178 (d) A development that is located partially outside an area
1179 that is exempt from the development-of-regional-impact program
1180 must undergo development-of-regional-impact review pursuant to
1181 this section.

1182 (e) In an area that is exempt under paragraphs (a)-(c), any
1183 previously approved development-of-regional-impact development
1184 orders shall continue to be effective, but the developer has the
1185 option to be governed by s. 380.115(1). A pending application
1186 for development approval shall be governed by s. 380.115(2). A
1187 development that has a pending application for a comprehensive
1188 plan amendment and that elects not to continue development-of-
1189 regional-impact review is exempt from the limitation on plan

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1190 amendments set forth in s. 163.3187(1) for the year following
1191 the effective date of the exemption.

1192 (f) Local governments must submit by mail a development
1193 order to the state land planning agency for projects that would
1194 be larger than 120 percent of any applicable development-of
1195 regional-impact threshold and would require development-of-
1196 regional-impact review but for the exemption from the program
1197 under paragraphs (a)-(c). For such development orders, the state
1198 land planning agency may appeal the development order pursuant
1199 to s. 380.07 for inconsistency with the comprehensive plan
1200 adopted under chapter 163.

1201 (g) If a local government that qualifies as a dense urban
1202 land area under this subsection is subsequently found to be
1203 ineligible for designation as a dense urban land area, any
1204 development located within that area which has a complete,
1205 pending application for authorization to commence development
1206 may maintain the exemption if the developer is continuing the
1207 application process in good faith or the development is
1208 approved.

1209 (h) This subsection does not limit or modify the rights of
1210 any person to complete any development that has been authorized
1211 as a development of regional impact pursuant to this chapter.

1212 (i) This subsection does not apply to areas:

1213 1. Within the boundary of any area of critical state
1214 concern designated pursuant to s. 380.05;

1215 2. Within the boundary of the Wekiva Study Area as
1216 described in s. 369.316; or

1217 3. Within 2 miles of the boundary of the Everglades
1218 Protection Area as described in s. 373.4592(2).

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1219 Section 13. (1) (a) The Legislature finds that the existing
1220 transportation concurrency system has not adequately addressed
1221 the transportation needs of this state in an effective,
1222 predictable, and equitable manner and is not producing a
1223 sustainable transportation system for the state. The Legislature
1224 finds that the current system is complex, inequitable, lacks
1225 uniformity among jurisdictions, is too focused on roadways to
1226 the detriment of desired land use patterns and transportation
1227 alternatives, and frequently prevents the attainment of
1228 important growth management goals.

1229 (b) The Legislature determines that the state shall
1230 evaluate and consider the implementation of a mobility fee to
1231 replace the existing transportation concurrency system. The
1232 mobility fee should be designed to provide for mobility needs,
1233 ensure that development provides mitigation for its impacts on
1234 the transportation system in approximate proportionality to
1235 those impacts, fairly distribute the fee among the governmental
1236 entities responsible for maintaining the impacted roadways, and
1237 promote compact, mixed-use, and energy-efficient development.

1238 (2) The state land planning agency and the Department of
1239 Transportation shall continue their respective current mobility
1240 fee studies and develop and submit to the President of the
1241 Senate and the Speaker of the House of Representatives, no later
1242 than December 1, 2009, a final joint report on the mobility fee
1243 methodology study, complete with recommended legislation and a
1244 plan to implement the mobility fee as a replacement for the
1245 existing local government adopted and implemented transportation
1246 concurrency management systems. The final joint report shall
1247 also contain, but is not limited to, an economic analysis of

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1248 implementation of the mobility fee, activities necessary to
1249 implement the fee, and potential costs and benefits at the state
1250 and local levels and to the private sector.

1251 Section 14. (1) Except as provided in subsection (4), and
1252 in recognition of 2009 real estate market conditions, any permit
1253 issued by the Department of Environmental Protection or a water
1254 management district pursuant to part IV of chapter 373, Florida
1255 Statutes, that has an expiration date of September 1, 2008,
1256 through January 1, 2012, is extended and renewed for a period of
1257 2 years following its date of expiration. This extension
1258 includes any local government-issued development order or
1259 building permit. The 2-year extension also applies to build out
1260 dates including any build out date extension previously granted
1261 under s. 380.06(19)(c), Florida Statutes. This section shall not
1262 be construed to prohibit conversion from the construction phase
1263 to the operation phase upon completion of construction.

1264 (2) The commencement and completion dates for any required
1265 mitigation associated with a phased construction project shall
1266 be extended such that mitigation takes place in the same
1267 timeframe relative to the phase as originally permitted.

1268 (3) The holder of a valid permit or other authorization
1269 that is eligible for the 2-year extension shall notify the
1270 authorizing agency in writing no later than December 31, 2009,
1271 identifying the specific authorization for which the holder
1272 intends to use the extension and the anticipated timeframe for
1273 acting on the authorization.

1274 (4) The extension provided for in subsection (1) does not
1275 apply to:

1276 (a) A permit or other authorization under any programmatic

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1277 or regional general permit issued by the Army Corps of
1278 Engineers.

1279 (b) A permit or other authorization held by an owner or
1280 operator determined to be in significant noncompliance with the
1281 conditions of the permit or authorization as established through
1282 the issuance of a warning letter or notice of violation, the
1283 initiation of formal enforcement, or other equivalent action by
1284 the authorizing agency.

1285 (c) A permit or other authorization, if granted an
1286 extension, that would delay or prevent compliance with a court
1287 order.

1288 (5) Permits extended under this section shall continue to
1289 be governed by rules in effect at the time the permit was
1290 issued, except when it can be demonstrated that the rules in
1291 effect at the time the permit was issued would create an
1292 immediate threat to public safety or health. This provision
1293 shall apply to any modification of the plans, terms, and
1294 conditions of the permit that lessens the environmental impact,
1295 except that any such modification shall not extend the time
1296 limit beyond 2 additional years.

1297 (6) Nothing in this section shall impair the authority of a
1298 county or municipality to require the owner of a property, that
1299 has notified the county or municipality of the owner's intention
1300 to receive the extension of time granted by this section, to
1301 maintain and secure the property in a safe and sanitary
1302 condition in compliance with applicable laws and ordinances.

1303 Section 15. Subsection (4) of section 159.807, Florida
1304 Statutes, is amended to read:

1305 159.807 State allocation pool.—

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1306 (4) (a) The state allocation pool shall also be used to
1307 provide written confirmations for private activity bonds that
1308 are to be issued by state agencies, which bonds, notwithstanding
1309 any other provisions of this part, shall receive priority in the
1310 use of the pool available at the time the notice of intent to
1311 issue such bonds is filed with the division.

1312 (b) Notwithstanding the provisions of paragraph (a), on or
1313 before November 15 of each year, the Florida Housing Finance
1314 Corporation's access to the state allocation pool is limited to
1315 the amount of the corporation's initial allocation under s.
1316 159.804. Thereafter, the corporation may not receive more than
1317 80 percent of the amount in the state allocation pool on
1318 November 16 of each year, and may not receive more than 80
1319 percent of any additional amounts that become available during
1320 each year. The limitations of this paragraph do not apply to the
1321 distribution of the unused allocation of the state volume
1322 limitation to the Florida Housing Finance Corporation under s.
1323 159.81(2) (b), (c), and (d). This subsection does not apply to
1324 the Florida Housing Finance Corporation:

1325 1. ~~Until its allocation pursuant to s. 159.804(3) has been~~
1326 ~~exhausted, is unavailable, or is inadequate to provide an~~
1327 ~~allocation pursuant to s. 159.804(3) and any carryforwards of~~
1328 ~~volume limitation from prior years for the same carryforward~~
1329 ~~purpose, as that term is defined in s. 146 of the Code, as the~~
1330 ~~bonds it intends to issue have been completely utilized or have~~
1331 ~~expired.~~

1332 2. ~~Prior to July 1 of any year, when housing bonds for~~
1333 ~~which the Florida Housing Finance Corporation has made an~~
1334 ~~assignment of its allocation permitted by s. 159.804(3) (c) have~~

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1335 ~~not been issued.~~

1336 Section 16. Section 193.018, Florida Statutes, is created
1337 to read:

1338 193.018 Land owned by a community land trust used to
1339 provide affordable housing; assessment; structural improvements,
1340 condominium parcels, and cooperative parcels.-

1341 (1) As used in this section, the term "community land
1342 trust" means a nonprofit entity that is qualified as charitable
1343 under s. 501(c) (3) of the Internal Revenue Code and has as one
1344 of its purposes the acquisition of land to be held in perpetuity
1345 for the primary purpose of providing affordable homeownership.

