



LAND USE & ECONOMIC DEVELOPMENT COMMITTEE

**Thursday, December 1, 2022
10:00 a.m. – 12:00 p.m. EDT**

**Palms Ballroom D
Embassy Suites Lake Buena Vista South
4955 Kyngs Heath Road
Kissimmee, FL 34746**

FLC Staff Contact: David Cruz



Agenda



Land Use & Economic Development Legislative Policy Committee
Thursday, December 1, 2022 ~ 10:00 a.m.—12:00 p.m.
Embassy Suites Lake Buena Vista South
4955 Kyngs Heath Rd, Kissimmee, FL 34746

AGENDA

- I.** Introduction & Opening Remarks **Chair Linda Hudson**
Mayor, City of Fort Pierce
- II.** FLC Policy Committee Process for 2022-2023 **David Cruz, FLC Staff**
- III.** Finalize Language of Recommended Priority and Policy Position..... **David Cruz, FLC Staff**
 - A. Mobility Plans
 - B. Residential Infill Zoning
- IV.** Additional Information..... **David Cruz, FLC Staff**
 - A. Key Legislative Dates
 - B. Home Rule Hero Criteria
 - C. Key Contacts – Click [HERE](#) to sign-up
- V.** Closing Remarks **Chair Linda Hudson**
Mayor, City of Fort Pierce
- VI.** Adjournment



Committee Roster

CHAIR:

The Honorable Linda Hudson
Mayor, City of Fort Pierce

VICE CHAIR:

The Honorable William Schaetzle
Mayor Pro Tem, City of Niceville

MEMBERS:

The Honorable David Alfin
Mayor, City of Palm Coast

Jeremy Allen
Village Manager, Village of Tequesta

The Honorable Antonio Arserio
Mayor, City of Margate

The Honorable Keith Babb
Mayor, City of Pahokee

The Honorable Patricia Bates
Mayor, City of Altamonte Springs

Lana Beck
Communications and Govt Relations
Administrator, City of Pinellas Park

The Honorable BJ Bishop
Commissioner, Town of Longboat Key

The Honorable Liston Bochette
Councilman, City of Fort Myers

The Honorable Dorothea Bogert
Mayor, City of Auburndale

Michael Bornstein
Village Manager, Village of Palm
Springs

The Honorable Julia Botel
Councilperson, City of Riviera Beach

Peggy Boule Washington

Assistant Director of Community &
Economic Development, City of
Pahokee

The Honorable Woody Brown
Mayor, City of Largo

The Honorable Richard Bryan
Councilmember, City of Daytona
Beach Shores

The Honorable Doug Bryant
Councilmember, City of Mount Dora

The Honorable Traci Callari
Commissioner, City of Hollywood

The Honorable Bryan Calvo
Councilmember, City of Hialeah

Leondrae Camel
City Manager, City of South Bay

Daniel Clark
Town Manager, Town of Lake Clarke
Shores

The Honorable Jeremy Clark
Commissioner, City of Davenport

Shane Corbin
City Manager, City of Atlantic Beach

Steven Cover
Director of Planning, City of Sarasota

John D'Agostino
Town Manager, Town of Lake Park

The Honorable Bradley Dantzler
Mayor, City of Winter Haven

The Honorable Jack Dearmin
Mayor, City of Lake Alfred

Rebecca DeLaRosa

Chief of Staff - Mayor's Office, City of West Palm Beach

The Honorable Joshua Dieguez

Councilmember, Town of Miami Lakes

The Honorable Ed Dodd

Councilmember, City of Sebastian

The Honorable Melissa Dunn

Vice Mayor, City of Lauderhill

The Honorable Betty Erhard

Councilmember, City of Brooksville

The Honorable Joshua Fuller

Mayor, Town of Bay Harbor Islands

The Honorable Anne Gerwig

Mayor, Village of Wellington

The Honorable Dana Goldman

Mayor, City of Sunny Isles Beach

The Honorable Bobby Gonzalez

Council Member, Town of Lake Clarke Shores

The Honorable Lawrence Gordon

Vice Mayor, Town of Haverhill

The Honorable John Gunter

Mayor, City of Cape Coral

The Honorable Shannon Hayes

Councilmember, City of Crestview

The Honorable Dan Janson

Councilman, City of Jacksonville Beach

The Honorable Ted Johnson

Commissioner, City of Winter Springs

The Honorable Andrew Knapp

Councilmember, City of Oldsmar

R. Max Lohman

Attorney, Lohman Law Group, P.A.

Sara Maxfield

Economic Development Director, City of Delray Beach

The Honorable Debbie McDowell

Commissioner, City of North Port

The Honorable Andrea McGee

Commissioner, City of Pompano Beach

The Honorable Matt McMillan

Commissioner, City of Longwood

The Honorable Joseph McMullen

Commissioner, Town of Oakland

The Honorable Rob Medina

Mayor, City of Palm Bay

The Honorable Roger Michaud

Commissioner, Town of Lake Park

The Honorable Honey Minuse

Councilmember, City of Vero Beach

The Honorable MG Moran

Councilman, City of Fort Walton Beach

The Honorable Knute Nathe

Mayor Pro Tem, City of Dade City

The Honorable Daniel Nugent

Commissioner, City of Starke

Mark Ogles

Director of Government Relations & Partnerships, Summit
Broadband/Florida Business Watch

The Honorable Steve Osmer

Mayor, City of Satellite Beach

The Honorable Karen Ostrand

Mayor, Town of Ocean Breeze

The Honorable John Penny

Commissioner, City of Holly Hill

The Honorable David Pickett

Councilman, City of Port St. Lucie

The Honorable Jacquelyn Randall
Mayor, City of Hawthorne

The Honorable Chelsea Reed
Mayor, City of Palm Beach Gardens

The Honorable Kevin Reid
Commissioner, City of DeLand

The Honorable Thomas Reid
Vice Mayor, City of South Pasadena

The Honorable Betty Resch
Mayor, City of Lake Worth Beach

The Honorable Marie Rosner
Commissioner, Town of Jupiter Inlet
Colony

The Honorable Thomas Shelly
Commissioner, Town of Belleair

The Honorable Megan Sladek
Mayor, City of Oviedo

The Honorable Alexander Smith
Commissioner, City of Apopka

Kassandra Timothe
Councilwoman, City of North Miami

The Honorable Debbie Trice
Commissioner, City of Sarasota

The Honorable Leslie Waters
Mayor, City of Seminole

The Honorable Jamie Watts
Mayor, Town of Welaka

The Honorable Morris West
Commissioner, City of Haines City

The Honorable Delarian Wiggins
Councilmember, City of Pensacola

The Honorable Don Willis
Councilmember, City of Cape
Canaveral

The Honorable Evelyn Wilson
Mayor, City of Groveland

The Honorable Justin York
Commissioner, City of Lake Mary

The Honorable Andrea Young
Deputy Mayor, City of West Melbourne



Policy Development Process

2022-2023 FLC Legislative Policy Process

The Florida League of Cities' (FLC) Charter and Bylaws specify that the League shall engage only on legislation that pertains directly to "municipal affairs." "Municipal affairs" means issues that directly pertain to the governmental, corporate and proprietary powers to conduct municipal government, perform municipal functions, render municipal services, and raise and expend revenues. Protecting Florida's cities from egregious far-reaching attacks on Home Rule powers will always be the top priority.

Each year, municipal officials from across the state volunteer to serve on the League's legislative policy committees. Appointments are a one-year commitment and involve developing the League's Legislative Action Agenda. The Action Agenda addresses priority issues of statewide interest that are most likely to affect daily municipal governance and local decision-making during the upcoming legislative session.

Policy committee members also help League staff understand the real-world implications of proposed legislation, and they are asked to serve as advocates throughout the year. To get a broad spectrum of ideas and better understand the impact of League policy proposals on rural, suburban and urban cities of all sizes, it is ideal that each of Florida's cities be represented on one or more of the legislative policy committees.

The Florida Legislature convenes the 2023 Legislative Session on March 7. The League's legislative policy committee meetings commence in September 2022 and meet three times.

There are currently five standing *legislative policy committees*:

Finance, Taxation and Personnel Committee: This committee addresses municipal roles in general finance and tax issues, Home Rule revenues, infrastructure funding, insurance, local option revenues, pension issues, personnel and collective bargaining issues, revenue sharing, tax and budget reform, telecommunications and workers' compensation.

Land Use and Economic Development Committee: This committee addresses policies specific to municipal concerns with community redevelopment, economic development, growth management and land use planning issues, annexation, eminent domain, tort liability, property rights and ethics.

Municipal Administration Committee: This committee addresses municipal concerns with code enforcement, elections, emergency management, gaming, homeland security, public meetings, public property management, public records, public safety and procurement, as well as charter counties and special districts.

Transportation and Intergovernmental Relations Committee: This committee addresses municipal concerns relating to transportation and highway safety, as well as aviation, affordable housing (and homelessness), billboards, building codes, charter schools, rights-of-way and veterans affairs.

Utilities, Natural Resources and Public Works Committee: This committee addresses policies specific to municipal concerns with coastal management, energy, environmental and wetlands permitting, hazardous and toxic wastes, recycling, solid waste collection and disposal, stormwater, wastewater treatment and reuse, water management and water quality and quantity.

At the last meeting, each of the five policy committees adopts ONE legislative priority that will be submitted to the Legislative Committee. The Legislative Committee is composed of:

- ▶ Each legislative policy committee chair and the chairs of the other standing committees
- ▶ The President of each local and regional league
- ▶ The Presidents of several other municipal associations
- ▶ Chairs of the municipal trust boards
- ▶ Several at-large members appointed by the FLC President.

The policy priorities, as adopted by the Legislative Committee, are then recommended to the general membership for approval as the League's Legislative Action Agenda.

In addition, a legislative policy committee may, but is not required to, recommend ONE policy position related to other relevant legislative issues. The policy position must satisfy the same criteria above for legislative priorities. The recommended policy position will be considered by the Legislative Committee. If favorably considered by that committee, it will be considered by the general membership. If adopted by the general membership, the policy position may be published and communicated to legislators and others, as appropriate.

Due to Sunshine Law issues, only one elected official per city can be represented on a committee, but a city could have an elected and a non-elected city official on each of the five policy committees. Appointments are made by the League president based upon a city official's support and advocacy of the Legislative Action Agenda and participation at meetings, Legislative Action Days and other legislative-related activities.

