



CITY COUNCIL MEETING

November 01, 2023 at 6:30 PM

City Council Chambers, 16 Colomba Rd.

DeBary, Florida 32713

AGENDA

CALL TO ORDER

Invocation

Flag Salute

ROLL CALL

PUBLIC PARTICIPATION: For any items **NOT ON THE AGENDA**, citizen comments are limited to three (3) minutes per speaker. For items **ON THE AGENDA**, citizen comments are limited to five (5) minutes per speaker. Speakers will be called when the item is introduced for discussion.

APPROVAL OF MINUTES

- [1.](#) Special City Council Meeting September 20, 2023
- [2.](#) Regular City Council Meeting October 4, 2023
- [3.](#) Special City Council Meeting October 18, 2023

ADDITIONS, DELETIONS OR AMENDMENTS TO THE AGENDA

PRESENTATIONS

Shimene Shepard, Executive Director, and Stephanie Parks, Assistant Director, FUTURES Foundation, Volusia County Schools

Cristina Raimundo, Communications Specialist, Hometown Heroes Recognition Program

PUBLIC HEARINGS

- [4.](#) Staff is requesting the City Council approve the first reading of Ordinance No. 12-2023, amending the text of the City's Comprehensive Plan (Plan) Future Land Use Element and Future Land Use Map (FLUM) to remove the Industrial/Utility (I/U) Future Land Use classification and replace it with a new Public/Utility (P/U) classification.
- [5.](#) Staff is requesting the City Council approve the first reading of Ordinance No. 13-2023, amending the Land Development Code (LDC) to update the Zoning/Future Land Use Compatibility Matrix in accordance with Ordinance No. 12-2023.

NEW BUSINESS

- [6.](#) Staff is requesting City Council approve the purchase of a 2023 Ford F150 for Fire Inspector.
- [7.](#) The Public Works Department is requesting City Council approve the purchase of a Ford Terex LT40 Crew Cab Bucket Truck.

- [8.](#) Staff requests City Council to approve Revisions/Additions to the City of DeBary Personnel Policies & Procedures with an effective date of November 1, 2023.
- [9.](#) Staff requests City Council approve the employee health insurance plans recommended for plan year January 1, 2024 – December 31, 2024.
- [10.](#) The Parks and Recreation Department is requesting City Council approve the attached proposal Kimley Horn IPO No. 19 for Alexander Island Phase 1 Design.
- [11.](#) City Manager is requesting to make a presentation to the City Council on the Live Local Act, which took effect on July 1, 2023, and discuss possible risk factors and solutions concerning the business side of this law.

COUNCIL MEMBER REPORTS / COMMUNICATIONS

Member Reports/Communications

- A. Mayor and Council Members
- B. City Manager
- C. City Attorney

DATE OF UPCOMING MEETING / WORKSHOP

Special City Council Meeting November 15, 2023, 6:30 p.m.

ADJOURN

If any person decides to appeal any decision made by the City Council with respect to any matter considered at this meeting or hearing he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (FS 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least three (3) working days in advance of the meeting date and time at (386) 668-2040.



SPECIAL CITY COUNCIL MEETING

September 20, 2023 at 6:30 PM

City Council Chambers, 16 Colomba Rd.

DeBary, Florida 32713

MINUTES

CALL TO ORDER: Mayor Chasez called the meeting to order at 6:30 p.m.

ROLL CALL: Mayor Chasez, Vice-Mayor Butlien, and Council Members Pappalardo, Sell and Stevenson are present.

Others present: Carmen Rosamonda, City Manager; Giffin Chumley, City Attorney; Steven Bapp, Growth Management Director; Erik Frankton, Information Technology Director; Wesley Grissom, Deputy Finance Director; Annette Hatch, City Clerk; and, Richard Villaseñor, City Engineer.

PUBLIC PARTICIPATION: For any items **ON THE AGENDA**, citizen comments are limited to five (5) minutes per speaker. Speakers will be called when the item is introduced for discussion.

DELETIONS OR AMENDMENTS TO THE AGENDA (City Charter Sec. 4.11): None.

PRESENTATIONS:

Jay Strother, Principal, and Shaunn Smith, Support Facilitator, Highbanks Learning Center, gave an overview of the changes, efforts, and expansion of the school.

DeBary Dinosaur Costume Committee Recognition: Committee members were recognized and given plaques of appreciation for decorating the DeBary Dinosaur.

NEW BUSINESS:

City Manager is requesting the City Council adopt Resolution No. 2023-12 to set the final millage rate of 2.9247 for the levy of ad valorem tax for fiscal year 2023-2024. The final millage rate of 2.9247 is 7.65% above the computed rolled back rate of 2.7168.

City Manager is requesting the City Council adopt Resolution No. 2023-13 for the final annual operating budget for fiscal year 2023-2024.

City Manager gave a presentation on both items which included major projects and operational expenses.

No one addressed Council.

City Attorney read Resolution No. 2023-12 and Resolution No. 2023-13 into the record.

Motion by Council Member Stevenson to adopt Resolution No. 2023-12, setting the final millage rate. Seconded by Council Member Pappalardo. Motion passed unanimously.

Motion by Council Member Pappalardo to adopt Resolution No. 2023-13 approving the final annual operating budget. Seconded by Vice-Mayor Butlien. Motion passed unanimously.

The Parks and Recreation Department is requesting Council approve the annual renewal for the Gateway Center for the Arts Facility Use Agreement.

Staff reviewed the agreement and the benefits of the facility.

Terri Haug, Executive Director, Gateway Center for the Arts, addressed Council and presented the annual budget and highlights of the year.

Richie Coloni addressed Council regarding the annual budget reporting.

Mayor Chasez asked for and received Council consensus for City Manager and Staff to work with Gateway to move the reporting to October.

Motion by Vice-Mayor Butlien to approve the annual renewal. Seconded by Council Member Stevenson. Motion passed unanimously.

Ritchie Coloni re-addressed Council and requested consideration of allowing a second Board Member to communicate with City Staff in order to relieve some of the duties of the Director.

Staff is requesting the City Council approve Resolution No. 2023-17 adopting an official list of City-owned real property appropriate for use as affordable housing, pursuant to Florida Statute 166.0451(1).

Staff reviewed the requirement.

City Attorney read the Resolution into the record.

No one addressed Council.

Motion by Council Member Stevenson to approve Resolution No. 2023-17. Seconded by Council Member Sell.

Motion passed unanimously.

Staff is requesting City Council approve Resolution No. 2023-21 for establishing the determination for the respective maintenance responsibilities of the City and FDOT for the Integra and Town Park projects.

City Attorney read the Resolution into the record.

Staff reviewed the right-of-way and sidewalk areas affected.

No one addressed Council.

Motion by Vice-Mayor Butlien to approve Resolution No. 2023-21. Seconded by Council Member Sell. Motion passed unanimously.

Staff requests City Council approve the Vacant Land Contract to purchase 114 vacant platted lots owned by Richard D Carlson, which is generally located south of DeBary Mansion.

Staff reviewed the location of the lots, conservation area and drainage areas.

No one addressed Council.

Motion Vice-Mayor Butlien to approve the vacant land contract. Seconded by Council Member Pappalardo. Motion passed unanimously.

City Manager is requesting City Council approve Resolution No. 2023-22, opposing the construction of the Belvedere Fuel Farm near Ormond Beach.

Mayor Chasez reviewed the purpose of the resolution.

City Manager explained the efforts of Volusia County and the Florida League of Cities.

City Attorney read the Resolution into the record.

No one addressed Council.

Motion by Vice-Mayor Butlien to approve Resolution No 2023-22. Seconded by Council Member Stevenson. Motion passed unanimously.

COUNCIL MEMBER REPORTS / COMMUNICATIONS:

Member Reports/ Communications

- A. Mayor and Council Members
- B. City Manager
- C. City Attorney

DATE OF UPCOMING MEETING / WORKSHOP: Regular City Council Meeting October 4, 2023, 6:30 p.m.

ADJOURN: The meeting was adjourned at 8:25 p.m.

APPROVED:

**CITY COUNCIL
CITY OF DEBARY, FLORIDA**

Karen Chasez, Mayor

Annette Hatch, CMC, City Clerk



CITY COUNCIL MEETING

October 04, 2023 at 6:30 PM

City Council Chambers, 16 Colomba Rd.

DeBary, Florida 32713

MINUTES

CALL TO ORDER: Mayor Chasez called the meeting to order at 6:30 p.m.

ROLL CALL: Mayor Chasez, Vice-Mayor Butlien, and Council Members Pappalardo, Sell and Stevenson are present.

Others present: Carmen Rosamonda, City Manager; Kurt Ardaman, City Attorney; Steven Bapp, Growth Management Director; Eric Frankton, Information Technology Director; and, Annette Hatch, City Clerk.

PUBLIC PARTICIPATION: For any items **NOT ON THE AGENDA**, citizen comments are limited to three (3) minutes per speaker. For items **ON THE AGENDA**, citizen comments are limited to five (5) minutes per speaker. Speakers will be called when the item is introduced for discussion.

Paul Friedrich, addressed Council.

APPROVAL OF MINUTES: Motion by Council Member Stevenson to approve the minutes from the Regular City Council Meeting September 6, 2023. Seconded by Vice-Mayor Butlien. Motion passed unanimously.

ADDITIONS, DELETIONS OR AMENDMENTS TO THE AGENDA: None.

PRESENTATIONS: Volusia League of Cities Representatives, Mayor Lois Paritsky, City of Ponce Inlet, Mayor Nancy Miller, City of Daytona Beach Shores, and Mayor Don Burnette, City of Port Orange, presented an overview of the League that included its goals, objectives, and local government support system.

PUBLIC HEARINGS:

City Manager is requesting City Council approve Ordinance 11-2023 on first reading, Declaring and Implementing a Temporary Development Moratorium.

City Attorney read the Ordinance into the record.

Staff reviewed the history of the City's Land Development Code, the overall review and update process that lead to the need for a moratorium.

No one addressed Council.

Motion by Vice-Mayor Butlien to approve the first reading of Ordinance No. 11-2023. Seconded by Council Member Sell. Motion passed unanimously.

GROWTH MANAGEMENT AND DEVELOPMENT:

The Applicant, Charles Gray, has requested a Development Order Extension for the Canterwood Assisted Living Facility project.

Staff reviewed the project location and timeline to date.

Charles Gray addressed Council.

Motion by Vice-Mayor Butlien to approve the extension request. Seconded by Council Member Stevenson. Motion passed unanimously.

Staff is requesting City Council approve the contract with Nue Urban Concepts to review the Southwest Sector Mobility Plan and Mobility Fees.

Staff reviewed the mobility plan, tasks involved in the update, and cost of the contract.

No one addressed Council.

Motion by Council Member Stevenson to approve the contract with Nue Urban Concepts. Seconded by Council Member Pappalardo. Motion passed unanimously.

COUNCIL MEMBER REPORTS / COMMUNICATIONS:

Member Reports/ Communications

A. Mayor and Council Members

B. City Manager - City Manager discussed Volusia County's proposed 2-million-gallon water tank behind the City's new fire station. The Mayor requested and received Council consensus to authorize the City Manager to continue to work with Volusia County and present formal documentation to Council at a later date.

C. City Attorney

DATE OF UPCOMING MEETING / WORKSHOP: Special City Council Meeting October 18, 2023, 6:30 p.m.

ADJOURN: The meeting was adjourned at 7:25 p.m.

APPROVED:

**CITY COUNCIL
CITY OF DEBARY, FLORIDA**

Karen Chasez, Mayor

Annette Hatch, CMC, City Clerk



SPECIAL CITY COUNCIL MEETING

October 18, 2023 at 6:30 PM

City Council Chambers, 16 Colomba Rd.

DeBary, Florida 32713

MINUTES

CALL TO ORDER: Mayor Chasez called the meeting to order at 6:30 p.m.

ROLL CALL: Mayor Chasez, Vice-Mayor Butlien, and Council Members Pappalardo, Sell and Stevenson are present.

Others present: Carmen Rosamonda, City Manager; Giffin Chumley, City Attorney; Steven Bapp, Growth Management Director; Annette Hatch, City Clerk; David Rodriguez, Information Technology Specialist; and, Jason Schaitz, Parks & Recreation Director.

PUBLIC PARTICIPATION: For any items **ON THE AGENDA**, citizen comments are limited to five (5) minutes per speaker. Speakers will be called when the item is introduced for discussion.

DELETIONS OR AMENDMENTS TO THE AGENDA (City Charter Sec. 4.11): None.

CONSENT AGENDA:

The Parks and Recreation Department is requesting the City Council approve the sole source purchase of a shade canopy at Rob Sullivan Park.

The Parks and Recreation Department is requesting the City Council approve the equipment purchase through a Sourcewell cooperative purchasing agreement provided by Wesco Turf

The Parks and Recreation Department is requesting the City Council approve the purchase of a Kubota Tractor through a Sourcewell cooperative purchasing agreement provided by Crystal Tractor.

City Manager is requesting City Council approve three (3) Brooks & Dun Grant Consulting Engagement Letters and Agreements for professional grant writing services for the Exceptional Grant Application for Alexander Island, the 2024-25 FRDAP Grant Application for Bill Keller Park and the 2024-2025 FRDAP Grant Application for Alexander Island.

City Manager is requesting City Council approve the Mersino Pump Rental Agreement for Plantation Pump Station, James Pond and Bill Keller Park for the month of October 2023.

Motion by Vice-Mayor Butlien to approve the Consent Agenda. Seconded by Council Member Stevenson. Motion passed unanimously.

PUBLIC HEARINGS:

City Manager is requesting City Council adopt Ordinance No. 11-2023, Declaring and Implementing a Temporary Development Moratorium.

City Attorney read the Ordinance into the record.

Staff discussed the Land Development Code review process and timeline.

No one addressed Council.

Motion by Vice-Mayor Butlien to adopt Ordinance No. 11-2023. Seconded by Council Member Pappalardo. Motion passed unanimously.

NEW BUSINESS:

City Manager is requesting City Council approve the proposed DeBary Central Park Conservation and Recreation Concept Plan.

City Manager briefly reviewed the property and the exchange agreement between Volusia County and the City, and provisions of the agreement. The various amenities that could potentially be offered at the park were also discussed.

No one addressed Council.

Motion by Council Member Stevenson to approve the proposed DeBary Central Park Concept Plan. Seconded by Council Member Sell. Motion passed unanimously.

COUNCIL MEMBER REPORTS / COMMUNICATIONS:

Member Reports/ Communications

- A. Mayor and Council Members
- B. City Manager
- C. City Attorney

DATE OF UPCOMING MEETING/WORKSHOP: Regular City Council Meeting November 1, 2023, 6:30 p.m.

ADJOURN: The meeting was adjourned at 7:21 p.m.

APPROVED:

**CITY COUNCIL
CITY OF DEBARY, FLORIDA**

Karen Chasez, Mayor

Annette Hatch, CMC, City Clerk



City Council Meeting City of DeBary AGENDA ITEM

Subject: Ordinance # 12-2023	Attachments: <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Supporting Documents/ Contracts <input type="checkbox"/> Other
From: Steven E. Bapp, AICP Growth Management Director	
Meeting Hearing Date November 1, 2023	

REQUEST

Staff is requesting the City Council approve the first reading of Ordinance # 12-2023, amending the text of the City’s Comprehensive Plan (Plan) Future Land Use Element and Future Land Use Map (FLUM) to remove the Industrial/Utility (I/U) Future Land Use classification and replace it with a new Public/Utility (P/U) classification.

PURPOSE

To clarify that areas of the City intended for Utilities are to continue being used exclusively for utility providers and are not intended to be used for non-utility related industrial uses.

CONSIDERATIONS

Background:

The Future Land Use Element of the Plan, Chapter 5, provides for the general designation of future distribution, location, and extent of the uses of land within the City. The goal of this Element is to facilitate the development and use of land within the City in an organized arrangement in support of appropriate development of the overall community. It is within this Element that the various FLUM classifications are defined.

Policy 5.404 of the Plan defines the industrial land use classifications of the Future Land Use Element. Currently, there are three industrial classifications: Industrial/General (I/G), Industrial/Utility (I/U), and Industrial/Service (I/S). The I/G classification is intended for research and development, light manufacturing, and office uses within an industrial park setting. The I/U classification is intended for power production and related accessory uses therein (although office and conference and training centers may also be permitted). The I/S classification is intended for manufacturing, warehousing and distribution, and other outdoor industrial activities.

The I/U classification does not lend itself easily as an industrial classification. Unlike I/G and I/S, there is no permitting of other traditional industrial uses such as manufacturing or warehousing. It is primarily intended for usage by utility providers and other traditional industrial uses are not permitted in this classification, rendering its inclusion amongst the industrial classifications inconsistent with its nature.

Policy 5.405 of the Plan describes the Public/Institutional (P/I) classification of the Future Land Use Element. This Future Land Use classification provides for uses which are either publicly owned or do not lend themselves easily to the other classifications of the Future Land Use Element. Because the nature of the I/U classification does not lend itself easily to the other classifications of the Future Land Use Element, a public land use classification would be more appropriate.

Proposed Amendments:

Policy 5.404 would be amended to remove the I/U classification. I/G and I/S would remain within the industrial land use classification.

Policy 5.405 would be amended to create an overarching Public Land Use classification rather than the policy be dedicated solely to the P/I classification. P/I would be placed within this overarching classification, and properties under the removed I/U classification would be placed under a new Future Land Use classification called "Public/Utility" (P/U). The policy language of this new P/U classification would be identical to the existing I/U classification.

The Future Land Use Map would be amended to change the areas designated as I/U to P/U.

This amendment would not create any non-conforming uses or zoning classifications, nor would it change what is permitted on properties under this designation.

Comprehensive Plan Compatibility:

All Plan text and FLUM amendments are reviewed against the goals, objectives, and policies of the Plan. During staff's review of the proposed ordinance, no inconsistencies were found, as the proposed amendment simply places properties used for utility production in a more appropriate overarching land use classification with no changes to the policies of the land use designation. It is compatible with all of the elements of the Plan.

Infrastructure Impacts:

The proposed amendment will not have any effect on the availability or demand on sanitary sewer, solid waste, drainage, potable water and water supply, traffic circulation, schools, or recreation. The underlying policies of the lands affected by the amendment are not being changed.

Community Planning Act:

The State of Florida's Community Planning Act (F.S. 163.3161 to 163.3217) provides for the requirements of a Comprehensive Plan. F.S. 163.3177(6)(a) provides for the requirements of the Future Land Use Element. F.S. 163.3177(6)(a)8 requires certain analyses to be performed by the City when evaluating a FLUM amendment:

- a. *An analysis of the availability of facilities and services;*
- b. *An analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site; and*
- c. *An analysis of the minimum amount of land needed to achieve the goals and requirements of this section.*

During the course of staff's review, these analyses have all been performed. No issues were discovered.

F.S. 163.3177(6)(a)9 requires Future Land Use Element amendments to discourage the proliferation of urban sprawl and provides for indicators of FLUM amendments that do not discourage urban sprawl and those that do. F.S. 163.3164 defines urban sprawl as “...a development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses.”

During the course of staff’s review, it has been determined the proposed amendment does not fail to discourage urban sprawl and that it discourages urban sprawl.

COST/FUNDING

None.

RECOMMENDATION

It is recommended the City Council approve on first reading Ordinance # 12-2023, the proposed Plan text and FLUM amendments to remove the I/U future land use classification and replace it with the P/U classification.

IMPLEMENTATION

Due to the text of the Plan being amended and the total area affected (approximately 1,626.87 acres) by the FLUM amendment, this is categorized as a large-scale amendment, and therefore the proposed amendments must follow the expedited State review process prescribed in F.S. 163.3184(3). If the City Council approves the first reading, within 10 days after the public hearing (transmittal hearing), Staff must transmit the proposed amendments to the Department of Commerce (formerly known as the Department of Economic Opportunity) for distribution to the State reviewing agencies, who will have up to 30 days upon receipt to submit comments on the amendments. The reviewing agencies are:

- Department of Commerce;
- East Central Florida Regional Planning Council;
- St. John’s River Water Management District;
- Department of Environmental Protection;
- Department of State;
- Department of Transportation; and
- Volusia Growth Management Commission.

The second public hearing (adoption hearing) for the ordinance must be held within 180 days after receipt of all reviewing agency comments.

ATTACHMENTS

- Ordinance # 12-2023
- Future Land Use Map – Current
- Future Land Use Map – Proposed

ORDINANCE NO. 12-2023

AN ORDINANCE OF THE CITY OF DEBARY, FLORIDA, AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT OF THE CITY OF DEBARY COMPREHENSIVE PLAN TO AMEND POLICY 5.404 AND 5.405 TO DELETE THE INDUSTRIAL/UTILITY (IU) FUTURE LAND USE AND CREATE THE PUBLIC/UTILITY (PU) FUTURE LAND USE; AMENDING THE FUTURE LAND USE MAP OF THE CITY OF DEBARY COMPREHENSIVE PLAN TO REDESIGNATE PROPERTIES PREVIOUSLY DESIGNATED WITH THE INDUSTRIAL/UTILITY (IU) FUTURE LAND USE TO THE PUBLIC/UTILITY (PU) FUTURE LAND USE; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, Article VIII, § 2, Constitution of the State of Florida, as revised in 1968, grants to municipalities those governmental, corporate and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services, and further authorizes such municipalities to exercise any power for municipal purposes, except as otherwise provided by law;

WHEREAS, Chapter 166, Fla. Stat., the Municipal Home Rule Powers Act, further affirms the authority and jurisdiction granted to municipalities by the Florida Constitution and establishes the home rule authority of such municipalities; and

WHEREAS, Chapter 163, Fla. Stat., Part II, known as the Community Planning Act (the “Act”), requires, authorizes, and empowers municipalities to prepare, adopt, amend and enforce Comprehensive Plans to guide development within the City and further authorizes the City Council of the City of DeBary to plan for the City’s future development and growth, to responsibly guide the future growth and development of the City, to implement adopted or amended Comprehensive Plans by the adoption of appropriate land development regulations, and to establish, support and maintain procedures to carry out the provisions and purposes of such Act; and

WHEREAS, the City finds it is in the City’s best interest to amend the text of certain Policies set forth in the Future Land Use Element and Future Land Use Map of the City of DeBary Comprehensive Plan, as fully described in Sections 2, 3 and 4 below; and

WHEREAS, the Amendments adopted by this Ordinance are internally consistent with the City of DeBary Comprehensive Plan and its goals, objectives and policies and are in compliance with the Act; and

WHEREAS, the City Council (including in its role as the City’s local planning agency) held the required public hearings for adoption of the proposed Comprehensive Plan Amendments to receive and consider comments related to the Amendments; and

WHEREAS, based on the matters of record received by the City Council at the required public hearings after proper notice and finding that the proposed Amendments meet the requirements of the Act, the City Council, in the exercise of its home rule and statutory authority, has determined it necessary and desirable, in order to protect the public health, safety and welfare, to adopt these Amendments to the City's Comprehensive Plan.

IT IS HEREBY ORDAINED BY THE CITY OF DeBARY AS FOLLOWS:

SECTION 1. RECITALS. The above recitals are true and correct and incorporated herein as legislative findings of the City Council.

SECTION 2. TEXT AMENDMENT ADOPTION. The City of DeBary hereby amends the text of the Future Land Use Element of the City of DeBary Comprehensive Plan amending Policy 5.404 as follows (words that are stricken out are deletions; words that are underlined are additions; provisions not included are not being amended):

Policy 5.404

The following **INDUSTRIAL LAND USE CLASSIFICATIONS** are hereby established:

- a. Industrial/General (IG) - This classification provides for "clean" industrial and employment uses.
 1. Uses include research and development, light manufacturing, and office uses, generally in industrial park setting. In selected areas, this may also include warehousing and distribution and heavier manufacturing, but not activities involving extensive outdoor storage or processing.
 2. Permitted development within this classification will be restricted so as to produce little noise, smoke, odors, or other adverse impacts associated with heavy industry. In addition, these activities will involve minimal truck traffic, and will generally be enclosed in buildings which are well landscaped and buffered from adjoining uses. Many of these activities will occur in parks or other planned developments.
 3. In some cases, developments may include an increased incidence of uses with outdoor activities or involving truck traffic. These uses will be located and designed so as to avoid adverse impacts on the integrity and desirability of the larger development. These developments will be more remote from residential areas or other development which would be adversely impacted by the noise and traffic associated with this type of development. Such developments will be subject to the planned development review process.
 4. Intensity of non-residential use shall be limited to a floor area ratio (FAR) of 0.5 to 1.

5. Schools may be permitted in this classification as provided in Policy 5.405.

~~b. Industrial/Utility (IU) - This classification specifically provides for the major electric power generation and distribution facilities within the City:~~

~~1. Uses permitted include power production, as well as accessory activities, including power generating plants, industrial buildings, open space used as buffers, Lake Konomac (which is used for plant cooling), and similar uses and accessory uses, as well as major features of the power distribution system but not transmission lines:~~

~~Transmission lines are intended to be permitted in any land use classification as a public utility use, subject to City Council review. (See Public/Institutional Land Use Classification.)~~

~~Portions of this area, specifically including Lake Konomac and the immediate surrounding area and the low-lying areas west of the Florida Power facility constitute part of the permanent natural open space of the City:~~

~~2. The development standards should be designed to reflect the existing character of uses and structures within this classification, including the reservation of the natural open space identified under (1), above:~~

~~3. In addition to power production uses, limited development of uses not directly associated with the production and distribution of electric power may be permitted. These uses will be developed with adequate landscaping and buffers from nearby uses. Such uses include office and employment uses, and conference and training centers, including accessory housing, recreation, and meeting facilities:~~

~~4. Intensity of non residential use shall be limited to a floor area ratio (FAR) of 0.5. to 1:~~

~~5. Schools may be permitted in this classification as provided in Policy 5.405:~~

b. Industrial/Service (IS) - This classification provides for heavier industrial and commercial activities.

1. Permitted uses include manufacturing, warehouse and distribution, and other industrial activities which occur outdoors to a major extent. Commercial uses include retail sales and services, auto and truck sales, building materials sales, and contractors' yards, and other outdoor sales and service activities.

2. Where these uses occur, they will be grouped with similar uses (as opposed to occurring in isolation among dissimilar uses). Where activities are permitted outdoors, they will be screened from nearby residential and commercial development.
3. Because of the limited areas assigned to this classification, other uses should not be considered. In areas on the periphery of lands in this classification, however, IG type uses can be considered to help ease the transition to non-industrial areas.
4. Intensity of non-residential use shall be limited to a floor-area ratio (FAR) of 0.5 to 1.
5. Schools may be permitted in this classification as provided in Policy 5.405.

SECTION 3. TEXT AMENDMENT ADOPTION. The City of DeBary hereby amends the text of the Future Land Use Element of the City of DeBary Comprehensive Plan amending Policy 5.405 as follows (words that are stricken out are deletions; words that are underlined are additions; provisions not included are not being amended):

Policy 5.405

~~The **PUBLIC/INSTITUTIONAL LAND USE CLASSIFICATION** is hereby established:~~

The following **PUBLIC LAND USE CLASSIFICATIONS** are hereby established:

- a. Public/Institutional (PI) - This classification provides for uses which are owned and/or operated by government agencies or non-profit institutions, and which do not lend themselves easily to the other classifications. Such uses may also be permitted within most of the other classifications. It is the intent of the City that elementary and high schools (public or private, and including charter schools) may be permitted in any classification subject to approval of the City Council, and that private or trade schools may be permitted in any commercial or industrial classification subject to City Council approval. Public schools other than elementary and high schools should be restricted to this classification. This classification is designed to be used primarily where a public or institutional use is large enough to be separately identified on the Future Land Use Map.
 1. The City will seek every opportunity to co-locate public facilities such as parks, community centers and libraries with educational facilities in coordination with the Volusia County School Board.

