

1 A bill to be entitled
2 An act relating to land use and development
3 regulations; amending s. 163.3162, F.S.; revising
4 legislative findings; revising mechanisms by which
5 owners of certain agricultural lands apply for and are
6 granted rezonings; revising requirements for use by
7 local governments in reviewing applications for
8 agricultural enclaves; amending s. 163.3164, F.S.;
9 revising and providing definitions relating to the
10 Community Planning Act; amending s. 163.3177, F.S.;
11 revising the types of data that comprehensive plans
12 and plan amendments must be based on; revising means
13 by which an application of a methodology used in data
14 collection or whether a particular methodology is
15 professionally accepted and evaluated; revising the
16 elements that must be included in a comprehensive
17 plan; amending s. 163.3187, F.S.; revising criteria
18 for adopting a small scale development amendment;
19 amending s. 163.3202, F.S.; revising content
20 requirements for local land development regulations;
21 revising mechanisms by which applications for infill
22 development must be administratively approved;
23 amending ss. 212.055, and 479.01, F.S.; conforming
24 cross-references; providing an effective date.
25

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

27

28 Section 1. Subsections (1) and (4) of section 163.3162,
29 Florida Statutes, are amended to read:

30 163.3162 Agricultural Lands and Practices.—

31 (1) LEGISLATIVE FINDINGS AND PURPOSE.—The Legislature
32 finds that agricultural production is a major contributor to the
33 economy of the state; that agricultural lands constitute unique
34 and irreplaceable resources of statewide importance; that the
35 continuation of agricultural activities preserves the landscape
36 and environmental resources of the state, contributes to the
37 increase of tourism, and furthers the economic self-sufficiency
38 of the people of the state; and that the encouragement,
39 development, and improvement of agriculture will result in a
40 general benefit to the health, safety, and welfare of the people
41 of the state. It is the purpose of this act to protect
42 reasonable agricultural activities conducted on farm lands from
43 duplicative regulation and to protect the property rights of
44 agricultural landowners.

45 (4) CONSISTENCY WITH ~~AMENDMENT TO~~ LOCAL GOVERNMENT
46 COMPREHENSIVE PLAN.—The owner of a parcel of land defined as an
47 agricultural enclave under s. 163.3164 may apply for and shall
48 be granted a rezoning regardless of the future land use map
49 designation of the parcel and any conflicting comprehensive plan
50 goals, objectives, or policies if the owner's rezoning request

51 ~~an amendment to the local government comprehensive plan pursuant~~
52 ~~to s. 163.3184. Such amendment is presumed not to be urban~~
53 ~~sprawl as defined in s. 163.3164 if it includes land uses,~~
54 densities, and intensities of use that are consistent with the
55 approved uses, densities, and intensities of use of the
56 industrial, commercial, or residential areas that surround the
57 parcel. ~~This presumption may be rebutted by clear and convincing~~
58 ~~evidence.~~ Each application ~~for a comprehensive plan amendment~~
59 under this subsection for a parcel larger than 640 acres must
60 include appropriate new urbanism concepts such as clustering,
61 mixed-use development, the creation of rural village and city
62 centers, and the transfer of development rights in order to
63 discourage urban sprawl while protecting landowner rights.

64 (a) A local government may not require a comprehensive
65 plan amendment related to the application and may not enact or
66 enforce land development regulations for agricultural enclaves
67 that are more burdensome than for other types of applications
68 for uses with comparable site conditions. A local government
69 shall not deny the application if it proposes only single family
70 residential use at a density that does not exceed the average
71 density allowed by future land use designations on those
72 adjacent parcels that allow a density of at least one dwelling
73 unit per acre. A local government must schedule the application
74 for hearing at the next regularly scheduled public hearing after
75 the application is filed and following proper public notice. The

76 ~~local government and the owner of a parcel of land that is the~~
77 ~~subject of an application for an amendment shall have 180 days~~
78 ~~following the date that the local government receives a complete~~
79 ~~application to negotiate in good faith to reach consensus on the~~
80 ~~land uses and intensities of use that are consistent with the~~
81 ~~uses and intensities of use of the industrial, commercial, or~~
82 ~~residential areas that surround the parcel. Within 30 days after~~
83 ~~the local government's receipt of such an application, the local~~
84 ~~government and owner must agree in writing to a schedule for~~
85 ~~information submittal, public hearings, negotiations, and final~~
86 ~~action on the amendment, which schedule may thereafter be~~
87 ~~altered only with the written consent of the local government~~
88 ~~and the owner. Compliance with the schedule in the written~~
89 ~~agreement constitutes good faith negotiations for purposes of~~
90 ~~paragraph (c).~~