2022 Legislative Policy Committee Meeting Dates

- ▶ September 16, 2022, 10:00 a.m. to 2:00 p.m. at the Embassy Suites Lake Buena Vista South, 4955 Kyngs Heath Road, Kissimmee, FL.
- ▶ October 7, 2022, 10:00 a.m. to 2:00 p.m. at the Embassy Suites Lake Buena Vista South, 4955 Kyngs Heath Road, Kissimmee, FL.
- ▶ December 1, 2022, during the FLC Legislative Conference at the Embassy Suites Lake Buena Vista South, 4955 Kyngs Heath Road, Kissimmee, FL.

If you are interested in serving or learning more, please contact Mary Edenfield at 850.701.3624 or medenfield@flcities.com.



Mobility Plans



Mobility Plans

Draft Priority Statement:

The Florida League of Cities SUPPORTS legislation that defines and clarifies mobility plans and fees in order to provide a clear and concise regulatory framework for Florida cities to acquire, construct and implement alternative modes of transportation.

Background:

In 2009, the state convened a multi-member panel to look at alternatives to transportation concurrency. That panel investigated options that would specifically encourage and facilitate urban infill and redevelopment rather than simply perpetuating the then current practices, which focused on development everywhere.

In 2013, the Legislature further refined the existing transportation mitigation systems under Florida law; culminating with the creation of mobility plans and fees as a legally viable alternative to transportation concurrency. Three types of systems were identified in statute: concurrency, mobility plan with an adopted mobility fee and non-mobility fee-based systems. However, the revised legislation provided little guidance specific to mobility plans and no new definitions were provided in statute.

A mobility plan identifies various multimodal projects necessary to permit redevelopment, infill projects, and development. A mobility fee is a one-time fee paid by a developer to a municipality to cover the costs of the improvements necessary to fully mitigate the developments traffic impact on the transportation system. Mobility fees must be calculated based on the multimodal projects adopted in the Mobility Plan and must be used to fund the identified multimodal projects in the Plan. Mobility fees were established by the Legislature to provide developers a simplified alternative to transportation concurrency, proportionate share, and road impact fees. Therefore, a mobility fee is charged in lieu of an impact fee. Mobility fees are not a tax, and they are not charged to existing homes, businesses, or property; unless there is an addition, change of use, expansion, modification, or redevelopment that requires issuance of a building permit and generates additional travel demand above the existing use of property. Additionally, unlike transportation (or “road”) impact fees, mobility fees are not limited to expanding vehicular lane miles or road capacity. Mobility fees may be expended on any transportation project in the mobility plan, including roads.

The proposed mobility legislation, if adopted, would accomplish three major objectives to the benefit of both municipalities and developers:

1. Prohibits the imposition of a transportation (road) impact fee within the area designated for the imposition of a mobility fee through a mobility plan. No double impact fee charge.

2. The mobility fee, as adopted, MUST fully mitigate the development's transportation impacts.

3. In a mobility plan area only a mobility fee charged by the local government issuing the development's building permits may be collected. Another local government may NOT charge for the same travel demand.

Since 2013, roughly 65 cities and 18 counties have adopted or are in various stages of approval or consideration for adoption of a mobility plan or mobility fee.

Absent additional legislative guidance, city ordinances on mobility plans and mobility fees are subject to attack over differing legal interpretations of the current state statute. Therefore, the Florida League of Cities supports legislation that provides clear guidelines for the creation and adoption of mobility plans and mobility fees.

By Senator Brodeur

9-01555B-22

20221824__

A bill to be entitled

An act relating to mobility funding systems; amending s. 163.3164, F.S.; defining the terms "mobility fee" and "mobility plan"; amending s. 163.3180, F.S.; revising requirements and best practices for local governments applying concurrency to transportation facilities; requiring a local government electing to repeal transportation concurrency to adopt a specified alternative mobility funding system; creating s. 163.31803, F.S.; specifying prohibited uses of, and requirements and best practices for, mobility plans by local governments; providing requirements for a local government electing to adopt a mobility plan and mobility fee; providing that mobility fee-based funding systems must comply with specified requirements governing impact fees; specifying authorized and prohibited provisions in mobility plans; prohibiting the imposition of transportation impact fees in certain areas; specifying requirements for, and restrictions on, mobility fees, fee updates, and fee increases; specifying requirements for the calculation of mobility fees and person travel demand; requiring that collected mobility fees be expended or committed within a specified timeframe or be returned to the applicant paying the fee; specifying requirements for, and restrictions on, transportation impact mitigation by multiple local governments; providing best practices for certain coordination by local governments; providing a burden of proof;

9-01555B-22

20221824__

prohibiting a court from using a certain standard for the benefit of a local government; providing construction; amending s. 212.055, F.S.; conforming a cross-reference; providing an effective date.

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

Section 1. Present subsections (32) through (52) of section 163.3164, Florida Statutes, are redesignated as subsections (34) through (54), respectively, and new subsections (32) and (33) are added to that section, to read:

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

(32) "Mobility fee" means a local governmental fee schedule established by ordinance and based on the projects included in the adopted mobility plan.

(33) "Mobility plan" means an integrated land use and alternative mobility transportation plan adopted into a local government's comprehensive plan which promotes compact, mixed-use, and interconnected development served by a multimodal transportation system.

Section 2. Paragraphs (b), (c), (f), and (i) of subsection (5) of section 163.3180, Florida Statutes, are amended to read:

163.3180 Concurrency.—

(5)

(b) A local government shall apply the principles, guidelines, standards, and strategies provided in its comprehensive plan ~~governments shall use professionally accepted studies~~ to evaluate the appropriate levels of service. A local

9-01555B-22

20221824__

government ~~governments~~ should consider the number and type of facilities that will be necessary to meet level-of-service demands when determining the appropriate levels of service. The schedule of facilities that are necessary to meet the adopted level of service shall be reflected in the capital improvement element.

(c) A local government shall apply the principles, guidelines, standards, and strategies provided in its comprehensive plan ~~governments shall use professionally accepted techniques~~ for measuring levels of service when evaluating potential impacts of a proposed development.

(f) Local governments are encouraged to develop tools and techniques to complement the application of transportation concurrency such as:

1. Adoption of long-term strategies to facilitate development patterns that support multimodal solutions, including urban design, and appropriate land use mixes, including intensity and density.

2. Adoption of an areawide level of service not dependent on any single road segment or other facility function.

3. Exempting or discounting impacts of locally desired development, such as development in urban areas, redevelopment, job creation, and mixed use on the transportation system.

4. Assigning secondary priority to vehicle mobility and primary priority to ensuring a safe, comfortable, and attractive pedestrian environment, with convenient interconnection to transit.

5. Establishing multimodal level of service standards that rely primarily on nonvehicular modes of transportation where

9-01555B-22

20221824__

existing or planned community design will provide adequate level of mobility.

6. Reducing impact fees or local access fees to promote development within urban areas, multimodal transportation districts, and a balance of mixed-use development in certain areas or districts, or for affordable or workforce housing.

(i) ~~If A local government electing ~~elects~~ to repeal transportation concurrency shall, it is encouraged to adopt an alternative mobility funding system as provided in s. 163.31803 that uses one or more of the tools and techniques identified in paragraph (f). Any alternative mobility funding system adopted may not be used to deny, time, or phase an application for site plan approval, plat approval, final subdivision approval, building permits, or the functional equivalent of such approvals provided that the developer agrees to pay for the development's identified transportation impacts via the funding mechanism implemented by the local government. The revenue from the funding mechanism used in the alternative system must be used to implement the needs of the local government's plan which serves as the basis for the fee imposed. A mobility fee-based funding system must comply with s. 163.31801 governing impact fees. An alternative system that is not mobility fee-based shall not be applied in a manner that imposes upon new development any responsibility for funding an existing transportation deficiency as defined in paragraph (h).~~

Section 3. Section 163.31803, Florida Statutes, is created to read:

163.31803 Mobility plans.—

(1) This section establishes the uniform framework for the

9-01555B-22

20221824__

117 adoption and implementation of a mobility plan as an alternative
118 to transportation concurrency, as provided in s. 163.3180.

119 (a) A mobility plan may not be used to deny, time, or phase
120 an application for site plan approval, plat approval, final
121 subdivision approval, building permits, or the functional
122 equivalent of such approvals, provided that the developer agrees
123 to pay for the development's identified transportation impacts
124 via the mobility fees implemented by the local government in the
125 mobility plan.

126 (b) A mobility plan must comply with the requirements of s.
127 163.3180(5)(h), and a local government adopting a mobility plan
128 is encouraged to apply the criteria in s. 163.3180(5)(f).

129 (c) A local government electing to adopt a mobility plan
130 must adopt the mobility plan and mobility fee into its
131 comprehensive plan.

132 (d) A local government must adopt a mobility plan and
133 mobility fee system by ordinance after conducting at least two
134 public workshops before adoption.

135 (e) The adoption of the mobility fee ordinance must be
136 approved by a two-thirds vote of the governing body of the local
137 government unless the total amount of the new mobility fee is
138 less than the total of all fees available to be imposed by the
139 local government on a single development to mitigate the
140 transportation impact of the new development or redevelopment.

141 (2) A mobility fee-based funding system must comply with
142 this section and s. 163.31801, governing impact fees.

143 (3) A mobility plan may include existing and emerging
144 transportation technologies that reduce dependence on motor
145 vehicle travel capacity. The mobility plan may not be based

9-01555B-22

20221824__

solely on the addition of motor vehicle capacity; must reflect modes of travel and emerging transportation technologies reducing reliance on motor vehicle capacity which are established in the local government's comprehensive plan; and must identify multimodal projects consisting of improvements, services, and programs which increase capacity needed to meet future travel demands.

(4) A transportation impact fee may not be imposed within the area designated for the imposition of a mobility fee by a local government mobility plan.

(5) A mobility fee, fee update, or fee increase must be based on the mobility plan, may not rely solely on motor vehicle capacity, and must be used exclusively to implement the mobility plan and for no other purpose.

(6) Notwithstanding s. 163.31801(6), if a local government elects to update an existing mobility fee or adopt a new mobility fee that replaces one or more existing transportation mitigation fees after July 1, 2022, it may not increase the fee by more than a total of 50 percent, which increase must be implemented over 5 years in equal increments.

(7) A mobility fee must be updated at least once within 5 years after the date of the immediately preceding adoption or update. A mobility fee not updated within 5 years as provided in this subsection is expired, void, and of no further force or effect. A local government considering a mobility fee update may not consider annual inflation adjustments or any phased-in fees as the fulfillment of the required update.