2. Other public, institutional, and utility uses and facilities may be permitted in any land use classification, subject to approval of the City Council. This includes uses which are too small to be individually identified on the Future Land Use Map or the location of which must be established as part of the development review process. These uses include, but are not limited to, sewage lift stations, recycling facilities, power transmission facilities (including transformer stations), and broadcasting facilities, (including towers used for cellular telephone and other PCS services.) Authorization for one type of use shall not allow another use, which will require a separate authorization.

b. Public/Utility (PU) - This classification specifically provides for the major electric power generation and distribution facilities within the City.

1. Uses permitted include power production, as well as accessory activities, including power generating plants, industrial buildings, open space used as buffers, Lake Konomac (which is used for plant cooling), and similar uses and accessory uses, as well as major features of the power distribution system but not transmission lines.

Transmission lines are intended to be permitted in any land use classification as a public utility use, subject to City Council review. (See Public/Institutional Land Use Classification.)

Portions of this area, specifically including Lake Konomac and the immediate surrounding area and the low-lying areas west of the Florida Power facility constitute part of the permanent natural open space of the City.

2. The development standards should be designed to reflect the existing character of uses and structures within this classification, including the reservation of the natural open space identified under (1), above.

3. In addition to power production uses, limited development of uses not directly associated with the production and distribution of electric power may be permitted. These uses will be developed with adequate landscaping and buffers from nearby uses. Such uses include office and employment uses, and conference and training centers, including accessory housing, recreation, and meeting facilities.

4. Intensity of non-residential use shall be limited to a floor-area ratio (FAR) of 0.5. to 1.

5. Schools may be permitted in this classification as provided in Policy 5.405.

SECTION 4. FUTURE LAND USE MAP AMENDMENT. The City of DeBary hereby amends the Future Land Use Map of the City of DeBary Comprehensive Plan by designating the properties graphically depicted in Attachment “A” from INDUSTRIAL/UTILITY (IU) future land use to the PUBLIC/UTILITY (PU) future land use.

SECTION 5. EFFECTIVE DATE. The effective date of this Plan amendment, if the amendment is not timely challenged, shall be 31 days after the State Land Planning Agency notifies the City that the Plan amendment package is complete. If timely challenged, an amendment does not become effective until the State Land Planning Agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

SECTION 6 CONFLICTS. This Ordinance shall supersede any ordinances in conflict herewith to the extent that such conflict exists.

SECTION 7. SEVERABILITY. If any part of this Ordinance is found to be invalid, preempted, or otherwise superseded, the remainder shall nevertheless be given full force and effect to the extent permitted by the severance of such invalid, preempted, or superseded part.

APPROVED on first reading on ____ day of _____ 2023.

ADOPTED at the second reading on ____ day of _____ 2023.

**CITY COUNCIL
City of DeBary**

Karen Chasez, Mayor

Attest:

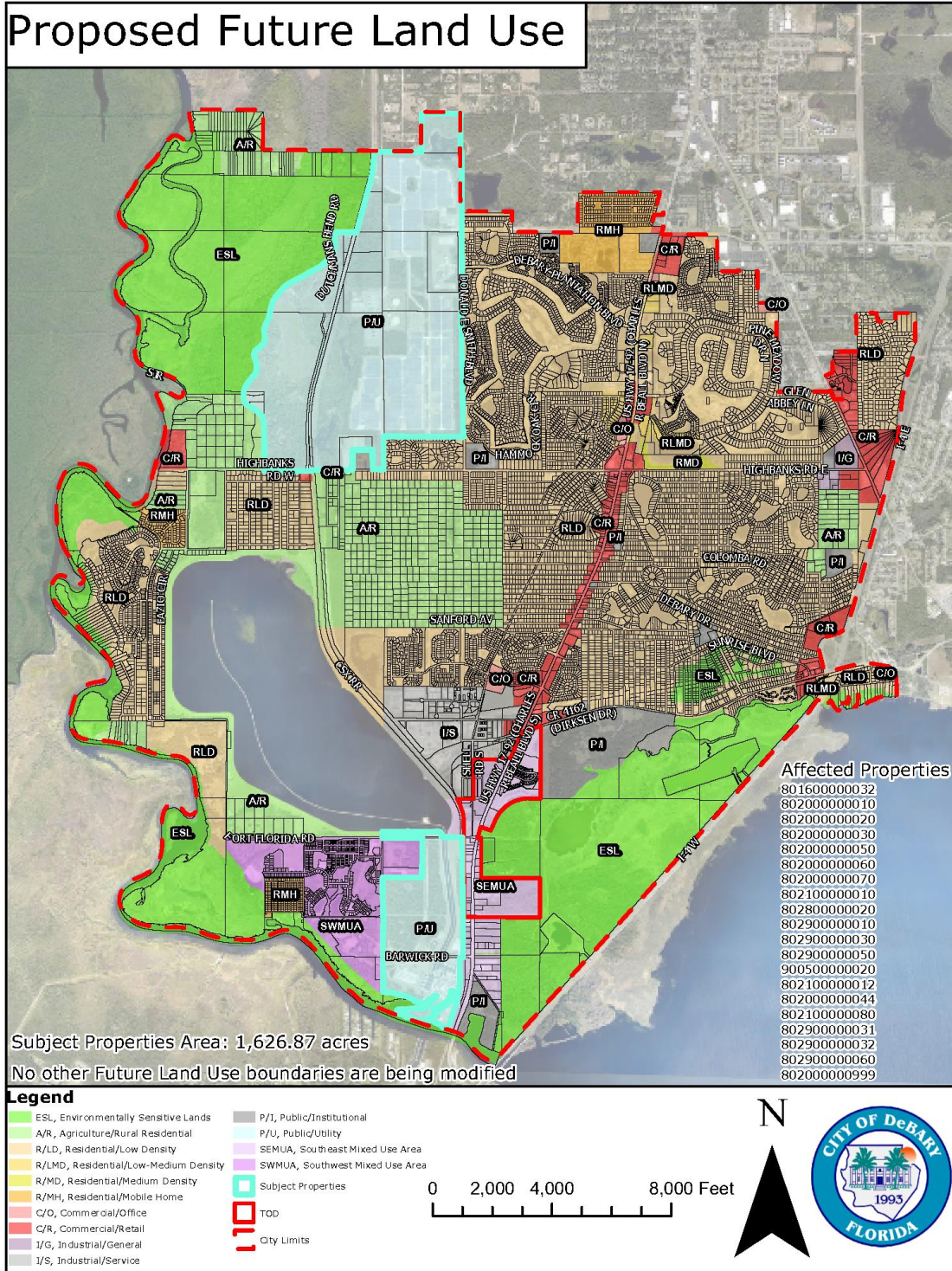
Annette Hatch, CMC, City Clerk

Date: _____

SEAL:

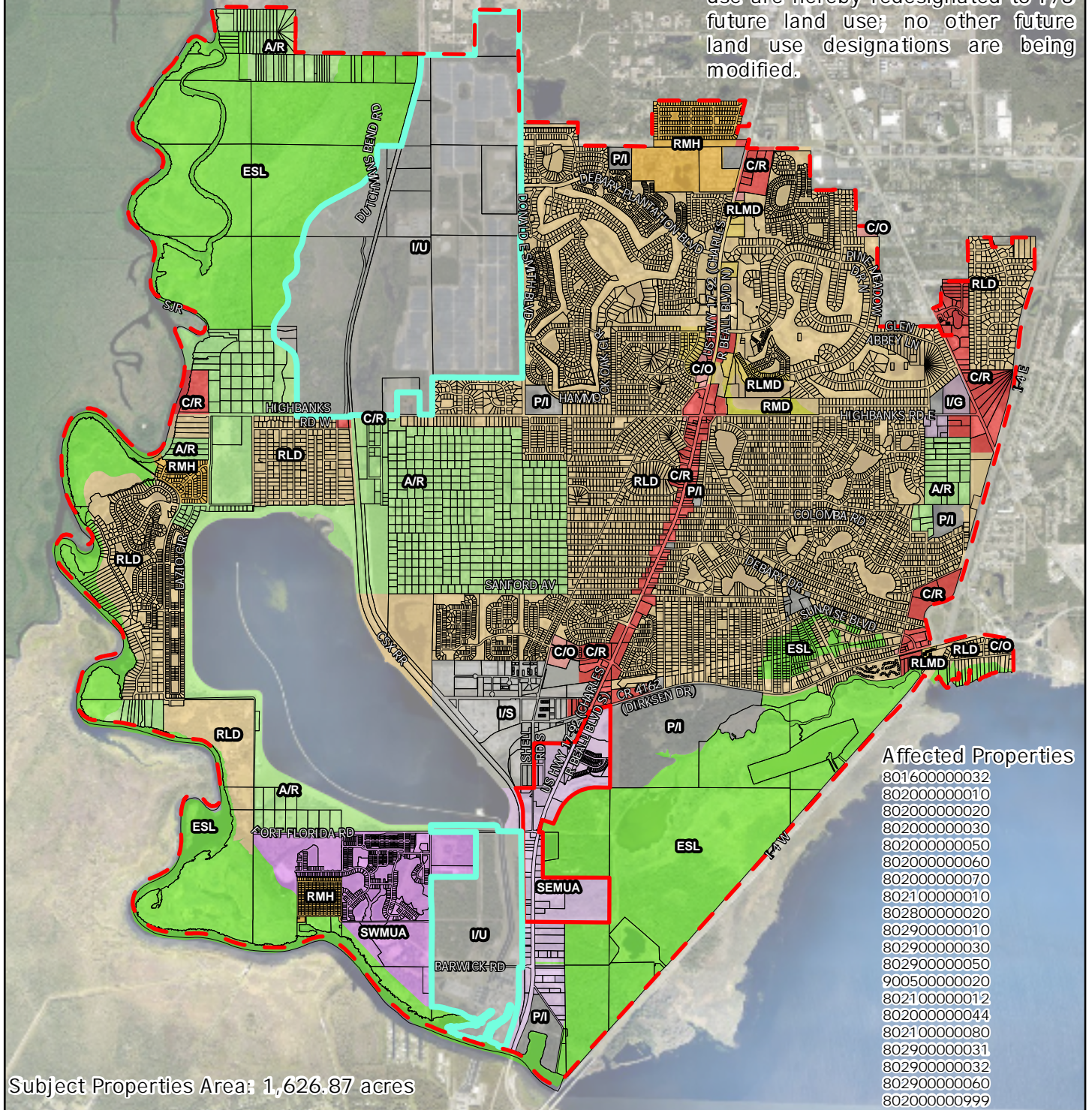
ATTACHMENT "A"

FUTURE LAND USE MAP



Current Future Land Use

All portions of the properties whose tax parcel identification number are listed in this attachment that currently have an I/U future land use are hereby redesignated to P/U future land use; no other future land use designations are being modified.



Legend

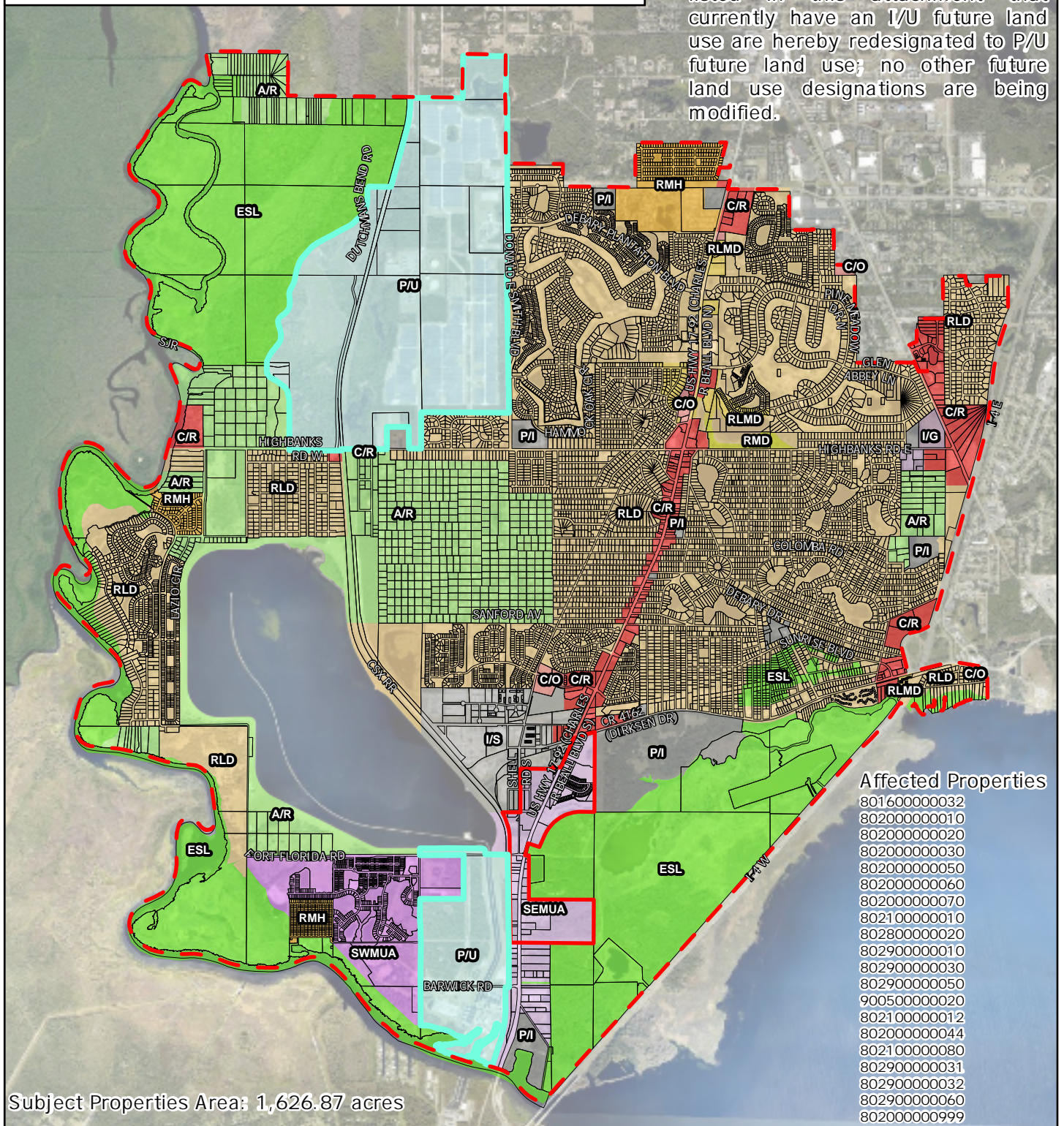
- ESL, Environmentally Sensitive Lands
- A/R, Agriculture/Rural Residential
- R/LD, Residential/Low Density
- R/LMD, Residential/Low-Medium Density
- R/MD, Residential/Medium Density
- R/MH, Residential/Mobile Home
- C/O, Commercial/Office
- C/R, Commercial/Retail
- I/G, Industrial/General
- I/U, Industrial/Utility
- I/S, Industrial/Service
- P/I, Public/Institutional
- SEMUA, Southeast Mixed Use Area
- SWMUA, Southwest Mixed Use Area
- Subject Properties
- TOD
- City Limits

0 2,000 4,000 8,000 Feet



Proposed Future Land Use

All portions of the properties whose tax parcel identification number are listed in this attachment that currently have an I/U future land use are hereby redesignated to P/U future land use; no other future land use designations are being modified.



Legend

- ESL, Environmentally Sensitive Lands
- A/R, Agriculture/Rural Residential
- R/LD, Residential/Low Density
- R/LMD, Residential/Low-Medium Density
- R/MD, Residential/Medium Density
- R/MH, Residential/Mobile Home
- C/O, Commercial/Office
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- P/I, Public/Institutional
- P/U, Public/Utility
- SEMUA, Southeast Mixed Use Area
- SWMUA, Southwest Mixed Use Area
- Subject Properties
- TOD
- City Limits

0 2,000 4,000 8,000 Feet





City Council Meeting City of DeBary AGENDA ITEM

Subject: Ordinance # 13-2023	Attachments: <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Supporting Documents/ Contracts <input type="checkbox"/> Other
From: Steve E. Bapp, AICP Growth Management Director	
Meeting Hearing Date November 1, 2023	

REQUEST

Staff is requesting the City Council approve the first reading of Ordinance # 13-2023, amending the Land Development Code (LDC) to update the Zoning/Future Land Use Compatibility Matrix in accordance with Ordinance # 12-2023.

PURPOSE

To update the Zoning/Future Land Use Compatibility Matrix to make it consistent with the amendments to the Comprehensive Plan proposed in Ordinance # 12-2023.

CONSIDERATIONS

Background:

LDC Chapter 3, Article I, Section 3-2a. – Zoning/Future Land Use Compatibility Matrix contains a table which defines what zoning classifications are consistent with each of the Comprehensive Plan’s individual Future Land Use classifications. This table is critical to determining whether a proposed Zoning Map amendment is consistent with the Comprehensive Plan’s Future Land Use Map (FLUM), and is also used to determine whether a property’s existing zoning is consistent with the FLUM during reviews for development order applications.

Another proposed ordinance, Ordinance # 12-2023, would amend the Comprehensive Plan to remove the Industrial/Utility classification and reclassify all properties under that classification as “Public/Utility”. Please see the staff report for Ordinance # 12-2023 for more information.

Proposed Amendment:

If Ordinance # 12-2023 is adopted and implemented, the Zoning/Future Land Use Compatibility Matrix would need to be updated to reflect the amendments to the Comprehensive Plan. Ordinance # 13-2023 amends the matrix accordingly.

COST/FUNDING

None.

RECOMMENDATION

It is recommended the City Council approve on first reading Ordinance # 13-2023, the proposed amendment to LDC Section 3-2a to update the Zoning/Future Land Use Compatibility Matrix in accordance with Ordinance # 12-2023.

IMPLEMENTATION

The proposed ordinance would only be implemented if Ordinance # 12-2023 is also implemented. Ordinance # 12-2023 is a large-scale Comprehensive Plan amendment and must follow the expedited State review process prescribed in F.S. 163.3184(3) in order to be implemented. If the Council performs the first reading of both ordinances, and Ordinance # 12-2023 is either not challenged by one of the State reviewing agencies or any and all comments from the reviewing agencies are resolved, Staff will advertise the public hearing for the second reading for Ordinance # 13-2023 in the Orlando Sentinel.

ATTACHMENTS

- Ordinance # 13-2023

ORDINANCE NO. 13-2023

AN ORDINANCE OF THE CITY COUNCIL OF DEBARY, FLORIDA, AMENDING CHAPTER 3, ARTICLE I, SECTION 3-2a. OF THE CITY OF DEBARY LAND DEVELOPMENT CODE TO AMEND THE ZONING/FUTURE LAND USE COMPATIBILITY MATRIX; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND CODIFICATION.

WHEREAS, the City of DeBary, Florida adopted a Land Development Code as required by Chapter 163, Florida Statutes through Ordinance No. 01-99 and Ordinance No. 21-07, as amended; and

WHEREAS, the City Council is the governing body of the City of DeBary and serves as the City's local planning agency; and

WHEREAS, the City Council has determined that this amendment to the land development code is consistent with the City of DeBary Comprehensive Plan as is being simultaneously amended along with this Ordinance; and

WHEREAS, the City Council has determined that this Ordinance is in the best interest of and for general health, safety and welfare of the citizens of DeBary, Florida; and

WHEREAS, this Ordinance has been adopted in accordance with general law and the Charter and Land Development Code of the City of DeBary.

IT IS HEREBY ORDAINED BY THE CITY OF DEBARY AS FOLLOWS:

SECTION 1. RECITALS. The above recitals are true and correct and incorporated herein as legislative findings of the City Council.

SECTION 2. ADOPTION. Section 3-2a of Article I, Chapter 3 of the City of DeBary Land Development Code is hereby amended as follows (words that are stricken out are deletions; words that are underlined are additions; provisions not included are not being amended):

Section 3-2a. – Zoning/future land use compatibility matrix.

The following matrix illustrates which city zoning classifications are consistent with which city future land use classifications.

Section 3-2a Zoning/Future Land Use Compatibility Matrix			
Land Use Classifications	Future Land Use	Net Density (Dwelling units per net buildable acre) and Floor Area Ratios (FAR)	Allowing Zoning Classifications
Industrial Classifications	Industrial/General (IG)	Max FAR 1	I-1 (Light Industrial), Planned Unit Development
	Industrial/Utility (IU)	Max FAR 1	I-1 (Light Industrial), Planned Unit Development
	Industrial Service (IS)	Max FAR 1	I-1 (Light Industrial), Planned Unit Development, B-5 (Heavy Commercial)
Public/ Institutional Classifications	Public/Institutional (P/I)		P (Public Use)
	Public/Utility (P/U)	Max FAR 1	I-1 (Light Industrial), P (Public Use), Planned Unit Development

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. CONFLICTS. This Ordinance shall control over any Ordinances or parts of Ordinances in conflict herewith to the extent that such conflict exists.

SECTION 5. CODIFICATION. Section 2 of this Ordinance is to be codified and made a part of the City of DeBary Land Development Code. The City Clerk is given liberal authority to correct typographical errors and to renumber the sections and subsections as may be necessary to codify the ordinance into the existing codes. Grammatical, typographical and similar like errors may be corrected, including additions, alterations, and omissions that do not otherwise affect the construction, intent, or meaning of this Ordinance.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect simultaneously with the effective date of the Comprehensive Plan Amendment adopted by City of DeBary Ordinance 12-2023.

APPROVED on first reading on ____ day of _____ 2023.

ADOPTED at the second reading on ____ day of _____ 2023.

CITY COUNCIL
City of DeBary

Karen Chasez, Mayor

Attest:

Annette Hatch, CMC, City Clerk

Date: _____

SEAL:



City Council Meeting City of DeBary AGENDA ITEM

Subject: Purchase of 2023 Ford F150 for Fire Inspector	Attachments: <input type="checkbox"/> Ordinance
From: Amy Long, Deputy Public Works Director	<input type="checkbox"/> Resolution
Meeting Hearing Date November 1, 2023	<input checked="" type="checkbox"/> Supporting Documents/ Contracts
	<input type="checkbox"/> Other

REQUEST

Staff is requesting the City Council approve the purchase of a 2023 Ford F150 for Fire Inspector.

PURPOSE

The request is needed at this time to purchase a truck for the full-time fire inspector.

CONSIDERATIONS

- Due to production issues, the original F150 is not available in the near future. And no time given for production.
- In the current purchasing climate, vehicles purchased off the state purchasing contracts are taking at least a year to arrive or start to build. The Fire Department came across this Ford F150 from a local dealer in the correct color of race red and is available. The dealer has agreed to hold the truck until the 11/01 Council approval date. If we are not able to purchase this vehicle now, we will lose the truck to another buyer and any future purchases down the road will take an undetermined amount of time to secure a Ford F150.
- FD has located a Ford F150 and is available now. It is slightly cheaper than the original Ford F150 on the Florida Sheriffs Association contract.

COST/FUNDING

- The original F150 purchase was approved in the 2023/2024 budget for \$80,900 (the price is to include a lights, laptop, radio, sirens and striping)
- The state contract for a F150 is \$45,652.00, The current F150 purchase price from the local dealer is \$43,030.50 (difference \$2,621.50). There will be additional cost to outfit this vehicle with lights, laptop, radio, sirens and striping. We believe this purchasing strategy will allow us to stay under budget.

RECOMMENDATION

It is recommended City Council approve the purchase of the 2023 Ford F150 from Coggin Deland Ford Lincoln.

IMPLEMENTATION

Upon approval, the Public Works Department will process the invoice for Coggin Deland Ford Lincoln for the Fire Department to pick up, as this F150 is on the lot being held.

ATTACHMENTS

- Attachment A – Letter of intent
- Attachment B – Purchase Price
- Attachment C – Window Sticker
- Attachment D – Photo of Ford F150

CITY of DeBARY

www.debary.org

THE RIVER CITY

2023 Ford F150 — Letter of Intent

October 13, 2023

Joshua Rouse, Sales Manager
AF Motors, LLC d/b/a Coggin DeLand Ford Lincoln
2905 Premiere Parkway, Suite 300
Duluth, GA 30097

Dear Mr. Rouse,

Thank you for your effort in finding the City of DeBary a 2023 Ford F150, Vin # 1FTEW1CP3PKF03152 to meet our fire services needs. This letter is to provide written confirmation of our intent to purchase this vehicle \$43,030.50 (copy of proposal attached).

In order for us to purchase the vehicle, it must be approved by our City Council. This agenda item will go to them at the 11/1/23 Council meeting. Upon approval, we will reach out as early as November 2nd to initiate the purchase.

We are kindly requesting that you hold the vehicle until that time. If you have any questions or comments, you can reach out to us 386-668-2040.

Thank You


Carmen Rosamonda
City Manager



Attachment B

Coggin DeLand Ford

Date: 10/12/2023
Salesperson: Todd Labuziensi
Manager: Joshua Rouse
Customer ID #: B233696

FOR INTERNAL USE ONLY

CUSTOMER CITY OF DEBARY
Address: 16 COLOMBA ROAD
DEBARY, FL 32713
VOLUSIA
E-Mail: CITYOFDEBARY@YAHOO.COM
Home Phone: (386) 601-0227
Work Phone: (386) 668-2040
Cell Phone: (912) 713-0166

VEHICLE
Stock #: COD230264 New/Used: New VIN: 1FTEW1CP3PKF03152 Mileage: 2
Vehicle: 2023 Ford F-150 Color: RACE RED
Type: F15M

Table with 2 columns: Description and Amount. Rows include MSRP/Sale Price (49,425.00), Discount (7,202.00), Sales Price Sub-Total (42,223.00), Tag and Title Fees (8.50), Predelivery Service Charge* (799.00), Cash Deposit (.00), and Balance Forward (43,030.50).

Customer Approval: Management Approval:
Terms and Conditions subject to credit approval. For information only. This is not an offer or contract for sale.

Attachment C

KAN-002422 FL

9-NORMAL, NB, 102422, PG061 1911

220230714 BLEND 0291

ULC | U | W | FL | C | CERT | TRD | RAMP | BUMP | CAMP | BOOK | EXPL | ROTA

014819 1909/2800

1FTEW1CP3

PKF03152 NB

GU13

VEHICLE DESCRIPTION



ford.com

F-150

2023 F-150 4X2 SUPERCREW
145" WHEELBASE
2.7L V6 ECOBOOST
ELEC TEN-SPEED AUTO W/TOW M

EXTERIOR RACE RED
INTERIOR BLACK SPORT CLOTH40/CON/40

PK F03152

STANDARD EQUIPMENT INCLUDED AT NO EXTRA CHARGE

EXTERIOR

- DAYTIME RUNNING LAMPS
- EASY FUEL CAPLESS FILLER
- FULLY BOXED STEEL FRAME
- HALOGEN HEADLAMPS
- HEADLAMPS - AUTO HIGH BEAM
- HEADLAMPS - AUTOLAMP (ON/OFF)
- LOCKING REMOVABLE TAILGATE
- MANUAL FOLD POWER MIRRORS
- PICKUP BOX TIE DOWN HOOKS
- POWER TAILGATE LOCK
- TRAILER SWAY CONTROL
- WIPERS- INTERMITTENT.

