

1 A bill to be entitled
 2 An act relating to alternative water resources; amending s.
 3 373.196, F.S., providing incentives for alternative water
 4 resource projects; amending s. 163.3177, F.S.; providing
 5 credits for certain projects that dedicate land to
 6 alternative water resource projects; providing for priority
 7 funding and a preference for a consumptive use permit under
 8 s. 373.233, F.S., and consideration as a preferred water
 9 supply source under s. 373.2234, F.S.; providing an
 10 effective date.

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

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 14 Section 1. Subsection (7) is added to section 373.196,
 15 Florida Statutes, to read:

16 (7) The state, water management districts, regional water
 17 supply authorities, and local governments have inadequate
 18 resources to fully address the water supply, water storage,
 19 water quality improvement, and environmental enhancement and
 20 restoration needs of the state. It is essential that private
 21 parties and private land owners be encouraged to participate and
 22 contribute to alternative water resource development projects
 23 and water quality and environmental enhancement and restoration
 24 projects. In order to incent private parties to participate and
 25 contribute to these projects, the water management districts
 26 throughout the state are authorized to enter into agreements
 27 with private parties, regional water supply authorities, and
 28 water utilities that may provide private parties long term

29 consumptive use rights consistent with s. 373.223(1), based upon
 30 innovative and extraordinary contributions to alternative water
 31 resource development projects or water quality and environmental
 32 enhancement and restoration projects.

33 Section 2. Paragraph (d) of subsection (11) of section
 34 163.3177, Florida Statutes, is amended to read:

35 163.3177 Required and optional elements of comprehensive
 36 plan; studies and surveys.—

37 (d)1. The department, in cooperation with the Department
 38 of Agriculture and Consumer Services, the Department of
 39 Environmental Protection, water management districts, and
 40 regional planning councils, shall provide assistance to local
 41 governments in the implementation of this paragraph and rule 9J-
 42 5.006(5)(1), Florida Administrative Code. Implementation of
 43 those provisions shall include a process by which the department
 44 may authorize local governments to designate all or portions of
 45 lands classified in the future land use element as predominantly
 46 agricultural, rural, open, open-rural, or a substantively
 47 equivalent land use, as a rural land stewardship area within
 48 which planning and economic incentives are applied to encourage
 49 the implementation of innovative and flexible planning and
 50 development strategies and creative land use planning
 51 techniques, including those contained herein and in rule 9J-
 52 5.006(5)(1), Florida Administrative Code. Assistance may
 53 include, but is not limited to:

54 a. Assistance from the Department of Environmental
 55 Protection and water management districts in creating the
 56 geographic information systems land cover database and aerial

57 | photogrammetry needed to prepare for a rural land stewardship
58 | area;

59 | b. Support for local government implementation of rural
60 | land stewardship concepts by providing information and
61 | assistance to local governments regarding land acquisition
62 | programs that may be used by the local government or landowners
63 | to leverage the protection of greater acreage and maximize the
64 | effectiveness of rural land stewardship areas; and

65 | c. Expansion of the role of the Department of Community
66 | Affairs as a resource agency to facilitate establishment of
67 | rural land stewardship areas in smaller rural counties that do
68 | not have the staff or planning budgets to create a rural land
69 | stewardship area.

70 | 2. The department shall encourage participation by local
71 | governments of different sizes and rural characteristics in
72 | establishing and implementing rural land stewardship areas. It
73 | is the intent of the Legislature that rural land stewardship
74 | areas be used to further the following broad principles of rural
75 | sustainability: restoration and maintenance of the economic
76 | value of rural land; control of urban sprawl; identification and
77 | protection of ecosystems, habitats, and natural resources;
78 | promotion of rural economic activity; maintenance of the
79 | viability of Florida's agricultural economy; and protection of
80 | the character of rural areas of Florida. Rural land stewardship
81 | areas may be multicounty in order to encourage coordinated
82 | regional stewardship planning.