1346 (2) A community land trust may convey structural
1347 improvements, condominium parcels, or cooperative parcels, that
1348 are located on specific parcels of land that are identified by a
1349 legal description contained in and subject to a ground lease
1350 having a term of at least 99 years, for the purpose of providing
1351 affordable housing to natural persons or families who meet the
1352 extremely-low-income, very-low-income, low-income, or moderate-
1353 income limits specified in s. 420.0004, or the income limits for
1354 workforce housing, as defined in s. 420.5095(3). A community
1355 land trust shall retain a preemptive option to purchase any
1356 structural improvements, condominium parcels, or cooperative
1357 parcels on the land at a price determined by a formula specified
1358 in the ground lease which is designed to ensure that the
1359 structural improvements, condominium parcels, or cooperative
1360 parcels remain affordable.

1361 (3) In arriving at just valuation under s. 193.011, a
1362 structural improvement, condominium parcel, or cooperative
1363 parcel providing affordable housing on land owned by a community

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1364 land trust, and the land owned by a community land trust that is
1365 subject to a 99-year or longer ground lease, shall be assessed
1366 using the following criteria:

1367 (a) The amount a willing purchaser would pay a willing
1368 seller for the land is limited to an amount commensurate with
1369 the terms of the ground lease that restricts the use of the land
1370 to the provision of affordable housing in perpetuity.

1371 (b) The amount a willing purchaser would pay a willing
1372 seller for resale-restricted improvements, condominium parcels,
1373 or cooperative parcels is limited to the amount determined by
1374 the formula in the ground lease.

1375 (c) If the ground lease and all amendments and supplements
1376 thereto, or a memorandum documenting how such lease and
1377 amendments or supplements restrict the price at which the
1378 improvements, condominium parcels, or cooperative parcels may be
1379 sold, is recorded in the official public records of the county
1380 in which the leased land is located, the recorded lease and any
1381 amendments and supplements, or the recorded memorandum, shall be
1382 deemed a land use regulation during the term of the lease as
1383 amended or supplemented.

1384 Section 17. Subsection (5) is added to section 196.196,
1385 Florida Statutes, to read:

1386 196.196 Determining whether property is entitled to
1387 charitable, religious, scientific, or literary exemption.-

1388 (5) (a) Property owned by an exempt organization qualified
1389 as charitable under s. 501(c) (3) of the Internal Revenue Code is
1390 used for a charitable purpose if the organization has taken
1391 affirmative steps to prepare the property to provide affordable
1392 housing to persons or families that meet the extremely-low-

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1393 income, very-low-income, low-income, or moderate-income limits,
1394 as specified in s. 420.0004. The term "affirmative steps" means
1395 environmental or land use permitting activities, creation of
1396 architectural plans or schematic drawings, land clearing or site
1397 preparation, construction or renovation activities, or other
1398 similar activities that demonstrate a commitment of the property
1399 to providing affordable housing.

1400 (b)1. If property owned by an organization granted an
1401 exemption under this subsection is transferred for a purpose
1402 other than directly providing affordable homeownership or rental
1403 housing to persons or families who meet the extremely-low-
1404 income, very-low-income, low-income, or moderate-income limits,
1405 as specified in s. 420.0004, or is not in actual use to provide
1406 such affordable housing within 5 years after the date the
1407 organization is granted the exemption, the property appraiser
1408 making such determination shall serve upon the organization that
1409 illegally or improperly received the exemption a notice of
1410 intent to record in the public records of the county a notice of
1411 tax lien against any property owned by that organization in the
1412 county, and such property shall be identified in the notice of
1413 tax lien. The organization owning such property is subject to
1414 the taxes otherwise due and owing as a result of the failure to
1415 use the property to provide affordable housing plus 15 percent
1416 interest per annum and a penalty of 50 percent of the taxes
1417 owed.

1418 2. Such lien, when filed, attaches to any property
1419 identified in the notice of tax lien owned by the organization
1420 that illegally or improperly received the exemption. If such
1421 organization no longer owns property in the county but owns

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1422 property in any other county in the state, the property
1423 appraiser shall record in each such other county a notice of tax
1424 lien identifying the property owned by such organization in such
1425 county which shall become a lien against the identified
1426 property. Before any such lien may be filed, the organization so
1427 notified must be given 30 days to pay the taxes, penalties, and
1428 interest.

1429 3. If an exemption is improperly granted as a result of a
1430 clerical mistake or an omission by the property appraiser, the
1431 organization improperly receiving the exemption shall not be
1432 assessed a penalty or interest.

1433 4. The 5-year limitation specified in this subsection may
1434 be extended if the holder of the exemption continues to take
1435 affirmative steps to develop the property for the purposes
1436 specified in this subsection.

1437 Section 18. Section 196.1978, Florida Statutes, is amended
1438 to read:

1439 196.1978 Affordable housing property exemption.—Property
1440 used to provide affordable housing serving eligible persons as
1441 defined by s. 159.603(7) and natural persons or families meeting
1442 the extremely-low-income, very-low-income, low-income, or
1443 moderate-income persons meeting income limits specified in s.
1444 420.0004 s. 420.0004(8), (10), (11), and (15), which property is
1445 owned entirely by a nonprofit entity that is a corporation not
1446 for profit, qualified as charitable under s. 501(c)(3) of the
1447 Internal Revenue Code and in compliance with Rev. Proc. 96-32,
1448 1996-1 C.B. 717, or a Florida-based limited partnership, the
1449 sole general partner of which is a corporation not for profit
1450 which is qualified as charitable under s. 501(c)(3) of the

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1451 Internal Revenue Code and which complies with Rev. Proc. 96-32,
1452 1996-1 C.B. 717, shall be considered property owned by an exempt
1453 entity and used for a charitable purpose, and those portions of
1454 the affordable housing property which provide housing to natural
1455 persons or families classified as extremely low income, very low
1456 income, low income, or moderate income under s. 420.0004
1457 ~~individuals with incomes as defined in s. 420.0004(10) and (15)~~
1458 shall be exempt from ad valorem taxation to the extent
1459 authorized in s. 196.196. All property identified in this
1460 section shall comply with the criteria for determination of
1461 exempt status to be applied by property appraisers on an annual
1462 basis as defined in s. 196.195. The Legislature intends that any
1463 property owned by a limited liability company or limited
1464 partnership which is disregarded as an entity for federal income
1465 tax purposes pursuant to Treasury Regulation 301.7701-
1466 3(b)(1)(ii) shall be treated as owned by its sole member or sole
1467 general partner.

1468 Section 19. Paragraph (d) of subsection (2) of section
1469 212.055, Florida Statutes, is amended to read:

1470 212.055 Discretionary sales surtaxes; legislative intent;
1471 authorization and use of proceeds.—It is the legislative intent
1472 that any authorization for imposition of a discretionary sales
1473 surtax shall be published in the Florida Statutes as a
1474 subsection of this section, irrespective of the duration of the
1475 levy. Each enactment shall specify the types of counties
1476 authorized to levy; the rate or rates which may be imposed; the
1477 maximum length of time the surtax may be imposed, if any; the
1478 procedure which must be followed to secure voter approval, if
1479 required; the purpose for which the proceeds may be expended;

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1480 and such other requirements as the Legislature may provide.
1481 Taxable transactions and administrative procedures shall be as
1482 provided in s. 212.054.