INTERIOR

- 4" PRODUCTIVITY SCREEN
- CRUISE CONTROL
- DOOR LOCKS - POWER
- DUAL SUNVISORS
- ILLUMINATED ENTRY
- MESSAGE CTR: OUTSIDE TEMP, COMPASS, TRIP COMPUTER
- POWERPOINTS - 12V
- TILT/TELESCOPE STR COLUMN

FUNCTIONAL

- AUTO HOLD
- CRUISE CONTROL
- DYNAMIC HITCH ASSIST
- FAIL-SAFE COOLING SYSTEM
- FORDPASS CONNECT™ 4G
- HOTSPOT TELEMATICS MODEM
- HILL START ASSIST
- MYKEY®
- POST-COLLISION BRAKING
- PRE-COLLISION ASSIST W/AEB
- REVERSE SENSING AND REAR VIEW CAMERA
- SELECTSHIFT®
- SYNCF4 W/8" SCREEN

SAFETY/SECURITY

- ADVANCETRAC™ WITH RSC®
- AIRBAGS - FRONT SEAT MOUNTED SIDE IMPACT
- AIRBAGS - SAFETY CANOPY®
- CTR HIGH MOUNT STOP LAMP
- PERIMETER ALARM
- SOS POST-CRASH ALERT SYSTM™
- TIRE PRESSURE MONIT SYS

WARRANTY

- 3YR/36,000 BUMPER / BUMPER
- 5YR/60,000 POWERTRAIN
- 5YR/60,000 ROADSIDE ASSIST
- 8YR/100,000 HYBRID BATTERY

INCLUDED ON THIS VEHICLE (MSRP)

EQUIPMENT GROUP 101A
-XL SERIES

OPTIONAL EQUIPMENT/OTHER

2.7L V6 ECOBOOST	1,285.00
275/60R20 BSW ALL-SEASON	NO CHARGE
3.55 RATIO REGULAR AXLE	NO CHARGE
6400# GVWR PACKAGE	
STX APPEARANCE PACKAGE	2,585.00
.SYNC 4 W/ENHANCED VOICE RECOG	
.REAR-WINDOW DEFROSTER	
.SIRIUS XM W/ 360L	
.PRIVACY GLASS W/REAR DEFROSTE	
50 STATE EMISSIONS	NO CHARGE
INTERIOR WORK SURFACE	195.00
CLASS IV TRAILER HITCH	315.00
FOG LAMPS	NO CHARGE
20" 6-SPOKE MAGNETIC PKT WHLS	1,225.00
STX SPORT CLOTH 40/CON/40	295.00

PRICE INFORMATION

BASE PRICE	\$41,530.00
TOTAL OPTIONS/OTHER	5,900.00
TOTAL VEHICLE & OPTIONS/OTHER	47,430.00
DESTINATION & DELIVERY	1,995.00
TOTAL BEFORE DISCOUNTS	49,425.00
XL DISCOUNT	- 750.00
STX APPEARANCE DISCT	- 750.00
XL STX WHEEL DISCOUNT	- 595.00
TOTAL SAVINGS	- 2,095.00

EPA DOT Fuel Economy and Environment

Gasoline Vehicle

Fuel Economy

22 MPG
combined city/hwy

20 city

26 highway

4.5 gallons per 100 miles

Standard Pickup Trucks range from 12 to 70 MPG. The best vehicle rates 132 MPGe.

You spend \$2,000

more in fuel costs over 5 years compared to the average new vehicle.

Annual fuel cost \$2,000

Fuel Economy & Greenhouse Gas Rating (tailpipe only) **Smog Rating** (tailpipe only)



This vehicle emits 405 grams CO₂ per mile. The best emits 0 grams per mile (tailpipe only). Producing and distributing fuel also create emissions; learn more at fueleconomy.gov.

Actual results will vary for many reasons, including driving conditions and how you drive and maintain your vehicle. The average new vehicle gets 28 MPG and costs \$8,000 to fuel over 5 years. Cost estimates are based on 15,000 miles per year at \$2.95 per gallon. MPGe is miles per gasoline gallon equivalent. Vehicle emissions are a significant cause of climate change and smog.

fueleconomy.gov

Calculate personalized estimates and compare vehicles



GOVERNMENT 5-STAR SAFETY RATINGS

Overall Vehicle Score ★★★★★

Based on the combined ratings of frontal, side and rollover. Should ONLY be compared to other vehicles of similar size and weight.

Frontal Crash Driver Passenger ★★★★★

Based on the risk of injury in a frontal impact. Should ONLY be compared to other vehicles of similar size and weight.

Side Crash Front seat Rear seat ★★★★★

Based on the risk of injury in a side impact.

Rollover ★★★★★

Based on the risk of rollover in a single-vehicle crash.

Star ratings range from 1 to 5 stars (★★★★★), with 5 being the highest.

Source: National Highway Traffic Safety Administration (NHTSA).

www.safercar.gov or 1-888-327-4236

1FTEW1CP3PKF03152



The FordPass® Connect modern is active and sending vehicle data (e.g., diagnostics) to Ford.™ See in-vehicle settings for connectivity options.

*Based on 1977-2022 CY total sales.
**FordPass Connect (optional on select vehicles), the FordPass App and complimentary Connected Service are required for remote features (see FordPass Terms for details). Connected service and features depend on compatible AT&T network availability. Evolving technology/cellular networks/vehicle capability may limit functionality and prevent operation of connected features. Connected service excludes Wi-Fi hotspot.



Insist on Ford Protect! The only extended service plan fully backed by Ford and honored at every Ford dealership in the U.S., Canada and Mexico. See your Ford dealer or visit www.FordOwner.com.

WARNING: Operating, servicing and maintaining a passenger vehicle, pickup truck, van, or off-road vehicle can expose you to chemicals including engine exhaust, carbon monoxide, phthalates, and lead, which are known to the State of California to cause cancer and birth defects or other reproductive harm. To minimize exposure, avoid breathing exhaust, do not idle the engine except as necessary, service your vehicle in a well-ventilated area and wear gloves or wash your hands frequently when servicing your vehicle. For more information go to www.P65Warnings.ca.gov/passenger-vehicle.

SCAN OR TEXT 1FTEW1CP3PKF03152 TO #8028



www.ford.com/help/privacy-terms/

10/07/2023

2202307140291





City Council Meeting City of DeBary AGENDA ITEM

Subject: Capital Equipment Purchase Terex LT40 Bucket Truck	Attachments: <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Supporting Documents/ Contracts <input type="checkbox"/> Other
From: Amy Long, Deputy Public Works Director	
Meeting Hearing Date November 1, 2023	

REQUEST

The Public Works Department is requesting the City Council approve the purchase of a Ford Terex LT40 Crew Cab Bucket Truck.

PURPOSE

The request is needed at this time to replace the bucket truck to meet the various duties the field staff uses the bucket truck for.

CONSIDERATIONS

- The bucket truck is an essential equipment item necessary to perform day-to-day activities throughout the year, including but not limited to installing & removing banners along 17/92, trimming line of sight hazardous throughout the city and decorating the City for the Holidays & Clayton. It is shared with Parks & Recreation for their essential needs as well.
- The original truck submitted with the budget was a single cab, Dodge 5500 Regular Cab Bucket Truck which was budgeted at \$160,000. Due to production issues, the original chassis is not available in the near future. A Ford Regular Cab would not be available until 4th quarter 2024.
- Due to the delay, since our current bucket is inoperable, we will need to rent a bucket truck, as necessary for the 12 months. One month for a bucket truck is currently \$2,175.46 (quote attached).
- We located a Ford Crew Cab Bucket Truck which would be available in January 2024. It is slightly more expensive than the Dodge original.
- Option 1 is to purchase the cheaper Ford Regular Cab truck, wait 12 months for delivery and rent a bucket truck while we wait, or Option 2 is to purchase the Ford Terex truck and get delivery in January 2024.

COST/FUNDING

- The original Dodge Ram 5500 Bucket Truck purchase was approved in the 2023/2024 budget for \$160,000.
- The Ford Crew Cab truck is due to arrive in January 2024 for \$173,259.32 (difference \$13,259.32). We will conduct a budget amendment to move monies within the Public Works budget to cover the additional cost.

RECOMMENDATION

It is recommended that the City Council approve the purchase of the Ford Terex LT40 Crew Cab Bucket Truck for \$173,259.32.

IMPLEMENTATION

Upon approval, the Public Works department will send the PO to Ring Power Corporation to initiate the purchase of the new bucket truck.

ATTACHMENTS

- Attachment A – Letter of intent
- Attachment B – Sale Quote/ Equipment Description
- Attachment C – Photo of Crew Cab Bucket Truck
- Attachment D – Herc Rental quote for Bucket Truck Rental



Terex LT40 Bucket Truck

October 25, 2023

Ring Power Corporation
Jeremy Miles
500 World Commerce Parkway
St. Augustine, FL 32092
904-649-3653

Dear Mr. Miles,

Thank you for your effort in finding the City of DeBary a Ford Crew Cab Terex LT40 Bucket Truck to meet the City's maintenance needs. This letter is to provide written confirmation of our intent to purchase this vehicle for \$173,259.32.

We understand that the original quote we received is no longer valid due to unavailability of the Dodge 5500 Crew Cab chassis. Due to the change in vehicle chassis and price the purchase of this vehicle will need to be approved by City Council on November 1, 2023. We anticipate approval by November 1, 2023. We will reach out to you on November 2, 2023 to confirm.

We are requesting you hold the vehicle until that time. If you have any questions or comments, please contact out Public Works department at 386-601-0208.

Please confirm your acceptance of this Letter of Intent.

Thank you,

A handwritten signature in blue ink, appearing to read 'Carmen Rosamonda', is written over the 'Thank you,' text.

Carmen Rosamonda
City Manager



Ring Power Corporation
500 World Commerce Parkway
St. Augustine, FL 32092

Jared Feagin
Cell – (904) 649-3653

10/19/2023

Quote Number: 1762370251

City of Debarry

The City of Tallahassee
Solicitation RFP-130-20-KM
ITEM 3: UTILITY EQUIPMENT
Group A: AERIAL BUCKET EQU. LESS THEN 50' INSULATED & NON - CITY OR VENDOR
PROVIDED CHASSIS

Qty. Description

1 **Terex LT40 Bucket Truck
(TBD)**

Working height of 45.6 ft (13.8 m) with end mount platform.

Unit will be mounted behind the cab.

Design Criteria:

* Design criteria is in accordance with current industry and engineering standards applicable and accepted for structural and hydraulic design.

Lower Controls:

* Individual control levers are located in an accessible location on the turntable.

Lower Boom:

* Filament wound high strength fiberglass insert providing an insulation gap.

Upper Boom:

* Filament wound high strength fiberglass boom providing an insulation gap.

Rotation:

* Self-locking worm gear rotation drive is provided and equipped with bi-directional motor.

Continuous Unrestricted Rotation:

* A hydraulic rotary manifold provides a rotating oil distribution system for continuous and unrestricted rotation.

* A 4 channel electric collector ring is provided as standard.

Aerial device is designed as a Category C machine in accordance and is dielectrically tested and rated for operation on systems up to 46 Kv phase to phase

Qty. Description

per ANSI/SIA A92.2-2015

Hydraulic System:

- * Full pressure open center hydraulic system.
- * Hydraulic hoses are equipped with permanent type fittings.

Miscellaneous:

- * All metallic components of the complete aerial device are powder coat white.
- * The fiberglass upper boom, boom inserts, platforms and covers are white.
- * Two complete manuals providing operation and maintenance procedures and a replacement parts listing.
- * Warning decals provided with unit.

Pedestal.

8-Gallon Hydraulic Oil Reservoir.

- * A 8 gallon hydraulic oil reservoir mounted on the side of tower with sight and temperature gauge.
- * Return filter and oil eyes.
- * A ball type shut off valve.

A boom rest with a ratchet type tie down strap is provided.

Platform 24" x 30" x 42", End Mounted.

- * Includes one (1) outside access step with slip-resistant surface.

A safety harness with lanyard is provided for fall arrest.

A padded saddle rest provides platform support during road travel.

Insulated Platform Liner For 24" x 30" x 42" Platform:

- * Tested at 50 KV AC.

Vinyl Platform Cover For 24" x 30" Platform:

- * Waterproof with internal elastic cord around edge.

Auxiliary Let Down for use with Open Center Hydraulics:

- * Allows for the descent of the boom (platform) in the most direct manner for a time limited by the duty cycle of the electric motor.

*Includes 12 volt electric motor for use on a 12 volt chassis.

Note: This includes a switch for activation at pedestal for electric or air function.

Boom Tip with 4 Function Controls and Platform Rotator:

Upper Controls: "Control-Plus" single stick controller.

- * Enable lever must be actuated before operation.
- * Rated capacity of 400 lbs.

Hydraulic Platform Rotator For End Mount Platform.

Hydraulic Platform Tilt is provided at platform and lower controls.

Engine Stop/Start controlled at platform and lower controls.

Qty. Description

Hydraulic Tool Outlets At Platform.

Mounting Kit:

* Behind cab mount for use with torsion bars.

Pump for systems requiring 3 to 5 gallons per minute:

*Provides 3 gpm at 725 engine rpm and 5 gpm at 1150 engine rpm with a 127% pto.

Terex Base Chassis Controller:

* Multiplexed system to include: Controller, LCD Screen, Manual and Schematics.

* Standard Options: Diagnostics, Status Screens, Event Log, Hours Meter, Selectable Button Labels, System Alerts and System Test.

* Programmable settings allow installer to customize/select options need for their application.

* Back-up Camera ready.

* Screw terminal-type connections and enclosure to cover connections.

* Recommended for Class 5 chassis

* Can be used on Class 6 and above chassis with limited outputs (no more than two (2)).

BODY:**Body Dimensions:**

108 Inches - Body Length

40 Inches - Body Height

94 Inches - Body Width

60 Inches - Chassis C/ A

40 Inches - Compartment Height

18 Inches - Compartment Depth

58 Inches - Load Space Width

24 Inches - Top of Body to Top of Floor Dimension

18 Inches - Horizontal Compartment Height

Body Materials:

16 go Galvanneal - Main Body Material

13 go_4-Way Treadplate - Compartment Tops Material

14 go Galvanneal - Wheel Panels Material

14 go Galvanneal - Front Bulkhead Material - Bolt on / Installed

18 go Galvanized - Shelving Material

Adjustable on DUAL Unistrut - Shelving Mounting Style

Door Materials:

Standard. Double Panel - Door Type

18 go Galvanneal - Inner Door Material

18 ga Galvanneal - Outer Door Material

Stainless Steel Rod & Socket - Door Hinge Style

5/16" Stainless Steel - Door Rod Material

Chain - Vertical Door Holder Option

Chain - Horizontal Door Holder Option

- Horizontal doors to drop down to 45 degrees

Single Point Rotary (Stainless) - Latch Type

Qty. Description

Keyed Alike - Lock Type
- Wrap Around Striker with Rounded Corners

Other Door Details:

- Customer Etched Logo Latch

Floor and Understructure:

- Cut out in bed area floor for customer supplied aerial/digger
- 12 gauge hot rolled treadplate - Floor
- 6 inch structural steel channel full frame
- Wrapper PN# 48417 4 Insert In Frame.
- Two (2) D - Ring tie downs 4 1/2" dia. mounted in bed are floor -curbside I 0-40 ZN

Accessories:

- Automotive Bulb Weatherstripping (PN# 30132) (Installed)
- Master Door Lock, Hook and Loop System on Both Sides with Two (2) Spring Loaded Door Handles
- Rubber Rolled Crown (PN# 30136) (Installed with Wheel Cut-Outs)

Paint:

- Finish paint single stage Taffeta White
- Paint interior of chock holders black
- Apply Black Grip Deck to:
- Bed and Tailshelf Floor
- Bed Walls
- Inside of the Front Bulkhead
- Compartment Tops

Streetside Compartmentation**1st Vertical:**

30" Wide x 40" High x 18" Deep

- Two (2) adjustable shelves each with divider slots on 2" centers installed on Uni-strut
each shelf will have Five (5) adjustable dividers.

Horizontal Compartment:

54" Wide x 18" High x 18" Deep

- Open compartment.

Rear Vertical:

24" Wide x 40" High x 18" Deep

- Two (2) adjustable shelves each with divider slots on 2" centers installed on Uni-strut
each shelf will have four (4) adjustable dividers.

Hotstick Shelf:

108 Inch long shelf installed on the streetside with a rear dropdown access door.

- Stainless Steel automotive rotary type door latch

Stud mounted latches have hidden fasteners inside the door.

Striker installed in door frame for maximum opening.

Stud mounted automotive style latches have interior plastic latch covers.

-Automotive bulb type weatherstripping mechanically fastened to door frame with rounded comers.

Qty. Description

Curbside Compartmentation

1st Vertical:

30" Wide x 40" High x 18" Deep

- Five (5) locking swivel 1/2" carriage boll material hooks installed at top 1-3-1 installed on Uni-strut for height adjustment

Horizontal Compartment:

54" Wide x 18" High x 18" Deep

- Eight (8) Adjustable dividers installed in compartment bottom

Rear Vertical:

24" Wide x 18" High x 18" Deep

- Five (5) locking swivel 1/2" carriage bolt material hooks installed at top 1-3-1 installed on Uni-strut for height adjustment.

Tailshelf:

- 12 Ga. treadplate tailshelf 36 inches long X 94 inches wide
- Full side and rear skirts to bottom of body - 12 gauge galvanized SMOOTH.
- Reinforce tailshelf for Pintle hook mounting and tow hooks
- One protection ring for push button installed on light bar,
- Two (2) 3/4" round stock tow chain loops welded to tailshelf
- Install 3/16" plate under lightbar 10 1/2" from streetside side skirt
- Side Access approx. 25-1/2" Wide in curbside tailshelf
- Gripstrut access steps to bed area with
- 12 gauge galvanized risers and side kickplates,
- One (1) cable type access step under the side access steps. (Ship loose)
- To have a 1/4" x 4" flat added to bottom of step for mounting cable step

Bumper:

- Recessed 2-section bumper 10" long X body width with gripstrut top

Tailboard:

- Removable composite tailboard 6" high X full width of bed area installed at rear of load space.
- Includes pins and lanyards

Tailshelf Rear Lighting:

- 94" Wide 7-Lamp light bar installed at rear of tailshelf
- Rubber mounted recessed rear lighting kit with harness - ship loose
- Two (2) stop/tail/turn lights - Peterson Brand M826R-7 LED
- Two (2) clear back up lights - Peterson Brand M826C-7 LED
- Two (2) front clearance lights reflector style- Peterson brand M 173A L.E.D
- Two (2) side clearance lights reflector style- Peterson brand M 173R L.E.D
- Two (2) rear clearance lights reflector style - Peterson brand M 173R L,E.D
- Three (3) light center cluster reflector Style - Peterson brand M 173R L.E.D
- 7-Lamp light wiring harness.

Wheel Chock Storage:

- Two chock holders built into fender panel on curbside,

Quotation

1762370251

Page 6 of 6

Qty. Description

Grab Handles:

- Two (2) Mini 6 7 /8" OD wide pool type grab handle for installing on top of tailshelf.
- One (1) at side access and one (1) on SS of tailshelf at rear

Chassis: Ford

Powerstroke 330hp 6.7L Turbo V8 Diesel Engine
 TorqShift 10 Speed Automatic Transmission w/ Overdrive
 Transmission PTO Provision
 Limited Slip Differential
 Front & Rear 19.5" Steel Wheels
 Cruise Control w/ Steering Wheel Controls
 Remote Power Door Locks & Windows
 Front 40-20-40 Split Bench Seat
 Rear 60-40 Folding Rear Split Bench Seat
 Brake Assist

LT40 List Price: \$95,083.39

7% Discount: (\$6,655.84)

Subtotal: \$88,831.76

Ford Crew 4X4 Chassis List Price: \$91,216.95 7%

Discount: (\$6,385.19)

Subtotal: \$84,831.76

Sale Price: \$173,259.32

Freight & Delivery Not Included.

Notes:

1. Freight & Delivery not included. Quoted upon request.
2. Prices exclude any applicable taxes or license fees.
3. Availability: Q2 2024 . **Subject to change**
4. Terms: Net due upon receipt
5. Quote valid for 30 days.

Accepted by:

PO Number: _____

Date: _____

Account Manager – Jared Feagin

Attachment C



Attachment D

Show R.A. Number on all Correspondence

QUOTE

**** COPY ****



R.A. No. 55344447

Page 1 of 2

BRANCH: 375	BILL TO CUSTOMER: 2829994	SHIPPING ADDRESS
HERC SANFORD 1501 W. 1ST STREET SANFORD, FL 32771 407-268-3964	CITY OF DEBARY 860 N HIGHWAY 17/92 DEBARY, FL 32713	CITY OF DEBARY 860 N HIGHWAY 17/92 DEBARY, FL 32713 386-456-5150

DESCRIPTION/CHARGES

EST START: SHIPPED BY: ORDER DATE: 8/31/23 RENTAL TAX CLAIM: MUNICIPAL/CITY PO# / JOB#:	EST RETURN: ORDERED BY: SALESPERSON: 308 TAX DOCUMENT #: 858012567636C3	DROP DATE: _____ DROP TIME: _____ SALES COORDINATOR:
--	---	--

Rates subject to availability

Herc Rentals offers peace of mind when you purchase Rental Protection Plan ("RPP") at the start of your rental. This optional program limits your responsibility when accidental damage or theft occurs on covered equipment. You will be charged the RPP fee if you choose to purchase RPP or until you provide an acceptable certificate of insurance. View the benefits, details, and exclusions to RPP by visiting our website at <https://www.hercrentals.com/services/rpp-rental-protection-plan/terms-and-conditions.html> or contact your Herc Rentals servicing location for more information.

Qty	Equipment #	Hrs/	Min	Hour	Day	Week	4 Week	Amount
1	TRUCK BUCKET 45 FT INSULATED GAS 6596315	8/	725.00	120.83	725.00	2100.00	6100.00	2100.00
	MIL CHG: .25							
	EMISSIONS & ENV SURCHARGE	EMISSIONS						57.96
	VEHICLE LICENSING FEE	3790000001	2.50 per day					17.50
	Taxable Sub-total:	0.00						
							Sub-total:	2175.46
							Total:	2175.46

CAREFULLY READ THE TERMS AND CONDITIONS THAT APPEAR BELOW AND ON REVERSE SIDE OF THIS PAGE ("TERMS")

RENTAL PROTECTION PLAN. Customer must either show proof of Property Insurance as required in Section 8 on reverse side hereof or purchase Rental Protection Plan ("RPP"). Herc Rentals Inc. or its affiliate ("Herc") may offer RPP for a fee to Customer on certain Equipment and for certain types of loss or damage to limit Customer's liability for property loss or damage to such Equipment for such loss or damage. RPP is not offered on all types of Equipment. NOTWITHSTANDING PAYMENT OF THE RPP FEE, RPP DOES NOT APPLY, AND CUSTOMER IS LIABLE FOR ALL DAMAGES TO OR REPLACEMENT COST OF, THE EQUIPMENT, AS APPLICABLE, AND ANY ADMINISTRATIVE FEES AND EXPENSES OF HERC: (1) CAUSED BY THE EQUIPMENT BEING USED OR OPERATED IN VIOLATION OF ANY OF THE TERMS; (2) IN CASE OF NEGLIGENCE, AS DETERMINED IN HERC'S SOLE DISCRETION; AND/OR (3) IF COVERAGE IS EXCLUDED UNDER THE RPP TERMS AND CONDITIONS POSTED ON HERC'S WEBSITE. Upon accepting RPP, Customer agrees to pay an RPP fee. Customer must review the RPP Terms and Conditions posted on Herc's website at <https://www.hercrentals.com/services/rpp-rental-protection-plan/terms-and-conditions.html> before deciding whether to accept RPP. If Herc offers RPP to Customer for certain Equipment and Customer accepts RPP and pays Herc the RPP fee, in return for the RPP fee, if at the time of the claim, RPP covers such repair or replacement. Herc agrees to waive certain claims for accidental damages to or theft of such covered Equipment occurring during normal and careful use. Customer remains liable for all other damages as set forth in the Terms. RPP IS NOT INSURANCE. TO THE EXTENT HERC DOES NOT OFFER RPP TO CUSTOMER, OR CUSTOMER DOES NOT ACCEPT RPP, CUSTOMER MUST MAINTAIN THE PROPERTY INSURANCE COVERAGE REQUIRED BY PARAGRAPH 8. PLEASE BE AWARE THAT IF CUSTOMER DOES NOT ELECT TO TAKE RPP AND IT ELECTS TO MAINTAIN PROPERTY INSURANCE COVERAGE, AND IF THE CERTIFICATE OF INSURANCE PROVIDED TO HERC TO EVIDENCE SUCH INSURANCE COVERAGE IS UNACCEPTABLE TO HERC OR THE APPLICABLE POLICIES EXPIRE, CUSTOMER AGREES THAT HERC MAY CHARGE RPP FOR ALL APPLICABLE RENTALS UNTIL SUCH TIME AS AN ACCEPTABLE AND VALID CERTIFICATE OF INSURANCE IS PROVIDED AND SUCH MATTERS ARE CORRECTED TO HERC'S REASONABLE SATISFACTION. NOTWITHSTANDING ANY NOTATION ON THE RENTAL RECORD, RPP IS NOT OFFERED ON OR AVAILABLE FOR THE RENTAL OF PASSENGER MOTOR VEHICLES AND CERTAIN OTHER EQUIPMENT LISTED ON HERC'S WEBSITE.

A detailed description of fees and surcharges that may be applicable to Customer's rental can be found on Herc's website at <https://www.hercrentals.com/services-associated-charges.html>. Customer agrees to pay, in addition to all rental charges, all fees and charges set forth above and, the following charges as applicable: (i) based on Customer's possession and/or use of the Equipment, all consumables, fees, licenses, present and future taxes and any other governmental charges; (ii) additional charges for more than one shift use; (iii) freight, delivery, pick up, transportation charges; (iv) transportation service surcharges; (v) repairs and replacement per this contract; (vi) cleaning charge for Equipment returned with excessive dirt, concrete and/or paint; (vii) fees for lost keys; (viii) refueling service charges; (ix) fines for use of dyed diesel fuel in on road Equipment; (x) preventative maintenance charges; (xi) emissions and environmental surcharges and fees; (xii) vehicle license fees. HERC COLLECTS THESE FEES AND CHARGES AS REVENUE AND USES THEM AT ITS DISCRETION.

THE EQUIPMENT IS RENTED BY HERC TO THE CUSTOMER PURSUANT TO THE TERMS. CUSTOMER REPRESENTS HAVING READ AND AGREED TO SAME. PARAGRAPH 11 ON THE BACK OF THIS PAGE IS IN LIEU OF (I) ALL WARRANTIES, EXPRESS, IMPLIED OR STATUTORY, INCLUDING, BUT NOT LIMITED TO, THE IMPLIED WARRANTY OF MERCHANTABILITY AND THE IMPLIED WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE; AND (II) ALL OBLIGATIONS ON THE PART OF HERC TO CUSTOMER FOR DAMAGES. CUSTOMER WAIVES ALL INDIRECT, INCIDENTAL, CONSEQUENTIAL OR SPECIAL DAMAGES ARISING OUT OF OR IN CONNECTION WITH THIS AGREEMENT, INCLUDING WITHOUT LIMITATION, THE RENTAL, MAINTENANCE, USE, OPERATION, STORAGE, ERECTION, DISMANTLING OR TRANSPORTATION OF THE EQUIPMENT.

Customer is obligated to return the Equipment in a good, clean, and uncontaminated condition, free of any and all hazardous substances.

Customer Name / _____ Title _____
 Customer Signature _____ Date _____

Quote Valid For 30 Days From Order Date
Terms are due upon receipt Not valid without Barcode





**City Council Meeting
City of DeBary
AGENDA ITEM**

Subject: Approving Personnel Policy Updates	Attachments: <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Supporting Documents/ Contracts <input checked="" type="checkbox"/> Other
From: Wendy Cullen, Human Resource Director	
Meeting Hearing Date: November 1, 2023	

REQUEST

City staff requests City Council to approve Revisions/Additions to the City of DeBary Personnel Policies & Procedures with an effective date of November 1, 2023.