91 ~~(b) Upon conclusion of good faith negotiations under~~
92 ~~paragraph (a), regardless of whether the local government and~~
93 ~~owner reach consensus on the land uses and intensities of use~~
94 ~~that are consistent with the uses and intensities of use of the~~
95 ~~industrial, commercial, or residential areas that surround the~~
96 ~~parcel, the amendment must be transmitted to the state land~~
97 ~~planning agency for review pursuant to s. 163.3184. If the local~~
98 ~~government fails to transmit the amendment within 180 days after~~
99 ~~receipt of a complete application, the amendment must be~~
100 ~~immediately transferred to the state land planning agency for~~

101 ~~such review. A plan amendment transmitted to the state land~~
 102 ~~planning agency submitted under this subsection is presumed not~~
 103 ~~to be urban sprawl as defined in s. 163.3164. This presumption~~
 104 ~~may be rebutted by clear and convincing evidence.~~

105 ~~(c) If the owner fails to negotiate in good faith, a plan~~
 106 ~~amendment submitted under this subsection is not entitled to the~~
 107 ~~rebuttable presumption under this subsection in the negotiation~~
 108 ~~and amendment process.~~

109 (b)~~(d)~~ Nothing within this subsection relating to
 110 agricultural enclaves shall preempt or replace any protection
 111 currently existing for any property located within the
 112 boundaries of the following areas:

- 113 1. The Wekiva Study Area, as described in s. 369.316; or
- 114 2. The Everglades Protection Area, as defined in s.
- 115 373.4592(2).

116 Section 2. Subsections (22) through (52) of section
 117 163.3164, Florida Statutes, are renumbered as subsections (23)
 118 through (53), respectively, subsections (4) and (12) and present
 119 subsections (22), (51), and (52) of that section are amended,
 120 and a new subsection (22) is added to that section, to read:

121 163.3164 Community Planning Act; definitions.—As used in
 122 this act:

123 (4) "Agricultural enclave" means an unincorporated,
 124 undeveloped parcel that:

- 125 (a) Is owned by a single person or entity;

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

130 (c) Meets the requirements of subparagraph 1. or
 131 subparagraph 2.:

132 1. Is surrounded on at least 75 percent of its perimeter
 133 by:

134 a. 1. Parcels that have ~~Property that has~~ existing
 135 industrial, commercial, or residential development; or

136 b. 2. Parcels ~~Property~~ that the local government has
 137 designated, in the local government's comprehensive plan, zoning
 138 map, and future land use map, as land that is to be developed
 139 for industrial, commercial, or residential purposes, and at
 140 least 75 percent of the parcels have ~~such property is~~ existing
 141 industrial, commercial, or residential development;

142 2. Does not exceed 640 acres and is surrounded on at least
 143 50 percent of its perimeter by parcels that the local government
 144 has designated in the local government's comprehensive plan and
 145 future land use map, as land that is to be developed for
 146 industrial, commercial, or residential purposes; and the parcel
 147 is surrounded on at least 50 percent of its perimeter by an
 148 urban service district, area, or line;

149 (d) Has public services, including water, wastewater,
 150 transportation, schools, and recreation facilities, available or

151 such public services are scheduled in the capital improvement
 152 element to be provided by the local government or can be
 153 provided by an alternative provider of local government
 154 infrastructure in order to ensure consistency with applicable
 155 concurrency provisions of s. 163.3180; ~~and~~

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

161 (f) Where a right-of-way or canal exists along the
 162 perimeter of a parcel, the perimeter calculations shall be based
 163 on the parcels across the right-of-way or canal.

164 (12) "Density" means an objective measurement of the
 165 number of people or residential units allowed per unit of land,
 166 such as dwelling units ~~residents or employees~~ per acre.

167 (22) "Infill residential development" means the expansion
 168 of an existing residential development on a contiguous vacant
 169 parcel of no more than 20 acres in size within a residential
 170 future land use category and a residential zoning district that
 171 is contiguous on the majority of all sides by residential
 172 development. The term "contiguous" means touching, bordering, or
 173 adjoining along a boundary. Properties that would be contiguous
 174 if not separated by a roadway, railroad, canal, or other public
 175 easement are considered contiguous.