(8) A local government adopting a mobility plan and mobility fee system for transportation mitigation shall comply

9-01555B-22

20221824__

with all of the following:

(a) Beginning September 1, 2022, a new mobility fee, fee update, or fee increase must be based on a mobility plan.

(b) The calculation of mobility fees must be based on all of the following in addition to the requirements of s. 163.31801:

1. Projected increases in population, employment, and vehicle and person miles of travel.

2. Areawide road levels of service or quality of service standards and multimodal quality of service standards for modes of travel included in the mobility plan.

3. Multimodal projects identified in the mobility plan which are attributable to, and meet the travel demands of, new development and redevelopment and which include person capacities based on service standards and projected costs.

4. An evaluation of current and future travel conditions to ensure that new development and redevelopment are not charged for backlog and associated capacity deficiencies.

5. An evaluation of the projected increases in person miles of travel and person miles of capacity to calculate the fair share of multimodal capacity and the costs of multimodal projects which are assignable and attributable to new development and redevelopment.

6. Person travel demand corresponding to the transportation impact assigned to uses included in the mobility fee schedule, based on trip generation, new trips, person trips, person trip lengths, excluded travel on limited access facilities, and adjustments for origin and destination.

7. The mobility fee may not be based on recurring

9-01555B-22

20221824__

204 transportation costs.

205 (c) Person travel demand must be localized, reflecting
206 differences in the need for multimodal projects and travel
207 within urban areas based on reduced trip lengths and the
208 availability of existing transportation infrastructure.

209 (d) A local government may recognize reductions in person
210 travel demand for affordable housing and economic development.

211 (e) Any calculation of person travel demand must ensure
212 that new development and redevelopment are not assessed twice
213 for the same transportation impact.

214 (9) A mobility fee collected for an identified
215 transportation mitigation improvement must be expended or
216 committed for an identified project within 6 years after the
217 date of collection or must be returned to the applicant who paid
218 the fee. For purposes of this subsection, an expenditure or
219 improvement is deemed committed if the preliminary design,
220 right-of-way, or detailed design for the project is completed
221 and construction will commence within 2 years.

222 (10) A local government issuing a building permit for
223 development within its jurisdiction shall develop a mobility
224 fee, based on the adopted mobility plan, to ensure that the
225 transportation impacts of the new development or redevelopment
226 project are fully mitigated. Where multiple local governments
227 are seeking to implement a mobility fee, an impact fee, or
228 another transportation mitigation exaction within the boundaries
229 of a local government, the person travel demand roughly
230 proportional to the transportation impact of new development and
231 redevelopment must initially be based on that assessed by the
232 governmental entity issuing the subject development's building

9-01555B-22

20221824__

233 permit. Another local government may not charge new development
234 or redevelopment for the same travel demand, capacity, and
235 improvements assessed by the governmental entity issuing the
236 development's building permits.

237 (11) Local governments are encouraged to coordinate the
238 identification of multimodal projects, along with capacity
239 improvements, full costs, and timing of improvements, included
240 in mobility plans with other affected local governments to
241 address intrajurisdictional and extrajurisdictional impacts. The
242 coordination is encouraged to identify measurable factors
243 addressing the share of person travel demand which each local
244 government should assess; the proportion of costs of multimodal
245 projects to be included in the mobility fee calculations; which
246 entity will construct the multimodal projects; and, if
247 necessary, whether the projected future ownership of the
248 multimodal project and underlying facility should be transferred
249 from the affected local government to the local government
250 adopting the mobility fee. Any mobility fee, impact fee, or
251 other transportation mitigation exaction other than the one
252 assessed by the local government issuing the building permits
253 must include the same benefit reductions in person travel demand
254 for affordable housing, economic development, urban areas, and
255 mixed-use development.

256 (12) A local government adopting a mobility fee, and any
257 other local government assessing a transportation exaction for
258 intrajurisdictional or extrajurisdictional impacts, has the
259 burden of proving by a preponderance of the evidence that the
260 imposition or amount of the fee or exaction meets the
261 requirements of this section. A court may not use a deferential

9-01555B-22

20221824__

standard for the benefit of the local government.

Section 4. Paragraph (d) of subsection (2) of section 212.055, Florida Statutes, is amended to read:

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

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(d) The proceeds of the surtax authorized by this subsection and any accrued interest shall be expended by the school district, within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure; to acquire any interest in land for public recreation, conservation, or protection of natural resources or to prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern; to provide loans, grants, or rebates to residential or commercial property owners who make energy efficiency improvements to their residential or commercial

9-01555B-22

20221824__

property, if a local government ordinance authorizing such use is approved by referendum; or to finance the closure of county-owned or municipally owned solid waste landfills that have been closed or are required to be closed by order of the Department of Environmental Protection. Any use of the proceeds or interest for purposes of landfill closure before July 1, 1993, is ratified. The proceeds and any interest may not be used for the operational expenses of infrastructure, except that a county that has a population of fewer than 75,000 and that is required to close a landfill may use the proceeds or interest for long-term maintenance costs associated with landfill closure. Counties, as defined in s. 125.011, and charter counties may, in addition, use the proceeds or interest to retire or service indebtedness incurred for bonds issued before July 1, 1987, for infrastructure purposes, and for bonds subsequently issued to refund such bonds. Any use of the proceeds or interest for purposes of retiring or servicing indebtedness incurred for refunding bonds before July 1, 1999, is ratified.

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

a. Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of 5 or more years, any related land acquisition, land improvement, design, and engineering costs, and all other professional and related costs required to bring the public facilities into service. For purposes of this sub-subparagraph, the term "public facilities" means facilities as defined in s. 163.3164(41) ~~s. 163.3164(39)~~, s. 163.3221(13), or s. 189.012(5), and includes facilities that

9-01555B-22

20221824__

are necessary to carry out governmental purposes, including, but not limited to, fire stations, general governmental office buildings, and animal shelters, regardless of whether the facilities are owned by the local taxing authority or another governmental entity.

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

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

d. Any fixed capital expenditure or fixed capital outlay associated with the improvement of private facilities that have a life expectancy of 5 or more years and that the owner agrees to make available for use on a temporary basis as needed by a local government as a public emergency shelter or a staging area for emergency response equipment during an emergency officially declared by the state or by the local government under s. 252.38. Such improvements are limited to those necessary to comply with current standards for public emergency evacuation shelters. The owner must enter into a written contract with the local government providing the improvement funding to make the private facility available to the public for purposes of emergency shelter at no cost to the local government for a minimum of 10 years after completion of the improvement, with the provision that the obligation will transfer to any subsequent owner until the end of the minimum period.

9-01555B-22

20221824__

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

f. Instructional technology used solely in a school district's classrooms. As used in this sub-subparagraph, the term "instructional technology" means an interactive device that assists a teacher in instructing a class or a group of students and includes the necessary hardware and software to operate the interactive device. The term also includes support systems in which an interactive device may mount and is not required to be affixed to the facilities.

2. For the purposes of this paragraph, the term "energy efficiency improvement" means any energy conservation and efficiency improvement that reduces consumption through conservation or a more efficient use of electricity, natural gas, propane, or other forms of energy on the property, including, but not limited to, air sealing; installation of insulation; installation of energy-efficient heating, cooling, or ventilation systems; installation of solar panels; building modifications to increase the use of daylight or shade;

9-01555B-22

20221824__

378 replacement of windows; installation of energy controls or
379 energy recovery systems; installation of electric vehicle
380 charging equipment; installation of systems for natural gas fuel
381 as defined in s. 206.9951; and installation of efficient
382 lighting equipment.

383 3. Notwithstanding any other provision of this subsection,
384 a local government infrastructure surtax imposed or extended
385 after July 1, 1998, may allocate up to 15 percent of the surtax
386 proceeds for deposit into a trust fund within the county's
387 accounts created for the purpose of funding economic development
388 projects having a general public purpose of improving local
389 economies, including the funding of operational costs and
390 incentives related to economic development. The ballot statement
391 must indicate the intention to make an allocation under the
392 authority of this subparagraph.

393 Section 5. This act shall take effect July 1, 2022.

1 A bill to be entitled
2 An act relating to alternative mobility funding
3 systems; amending s. 163.3164, F.S.; providing
4 definitions related to alternative mobility funding
5 systems; amending s. 163.3180, F.S.; requiring a local
6 government to apply certain criteria provided in its
7 comprehensive plan to evaluate the appropriate levels
8 of service; requiring a local government to adopt a
9 mobility plan under certain circumstances; creating s.
10 163.31803, F.S.; providing legislative intent;
11 requiring a local government adopting a mobility plan
12 to evaluate appropriate levels of service and
13 potential impacts of development by using the elements
14 of its comprehensive plan; requiring a local
15 government that adopts a mobility plan to incorporate
16 the mobility plan and mobility fee schedule into its
17 comprehensive plan; specifying procedures for adopting
18 a mobility plan or a mobility fee schedule; requiring
19 mobility fees to meet certain requirements; specifying
20 criteria that must be met in adopting a mobility plan;
21 prohibiting a transportation impact fee under
22 specified conditions; prohibiting mobility fees, fee
23 updates, or fee increases from relying solely on motor
24 vehicle capacity; requiring certain mobility fees to
25 be updated within a specified timeframe; specifying

parameters that must or may be included in a mobility fee; specifying criteria to be used by a local government in adopting a mobility plan and mobility fee for transportation mitigation improvements; requiring mobility fees for transportation mitigation improvements to be expended or committed within a specified time period; providing criteria for use by local governments issuing building permits related to mobility fees; encouraging local governments to coordinate certain activities included in mobility plans with other affected local governments for certain purposes; specifying that local governments have the burden of proving that the imposition or amount of a fee or exaction meets certain criteria; prohibiting the courts from using a deferential standard for a specified purpose; amending s. 212.055, F.S.; conforming a cross-reference; providing an effective date.

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

Section 1. Subsections (32) through (52) of section 163.3164, Florida Statutes, are renumbered as subsections (34) through (54), respectively, and new subsections (32) and (33) are added to that section, to read:

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

(32) "Mobility fee" means a local government fee schedule established by ordinance and based on the projects included in the local government's adopted mobility plan.

(33) "Mobility plan" means an integrated land use and alternative mobility transportation plan adopted into a local government comprehensive plan that promotes a compact, mixed-use, and an interconnected development served by a multimodal transportation system.