83 | 3. A local government, in conjunction with a regional
84 | planning council, a stakeholder organization of private land

85 owners, or another local government, shall notify the department
86 in writing of its intent to designate a rural land stewardship
87 area. The written notification shall describe the basis for the
88 designation, including the extent to which the rural land
89 stewardship area enhances rural land values, controls urban
90 sprawl, provides necessary open space for agriculture and
91 protection of the natural environment, promotes rural economic
92 activity, and maintains rural character and the economic
93 viability of agriculture.

94 4. A rural land stewardship area shall be not less than
95 10,000 acres and shall be located outside of municipalities and
96 established urban growth boundaries, and shall be designated by
97 plan amendment. The plan amendment designating a rural land
98 stewardship area shall be subject to review by the Department of
99 Community Affairs pursuant to s. 163.3184 and shall provide for
100 the following:

101 a. Criteria for the designation of receiving areas within
102 rural land stewardship areas in which innovative planning and
103 development strategies may be applied. Criteria shall at a
104 minimum provide for the following: adequacy of suitable land to
105 accommodate development so as to avoid conflict with
106 environmentally sensitive areas, resources, and habitats;
107 compatibility between and transition from higher density uses to
108 lower intensity rural uses; the establishment of receiving area
109 service boundaries which provide for a separation between
110 receiving areas and other land uses within the rural land
111 stewardship area through limitations on the extension of
112 services; and connection of receiving areas with the rest of the

113 rural land stewardship area using rural design and rural road
114 corridors.

115 b. Goals, objectives, and policies setting forth the
116 innovative planning and development strategies to be applied
117 within rural land stewardship areas pursuant to the provisions
118 of this section.

119 c. A process for the implementation of innovative planning
120 and development strategies within the rural land stewardship
121 area, including those described in this subsection and rule 9J-
122 5.006(5)(1), Florida Administrative Code, which provide for a
123 functional mix of land uses, including adequate available
124 workforce housing, including low, very-low and moderate income
125 housing for the development anticipated in the receiving area
126 and which are applied through the adoption by the local
127 government of zoning and land development regulations applicable
128 to the rural land stewardship area.

129 d. A process which encourages visioning pursuant to s.
130 163.3167(11) to ensure that innovative planning and development
131 strategies comply with the provisions of this section.

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

136 5. A receiving area shall be designated by the adoption of
137 a land development regulation. Prior to the designation of a
138 receiving area, the local government shall provide the
139 Department of Community Affairs a period of 30 days in which to
140 review a proposed receiving area for consistency with the rural

141 land stewardship area plan amendment and to provide comments to
142 the local government. At the time of designation of a
143 stewardship receiving area, a listed species survey will be
144 performed. If listed species occur on the receiving area site,
145 the developer shall coordinate with each appropriate local,
146 state, or federal agency to determine if adequate provisions
147 have been made to protect those species in accordance with
148 applicable regulations. In determining the adequacy of
149 provisions for the protection of listed species and their
150 habitats, the rural land stewardship area shall be considered as
151 a whole, and the impacts to areas to be developed as receiving
152 areas shall be considered together with the environmental
153 benefits of areas protected as sending areas in fulfilling this
154 criteria.

155 6. Upon the adoption of a plan amendment creating a rural
156 land stewardship area, the local government shall, by ordinance,
157 establish the methodology for the creation, conveyance, and use
158 of transferable rural land use credits, otherwise referred to as
159 stewardship credits, the application of which shall not
160 constitute a right to develop land, nor increase density of
161 land, except as provided by this section. The total amount of
162 transferable rural land use credits within the rural land
163 stewardship area must enable the realization of the long-term
164 vision and goals for the 25-year or greater projected population
165 of the rural land stewardship area, which may take into
166 consideration the anticipated effect of the proposed receiving
167 areas. Transferable rural land use credits are subject to the
168 following limitations:

169 a. Transferable rural land use credits may only exist
170 within a rural land stewardship area.