176 ~~(22)~~ (23) "Intensity" means an objective measurement of the
177 extent to which land may be developed or used, expressed in
178 square feet per unit of land ~~including the consumption or use of~~
179 ~~the space above, on, or below ground; the measurement of the use~~
180 ~~of or demand on natural resources; and the measurement of the~~
181 ~~use of or demand on facilities and services.~~

182 ~~(51)~~ (52) "Urban service area" means areas ~~identified in~~
183 ~~the comprehensive plan~~ where public facilities and services,
184 including, but not limited to, central water and sewer capacity
185 and roads, are already in place or may be expanded through
186 investment by the ~~or are identified in the capital improvements~~
187 ~~element. The term includes any areas identified in the~~
188 ~~comprehensive plan as urban service areas, regardless of local~~
189 ~~government~~ or the private sector as evidenced by an executed
190 agreement with the local government to provide urban services
191 within the local government's 20-year planning period
192 limitation.

193 ~~(52)~~ (53) "Urban sprawl" means an unplanned or uncontrolled
194 ~~a~~ development pattern ~~characterized by low density, automobile-~~
195 ~~dependent development with either a single use or multiple uses~~
196 ~~that are not functionally related, requiring the extension of~~
197 ~~public facilities and services in an inefficient manner, and~~
198 ~~failing to provide a clear separation between urban and rural~~
199 ~~uses.~~

200 Section 3. Paragraph (f) of subsection (1), subsection

201 (2), and paragraph (a) of subsection (6) of section 163.3177,
202 Florida Statutes, are amended to read:

203 163.3177 Required and optional elements of comprehensive
204 plan; studies and surveys.—

205 (1) The comprehensive plan shall provide the principles,
206 guidelines, standards, and strategies for the orderly and
207 balanced future economic, social, physical, environmental, and
208 fiscal development of the area that reflects community
209 commitments to implement the plan and its elements. These
210 principles and strategies shall guide future decisions in a
211 consistent manner and shall contain programs and activities to
212 ensure comprehensive plans are implemented. The sections of the
213 comprehensive plan containing the principles and strategies,
214 generally provided as goals, objectives, and policies, shall
215 describe how the local government's programs, activities, and
216 land development regulations will be initiated, modified, or
217 continued to implement the comprehensive plan in a consistent
218 manner. It is not the intent of this part to require the
219 inclusion of implementing regulations in the comprehensive plan
220 but rather to require identification of those programs,
221 activities, and land development regulations that will be part
222 of the strategy for implementing the comprehensive plan and the
223 principles that describe how the programs, activities, and land
224 development regulations will be carried out. The plan shall
225 establish meaningful and predictable standards for the use and

226 development of land and provide meaningful guidelines for the
227 content of more detailed land development and use regulations.

228 (f) All required ~~mandatory~~ and optional elements of the
229 comprehensive plan and plan amendments must ~~shall~~ be based upon
230 relevant ~~and appropriate~~ data and an analysis by the local
231 government that may include, but not be limited to, surveys,
232 studies, ~~community goals and vision~~, and other data available at
233 the time of adoption of the comprehensive plan or plan
234 amendment. To be based on data means to react to it ~~in an~~
235 ~~appropriate way and~~ to the extent necessary indicated by the
236 data available on that particular subject at the time of
237 adoption of the plan or plan amendment at issue.

238 1. Surveys, studies, and data utilized in the preparation
239 of the comprehensive plan may not be deemed a part of the
240 comprehensive plan unless adopted as a part of it. Copies of
241 such studies, surveys, data, and supporting documents for
242 proposed plans and plan amendments must ~~shall~~ be made available
243 for public inspection, and copies of such plans must ~~shall~~ be
244 made available to the public upon payment of reasonable charges
245 for reproduction. Support data or summaries shall be ~~are not~~
246 subject to the compliance review process. ~~but~~ The comprehensive
247 plan, the support data, and the summaries must be clearly based
248 on current ~~appropriate~~ data and analysis, which is relevant to
249 and correlates with the proposed amendment. Support data or
250 summaries may be used to aid in the determination of compliance

251 and consistency.