Section 2. Paragraphs (b), (c), (f), and (i) of subsection (5) of section 163.3180, Florida Statutes, are amended to read:

163.3180 Concurrency.—

(5)

(b) A local government ~~governments~~ shall use professionally accepted studies to evaluate the appropriate levels of service. A local government ~~governments~~ should consider the number and type of facilities that will be necessary to meet level-of-service demands when determining the appropriate levels of service. The schedule of facilities that are necessary to meet the adopted level of service shall be reflected in the capital improvement element.

(c) A local government ~~governments~~ shall apply the principles, guidelines, standards, and strategies provided in its comprehensive plan ~~use professionally accepted techniques~~

76 for measuring levels of service when evaluating potential
77 impacts of a proposed development.

78 (f) Local governments are encouraged to develop tools and
79 techniques to complement the application of transportation
80 concurrency such as:

81 1. Adoption of long-term strategies to facilitate
82 development patterns that support multimodal solutions,
83 including urban design, and appropriate land use mixes,
84 including intensity and density.

85 2. Adoption of an areawide level of service not dependent
86 on any single road segment or other facility function.

87 3. Exempting or discounting impacts of locally desired
88 development, such as development in urban areas, redevelopment,
89 job creation, and mixed use on the transportation system.

90 4. Assigning secondary priority to vehicle mobility and
91 primary priority to ensuring a safe, comfortable, and attractive
92 pedestrian environment, with convenient interconnection to
93 transit.

94 5. Establishing multimodal level of service standards that
95 rely primarily on nonvehicular modes of transportation where
96 existing or planned community design will provide adequate level
97 of mobility.

98 6. Reducing impact fees or local access fees to promote
99 development within urban areas, multimodal transportation
100 districts, and a balance of mixed-use development in certain

HB 1415

2022

101 areas or districts, or for affordable or workforce housing.

102 (i) ~~If A local government electing elects to repeal~~
103 ~~transportation concurrency must, it is encouraged to adopt an~~
104 ~~alternative mobility funding system as provided in s. 163.31803.~~
105 ~~that uses one or more of the tools and techniques identified in~~
106 ~~paragraph (f). Any alternative mobility funding system adopted~~
107 ~~may not be used to deny, time, or phase an application for site~~
108 ~~plan approval, plat approval, final subdivision approval,~~
109 ~~building permits, or the functional equivalent of such approvals~~
110 ~~provided that the developer agrees to pay for the development's~~
111 ~~identified transportation impacts via the funding mechanism~~
112 ~~implemented by the local government. The revenue from the~~
113 ~~funding mechanism used in the alternative system must be used to~~
114 ~~implement the needs of the local government's plan which serves~~
115 ~~as the basis for the fee imposed. A mobility fee-based funding~~
116 ~~system must comply with s. 163.31801 governing impact fees. An~~
117 ~~alternative system that is not mobility fee-based shall not be~~
118 ~~applied in a manner that imposes upon new development any~~
119 ~~responsibility for funding an existing transportation deficiency~~
120 ~~as defined in paragraph (h).~~

121 Section 3. Section 163.31803, Florida Statutes, is created
122 to read:

123 163.31803 Mobility plans.—

124 (1) This section establishes the uniform framework for the
125 adoption and implementation of a mobility plan as an alternative

126 to transportation concurrency as provided in s. 163.3180(5).

127 (a) A mobility plan may not be used to deny, time, or
128 phase an application for site plan approval, plat approval,
129 final subdivision approval, building permit, or the functional
130 equivalent of such approvals provided that the developer agrees
131 to pay for the development's identified transportation impacts
132 via the mobility fees adopted by the local government in the
133 mobility plan.

134 (b) A mobility plan must comply with the requirements of
135 s. 163.3180(5) (h) and is encouraged to meet the criteria in s.
136 163.3180(5) (f) .

137 (c) A local government choosing to adopt a mobility plan
138 must adopt the mobility plan and a mobility fee system into its
139 comprehensive plan.

140 (d) A local government must adopt each mobility plan and
141 mobility fee system by ordinance after conducting at least two
142 public workshops before adoption of the ordinance.

143 (e)1. A local government may:

144 a. Adopt a mobility plan and the initial mobility fee
145 system in a single ordinance by a two-thirds vote of the
146 governing body; or

147 b. Adopt a mobility plan in a single ordinance by a simple
148 majority vote and adopt the initial mobility fee system in a
149 separate ordinance by a two-thirds vote of the governing body.

150 2. A two-thirds vote of the governing body is not

151 necessary if the total amount of the new mobility fee system is
152 less than the total of all fees available to be imposed by the
153 local government on a single development to mitigate the
154 transportation impact of the new development or redevelopment.
155 In such case, a simple majority vote of the governing body is
156 sufficient to approve the mobility fee system.

157 (2) The determination, adoption, and implementation of a
158 mobility fee pursuant to an adopted mobility fee system must
159 comply with this section and s. 163.31801, governing impact
160 fees.

161 (3) A mobility plan:

162 (a) May include existing and emerging transportation
163 technologies that reduce dependence on motor vehicle travel
164 capacity.

165 (b) May not be based solely on adding motor vehicle
166 capacity.

167 (c) Must reflect modes of travel and emerging
168 transportation technologies reducing reliance on motor vehicle
169 capacity established in the local government's comprehensive
170 plan,

171 (d) Must identify multimodal projects consisting of
172 improvements, services, and programs which increase capacity
173 needed to meet future travel demands.

174 (4) A transportation impact fee may not be imposed within
175 the area designated for the imposition of a mobility fee by a

176 local government mobility plan.

177 (5) A mobility fee, fee update, or fee increase must be
178 based on the adopted mobility fee schedule and mobility plan,
179 may not rely solely on motor vehicle capacity, and must be used
180 exclusively to implement the mobility plan.

181 (6) A mobility fee must be updated at least once within 5
182 years after the date the mobility fee is imposed or its most
183 recent update. A mobility fee that is not updated within the 5
184 years is void. A local government considering a mobility fee
185 update may not consider annual inflation adjustments or any
186 phased-in fees to meet the requirements of this subsection.

187 (7) A local government adopting a mobility plan and
188 mobility fee for transportation mitigation improvements must
189 comply with all of the following:

190 (a) Beginning September 1, 2022, any new mobility fee, fee
191 update, or fee increase must be based on an adopted mobility fee
192 schedule and mobility plan.

193 (b) In addition to meeting the requirements of s.
194 163.31801, mobility fees must be calculated using all of the
195 following criteria:

196 1. Projected increases in population, employment, and
197 motor vehicle travel demand and per person travel demand.

198 2. Areawide road levels of service or quality of service
199 standards and multimodal quality of service standards for modes
200 of travel included in the mobility plan.

201 3. Multimodal projects identified in the adopted mobility
202 plan which are attributable to, and meet the travel demands of,
203 new development and redevelopment and which include capacities
204 based on service standards and projected costs.

205 4. An evaluation of current and future travel conditions
206 to ensure that new development and redevelopment are not charged
207 for backlog and associated capacity deficiencies.

208 5. An evaluation of the projected increases in per person
209 travel demand and system capacity to calculate the fair share of
210 multimodal capacity and the costs of multimodal projects that
211 are assignable and attributable to new development and
212 redevelopment.

213 6. Per person travel demand corresponding to the
214 transportation impact assigned to uses included in the mobility
215 fee schedule ordinance based on trip generation, new trips, per
216 person travel demand, excluded travel on limited access
217 facilities, and adjustments for origin and destination of
218 travel.

219 7. The mobility fee may not be based on recurring
220 transportation costs.

221 (c) Per person travel demand must be localized, reflecting
222 differences in the need for multimodal projects and travel
223 within urban areas based on reduced trip lengths and the
224 availability of existing transportation infrastructure.

225 (d) A local government may recognize reductions in per

226 person travel demand for affordable housing and economic
227 development.

228 (e) Any calculation of per person travel demand must
229 ensure that new development and redevelopment are not assessed
230 twice for the same transportation impact.

231 (8) If a mobility fee for a specific transportation
232 mitigation improvement is not expended or committed for an
233 identified project within 6 years after the date it is
234 collected, the mobility fee must be returned to the applicant.
235 For purposes of this subsection, an expenditure is deemed
236 committed if the preliminary design, right-of-way, or detailed
237 design for the project is completed and construction will
238 commence within 2 years after the fee was committed.

239 (9) A local government issuing a building permit for
240 development within its jurisdiction shall develop an appropriate
241 mobility fee based on the adopted mobility plan and the mobility
242 fee schedule to ensure that the transportation impacts of the
243 new development or redevelopment project are fully mitigated. If
244 multiple local governments seek to implement a mobility fee, an
245 impact fee, or another transportation mitigation exaction within
246 the boundaries of a local government, the per person travel
247 demand must be roughly proportional to the transportation impact
248 of new development and redevelopment and must initially be based
249 on that assessed by the government issuing the development's
250 building permit. Another local government may not charge new

development or redevelopment for the same travel demand,
capacity, and improvements assessed by the governmental entity
that issued the building permit.

(10) Local governments are encouraged to coordinate the
identification of multimodal projects, along with capacity
improvements, full costs, and timing of improvements, included
in mobility plans with other affected local governments to
address impacts both within the boundary of the local
governments and are encouraged to identify measurable factors
addressing the share of per person travel demand which each
local government should assess, the proportion of costs of
multimodal projects to be included in the mobility fee
calculations, which entity will construct the multimodal
projects, and, if necessary, whether the projected future
ownership of the multimodal project and underlying facility
should be transferred from the affected local government to the
local government adopting the mobility fee. Any mobility fee,
impact fee, or other transportation mitigation exaction other
than the one assessed by the local government issuing the
building permits must include the same benefit reductions in per
person travel demand for affordable housing, economic
development, urban areas, and mixed-use development.

(11) A local government adopting a mobility fee and any
other local government assessing a transportation exaction for
impacts within or beyond the boundaries of a local government

HB 1415

2022

276 has the burden of proving by a preponderance of the evidence
277 that the imposition or amount of the fee or exaction meets the
278 requirements of this section. A court may not use a deferential
279 standard for the benefit of the local government.

