SPECIAL CITY COUNCIL MEETING
May 17, 2023 at 6:30 PM
City Council Chambers, 16 Colomba Rd.
DeBary, Florida 32713

AMENDED AGENDA
(TO INCLUDE ITEM #9)

CALL TO ORDER
   Invocation
   Flag Salute

ROLL CALL

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)

PRESENTATIONS

   Volusia County Growth Management Committee Update - Sid Vihlen, Jr.
   2022-2023 Service Learning Program Recognition

CONSENT AGENDA

1. The Parks and Recreation Department is requesting Council approve the attached Stage Rental and Production Services agreement with AxisPro Events, Inc. to provide the stage and production services at the City’s 4th of July event.

2. The Parks and Recreation Department is requesting Council approve the attached grant application submitted by the DeBary Babe Ruth 8U Baseball All Star Team.

3. City Manager is requesting City Council reappoint Sid Vihlen, Jr. to the Volusia Growth Management Commission (VGMC) for the four-year term beginning July 1, 2023.

PUBLIC HEARINGS

4. Staff is requesting the City Council approve the second reading of Ordinance No. 04-2023, amending the Land Development Code (LDC) to define self-storage facilities and warehouses and provide development standards for self-storage facilities and mini warehouses fronting the Gateway Corridor.

NEW BUSINESS

5. City Manager is requesting City Council approve the Volusia County Public Works proposal WO# 23-0950 to revise the existing school zone on W. Highbanks Road and to install a new school zone on Donald E. Smith Blvd.
6. Gateway Center for the Arts is seeking approval to paint a mural on the park side of the Gateway Center Building.

7. City Manager is requesting the City Attorney to provide a briefing on the new Florida Live Local Act and its impact on the City’s Comprehensive Plan, Zoning and Land Development Codes.

8. City Manager is requesting a discussion and guidance from the City Council on the status of the City’s Strategic Initiatives.

9. City Manager is requesting that the City Council approve the Local Government Cybersecurity Grant Agreement between Florida Department of Management Services and the City of DeBary.

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 June 7, 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.
REQUEST

The Parks and Recreation Department is requesting Council approve the attached Stage Rental and Production Services agreement with AxisPro Events, Inc. to provide the stage and production services at the City’s 4th of July event.

PURPOSE

The request is needed at this time so we can secure a stage and production vendor and continue moving forward to plan the 2023 event.

CONSIDERATIONS

This past year was the final year the City has been able to secure an event management company to assist the City in putting on the 4th of July event. Additional funding was approved for the City to take on the entire event. A large part of this expense is the stage and production that goes along with it to provide sound, lighting, and audio technicians. AxisPro Events has been doing the City event for the last few years. We have had a good experience with them and pricing is within budget. We reached out to many other companies to compare our options and received very little response as most companies already have contracts on their stages and production team for the 4th of July. We would like to continue to use this vendor and secure them for the next three years.

COST/FUNDING

Funding was approved by Council in February 2023 and will be expended in line Item 001-7204-572-4430.

RECOMMENDATION

It is recommended that the City Council approve the attached Stage Rental and Production Services Agreement with AxisPro Events, Inc for the three year term.
IMPLEMENTATION

Upon approval the Parks and Recreation Department will coordinate with AxisPro Events, Inc to plan the 2023 4th of July event.

ATTACHMENTS

Attachment A: Stage Rental and Production Services Agreement 23-25
Attachment B: AxisPro, Inc. Proposal
Stage Rental and Production Services Agreement

This Stage Rental and Production Services Agreement (the “Agreement”) is made and entered into this ___ day of May, 2023, by and between the City of DeBary, a Florida municipal corporation whose address is 16 Colomba Road, DeBary, Florida 32713 (the “City”) and aXisPro Events, Inc, a for profit corporation whose principal address is 4451 Parkbreeze Court Orlando, FL 32808 (the “Contractor”). Collectively, the City and Contractor are referred to as “Parties” and may be individually referred to as “Party.”