252 2. Data must be taken from professionally accepted
 253 sources. The application of a methodology utilized in data
 254 collection or whether a particular methodology is professionally
 255 accepted may be evaluated. ~~However, the evaluation may not~~
 256 ~~include whether one accepted methodology is better than another.~~
 257 ~~Original data collection by local governments is not required.~~
 258 ~~However, local governments may use original data so long as~~
 259 ~~methodologies are professionally accepted.~~

260 3. The comprehensive plan must ~~shall~~ be based upon
 261 permanent and seasonal population estimates and projections,
 262 which must ~~shall~~ either be ~~those~~ published by the Office of
 263 Economic and Demographic Research or generated by the local
 264 government based upon a professionally acceptable methodology, and
 265 whichever is greater. The plan must be based on at least the
 266 minimum amount of land required to accommodate the medium
 267 projections as published by the Office of Economic and
 268 Demographic Research for at least a 10-year planning period
 269 unless otherwise limited under s. 380.05, including related
 270 rules of the Administration Commission. Absent physical
 271 limitations on population growth, population projections for
 272 each municipality, and the unincorporated area within a county
 273 must, at a minimum, be reflective of each area's proportional
 274 share of the total county population and the total county
 275 population growth.

276 (2) Coordination of the required and optional ~~several~~
 277 elements of the local comprehensive plan must ~~shall~~ be a major
 278 objective of the planning process. The required and optional
 279 ~~several~~ elements of the comprehensive plan must ~~shall~~ be
 280 consistent. Optional elements of the comprehensive plan may not
 281 contain policies that restrict the density or intensity
 282 established in the future land use element. Where data is
 283 relevant to required and optional ~~several~~ elements, consistent
 284 data must ~~shall~~ be used, including population estimates and
 285 projections ~~unless alternative data can be justified for a plan~~
 286 ~~amendment through new supporting data and analysis.~~ Each map
 287 depicting future conditions must reflect the principles,
 288 guidelines, and standards within all elements, and each such map
 289 must be contained within the comprehensive plan.

290 (6) In addition to the requirements of subsections (1) -
 291 (5), the comprehensive plan shall include the following
 292 elements:

293 (a) A future land use plan element designating proposed
 294 future general distribution, location, and extent of the uses of
 295 land for residential uses, commercial uses, industry,
 296 agriculture, recreation, conservation, education, public
 297 facilities, and other categories of the public and private uses
 298 of land. The approximate acreage and the general range of
 299 density or intensity of use must ~~shall~~ be provided for the gross
 300 land area included in each existing land use category. The

301 element must ~~shall~~ establish the long-term end toward which land
302 use programs and activities are ultimately directed.

303 1. Each future land use category must be defined in terms
304 of uses included, and must include standards to be followed in
305 the control and distribution of population densities and
306 building and structure intensities. The proposed distribution,
307 location, and extent of the various categories of land use must
308 ~~shall~~ be shown on a land use map or map series which is ~~shall be~~
309 supplemented by goals, policies, and measurable objectives.

310 2. The future land use plan and plan amendments must ~~shall~~
311 be based upon surveys, studies, and data regarding the area, as
312 applicable, including:

313 a. The amount of land required to accommodate anticipated
314 growth, including the amount of land necessary to accommodate
315 single-family, two-family, and fee simple townhome development.

316 b. The projected permanent and seasonal population of the
317 area.

318 c. The character of undeveloped land.

319 d. The availability of water supplies, public facilities,
320 and services.

321 e. The amount of land located outside the urban service
322 area, excluding lands designated for conservation, preservation,
323 or other public use.

324 ~~f.e.~~ The need for redevelopment, including the renewal of
325 blighted areas and the elimination of nonconforming uses which

326 are inconsistent with the character of the community.

327 ~~g.f.~~ The compatibility of uses on lands adjacent to or
328 closely proximate to military installations.

329 ~~h.g.~~ The compatibility of uses on lands adjacent to an
330 airport as defined in s. 330.35 and consistent with s. 333.02.

331 ~~i.h.~~ The discouragement of urban sprawl.

332 ~~j.i.~~ The need for job creation, capital investment, and
333 economic development that will strengthen and diversify the
334 community's economy.

335 ~~k.j.~~ The need to modify land uses and development patterns
336 within antiquated subdivisions.

337 3. The future land use plan element must ~~shall~~ include
338 criteria to be used to:

339 a. Achieve the compatibility of lands adjacent or closely
340 proximate to military installations, considering factors
341 identified in s. 163.3175(5).

342 b. Achieve the compatibility of lands adjacent to an
343 airport as defined in s. 330.35 and consistent with s. 333.02.

344 c. Encourage preservation of recreational and commercial
345 working waterfronts for water-dependent uses in coastal
346 communities.

347 d. Encourage the location of schools proximate to urban
348 service residential areas to the extent possible and encourage
349 the location of schools in all areas if necessary to provide
350 adequate school capacity to serve residential development.