PURPOSE

Legislative changes require the revision of or addition to the City of DeBary Personnel Policies & Procedures.

CONSIDERATIONS

Personnel Policies & Procedures govern many aspects of management and the employee relationship from the establishment of positions, recruitment, benefits, standards of conduct and other important factors. Having up-to-date human resource policies helps mitigate risk to an organization and provides a framework for expectations of performance, development, assessment and compensation.

Due to State and Federal legislation, certain City of DeBary Personnel Policies require updating.

The recommended changes to current policy are:

- **Firearms** – Current policy regarding the possession of firearms requires revision in accordance with Section 790.251 Florida Statutes. Firearms remain prohibited in City buildings and facilities but they may be present on City property provided they are secured and locked in personal vehicles.
- **Safety in Public Spaces Act** – Section 553.865, Florida Statutes, requires the City of DeBary to clarify the assignment of restrooms.
- **Pregnant Workers Fairness Act** – New Federal legislation requires the City of DeBary to adopt a policy regarding the non-discrimination of pregnant woman and nursing mothers and provides for reasonable accommodations in allowing employees to adapt to the limitations related to pregnancy.

COST/FUNDING

Not applicable.

RECOMMENDATION

It is recommended that the City Council approve the Revisions/Additions to the City of DeBary Personnel Policies and Procedures with an effective date of November 1, 2023.

IMPLEMENTATION

The revised/additional policies shall be merged into the full City of DeBary Personnel Policies and Procedures.

ATTACHMENTS

- Firearms Policy (revised)
- Safety in Public Spaces Policy (new)
- Pregnant Workers Fairness Act (new)

ARTICLE VII - STANDARDS OF CONDUCT

Section 14. Firearms

The City of DeBary will observe all laws related to the possession of firearms in the workplace. In accordance with Section 790.251, Florida Statutes, employees may have firearms on City property provided they are secure and locked in their personal motor vehicle. Employees shall not have on their person or in their possession any firearm while in any City building or facility.

ARTICLE VII - STANDARDS OF CONDUCT

Section 3. Reasonable Accommodations for Pregnant Workers

As required by the federal Pregnant Workers Fairness Act (PWFA), the City of DeBary will provide reasonable accommodations to employees and applicants with limitations related to pregnancy, childbirth or related medical conditions, unless the accommodation will cause an undue hardship to the City of DeBary's operations.

An employee or applicant may request an accommodation due to pregnancy, childbirth or a related medical condition by submitting the request in writing to the Human Resources Department. The accommodation request should include an explanation of the pregnancy-related limitations, the accommodation needed and any alternative accommodation(s) that might be reasonable. Depending on the nature of the accommodation, the individual may be requested to submit a statement from a health care provider substantiating the need for the accommodation.

Upon receipt of a request for accommodation, the Human Resources Department will contact the employee or applicant to discuss the request and determine if an accommodation is reasonable and can be provided without significant difficulty or expense, i.e., undue hardship.

While the reasonableness of each accommodation request will be individually assessed, possible accommodations include allowing the individual to:

- Sit while working;
- Drinking water or other fluids during the workday;
- Receive closer-in parking;
- Have flexible work hours;
- Receive appropriately sized uniforms and safety apparel;
- Receive additional break time to use the bathroom, eat and rest;
- Take time off to recover from childbirth; and,
- Be excused from strenuous activities and/or activities that involve exposure to compounds deemed unsafe during pregnancy.

An employee may request paid or unpaid leave as a reasonable accommodation under this policy; however, the City of DeBary will not require an employee to take time off if another reasonable accommodation can be provided that will allow the employee to continue to work.

The City of DeBary prohibits any retaliation, harassment or adverse action due to an individual's request for an accommodation under this policy or for reporting or participating in an investigation of unlawful discrimination under this policy.

Section 4. Lactation Breaks

The City of DeBary will provide a reasonable amount of break time to accommodate employees desiring to express breast milk for their infant child, in accordance with and to the extent required by applicable law. The break time, if possible, must run concurrently with rest and meal periods already provided. If the break time cannot run concurrently with rest and meal periods already provided, the break time will be unpaid, subject to applicable law. The City of DeBary will make reasonable efforts to provide employees with the use of a room or location other than a toilet stall to express milk in private. This location may be the employee's private office, if applicable. The City of DeBary may not be able to provide additional break time if doing so would seriously disrupt the City of DeBary's operations, subject to applicable law. Please consult the Human Resources Department with questions regarding this policy. Employees should advise the Human Resources Department if they need break time and an area for this purpose. Employees will not be discriminated against or retaliated against for exercising their rights under this policy.

ARTICLE VII - STANDARDS OF CONDUCT

Section 13. Restroom Policy

In accordance with the Safety in Private Spaces Act, Section 553.865, Florida Statutes, multi-stall restroom facilities designated as “male” or “female” are available for staff in accordance with the gender of individuals as defined under the Safety in Private Spaces Act. Facilities designed for one person with a locking door shall be considered as a Unisex restroom/Unisex changing facility and are available for all staff. Failure to adhere to this policy will follow the disciplinary procedures in Article XXIV – Disciplinary Action.



**City Council Meeting
City of DeBary
AGENDA ITEM**

Subject: Employee Health Insurance Renewals From: Wendy Cullen, Human Resource Director Meeting Hearing Date November 1, 2023	Attachments: <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Supporting Documents/ Contracts <input type="checkbox"/> Other
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REQUEST

City staff requests City Council approve the employee health insurance plans recommended by staff for plan year January 1, 2024 – December 31, 2024.

PURPOSE

To offer the most cost-effective and favorable health insurance plans for eligible full-time employees with available funding.

CONSIDERATIONS

The City’s current benefits carrier for all lines of coverage is Cigna. The City provides a High-Deductible Health Care Plan, dental, vision, disability and \$50,000 of life insurance to all employees at no cost. To offset the deductible, the City provides all enrolled employees with the deductible amount, contributed to a Health Savings Account. Currently, vision, life insurance and disability insurance are under a rate guarantee and are remaining flat for the 2024 plan year. As those costs are not changing, this item will focus on the renewal of health and dental insurance.

There are a couple of changes from the 2023 Plan Year. Group health insurance plans must conform to certain Internal Revenue Service (I.R.S.) guidelines. For the 2024 calendar year, the I.R.S. is requiring an increase to the deductible amounts. For individuals, the deductible is increasing from \$1,500 to \$1,600 and for those with dependent coverages, the deductible is increasing from \$3,000 to \$3,200. There is no change to the out-of-pocket maximums (\$2,600 and \$5,200, respectively). Also, following inquiries from staff, the City looked at adding some reproductive healthcare (fertility) benefits to the plan.

Based on anticipated enrollment, the total premium cost (employer and employee combined) for the 2023 plan year was \$525,118.92. Cigna offered a “no-shop” proposal with an 14.3% increase in health insurance rates, with a total plan cost of \$600,446.52. City staff directed our broker, Brown & Brown of Daytona Beach, to seek a reduction in those proposals. After negotiation, Cigna returned with an 4.06% increase for a total medical plan cost of \$546,417.24. Employee cost share, for those with dependents, is \$65,552.69, leaving a City responsibility of \$480,858.51. With the change in I.R.S. rules, the City contribution to individual employees Health Savings Accounts will increase from \$1,500 to \$1,600 for an additional \$75,200. Total cost to the City will be \$556,058.51.

Through October 15, 2023 there are \$62,000 of premium dollars allocated to claims that has not been expended (premiums paid in excess). Under our current funding arrangement, the City and Cigna would split this amount 2/3 to 1/3, with the City receiving majority share, or approximately \$41,000.00, reducing the City's cost to approximately \$515,059.00.

The City is proposing a slight change to the calculation that employees with dependents pay to cover their family. Historically, the City has covered 28% of the dependent cost. However, the credit received for the excess premiums has never been included as part of the total premium costs so those savings are never passed on to staff. The City is recommending shifting the cost share to a 33% subsidy from the City with the employee covering the other 67%. For staff with dependents on the plan, this would result in a slight reduction in out-of-pocket premium costs for the 2024 plan year.

In addition to the addition of fertility assistance benefits, there is one other slight change to the medical plan. Currently, the individual stop-loss amount attached to the plan is \$30,000. This means that for any individual claim, the most that the plan would have to pay in claims is \$30,000. For the 2024 plan year, the stop-loss amount is increasing to \$40,000. For the 2023 plan year we had three claims that approached the \$30k threshold. One of those claims is not on-going and one of those insureds is no longer with the City. None of our members have had an inpatient hospital stay in either the 2022 or 2023 plan year (year to date) so increasing the threshold does not represent a significant financial risk to the City.

Normally, the City would direct our Broker to obtain alternate quotes to ensure that the City of DeBary's plan remains competitive. However, according to Mercer, medical trend was to increase 5.4% in 2024 and the Society of Human Resource Management is anticipating a 7% increase. Based on those figures, and our history with comparative quotes, the recommendation is to remain with Cigna based on the early renewal figures they have provided.

As stated above, our vision, disability, and life insurance rates have a rate guarantee and are not changing. With regard to dental, Cigna initially proposed a 4% increase to dental premiums. Again, we asked Brown & Brown to negotiate with Cigna and based on our utilization, Cigna has agreed to keep dental premiums flat for the 2024 plan year.

City staff, therefore, are recommending a renewal with Cigna group health insurance with an increase in rates at 4.06% for group health and 0% for dental. All other lines of coverage will remain with Cigna at a flat rate for the 2024 plan year and have no financial impact.

COST/FUNDING

Funding for plans advocated by staff are within the budget set by City Council for the current fiscal year, which is a 15% increase from the 2022 plan year, or \$596,733.00.

RECOMMENDATION

It is recommended City Council approve the proposed benefits program, including Health Savings Account contribution, for eligible full-time employees for plan year January 1, 2024 – December 31, 2024.

IMPLEMENTATION

January 1, 2024.

ATTACHMENTS

Summary of costs.

CITY OF DEBARY 2024 EMPLOYEE HEALTH PLAN

	Current 2023	Budget FY 2024		INITIAL Renewal Proposal 14.3%	REVISED Renewal Proposal 4.06%
Medical					
Cigna	\$457,410.12	\$526,033.00		\$523,034.88	\$480,858.51
City H.S.A. Contribution	\$70,500.00	\$70,700.00		\$75,200.00	\$75,200.00
Total Medical	\$527,910.12	\$596,733.00		\$598,234.88	\$556,058.51
				Renegotiated -- Remaining Flat	
Dental				4% inc.	0% Increase
Cigna	\$15,854.93	\$18,330.00		\$16,479.77	\$15,854.93
Totals:	\$543,765.05	\$615,063.00		\$614,714.65	\$571,913.44

Note: Table represents City costs only and does not include Employee Contributions/Premiums.



City Council Meeting City of DeBary AGENDA ITEM

Subject: Alexander Island Phase 1 Design Approval - Kimley Horn IPO #19	Attachments: <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
From: Jason Schaitz, Parks and Recreation Director	<input checked="" type="checkbox"/> Supporting Documents/ Contracts
Meeting Hearing Date 11/1/2023	<input type="checkbox"/> Other

REQUEST

The Parks and Recreation Department is requesting Council approve the attached proposal Kimley Horn IPO #19 for Alexander Island Phase 1 Design.

PURPOSE

The request is needed at this time so we can move forward with an Exceptional ECHO Grant Application.

CONSIDERATIONS

The City has officially acquired the Alexander Island property and will need to immediately move forward with a plan to develop the property into a public park and provide passive recreation amenities. The initial development of the park is planned to be funded through an Exceptional ECHO grant. The criteria for an Exceptional ECHO grant application requires design and engineering for the project. All of this is covered in the proposal from Kimley Horn.

Kimley Horn has a Continuing Contract with the City for planning and design services. The City has already done many projects with the firm and has built a great relationship. Kimley Horn has shown they produce a quality product and have the resources available to complete our plans for the project.

COST/FUNDING

The Alexander Island Design and Engineering will be funded by General Fund Reserves for the amount of \$332,500.

RECOMMENDATION

It is recommended that the City Council approve the attached Kimley Horn IPO #19 – Alexander Island Phase 1 Design from Kimley Horn.

IMPLEMENTATION

Upon approval the Parks and Recreation Department will coordinate with Kimley Horn to kick off the project and start on the Phase 1 Design.

ATTACHMENTS

Attachment A: Kimley Horn IPO #19 - Alexander Island Phase 1 Design Proposal

INDIVIDUAL PROJECT ORDER NUMBER 19

September 25, 2023

Describing a specific Agreement between Kimley-Horn and Associates, Inc. (“Kimley-Horn”) and The City of DeBary (the “Client” or the “City”) in accordance with the terms of the Continuing Contract for Professional Consulting Services (“Contract”) dated January 6, 2021, which is incorporated herein by reference.

Identification of Project:

Alexander Island Park – Phase 1 Design Services
Client: City of DeBary
Kimley Horn Project Manager: Scott Mingonet, PLA, AICP

Project Understanding:

Kimley-Horn understands that the City of DeBary is seeking to proceed with full design, permitting and construction for the initial Phase 1 limits of the proposed Alexander Island Park. The park elements in Phase 1 include the following:

- Entrance Improvements
- Parking
- Phase 1 trails
- Trailheads (design intent)
- Hiking Trails
- Kayak Launch
- Picnic Area hardscape design
- Furnishing selection
- Signage Design
- Stormwater Design
- River Observation Deck & Tower
- Fishing Pier
- Lighting / Electrical

The limits of the Phase 1 improvements are more accurately depicted below in the image provided:



In preparation of this IPO Kimley-Horn assumes the following:

- 1) Submittals will be prepared in three (3) phases 60%, 90% and 100% construction documentation. All construction permitting will be through the City of DeBary.
- 2) Client to provide horizontally controlled tree survey which indicates tree species, tree size, tree location, and requirements per City of DeBary Land Development Code.
- 3) Potable water, reclaimed water and sanitary sewer (force main) connections will be available at the property limits based on the current Utility Design for the Rivington Phase 3 project, with adequate capacity to support the proposed park development.
- 4) All geotechnical services regarding the project's soil conditions, depth of groundwater, subsurface drainage, underdrain design, testing soil composition, analysis, and percolation tests will be provided by the Client's geotechnical consultant. We have allocated a budget of \$7,500 for supplemental work to be performed under this IPO.
- 5) Services are based on preparing one (1) set of construction documents for permitting and construction. Additional sets of construction documents, permit sets, and bid packages will be provided as an additional service.
- 6) Environmental Services are included within, provided by Breedlove, Dennis & Associates, Inc. (BDA), a subconsultant to Kimley-Horn.
- 7) The design and construction of the structural site elements will be in conformance with the following requirements:
 - a. Florida Building Code 7th Ed. 2020
 - b. American Concrete institute Code 318-19 with 2022 revisions (ACI)
 - c. 2018 National Design Specification (NDS) for Wood Construction
 - d. ASCE/SEI 7-22 Minimum Design Loads and Associated Criteria for Buildings and Other Structures.

Based on the above, our scope of services and fees are as follows:

Scope of Services:

Task 1 – Construction Documents

Kimley-Horn will provide the following design services for construction plan development and permit application review submittals for the project. Kimley-Horn will provide engineering and design services for the preparation of Construction Documents for the Phase 1 portion of the Alexander Island improvements (highlighted in project understanding above).

The plans developed under this task will be used for permitting, bidding, and construction.

Kimley-Horn will prepare final Construction Plans in accordance with the City of DeBary standards and will include the following:

Cover Sheet:

- Plan contents, vicinity and aerial maps, zoning map, legal description and project team identification

General Notes:

- Kimley-Horn will incorporate construction, drainage, or general notes as required by agencies having authority.

Existing Conditions and Demolition Plan:

- Data provided from the survey (by others), topographic and tree survey
- Indicate and identify the onsite demolition of existing structures, facilities or other items, required to be cleared, demolished and/or removed prior to construction of the proposed site

Stormwater Pollution Prevention Plan (SWPPP):

- Include and identify stormwater best management practices for the construction of the proposed site including erosion and sedimentation control measures.
- Stormwater management areas, applicable details, and specifications.

Stormwater, Grading and Drainage Plan:

- Contours at one-foot intervals and spot elevations at critical locations to aid the contractor in performing on-site earth-moving measures.
- Finished floor elevations for the restroom facility and future park amenity building.
- Stormwater drainage pipe layout and routing.
- Stormwater drainage structures (rim and invert elevations).
- On-site stormwater treatment and attenuation design (Swales/shallow pond(s)) including potential for limited LID retention BMP's to fulfill City of DeBary and agency detention requirements.
- Screen and knee wall spot elevations (if necessary)

Utility Plan:

- Potable water, reclaimed water and sanitary sewer (force main) connections at the public right-of-way.
- Private water service connections on the project site for minor domestic services – water fountains, irrigation and quick coupler/hose bib locations for cleaning.
- Design for an on-site sanitary pump station to handle sewer demands for the rest rooms and future amenity building.
- Locations of meters, backflow prevention devices and fire hydrants (if required)

Tree Inventory and Mitigation Plans

- Tree data, location, and status of tree to be removed or remain in place based on City required Protection Zones and appropriate setbacks.
- Locations of proposed mitigation techniques limited to: tree protection fencing, root pruning limits, extents of aeration beds, and extents of pervious pavement.
- Tree removal and mitigation calculations per the jurisdiction's tree mitigation requirements to determine the total number of replacement inches required.

Landscape Plans and Details

- Preparation of landscape construction documents suitable for bidding and construction depicting landscape locations; quantities; and sizes including planting details, landscape berms, general notes, and specifications.
- Grassing, seeding/sodding, and other special materials on the designation plan.
- Plant details to meet City of DeBary standards.

Irrigation Plans and Details

- Plan illustrating meter, backflow, controller, rain sensor, valves, main line, later lines,

heads, quick coupler valves and other appurtenances for a complete irrigation system for the site and the code required landscape plantings.

- Consultant will coordinate with the City to include City provided appurtenances within the contract documents.

Construction Details

- Site materials (sidewalk, paving, parking areas, ADA ramps, regulatory signs.)
- Erosion control
- Storm drainage/Stormwater
- Utility Details
- Site furnishings
- Special Paving Pattern
- Trail head design

Construction Documentation Submittals will be as follows:

- Submit two (2) sets of the Contract Documents to City of DeBary for review at 60%, 90% and three (3) sets at 100% completion along with electronic PDF of set.
- Provide an opinion of probable cost of construction (OPCC) shall be submitted with the 90% and 100% reviews.
- Consultant shall revise the Contract Documents up to three (3) times to reflect the review comments provided by the City.
- Consultant shall provide a list (in 8-1/2" x 11" format) of all staff review comments with a written response for each, indicating how each comment was addressed.

Task 2 – Wayfinding / Signage Design (Design Intent)

- Kimley-Horn will research the City of DeBary Land Development Code to fully understand the signage design guidelines and prepare a design intent package suitable for bidding. Kimley-Horn will work with the Client to gain an understanding of their plans for site signage and development branding. This task will include the following services:
- Up to two (2) rounds of revisions of each sign type
 - Main entry monument sign
 - Vehicular directional
 - Program Identification (restrooms, learning center, fishing pier, observation tower, etc.)
 - Pedestrian directional sign
 - Trail marker
- Incorporate branded logo as provided by the Client and incorporate into the design of the monument sign.
- Based on approved design intent drawing from the Client, Kimley-Horn will coordinate with Client's sign vendor to prepare monument sign construction details. Sign Vendor/Subconsultant will then prepare signed and sealed plans and details for final review by the Client/GC and submit for building permit and combined sign permit.

Task 3 – Structural Design – Observation Deck/Tower and Fishing Pier

Kimley-Horn will prepare structural detail drawings for features shown in the Phase I concept.

Observation Deck and Tower Structural Calculations and Design

The structural engineer will analyze and design these key structural design components:

Foundation Design:

- Determine the type of foundation required (e.g., shallow foundation, deep foundation, piles, or piers) based on soil conditions and load-bearing capacity.
- Specify the size and depth of foundation elements to ensure stability and resistance to settlement.

Column and Support Structure Design:

- Calculate the size, shape, and spacing of columns or support structures to support the loads from the observation deck, tower, and occupants.

Stringers and Girders:

- Design stringer and girders to distribute loads evenly from the observation deck and tower to the supporting columns or piers.
- Specify the size and shape of beams based on the expected loads and span lengths.

Connections:

- Design connections between structural elements (e.g., columns to beams) to ensure stability and load transfer.
- Specify the type and size of fasteners (e.g., bolts, welds) or connectors (e.g., brackets) to be used.

Bracing and Lateral Stability:

- Incorporate bracing systems to resist lateral forces such as wind and seismic loads.
- Design diagonal braces or other structural elements to ensure the tower's stability.

Materials Selection:

- Specify the type and grade of materials for structural components, considering factors such as durability, strength, and maintenance requirements.
- Specify the size and grade of timber members and the type of wood preservative treatment, if necessary.

Load Calculations:

- Calculate and consider various loads, including dead loads, live loads and environmental loads.

Safety Factors and Design Codes:

- Apply safety factors in accordance with local building codes and industry standards to ensure the structural integrity and safety of the observation deck and tower. Adhere to relevant building codes and standards for structural design.

Nails, Fasteners, and Hardware:

- Specify the type, size, and spacing of fasteners (e.g., nails, bolts, screws) used in the construction.
- Ensure that all fasteners meet the required load-carrying capacity and corrosion resistance standards.

Construction Specifications:

- Provide detailed construction specifications that outline the requirements for materials, construction techniques, and quality control during the assembly of the structural components.

Observation Deck and Tower Structural Contract Plans

Kimley-Horn will review structural contract plans and provide comments. Structural contract plans will be in accordance with the documents referenced in the project description. Structural Engineer will sign and seal contract plans for permitting.

Fishing Pier Structural Calculations and Design

The structural engineer will analyze and design these key structural design components:

Foundation Design:

- Determine the appropriate foundation type (e.g., piles, piers, or shallow foundations) based on soil conditions and load-bearing requirements.
- Specify foundation sizes and depths to ensure stability and resistance to settlement.

Piling or Pier Design:

- Calculate the size, spacing, and depth of pilings or piers to support the weight of the fishing pier, ADA-compliant railings, and anticipated loads from users.
- Specify the material type (e.g., timber, steel, or concrete) for pilings or piers based on structural requirements and environmental factors.

Decking and Joists:

- Design the decking and joist system to accommodate pedestrian traffic, including ADA-compliant features like a smooth, slip-resistant surface.
- Specify the size, spacing, and material for joists and decking boards, considering durability and maintenance requirements.

Railing Design:

- Design ADA-compliant railings that meet specific height, spacing, and clearance requirements to ensure safety and accessibility for all users.
- Select railing materials that provide both structural strength and compliance with ADA guidelines.

Connection Details:

- Design secure connections between structural elements, including the attachment of railings to the deck and pilings or piers.
- Specify appropriate fasteners (e.g., bolts or anchors) and connection hardware.

Accessibility Features:

- Incorporate ADA-compliant features, such as ramps, landings, and transitions, to provide access to the fishing pier for individuals with disabilities.
- Ensure that ramp slopes, widths, and handrails meet ADA requirements.

Corrosion Protection:

- Specify appropriate corrosion protection measures for metal components (e.g., galvanization or coatings) to extend the lifespan of the pier and railings, especially in a marine environment.

Load Calculations:

- Calculate and consider various loads, including dead loads (e.g., the weight of the structure), live loads (e.g., occupants, fishing equipment), and environmental loads.

Observation Deck and Tower Structural Contract Plans

Kimley-Horn will review structural contract plans and provide comments. Structural contract plans will be in accordance with the documents referenced in the project description. Structural Engineer will sign and seal contract plans for permitting.

Task 4 – Lighting / Electrical Plans

Kimley-Horn will utilize a sub-consultant (Cabral Engineering) to provide professional engineering for the project as specified below.

- One site visit to identify possible electrical sources and existing conditions.

- Scope areas:
 - Phase 1 trail
 - Electrical service for Classroom building.
 - Electrical service for Restrooms within Phase 1.
 - Electrical service and lighting design for General Parking lot.
 - Electrical service for entry signage.
 - Electrical service for Maintenance buildings within Phase 1.
 - Electrical service for irrigation system.

- Responsible for the following items within the scope areas identified above:
 - Photometric modeling and lighting design.
 - Design electrical service and circuits for landscape lighting.
 - Design electrical service and circuits for convenience receptacles.

Task 5 – Permitting & Agency Response

Kimley-Horn will prepare and submit on the Client's behalf, the required permitting application packages, for review of the construction documents, for the following agencies:

- City of DeBary Site Plan
- St. Johns River Water Management District – Environmental Resource Permit
- Volusia County Health Department Water Permit (no permit required determination)
- Florida Department of Environmental Protection (FDEP) sewer (no permit required determination)
- FDEP NPDES NOI (assist Client selected site contractor with required information for filing)

Responding to requests for additional information beyond what is normal and customary, and responding to permitting issues beyond our control are outside of this scope of services and will be provided, as needed, as an Additional Service only after prior written authorization by Client.

Task 6 – Wetland Delineation

Kimley-Horn will utilize a sub-consultant (Breedlove, Dennis and Associates, Inc. - BDA) to provide professional services under this task. BDA scientists will review the Site and delineate wetlands that would be subject to regulatory jurisdiction by the City of DeBary pursuant to the Land Development Code, St. Johns River Water Management District (SJRWMD) and Florida Department of Environmental Protection pursuant to Chapter 62-340 of the Florida Administrative Code, and/or the Department of the Army, Corps of Engineers (ACOE) pursuant to the 1987 Corps of Engineers Wetland Delineation Manual (Manual) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plan Region (Version 2.0) (November 2010). We will also review in-house databases, including the Natural Resources Conservation Service soils map, SJRWMD Florida Land Use, Cover and Forms Classification System data, and available aerial photography to assist with this analysis. BDA will flag the wetlands and record the approximate flag locations with a hand-held Garmin GPS.

In addition, BDA scientists will assess the occurrence and potential for occurrence of wildlife species listed as Threatened or Endangered species by the U.S. Fish and Wildlife Service pursuant to the Endangered Species Act, 1973, 16 United States Code 1531-1544, December 28, 1973, as amended or the Florida Fish and Wildlife Conservation Commission pursuant to Chapter 68A-27 Florida Administrative Code (Listed Species). BDA scientists will collect data on habitat types occurring onsite for comparison with known habitat preferences of Listed Species, including listed plants, known to occur in Volusia County, Florida. BDA will also review in-house databases associated with the extent and documented ranges and occurrence records of Listed Species.

All data collected under this Task will be utilized to support the environmental permitting efforts in **Task 7** and **Task 8**.

Task 7 – St. Johns River Water Management District Environmental Permitting

BDA scientific staff will coordinate with the project engineer to prepare the environmental report to accompany the application for a SJRWMD Environmental Resource Permit (ERP). The purpose of this report is to address the environmental review criteria that the SJRWMD will require as part of the ERP application review, including current Site conditions and the mitigation plan. Typically, this report will complement the engineering submittal as an attachment to the application, and will include the following information:

- Overview of the project
- Description of upland and wetland vegetative communities
- A review for the occurrence of listed wildlife and plant species
- Description of wetland impacts
- Mitigation and monitoring plan, as applicable
- Documentation to address the environmental review criteria in the SJRWMD Applicant's Handbook, Volume I
- Documentation to satisfy public interest criteria
- Preparation of supporting exhibits/graphics

Sovereign Submerged Lands (SSL) are those lands including but not limited to, tidal lands, islands, sand bars, shallow banks, and lands waterward of the ordinary or mean high water line, beneath navigable fresh water or beneath tidally-influenced waters, which are owned by the state of Florida. BDA will work with SJRWMD to determine the extent, if any of SSL related to the Site, and will provide additional supporting information for the SSL determination and permitting. Per Section 18-21.00401 FAC, a single application to one agency will be used for projects with both regulatory (ERP) and proprietary (SSL) authorizations.