280 Section 4. Paragraph (d) of subsection (2) of section
281 212.055, Florida Statutes, is amended to read:

282 212.055 Discretionary sales surtaxes; legislative intent;
283 authorization and use of proceeds.—It is the legislative intent
284 that any authorization for imposition of a discretionary sales
285 surtax shall be published in the Florida Statutes as a
286 subsection of this section, irrespective of the duration of the
287 levy. Each enactment shall specify the types of counties
288 authorized to levy; the rate or rates which may be imposed; the
289 maximum length of time the surtax may be imposed, if any; the
290 procedure which must be followed to secure voter approval, if
291 required; the purpose for which the proceeds may be expended;
292 and such other requirements as the Legislature may provide.
293 Taxable transactions and administrative procedures shall be as
294 provided in s. 212.054.

295 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

296 (d) The proceeds of the surtax authorized by this
297 subsection and any accrued interest shall be expended by the
298 school district, within the county and municipalities within the
299 county, or, in the case of a negotiated joint county agreement,
300 within another county, to finance, plan, and construct

301 infrastructure; to acquire any interest in land for public
302 recreation, conservation, or protection of natural resources or
303 to prevent or satisfy private property rights claims resulting
304 from limitations imposed by the designation of an area of
305 critical state concern; to provide loans, grants, or rebates to
306 residential or commercial property owners who make energy
307 efficiency improvements to their residential or commercial
308 property, if a local government ordinance authorizing such use
309 is approved by referendum; or to finance the closure of county-
310 owned or municipally owned solid waste landfills that have been
311 closed or are required to be closed by order of the Department
312 of Environmental Protection. Any use of the proceeds or interest
313 for purposes of landfill closure before July 1, 1993, is
314 ratified. The proceeds and any interest may not be used for the
315 operational expenses of infrastructure, except that a county
316 that has a population of fewer than 75,000 and that is required
317 to close a landfill may use the proceeds or interest for long-
318 term maintenance costs associated with landfill closure.
319 Counties, as defined in s. 125.011, and charter counties may, in
320 addition, use the proceeds or interest to retire or service
321 indebtedness incurred for bonds issued before July 1, 1987, for
322 infrastructure purposes, and for bonds subsequently issued to
323 refund such bonds. Any use of the proceeds or interest for
324 purposes of retiring or servicing indebtedness incurred for
325 refunding bonds before July 1, 1999, is ratified.

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

a. Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of 5 or more years, any related land acquisition, land improvement, design, and engineering costs, and all other professional and related costs required to bring the public facilities into service. For purposes of this sub-subparagraph, the term "public facilities" means facilities as defined in s. 163.3164(41) ~~s. 163.3164(39)~~, s. 163.3221(13), or s. 189.012(5), and includes facilities that are necessary to carry out governmental purposes, including, but not limited to, fire stations, general governmental office buildings, and animal shelters, regardless of whether the facilities are owned by the local taxing authority or another governmental entity.

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

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

d. Any fixed capital expenditure or fixed capital outlay

351 associated with the improvement of private facilities that have
352 a life expectancy of 5 or more years and that the owner agrees
353 to make available for use on a temporary basis as needed by a
354 local government as a public emergency shelter or a staging area
355 for emergency response equipment during an emergency officially
356 declared by the state or by the local government under s.
357 252.38. Such improvements are limited to those necessary to
358 comply with current standards for public emergency evacuation
359 shelters. The owner must enter into a written contract with the
360 local government providing the improvement funding to make the
361 private facility available to the public for purposes of
362 emergency shelter at no cost to the local government for a
363 minimum of 10 years after completion of the improvement, with
364 the provision that the obligation will transfer to any
365 subsequent owner until the end of the minimum period.

366 e. Any land acquisition expenditure for a residential
367 housing project in which at least 30 percent of the units are
368 affordable to individuals or families whose total annual
369 household income does not exceed 120 percent of the area median
370 income adjusted for household size, if the land is owned by a
371 local government or by a special district that enters into a
372 written agreement with the local government to provide such
373 housing. The local government or special district may enter into
374 a ground lease with a public or private person or entity for
375 nominal or other consideration for the construction of the

376 residential housing project on land acquired pursuant to this
377 sub-subparagraph.

378 f. Instructional technology used solely in a school
379 district's classrooms. As used in this sub-subparagraph, the
380 term "instructional technology" means an interactive device that
381 assists a teacher in instructing a class or a group of students
382 and includes the necessary hardware and software to operate the
383 interactive device. The term also includes support systems in
384 which an interactive device may mount and is not required to be
385 affixed to the facilities.

386 2. For the purposes of this paragraph, the term "energy
387 efficiency improvement" means any energy conservation and
388 efficiency improvement that reduces consumption through
389 conservation or a more efficient use of electricity, natural
390 gas, propane, or other forms of energy on the property,
391 including, but not limited to, air sealing; installation of
392 insulation; installation of energy-efficient heating, cooling,
393 or ventilation systems; installation of solar panels; building
394 modifications to increase the use of daylight or shade;
395 replacement of windows; installation of energy controls or
396 energy recovery systems; installation of electric vehicle
397 charging equipment; installation of systems for natural gas fuel
398 as defined in s. 206.9951; and installation of efficient
399 lighting equipment.

400 3. Notwithstanding any other provision of this subsection,

HB 1415

2022

401 a local government infrastructure surtax imposed or extended
402 after July 1, 1998, may allocate up to 15 percent of the surtax
403 proceeds for deposit into a trust fund within the county's
404 accounts created for the purpose of funding economic development
405 projects having a general public purpose of improving local
406 economies, including the funding of operational costs and
407 incentives related to economic development. The ballot statement
408 must indicate the intention to make an allocation under the
409 authority of this subparagraph.

410 Section 5. This act shall take effect July 1, 2022.



Residential Infill Zoning



Residential Zoning

Draft Policy Statement:

The Florida League of Cities SUPPORTS legislation that maintains, advances and encourages the fundamental ability for cities to tailor unique land development solutions through local decision-making, preserving the ability for cities to decide how they look and grow. Cities are strong supporters of affordable housing efforts and are best positioned to identify appropriate areas that can support high-density infill redevelopment.

Background:

Adopted in 1985, the Local Government Comprehensive Planning and Land Development Regulation Act, also known as Florida's Growth Management Act, was significantly revised in 2011, becoming the Community Planning Act (Act). The Act greatly reduced the State and Regional agency oversight of planning and land development activity by restoring local government authority to plan for growth. The Act governs how local governments create and adopt their local comprehensive plans.

The comprehensive plan is implemented via land development regulations. Each county and municipality must adopt and enforce land development regulations, such as zoning or other housing related ordinances, that are consistent with and implement their adopted comprehensive plan.

Infill development is the process of developing vacant or under-utilized parcels within existing urban areas that are already largely developed. Enacted in 1999, the Growth Policy Act (GPA) encourages state and local governments to work with private sector entities to promote and sustain urban cores by encouraging infill development and redevelopment. The GPA allows local governments to designate areas within their jurisdiction as "urban infill and redevelopment areas" for the purpose of targeting economic development, job creation, housing, transportation, crime prevention, neighborhood revitalization and preservation, and land use incentives.

During the 2022 Legislative Session the Florida Legislature considered legislation that attempted to make a uniform process for approving future residential infill development standards. The legislation mandated that all local governments adopt residential infill development standards in their land use regulations and preempted local governments from crafting unique regulations to address specific local concerns.

Land development regulations such as zoning are a fundamental core municipal issue which is best crafted at the city level in order to maintain the ability to address specific community needs and preserve the quality of life for city residents. Infill redevelopment regulations of residential properties should continue to be carefully crafted at the local level. These land use and comprehensive planning functions are one of the most important roles of local government. It is imperative that cities maintain strong home rule powers to determine how their communities will look and grow.

1 A bill to be entitled
2 An act relating to local government land development
3 actions; amending ss. 125.022 and 166.033, F.S.;
4 specifying the deficiencies which a county or
5 municipality, respectively, may provide comments on
6 regarding applications for development permits or
7 development orders; amending s. 163.3202, F.S.;
8 requiring local governments to adopt residential
9 infill development standards by a specified date;
10 providing a description of the term "residential
11 infill development"; providing guidelines to be used
12 by certain local governments in developing residential
13 infill development standards; requiring certain local
14 governments to adopt guidelines to be used by
15 applicants seeking areas to be designated as a
16 residential infill development; prohibiting a local
17 government from approving deficient applications;
18 prohibiting a local government from denying
19 applications if the applicant has complied with the
20 regulations; authorizing the process for applicants to
21 appeal application denials; providing timeframes for a
22 local government to issue a final decision; requiring
23 local governments to amend their development
24 regulations and comprehensive plans to incorporate
25 residential infill developments as zoning

26 | classifications; amending s. 553.792, F.S.; specifying
27 | the deficiencies over which a local government may
28 | provide comments or request information on regarding
29 | applications for building permits; providing an
30 | effective date.

31 |
32 | Be It Enacted by the Legislature of the State of Florida:
33 |

34 | Section 1. Subsection (1) of section 125.022, Florida
35 | Statutes, is amended to read:

36 | 125.022 Development permits and orders.—

37 | (1) (a) Within 30 days after receiving an application for
38 | approval of a development permit or development order, a county
39 | must review the application for completeness and issue a letter
40 | indicating that all required information is submitted or
41 | specifying with particularity any areas that are deficient. If
42 | the application is deficient, the applicant has 30 days to
43 | address the deficiencies by submitting the required additional
44 | information.

45 | (b) Once the applicant has provided responses concerning
46 | the areas that were deficient, the county may only provide
47 | additional comments on the deficiencies that are directly
48 | related to the deficiencies that were identified during the
49 | first review period or that directly address the responses given
50 | by the applicant. The county may also make additional comments

51 as a result of new information submitted by the applicant.

52 (c) Within 120 days after the county has deemed the
53 application complete, or 180 days for applications that require
54 final action through a quasi-judicial hearing or a public
55 hearing, the county must approve, approve with conditions, or
56 deny the application for a development permit or development
57 order. Both parties may agree to a reasonable request for an
58 extension of time, particularly in the event of a force majeure
59 or other extraordinary circumstance. An approval, approval with
60 conditions, or denial of the application for a development
61 permit or development order must include written findings
62 supporting the county's decision. The timeframes contained in
63 this subsection do not apply in an area of critical state
64 concern, as designated in s. 380.0552.

65 Section 2. Subsection (1) of section 166.033, Florida
66 Statutes, is amended to read:

67 166.033 Development permits and orders.—

68 (1)(a) Within 30 days after receiving an application for
69 approval of a development permit or development order, a
70 municipality must review the application for completeness and
71 issue a letter indicating that all required information is
72 submitted or specifying with particularity any areas that are
73 deficient. If the application is deficient, the applicant has 30
74 days to address the deficiencies by submitting the required
75 additional information.