171 b. Transferable rural land use credits may only be used on
172 lands designated as receiving areas and then solely for the
173 purpose of implementing innovative planning and development
174 strategies and creative land use planning techniques adopted by
175 the local government pursuant to this section.

176 c. Transferable rural land use credits assigned to a parcel
177 of land within a rural land stewardship area shall cease to
178 exist if the parcel of land is removed from the rural land
179 stewardship area by plan amendment.

180 d. Neither the creation of the rural land stewardship area
181 by plan amendment nor the assignment of transferable rural land
182 use credits by the local government shall operate to displace
183 the underlying density of land uses assigned to a parcel of land
184 within the rural land stewardship area; however, if transferable
185 rural land use credits are transferred from a parcel for use
186 within a designated receiving area, the underlying density
187 assigned to the parcel of land shall cease to exist.

188 e. The underlying density on each parcel of land located
189 within a rural land stewardship area shall not be increased or
190 decreased by the local government, except as a result of the
191 conveyance or use of transferable rural land use credits, as
192 long as the parcel remains within the rural land stewardship
193 area.

194 f. Transferable rural land use credits shall cease to exist
195 on a parcel of land where the underlying density assigned to the
196 parcel of land is utilized.

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

201 h. A change in the density of land use on parcels located
 202 within receiving areas shall be specified in a development order
 203 which reflects the total number of transferable rural land use
 204 credits assigned to the parcel of land and the infrastructure
 205 and support services necessary to provide for a functional mix
 206 of land uses corresponding to the plan of development.

207 i. Land within a rural land stewardship area may be
 208 removed from the rural land stewardship area through a plan
 209 amendment.

210 j. Transferable rural land use credits may be assigned at
 211 different ratios of credits per acre according to the natural
 212 resource or other beneficial use characteristics of the land and
 213 according to the land use remaining following the transfer of
 214 credits, with the highest number of credits per acre assigned to
 215 the most environmentally valuable land, land used for water
 216 storage, alternative water supply, or water quality enhancement
 217 as part of the plan approved by the Legislature or water
 218 management district for the restoration or recovery of a
 219 specific water body or, in locations where the retention of open
 220 space and agricultural land is a priority, to such lands.

221 k. The use or conveyance of transferable rural land use
 222 credits must be recorded in the public records of the county in
 223 which the property is located as a covenant or restrictive
 224 easement running with the land in favor of the county and either

225 the Department of Environmental Protection, Department of
 226 Agriculture and Consumer Services, a water management district,
 227 or a recognized statewide land trust.

228 7. Owners of land within rural land stewardship areas
 229 should be provided incentives to enter into rural land
 230 stewardship agreements, pursuant to existing law and rules
 231 adopted thereto, with state agencies, water management
 232 districts, and local governments to achieve mutually agreed upon
 233 conservation objectives. Such incentives may include, but not be
 234 limited to, the following:

235 a. Opportunity to accumulate transferable mitigation
 236 credits.

237 b. Extended permit agreements.

238 c. Opportunities for recreational leases and ecotourism.

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

242 e. Option agreements for sale to public entities or
 243 private land conservation entities, in either fee or easement,
 244 upon achievement of conservation objectives.

245 f. If an alternative water supply project such as a
 246 surface reservoir or an aquifer storage and recovery well is
 247 incorporated into the rural land stewardship area, then these
 248 projects shall be given priority for funding under the Water
 249 Protection and Sustainability Program, and the consumptive use
 250 applications shall be given preference pursuant to section
 251 373.233, Florida Statutes, and the source may be considered a
 252 preferred water supply source under section 373.2234, Florida

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253 Statutes.

254 8. The department shall report to the Legislature on an
255 annual basis on the results of implementation of rural land
256 stewardship areas authorized by the department, including
257 successes and failures in achieving the intent of the
258 Legislature as expressed in this paragraph.

259 Section 3. This act shall take effect July 1, 2008.