The project boundary, preferably in Computer Aided Design or Geographic Information System, and/or legal description will be needed prior to initiating work and is expected from the project engineer. The project engineer will also supply the final Site plan or stormwater/earthworks plan (preferably in digital form). Any subsequent modifications to the project boundary or Site plan that necessitate changes to the above-referenced report or the accompanying graphics will be billed as additional requested services.

Should the SJRWMD require additional information, BDA will coordinate with SJRWMD staff and the project engineer as required and prepare a response for one request for additional environmental information. BDA will also attend field meetings with SJRWMD to review the extent of wetlands and the mitigation plan.

Task 8 – Department of the Army, Corps of Engineers Permitting

The St. Johns River is listed as a Section 10 water under the Rivers and Harbors Act (33 USC 403), and any "construction, excavation, or deposition of materials in, over, or under such waters, or any work which would affect the course, location, condition, or capacity of those waters" is regulated by ACOE. As such, construction of a fishing pier will require Section 10 authorization by ACOE.

Section 404 of the Clean Water Act requires a permit for the discharge of dredged or fill material into waters of the United States, including wetlands.

A final construction plan will be required to determine if the project will require Section 10 authorization, Section 404 permitting, or both. Regardless, a single application will be submitted to ACOE for processing. A project generally will require an Individual Permit (IP) if impacts to the jurisdictional wetlands or surface waters are greater than or equal to 0.5 acre, and a General Permit (including Nationwide Permits [NWP]) if wetland impacts are less than 0.5 acre. However, it does not appear that a NWP is available for construction of a pier. The project may qualify for permitting under a Letter of Permission (LOP). For Section 10 cases, a LOP may be issued when “the proposed work would be minor, would not have significant individual or cumulative impacts on environmental values, and should encounter no appreciable opposition”. The LOP is an abbreviated process without a requirement for a Public Notice period. If the project is deemed to not qualify for a LOP, then an IP will be required.

It is anticipated that the project will need to be permitted under a LOP or an IP. The LOP application will include a project overview, review of Listed Species with state and federal agencies, and public interest review criteria. The application report for an IP is more involved and will typically include the following information:

- Overview of the project,
- Description of upland and wetland/surface water communities,
- Description of wetland/surface water impacts,
- Mitigation plan,
- Review of federally listed wildlife and plant species,
- Public interest review criteria,
- Alternative analysis,
- Avoidance and minimization criteria, and
- Supporting graphics.

This task will include one response to a request for additional information (as needed) and Site reviews with ACOE staff to review the extent of wetlands, jurisdiction, and the mitigation plan. The preparation of any additional information beyond this scope of work will be addressed in a work scope addendum.

Task 9 – Bidding Services

Kimley-Horn will be available to provide Bidding support services, as requested. These services will include the following:

- Prepare Bid Form for inclusion into Project Manual prepared by the City.
- Provide comments on City provided Front-end and contract documents.
- Provide Division 0 and Division 1 input for project related specifics.
- Assist the City in issuing bid packages for the submittal of quotations to perform the work.
- Prepare one (1) addendum based on bidder questions.
- Tabulate the bids received and evaluate the compliance of the bids received with the bidding documents. We will prepare a written summary of this tabulation and evaluation.
- Division 2-16 CSI formatted specifications will not be provided but can be as an additional service. All specifications related to Kimley-Horn work will be provided on plan sheets.

Additional Services

The following services are not included in this IPO but may be performed if authorized by the city. Payment for these additional services will be agreed upon prior to their performance.

- Construction Administration/Construction Phase Services
- Fountains and/or water feature design
- Landscape and Hardscape Design Development and Construction Documents beyond those illustrated in the approved concept plan
- Certified Arborists services or inspections
- Off-site improvements
- Planning assistance for variances, zoning, and ROW vacates
- Value engineering services
- Illustrative site plans, perspective sketches, models, etc.
- Site visits or meetings beyond those listed above
- Facility MEP design.
- Electrical - Site visits and inspections, other than the ones specifically mentioned above, are not included in the proposal. If required, visits can be provided for an additional fee.
- Energy modeling/Analysis.
- Construction Phase Services

Information Provided by Client:

The City will provide the following information, upon which Kimley-Horn can rely:

- Boundary, Topographic and Tree Survey in AutoCAD format
- Available geotechnical information
- Material Testing Services
- Available existing utilities information

In addition to other responsibilities set out in this Agreement, the City shall provide requested materials in a timely fashion as requested by Kimley-Horn, including signing and/or submitting the application, which may be required to be done electronically.

Fee and Billing:

Kimley-Horn will complete the above scope of services for the lump sum fees detailed below, inclusive of office overhead expenses. All invoices will include a description of services provided. Supporting documentation for all travel expenses will be submitted to the city with invoices. Travel expenses will follow all City of DeBary policies. Fee breakdown for the lump sum tasks is as noted below:

Fee Breakdown

Task	Description	Lump Sum Fee
Task 1	Construction Documents	\$148,300
Task 2	Wayfinding / Signage Design	\$18,000
Task 3	Structural Design	\$68,900
Task 4	Lighting / Electrical	\$21,000
Task 5	Permitting and Agency Response	\$21,500
Task 6	Wetland Delineation	\$9,200
Task 7	St. Johns River Water Management District Environmental Permitting	\$10,350
Task 8	Department of the Army, Corps of Engineers Permitting*	\$5,750 for LOP \$11,500 or IP*
Task 9	Bidding Services	\$11,500
	Reimbursable Expenses	\$500
	Supplemental Topographic Survey	\$10,000
	Supplemental Geotechnical Borings	\$7,500
	Total Fee (inclusive of estimated expenses)	\$332,500

*The fishing pier may follow an Individual Permit (IP) or a Letter of Permission (LOP) process, so fees for both are outlined within depending on agency feedback during the review and permitting process.

Lump sum and hourly fees will be invoiced monthly based upon the overall percentage of services performed. Payment will be due within 25 days of your receipt of the invoice.

ACCEPTED:
THE CITY OF DEBARY, FLORIDA

KIMLEY-HORN AND ASSOCIATES, INC.

BY: _____

By:  _____

TITLE: _____

Scott Mingonet PLA, AICP Sr. VP/Principal

DATE: _____

Date: September 25, 2023



City Council Meeting City of DeBary AGENDA ITEM

Subject: Live Local Act, Senate Bill 102 Presentation and Discussion	Attachments: <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Supporting Documents/ Contracts <input checked="" type="checkbox"/> Other
From: Carmen Rosamonda, City Manager	
Meeting Hearing Date: November 1, 2023	

REQUEST

City Manager is requesting to make a presentation to the City Council on the Live Local Act, which took effect on July 1, 2023, and discuss possible risk factors and solutions concerning the business side of this law.

PURPOSE

The purpose is to provide information and educate the Council and its residents on the Live Local Act.

CONSIDERATIONS

- Chapter 2023-17, Laws of Florida, known as the “Live Local Act of 2023” was approved by the Governor on March 29, 2023, and took effect on July 1, 2023.
- It is a comprehensive statewide workforce strategy, designed to increase the availability of affordable housing opportunities for Florida’s workforce, who desire to live within the communities they serve. The Act provides historic funding for workforce housing. In addition to the multitude of new programs, incentives and opportunities, this legislation works to refocus Florida’s housing strategy in ways that make housing more attainable.
- Under Section 166.04151(7)(a), F.S., a municipality must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily rental development are, for a period of at least 30 years, affordable as defined in s.420.0004.
- Under Section 166.04151(7)(b), F.S., a municipality may not restrict the density of a proposed development authorized under this subsection below the highest allowed density on any land in the municipality where residential development is allowed.
- Under Section 166.04151(7)(c), F.S., a municipality may not restrict the height of a proposed development authorized under this subsection below the highest currently allowed height for a commercial or residential development located in the jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher.

- Under Section 166.04151(7)(d), F.S., a proposed development authorized under this subsection must be administratively approved and no further action by the governing body of the municipality is required if the development satisfies the municipality’s land development regulations for multifamily developments...
- Under Section 166.04151(7)(i), F.S., this subsection (7) shall expire October 1, 2033.

COST/FUNDING

N/A

RECOMMENDATION

It is recommended that the City Council hear presentation, discuss the issues and provide guidance.

IMPLEMENTATION

N/A

ATTACHMENTS

Chapter 2023-17 Laws of Florida

CHAPTER 2023-17

Committee Substitute for Senate Bill No. 102

An act relating to housing; providing a short title; amending s. 125.0103, F.S.; deleting the authority of local governments to adopt or maintain laws, ordinances, rules, or other measures that would have the effect of imposing controls on rents; amending s. 125.01055, F.S.; revising applicability for areas of critical state concern; specifying requirements for, and restrictions on, counties in approving certain housing developments; providing for future expiration; amending s. 125.379, F.S.; revising the date by which counties must prepare inventory lists of real property; requiring counties to make the inventory lists publicly available on their websites; authorizing counties to use certain properties for affordable housing through a long-term land lease; revising requirements for counties relating to inventory lists of certain property for affordable housing; providing that counties are encouraged to adopt best practices for surplus land programs; amending s. 166.04151, F.S.; revising applicability for areas of critical state concern; specifying requirements for, and restrictions on, municipalities in approving applications for certain housing developments; providing for future expiration; amending s. 166.043, F.S.; deleting the authority of local governments to adopt or maintain laws, ordinances, rules, or other measures that would have the effect of imposing controls on rents; amending s. 166.0451, F.S.; revising the date by which municipalities must prepare inventory lists of real property; requiring municipalities to make the inventory lists publicly available on their websites; authorizing municipalities to use certain properties for affordable housing through a long-term land lease; revising requirements for municipalities relating to inventory lists of certain property for affordable housing; providing that municipalities are encouraged to adopt best practices for surplus land programs; amending s. 196.1978, F.S.; providing an exemption from ad valorem taxation for land that meets certain criteria; providing applicability; providing for future repeal; defining terms; providing an ad valorem tax exemption for portions of property in a multifamily project if certain conditions are met; providing that vacant units may be eligible for the exemption under certain circumstances; specifying percentages of the exemption for qualified properties; specifying requirements for applying for the exemption with the property appraiser; specifying requirements for requesting certification from the Florida Housing Finance Corporation; specifying requirements for the corporation in reviewing requests, certifying property, and posting deadlines for applications; specifying requirements for property appraisers in reviewing and granting exemptions and for improperly granted exemptions; providing a penalty; providing limitations on eligibility; specifying requirements for a rental market study; authorizing the corporation to adopt rules; providing applicability; providing for future repeal; creating s. 196.1979, F.S.; authorizing local governments to adopt ordinances to provide an ad valorem tax exemption for portions of property

used to provide affordable housing meeting certain requirements; specifying requirements and limitations for the exemption; providing that vacant units may be eligible for the exemption under certain circumstances; specifying requirements for ordinances granting an exemption; specifying requirements for a rental market study; providing that ordinances must expire within a certain timeframe; requiring the property appraiser to take certain action in response to an improperly granted exemption; providing a penalty; providing applicability; amending s. 201.15, F.S.; suspending, for a specified period, the General Revenue Fund service charge on documentary stamp tax collections; providing for specified amounts of such collections to be credited to the State Housing Trust Fund for certain purposes; providing for certain amounts to be credited to the General Revenue Fund under certain circumstances; prohibiting the transfer of such funds to the General Revenue Fund in the General Appropriations Act; providing for the future expiration and reversion of specified statutory text; amending s. 212.08, F.S.; revising the total amount of community contribution tax credits which may be granted for certain projects; defining terms; providing a sales tax exemption for building materials used in the construction of affordable housing units; defining terms; specifying eligibility requirements; specifying requirements for applying for a sales tax refund with the Department of Revenue; specifying requirements for and limitations on refunds; providing requirements for the department in issuing refunds; authorizing the department to adopt rules; providing applicability; amending s. 213.053, F.S.; authorizing the department to make certain information available to the corporation to administer the Live Local Program; creating s. 215.212, F.S.; prohibiting the deduction of the General Revenue Fund service charge on documentary stamp tax proceeds; providing for future repeal; amending s. 215.22, F.S.; conforming a provision to changes made by the act; providing for the future expiration and reversion of specified statutory text; amending s. 220.02, F.S.; specifying the order of application of Live Local Program tax credits against the state corporate income tax; amending s. 220.13, F.S.; specifying requirements for the addition to adjusted federal income of amounts taken as a credit under the Live Local Program; amending s. 220.183, F.S.; conforming a provision to changes made by the act; amending s. 220.186, F.S.; providing applicability of Live Local Program tax credits to the Florida alternative minimum tax credit; creating s. 220.1878, F.S.; providing a credit against the state corporate income tax under the Live Local Program; specifying requirements and procedures for making eligible contributions and claiming the credit; amending s. 220.222, F.S.; requiring returns filed in connection with the Live Local Program tax credits to include the amount of certain credits; amending s. 253.034, F.S.; modifying requirements for the analysis included in land use plans; making technical changes; amending s. 253.0341, F.S.; requiring that local government requests for the state to surplus conservation or nonconservation lands for any means of transfer be expedited throughout the surplus process; amending s. 288.101, F.S.; authorizing the Governor, under the Florida Job Growth Grant Fund, to approve state or local public infrastructure projects to facilitate

the development or construction of affordable housing; providing for future repeal; amending s. 420.0003, F.S.; revising legislative intent for, and policies of, the state housing strategy; revising requirements for the implementation of the strategy; revising duties of the Shimberg Center for Housing Studies at the University of Florida; requiring the Office of Program Policy Analysis and Government Accountability to evaluate specified strategies, policies, and programs at specified intervals; specifying requirements for the office's analyses; authorizing rule amendments; amending s. 420.503, F.S.; revising the definition of the term "qualified contract" for purposes of the Florida Housing Finance Corporation Act; amending s. 420.504, F.S.; revising the composition of the corporation's board of directors; providing specifications for filling vacancies on the board of directors; amending s. 420.507, F.S.; specifying a requirement for the corporation's annual budget request to the Secretary of Economic Opportunity; providing for the future expiration and reversion of specified statutory text; amending s. 420.5087, F.S.; revising prioritization of funds for the State Apartment Incentive Loan Program; creating s. 420.50871, F.S.; specifying requirements for, and authorized actions by, the corporation in allocating certain increased revenues during specified fiscal years to finance certain housing projects; providing construction; providing for future repeal; providing a directive to the Division of Law Revision; creating s. 420.50872, F.S.; defining terms; creating the Live Local Program; specifying responsibilities of the corporation; specifying the annual tax credit cap; specifying requirements for applying for tax credits with the department; providing requirements for the carryforward of credits; specifying restrictions on, and requirements for, the conveyance, transfer, or assignment of credits; providing requirements and procedures for the rescindment of credits; specifying procedures for calculating underpayments and penalties; providing construction; authorizing the department and the corporation to develop a cooperative agreement; authorizing the department to adopt rules; requiring the department to annually notify certain taxpayers of certain information; creating s. 420.5096, F.S.; providing legislative findings; creating the Florida Hometown Hero Program for a specified purpose; authorizing the corporation to underwrite and make certain mortgage loans; specifying terms for such loans and requirements for borrowers; authorizing loans made under the program to be used for the purchase of certain manufactured homes; providing construction; amending s. 420.531, F.S.; authorizing the Florida Housing Corporation to contract with certain entities to provide technical assistance to local governments in establishing selection criteria for proposals to use certain property for affordable housing purposes; amending s. 420.6075, F.S.; making technical changes; amending s. 553.792, F.S.; requiring local governments to maintain on their websites a policy relating to the expedited processing of certain building permits and development orders; amending s. 624.509, F.S.; specifying the order of application of Live Local Program tax credits against the insurance premium tax; amending s. 624.5105, F.S.; conforming a provision to changes made by the act; creating s. 624.51058, F.S.; providing a credit against the insurance premium tax under the Live Local

Program; providing a requirement for making eligible contributions; providing construction; providing applicability; exempting a certain initiative from certain evacuation time constraints; specifying that certain comprehensive plan amendments are valid; authorizing certain local governments to adopt local ordinances or regulations for certain purposes; authorizing the department to adopt emergency rules; providing for future expiration of such rulemaking authority; providing appropriations; providing a declaration of important state interest; providing effective dates.

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

Section 1. This act may be cited as the “Live Local Act.”

Section 2. Section 125.0103, Florida Statutes, is amended to read:

125.0103 Ordinances and rules imposing price controls; ~~findings required; procedures.~~—

(1)(a) Except as hereinafter provided, a ~~no~~ county, municipality, or other entity of local government may not ~~shall~~ adopt or maintain in effect an ordinance or a rule ~~that which~~ has the effect of imposing price controls upon a lawful business activity ~~that which~~ is not franchised by, owned by, or under contract with, the governmental agency, unless specifically provided by general law.

(b) This section does not prevent the enactment by local governments of public service rates otherwise authorized by law, including water, sewer, solid waste, public transportation, taxicab, or port rates, rates for towing of vehicles or vessels from or immobilization of vehicles or vessels on private property, or rates for removal and storage of wrecked or disabled vehicles or vessels from an accident scene or the removal and storage of vehicles or vessels in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel.

(c) Counties must establish maximum rates which may be charged on the towing of vehicles or vessels from or immobilization of vehicles or vessels on private property, removal and storage of wrecked or disabled vehicles or vessels from an accident scene or for the removal and storage of vehicles or vessels, in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel. However, if a municipality chooses to enact an ordinance establishing the maximum rates for the towing or immobilization of vehicles or vessels as described in paragraph (b), the county’s ordinance does ~~shall~~ not apply within such municipality.

~~(2) No law, ordinance, rule, or other measure which would have the effect of imposing controls on rents shall be adopted or maintained in effect except as provided herein and unless it is found and determined, as hereinafter provided, that such controls are necessary and proper to eliminate an existing housing emergency which is so grave as to constitute a serious menace to the general public.~~

~~(3) Any law, ordinance, rule, or other measure which has the effect of imposing controls on rents shall terminate and expire within 1 year and shall not be extended or renewed except by the adoption of a new measure meeting all the requirements of this section.~~

~~(4) Notwithstanding any other provisions of this section, no controls shall be imposed on rents for any accommodation used or offered for residential purposes as a seasonal or tourist unit, as a second housing unit, or on rents for dwelling units located in luxury apartment buildings. For the purposes of this section, a luxury apartment building is one wherein on January 1, 1977, the aggregate rent due on a monthly basis from all dwelling units as stated in leases or rent lists existing on that date divided by the number of dwelling units exceeds \$250.~~

~~(5) A~~ No municipality, county, or other entity of local government may not ~~shall~~ adopt or maintain in effect any law, ordinance, rule, or other measure that ~~which~~ would have the effect of imposing controls on rents unless:

~~(a) Such measure is duly adopted by the governing body of such entity of local government, after notice and public hearing, in accordance with all applicable provisions of the Florida and United States Constitutions, the charter or charters governing such entity of local government, this section, and any other applicable laws.~~

~~(b) Such governing body makes and recites in such measure its findings establishing the existence in fact of a housing emergency so grave as to constitute a serious menace to the general public and that such controls are necessary and proper to eliminate such grave housing emergency.~~

~~(c) Such measure is approved by the voters in such municipality, county, or other entity of local government.~~

~~(6) In any court action brought to challenge the validity of rent control imposed pursuant to the provisions of this section, the evidentiary effect of any findings or recitations required by subsection (5) shall be limited to imposing upon any party challenging the validity of such measure the burden of going forward with the evidence, and the burden of proof (that is, the risk of nonpersuasion) shall rest upon any party seeking to have the measure upheld.~~

~~(3)~~⁽⁷⁾ Notwithstanding any other provisions of this section, municipalities, counties, or other entities of local government may adopt and maintain

in effect any law, ordinance, rule, or other measure which is adopted for the purposes of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing ordinances.

Section 3. Subsections (5) and (6) of section 125.01055, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

125.01055 Affordable housing.—

(5) Subsection ~~(4)~~ (2) does not apply in an area of critical state concern, as designated in s. 380.0552.

(6) Notwithstanding any other law or local ordinance or regulation to the contrary, the board of county commissioners may approve the development of housing that is affordable, as defined in s. 420.0004, including, but not limited to, a mixed-use residential development, on any parcel zoned for residential, commercial, or industrial use. ~~If a parcel is zoned for commercial or industrial use, an approval pursuant to this subsection may include any residential development project, including a mixed-use residential development project, so long as at least 10 percent of the units included in the project are for housing that is affordable and the developer of the project agrees not to apply for or receive funding under s. 420.5087. The provisions of this subsection are self-executing and do not require the board of county commissioners to adopt an ordinance or a regulation before using the approval process in this subsection.~~

(7)(a) A county must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily rental development are, for a period of at least 30 years, affordable as defined in s. 420.0004. Notwithstanding any other law, local ordinance, or regulation to the contrary, a county may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use approval, variance, or comprehensive plan amendment for the building height, zoning, and densities authorized under this subsection. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes.

(b) A county may not restrict the density of a proposed development authorized under this subsection below the highest allowed density on any unincorporated land in the county where residential development is allowed.

(c) A county may not restrict the height of a proposed development authorized under this subsection below the highest currently allowed height for a commercial or residential development located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher.

(d) A proposed development authorized under this subsection must be administratively approved and no further action by the board of county commissioners is required if the development satisfies the county's land

development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, height, and land use. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements.

(e) A county must consider reducing parking requirements for a proposed development authorized under this subsection if the development is located within one-half mile of a major transit stop, as defined in the county's land development code, and the major transit stop is accessible from the development.

(f) For proposed multifamily developments in an unincorporated area zoned for commercial or industrial use which is within the boundaries of a multicounty independent special district that was created to provide municipal services and is not authorized to levy ad valorem taxes, and less than 20 percent of the land area within such district is designated for commercial or industrial use, a county must authorize, as provided in this subsection, such development only if the development is mixed-use residential.

(g) Except as otherwise provided in this subsection, a development authorized under this subsection must comply with all applicable state and local laws and regulations.

(h) This subsection does not apply to property defined as recreational and commercial working waterfront in s. 342.201(2)(b) in any area zoned as industrial.

(i) This subsection expires October 1, 2033.

Section 4. Section 125.379, Florida Statutes, is amended to read:

125.379 Disposition of county property for affordable housing.—

(1) By October 1, 2023 ~~July 1, 2007~~, and every 3 years thereafter, each county shall prepare an inventory list of all real property within its jurisdiction to which the county or any dependent special district within its boundaries holds fee simple title which ~~that~~ is appropriate for use as affordable housing. The inventory list must include the address and legal description of each such real property and specify whether the property is vacant or improved. The governing body of the county must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing. The governing body of the county shall adopt a resolution that includes an inventory list of such property following the public hearing. Each county shall make the inventory list publicly available on its website to encourage potential development.

(2) The properties identified as appropriate for use as affordable housing on the inventory list adopted by the county may be used for affordable housing through a long-term land lease requiring the development and

maintenance of affordable housing, offered for sale and the proceeds used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing, ~~or may be sold with a restriction that requires the development of the property as permanent affordable housing, or may be donated to a nonprofit housing organization for the construction of permanent affordable housing.~~ Alternatively, the county or special district may otherwise make the property available for use for the production and preservation of permanent affordable housing. For purposes of this section, the term “affordable” has the same meaning as in s. 420.0004(3).

(3) Counties are encouraged to adopt best practices for surplus land programs, including, but not limited to:

(a) Establishing eligibility criteria for the receipt or purchase of surplus land by developers;

(b) Making the process for requesting surplus lands publicly available; and

(c) Ensuring long-term affordability through ground leases by retaining the right of first refusal to purchase property that would be sold or offered at market rate and by requiring reversion of property not used for affordable housing within a certain timeframe.

Section 5. Subsections (5) and (6) of section 166.04151, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

166.04151 Affordable housing.—

(5) Subsection (4) (2) does not apply in an area of critical state concern, as designated by s. 380.0552 or chapter 28-36, Florida Administrative Code.

(6) Notwithstanding any other law or local ordinance or regulation to the contrary, the governing body of a municipality may approve the development of housing that is affordable, as defined in s. 420.0004, including, but not limited to, a mixed-use residential development, on any parcel zoned for residential, commercial, or industrial use. If a parcel is zoned for commercial or industrial use, an approval pursuant to this subsection may include any residential development project, including a mixed-use residential development project, so long as at least 10 percent of the units included in the project are for housing that is affordable and the developer of the project agrees not to apply for or receive funding under s. 420.5087. The provisions of this subsection are self-executing and do not require the governing body to adopt an ordinance or a regulation before using the approval process in this subsection.

(7)(a) A municipality must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily rental development are, for a period of at least 30 years,

affordable as defined in s. 420.0004. Notwithstanding any other law, local ordinance, or regulation to the contrary, a municipality may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use approval, variance, or comprehensive plan amendment for the building height, zoning, and densities authorized under this subsection. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes.

(b) A municipality may not restrict the density of a proposed development authorized under this subsection below the highest allowed density on any land in the municipality where residential development is allowed.

(c) A municipality may not restrict the height of a proposed development authorized under this subsection below the highest currently allowed height for a commercial or residential development located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher.

(d) A proposed development authorized under this subsection must be administratively approved and no further action by the governing body of the municipality is required if the development satisfies the municipality's land development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, height, and land use. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements.

(e) A municipality must consider reducing parking requirements for a proposed development authorized under this subsection if the development is located within one-half mile of a major transit stop, as defined in the municipality's land development code, and the major transit stop is accessible from the development.

(f) A municipality that designates less than 20 percent of the land area within its jurisdiction for commercial or industrial use must authorize a proposed multifamily development as provided in this subsection in areas zoned for commercial or industrial use only if the proposed multifamily development is mixed-use residential.

(g) Except as otherwise provided in this subsection, a development authorized under this subsection must comply with all applicable state and local laws and regulations.

(h) This subsection does not apply to property defined as recreational and commercial working waterfront in s. 342.201(2)(b) in any area zoned as industrial.

(i) This subsection expires October 1, 2033.

Section 6. Section 166.043, Florida Statutes, is amended to read:

166.043 Ordinances and rules imposing price controls; ~~findings required;~~
~~procedures.~~—

(1)(a) Except as hereinafter provided, ~~a~~ ~~no~~ county, municipality, or other entity of local government may not ~~shall~~ adopt or maintain in effect an ordinance or a rule that ~~which~~ has the effect of imposing price controls upon a lawful business activity that ~~which~~ is not franchised by, owned by, or under contract with, the governmental agency, unless specifically provided by general law.

(b) This section does not prevent the enactment by local governments of public service rates otherwise authorized by law, including water, sewer, solid waste, public transportation, taxicab, or port rates, rates for towing of vehicles or vessels from or immobilization of vehicles or vessels on private property, or rates for removal and storage of wrecked or disabled vehicles or vessels from an accident scene or the removal and storage of vehicles or vessels in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel.

(c) Counties must establish maximum rates which may be charged on the towing of vehicles or vessels from or immobilization of vehicles or vessels on private property, removal and storage of wrecked or disabled vehicles or vessels from an accident scene or for the removal and storage of vehicles or vessels, in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel. However, if a municipality chooses to enact an ordinance establishing the maximum rates for the towing or immobilization of vehicles or vessels as described in paragraph (b), the county's ordinance established under s. 125.0103 does ~~shall~~ not apply within such municipality.