76 (b) Once the applicant has provided responses concerning
77 the areas that were deficient, the municipality may only provide
78 additional comments on the deficiencies that are directly
79 related to the deficiencies that were identified during the
80 first review period or that directly address the responses given
81 by the applicant. The municipality may also make additional
82 comments as a result of new information submitted by the
83 applicant.

84 (c) Within 120 days after the municipality has deemed the
85 application complete, or 180 days for applications that require
86 final action through a quasi-judicial hearing or a public
87 hearing, the municipality must approve, approve with conditions,
88 or deny the application for a development permit or development
89 order. Both parties may agree to a reasonable request for an
90 extension of time, particularly in the event of a force majeure
91 or other extraordinary circumstance. An approval, approval with
92 conditions, or denial of the application for a development
93 permit or development order must include written findings
94 supporting the municipality's decision. The timeframes contained
95 in this subsection do not apply in an area of critical state
96 concern, as designated in s. 380.0552 or chapter 28-36, Florida
97 Administrative Code.

98 Section 3. Subsection (7) is added to section 163.3202,
99 Florida Statutes, to read:

100 163.3202 Land development regulations.—

101 (7) To ensure a uniform process for new development, each
102 local government with \$10 million or more in total revenue must
103 adopt residential infill development standards in its land use
104 regulations by January 1, 2023, and each local government with
105 \$10 million or more in total revenue after July 1, 2022, must
106 adopt residential infill development standards in its land use
107 regulations within 18 months after reaching the \$10 million
108 revenue threshold. The residential infill development standards
109 must be considered in local decisionmaking. A local government
110 may adopt its own residential infill development standards or
111 may use the guidelines set forth in paragraphs (b) and (c) in
112 developing its standards. All residential infill development
113 standards must provide that a residential infill development
114 project that is located within an area that has a basin
115 management action plan adopted under s. 403.067 must comply with
116 the water quality standards established in the basin management
117 action plan.

118 (a) A residential infill development is an important
119 component and useful mechanism for a local government to promote
120 redevelopment and revitalization. A residential infill
121 development is not intended to promote the premature subdivision
122 of land which exceeds the average densities of the immediate
123 vicinity and produces excessively smaller lots than those found
124 on surrounding parcels, but should consider the current land
125 development patterns within the immediate vicinity. Residential

126 infill developments are intended to aid in the revitalization of
127 existing communities by encouraging consistent and compatible
128 redevelopment and to promote reinvestment in established
129 neighborhoods and cure blighted parcels. For purposes of this
130 subsection, a residential infill development is an area
131 consisting of a development or subdivision of land designated as
132 such by a local government wherein the dimensional requirements
133 of the land use district are relaxed and the local government
134 review process is expedited.

135 (b) Local governments must use the following guidelines in
136 developing the residential infill development standards:

137 1. The size of the land development or subdivision may be
138 below the minimum dimensional requirements of the land use
139 category in which it is located.

140 2. A residential infill development may not exceed the
141 maximum allowable density established by the local government's
142 comprehensive plan.

143 3. A residential infill development area must be located
144 in an area with a defined development pattern.

145 4. A residential infill development area must be located
146 within one or more residential suburban or residential low land
147 use districts.

148 5. A residential infill development area must be located
149 in an area with sufficient services to avoid future public
150 service deficiencies. A local government, in reviewing an

151 application for a residential infill development, shall consider
152 the availability of schools, public water, public sewer, road
153 capacities, law enforcement protection, fire protection,
154 emergency medical service, and reasonable proximity to public
155 parks.

156 6. A residential infill development may be allowed on a
157 parcel that is adjacent to similar development.

158 7. Lots within a residential infill development must be at
159 least as large as the average lot size in the immediate
160 vicinity.

161 8. Building setbacks may be greater than or equal to the
162 average building setback found on abutting parcels. Building
163 setbacks may also be consistent with the dimensional
164 requirements of the land use district as specified in the local
165 government's land development code.

166 9. If a residential infill development abuts a roadway
167 stub-out, the new roadways built must connect to the roadway
168 stub-out.

169 10. Stormwater retention facilities within a residential
170 infill development may not be constructed to degrade or
171 adversely affect the existing character of the immediate
172 vicinity.

173 11. A residential infill development may not be larger
174 than 120 acres. Developments shall not be phased or
175 incrementally expanded with the intent to circumvent the acreage

176 limit.

177 12. Building types within the residential infill
178 development may only include types that exist on any parcel in
179 the immediate vicinity, but may not include mobile homes.

180 (c) Each local government must adopt guidelines to be used
181 by applicants seeking designations as residential infill
182 developments. The guidelines must provide procedures for the
183 review of applications. The guidelines must require that the
184 applicant:

185 1. Consider whether the residential infill development
186 recognizes the surrounding pattern of development and whether
187 the residential infill development is contrary to the density
188 and dimensional requirements of land tracts that abut the
189 development.

190 2. Consider the surrounding pattern of development,
191 including existing road layout, densities, lot sizes, and
192 setbacks of parcels and developments that abut the subject site.

193 3. Confirm the following in the designation application:

194 a. The residential infill development connects or will
195 connect to central water and sewer.

196 b. Law enforcement for the local government jurisdiction
197 has no objection to the residential infill development.

198 c. The average response time of the local government fire
199 and emergency medical services and the area of the residential
200 infill development is within the average response times.

201 d. At least one park or playground is located within 2
202 miles of the residential infill development.

203 e. The schools serving the area of the residential infill
204 development have sufficient capacity for the residential infill
205 development or concurrency provisions have been made to ensure
206 adequate capacity.

207 f. The roads within the residential infill development
208 will be constructed to conform with the existing roadway network
209 found in the immediate vicinity. New roads will be required to
210 connect to stub-outs that were originally constructed to connect
211 new development with existing developments.

212 g. The sidewalks within the residential infill development
213 will be installed along one side of collector and arterial roads
214 when existing sidewalk infrastructure is located within 100 feet
215 of the development.

216 h. Minimum lot sizes will be determined by the average lot
217 size of parcels in the immediate vicinity or at least 5,500
218 square feet, whichever is greater.

219 i. Infill development will be either determined by the
220 dimensional requirements established for the land use district
221 in which the site is located or determined by the average
222 setback and height of existing structures on parcels in the
223 immediate vicinity.

224 (d)1. A local government may not approve a deficient
225 application as a residential infill development. Where

226 deficiencies exist, the applicant bears the burden to prove the
227 benefits of the residential infill development outweigh the
228 deficiencies in services.

229 2. A local government may not deny an applicant's request
230 for designation as a residential infill development if the
231 applicant has complied with the development standards of this
232 subsection.

233 (e) An applicant may appeal a denial of an application
234 through an administrative appeal. The local government must
235 render a decision within 30 days after receiving the
236 administrative appeal. If the local government fails to issue a
237 final decision within 30 days, the application is deemed
238 approved.

239 (f) Each local government must amend its development
240 regulations to include residential infill development as a
241 zoning classification and must incorporate it as an appropriate
242 land use classification under the local government comprehensive
243 plan.

244 Section 4. Paragraph (a) of subsection (1) of section
245 553.792, Florida Statutes, is amended and paragraph (c) is added
246 to subsection (2) of that section, to read:

247 553.792 Building permit application to local government.—

248 (1)(a) Within 10 days after ~~of~~ an applicant submits
249 ~~submitting~~ an application to the local government, the local
250 government shall advise the applicant what information, if any,

is needed to deem the application properly completed in compliance with the filing requirements published by the local government. If the local government does not provide written notice that the applicant has not submitted the properly completed application, the application shall be automatically deemed properly completed and accepted. Within 45 days after receiving a completed application, a local government must notify an applicant if additional information is required for the local government to determine the sufficiency of the application, and shall specify the additional information that is required. However, the local government may only request more information on the additional information provided to the local government by the applicant and may not make new comments on the original application. The applicant must submit the additional information to the local government or request that the local government act without the additional information. While the applicant responds to the request for additional information, the 120-day period described in this subsection is tolled. Both parties may agree to a reasonable request for an extension of time, particularly in the event of a force majeure or other extraordinary circumstance. The local government must approve, approve with conditions, or deny the application within 120 days after ~~following~~ receipt of a completed application.

(2)

(c) Notwithstanding any local ordinance that may otherwise

CS/HB 739

2022

apply to the contrary, if an applicant provides additional
information based on deficiencies identified by the local
government in the application, the local government may only
provide additional comments that are directly related to the
deficiencies that were identified during the first review period
or that directly address the responses given by the applicant.
The local government may also make additional comments as a
result of new information submitted by the applicant.

Section 5. This act shall take effect July 1, 2022.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 739 Local Government Land Development Actions
SPONSOR(S): Local Administration & Veterans Affairs Subcommittee, Borrero
TIED BILLS: **IDEN./SIM. BILLS:** SB 1248

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration & Veterans Affairs Subcommittee	18 Y, 0 N, As CS	Darden	Miller
2) Commerce Committee			
3) State Affairs Committee			

SUMMARY ANALYSIS

The Community Planning Act (Act) governs how local governments create and adopt their local comprehensive plans. The provisions of the Act are implemented at the local level by land development regulations, such as zoning and other housing-related ordinances, adopted by each county and municipality to be consistent with and to implement their adopted comprehensive plans. A development permit is any official action of a local government that effectively authorizes the development of land including, but not limited to, building permits, zoning permits, subdivision approval, rezoning, certifications, special exceptions, and variances. A development order is issued by a local government and grants, denies, or grants with conditions an application for a development permit.

The bill prohibits local governments that have noted a deficiency in an application for a development order, development permit, or building permit, from requesting additional information from the applicant beyond information on the noted deficiency or new issues raised by the applicant. This provision applies to building permit applications even if a local government ordinance would otherwise allow additional requests for information.

The bill requires each local government with total revenues of \$10 million or more to adopt to adopt residential infill development (RID) standards in its local land use regulations by January 1, 2023. The standards must include a list of guidelines for determining whether a development qualifies as a RID, guidelines to assist an applicant in determining if an area qualifies as a RID, and requires the applicant consider certain factors. A local government may not approve an application for a RID if it contains any deficiencies, but must approve any request for a RID that shows compliance with the general intent and development standards of this provision. Denials of an application for a RID are appealed to the local government planning commission. The bill requires each local government to amend its development regulations to include residential infill development as a zoning classification and incorporate the classification as an appropriate land use classification under the local government's comprehensive plan.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Community Planning Act

Adopted in 1985, the Local Government Comprehensive Planning and Land Development Regulation Act,¹ also known as Florida's Growth Management Act, was significantly revised in 2011, becoming the Community Planning Act (Act).² The Community Planning Act governs how local governments create and adopt their local comprehensive plans.