RECITALS

WHEREAS, the City requested proposals for stage rental and production services for the City 4th of July Event; and

WHEREAS, Contractor submitted that certain proposal for stage rental and production services, a copy of which is attached as Exhibit “A”; and

WHEREAS, the City has selected and wishes to contract with Contractor for the services described in the quotation, and Contractor wishes to contract with the City to provide such services, all in accordance with the terms and conditions herein provided.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter contained, it is agreed by and between the Parties as follows:

1. Recitals. The foregoing recitals and exhibits are hereby verified as true and correct and are incorporated as part of this Agreement.

2. Contractor Services.

   (a) Contractor shall provide all products and perform all services described in Exhibit A and in this Agreement (the “Services”) for a period of 3 consecutive years following execution of this Agreement. In case of a conflict between the description of the services as provided in the quotation, the description contained in the quotation shall control.

   (b) Contractor expressly recognizes the possibility that inclement weather could impact or affect its performance of the Services. Contractor shall take all steps reasonably necessary to ensure that its performance of the Services is not prevented or negatively affected by inclement weather, including but not limited to rain, standing water, temperature, wind, or any other weather event. Failure to take such reasonable steps shall constitute a breach of this Agreement.

   (c) Contractor may supply the City with additional stages, banners for stages, or any other production services for any City events by submitting a quote as needed by the City.
3. **Payment & Refund.**

(a) Contractor shall be entitled to a total of $9,000 within ten (10) days following rendering of the Services subject to successful performance of the Services for each year this Agreement remains in effect.

(b) Stage and production services pricing to be adjusted annually based on the Consumer Price Index (CPI-U) 12 month percentage change (December-December).

(b) If Contractor fails for any reason to perform the Services in full, the City shall be entitled to a full refund of any and all payments made. If such failure is due to a breach of this Agreement by Contractor or any act or omission that is the fault of the Contractor, the City shall also be entitled to pursue any and all damages and remedies available at law.

4. **Contractor Representations.** Contractor represents and warrants to the City the following:

(a) Contractor has the experience and ability to perform the Services required by this Agreement;

(b) Contractor will perform said Services in a professional, competent and timely matter;

(c) Contractor has the power to enter into and perform this Agreement;

(d) Contractor’s performance of this Agreement does not and shall not infringe upon or violate the rights of any third party or violate any federal, state, or local laws or regulations;

(e) Contractor has, or will secure at its own expense, all necessary personnel required to perform the Services under this Agreement;

(f) Except as provided otherwise in this Agreement, all Services required hereunder shall be performed by Contractor, or under its supervision, and all personnel engaged in performing the Services shall be fully qualified and, if required, authorized or permitted under the state and local laws to perform such Services;

(g) Contractor shall be responsible for protection of property within the vicinity of the Services and for the protection of its own equipment, supplies, materials, and work or services, against any damage resulting from the elements (such as but not limited to flooding, by rainstorm, wind damage, vandalism, or other acts of God). Contractor shall be responsible for and repair or pay for all damage to property, structures, and improvements that are damaged by the Contractor and its employees and agents during or as a result of performing the Services and/or by any actions or inactions of Contractor relating to this Agreement;
(h) Contractor shall comply with all rules governing the use of any and all City properties, real and personal, and such other reasonable rules or directions that the City may establish upon the Contractor’s operation and services provided under this Agreement;

(i) Contractor agrees that the quality of services provided by Contractor pursuant to this Agreement must be acceptable to the City and such determination by the City shall be final. If performance is not acceptable, the event may be cancelled at the City’s sole discretion.

(j) Contractor shall not pledge or attempt to pledge the City’s credit or make the City a guarantor of payment or surety for any contract, debt, obligation, judgment, lien, or any form of indebtedness; and

(k) Contractor shall attend and make itself available at City Hall, where the Services are to be performed, or elsewhere as directed by the City, for pre- and post-event meetings as may be required by the City.