1483 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

1484 (d)~~1~~. The proceeds of the surtax authorized by this
1485 subsection and any accrued interest ~~accrued thereto~~ shall be
1486 expended by the school district, ~~or~~ within the county and
1487 municipalities within the county, or, in the case of a
1488 negotiated joint county agreement, within another county, to
1489 finance, plan, and construct infrastructure; ~~and~~ to acquire land
1490 for public recreation, ~~or~~ conservation, or protection of natural
1491 resources; ~~or~~ and to finance the closure of county-owned or
1492 municipally owned solid waste landfills that have been ~~are~~
1493 ~~already~~ closed or are required to be closed ~~close~~ by order of
1494 the Department of Environmental Protection. Any use of the ~~such~~
1495 proceeds or interest for purposes of landfill closure before
1496 ~~prior to~~ July 1, 1993, is ratified. ~~Neither~~ The proceeds and ~~nor~~
1497 any interest may not ~~accrued thereto shall~~ be used for the
1498 operational expenses of ~~any~~ infrastructure, except that a ~~any~~
1499 county that has ~~with~~ a population of fewer ~~less~~ than 75,000 and
1500 that is required to close a landfill ~~by order of the Department~~
1501 ~~of Environmental Protection~~ may use the proceeds or ~~any~~ interest
1502 ~~accrued thereto~~ for long-term maintenance costs associated with
1503 landfill closure. Counties, as defined in s. 125.011 ~~s.~~
1504 ~~125.011(1)~~, and charter counties may, in addition, use the
1505 proceeds or ~~and~~ any interest ~~accrued thereto~~ to retire or
1506 service indebtedness incurred for bonds issued before ~~prior to~~
1507 July 1, 1987, for infrastructure purposes, and for bonds
1508 subsequently issued to refund such bonds. Any use of the ~~such~~

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1509 proceeds or interest for purposes of retiring or servicing
1510 indebtedness incurred for ~~such~~ refunding bonds before ~~prior to~~
1511 July 1, 1999, is ratified.

1512 ~~1.2.~~ For the purposes of this paragraph, the term
1513 "infrastructure" means:

1514 a. Any fixed capital expenditure or fixed capital outlay
1515 associated with the construction, reconstruction, or improvement
1516 of public facilities that have a life expectancy of 5 or more
1517 years and any related land acquisition, land improvement,
1518 design, and engineering costs ~~related thereto~~.

1519 b. A fire department vehicle, an emergency medical service
1520 vehicle, a sheriff's office vehicle, a police department
1521 vehicle, or any other vehicle, and the ~~such~~ equipment necessary
1522 to outfit the vehicle for its official use or equipment that has
1523 a life expectancy of at least 5 years.

1524 c. Any expenditure for the construction, lease, or
1525 maintenance of, or provision of utilities or security for,
1526 facilities, as defined in s. 29.008.

1527 d. Any fixed capital expenditure or fixed capital outlay
1528 associated with the improvement of private facilities that have
1529 a life expectancy of 5 or more years and that the owner agrees
1530 to make available for use on a temporary basis as needed by a
1531 local government as a public emergency shelter or a staging area
1532 for emergency response equipment during an emergency officially
1533 declared by the state or by the local government under s.
1534 252.38. Such improvements ~~under this sub-subparagraph~~ are
1535 limited to those necessary to comply with current standards for
1536 public emergency evacuation shelters. The owner must ~~shall~~ enter
1537 into a written contract with the local government providing the

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1538 improvement funding to make the ~~such~~ private facility available
1539 to the public for purposes of emergency shelter at no cost to
1540 the local government for a minimum ~~period~~ of 10 years after
1541 completion of the improvement, with the provision that the ~~such~~
1542 obligation will transfer to any subsequent owner until the end
1543 of the minimum period.

1544 e. Any land-acquisition expenditure for a residential
1545 housing project in which at least 30 percent of the units are
1546 affordable to individuals or families whose total annual
1547 household income does not exceed 120 percent of the area median
1548 income adjusted for household size, if the land is owned by a
1549 local government or by a special district that enters into a
1550 written agreement with the local government to provide such
1551 housing. The local government or special district may enter into
1552 a ground lease with a public or private person or entity for
1553 nominal or other consideration for the construction of the
1554 residential housing project on land acquired pursuant to this
1555 sub-subparagraph.

1556 2.3. Notwithstanding any other provision of this
1557 subsection, a local government infrastructure discretionary
1558 sales surtax imposed or extended after July 1, 1998, the
1559 effective date of this act may allocate up to ~~provide for an~~
1560 ~~amount not to exceed~~ 15 percent of the ~~local option sales~~ surtax
1561 proceeds ~~to be allocated~~ for deposit in ~~to~~ a trust fund within
1562 the county's accounts created for the purpose of funding
1563 economic development projects having ~~of~~ a general public purpose
1564 of improving ~~targeted to improve~~ local economies, including the
1565 funding of operational costs and incentives related to ~~such~~
1566 economic development. The ballot statement must indicate the

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1567 intention to make an allocation under the authority of this
1568 subparagraph.

1569 Section 20. Subsection (2) of section 163.3202, Florida
1570 Statutes, is amended to read:

1571 163.3202 Land development regulations.—

1572 (2) Local land development regulations shall contain
1573 specific and detailed provisions necessary or desirable to
1574 implement the adopted comprehensive plan and shall as a minimum:

1575 (a) Regulate the subdivision of land.†

1576 (b) Regulate the use of land and water for those land use
1577 categories included in the land use element and ensure the
1578 compatibility of adjacent uses and provide for open space.†

1579 (c) Provide for protection of potable water wellfields.†

1580 (d) Regulate areas subject to seasonal and periodic
1581 flooding and provide for drainage and stormwater management.†

1582 (e) Ensure the protection of environmentally sensitive
1583 lands designated in the comprehensive plan.†

1584 (f) Regulate signage.†

1585 (g) Provide that public facilities and services meet or
1586 exceed the standards established in the capital improvements
1587 element required by s. 163.3177 and are available when needed
1588 for the development, or that development orders and permits are
1589 conditioned on the availability of these public facilities and
1590 services necessary to serve the proposed development. Not later
1591 than 1 year after its due date established by the state land
1592 planning agency's rule for submission of local comprehensive
1593 plans pursuant to s. 163.3167(2), a local government shall not
1594 issue a development order or permit which results in a reduction
1595 in the level of services for the affected public facilities

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1596 below the level of services provided in the comprehensive plan
1597 of the local government.

1598 (h) Ensure safe and convenient onsite traffic flow,
1599 considering needed vehicle parking.

1600 (i) Maintain the existing density of residential properties
1601 or recreational vehicle parks if the properties are intended for
1602 residential use and are located in the unincorporated areas that
1603 have sufficient infrastructure, as determined by a local
1604 governing authority, and are not located within a coastal high-
1605 hazard area under s. 163.3178.

1606 Section 21. Present subsections (25) through (41) of
1607 section 420.503, Florida Statutes, are redesignated as
1608 subsections (26) through (42), respectively, and a new
1609 subsection (25) is added to that section to read:

1610 420.503 Definitions.—As used in this part, the term:

1611 (25) "Moderate rehabilitation" means repair or restoration
1612 of a dwelling unit when the value of such repair or restoration
1613 is 40 percent or less of the value of the dwelling unit but not
1614 less than \$10,000.