351 e. Coordinate future land uses with the topography and
 352 soil conditions, and the availability of facilities and
 353 services.

354 f. Ensure the protection of natural and historic
 355 resources.

356 g. Provide for the compatibility of adjacent land uses.

357 h. Provide guidelines for the implementation of mixed-use
 358 development including the types of uses allowed, the percentage
 359 distribution among the mix of uses, or other standards, and the
 360 density and intensity of each use.

361 4. The amount of land designated for future planned uses
 362 must ~~shall~~ provide a balance of uses that foster vibrant, viable
 363 communities and economic development opportunities and address
 364 outdated development patterns, such as antiquated subdivisions.
 365 The amount of land designated for future land uses should allow
 366 the operation of real estate markets to provide adequate choices
 367 for permanent and seasonal residents and business and may not be
 368 limited solely by the projected population. The element must
 369 ~~shall~~ accommodate at least the minimum amount of land required
 370 to accommodate the medium projections as published by the Office
 371 of Economic and Demographic Research for at least a 10-year
 372 planning period unless otherwise limited under s. 380.05,
 373 including related rules of the Administration Commission.

374 5. The future land use plan of a county may designate
 375 areas for possible future municipal incorporation.

376 6. The land use maps or map series must ~~shall~~ generally
377 identify and depict historic district boundaries and must ~~shall~~
378 designate historically significant properties meriting
379 protection.

380 7. The future land use element must clearly identify the
381 land use categories in which public schools are an allowable
382 use. When delineating the land use categories in which public
383 schools are an allowable use, a local government shall include
384 in the categories sufficient land proximate to residential
385 development to meet the projected needs for schools in
386 coordination with public school boards and may establish
387 differing criteria for schools of different type or size. Each
388 local government shall include lands contiguous to existing
389 school sites, to the maximum extent possible, within the land
390 use categories in which public schools are an allowable use.

391 8. Future land use map amendments must ~~shall~~ be based upon
392 the following analyses:

393 a. An analysis of the availability of facilities and
394 services.

395 b. An analysis of the suitability of the plan amendment
396 for its proposed use considering the character of the
397 undeveloped land, soils, topography, natural resources, and
398 historic resources on site.

399 c. An analysis of the minimum amount of land needed to
400 achieve the goals and requirements of this section.

401 9. The future land use element must ~~and any amendment to~~
402 ~~the future land use element shall~~ discourage the proliferation
403 of urban sprawl by planning for future development as provided
404 in this section.

405 a. The primary indicators that a plan or plan amendment
406 does not discourage the proliferation of urban sprawl are listed
407 below. The evaluation of the presence of these indicators shall
408 consist of an analysis of the plan or plan amendment within the
409 context of features and characteristics unique to each locality
410 in order to determine whether the plan or plan amendment:

411 (I) Promotes, allows, or designates for development
412 substantial areas of the jurisdiction to develop as low-
413 intensity, low-density, or single-use development or uses.

414 (II) Promotes, allows, or designates significant amounts
415 of urban development to occur in rural areas at substantial
416 distances from existing urban areas while not using undeveloped
417 lands that are available and suitable for development.

418 (III) Promotes, allows, or designates urban development in
419 radial, strip, isolated, or ribbon patterns generally emanating
420 from existing urban developments.

421 (IV) Fails to adequately protect and conserve natural
422 resources, such as wetlands, floodplains, native vegetation,
423 environmentally sensitive areas, natural groundwater aquifer
424 recharge areas, lakes, rivers, shorelines, beaches, bays,
425 estuarine systems, and other significant natural systems.

426 (V) Fails to adequately protect adjacent agricultural
 427 areas and activities, including silviculture, active
 428 agricultural and silvicultural activities, passive agricultural
 429 activities, and dormant, unique, and prime farmlands and soils.

430 (VI) Fails to maximize use of existing public facilities
 431 and services.

432 (VII) Fails to maximize use of future public facilities
 433 and services.

434 (VIII) Allows for land use patterns or timing which
 435 disproportionately increase the cost in time, money, and energy
 436 of providing and maintaining facilities and services, including
 437 roads, potable water, sanitary sewer, stormwater management, law
 438 enforcement, education, health care, fire and emergency
 439 response, and general government.

440 (IX) Fails to provide a clear separation between rural and
 441 urban uses.

442 (X) Discourages or inhibits infill development or the
 443 redevelopment of existing neighborhoods and communities.