Local comprehensive plans must include principles, guidelines, standards, and strategies for the orderly and balanced future land development of the area and reflect community commitments to implement the plan. The intent of the Act is that local governments manage growth through comprehensive land use plans that facilitate adequate and efficient provision of transportation, water, sewage, schools, parks, recreational facilities, housing, and other requirements and services.³ A housing element is required as part of every comprehensive plan. Among other things, the housing element must address "the creation or preservation of affordable housing to minimize the need for additional local services and avoid the concentration of affordable housing units only in specific areas of the jurisdiction."⁴

Municipalities established after the effective date of the Act must adopt a comprehensive plan within three years after the date of incorporation.⁵ The county comprehensive plan controls until a municipal comprehensive plan is adopted.⁶

The comprehensive plan is implemented via land development regulations. Each county and municipality must adopt and enforce land development regulations, such as zoning or other housing-related ordinances, that are consistent with and implement their adopted comprehensive plan.⁷

Land Development Regulations

Land development regulations are the method by which local governments implement their comprehensive plan. Within one year of adoption or revision of its comprehensive plan, a county or municipality must adopt or amend their land development regulations to ensure they are consistent with and implement the plan.⁸

Local land development regulations must contain specific and detailed provisions for implementing the adopted comprehensive plan, and shall, at a minimum:

- Regulate the subdivision of land;
- Regulate the use of land and water for those land use categories included in the land use element and ensure the compatibility of adjacent uses and provide for open space;
- Provide for protection of potable water wellfields;
- Regulate areas subject to seasonal and periodic flooding and provide for drainage and stormwater management;
- Ensure the protection of environmentally sensitive lands designated in the comprehensive plan;
- Regulate signage;

¹ See ch. 85-55, s. 1, Laws of Fla.

² See ch. 2011-139, s. 17, Laws of Fla. See also s. 163.3161(1), F.S. The Act is codified as ch. 163, part II, F.S.

³ S. 163.3161(4), F.S.

⁴ S. 163.3177(6)(f)1.g., F.S.

⁵ S. 163.3167(3), F.S.

⁶ *Id.*

⁷ S. 163.3202, F.S.

⁸ S. 163.3202(1), F.S.

- Provide that public facilities and services meet or exceed the standards established in the capital improvements element required by s. 163.3177, F.S. and are available when needed for the development, or that development orders and permits are conditioned on the availability of these public facilities and services necessary to serve the proposed development;⁹
- Ensure safe and convenient onsite traffic flow, considering needed vehicle parking;
- Maintain the existing density of residential properties or recreational vehicle parks, if the properties are intended for residential use and are located in the unincorporated areas that have sufficient infrastructure, as determined by a local governing authority, and are not located within a coastal high-hazard area under s. 163.3178, F.S.; and
- Incorporate preexisting development orders identified pursuant to s. 163.3167(3), F.S.¹⁰

Local governments are encouraged to use “innovative land development regulations,” such as transfers of development rights, incentive and inclusionary zoning, planned unit development, impact fees, and performance zoning.¹¹ All land development regulations must be combined and compiled into a single land development code for the jurisdiction. A general zoning code is not required if the local government’s adopted land development regulations comply with statute.¹²

The Department of Economic Opportunity (DEO), as the state land planning agency, is responsible for adopting rules for review and schedules for adoption of land development regulations.¹³ DEO may review land development regulations if there are reasonable grounds to believe a local government has not adopted one or more required land development regulations.¹⁴ DEO must provide written notice to the local government within 30 days stating whether the local government has adopted the required regulations.

Development Orders and Permits

Under the Community Planning Act, a development permit is any official action of a local government that has the effect of permitting the development of land including, but not limited to, building permits, zoning permits, subdivision approval, rezoning, certifications, special exceptions, and variances.¹⁵ A development order is issued by a local government and grants, denies, or grants with conditions an application for a development permit.¹⁶

Within 30 days of receiving an application for a development permit or development order, a county or municipality must review the application and issue a letter to the applicant indicating that the application is complete or specifying the deficiencies.¹⁷ If the county or municipality identifies deficiencies, the applicant has 30 days to submit the required additional information.¹⁸

If a county or municipality requests additional information from the applicant and the applicant provides the information within 30 days of receiving the request, the county or municipality must:

- Review the additional information and issue a letter to the applicant indicating that the application is complete or specifying the remaining deficiencies within 30 days of receiving the information, if the request is the county or municipality’s first request;
- Review the additional information and issue a letter to the applicant indicating that the application is complete or specifying the remaining deficiencies within 10 days of receiving the information, if the request is the county or municipality’s second request; and
- Deem the application complete within 10 days of receiving the information or proceed to process the application for approval or denial unless the applicant waived the county or

⁹ A local government may not issue a development order or permit that results in a reduction in the level of services for the affected public facilities below the level of services provided in the local government’s comprehensive plan.

¹⁰ S. 163.3202(2), F.S.

¹¹ S. 163.3202(3), F.S.

¹² *Id.*

¹³ S. 163.3202(6), F.S.

¹⁴ S. 163.3202(4), F.S.

¹⁵ S. 163.3164(16), F.S.

¹⁶ See ss. 125.022, 163.3164(15), and 166.033, F.S.

¹⁷ Ss. 125.022(1) and (2), and 166.033 (1) and (2), F.S.

¹⁸ *Id.*

municipality's time limitations in writing, if the request is the county or municipality's third request.¹⁹

Before a third request for information, the applicant must be offered a meeting to attempt to resolve outstanding issues.²⁰ If the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the applicant may request the county or municipality proceed to process the application for approval or denial.²¹ If denied, the county or municipality is required to give written notice to the applicant and must provide reference to the applicable legal authority for the denial of the permit.²²

When reviewing an application for a development permit or development order, not including building permit applications, a county or municipality may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing.²³

Once an application is deemed complete, a county or municipality must approve, approve with conditions, or deny the application within 120 days or 180 days for applications that require final action through a quasi-judicial hearing or a public hearing.²⁴

Building Permit Applications

Local governments are required to review certain building permit applications within a specified time period after receiving the application.²⁵ These permit types include, but are not limited to, construction or installation of an accessory structure, installation of an alarm system, a nonresidential building less than 25,000 square feet, electric, plumbing, mechanical, or roofing systems, master building permits, or the construction of single-family residential buildings.²⁶

When a local government receives an application for a building permit, except for master building permits, and single-family residential buildings, the local government must:²⁷

- Inform the applicant within 10 days of receiving the application what additional information, if any, is needed to complete the application;²⁸
- Notify the applicant within 45 days of the application being deemed complete if additional information is necessary to determine the sufficiency of the application;²⁹ and
- Approve, approve with conditions, or deny the application within 120 days following receipt of the completed application.³⁰

These time limitations do not apply when a law, agency rule, or local ordinance specify different timeframes for review of local building permit applications, for permits for wireless communication facilities, or when both parties agree to an extension.³¹

Local governments are required to reduce the permit fee for any building permit application by 10 percent of the original permit fee for each business day that a local government fails to meet the time

¹⁹ Ss. 125.022(2)(b)-(d) and 166.033(2)(b)-(d), F.S.

²⁰ Ss. 125.022(2)(d) and 166.033(2)(d), F.S.

²¹ Ss. 125.022(2)(e) and 166.033(2)(e), F.S.

²² Ss. 125.022(3) and 166.033(3), F.S.

²³ Ss. 125.022(2)(a) and 166.033(2)(a), F.S.

²⁴ Ss. 125.022(1) and 166.033(1), F.S.

²⁵ S. 553.792, F.S.

²⁶ S. 553.792(2), F.S.

²⁷ S. 553.792(1), F.S.

²⁸ If the local government fails to provide written notice to the applicant within the 10-day window, the application is deemed to be properly completed.

²⁹ If additional information is needed the local government must specify what additional information is necessary.

The applicant may submit the additional information to the local government or request that the local government act on the application without the additional information.

³⁰ This period is tolled during the time an applicant is responding to a request for additional information and may be extended by mutual consent of the parties.

³¹ S. 553.792(2), F.S.

period required for building permit application approval by statute or local ordinance.³² This requirement does not apply if the local government and the applicant have agreed to an extension of time to process the permit.

Growth Policy Act

Enacted in 1999, the Growth Policy Act (GPA)³³ encourages state and local governments to work with private sector entities to promote and sustain urban cores by encouraging infill development and redevelopment.³⁴ The GPA allows local governments to designate areas within their jurisdiction as “urban infill and redevelopment areas” for the purpose of targeting economic development, job creation, housing, transportation, crime prevention, neighborhood revitalization and preservation, and land use incentives.³⁵ Each urban infill and redevelopment area must:

- Have access to public services such as water and wastewater, transportation, schools, and recreation (or be scheduled to have access to these services in the local government’s adopted five-year schedule of capital improvements)
- Suffer from pervasive poverty, unemployment, and general distress as defined by s. 290.0058, F.S.;
- Have a proportion of properties that are substandard, overcrowded, dilapidated, vacant or abandoned, or functionally obsolete that is higher than the average for the local government;
- Have a majority of its area with one quarter of a mile of a transit stop; and
- Either include or be adjacent to a community redevelopment area, brownfield, enterprise zone, or Main Street programs, or have been designed by state or federal government as an urban redevelopment, revitalization, or infill area under empowerment zone, enterprise community, or brownfield showcase community programs or similar programs.³⁶

Local governments are encouraged to work with community partners, such as neighborhood groups, financial institutions, religious organizations, businesses, schools, and residents, to design and implement an urban infill and redevelopment plan.³⁷ The plan must demonstrate the local government and community’s commitment to comprehensively address the problems within the urban infill and redevelopment area and identify activities and programs to accomplish locally identified goals to improve both the residential and commercial quality of life in the area.³⁸ The plan may be a new plan drafted for the area, or use an existing plan (or combination of plans) developed for a community redevelopment area, Florida Main Street program area, Front Porch Florida Community, sustainable community, enterprise zone, or neighborhood improvement district. Each plan must:

- Contain a map of the area;
- Confirm the area is within an area designated for urban uses in the local government’s comprehensive plan;
- Identify, map, and provide a framework for coordinating infill and redevelopment programs with other revitalization programs (such as enterprise zones, community redevelopment agencies, brownfield areas, downtown redevelopment districts, neighborhood improvement districts, and historic preservation districts);
- Include a memorandum of understanding between the district school board and the local government regarding public school facilities located within area to identify how the school board will prioritize enhancing public school facilities and programs in the area (including the reuse of existing buildings for schools within the area);
- State the community preservation and revitalization goals and projects for each neighborhood in the area and discuss how those goals and projects may be implemented;
- Identify how the local government and community-based organizations intend to implement affordable housing programs, including, but not limited to, economic and community development programs administered by federal and state agencies, within the area;

³² S. 553.792(1)(b), (2)(b), F.S.