1615 Section 22. Subsection (47) is added to section 420.507,
1616 Florida Statutes, to read:

1617 420.507 Powers of the corporation.—The corporation shall
1618 have all the powers necessary or convenient to carry out and
1619 effectuate the purposes and provisions of this part, including
1620 the following powers which are in addition to all other powers
1621 granted by other provisions of this part:

1622 (47) To provide by rule in connection with any corporation
1623 competitive program, criteria establishing a preference for
1624 developers and general contractors domiciled in this state and

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1625 for developers and general contractors, regardless of domicile,
1626 who have substantial experience in developing or building
1627 affordable housing through the corporation's programs.

1628 (a) In evaluating whether a developer or general contractor
1629 is domiciled in this state, the corporation shall consider
1630 whether the developer's or general contractor's principal office
1631 is located in this state and whether a majority of the
1632 developer's or general contractor's principals and financial
1633 beneficiaries reside in Florida.

1634 (b) In evaluating whether a developer or general contractor
1635 has substantial experience, the corporation shall consider
1636 whether the developer or general contractor has completed at
1637 least five developments using funds either provided by or
1638 administered by the corporation.

1639 Section 23. Paragraphs (c) and (l) of subsection (6) of
1640 section 420.5087, Florida Statutes, are amended to read:

1641 420.5087 State Apartment Incentive Loan Program.—There is
1642 hereby created the State Apartment Incentive Loan Program for
1643 the purpose of providing first, second, or other subordinated
1644 mortgage loans or loan guarantees to sponsors, including for-
1645 profit, nonprofit, and public entities, to provide housing
1646 affordable to very-low-income persons.

1647 (6) On all state apartment incentive loans, except loans
1648 made to housing communities for the elderly to provide for
1649 lifesafety, building preservation, health, sanitation, or
1650 security-related repairs or improvements, the following
1651 provisions shall apply:

1652 (c) The corporation shall provide by rule for the
1653 establishment of a review committee composed of the department

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1654 and corporation staff and shall establish by rule a scoring
1655 system for evaluation and competitive ranking of applications
1656 submitted in this program, including, but not limited to, the
1657 following criteria:

1658 1. Tenant income and demographic targeting objectives of
1659 the corporation.

1660 2. Targeting objectives of the corporation which will
1661 ensure an equitable distribution of loans between rural and
1662 urban areas.

1663 3. Sponsor's agreement to reserve the units for persons or
1664 families who have incomes below 50 percent of the state or local
1665 median income, whichever is higher, for a time period to exceed
1666 the minimum required by federal law or the provisions of this
1667 part.

1668 4. Sponsor's agreement to reserve more than:

1669 a. Twenty percent of the units in the project for persons
1670 or families who have incomes that do not exceed 50 percent of
1671 the state or local median income, whichever is higher; or

1672 b. Forty percent of the units in the project for persons or
1673 families who have incomes that do not exceed 60 percent of the
1674 state or local median income, whichever is higher, without
1675 requiring a greater amount of the loans as provided in this
1676 section.

1677 5. Provision for tenant counseling.

1678 6. Sponsor's agreement to accept rental assistance
1679 certificates or vouchers as payment for rent.

1680 7. Projects requiring the least amount of a state apartment
1681 incentive loan compared to overall project cost except that the
1682 share of the loan attributable to units serving extremely-low-

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1683 income persons shall be excluded from this requirement.

1684 8. Local government contributions and local government
1685 comprehensive planning and activities that promote affordable
1686 housing.

1687 9. Project feasibility.

1688 10. Economic viability of the project.

1689 11. Commitment of first mortgage financing.

1690 12. Sponsor's prior experience, including whether the
1691 developer and general contractor have substantial experience, as
1692 provided in s. 420.507(47).

1693 13. Sponsor's ability to proceed with construction.

1694 14. Projects that directly implement or assist welfare-to-
1695 work transitioning.

1696 15. Projects that reserve units for extremely-low-income
1697 persons.

1698 16. Projects that include green building principles, storm-
1699 resistant construction, or other elements that reduce long-term
1700 costs relating to maintenance, utilities, or insurance.

1701 17. Domicile of the developer and general contractor, as
1702 provided in s. 420.507(47).

1703 (1) The proceeds of all loans shall be used for new
1704 construction, moderate rehabilitation, or substantial
1705 rehabilitation which creates or preserves affordable, safe, and
1706 sanitary housing units.

1707 Section 24. Subsection (5) of section 420.622, Florida
1708 Statutes, is amended to read:

1709 420.622 State Office on Homelessness; Council on
1710 Homelessness.—

1711 (5) The State Office on Homelessness, with the concurrence

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1712 of the Council on Homelessness, may administer moneys
1713 appropriated to it to provide homeless housing assistance grants
1714 annually to lead agencies for local homeless assistance
1715 continuum of care, as recognized by the State Office on
1716 Homelessness, to acquire, construct, or rehabilitate
1717 transitional or permanent housing units for homeless persons.
1718 These moneys shall consist of any sums that the state may
1719 appropriate, as well as money received from donations, gifts,
1720 bequests, or otherwise from any public or private source, which
1721 are ~~money is~~ intended to acquire, construct, or rehabilitate
1722 transitional or permanent housing units for homeless persons.

1723 (a) Grant applicants shall be ranked competitively.
1724 Preference must be given to applicants who leverage additional
1725 private funds and public funds, particularly federal funds
1726 designated for the acquisition, construction, or ~~and~~
1727 rehabilitation of transitional or permanent housing for homeless
1728 persons; and who acquire, build, or rehabilitate the greatest
1729 number of units; and who acquire, build, or rehabilitate in
1730 catchment areas having the greatest need for housing for the
1731 homeless relative to the population of the catchment area.

1732 (b) Funding for any particular project may not exceed
1733 \$750,000.

1734 (c) Projects must reserve, for a minimum of 10 years, the
1735 number of units acquired, constructed, or rehabilitated through
1736 homeless housing assistance grant funding to serve persons who
1737 are homeless at the time they assume tenancy.

1738 (d) No more than two grants may be awarded annually in any
1739 given local homeless assistance continuum of care catchment
1740 area.

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1741 (e) A project may not be funded which is not included in
1742 the local homeless assistance continuum of care plan, as
1743 recognized by the State Office on Homelessness, for the
1744 catchment area in which the project is located.

1745 (f) The maximum percentage of funds that the State Office
1746 on Homelessness and each applicant may spend on administrative
1747 costs is 5 percent.

1748 Section 25. Section 420.628, Florida Statutes, is created
1749 to read:

1750 420.628 Affordable housing for children and young adults
1751 leaving foster care; legislative findings and intent.—

1752 (1) (a) The Legislature finds that there are many young
1753 adults who, through no fault of their own, live in foster
1754 families, group homes, and institutions, and face numerous
1755 barriers to a successful transition to adulthood. Young adults
1756 who are leaving the child welfare system may enter adulthood
1757 lacking the knowledge, skills, attitudes, habits, and
1758 relationships that will enable them to become productive members
1759 of society.

1760 (b) The Legislature further finds that the main barriers to
1761 safe and affordable housing for such young adults are cost, lack
1762 of availability, the unwillingness of landlords to rent to such
1763 youth due to perceived regulatory barriers, and a lack of
1764 knowledge about how to be a good tenant. These barriers cause
1765 young adults to be at risk of becoming homeless.

1766 (c) The Legislature also finds that young adults who leave
1767 the child welfare system are disproportionately represented in
1768 the homeless population. Without the stability of safe and
1769 affordable housing, all other services, training, and

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1770 opportunities provided to such young adults may not be
1771 effective. Making affordable housing available will decrease the
1772 chance of homelessness and may increase the ability of such
1773 young adults to live independently.