444 (XI) Fails to encourage a functional mix of uses.

445 (XII) Results in poor accessibility among linked or
 446 related land uses.

447 (XIII) Results in the loss of significant amounts of
 448 functional open space.

449 b. The future land use element or plan amendment shall be
 450 determined to discourage the proliferation of urban sprawl if it

451 incorporates a development pattern or urban form that achieves
452 four or more of the following:

453 (I) Directs or locates economic growth and associated land
454 development to geographic areas of the community in a manner
455 that does not have an adverse impact on and protects natural
456 resources and ecosystems.

457 (II) Promotes the efficient and cost-effective provision
458 or extension of public infrastructure and services.

459 (III) Promotes walkable and connected communities and
460 provides for compact development and a mix of uses at densities
461 and intensities that will support a range of housing choices and
462 a multimodal transportation system, including pedestrian,
463 bicycle, and transit, if available.

464 (IV) Promotes conservation of water and energy.

465 (V) Preserves agricultural areas and activities, including
466 silviculture, and dormant, unique, and prime farmlands and
467 soils.

468 (VI) Preserves open space and natural lands and provides
469 for public open space and recreation needs.

470 (VII) Creates a balance of land uses based upon demands of
471 the residential population for the nonresidential needs of an
472 area.

473 (VIII) Provides uses, densities, and intensities of use
474 and urban form that would remediate an existing or planned
475 development pattern in the vicinity that constitutes sprawl or

476 | if it provides for an innovative development pattern such as
 477 | transit-oriented developments or new towns as defined in s.
 478 | 163.3164.

479 | 10. The future land use element must ~~shall~~ include a
 480 | future land use map or map series.

481 | a. The proposed distribution, extent, and location of the
 482 | following uses must ~~shall~~ be shown on the future land use map or
 483 | map series:

- 484 | (I) Residential.
- 485 | (II) Commercial.
- 486 | (III) Industrial.
- 487 | (IV) Agricultural.
- 488 | (V) Recreational.
- 489 | (VI) Conservation.
- 490 | (VII) Educational.
- 491 | (VIII) Public.

492 | b. The following areas must ~~shall~~ also be shown on the
 493 | future land use map or map series, if applicable:

- 494 | (I) Historic district boundaries and designated
 495 | historically significant properties.
- 496 | (II) Transportation concurrency management area boundaries
 497 | or transportation concurrency exception area boundaries.
- 498 | (III) Multimodal transportation district boundaries.
- 499 | (IV) Mixed-use categories.

500 | c. The following natural resources or conditions must

501 ~~shall~~ be shown on the future land use map or map series, if
 502 applicable:

503 (I) Existing and planned public potable waterwells, cones
 504 of influence, and wellhead protection areas.

505 (II) Beaches and shores, including estuarine systems.

506 (III) Rivers, bays, lakes, floodplains, and harbors.

507 (IV) Wetlands.

508 (V) Minerals and soils.

509 (VI) Coastal high hazard areas.

510 Section 4. Paragraph (a) of subsection (1) of section
 511 163.3187, Florida Statutes, is amended to read:

512 163.3187 Process for adoption of small scale comprehensive
 513 plan amendment.—

514 (1) A small scale development amendment may be adopted
 515 under the following conditions:

516 (a) The proposed amendment involves a use of 150 ~~50~~ acres
 517 or fewer. ~~and:~~

518 Section 5. Subsection (2) of section 163.3202, Florida
 519 Statutes, is amended, and subsection (8) is added to that
 520 section, to read:

521 163.3202 Land development regulations.—

522 (2) Local land development regulations shall contain
 523 specific and detailed provisions necessary or desirable to
 524 implement the adopted comprehensive plan and shall at a minimum:

525 (a) Regulate the subdivision of land.

526 (b) Establish minimum lot sizes within single-family, two-
527 family, and fee simple, single-family townhouse zoning districts
528 to accommodate the maximum density authorized in the
529 comprehensive plan, net of the land area required to be set
530 aside for subdivision roads, sidewalks, stormwater ponds, open
531 space, landscape buffers, and any other mandatory land
532 development regulations that require land to be set aside that
533 could otherwise be used for the development of single-family
534 homes, two-family homes, and fee simple, single-family
535 townhouses.

536 (c)~~(b)~~ Regulate the use of land and water for those land
537 use categories included in the land use element and ensure the
538 compatibility of adjacent uses and provide for open space.

539 (d)~~(e)~~ Provide for protection of potable water wellfields.