(2) ~~No law, ordinance, rule, or other measure which would have the effect of imposing controls on rents shall be adopted or maintained in effect except as provided herein and unless it is found and determined, as hereinafter provided, that such controls are necessary and proper to eliminate an existing housing emergency which is so grave as to constitute a serious menace to the general public.~~

(3) ~~Any law, ordinance, rule, or other measure which has the effect of imposing controls on rents shall terminate and expire within 1 year and shall not be extended or renewed except by the adoption of a new measure meeting all the requirements of this section.~~

(4) ~~Notwithstanding any other provisions of this section, no controls shall be imposed on rents for any accommodation used or offered for residential purposes as a seasonal or tourist unit, as a second housing unit, or on rents for dwelling units located in luxury apartment buildings. For the purposes of this section, a luxury apartment building is one wherein on~~

January 1, 1977, the aggregate rent due on a monthly basis from all dwelling units as stated in leases or rent lists existing on that date divided by the number of dwelling units exceeds \$250.

(5) ~~A~~ No municipality, county, or other entity of local government may not shall adopt or maintain in effect any law, ordinance, rule, or other measure that which would have the effect of imposing controls on rents unless:

(a) ~~Such measure is duly adopted by the governing body of such entity of local government, after notice and public hearing, in accordance with all applicable provisions of the Florida and United States Constitutions, the charter or charters governing such entity of local government, this section, and any other applicable laws.~~

(b) ~~Such governing body makes and recites in such measure its findings establishing the existence in fact of a housing emergency so grave as to constitute a serious menace to the general public and that such controls are necessary and proper to eliminate such grave housing emergency.~~

(c) ~~Such measure is approved by the voters in such municipality, county, or other entity of local government.~~

(6) ~~In any court action brought to challenge the validity of rent control imposed pursuant to the provisions of this section, the evidentiary effect of any findings or recitations required by subsection (5) shall be limited to imposing upon any party challenging the validity of such measure the burden of going forward with the evidence, and the burden of proof (that is, the risk of nonpersuasion) shall rest upon any party seeking to have the measure upheld.~~

(3)(7) Notwithstanding any other provisions of this section, municipalities, counties, or other entity of local government may adopt and maintain in effect any law, ordinance, rule, or other measure which is adopted for the purposes of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing ordinances.

Section 7. Section 166.0451, Florida Statutes, is amended to read:

166.0451 Disposition of municipal property for affordable housing.—

(1) ~~By October 1, 2023~~ July 1, 2007, and every 3 years thereafter, each municipality shall prepare an inventory list of all real property within its jurisdiction to which the municipality or any dependent special district within its boundaries holds fee simple title which that is appropriate for use as affordable housing. The inventory list must include the address and legal description of each such property and specify whether the property is vacant or improved. The governing body of the municipality must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing. Following the public hearing, the governing body of the municipality shall adopt a resolution that includes an inventory list of such

property. Each municipality shall make the inventory list publicly available on its website to encourage potential development.

(2) The properties identified as appropriate for use as affordable housing on the inventory list adopted by the municipality may be used for affordable housing through a long-term land lease requiring the development and maintenance of affordable housing, offered for sale and the proceeds ~~may be~~ used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing, ~~or~~ ~~may be~~ sold with a restriction that requires the development of the property as permanent affordable housing, or ~~may be~~ donated to a nonprofit housing organization for the construction of permanent affordable housing. Alternatively, the municipality or special district may otherwise make the property available for use for the production and preservation of permanent affordable housing. For purposes of this section, the term “affordable” has the same meaning as in s. 420.0004(3).

(3) Municipalities are encouraged to adopt best practices for surplus land programs, including, but not limited to:

(a) Establishing eligibility criteria for the receipt or purchase of surplus land by developers;

(b) Making the process for requesting surplus lands publicly available; and

(c) Ensuring long-term affordability through ground leases by retaining the right of first refusal to purchase property that would be sold or offered at market rate and by requiring reversion of property not used for affordable housing within a certain timeframe.

Section 8. Effective January 1, 2024, subsection (1) of section 196.1978, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

196.1978 Affordable housing property exemption.—

(1)(a) Property used to provide affordable housing to eligible persons as defined by s. 159.603 and natural persons or families meeting the extremely-low-income, very-low-income, low-income, or moderate-income limits specified in s. 420.0004, which is owned entirely by a nonprofit entity that is a corporation not for profit, qualified as charitable under s. 501(c)(3) of the Internal Revenue Code and in compliance with Rev. Proc. 96-32, 1996-1 C.B. 717, is considered property owned by an exempt entity and used for a charitable purpose, and those portions of the affordable housing property that provide housing to natural persons or families classified as extremely low income, very low income, low income, or moderate income under s. 420.0004 are exempt from ad valorem taxation to the extent authorized under s. 196.196. All property identified in this subsection must comply with the criteria provided under s. 196.195 for determining exempt status and

applied by property appraisers on an annual basis. The Legislature intends that any property owned by a limited liability company which is disregarded as an entity for federal income tax purposes pursuant to Treasury Regulation 301.7701-3(b)(1)(ii) be treated as owned by its sole member. If the sole member of the limited liability company that owns the property is also a limited liability company that is disregarded as an entity for federal income tax purposes pursuant to Treasury Regulation 301.7701-3(b)(1)(ii), the Legislature intends that the property be treated as owned by the sole member of the limited liability company that owns the limited liability company that owns the property. Units that are vacant and units that are occupied by natural persons or families whose income no longer meets the income limits of this subsection, but whose income met those income limits at the time they became tenants, shall be treated as portions of the affordable housing property exempt under this subsection if a recorded land use restriction agreement in favor of the Florida Housing Finance Corporation or any other governmental or quasi-governmental jurisdiction requires that all residential units within the property be used in a manner that qualifies for the exemption under this subsection and if the units are being offered for rent.

(b) Land that is owned entirely by a nonprofit entity that is a corporation not for profit, qualified as charitable under s. 501(c)(3) of the Internal Revenue Code and in compliance with Rev. Proc. 96-32, 1996-1 C.B. 717, and is leased for a minimum of 99 years for the purpose of, and is predominantly used for, providing housing to natural persons or families meeting the extremely-low-income, very-low-income, low-income, or moderate-income limits specified in s. 420.0004 is exempt from ad valorem taxation. For purposes of this paragraph, land is predominantly used for qualifying purposes if the square footage of the improvements on the land used to provide qualifying housing is greater than 50 percent of the square footage of all improvements on the land. This paragraph first applies to the 2024 tax roll and is repealed December 31, 2059.

(3)(a) As used in this subsection, the term:

1. “Corporation” means the Florida Housing Finance Corporation.
2. “Newly constructed” means an improvement to real property which was substantially completed within 5 years before the date of an applicant’s first submission of a request for certification or an application for an exemption pursuant to this section, whichever is earlier.
3. “Substantially completed” has the same meaning as in s. 192.042(1).

(b) Notwithstanding ss. 196.195 and 196.196, portions of property in a multifamily project are considered property used for a charitable purpose and are eligible to receive an ad valorem property tax exemption if such portions:

1. Provide affordable housing to natural persons or families meeting the income limitations provided in paragraph (d);

2. Are within a newly constructed multifamily project that contains more than 70 units dedicated to housing natural persons or families meeting the income limitations provided in paragraph (d); and

3. Are rented for an amount that does not exceed the amount as specified by the most recent multifamily rental programs income and rent limit chart posted by the corporation and derived from the Multifamily Tax Subsidy Projects Income Limits published by the United States Department of Housing and Urban Development or 90 percent of the fair market value rent as determined by a rental market study meeting the requirements of paragraph (m), whichever is less.

(c) If a unit that in the previous year qualified for the exemption under this subsection and was occupied by a tenant is vacant on January 1, the vacant unit is eligible for the exemption if the use of the unit is restricted to providing affordable housing that would otherwise meet the requirements of this subsection and a reasonable effort is made to lease the unit to eligible persons or families.

(d)1. Qualified property used to house natural persons or families whose annual household income is greater than 80 percent but not more than 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within the county in which the person or family resides, must receive an ad valorem property tax exemption of 75 percent of the assessed value.

2. Qualified property used to house natural persons or families whose annual household income does not exceed 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within the county in which the person or family resides, is exempt from ad valorem property taxes.

(e) To receive an exemption under this subsection, a property owner must submit an application on a form prescribed by the department by March 1 for the exemption, accompanied by a certification notice from the corporation to the property appraiser.

(f) To receive a certification notice, a property owner must submit a request to the corporation for certification on a form provided by the corporation which includes all of the following:

1. The most recently completed rental market study meeting the requirements of paragraph (m).

2. A list of the units for which the property owner seeks an exemption.

3. The rent amount received by the property owner for each unit for which the property owner seeks an exemption. If a unit is vacant and qualifies for an exemption under paragraph (c), the property owner must provide evidence of the published rent amount for each vacant unit.

4. A sworn statement, under penalty of perjury, from the applicant restricting the property for a period of not less than 3 years to housing persons or families who meet the income limitations under this subsection.

(g) The corporation shall review the request for certification and certify property that meets the eligibility criteria of this subsection. A determination by the corporation regarding a request for certification does not constitute final agency action pursuant to chapter 120.

1. If the corporation determines that the property meets the eligibility criteria for an exemption under this subsection, the corporation must send a certification notice to the property owner and the property appraiser.

2. If the corporation determines that the property does not meet the eligibility criteria, the corporation must notify the property owner and include the reasons for such determination.

(h) The corporation shall post on its website the deadline to submit a request for certification. The deadline must allow adequate time for a property owner to submit a timely application for exemption to the property appraiser.

(i) The property appraiser shall review the application and determine if the applicant is entitled to an exemption. A property appraiser may grant an exemption only for a property for which the corporation has issued a certification notice.

(j) If the property appraiser determines that for any year during the immediately previous 10 years a person who was not entitled to an exemption under this subsection was granted such an exemption, the property appraiser must serve upon the owner a notice of intent to record in the public records of the county a notice of tax lien against any property owned by that person in the county, and that property must be identified in the notice of tax lien. Any property owned by the taxpayer and situated in this state is subject to the taxes exempted by the improper exemption, plus a penalty of 50 percent of the unpaid taxes for each year and interest at a rate of 15 percent per annum. If an exemption is improperly granted as a result of a clerical mistake or an omission by the property appraiser, the property owner improperly receiving the exemption may not be assessed a penalty or interest.

(k) Units subject to an agreement with the corporation pursuant to chapter 420 recorded in the official records of the county in which the property is located to provide housing to natural persons or families meeting

the extremely-low-income, very-low-income, or low-income limits specified in s. 420.0004 are not eligible for this exemption.

(l) Property receiving an exemption pursuant to s. 196.1979 is not eligible for this exemption.

(m) A rental market study submitted as required by paragraph (f) must identify the fair market value rent of each unit for which a property owner seeks an exemption. Only a certified general appraiser as defined in s. 475.611 may issue a rental market study. The certified general appraiser must be independent of the property owner who requests the rental market study. In preparing the rental market study, a certified general appraiser shall comply with the standards of professional practice pursuant to part II of chapter 475 and use comparable property within the same geographic area and of the same type as the property for which the exemption is sought. A rental market study must have been completed within 3 years before submission of the application.

(n) The corporation may adopt rules to implement this section.

(o) This subsection first applies to the 2024 tax roll and is repealed December 31, 2059.

Section 9. Section 196.1979, Florida Statutes, is created to read:

196.1979 County and municipal affordable housing property exemption.

(1)(a) Notwithstanding ss. 196.195 and 196.196, the board of county commissioners of a county or the governing body of a municipality may adopt an ordinance to exempt those portions of property used to provide affordable housing meeting the requirements of this section. Such property is considered property used for a charitable purpose. To be eligible for the exemption, the portions of property:

1. Must be used to house natural persons or families whose annual household income:

a. Is greater than 30 percent but not more than 60 percent of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within the county in which the person or family resides; or

b. Does not exceed 30 percent of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within the county in which the person or family resides;

2. Must be within a multifamily project containing 50 or more residential units, at least 20 percent of which are used to provide affordable housing that meets the requirements of this section;

3. Must be rented for an amount no greater than the amount as specified by the most recent multifamily rental programs income and rent limit chart posted by the corporation and derived from the Multifamily Tax Subsidy Projects Income Limits published by the United States Department of Housing and Urban Development or 90 percent of the fair market value rent as determined by a rental market study meeting the requirements of subsection (4), whichever is less;

4. May not have been cited for code violations on three or more occasions in the 24 months before the submission of a tax exemption application;

5. May not have any cited code violations that have not been properly remedied by the property owner before the submission of a tax exemption application; and

6. May not have any unpaid fines or charges relating to the cited code violations. Payment of unpaid fines or charges before a final determination on a property's qualification for an exemption under this section will not exclude such property from eligibility if the property otherwise complies with all other requirements for the exemption.

(b) Qualified property may receive an ad valorem property tax exemption of:

1. Up to 75 percent of the assessed value of each residential unit used to provide affordable housing if fewer than 100 percent of the multifamily project's residential units are used to provide affordable housing meeting the requirements of this section.

2. Up to 100 percent of the assessed value if 100 percent of the multifamily project's residential units are used to provide affordable housing meeting the requirements of this section.

(c) The board of county commissioners of the county or the governing body of the municipality, as applicable, may choose to adopt an ordinance that exempts property used to provide affordable housing for natural persons or families meeting the income limits of sub-subparagraph (a)1.a., natural persons or families meeting the income limits of sub-subparagraph (a)1.b., or both.

(2) If a residential unit that in the previous year qualified for the exemption under this section and was occupied by a tenant is vacant on January 1, the vacant unit may qualify for the exemption under this section if the use of the unit is restricted to providing affordable housing that would otherwise meet the requirements of this section and a reasonable effort is made to lease the unit to eligible persons or families.

(3) An ordinance granting the exemption authorized by this section must:

(a) Be adopted under the procedures for adoption of a nonemergency ordinance by a board of county commissioners specified in chapter 125 or by a municipal governing body specified in chapter 166.

(b) Designate the local entity under the supervision of the board of county commissioners or governing body of a municipality which must develop, receive, and review applications for certification and develop notices of determination of eligibility.

(c) Require the property owner to apply for certification by the local entity in order to receive the exemption. The application for certification must be on a form provided by the local entity designated pursuant to paragraph (b) and include all of the following:

1. The most recently completed rental market study meeting the requirements of subsection (4).

2. A list of the units for which the property owner seeks an exemption.

3. The rent amount received by the property owner for each unit for which the property owner seeks an exemption. If a unit is vacant and qualifies for an exemption under subsection (2), the property owner must provide evidence of the published rent amount for the vacant unit.

(d) Require the local entity to verify and certify property that meets the requirements of the ordinance as qualified property and forward the certification to the property owner and the property appraiser. If the local entity denies the exemption, it must notify the applicant and include reasons for the denial.

(e) Require the eligible unit to meet the eligibility criteria of paragraph (1)(a).

(f) Require the property owner to submit an application for exemption, on a form prescribed by the department, accompanied by the certification of qualified property, to the property appraiser no later than March 1.

(g) Specify that the exemption applies only to the taxes levied by the unit of government granting the exemption.

(h) Specify that the property may not receive an exemption authorized by this section after expiration or repeal of the ordinance.

(i) Identify the percentage of the assessed value which is exempted, subject to the percentage limitations in paragraph (1)(b).

(j) Identify whether the exemption applies to natural persons or families meeting the income limits of sub-subparagraph (1)(a)1.a., natural persons or families meeting the income limits of sub-subparagraph (1)(a)1.b., or both.

(k) Require that the deadline to submit an application for certification be published on the county's or municipality's website. The deadline must allow adequate time for a property owner to make a timely application for exemption to the property appraiser.

(l) Require the county or municipality to post on its website a list of certified properties for the purpose of facilitating access to affordable housing.

(4) A rental market study submitted as required by paragraph (3)(c) must identify the fair market value rent of each unit for which a property owner seeks an exemption. Only a certified general appraiser, as defined in s. 475.611, may issue a rental market study. The certified general appraiser must be independent of the property owner who requests a rental market study. In preparing the rental market study, a certified general appraiser shall comply with the standards of professional practice pursuant to part II of chapter 475 and use comparable property within the same geographic area and of the same type as the property for which the exemption is sought. A rental market study must have been completed within 3 years before submission of the application.

(5) An ordinance adopted under this section must expire before the fourth January 1 after adoption; however, the board of county commissioners or the governing body of the municipality may adopt a new ordinance to renew the exemption. The board of county commissioners or the governing body of the municipality shall deliver a copy of an ordinance adopted under this section to the department and the property appraiser within 10 days after its adoption. If the ordinance expires or is repealed, the board of county commissioners or the governing body of the municipality must notify the department and the property appraiser within 10 days after its expiration or repeal.

(6) If the property appraiser determines that for any year during the immediately previous 10 years a person who was not entitled to an exemption under this section was granted such an exemption, the property appraiser must serve upon the owner a notice of intent to record in the public records of the county a notice of tax lien against any property owned by that person in the county, and that property must be identified in the notice of tax lien. Any property owned by the taxpayer and situated in this state is subject to the taxes exempted by the improper exemption, plus a penalty of 50 percent of the unpaid taxes for each year and interest at a rate of 15 percent per annum. If an exemption is improperly granted as a result of a clerical mistake or an omission by the property appraiser, the property owner improperly receiving the exemption may not be assessed a penalty or interest.

(7) This section first applies to the 2024 tax roll.

Section 10. Section 201.15, Florida Statutes, is amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter are hereby pledged and shall be first made available to make payments when due on bonds issued pursuant to s. 215.618 or s. 215.619, or any other bonds authorized to be issued on a parity basis with such bonds. Such pledge and availability for the payment of these bonds shall have priority over any requirement for the ~~payment of service charges or costs of collection and enforcement under this section. All taxes collected under this chapter, except taxes distributed to the Land Acquisition Trust Fund pursuant to subsections (1) and (2), are subject to the service charge imposed in s. 215.20(1).~~ Before distribution pursuant to this section, the Department of Revenue shall deduct amounts necessary to pay the costs of the collection and enforcement of the tax levied by this chapter. The costs ~~and service charge~~ may not be levied against any portion of taxes pledged to debt service on bonds to the extent that the costs ~~and service charge~~ are required to pay any amounts relating to the bonds. All of the costs of the collection and enforcement of the tax levied by this chapter ~~and the service charge~~ shall be available and transferred to the extent necessary to pay debt service and any other amounts payable with respect to bonds authorized before January 1, 2017, secured by revenues distributed pursuant to this section. All taxes remaining after deduction of costs shall be distributed as follows:

(1) Amounts necessary to make payments on bonds issued pursuant to s. 215.618 or s. 215.619, as provided under paragraphs (3)(a) and (b), or on any other bonds authorized to be issued on a parity basis with such bonds shall be deposited into the Land Acquisition Trust Fund.

(2) If the amounts deposited pursuant to subsection (1) are less than 33 percent of all taxes collected after first deducting the costs of collection, an amount equal to 33 percent of all taxes collected after first deducting the costs of collection, minus the amounts deposited pursuant to subsection (1), shall be deposited into the Land Acquisition Trust Fund.

(3) Amounts on deposit in the Land Acquisition Trust Fund shall be used in the following order:

(a) Payment of debt service or funding of debt service reserve funds, rebate obligations, or other amounts payable with respect to Florida Forever bonds issued pursuant to s. 215.618. The amount used for such purposes may not exceed \$300 million in each fiscal year. It is the intent of the Legislature that all bonds issued to fund the Florida Forever Act be retired by December 31, 2040. Except for bonds issued to refund previously issued bonds, no series of bonds may be issued pursuant to this paragraph unless such bonds are approved and the debt service for the remainder of the fiscal year in which the bonds are issued is specifically appropriated in the General Appropriations Act or other law with respect to bonds issued for the purposes of s. 373.4598.

(b) Payment of debt service or funding of debt service reserve funds, rebate obligations, or other amounts due with respect to Everglades

restoration bonds issued pursuant to s. 215.619. Taxes distributed under paragraph (a) and this paragraph must be collectively distributed on a pro rata basis when the available moneys under this subsection are not sufficient to cover the amounts required under paragraph (a) and this paragraph.

Bonds issued pursuant to s. 215.618 or s. 215.619 are equally and ratably secured by moneys distributable to the Land Acquisition Trust Fund.

(4) After the required distributions to the Land Acquisition Trust Fund pursuant to subsections (1) and (2), the lesser of 8 percent of the remainder or \$150 million in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be expended pursuant to s. 420.50871. If 8 percent of the remainder is greater than \$150 million in any fiscal year, the difference between 8 percent of the remainder and \$150 million shall be paid into the State Treasury to the credit of the General Revenue Fund. ~~and deduction of the service charge imposed pursuant to s. 215.20(1),~~ The remainder shall be distributed as follows:

(a) The lesser of 20.5453 percent of the remainder or \$466.75 million in each fiscal year shall be paid into the State Treasury to the credit of the State Transportation Trust Fund. Notwithstanding any other law, the amount credited to the State Transportation Trust Fund shall be used for:

1. Capital funding for the New Starts Transit Program, authorized by Title 49, U.S.C. s. 5309 and specified in s. 341.051, in the amount of 10 percent of the funds;

2. The Small County Outreach Program specified in s. 339.2818, in the amount of 10 percent of the funds;

3. The Strategic Intermodal System specified in ss. 339.61, 339.62, 339.63, and 339.64, in the amount of 75 percent of the funds after deduction of the payments required pursuant to subparagraphs 1. and 2.; and

4. The Transportation Regional Incentive Program specified in s. 339.2819, in the amount of 25 percent of the funds after deduction of the payments required pursuant to subparagraphs 1. and 2. The first \$60 million of the funds allocated pursuant to this subparagraph shall be allocated annually to the Florida Rail Enterprise for the purposes established in s. 341.303(5).

(b) The lesser of 0.1456 percent of the remainder or \$3.25 million in each fiscal year shall be paid into the State Treasury to the credit of the Grants and Donations Trust Fund in the Department of Economic Opportunity to fund technical assistance to local governments.

Moneys distributed pursuant to paragraphs (a) and (b) may not be pledged for debt service unless such pledge is approved by referendum of the voters.

(c) An amount equaling 4.5 percent of the remainder in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund. The funds shall be used as follows:

1. Half of that amount shall be used for the purposes for which the State Housing Trust Fund was created and exists by law.

2. Half of that amount shall be paid into the State Treasury to the credit of the Local Government Housing Trust Fund and used for the purposes for which the Local Government Housing Trust Fund was created and exists by law.

(d) An amount equaling 5.20254 percent of the remainder in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund. Of such funds:

1. Twelve and one-half percent of that amount shall be deposited into the State Housing Trust Fund and expended by the Department of Economic Opportunity and the Florida Housing Finance Corporation for the purposes for which the State Housing Trust Fund was created and exists by law.

2. Eighty-seven and one-half percent of that amount shall be distributed to the Local Government Housing Trust Fund and used for the purposes for which the Local Government Housing Trust Fund was created and exists by law. Funds from this category may also be used to provide for state and local services to assist the homeless.

(e) The lesser of 0.017 percent of the remainder or \$300,000 in each fiscal year shall be paid into the State Treasury to the credit of the General Inspection Trust Fund to be used to fund oyster management and restoration programs as provided in s. 379.362(3).

(f) A total of \$75 million shall be paid into the State Treasury to the credit of the State Economic Enhancement and Development Trust Fund within the Department of Economic Opportunity.

(g) An amount equaling 5.4175 percent of the remainder shall be paid into the Resilient Florida Trust Fund to be used for the purposes for which the Resilient Florida Trust Fund was created and exists by law. Funds may be used for planning and project grants.

(h) An amount equaling 5.4175 percent of the remainder shall be paid into the Water Protection and Sustainability Program Trust Fund to be used to fund wastewater grants as specified in s. 403.0673.

(5) Notwithstanding s. 215.32(2)(b)4.a., funds distributed to the State Housing Trust Fund and expended pursuant to s. 420.50871 and funds distributed to the State Housing Trust Fund and the Local Government Housing Trust Fund pursuant to ~~paragraphs (4)(c) and (d)~~ paragraph (4)(e) may not be transferred to the General Revenue Fund in the General Appropriations Act.

(6) After the distributions provided in the preceding subsections, any remaining taxes shall be paid into the State Treasury to the credit of the General Revenue Fund.

Section 11. The amendments made by this act to s. 201.15, Florida Statutes, expire on July 1, 2033, and the text of that section shall revert to that in existence on June 30, 2023, except that any amendments to such text enacted other than by this act must be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of the text which expire pursuant to this section.

Section 12. Paragraph (p) of subsection (5) of section 212.08, Florida Statutes, is amended, and paragraph (v) is added to that subsection, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(p) *Community contribution tax credit for donations.*—

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

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

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

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

d. All proposals for the granting of the tax credit require the prior approval of the Department of Economic Opportunity.

e. The total amount of tax credits which may be granted for all programs approved under this paragraph and ss. 220.183 and 624.5105 is ~~\$25~~ \$14.5

million in the 2023-2024 ~~2022-2023~~ fiscal year and in each fiscal year thereafter for projects that provide housing opportunities for persons with special needs or homeownership opportunities for low-income households or very-low-income households and \$4.5 million in the 2022-2023 fiscal year and in each fiscal year thereafter for all other projects. As used in this paragraph, the term “person with special needs” has the same meaning as in s. 420.0004 and the terms “low-income person,” “low-income household,” “very-low-income person,” and “very-low-income household” have the same meanings as in s. 420.9071.

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

2. Eligibility requirements.—

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

(I) Cash or other liquid assets;

(II) Real property, including 100 percent ownership of a real property holding company;

(III) Goods or inventory; or

(IV) Other physical resources identified by the Department of Economic Opportunity.

For purposes of this sub-subparagraph, the term “real property holding company” means a Florida entity, such as a Florida limited liability company, that is wholly owned by the person; is the sole owner of real property, as defined in s. 192.001(12), located in this ~~the~~ state; is disregarded as an entity for federal income tax purposes pursuant to 26 C.F.R. s. 301.7701-3(b)(1)(ii); and at the time of contribution to an eligible sponsor, has no material assets other than the real property and any other property that qualifies as a community contribution.

b. All community contributions must be reserved exclusively for use in a project. As used in this sub-subparagraph, the term “project” means activity undertaken by an eligible sponsor which is designed to construct, improve, or substantially rehabilitate housing that is affordable to low-income households or very-low-income households; designed to provide housing opportunities for persons with special needs; designed to provide commercial, industrial, or public resources and facilities; or designed to improve entrepreneurial and job-development opportunities for low-income persons. A project may be the investment necessary to increase access to high-speed broadband capability in a rural community that had an enterprise zone designated pursuant to chapter 290 as of May 1, 2015, including projects that result in improvements to communications assets that are owned by a business. A project may include the provision of museum educational programs and materials that are directly related to a project approved

between January 1, 1996, and December 31, 1999, and located in an area which was in an enterprise zone designated pursuant to s. 290.0065 as of May 1, 2015. This paragraph does not preclude projects that propose to construct or rehabilitate housing for low-income households or very-low-income households on scattered sites or housing opportunities for persons with special needs. With respect to housing, contributions may be used to pay the following eligible special needs, low-income, and very-low-income housing-related activities:

(I) Project development impact and management fees for special needs, low-income, or very-low-income housing projects;

(II) Down payment and closing costs for persons with special needs, low-income persons, and very-low-income persons;

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

(IV) Removal of liens recorded against residential property by municipal, county, or special district local governments if satisfaction of the lien is a necessary precedent to the transfer of the property to a low-income person or very-low-income person for the purpose of promoting home ownership. Contributions for lien removal must be received from a nonrelated third party.

c. The project must be undertaken by an “eligible sponsor,” which includes:

(I) A community action program;

(II) A nonprofit community-based development organization whose mission is the provision of housing for persons with special needs, low-income households, or very-low-income households or increasing entrepreneurial and job-development opportunities for low-income persons;

(III) A neighborhood housing services corporation;

(IV) A local housing authority created under chapter 421;

(V) A community redevelopment agency created under s. 163.356;

(VI) A historic preservation district agency or organization;

(VII) A local workforce development board;

(VIII) A direct-support organization as provided in s. 1009.983;

(IX) An enterprise zone development agency created under s. 290.0056;

(X) A community-based organization incorporated under chapter 617 which is recognized as educational, charitable, or scientific pursuant to s.