1774 (d) The Legislature intends that the Florida Housing
1775 Finance Corporation, agencies within the State Housing
1776 Initiative Partnership Program, local housing finance agencies,
1777 public housing authorities, and their agents, and other
1778 providers of affordable housing coordinate with the Department
1779 of Children and Family Services, their agents, and community-
1780 based care providers who provide services under s. 409.1671 to
1781 develop and implement strategies and procedures designed to make
1782 affordable housing available whenever and wherever possible to
1783 young adults who leave the child welfare system.

1784 (2) Young adults who leave the child welfare system meet
1785 the definition of eligible persons under ss. 420.503(7) and
1786 420.907(10) for affordable housing, and are encouraged to
1787 participate in federal, state, and local affordable housing
1788 programs. Students deemed to be eligible occupants under 26
1789 U.S.C. 42(i)(3)(d) shall be considered eligible persons for
1790 purposes of all projects funded under this chapter.

1791 Section 26. Subsections (4), (8), (16), and (25) of section
1792 420.9071, Florida Statutes, are amended, and subsections (29)
1793 and (30) are added to that section, to read:

1794 420.9071 Definitions.—As used in ss. 420.907-420.9079, the
1795 term:

1796 (4) "Annual gross income" means annual income as defined
1797 under the Section 8 housing assistance payments programs in 24
1798 C.F.R. part 5; annual income as reported under the census long

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1799 form for the recent available decennial census; or adjusted
1800 gross income as defined for purposes of reporting under Internal
1801 Revenue Service Form 1040 for individual federal annual income
1802 tax purposes or as defined by standard practices used in the
1803 lending industry as detailed in the local housing assistance
1804 plan and approved by the corporation. Counties and eligible
1805 municipalities shall calculate income by annualizing verified
1806 sources of income for the household as the amount of income to
1807 be received in a household during the 12 months following the
1808 effective date of the determination.

1809 (8) "Eligible housing" means any real and personal property
1810 located within the county or the eligible municipality which is
1811 designed and intended for the primary purpose of providing
1812 decent, safe, and sanitary residential units that are designed
1813 to meet the standards of the Florida Building Code or previous
1814 building codes adopted under chapter 553, or manufactured
1815 housing constructed after June 1994 and installed in accordance
1816 with the installation standards for mobile or manufactured homes
1817 contained in rules of the Department of Highway Safety and Motor
1818 Vehicles, for home ownership or rental for eligible persons as
1819 designated by each county or eligible municipality participating
1820 in the State Housing Initiatives Partnership Program.

1821 (16) "Local housing incentive strategies" means local
1822 regulatory reform or incentive programs to encourage or
1823 facilitate affordable housing production, which include at a
1824 minimum, assurance that permits as defined in s. 163.3164(7) and
1825 (8) for affordable housing projects are expedited to a greater
1826 degree than other projects; an ongoing process for review of
1827 local policies, ordinances, regulations, and plan provisions

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1828 that increase the cost of housing prior to their adoption; and a
1829 schedule for implementing the incentive strategies. Local
1830 housing incentive strategies may also include other regulatory
1831 reforms, such as those enumerated in s. 420.9076 or those
1832 recommended by the affordable housing advisory committee in its
1833 triennial evaluation of the implementation of affordable housing
1834 incentives, and adopted by the local governing body.

1835 (25) "Recaptured funds" means funds that are recouped by a
1836 county or eligible municipality in accordance with the recapture
1837 provisions of its local housing assistance plan pursuant to s.
1838 420.9075(5) (h) ~~(g)~~ from eligible persons or eligible sponsors,
1839 which funds were not used for assistance to an eligible
1840 household for an eligible activity, when there is a ~~who~~ default
1841 on the terms of a grant award or loan award.

1842 (29) "Assisted housing" or "assisted housing development"
1843 means a rental housing development, including rental housing in
1844 a mixed-use development, that received or currently receives
1845 funding from any federal or state housing program.

1846 (30) "Preservation" means actions taken to keep rents in
1847 existing assisted housing affordable for extremely-low-income,
1848 very-low-income, low-income, and moderate-income households
1849 while ensuring that the property stays in good physical and
1850 financial condition for an extended period.

1851 Section 27. Subsections (6) and (7) of section 420.9072,
1852 Florida Statutes, are amended to read:

1853 420.9072 State Housing Initiatives Partnership Program.—The
1854 State Housing Initiatives Partnership Program is created for the
1855 purpose of providing funds to counties and eligible
1856 municipalities as an incentive for the creation of local housing

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1857 partnerships, to expand production of and preserve affordable
1858 housing, to further the housing element of the local government
1859 comprehensive plan specific to affordable housing, and to
1860 increase housing-related employment.

1861 (6) The moneys that otherwise would be distributed pursuant
1862 to s. 420.9073 to a local government that does not meet the
1863 program's requirements for receipts of such distributions shall
1864 remain in the Local Government Housing Trust Fund to be
1865 administered by the corporation ~~pursuant to s. 420.9078.~~

1866 (7) A county or an eligible municipality must expend its
1867 portion of the local housing distribution only to implement a
1868 local housing assistance plan or as provided in this subsection.

1869 (a) A county or an eligible municipality may not expend its
1870 portion of the local housing distribution to provide rent
1871 subsidies; however, this does not prohibit the use of funds for
1872 security and utility deposit assistance.

1873 (b) A county or an eligible municipality may expend a
1874 portion of the local housing distribution to provide a one-time
1875 relocation grant to persons who meet the income requirements of
1876 the State Housing Initiatives Partnership Program and who are
1877 subject to eviction from rental property located in the county
1878 or eligible municipality due to the foreclosure of the rental
1879 property. In order to receive a grant under this paragraph, a
1880 person must provide the county or eligible municipality with
1881 proof of meeting the income requirements of a very-low-income
1882 household, a low-income household, or a moderate-income
1883 household; a notice of eviction; and proof that the rent has
1884 been paid for at least 3 months before the date of eviction,
1885 including the month that the notice of eviction was served.

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1886 Relocation assistance under this paragraph is limited to a one-
1887 time grant of not more than \$5,000 and is not limited to persons
1888 who are subject to eviction from projects funded under the State
1889 Housing Initiatives Partnership Program. This paragraph expires
1890 July 1, 2010.

1891 Section 28. Subsections (1) and (2) of section 420.9073,
1892 Florida Statutes, are amended, and subsections (5), (6), and (7)
1893 are added to that section, to read:

1894 420.9073 Local housing distributions.—

1895 (1) Distributions calculated in this section shall be
1896 disbursed on a quarterly or more frequent ~~monthly~~ basis by the
1897 corporation ~~beginning the first day of the month after program~~
1898 ~~approval~~ pursuant to s. 420.9072, subject to availability of
1899 funds. Each county's share of the funds to be distributed from
1900 the portion of the funds in the Local Government Housing Trust
1901 Fund received pursuant to s. 201.15(9) shall be calculated by
1902 the corporation for each fiscal year as follows:

1903 (a) Each county other than a county that has implemented
1904 the provisions of chapter 83-220, Laws of Florida, as amended by
1905 chapters 84-270, 86-152, and 89-252, Laws of Florida, shall
1906 receive the guaranteed amount for each fiscal year.

1907 (b) Each county other than a county that has implemented
1908 the provisions of chapter 83-220, Laws of Florida, as amended by
1909 chapters 84-270, 86-152, and 89-252, Laws of Florida, may
1910 receive an additional share calculated as follows:

1911 1. Multiply each county's percentage of the total state
1912 population excluding the population of any county that has
1913 implemented the provisions of chapter 83-220, Laws of Florida,
1914 as amended by chapters 84-270, 86-152, and 89-252, Laws of

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1915 Florida, by the total funds to be distributed.

1916 2. If the result in subparagraph 1. is less than the
1917 guaranteed amount as determined in subsection (3), that county's
1918 additional share shall be zero.