540 (e)~~(d)~~ Regulate areas subject to seasonal and periodic
541 flooding and provide for drainage and stormwater management.

542 (f)~~(e)~~ Ensure the protection of environmentally sensitive
543 lands designated in the comprehensive plan.

544 (g)~~(f)~~ Regulate signage.

545 (h)~~(g)~~ Provide that public facilities and services meet or
546 exceed the standards established in the capital improvements
547 element required by s. 163.3177 and are available when needed
548 for the development, or that development orders and permits are
549 conditioned on the availability of these public facilities and
550 services necessary to serve the proposed development. A local

551 government may not issue a development order or permit that
552 results in a reduction in the level of services for the affected
553 public facilities below the level of services provided in the
554 local government's comprehensive plan.

555 ~~(i)-(h)~~ Ensure safe and convenient onsite traffic flow,
556 considering needed vehicle parking.

557 ~~(j)-(i)~~ Maintain the existing density of residential
558 properties or recreational vehicle parks if the properties are
559 intended for residential use and are located in the
560 unincorporated areas that have sufficient infrastructure, as
561 determined by a local governing authority, and are not located
562 within a coastal high-hazard area under s. 163.3178.

563 ~~(k)-(j)~~ Incorporate preexisting development orders
564 identified pursuant to s. 163.3167(3).

565 (8) Notwithstanding any ordinance existing on July 1,
566 2024, to the contrary, an application for infill development
567 shall be administratively approved and no comprehensive plan
568 amendment, rezoning, or variance shall be required if the
569 proposed infill development has the same or less gross density
570 as the existing development and is generally consistent with the
571 development standards, including lot size and setbacks, of the
572 existing development. A development order issued for development
573 authorized pursuant to this subsection is deemed consistent with
574 all applicable local government comprehensive plans and land
575 development regulations.

576 Section 6. Paragraph (d) of subsection (2) of section
 577 212.055, Florida Statutes, is amended to read:

578 212.055 Discretionary sales surtaxes; legislative intent;
 579 authorization and use of proceeds.—It is the legislative intent
 580 that any authorization for imposition of a discretionary sales
 581 surtax shall be published in the Florida Statutes as a
 582 subsection of this section, irrespective of the duration of the
 583 levy. Each enactment shall specify the types of counties
 584 authorized to levy; the rate or rates which may be imposed; the
 585 maximum length of time the surtax may be imposed, if any; the
 586 procedure which must be followed to secure voter approval, if
 587 required; the purpose for which the proceeds may be expended;
 588 and such other requirements as the Legislature may provide.
 589 Taxable transactions and administrative procedures shall be as
 590 provided in s. 212.054.

591 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

592 (d) The proceeds of the surtax authorized by this
 593 subsection and any accrued interest shall be expended by the
 594 school district, within the county and municipalities within the
 595 county, or, in the case of a negotiated joint county agreement,
 596 within another county, to finance, plan, and construct
 597 infrastructure; to acquire any interest in land for public
 598 recreation, conservation, or protection of natural resources or
 599 to prevent or satisfy private property rights claims resulting
 600 from limitations imposed by the designation of an area of

601 critical state concern; to provide loans, grants, or rebates to
602 residential or commercial property owners who make energy
603 efficiency improvements to their residential or commercial
604 property, if a local government ordinance authorizing such use
605 is approved by referendum; or to finance the closure of county-
606 owned or municipally owned solid waste landfills that have been
607 closed or are required to be closed by order of the Department
608 of Environmental Protection. Any use of the proceeds or interest
609 for purposes of landfill closure before July 1, 1993, is
610 ratified. The proceeds and any interest may not be used for the
611 operational expenses of infrastructure, except that a county
612 that has a population of fewer than 75,000 and that is required
613 to close a landfill may use the proceeds or interest for long-
614 term maintenance costs associated with landfill closure.
615 Counties, as defined in s. 125.011, and charter counties may, in
616 addition, use the proceeds or interest to retire or service
617 indebtedness incurred for bonds issued before July 1, 1987, for
618 infrastructure purposes, and for bonds subsequently issued to
619 refund such bonds. Any use of the proceeds or interest for
620 purposes of retiring or servicing indebtedness incurred for
621 refunding bonds before July 1, 1999, is ratified.