501(c)(3) of the Internal Revenue Code and whose bylaws and articles of incorporation include affordable housing, economic development, or community development as the primary mission of the corporation;

(XI) Units of local government;

(XII) Units of state government; or

(XIII) Any other agency that the Department of Economic Opportunity designates by rule.

A contributing person may not have a financial interest in the eligible sponsor.

d. The project must be located in an area which was in an enterprise zone designated pursuant to chapter 290 as of May 1, 2015, or a Front Porch Florida Community, unless the project increases access to high-speed broadband capability in a rural community that had an enterprise zone designated pursuant to chapter 290 as of May 1, 2015, but is physically located outside the designated rural zone boundaries. Any project designed to construct or rehabilitate housing for low-income households or very-low-income households or housing opportunities for persons with special needs is exempt from the area requirement of this sub-subparagraph.

e.(I) If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide housing opportunities for persons with special needs or homeownership opportunities for low-income households or very-low-income households are received for less than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant tax credits for those applications and grant remaining tax credits on a first-come, first-served basis for subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide housing opportunities for persons with special needs or homeownership opportunities for low-income households or very-low-income households are received for more than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant the tax credits for those applications as follows:

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

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

(II) If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide housing

opportunities for persons with special needs or homeownership opportunities for low-income households or very-low-income households are received for less than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide housing opportunities for persons with special needs or homeownership opportunities for low-income households or very-low-income households are received for more than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant the tax credits for those applications on a pro rata basis.

3. Application requirements.—

a. An eligible sponsor seeking to participate in this program must submit a proposal to the Department of Economic Opportunity which sets forth the name of the sponsor, a description of the project, and the area in which the project is located, together with such supporting information as is prescribed by rule. The proposal must also contain a resolution from the local governmental unit in which the project is located certifying that the project is consistent with local plans and regulations.

b. A person seeking to participate in this program must submit an application for tax credit to the Department of Economic Opportunity which sets forth the name of the sponsor; a description of the project; and the type, value, and purpose of the contribution. The sponsor shall verify, in writing, the terms of the application and indicate its receipt of the contribution, and such verification must accompany the application for tax credit. The person must submit a separate tax credit application to the Department of Economic Opportunity for each individual contribution that it makes to each individual project.

c. A person who has received notification from the Department of Economic Opportunity that a tax credit has been approved must apply to the department to receive the refund. Application must be made on the form prescribed for claiming refunds of sales and use taxes and be accompanied by a copy of the notification. A person may submit only one application for refund to the department within a 12-month period.

4. Administration.—

a. The Department of Economic Opportunity may adopt rules necessary to administer this paragraph, including rules for the approval or disapproval of proposals by a person.

b. The decision of the Department of Economic Opportunity must be in writing, and, if approved, the notification shall state the maximum credit

allowable to the person. Upon approval, the Department of Economic Opportunity shall transmit a copy of the decision to the department.

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

d. The Department of Economic Opportunity shall, in consultation with the statewide and regional housing and financial intermediaries, market the availability of the community contribution tax credit program to community-based organizations.

(v) *Building materials used in construction of affordable housing units.*

1. As used in this paragraph, the term:

a. "Affordable housing development" means property that has units subject to an agreement with the Florida Housing Finance Corporation pursuant to chapter 420 recorded in the official records of the county in which the property is located to provide affordable housing to natural persons or families meeting the extremely-low-income, very-low-income, or low-income limits specified in s. 420.0004.

b. "Building materials" means tangible personal property that becomes a component part of eligible residential units in an affordable housing development. The term includes appliances and does not include plants, landscaping, fencing, and hardscaping.

c. "Eligible residential units" means newly constructed units within an affordable housing development which are restricted under the land use restriction agreement.

d. "Newly constructed" means improvements to real property which did not previously exist or the construction of a new improvement where an old improvement was removed. The term does not include the renovation, restoration, rehabilitation, modification, alteration, or expansion of buildings already located on the parcel on which the eligible residential unit is built.

e. "Real property" has the same meaning as provided in s. 192.001(12).

f. "Substantially completed" has the same meaning as in s. 192.042(1).

2. Building materials used in eligible residential units are exempt from the tax imposed by this chapter if an owner demonstrates to the satisfaction of the department that the requirements of this paragraph have been met. Except as provided in subparagraph 3., this exemption inures to the owner at the time an eligible residential unit is substantially completed, but only through a refund of previously paid taxes. To receive a refund pursuant to this paragraph, the owner of the eligible residential units must file an

application with the department. The application must include all of the following:

- a. The name and address of the person claiming the refund.
- b. An address and assessment roll parcel number of the real property that was improved for which a refund of previously paid taxes is being sought.
- c. A description of the eligible residential units for which a refund of previously paid taxes is being sought, including the number of such units.
- d. A copy of a valid building permit issued by the county or municipal building department for the eligible residential units.
- e. A sworn statement, under penalty of perjury, from the general contractor licensed in this state with whom the owner contracted to build the eligible residential units which specifies the building materials, the actual cost of the building materials, and the amount of sales tax paid in this state on the building materials, and which states that the improvement to the real property was newly constructed. If a general contractor was not used, the owner must make the sworn statement required by this sub-subparagraph. Copies of the invoices evidencing the actual cost of the building materials and the amount of sales tax paid on such building materials must be attached to the sworn statement provided by the general contractor or by the owner. If copies of such invoices are not attached, the cost of the building materials is deemed to be an amount equal to 40 percent of the increase in the final assessed value of the eligible residential units for ad valorem tax purposes less the most recent assessed value of land for the units.
- f. A certification by the local building code inspector that the eligible residential unit is substantially completed.
- g. A copy of the land use restriction agreement with the Florida Housing Finance Corporation for the eligible residential units.

3. The exemption under this paragraph inures to a municipality, county, other governmental unit or agency, or nonprofit community-based organization through a refund of previously paid taxes if the building materials are paid for from the funds of a community development block grant, the State Housing Initiatives Partnership Program, or a similar grant or loan program. To receive a refund, a municipality, county, other governmental unit or agency, or nonprofit community-based organization must submit an application that includes the same information required under subparagraph 2. In addition, the applicant must include a sworn statement signed by the chief executive officer of the municipality, county, other governmental unit or agency, or nonprofit community-based organization seeking a refund which states that the building materials for which a refund is sought were

funded by a community development block grant, the State Housing Initiatives Partnership Program, or a similar grant or loan program.

4. The person seeking a refund must submit an application for refund to the department within 6 months after the eligible residential unit is deemed to be substantially completed by the local building code inspector or by November 1 after the improved property is first subject to assessment.

5. Only one exemption through a refund of previously paid taxes may be claimed for any eligible residential unit. A refund may not be granted unless the amount to be refunded exceeds \$500. A refund may not exceed the lesser of \$5,000 or 97.5 percent of the Florida sales or use tax paid on the cost of building materials as determined pursuant to sub-subparagraph 2.e. The department shall issue a refund within 30 days after it formally approves a refund application.

6. The department may adopt rules governing the manner and format of refund applications and may establish guidelines as to the requisites for an affirmative showing of qualification for exemption under this paragraph.

7. This exemption under this paragraph applies to sales of building materials that occur on or after July 1, 2023.

Section 13. Subsection (24) is added to section 213.053, Florida Statutes, to read:

213.053 Confidentiality and information sharing.—

(24) The department may make available to the Florida Housing Finance Corporation, exclusively for official purposes, information for the purpose of administering the Live Local Program pursuant to s. 420.50872.

Section 14. Section 215.212, Florida Statutes, is created to read:

215.212 Service charge elimination.—

(1) Notwithstanding s. 215.20(1), the service charge provided in s. 215.20(1) may not be deducted from the proceeds of the taxes distributed under s. 201.15.

(2) This section is repealed July 1, 2033.

Section 15. Paragraph (i) of subsection (1) of section 215.22, Florida Statutes, is amended to read:

215.22 Certain income and certain trust funds exempt.—

(1) The following income of a revenue nature or the following trust funds shall be exempt from the appropriation required by s. 215.20(1):

(i) Bond proceeds or revenues dedicated for bond repayment, ~~except for the Documentary Stamp Clearing Trust Fund administered by the Department of Revenue.~~

Section 16. The amendment made by this act to s. 215.22, Florida Statutes, expires on July 1, 2033, and the text of that section shall revert to that in existence on June 30, 2023, except that any amendments to such text enacted other than by this act must be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of the text which expire pursuant to this section.

Section 17. Subsection (8) of section 220.02, Florida Statutes, is amended to read:

220.02 Legislative intent.—

(8) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 631.828, those enumerated in s. 220.191, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.1895, those enumerated in s. 220.195, those enumerated in s. 220.184, those enumerated in s. 220.186, those enumerated in s. 220.1845, those enumerated in s. 220.19, those enumerated in s. 220.185, those enumerated in s. 220.1875, those enumerated in s. 220.1876, those enumerated in s. 220.1877, those enumerated in s. 220.1878, those enumerated in s. 220.193, those enumerated in s. 288.9916, those enumerated in s. 220.1899, those enumerated in s. 220.194, those enumerated in s. 220.196, those enumerated in s. 220.198, and those enumerated in s. 220.1915.

Section 18. Paragraph (a) of subsection (1) of section 220.13, Florida Statutes, is amended to read:

220.13 “Adjusted federal income” defined.—

(1) The term “adjusted federal income” means an amount equal to the taxpayer’s taxable income as defined in subsection (2), or such taxable income of more than one taxpayer as provided in s. 220.131, for the taxable year, adjusted as follows:

(a) *Additions.*—There shall be added to such taxable income:

1.a. The amount of any tax upon or measured by income, excluding taxes based on gross receipts or revenues, paid or accrued as a liability to the District of Columbia or any state of the United States which is deductible from gross income in the computation of taxable income for the taxable year.

b. Notwithstanding sub-subparagraph a., if a credit taken under s. 220.1875, s. 220.1876, ~~or s. 220.1877~~, or s. 220.1878 is added to taxable income in a previous taxable year under subparagraph 11. and is taken as a deduction for federal tax purposes in the current taxable year, the amount of

the deduction allowed shall not be added to taxable income in the current year. The exception in this sub-subparagraph is intended to ensure that the credit under s. 220.1875, s. 220.1876, ~~or~~ s. 220.1877, or s. 220.1878 is added in the applicable taxable year and does not result in a duplicate addition in a subsequent year.

2. The amount of interest which is excluded from taxable income under s. 103(a) of the Internal Revenue Code or any other federal law, less the associated expenses disallowed in the computation of taxable income under s. 265 of the Internal Revenue Code or any other law, excluding 60 percent of any amounts included in alternative minimum taxable income, as defined in s. 55(b)(2) of the Internal Revenue Code, if the taxpayer pays tax under s. 220.11(3).

3. In the case of a regulated investment company or real estate investment trust, an amount equal to the excess of the net long-term capital gain for the taxable year over the amount of the capital gain dividends attributable to the taxable year.

4. That portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.181. This subparagraph shall expire on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

5. That portion of the ad valorem school taxes paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.182. This subparagraph shall expire on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

6. The amount taken as a credit under s. 220.195 which is deductible from gross income in the computation of taxable income for the taxable year.

7. That portion of assessments to fund a guaranty association incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year.

8. In the case of a nonprofit corporation which holds a pari-mutuel permit and which is exempt from federal income tax as a farmers' cooperative, an amount equal to the excess of the gross income attributable to the pari-mutuel operations over the attributable expenses for the taxable year.

9. The amount taken as a credit for the taxable year under s. 220.1895.

10. Up to nine percent of the eligible basis of any designated project which is equal to the credit allowable for the taxable year under s. 220.185.

11. Any amount taken as a credit for the taxable year under s. 220.1875, s. 220.1876, ~~or~~ s. 220.1877, or s. 220.1878. The addition in this subparagraph is intended to ensure that the same amount is not allowed for the tax purposes of this state as both a deduction from income and a credit against

the tax. This addition is not intended to result in adding the same expense back to income more than once.

12. The amount taken as a credit for the taxable year under s. 220.193.

13. Any portion of a qualified investment, as defined in s. 288.9913, which is claimed as a deduction by the taxpayer and taken as a credit against income tax pursuant to s. 288.9916.

14. The costs to acquire a tax credit pursuant to s. 288.1254(5) that are deducted from or otherwise reduce federal taxable income for the taxable year.

15. The amount taken as a credit for the taxable year pursuant to s. 220.194.

16. The amount taken as a credit for the taxable year under s. 220.196. The addition in this subparagraph is intended to ensure that the same amount is not allowed for the tax purposes of this state as both a deduction from income and a credit against the tax. The addition is not intended to result in adding the same expense back to income more than once.

17. The amount taken as a credit for the taxable year pursuant to s. 220.198.

18. The amount taken as a credit for the taxable year pursuant to s. 220.1915.

Section 19. Paragraph (c) of subsection (1) of section 220.183, Florida Statutes, is amended to read:

220.183 Community contribution tax credit.—

(1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM SPENDING.—

(c) The total amount of tax credit which may be granted for all programs approved under this section and ss. 212.08(5)(p) and 624.5105 is ~~\$25~~ \$14.5 million in the 2023-2024 ~~2022-2023~~ fiscal year and in each fiscal year thereafter for projects that provide housing opportunities for persons with special needs as defined in s. 420.0004 and homeownership opportunities for low-income households or very-low-income households as defined in s. 420.9071 and \$4.5 million in the 2022-2023 fiscal year and in each fiscal year thereafter for all other projects.

Section 20. Subsection (2) of section 220.186, Florida Statutes, is amended to read:

220.186 Credit for Florida alternative minimum tax.—

(2) The credit pursuant to this section shall be the amount of the excess, if any, of the tax paid based upon taxable income determined pursuant to s. 220.13(2)(k) over the amount of tax which would have been due based upon taxable income without application of s. 220.13(2)(k), before application of this credit without application of any credit under s. 220.1875, s. 220.1876, ~~or s. 220.1877, or s. 220.1878.~~

Section 21. Section 220.1878, Florida Statutes, is created to read:

220.1878 Credit for contributions to the Live Local Program.—

(1) For taxable years beginning on or after January 1, 2023, there is allowed a credit of 100 percent of an eligible contribution made to the Live Local Program under s. 420.50872 against any tax due for a taxable year under this chapter after the application of any other allowable credits by the taxpayer. An eligible contribution must be made to the Live Local Program on or before the date the taxpayer is required to file a return pursuant to s. 220.222. The credit granted by this section must be reduced by the difference between the amount of federal corporate income tax, taking into account the credit granted by this section, and the amount of federal corporate income tax without application of the credit granted by this section.

(2) A taxpayer who files a Florida consolidated return as a member of an affiliated group pursuant to s. 220.131(1) may be allowed the credit on a consolidated return basis; however, the total credit taken by the affiliated group is subject to the limitation established under subsection (1).

(3) Section 420.50872 applies to the credit authorized by this section.

(4) If a taxpayer applies and is approved for a credit under s. 420.50872 after timely requesting an extension to file under s. 220.222(2):

(a) The credit does not reduce the amount of tax due for purposes of the department's determination as to whether the taxpayer was in compliance with the requirement to pay tentative taxes under ss. 220.222 and 220.32.

(b) The taxpayer's noncompliance with the requirement to pay tentative taxes shall result in the revocation and rescindment of any such credit.

(c) The taxpayer shall be assessed for any taxes, penalties, or interest due from the taxpayer's noncompliance with the requirement to pay tentative taxes.

Section 22. Paragraph (c) of subsection (2) of section 220.222, Florida Statutes, is amended to read:

220.222 Returns; time and place for filing.—

(2)

(c)1. For purposes of this subsection, a taxpayer is not in compliance with s. 220.32 if the taxpayer underpays the required payment by more than the greater of \$2,000 or 30 percent of the tax shown on the return when filed.

2. For the purpose of determining compliance with s. 220.32 as referenced in subparagraph 1., the tax shown on the return when filed must include the amount of the allowable credits taken on the return pursuant to s. 220.1878.

Section 23. Subsection (5) of section 253.034, Florida Statutes, is amended to read:

253.034 State-owned lands; uses.—

(5) Each manager of conservation lands shall submit to the Division of State Lands a land management plan at least every 10 years in a form and manner adopted by rule of the board of trustees and in accordance with s. 259.032. Each manager of conservation lands shall also update a land management plan whenever the manager proposes to add new facilities or make substantive land use or management changes that were not addressed in the approved plan, or within 1 year after the addition of significant new lands. Each manager of nonconservation lands shall submit to the Division of State Lands a land use plan at least every 10 years in a form and manner adopted by rule of the board of trustees. The division shall review each plan for compliance with the requirements of this subsection and the requirements of the rules adopted by the board of trustees pursuant to this section. All nonconservation land use plans, whether for single-use or multiple-use properties, shall be managed to provide the greatest benefit to the state. Plans for managed areas larger than 1,000 acres shall contain an analysis of the multiple-use potential of the property which includes the potential of the property to generate revenues to enhance the management of the property. In addition, the plan shall contain an analysis of the potential use of private land managers to facilitate the restoration or management of these lands and whether nonconservation lands would be more appropriately transferred to the county or municipality in which the land is located for the purpose of providing affordable multifamily rental housing that meets the criteria of s. 420.0004(3). If a newly acquired property has a valid conservation plan that was developed by a soil and conservation district, such plan shall be used to guide management of the property until a formal land use plan is completed.

(a) State conservation lands shall be managed to ensure the conservation of this ~~the~~ state's plant and animal species and to ensure the accessibility of state lands for the benefit and enjoyment of all people of this ~~the~~ state, both present and future. Each land management plan for state conservation lands shall provide a desired outcome, describe both short-term and long-term management goals, and include measurable objectives to achieve those goals. Short-term goals shall be achievable within a 2-year planning period, and long-term goals shall be achievable within a 10-year

planning period. These short-term and long-term management goals shall be the basis for all subsequent land management activities.

(b) Short-term and long-term management goals for state conservation lands shall include measurable objectives for the following, as appropriate:

1. Habitat restoration and improvement.
2. Public access and recreational opportunities.
3. Hydrological preservation and restoration.
4. Sustainable forest management.
5. Exotic and invasive species maintenance and control.
6. Capital facilities and infrastructure.
7. Cultural and historical resources.
8. Imperiled species habitat maintenance, enhancement, restoration, or population restoration.

(c) The land management plan shall, at a minimum, contain the following elements:

1. A physical description of the land.
2. A quantitative data description of the land which includes an inventory of forest and other natural resources; exotic and invasive plants; hydrological features; infrastructure, including recreational facilities; and other significant land, cultural, or historical features. The inventory shall reflect the number of acres for each resource and feature, when appropriate. The inventory shall be of such detail that objective measures and benchmarks can be established for each tract of land and monitored during the lifetime of the plan. All quantitative data collected shall be aggregated, standardized, collected, and presented in an electronic format to allow for uniform management reporting and analysis. The information collected by the Department of Environmental Protection pursuant to s. 253.0325(2) shall be available to the land manager and his or her assignee.
3. A detailed description of each short-term and long-term land management goal, the associated measurable objectives, and the related activities that are to be performed to meet the land management objectives. Each land management objective must be addressed by the land management plan, and if practicable, a land management objective may not be performed to the detriment of the other land management objectives.
4. A schedule of land management activities which contains short-term and long-term land management goals and the related measurable objective and activities. The schedule shall include for each activity a timeline for completion, quantitative measures, and detailed expense and manpower

budgets. The schedule shall provide a management tool that facilitates development of performance measures.

5. A summary budget for the scheduled land management activities of the land management plan. For state lands containing or anticipated to contain imperiled species habitat, the summary budget shall include any fees anticipated from public or private entities for projects to offset adverse impacts to imperiled species or such habitat, which fees shall be used solely to restore, manage, enhance, repopulate, or acquire imperiled species habitat. The summary budget shall be prepared in such manner that it facilitates computing an aggregate of land management costs for all state-managed lands using the categories described in s. 259.037(3).

(d) Upon completion, the land management plan must be transmitted to the Acquisition and Restoration Council for review. The council shall have 90 days after receipt of the plan to review the plan and submit its recommendations to the board of trustees. During the review period, the land management plan may be revised if agreed to by the primary land manager and the council taking into consideration public input. The land management plan becomes effective upon approval by the board of trustees.

(e) Land management plans are to be updated every 10 years on a rotating basis. Each updated land management plan must identify any conservation lands under the plan, in part or in whole, that are no longer needed for conservation purposes and could be disposed of in fee simple or with the state retaining a permanent conservation easement.

(f) In developing land management plans, at least one public hearing shall be held in any one affected county.

(g) The Division of State Lands shall make available to the public an electronic copy of each land management plan for parcels that exceed 160 acres in size. The division shall review each plan for compliance with the requirements of this subsection, the requirements of chapter 259, and the requirements of the rules adopted by the board of trustees pursuant to this section. The Acquisition and Restoration Council shall also consider the propriety of the recommendations of the managing entity with regard to the future use of the property, the protection of fragile or nonrenewable resources, the potential for alternative or multiple uses not recognized by the managing entity, and the possibility of disposal of the property by the board of trustees. After its review, the council shall submit the plan, along with its recommendations and comments, to the board of trustees. The council shall specifically recommend to the board of trustees whether to approve the plan as submitted, approve the plan with modifications, or reject the plan. If the council fails to make a recommendation for a land management plan, the Secretary of Environmental Protection, Commissioner of Agriculture, or executive director of the Fish and Wildlife Conservation Commission or their designees shall submit the land management plan to the board of trustees.

(h) The board of trustees shall consider the land management plan submitted by each entity and the recommendations of the Acquisition and Restoration Council and the Division of State Lands and shall approve the plan with or without modification or reject such plan. The use or possession of any such lands that is not in accordance with an approved land management plan is subject to termination by the board of trustees.

(i)1. State nonconservation lands shall be managed to provide the greatest benefit to the state. State nonconservation lands may be grouped by similar land use types under one land use plan. Each land use plan shall, at a minimum, contain the following elements:

a. A physical description of the land to include any significant natural or cultural resources as well as management strategies developed by the land manager to protect such resources.

b. A desired development outcome.

c. A schedule for achieving the desired development outcome.

d. A description of both short-term and long-term development goals.

e. A management and control plan for invasive nonnative plants.

f. A management and control plan for soil erosion and soil and water contamination.

g. Measureable objectives to achieve the goals identified in the land use plan.

2. Short-term goals shall be achievable within a 5-year planning period and long-term goals shall be achievable within a 10-year planning period.

3. The use or possession of any such lands that is not in accordance with an approved land use plan is subject to termination by the board of trustees.

4. Land use plans submitted by a manager shall include reference to appropriate statutory authority for such use or uses and shall conform to the appropriate policies and guidelines of the state land management plan.

Section 24. Subsection (1) of section 253.0341, Florida Statutes, is amended to read:

253.0341 Surplus of state-owned lands.—

(1) The board of trustees shall determine which lands, the title to which is vested in the board, may be surplus. For all conservation lands, the Acquisition and Restoration Council shall make a recommendation to the board of trustees, and the board of trustees shall determine whether the lands are no longer needed for conservation purposes. If the board of trustees determines the lands are no longer needed for conservation purposes, it may dispose of such lands by an affirmative vote of at least three members. In the

case of a land exchange involving the disposition of conservation lands, the board of trustees must determine by an affirmative vote of at least three members that the exchange will result in a net positive conservation benefit. For all nonconservation lands, the board of trustees shall determine whether the lands are no longer needed. If the board of trustees determines the lands are no longer needed, it may dispose of such lands by an affirmative vote of at least three members. Local government requests for the state to surplus conservation or nonconservation lands, whether for purchase, ~~or~~ exchange, or any other means of transfer, must shall be expedited throughout the surplus process. Property jointly acquired by the state and other entities may not be surplus without the consent of all joint owners.

Section 25. Subsection (2) of section 288.101, Florida Statutes, is amended to read:

288.101 Florida Job Growth Grant Fund.—

(2) The department and Enterprise Florida, Inc., may identify projects, solicit proposals, and make funding recommendations to the Governor, who is authorized to approve:

(a) State or local public infrastructure projects to promote:

- 1. Economic recovery in specific regions of this the state~~;~~;
- 2. Economic diversification~~;~~ or
- 3. Economic enhancement in a targeted industry.

(b) State or local public infrastructure projects to facilitate the development or construction of affordable housing. This paragraph is repealed July 1, 2033.

(c) Infrastructure funding to accelerate the rehabilitation of the Herbert Hoover Dike. The department or the South Florida Water Management District may enter into agreements, as necessary, with the United States Army Corps of Engineers to implement this paragraph.

(d)(e) Workforce training grants to support programs at state colleges and state technical centers that provide participants with transferable, sustainable workforce skills applicable to more than a single employer, and for equipment associated with these programs. The department shall work with CareerSource Florida, Inc., to ensure programs are offered to the public based on criteria established by the state college or state technical center and do not exclude applicants who are unemployed or underemployed.

Section 26. Section 420.0003, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 420.0003, F.S., for present text.)

420.0003 State housing strategy.—

(1) LEGISLATIVE INTENT.—It is the intent of this act to articulate a state housing strategy that will carry the state toward the goal of ensuring that each Floridian has safe, decent, and affordable housing. This strategy must involve state and local governments working in partnership with communities and the private sector and must involve financial, as well as regulatory, commitment to accomplish this goal.

(2) POLICIES.—

(a) *Housing production and rehabilitation programs.*—Programs to encourage housing production or rehabilitation must be guided by the following general policies, as appropriate for the purpose of the specific program:

1. State and local governments shall provide incentives to encourage the private sector to be the primary delivery vehicle for the development of affordable housing. When possible, state funds should be heavily leveraged to achieve the maximum federal, local, and private commitment of funds and be used to ensure long-term affordability. To the maximum extent possible, state funds should be expended to create new housing stock and be used for repayable loans rather than grants. Local incentives to stimulate private sector development of affordable housing may include establishment of density bonus incentives.

2. State and local governments should consider and implement innovative solutions to housing issues where appropriate. Innovative solutions include, but are not limited to:

a. Utilizing publicly held land to develop affordable housing through state or local land purchases, long-term land leasing, and school district affordable housing programs. To the maximum extent possible, state-owned lands that are appropriate for the development of affordable housing must be made available for that purpose.

b. Community-led planning that focuses on urban infill, flexible zoning, redevelopment of commercial property into mixed-use property, resiliency, and furthering development in areas with preexisting public services, such as wastewater, transit, and schools.

c. Project features that maximize efficiency in land and resource use, such as high density, high rise, and mixed use.

d. Mixed-income projects that facilitate more diverse and successful communities.

e. Modern housing concepts such as manufactured homes, tiny homes, 3D-printed homes, and accessory dwelling units.

3. State funds should be available only to local governments that provide incentives or financial assistance for housing. State funding for housing should not be made available to local governments whose comprehensive plans have been found not in compliance with chapter 163 and who have not entered into a stipulated settlement agreement with the department to bring the plans into compliance. State funds should be made available only for projects consistent with the local government's comprehensive plan.