1919 3. For each county in which the result in subparagraph 1.
1920 is greater than the guaranteed amount as determined in
1921 subsection (3), the amount calculated in subparagraph 1. shall
1922 be reduced by the guaranteed amount. The result for each such
1923 county shall be expressed as a percentage of the amounts so
1924 determined for all counties. Each such county shall receive an
1925 additional share equal to such percentage multiplied by the
1926 total funds received by the Local Government Housing Trust Fund
1927 pursuant to s. 201.15(9) reduced by the guaranteed amount paid
1928 to all counties.

1929 (2) ~~Effective July 1, 1995,~~ Distributions calculated in
1930 this section shall be disbursed on a quarterly or more frequent
1931 ~~monthly~~ basis by the corporation ~~beginning the first day of the~~
1932 ~~month after program approval~~ pursuant to s. 420.9072, subject to
1933 availability of funds. Each county's share of the funds to be
1934 distributed from the portion of the funds in the Local
1935 Government Housing Trust Fund received pursuant to s. 201.15(10)
1936 shall be calculated by the corporation for each fiscal year as
1937 follows:

1938 (a) Each county shall receive the guaranteed amount for
1939 each fiscal year.

1940 (b) Each county may receive an additional share calculated
1941 as follows:

1942 1. Multiply each county's percentage of the total state
1943 population, by the total funds to be distributed.

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1944 2. If the result in subparagraph 1. is less than the
1945 guaranteed amount as determined in subsection (3), that county's
1946 additional share shall be zero.

1947 3. For each county in which the result in subparagraph 1.
1948 is greater than the guaranteed amount, the amount calculated in
1949 subparagraph 1. shall be reduced by the guaranteed amount. The
1950 result for each such county shall be expressed as a percentage
1951 of the amounts so determined for all counties. Each such county
1952 shall receive an additional share equal to this percentage
1953 multiplied by the total funds received by the Local Government
1954 Housing Trust Fund pursuant to s. 201.15(10) as reduced by the
1955 guaranteed amount paid to all counties.

1956 (5) Notwithstanding subsections (1)-(4), the corporation
1957 may withhold up to \$5 million of the total amount distributed
1958 each fiscal year from the Local Government Housing Trust Fund to
1959 provide additional funding to counties and eligible
1960 municipalities where a state of emergency has been declared by
1961 the Governor pursuant to chapter 252. Any portion of the
1962 withheld funds not distributed by the end of the fiscal year
1963 shall be distributed as provided in subsections (1) and (2).

1964 (6) Notwithstanding subsections (1)-(4), the corporation
1965 may withhold up to \$5 million from the total amount distributed
1966 each fiscal year from the Local Government Housing Trust Fund to
1967 provide funding to counties and eligible municipalities to
1968 purchase properties subject to a State Housing Initiative
1969 Partnership Program lien and on which foreclosure proceedings
1970 have been initiated by any mortgagee. Each county and eligible
1971 municipality that receives funds under this subsection shall
1972 repay such funds to the corporation not later than the

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1973 expenditure deadline for the fiscal year in which the funds were
1974 awarded. Amounts not repaid shall be withheld from the
1975 subsequent year's distribution. Any portion of such funds not
1976 distributed under this subsection by the end of the fiscal year
1977 shall be distributed as provided in subsections (1) and (2).

1978 (7) A county receiving local housing distributions under
1979 this section or an eligible municipality that receives local
1980 housing distributions under an interlocal agreement shall expend
1981 those funds in accordance with the provisions of ss. 420.907-
1982 420.9079, rules of the corporation, and the county's local
1983 housing assistance plan.

1984 Section 29. Subsections (1), (3), (5), and (8), paragraphs
1985 (a) and (h) of subsection (10), and paragraph (b) of subsection
1986 (13) of section 420.9075, Florida Statutes, are amended, and
1987 subsection (14) is added to that section, to read:

1988 420.9075 Local housing assistance plans; partnerships.—

1989 (1) (a) Each county or eligible municipality participating
1990 in the State Housing Initiatives Partnership Program shall
1991 develop and implement a local housing assistance plan created to
1992 make affordable residential units available to persons of very
1993 low income, low income, or moderate income and to persons who
1994 have special housing needs, including, but not limited to,
1995 homeless people, the elderly, ~~and~~ migrant farmworkers, and
1996 persons with disabilities. Counties or eligible municipalities
1997 may include strategies to assist persons and households having
1998 annual incomes of not more than 140 percent of area median
1999 income. The plans are intended to increase the availability of
2000 affordable residential units by combining local resources and
2001 cost-saving measures into a local housing partnership and using

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2002 private and public funds to reduce the cost of housing.

2003 (b) Local housing assistance plans may allocate funds to:

2004 1. Implement local housing assistance strategies for the
2005 provision of affordable housing.

2006 2. Supplement funds available to the corporation to provide
2007 enhanced funding of state housing programs within the county or
2008 the eligible municipality.

2009 3. Provide the local matching share of federal affordable
2010 housing grants or programs.

2011 4. Fund emergency repairs, including, but not limited to,
2012 repairs performed by existing service providers under
2013 weatherization assistance programs under ss. 409.509-409.5093.

2014 5. Further the housing element of the local government
2015 comprehensive plan adopted pursuant to s. 163.3184, specific to
2016 affordable housing.

2017 (3) (a) Each local housing assistance plan shall include a
2018 definition of essential service personnel for the county or
2019 eligible municipality, including, but not limited to, teachers
2020 and educators, other school district, community college, and
2021 university employees, police and fire personnel, health care
2022 personnel, skilled building trades personnel, and other job
2023 categories.

2024 (b) Each county and each eligible municipality is
2025 encouraged to develop a strategy within its local housing
2026 assistance plan that emphasizes the recruitment and retention of
2027 essential service personnel. The local government is encouraged
2028 to involve public and private sector employers. Compliance with
2029 the eligibility criteria established under this strategy shall
2030 be verified by the county or eligible municipality.

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2031 (c) Each county and each eligible municipality is
2032 encouraged to develop a strategy within its local housing
2033 assistance plan that addresses the needs of persons who are
2034 deprived of affordable housing due to the closure of a mobile
2035 home park or the conversion of affordable rental units to
2036 condominiums.

2037 (d) Each county and each eligible municipality shall
2038 describe initiatives in the local housing assistance plan to
2039 encourage or require innovative design, green building
2040 principles, storm-resistant construction, or other elements that
2041 reduce long-term costs relating to maintenance, utilities, or
2042 insurance.

2043 (e) Each county and each eligible municipality is
2044 encouraged to develop a strategy within its local housing
2045 assistance plan which provides program funds for the
2046 preservation of assisted housing.

2047 (5) The following criteria apply to awards made to eligible
2048 sponsors or eligible persons for the purpose of providing
2049 eligible housing:

2050 (a) At least 65 percent of the funds made available in each
2051 county and eligible municipality from the local housing
2052 distribution must be reserved for home ownership for eligible
2053 persons.

2054 (b) At least 75 percent of the funds made available in each
2055 county and eligible municipality from the local housing
2056 distribution must be reserved for construction, rehabilitation,
2057 or emergency repair of affordable, eligible housing.

2058 (c) Not more than 20 percent of the funds made available in
2059 each county and eligible municipality from the local housing

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2060 distribution may be used for manufactured housing.

2061 (d)~~(e)~~ The sales price or value of new or existing eligible
2062 housing may not exceed 90 percent of the average area purchase
2063 price in the statistical area in which the eligible housing is
2064 located. Such average area purchase price may be that calculated
2065 for any 12-month period beginning not earlier than the fourth
2066 calendar year prior to the year in which the award occurs or as
2067 otherwise established by the United States Department of the
2068 Treasury.

2069 (e)~~(d)~~ 1. All units constructed, rehabilitated, or otherwise
2070 assisted with the funds provided from the local housing
2071 assistance trust fund must be occupied by very-low-income
2072 persons, low-income persons, and moderate-income persons except
2073 as otherwise provided in this section.