622 1. For the purposes of this paragraph, the term
623 "infrastructure" means:

624 a. Any fixed capital expenditure or fixed capital outlay
625 associated with the construction, reconstruction, or improvement

626 of public facilities that have a life expectancy of 5 or more
 627 years, any related land acquisition, land improvement, design,
 628 and engineering costs, and all other professional and related
 629 costs required to bring the public facilities into service. For
 630 purposes of this sub-subparagraph, the term "public facilities"
 631 means facilities as defined in s. 163.3164(40) ~~163.3164(39)~~, s.
 632 163.3221(13), or s. 189.012(5), and includes facilities that are
 633 necessary to carry out governmental purposes, including, but not
 634 limited to, fire stations, general governmental office
 635 buildings, and animal shelters, regardless of whether the
 636 facilities are owned by the local taxing authority or another
 637 governmental entity.

638 b. A fire department vehicle, an emergency medical service
 639 vehicle, a sheriff's office vehicle, a police department
 640 vehicle, or any other vehicle, and the equipment necessary to
 641 outfit the vehicle for its official use or equipment that has a
 642 life expectancy of at least 5 years.

643 c. Any expenditure for the construction, lease, or
 644 maintenance of, or provision of utilities or security for,
 645 facilities, as defined in s. 29.008.

646 d. Any fixed capital expenditure or fixed capital outlay
 647 associated with the improvement of private facilities that have
 648 a life expectancy of 5 or more years and that the owner agrees
 649 to make available for use on a temporary basis as needed by a
 650 local government as a public emergency shelter or a staging area

651 for emergency response equipment during an emergency officially
652 declared by the state or by the local government under s.
653 252.38. Such improvements are limited to those necessary to
654 comply with current standards for public emergency evacuation
655 shelters. The owner must enter into a written contract with the
656 local government providing the improvement funding to make the
657 private facility available to the public for purposes of
658 emergency shelter at no cost to the local government for a
659 minimum of 10 years after completion of the improvement, with
660 the provision that the obligation will transfer to any
661 subsequent owner until the end of the minimum period.

662 e. Any land acquisition expenditure for a residential
663 housing project in which at least 30 percent of the units are
664 affordable to individuals or families whose total annual
665 household income does not exceed 120 percent of the area median
666 income adjusted for household size, if the land is owned by a
667 local government or by a special district that enters into a
668 written agreement with the local government to provide such
669 housing. The local government or special district may enter into
670 a ground lease with a public or private person or entity for
671 nominal or other consideration for the construction of the
672 residential housing project on land acquired pursuant to this
673 sub-subparagraph.

674 f. Instructional technology used solely in a school
675 district's classrooms. As used in this sub-subparagraph, the

676 term "instructional technology" means an interactive device that
677 assists a teacher in instructing a class or a group of students
678 and includes the necessary hardware and software to operate the
679 interactive device. The term also includes support systems in
680 which an interactive device may mount and is not required to be
681 affixed to the facilities.

682 2. For the purposes of this paragraph, the term "energy
683 efficiency improvement" means any energy conservation and
684 efficiency improvement that reduces consumption through
685 conservation or a more efficient use of electricity, natural
686 gas, propane, or other forms of energy on the property,
687 including, but not limited to, air sealing; installation of
688 insulation; installation of energy-efficient heating, cooling,
689 or ventilation systems; installation of solar panels; building
690 modifications to increase the use of daylight or shade;
691 replacement of windows; installation of energy controls or
692 energy recovery systems; installation of electric vehicle
693 charging equipment; installation of systems for natural gas fuel
694 as defined in s. 206.9951; and installation of efficient
695 lighting equipment.

696 3. Notwithstanding any other provision of this subsection,
697 a local government infrastructure surtax imposed or extended
698 after July 1, 1998, may allocate up to 15 percent of the surtax
699 proceeds for deposit into a trust fund within the county's
700 accounts created for the purpose of funding economic development

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701 projects having a general public purpose of improving local
702 economies, including the funding of operational costs and
703 incentives related to economic development. The ballot statement
704 must indicate the intention to make an allocation under the
705 authority of this subparagraph.

706 Section 7. Subsection (29) of section 479.01, Florida
707 Statutes, is amended to read:

708 479.01 Definitions.—As used in this chapter, the term:

709 (29) "Zoning category" means the designation under the
710 land development regulations or other similar ordinance enacted
711 to regulate the use of land as provided in s. 163.3202(2) ~~s.~~
712 ~~163.3202(2)(b)~~, which designation sets forth the allowable uses,
713 restrictions, and limitations on use applicable to properties
714 within the category.

715 Section 8. This act shall take effect July 1, 2024.