³³ Ss. 163.2511-163.2520, F.S.

³⁴ S. 163.2511, F.S.

³⁵ S. 163.2517(1), F.S.

³⁶ S. 163.2514(2), F.S.

³⁷ S. 163.2517(2), F.S.

³⁸ S. 163.2517(3), F.S.

- Identify strategies for reducing crime;
- Provide guidelines for adopting land development regulations specific to the urban infill and redevelopment area which include, for example, setbacks and parking requirements appropriate for urban development.
- Identify and map any existing transportation concurrency exception areas and any relevant public transportation corridors designated by a metropolitan planning organization in its long-range transportation plans or by the local government in its comprehensive plan for which the local government seeks designation as a transportation concurrency exception area;
- Adopt a package of financial incentives to encourage new development, expansions of existing development, and redevelopment;
- Identify how activities and incentives will be coordinated and what administrative mechanisms the local government will use for the coordination;
- Identify how partnerships with the financial and business community will be developed;
- Identify the governance structure that the local government will use to involve community representatives in the implementation of the plan; and
- Identify performance measures to evaluate the success of the local government in implementing the plan.³⁹

The local government may adopt the selected plan by ordinance.⁴⁰ If the plan is adopted, the local government must amend its comprehensive plan to delineate the boundaries of the urban infill and redevelopment area within the future land use element.⁴¹

A local government that has adopted a plan under the Growth Policy Act may use revenue bonds and tax increment financing in the same manner as community redevelopment agencies for the purposes of implementing the plan as well as exercise the powers of a neighborhood improvement district, including the authority to levy special assessments.⁴² These powers are lost if the combined amount of annual residential, commercial, and institutional development within the area does not increase by at least ten percent during the local government's seven-year comprehensive plan review cycle.⁴³

Effect of Proposed Changes

The bill provides that once a local government has noted deficiencies in an application for a development order, development permit, or building permit, the local government may only request additional information on the noted deficiency or new issues raised by the applicant and may not request additional information on the original application. This provision applies to building permit applications even if a local government ordinance would otherwise allow additional requests for information.

The bill requires each local government with \$10 million or more in total revenue to adopt residential infill development (RID) standards in its local land use regulations by January 1, 2023. If a local government's revenue exceeds \$10 million in any year after July 1, 2022, the local government is required to adopt standards with 18 months of reaching that threshold. The adopted standards must be considered in local land use decision making. Local governments may adopt their own RID standards or use the guidelines established by the bill, but in either case must provide that a RID project that is within an area that has a basin management action plan adopted pursuant to s. 403.067, F.S. must comply with the water quality standards established in such basin management action plan.

The bill defines a RID as an area consisting of a development or subdivision of land designated by a local government where the dimensional requirements of the land use district are relaxed and the local government review process is expedited. The bill requires each local government to adopt the following guidelines as part of their standards:

³⁹ S. 163.2517(3)(a)-(n), F.S.

⁴⁰ S. 163.2517(5), F.S.

⁴¹ S. 163.2517(4), F.S.

⁴² Ss. 163.2520(1), (2), F.S.

⁴³ S. 163.2517(6)(a), F.S.

- The size of the land development or subdivision may be below the minimum dimensional requirements otherwise applicable for the land use category where it is located;
- The RID may not exceed the maximum allowable density established by the local government's comprehensive plan;
- The RID must be located in an area with a defined development pattern;
- A RID must be located within one or more residential suburban or low land use districts;
- A RID must be located within an area with sufficient services to avoid future public service deficiencies, including schools, public water and sewer, road capacities, law enforcement, fire, emergency medical services, and reasonable proximity to public parks;
- A RID must be on a parcel that is adjacent to similar development;
- Lots within a RID must be at least as large as the average lot size in the immediate vicinity;
- Building setbacks must at least equal to those on abutting parcels and be consistent with the dimensional requirements of the land use district specified in the local government's comprehensive plan;
- If a RID abuts a roadway stub-out, new roadways constructed in the RID must connect to the stub-out;
- Stormwater retention facilities within a RID may not be constructed to degrade or adversely affect the existing character of the immediate vicinity;
- A RID may not be larger than 120 acres and development may not be phased or incrementally expanded to circumvent the average limit; and
- Building types within the RID may only include types that exist on any parcel in the immediate vicinity (excluding mobile homes).

The bill also requires each local government to adopt guidelines to be used by applicants seeking to construct a RID. The guidelines require the applicant to:

- Consider the impact of the RID on the surrounding pattern of development and whether the RID is consistent with the density and dimensional requirements of adjoining land tracts;
- Consider the surrounding pattern of development; and
- Confirm certain types of concurrency in the designation application.

The bill states that a local government may not approve a deficient application for a RID. The bill states that the applicant is responsible for showing that the benefits of the development are sufficient to outweigh any deficiencies in services. The local government must approve any request for a RID that shows compliance with the development standards stated in the new statutory provision. Denials of an application for a RID are appealed to the local government planning commission.

The bill requires each local government to amend its development regulations to include residential infill development as a zoning classification and incorporate the classification as an appropriate land use classification under the local government's comprehensive plan.

B. SECTION DIRECTORY:

- Section 1: Amends s. 125.022, F.S., concerning development orders and permits issued by counties.
- Section 2: Amends s. 166.033, F.S., concerning development orders and permits issued by municipalities.
- Section 3: Amends s. 163.3202, F.S., requiring local governments to adopt residential infill development standards as part of their land development regulations.
- Section 4: Amends s. 553.792, F.S., concerning building permit applications to local governments.
- Section 5: Provides an effective date of July 1, 2022.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The bill may have a fiscal impact on local governments to the extent local governments must amend their comprehensive plans to incorporate residential infill development standards before January 1, 2023.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of Art. VII, s. 18 of the Florida Constitution may apply because this bill requires counties and municipalities to adopt residential infill development standards in its land use regulations by January 1, 2023. However, an exemption may apply, as laws having an insignificant fiscal impact are exempt from the requirements of Art. VII, s. 18 of the Florida Constitution.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill neither provides authority for nor requires rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Sections 1, 2, and 4 of the bill may result in delays in receiving permit approval, to the extent the provisions of the bill result in applicants needing to resubmit rejected permit applications that contain deficiencies that may have been corrected if the local government could have asked for additional information.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On February 7, 2022, the Local Administration & Veterans Affairs Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment revises the requirement for local governments to adopt RID standards to only apply to local governments with \$10 million or more in total

revenue, provides safeguards for water quality standards, and replaces the checklist in the bill as filed with a series of statements that the developer must confirm.

The analysis is drafted to the committee substitute as passed by the Local Administration & Veterans Affairs Subcommittee.



Key Dates



Key Legislative Dates

December 2022

12-16 Interim Legislative Committee Meetings

January 2023

3-6 Interim Legislative Committee Meetings

17-20 Interim Legislative Committee Meetings

23-27 Interim Legislative Committee Meetings

February 2023

6-10 Interim Legislative Committee Meetings

7-8 Fast Fly-In – Washington, D.C.
(Contact Person: Allison Payne, apayne@flcities.com)

13-17 Interim Legislative Committee Meetings

16 FLC Pre-Legislative Session Webinar
(Contact Person: Mary Edenfield, medenfield@flcities.com)

20-24 Interim Legislative Committee Meetings

March 2023

7 Regular Legislative Session Convenes

26-28 NLC Congressional City Conference, Washington, D.C.

April 2023

4-5 FLC Legislative Action Days, Tallahassee, FL

May 2023

5 Last Day of Regular Legislative Session

18 FLC Post-Legislative Session Webinar
(Contact Person: Mary Edenfield, medenfield@flcities.com)



Home Rule Hero Criteria

Do you want to become a **HOME RULE HERO?**

AS THE ADAGE GOES, "ALL POLITICS IS LOCAL." Successful advocacy starts at home, not in Tallahassee. No one – not even a professional lobbyist – can tell your community's story better than you. Your involvement helps the League's legislative team turn the abstract into concrete. It is essential to help legislators understand how their decisions may impact their communities back home.

The League appreciates the individual advocacy efforts undertaken by municipal officials throughout the state. Each year, there are some League members who make an extraordinary effort; people who stand out for their high level of participation and effectiveness. The Home Rule Hero Award was created to acknowledge and thank them for their efforts. Hundreds of municipal officials have been recognized as "Home Rule Heroes" since the award's inception in 2009, and we thank you!

Home Rule Hero Award recipients are selected by the League's legislative team following each legislative session.

For the award, the most important criteria are timely responses and actions to FLC's Legislative Alerts, and notifying FLC staff of communications with your legislators.

Other exceptional efforts are:

- Attending the Florida League of Cities' Legislative Action Days in Tallahassee and Legislative Conference.
- Testifying before a House or Senate committee on an FLC priority issue, when a call to action has been sent out.
- Participating in FLC's Monday Morning "Call-ins" during session and on FLC's pre-and post-legislative session webinars.
- Participating in FLC's Legislator "Key Contact" program.
- Meeting legislators in their districts or in Tallahassee.
- Responding to FLC requests for information and data about how proposed legislation will specifically impact your city (telling your city's "story").
- Speaking at local legislative delegation meetings to discuss FLC municipal issues.
- Setting up opportunities for legislators and their staff to attend a city council meeting or special event; tour a park, project or facility; and attend a local league meeting.
- Serving on a FLC legislative policy committee.
- Participating in a Federal Action Strike Team fly-in to Washington, D.C.
- During an election year, providing opportunities for candidates for legislative offices to learn about your city and its issues, and introducing candidates to key city stakeholders or those in your professional network.

For more information on these activities and ways to step up your advocacy game, please contact Allison Payne at apayne@flcities.com.





Notes



Notes

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.