2074 2. At least 30 percent of the funds deposited into the
2075 local housing assistance trust fund must be reserved for awards
2076 to very-low-income persons or eligible sponsors who will serve
2077 very-low-income persons and at least an additional 30 percent of
2078 the funds deposited into the local housing assistance trust fund
2079 must be reserved for awards to low-income persons or eligible
2080 sponsors who will serve low-income persons. This subparagraph
2081 does not apply to a county or an eligible municipality that
2082 includes, or has included within the previous 5 years, an area
2083 of critical state concern designated or ratified by the
2084 Legislature for which the Legislature has declared its intent to
2085 provide affordable housing. The exemption created by this act
2086 expires on July 1, 2013, and shall apply retroactively 2008.

2087 (f)~~(e)~~ Loans shall be provided for periods not exceeding 30
2088 years, except for deferred payment loans or loans that extend

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2089 beyond 30 years which continue to serve eligible persons.

2090 (g)~~(f)~~ Loans or grants for eligible rental housing
2091 constructed, rehabilitated, or otherwise assisted from the local
2092 housing assistance trust fund must be subject to recapture
2093 requirements as provided by the county or eligible municipality
2094 in its local housing assistance plan unless reserved for
2095 eligible persons for 15 years or the term of the assistance,
2096 whichever period is longer. Eligible sponsors that offer rental
2097 housing for sale before 15 years or that have remaining
2098 mortgages funded under this program must give a first right of
2099 refusal to eligible nonprofit organizations for purchase at the
2100 current market value for continued occupancy by eligible
2101 persons.

2102 (h)~~(g)~~ Loans or grants for eligible owner-occupied housing
2103 constructed, rehabilitated, or otherwise assisted from proceeds
2104 provided from the local housing assistance trust fund shall be
2105 subject to recapture requirements as provided by the county or
2106 eligible municipality in its local housing assistance plan.

2107 (i)~~(h)~~ The total amount of monthly mortgage payments or the
2108 amount of monthly rent charged by the eligible sponsor or her or
2109 his designee must be made affordable.

2110 (j)~~(i)~~ The maximum sales price or value per unit and the
2111 maximum award per unit for eligible housing benefiting from
2112 awards made pursuant to this section must be established in the
2113 local housing assistance plan.

2114 (k)~~(j)~~ The benefit of assistance provided through the State
2115 Housing Initiatives Partnership Program must accrue to eligible
2116 persons occupying eligible housing. This provision shall not be
2117 construed to prohibit use of the local housing distribution

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2118 funds for a mixed income rental development.

2119 (1) ~~(*)~~ Funds from the local housing distribution not used
2120 to meet the criteria established in paragraph (a) or paragraph
2121 (b) or not used for the administration of a local housing
2122 assistance plan must be used for housing production and finance
2123 activities, including, but not limited to, financing
2124 preconstruction activities or the purchase of existing units,
2125 providing rental housing, and providing home ownership training
2126 to prospective home buyers and owners of homes assisted through
2127 the local housing assistance plan.

2128 1. Notwithstanding the provisions of paragraphs (a) and
2129 (b), program income as defined in s. 420.9071(24) may also be
2130 used to fund activities described in this paragraph.

2131 2. When preconstruction due-diligence activities conducted
2132 as part of a preservation strategy show that preservation of the
2133 units is not feasible and will not result in the production of
2134 an eligible unit, such costs shall be deemed a program expense
2135 rather than an administrative expense if such program expenses
2136 do not exceed 3 percent of the annual local housing
2137 distribution.

2138 3. If both an award under the local housing assistance plan
2139 and federal low-income housing tax credits are used to assist a
2140 project and there is a conflict between the criteria prescribed
2141 in this subsection and the requirements of s. 42 of the Internal
2142 Revenue Code of 1986, as amended, the county or eligible
2143 municipality may resolve the conflict by giving precedence to
2144 the requirements of s. 42 of the Internal Revenue Code of 1986,
2145 as amended, in lieu of following the criteria prescribed in this
2146 subsection with the exception of paragraphs (a) and (e) ~~(d)~~ of

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2147 this subsection.

2148 4. Each county and each eligible municipality may award
2149 funds as a grant for construction, rehabilitation, or repair as
2150 part of disaster recovery or emergency repairs or to remedy
2151 accessibility or health and safety deficiencies. Any other
2152 grants must be approved as part of the local housing assistance
2153 plan.

2154 (8) Pursuant to s. 420.531, the corporation shall provide
2155 training and technical assistance to local governments regarding
2156 the creation of partnerships, the design of local housing
2157 assistance strategies, the implementation of local housing
2158 incentive strategies, and the provision of support services.

2159 (10) Each county or eligible municipality shall submit to
2160 the corporation by September 15 of each year a report of its
2161 affordable housing programs and accomplishments through June 30
2162 immediately preceding submittal of the report. The report shall
2163 be certified as accurate and complete by the local government's
2164 chief elected official or his or her designee. Transmittal of
2165 the annual report by a county's or eligible municipality's chief
2166 elected official, or his or her designee, certifies that the
2167 local housing incentive strategies, or, if applicable, the local
2168 housing incentive plan, have been implemented or are in the
2169 process of being implemented pursuant to the adopted schedule
2170 for implementation. The report must include, but is not limited
2171 to:

2172 (a) The number of households served by income category,
2173 age, family size, and race, and data regarding any special needs
2174 populations such as farmworkers, homeless persons, persons with
2175 disabilities, and the elderly. Counties shall report this

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2176 information separately for households served in the
2177 unincorporated area and each municipality within the county.

2178 (h) Such other data or affordable housing accomplishments
2179 considered significant by the reporting county or eligible
2180 municipality or by the corporation.

2181 (13)

2182 (b) If, as a result of its review of the annual report, the
2183 corporation determines that a county or eligible municipality
2184 has failed to implement a local housing incentive strategy, or,
2185 if applicable, a local housing incentive plan, it shall send a
2186 notice of termination of the local government's share of the
2187 local housing distribution by certified mail to the affected
2188 county or eligible municipality.

2189 1. The notice must specify a date of termination of the
2190 funding if the affected county or eligible municipality does not
2191 implement the plan or strategy and provide for a local response.
2192 A county or eligible municipality shall respond to the
2193 corporation within 30 days after receipt of the notice of
2194 termination.

2195 2. The corporation shall consider the local response that
2196 extenuating circumstances precluded implementation and grant an
2197 extension to the timeframe for implementation. Such an extension
2198 shall be made in the form of an extension agreement that
2199 provides a timeframe for implementation. The chief elected
2200 official of a county or eligible municipality or his or her
2201 designee shall have the authority to enter into the agreement on
2202 behalf of the local government.

2203 3. If the county or the eligible municipality has not
2204 implemented the incentive strategy or entered into an extension

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2205 agreement by the termination date specified in the notice, the
2206 local housing distribution share terminates, and any uncommitted
2207 local housing distribution funds held by the affected county or
2208 eligible municipality in its local housing assistance trust fund
2209 shall be transferred to the Local Government Housing Trust Fund
2210 to the credit of the corporation to administer ~~pursuant to s.~~
2211 ~~420.9078.~~

2212 4.a. If the affected local government fails to meet the
2213 timeframes specified in the agreement, the corporation shall
2214 terminate funds. The corporation shall send a notice of
2215 termination of the local government's share of the local housing
2216 distribution by certified mail to the affected local government.
2217 The notice shall specify the termination date, and any
2218 uncommitted funds held by the affected local government shall be
2219 transferred to the Local Government Housing Trust Fund to the
2220 credit of the corporation to administer ~~pursuant to s. 420.9078.~~

2221 b. If the corporation terminates funds to a county, but an
2222 eligible municipality receiving a local housing distribution
2223 pursuant to an interlocal agreement maintains compliance with
2224 program requirements, the corporation shall thereafter
2225 distribute directly to the participating eligible municipality
2226 its share calculated in the manner provided in s. 420.9072.