4. Local governments are encouraged to enter into interlocal agreements, as appropriate, to coordinate strategies and maximize the use of state and local funds.

5. State-funded development should emphasize use of developed land, urban infill, and the transformation of existing infrastructure in order to minimize sprawl, separation of housing from employment, and effects of increased housing on ecological preservation areas. Housing available to the state's workforce should prioritize proximity to employment and services.

(b) *Public-private partnerships.*—Cost-effective public-private partnerships must emphasize production and preservation of affordable housing.

1. Data must be developed and maintained on the affordable housing activities of local governments, community-based organizations, and private developers.

2. The state shall assist local governments and community-based organizations by providing training and technical assistance.

3. In coordination with local activities and with federal initiatives, the state shall provide incentives for public sector and private sector development of affordable housing.

(c) *Preservation of housing stock.*—The existing stock of affordable housing must be preserved and improved through rehabilitation programs and expanded neighborhood revitalization efforts to promote suitable living environments for individuals and families.

(d) *Unique housing needs.*—The wide range of need for safe, decent, and affordable housing must be addressed, with an emphasis on assisting the neediest persons.

1. State housing programs must promote the self-sufficiency and economic dignity of the people of this state, including elderly persons and persons with disabilities.

2. The housing requirements of special needs populations must be addressed through programs that promote a range of housing options bolstering integration with the community.

3. All housing initiatives and programs must be nondiscriminatory.

4. The geographic distribution of resources must provide for the development of housing in rural and urban areas.

5. The important contribution of public housing to the well-being of citizens in need shall be acknowledged through efforts to continue and bolster existing programs. State and local government funds allocated to enhance public housing must be used to supplement, not supplant, federal support.

(3) IMPLEMENTATION.—The state, in carrying out the strategy articulated in this section, shall have the following duties:

(a) State fiscal resources must be directed to achieve the following programmatic objectives:

1. Effective technical assistance and capacity-building programs must be established at the state and local levels.

2. The Shimberg Center for Housing Studies at the University of Florida shall develop and maintain statewide data on housing needs and production, provide technical assistance relating to real estate development and finance, operate an information clearinghouse on housing programs, and coordinate state housing initiatives with local government and federal programs.

3. The corporation shall maintain a consumer-focused website for connecting tenants with affordable housing.

(b) The long-range program plan of the department must include specific goals, objectives, and strategies that implement the housing policies in this section.

(c) The Shimberg Center for Housing Studies at the University of Florida, in consultation with the department and the corporation, shall perform functions related to the research and planning for affordable housing. Functions must include quantifying affordable housing needs, documenting results of programs administered, and inventorying the supply of affordable housing units made available in this state. The recommendations required in this section and a report of any programmatic modifications made as a result of these policies must be included in the housing report required by s. 420.6075. The report must identify the needs of specific populations, including, but not limited to, elderly persons, persons with disabilities, and persons with special needs, and may recommend statutory modifications when appropriate.

(d) The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall evaluate affordable housing issues pursuant to the schedule set forth in this paragraph. OPPAGA may coordinate with and rely upon the expertise and research activities of the Shimberg Center for Housing Studies in conducting the evaluations. The analysis may include relevant reports prepared by the Shimberg Center for Housing Studies, the department, the corporation, and the provider of the Affordable Housing

Catalyst Program; interviews with the agencies, providers, offices, developers, and other organizations related to the development and provision of affordable housing at the state and local levels; and any other relevant data. When appropriate, each report must recommend policy and statutory modifications for consideration by the Legislature. Each report must be submitted to the President of the Senate and the Speaker of the House of Representatives pursuant to the schedule. OPPAGA shall review and evaluate:

1. By December 15, 2023, and every 5 years thereafter, innovative affordable housing strategies implemented by other states, their effectiveness, and their potential for implementation in this state.

2. By December 15, 2024, and every 5 years thereafter, affordable housing policies enacted by local governments, their effectiveness, and which policies constitute best practices for replication across this state. The report must include a review and evaluation of the extent to which interlocal cooperation is used, effective, or hampered.

3. By December 15, 2025, and every 5 years thereafter, existing state-level housing rehabilitation, production, preservation, and finance programs to determine their consistency with relevant policies in this section and effectiveness in providing affordable housing. The report must also include an evaluation of the degree of coordination between housing programs of this state, and between state, federal, and local housing activities, and shall recommend improved program linkages when appropriate.

(e) The department and the corporation should conform the administrative rules for each housing program to the policies stated in this section, provided that such changes in the rules are consistent with the statutory intent or requirements for the program. This authority applies only to programs offering loans, grants, or tax credits and only to the extent that state policies are consistent with applicable federal requirements.

Section 27. Subsection (36) of section 420.503, Florida Statutes, is amended to read:

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

(36) “Qualified contract” has the same meaning as in 26 U.S.C. s. 42(h)(6)(F) in effect on the date of the preliminary determination certificate for the low-income housing tax credits for the development that is the subject of the qualified contract request, unless the Internal Revenue Code requires a different statute or regulation to apply to the development. The corporation shall deem a bona fide contract to be a qualified contract at the time the bona fide contract is presented to the owner and the initial second-earnest money deposit is deposited in escrow in accordance with the terms of the bona fide contract, and, in such event, the corporation is deemed to have fulfilled its responsibility to present the owner with a qualified contract.

Section 28. Subsection (3) and paragraph (a) of subsection (4) of section 420.504, Florida Statutes, are amended to read:

420.504 Public corporation; creation, membership, terms, expenses.—

(3) The corporation is a separate budget entity and is not subject to control, supervision, or direction by the department of ~~Economic Opportunity~~ in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters. The corporation shall consist of a board of directors composed of the Secretary of Economic Opportunity as an ex officio and voting member, or a senior-level agency employee designated by the secretary, one member appointed by the President of the Senate, one member appointed by the Speaker of the House of Representatives, and eight members appointed by the Governor subject to confirmation by the Senate from the following:

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

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

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

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

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

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

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

(4)(a) Members of the corporation shall be appointed for terms of 4 years, except that any vacancy shall be filled for the unexpired term. Vacancies on the board shall be filled by appointment by the Governor, the President of the Senate, or the Speaker of the House of Representatives, respectively, depending on who appointed the member whose vacancy is to be filled or whose term has expired.

Section 29. Subsection (30) of section 420.507, Florida Statutes, is amended to read:

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

(30) To prepare and submit to the Secretary of Economic Opportunity a budget request for purposes of the corporation, which request must shall, notwithstanding the provisions of chapter 216 and in accordance with s. 216.351, contain a request for operational expenditures and separate requests for other authorized corporation programs. The request must include, for informational purposes, the amount of state funds necessary to use all federal housing funds anticipated to be received by, or allocated to, the state in the fiscal year in order to maximize the production of new, affordable multifamily housing units in this state. The request need not contain information on the number of employees, salaries, or any classification thereof, and the approved operating budget therefor need not comply with s. 216.181(8)-(10). The secretary may include within the department's budget request the corporation's budget request in the form as authorized by this section.

Section 30. The amendment made by this act to s. 420.507(30), Florida Statutes, expires July 1, 2033, and the text of that subsection shall revert to that in existence on June 30, 2023, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

Section 31. Subsection (10) of section 420.5087, Florida Statutes, is amended to read:

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

(10) The corporation may prioritize a portion of the program funds set aside under paragraph (3)(d) for persons with special needs as defined in s. 420.0004(13) to provide funding for the development of newly constructed permanent rental housing ~~on a campus~~ that provides housing for persons in foster care or persons aging out of foster care pursuant to s. 409.1451. Such housing shall promote and facilitate access to community-based supportive, educational, and employment services and resources that assist persons aging out of foster care to successfully transition to independent living and adulthood. The corporation must consult with the Department of Children and Families to create minimum criteria for such housing.

Section 32. Section 420.50871, Florida Statutes, is created to read:

420.50871 Allocation of increased revenues derived from amendments to s. 201.15 made by this act.—Funds that result from increased revenues to the State Housing Trust Fund derived from amendments made to s. 201.15 made by this act must be used annually for projects under the State Apartment Incentive Loan Program under s. 420.5087 as set forth in this section, notwithstanding ss. 420.507(48) and (50) and 420.5087(1) and (3).

The Legislature intends for these funds to provide for innovative projects that provide affordable and attainable housing for persons and families working, going to school, or living in this state. Projects approved under this section are intended to provide housing that is affordable as defined in s. 420.0004, notwithstanding the income limitations in s. 420.5087(2). Beginning in the 2023-2024 fiscal year and annually for 10 years thereafter:

(1) The corporation shall allocate 70 percent of the funds provided by this section to issue competitive requests for application for the affordable housing project purposes specified in this subsection. The corporation shall finance projects that:

(a) Both redevelop an existing affordable housing development and provide for the construction of a new development within close proximity to the existing development to be rehabilitated. Each project must provide for building the new affordable housing development first, relocating the tenants of the existing development to the new development, and then demolishing the existing development for reconstruction of an affordable housing development with more overall and affordable units.

(b) Address urban infill, including conversions of vacant, dilapidated, or functionally obsolete buildings or the use of underused commercial property.

(c) Provide for mixed use of the location, incorporating nonresidential uses, such as retail, office, institutional, or other appropriate commercial or nonresidential uses.

(d) Provide housing near military installations in this state, with preference given to projects that incorporate critical services for service-members, their families, and veterans, such as mental health treatment services, employment services, and assistance with transition from active-duty service to civilian life.

(2) From the remaining funds, the corporation shall allocate the funds to issue competitive requests for application for any of the following affordable housing purposes specified in this subsection. The corporation shall finance projects that:

(a) Propose using or leasing public lands. Projects that propose to use or lease public lands must include a resolution or other agreement with the unit of government owning the land to use the land for affordable housing purposes.

(b) Address the needs of young adults who age out of the foster care system.

(c) Meet the needs of elderly persons.

(d) Provide housing to meet the needs in areas of rural opportunity, designated pursuant to s. 288.0656.

(3) Under any request for application under this section, the corporation shall coordinate with the appropriate state department or agency and prioritize projects that provide for mixed-income developments.

(4) This section does not prohibit the corporation from allocating additional funds to the purposes described in this section. In any fiscal year, if the funds allocated by the corporation to any request for application under subsections (1) and (2) are not fully used after the application and award processes are complete, the corporation may use those funds to supplement any future request for application under this section.

(5) This section is repealed June 30, 2033.

Section 33. The Division of Law Revision is directed to replace the phrase “this act” wherever it occurs in s. 420.50871, Florida Statutes, as created by this act, with the assigned chapter number of this act.

Section 34. Section 420.50872, Florida Statutes, is created to read:

420.50872 Live Local Program.—

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

(a) “Annual tax credit amount” means, for any state fiscal year, the sum of the amount of tax credits approved under paragraph (3)(a), including tax credits to be taken under s. 220.1878 or s. 624.51058, which are approved for taxpayers whose taxable years begin on or after January 1 of the calendar year preceding the start of the applicable state fiscal year.

(b) “Eligible contribution” means a monetary contribution from a taxpayer, subject to the restrictions provided in this section, to the corporation for use in the State Apartment Incentive Loan Program under s. 420.5087. The taxpayer making the contribution may not designate a specific project, property, or geographic area of this state as the beneficiary of the eligible contribution.

(c) “Live Local Program” means the program described in this section whereby eligible contributions are made to the corporation.

(d) “Tax credit cap amount” means the maximum annual tax credit amount that the Department of Revenue may approve for a state fiscal year.

(2) RESPONSIBILITIES OF THE CORPORATION.—The corporation shall:

(a) Expend 100 percent of eligible contributions received under this section for the State Apartment Incentive Loan Program under s. 420.5087. However, the corporation may use up to \$25 million of eligible contributions to provide loans for the construction of large-scale projects of significant regional impact. Such projects must include a substantial civic, educational, or health care use and may include a commercial use, any of which must be

incorporated within or contiguous to the project property. Such a loan must be made, except as otherwise provided in this subsection, in accordance with the practices and policies of the State Apartment Incentive Loan Program. Such a loan is subject to the competitive application process and may not exceed 25 percent of the total project cost. The corporation must find that the loan provides a unique opportunity for investment alongside local government participation that would enable creation of a significant amount of affordable housing. Projects approved under this section are intended to provide housing that is affordable as defined in s. 420.0004, notwithstanding the income limitations in s. 420.5087(2).

(b) Upon receipt of an eligible contribution, provide the taxpayer that made the contribution with a certificate of contribution. A certificate of contribution must include the taxpayer's name; its federal employer identification number, if available; the amount contributed; and the date of contribution.

(c) Within 10 days after issuing a certificate of contribution, provide a copy to the Department of Revenue.

(3) LIVE LOCAL TAX CREDITS; APPLICATIONS, TRANSFERS, AND LIMITATIONS.—

(a) Beginning in the 2023-2024 fiscal year, the tax credit cap amount is \$100 million in each state fiscal year.

(b) Beginning October 1, 2023, a taxpayer may submit an application to the Department of Revenue for an allocation of the tax credit cap for tax credits to be taken under either or both of s. 220.1878 or s. 624.51058.

1. The taxpayer shall specify in the application each tax for which the taxpayer requests a credit and the applicable taxable year. For purposes of s. 220.1878, a taxpayer may apply for a credit to be used for a prior taxable year before the date the taxpayer is required to file a return for that year pursuant to s. 220.222. For purposes of s. 624.51058, a taxpayer may apply for a credit to be used for a prior taxable year before the date the taxpayer is required to file a return for that prior taxable year pursuant to ss. 624.509 and 624.5092. The Department of Revenue shall approve tax credits on a first-come, first-served basis.

2. Within 10 days after approving or denying an application, the Department of Revenue shall provide a copy of its approval or denial letter to the corporation.

(c) If a tax credit approved under paragraph (b) is not fully used for the specified taxable year for credits under s. 220.1878 or s. 624.51058 because of insufficient tax liability on the part of the taxpayer, the unused amount may be carried forward for a period not to exceed 10 taxable years. For purposes of s. 220.1878, a credit carried forward may be used in a subsequent year

after applying the other credits and unused carryovers in the order provided in s. 220.02(8).

(d) A taxpayer may not convey, transfer, or assign an approved tax credit or a carryforward tax credit to another entity unless all of the assets of the taxpayer are conveyed, assigned, or transferred in the same transaction. However, a tax credit under s. 220.1878 or s. 624.51058 may be conveyed, transferred, or assigned between members of an affiliated group of corporations if the type of tax credit under s. 220.1878 or s. 624.51058 remains the same. A taxpayer shall notify the Department of Revenue of its intent to convey, transfer, or assign a tax credit to another member within an affiliated group of corporations. The amount conveyed, transferred, or assigned is available to another member of the affiliated group of corporations upon approval by the Department of Revenue.

(e) Within any state fiscal year, a taxpayer may rescind all or part of a tax credit allocation approved under paragraph (b). The amount rescinded must become available for that state fiscal year to another eligible taxpayer as approved by the Department of Revenue if the taxpayer receives notice from the Department of Revenue that the rescindment has been accepted by the Department of Revenue. Any amount rescinded under this paragraph must become available to an eligible taxpayer on a first-come, first-served basis based on tax credit applications received after the date the rescindment is accepted by the Department of Revenue.

(f) Within 10 days after approving or denying the conveyance, transfer, or assignment of a tax credit under paragraph (d), or the rescindment of a tax credit under paragraph (e), the Department of Revenue shall provide a copy of its approval or denial letter to the corporation.

(g) For purposes of calculating the underpayment of estimated corporate income taxes under s. 220.34 and tax installment payments for taxes on insurance premiums or assessments under s. 624.5092, the final amount due is the amount after credits earned under s. 220.1878 or s. 624.51058 for contributions to eligible charitable organizations are deducted.

1. For purposes of determining if a penalty or interest under s. 220.34(2)(d)1. will be imposed for underpayment of estimated corporate income tax, a taxpayer may, after earning a credit under s. 220.1878, reduce any estimated payment in that taxable year by the amount of the credit.

2. For purposes of determining if a penalty under s. 624.5092 will be imposed, an insurer, after earning a credit under s. 624.51058 for a taxable year, may reduce any installment payment for such taxable year of 27 percent of the amount of the net tax due as reported on the return for the preceding year under s. 624.5092(2)(b) by the amount of the credit.

(4) PRESERVATION OF CREDIT.—If any provision or portion of this section, s. 220.1878, or s. 624.51058 or the application thereof to any person or circumstance is held unconstitutional by any court or is otherwise

declared invalid, the unconstitutionality or invalidity does not affect any credit earned under s. 220.1878 or s. 624.51058 by any taxpayer with respect to any contribution paid to the Live Local Program before the date of a determination of unconstitutionality or invalidity. The credit must be allowed at such time and in such a manner as if a determination of unconstitutionality or invalidity had not been made, provided that nothing in this subsection by itself or in combination with any other provision of law may result in the allowance of any credit to any taxpayer in excess of \$1 of credit for each dollar paid to an eligible charitable organization.

(5) ADMINISTRATION; RULES.—

(a) The Department of Revenue and the corporation may develop a cooperative agreement to assist in the administration of this section, as needed.

(b) The Department of Revenue may adopt rules necessary to administer this section, s. 220.1878, and s. 624.51058, including rules establishing application forms, procedures governing the approval of tax credits and carryforward tax credits under subsection (3), and procedures to be followed by taxpayers when claiming approved tax credits on their returns.

(c) By August 15, 2023, and by each August 15 thereafter, the Department of Revenue shall determine the 500 taxpayers with the greatest total corporate income or franchise tax due as reported on the taxpayer's return filed pursuant to s. 220.22 during the previous calendar year and notify those taxpayers of the existence of the Live Local Program and the process for obtaining an allocation of the tax credit cap. The Department of Revenue shall confer with the corporation in the drafting of the notification. The Department of Revenue may provide this notification by electronic means.

Section 35. Section 420.5096, Florida Statutes, is created to read:

420.5096 Florida Hometown Hero Program.—

(1) The Legislature finds that individual homeownership is vital to building long-term housing and financial security. With rising home prices, down payment and closing costs are often significant barriers to homeownership for working Floridians. Each person in Florida's hometown workforce is essential to creating thriving communities, and the Legislature finds that the ability of Floridians to reside within the communities in which they work is of great importance. Therefore, the Legislature finds that providing assistance to homebuyers in this state by reducing the amount of down payment and closing costs is a necessary step toward expanding access to homeownership and achieving safe, decent, and affordable housing for all Floridians.

(2) The Florida Hometown Hero Program is created to assist Florida's hometown workforce in attaining homeownership by providing financial

assistance to residents to purchase a home as their primary residence. Under the program, a borrower may apply to the corporation for a loan to reduce the amount of the down payment and closing costs paid by the borrower by a minimum of \$10,000 and up to 5 percent of the first mortgage loan, not exceeding \$35,000. Loans must be made available at a zero percent interest rate and must be made available for the term of the first mortgage. The balance of any loan is due at closing if the property is sold, refinanced, rented, or transferred, unless otherwise approved by the corporation.

(3) For loans made available pursuant to s. 420.507(23)(a)1. or 2., the corporation may underwrite and make those mortgage loans through the program to persons or families who have household incomes that do not exceed 150 percent of the state median income or local median income, whichever is greater. A borrower must be seeking to purchase a home as a primary residence; a first-time homebuyer and a Florida resident; and employed full-time by a Florida-based employer. The borrower must provide documentation of full-time employment, or full-time status for self-employed individuals, of 35 hours or more per week. The requirement to be a first-time homebuyer does not apply to a borrower who is an active duty service-member of a branch of the armed forces or the Florida National Guard, as defined in s. 250.01, or a veteran.

(4) Loans made under the Florida Hometown Hero Program may be used for the purchase of manufactured homes, as defined in s. 320.01(2)(b), which were constructed after July 13, 1994; which are permanently affixed to real property in this state, whether owned or leased by the borrower; and which are titled and financed as tangible personal property or as real property.

(5) This program is intended to be evergreen, and repayments for loans made under this program shall be retained within the program to make additional loans.

Section 36. Subsection (3) is added to section 420.531, Florida Statutes, to read:

420.531 Affordable Housing Catalyst Program.—

(3) The corporation may contract with the entity providing statewide training and technical assistance to provide technical assistance to local governments to establish selection criteria and related provisions for requests for proposals or other competitive solicitations for use or lease of government-owned real property for affordable housing purposes. The entity providing statewide training and technical assistance may develop best practices or other key elements for successful use of public property for affordable housing, in conjunction with technical support provided under subsection (1).

Section 37. Section 420.6075, Florida Statutes, is amended to read:

420.6075 Research and planning for affordable housing; annual housing report.—

(1) The research and planning functions of the department shall include the collection of data on the need for affordable housing in this state and the extent to which that need is being met through federal, state, and local programs, in order to facilitate planning to meet the housing needs in this state and to enable the development of sound strategies and programs for affordable housing. To fulfill this function, the Shimberg Center for Housing Studies ~~Affordable Housing~~ at the University of Florida shall perform the following functions:

(a) Quantify affordable housing needs in ~~this the~~ state by analyzing available data, including information provided through the housing elements of local comprehensive plans, and identify revisions in the housing element data requirements that would result in more uniform, meaningful information being obtained.

(b) Document the results since 1980 of all programs administered by the department which provide for or act as incentives for housing production or improvement. Data on program results must include the number of units produced and the unit cost under each program.

(c) Inventory the supply of affordable housing units made available through federal, state, and local programs. Data on the geographic distribution of affordable units must show the availability of units in each county and municipality.

(2) By December 31 of each year, the Shimberg Center for Housing Studies ~~Affordable Housing~~ shall submit to the Legislature an updated housing report describing the supply of and need for affordable housing. This annual housing report shall include:

(a) A synopsis of training and technical assistance activities and community-based organization housing activities for the year.

(b) A status report on the degree of progress toward meeting the housing objectives of the department's agency functional plan.

(c) Recommended housing initiatives for the next fiscal year and recommended priorities for assistance to the various target populations within the spectrum of housing need.

(3) The Shimberg Center for Housing Studies ~~Affordable Housing~~ shall:

(a) Conduct research on program options to address the need for affordable housing.

(b) Conduct research on training models to be replicated or adapted to meet the needs of community-based organizations and state and local government staff involved in housing development.

Section 38. Paragraph (a) of subsection (1) of section 553.792, Florida Statutes, is amended to read:

553.792 Building permit application to local government.—

(1)(a) Within 10 days of an applicant submitting an application to the local government, the local 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. 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 following receipt of a completed application. A local government shall maintain on its website a policy containing procedures and expectations for expedited processing of those building permits and development orders required by law to be expedited.

Section 39. Subsection (7) of section 624.509, Florida Statutes, is amended to read:

624.509 Premium tax; rate and computation.—

(7) Credits and deductions against the tax imposed by this section shall be taken in the following order: deductions for assessments made pursuant to s. 440.51; credits for taxes paid under ss. 175.101 and 185.08; credits for income taxes paid under chapter 220 and the credit allowed under subsection (5), as these credits are limited by subsection (6); the credit allowed under s. 624.51057; the credit allowed under s. 624.51058; all other available credits and deductions.

Section 40. Paragraph (c) of subsection (1) of section 624.5105, Florida Statutes, is amended to read:

624.5105 Community contribution tax credit; authorization; limitations; eligibility and application requirements; administration; definitions; expiration.—

(1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.—

(c) The total amount of tax credit which may be granted for all programs approved under this section and ss. 212.08(5)(p) and 220.183 is ~~\$25~~ \$14.5 million in the ~~2023-2024~~ ~~2022-2023~~ fiscal year and in each fiscal year thereafter for projects that provide housing opportunities for persons with special needs as defined in s. 420.0004 or homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071 and \$4.5 million in the 2022-2023 fiscal year and in each fiscal year thereafter for all other projects.

Section 41. Section 624.51058, Florida Statutes, is created to read:

624.51058 Credit for contributions to the Live Local Program.—

(1) For taxable years beginning on or after January 1, 2023, there is allowed a credit of 100 percent of an eligible contribution made to the Live Local Program under s. 420.50872 against any tax due for a taxable year under s. 624.509(1) after deducting from such tax deductions for assessments made pursuant to s. 440.51; credits for taxes paid under ss. 175.101 and 185.08; credits for income taxes paid under chapter 220; and the credit allowed under s. 624.509(5), as such credit is limited by s. 624.509(6). An eligible contribution must be made to the Live Local Program on or before the date the taxpayer is required to file a return pursuant to ss. 624.509 and 624.5092. An insurer claiming a credit against premium tax liability under this section is not required to pay any additional retaliatory tax levied under s. 624.5091 as a result of claiming such credit. Section 624.5091 does not limit such credit in any manner.

(2) Section 420.50872 applies to the credit authorized by this section.

Section 42. The Department of Economic Opportunity's Keys Workforce Housing Initiative, approved by the Administration Commission on June 13, 2018, is considered an exception to the evacuation time constraints of s. 380.0552(9)(a)2., Florida Statutes, by requiring deed-restricted affordable workforce housing properties receiving permit allocations to agree to evacuate at least 48 hours in advance of hurricane landfall. A comprehensive plan amendment approved by the Department of Economic Opportunity to implement the initiative is hereby valid and the respective local governments may adopt local ordinances or regulations to implement such plan amendment.

Section 43. (1) The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules under s. 120.54(4), Florida Statutes, for the purpose of implementing provisions related to the Live Local Program created by this act. Notwithstanding any other law, emergency rules adopted under this section are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

(2) This section expires July 1, 2026.

Section 44. For the 2023-2024 fiscal year, the sum of \$100 million in nonrecurring funds from the General Revenue Fund is appropriated to the Florida Housing Finance Corporation to implement the Florida Hometown Hero Housing Program established in s. 420.5096, Florida Statutes, as created by this act.

Section 45. For the 2023-2024 fiscal year, the sum of \$252 million in nonrecurring funds from the Local Government Housing Trust Fund is appropriated in the Grants and Aids - Housing Finance Corporation (HFC) - State Housing Initiatives Partnership (SHIP) Program appropriation category to the Florida Housing Finance Corporation.

Section 46. For the 2023-2024 fiscal year, the sum of \$150 million in recurring funds and \$109 million in nonrecurring funds from the State Housing Trust Fund is appropriated in the Grants and Aids - Housing Finance Corporation (HFC) - Affordable Housing Programs appropriation category to the Florida Housing Finance Corporation. The recurring funds are appropriated to implement s. 420.50871, Florida Statutes, as created by this act.

Section 47. For the 2022-2023 fiscal year, the sum of \$100 million in nonrecurring funds from the General Revenue Fund is appropriated to the Florida Housing Finance Corporation to implement a competitive assistance loan program for new construction projects in the development pipeline that have not commenced construction and are experiencing verifiable cost increases due to market inflation. These funds are intended to support the corporation's efforts to maintain the viability of projects in the development pipeline as the unprecedented economic factors coupled with the housing crisis makes it of upmost importance to deliver much-needed affordable housing units in communities in a timely manner. Eligible projects are those that accepted an invitation to enter credit underwriting by the corporation for funding during the period of time of July 1, 2020, through June 30, 2022. The corporation may establish such criteria and application processes as necessary to implement this section. The unexpended balance of funds appropriated to the corporation as of June 30, 2023, shall revert and is appropriated to the corporation for the same purpose for the 2023-2024 fiscal year. Any funds not awarded by December 1, 2023, must be used for the State Apartment Incentive Loan Program under s. 420.5087, Florida Statutes. This section is effective upon becoming a law.

Section 48. The Legislature finds and declares that this act fulfills an important state interest.

Section 49. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect July 1, 2023.

Approved by the Governor March 29, 2023.

Filed in Office Secretary of State March 29, 2023.