2227 c. Any county or eligible municipality whose local
2228 distribution share has been terminated may subsequently elect to
2229 receive directly its local distribution share by adopting the
2230 ordinance, resolution, and local housing assistance plan in the
2231 manner and according to the procedures provided in ss. 420.907-
2232 420.9079.

2233 (14) If the corporation determines that a county or

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2234 eligible municipality has expended program funds for an
2235 ineligible activity, the corporation shall require such funds to
2236 be repaid to the local housing assistance trust fund. Such
2237 repayment may not be made with funds from the State Housing
2238 Initiatives Partnership Program.

2239 Section 30. Paragraph (h) of subsection (2), subsections
2240 (5) and (6), and paragraph (a) of subsection (7) of section
2241 420.9076, Florida Statutes, are amended to read:

2242 420.9076 Adoption of affordable housing incentive
2243 strategies; committees.—

2244 (2) The governing board of a county or municipality shall
2245 appoint the members of the affordable housing advisory committee
2246 by resolution. Pursuant to the terms of any interlocal
2247 agreement, a county and municipality may create and jointly
2248 appoint an advisory committee to prepare a joint plan. The
2249 ordinance adopted pursuant to s. 420.9072 which creates the
2250 advisory committee or the resolution appointing the advisory
2251 committee members must provide for 11 committee members and
2252 their terms. The committee must include:

2253 (h) One citizen who actively serves on the local planning
2254 agency pursuant to s. 163.3174. If the local planning agency is
2255 comprised of the governing board of the county or municipality,
2256 the governing board may appoint a designee who is knowledgeable
2257 in the local planning process.

2258
2259 If a county or eligible municipality whether due to its small
2260 size, the presence of a conflict of interest by prospective
2261 appointees, or other reasonable factor, is unable to appoint a
2262 citizen actively engaged in these activities in connection with

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2263 affordable housing, a citizen engaged in the activity without
2264 regard to affordable housing may be appointed. Local governments
2265 that receive the minimum allocation under the State Housing
2266 Initiatives Partnership Program may elect to appoint an
2267 affordable housing advisory committee with fewer than 11
2268 representatives if they are unable to find representatives who
2269 meet the criteria of paragraphs (a)-(k).

2270 (5) The approval by the advisory committee of its local
2271 housing incentive strategies recommendations and its review of
2272 local government implementation of previously recommended
2273 strategies must be made by affirmative vote of a majority of the
2274 membership of the advisory committee taken at a public hearing.
2275 Notice of the time, date, and place of the public hearing of the
2276 advisory committee to adopt its evaluation and final local
2277 housing incentive strategies recommendations must be published
2278 in a newspaper of general paid circulation in the county. The
2279 notice must contain a short and concise summary of the
2280 evaluation and local housing incentives strategies
2281 recommendations to be considered by the advisory committee. The
2282 notice must state the public place where a copy of the
2283 evaluation and tentative advisory committee recommendations can
2284 be obtained by interested persons. The final report, evaluation,
2285 and recommendations shall be submitted to the corporation.

2286 (6) Within 90 days after the date of receipt of the
2287 evaluation and local housing incentive strategies
2288 recommendations from the advisory committee, the governing body
2289 of the appointing local government shall adopt an amendment to
2290 its local housing assistance plan to incorporate the local
2291 housing incentive strategies it will implement within its

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2292 jurisdiction. The amendment must include, at a minimum, the
2293 local housing incentive strategies required under s.
2294 420.9071(16). The local government must consider the strategies
2295 specified in paragraphs (4)(a)-(k) as recommended by the
2296 advisory committee.

2297 (7) The governing board of the county or the eligible
2298 municipality shall notify the corporation by certified mail of
2299 its adoption of an amendment of its local housing assistance
2300 plan to incorporate local housing incentive strategies. The
2301 notice must include a copy of the approved amended plan.

2302 (a) If the corporation fails to receive timely the approved
2303 amended local housing assistance plan to incorporate local
2304 housing incentive strategies, a notice of termination of its
2305 share of the local housing distribution shall be sent by
2306 certified mail by the corporation to the affected county or
2307 eligible municipality. The notice of termination must specify a
2308 date of termination of the funding if the affected county or
2309 eligible municipality has not adopted an amended local housing
2310 assistance plan to incorporate local housing incentive
2311 strategies. If the county or the eligible municipality has not
2312 adopted an amended local housing assistance plan to incorporate
2313 local housing incentive strategies by the termination date
2314 specified in the notice of termination, the local distribution
2315 share terminates; and any uncommitted local distribution funds
2316 held by the affected county or eligible municipality in its
2317 local housing assistance trust fund shall be transferred to the
2318 Local Government Housing Trust Fund to the credit of the
2319 corporation to administer the local government housing program
2320 ~~pursuant to s. 420.9078.~~

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2321 Section 31. Section 420.9078, Florida Statutes, is
2322 repealed.

2323 Section 32. Section 420.9079, Florida Statutes, is amended
2324 to read:

2325 420.9079 Local Government Housing Trust Fund.—

2326 (1) There is created in the State Treasury the Local
2327 Government Housing Trust Fund, which shall be administered by
2328 the corporation on behalf of the department according to the
2329 provisions of ss. 420.907-420.9076 ~~420.907-420.9078~~ and this
2330 section. There shall be deposited into the fund a portion of the
2331 documentary stamp tax revenues as provided in s. 201.15, moneys
2332 received from any other source for the purposes of ss. 420.907-
2333 420.9076 ~~420.907-420.9078~~ and this section, and all proceeds
2334 derived from the investment of such moneys. Moneys in the fund
2335 that are not currently needed for the purposes of the programs
2336 administered pursuant to ss. 420.907-420.9076 ~~420.907-420.9078~~
2337 and this section shall be deposited to the credit of the fund
2338 and may be invested as provided by law. The interest received on
2339 any such investment shall be credited to the fund.

2340 (2) The corporation shall administer the fund exclusively
2341 for the purpose of implementing the programs described in ss.
2342 420.907-420.9076 ~~420.907-420.9078~~ and this section. With the
2343 exception of monitoring the activities of counties and eligible
2344 municipalities to determine local compliance with program
2345 requirements, the corporation shall not receive appropriations
2346 from the fund for administrative or personnel costs. For the
2347 purpose of implementing the compliance monitoring provisions of
2348 s. 420.9075(9), the corporation may request a maximum of one-
2349 quarter of 1 percent of the annual appropriation per state

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2350 fiscal year. When such funding is appropriated, the corporation
2351 shall deduct the amount appropriated prior to calculating the
2352 local housing distribution pursuant to ss. 420.9072 and
2353 420.9073.

2354 Section 33. Subsection (12) of section 1001.43, Florida
2355 Statutes, is amended to read:

2356 1001.43 Supplemental powers and duties of district school
2357 board.—The district school board may exercise the following
2358 supplemental powers and duties as authorized by this code or
2359 State Board of Education rule.

2360 (12) AFFORDABLE HOUSING.—A district school board may use
2361 portions of school sites purchased within the guidelines of the
2362 State Requirements for Educational Facilities, land deemed not
2363 usable for educational purposes because of location or other
2364 factors, or land declared as surplus by the board to provide
2365 sites for affordable housing for teachers and other district
2366 personnel and, in areas of critical state concern, for other
2367 essential services personnel as defined by local affordable
2368 housing eligibility requirements, independently or in
2369 conjunction with other agencies as described in subsection (5).

2370 Section 34. The Legislature finds that this act fulfills an
2371 important state interest.

2372 Section 35. This act shall take effect upon becoming a law.