5. **Termination.** The City shall have the right to terminate this Agreement at any time and for any reason upon ten (10) days written notice to Contractor. The Contractor may terminate this Agreement for the City’s material breach or default upon thirty (30) days prior written notice from Contractor to the City if the City fails to cure the breach or default within such period. In the event of termination by Contractor due to the City’s failure to timely cure the City’s default or breach or by the City for Contractor’s default or breach, the terminating party is free to seek damages and other relief from the other party as may be allowable under Florida law.

6. **Force Majeure.** Contractor’s performance under this Agreement shall be excused only to the extent that performance is not possible due to acts of God. In such event, Contractor shall refund any and all fees paid to Contractor by the City and neither Contractor nor City shall be liable for indirect, special, or consequential damages arising therefrom.

7. **City Approval of Additional Contractors, Suppliers, or Service Providers.** The City reserves the right to accept the Contractor’s use or selection of additional or alternative Contractors, suppliers, or service providers relating to this Agreement or to reject the selection at the City’s sole discretion.

8. **Contractor Insurance Requirements.**

   (a) Contractor represents that it has purchased, or within ten (10) days of execution of this Agreement shall purchase, at its sole expense, and thereafter shall maintain for the duration of this Agreement, the following insurance policies at or above the following minimum coverages:

   - **Workers’ Compensation.** Florida Statutory Coverage
   - **Commercial General Liability.** $1,000,000 per occurrence / $2,000,000 annual aggregate.

   (The City must be named as an additional insured under all of the above Commercial General Liability coverage.)
Auto Liability $1,000,000 per occurrence.

All autos-owned, hired or no-owned (Symbol 1 Coverage)

Commercial Umbrella $1,000,000.

(b) Contractor agrees that its insurance shall be written by a company or companies authorized to do business in the State of Florida. Prior to commencing doing any work under this Agreement, Contractor agrees to provide certificates of insurance evidencing the maintenance of the Insurance Requirements of this Agreement in a form satisfactory to the City Risk Manager. All insurance shall be primary and non-contributory with any valid insurance collectible by the City and include a waiver of subrogation in favor of the City.

(c) Commercial General Liability Policy. The Contractor shall acquire and maintain Commercial General Liability insurance, with a combined single limit of not less than the amount shown above in subparagraph (a). Contractor may not obtain an insurance policy wherein the policy limits are reduced by defense and claim expenses. Such insurance must be issued on an ISO Occurrence Form CG 00 01 1093 or on a substitute form providing equivalent coverage and include coverage for the Contractor’s operations, independent contractors, subcontractors and “broad form” property damage coverages protecting itself, its employees, agents, contractors or subsidiaries, and their employees or agents for claims for damages caused by bodily injury, property damage, or personal or advertising injury, and products liability/completed operations including what is commonly known as groups A, B, and C. Such policies must include coverage for claims by any person as a result of actions directly or indirectly related to the employment of such person or entity by the Contractor or by any of its subcontractors arising from work or services performed under this Agreement. Public liability coverage must include either blanket contractual liability coverage endorsement, indicating expressly the Contractor’s agreement to indemnify, defend, and hold harmless the City as provided in this Agreement.

(d) Auto Liability Policy. The Contractor shall also secure and maintain during the term of this Agreement auto liability coverage in the combined single limit shown above in subparagraph (a) with “Any Auto,” Coverage Symbol 1, providing coverage for all autos operated regardless of ownership, and protecting itself, its employees, agents or lessees, or subsidiaries and their employees or agents against claims arising from the ownership, maintenance, or use of a motor vehicle.

(e) Claims Made Policies. Where permitted, any insurance policy written on a Claims Made Form must maintain a retroactive date prior to or equal to the effective date of the Agreement. The Contractor shall purchase a Supplemental Extended Reporting Period (“SERP”) with a minimum reporting period of not less than three (3) years in the event the policy is canceled, not renewed, switched to occurrence form, or any other event which requires the purchase of a SERP to cover a gap in insurance for claims which may arise under or related to the Agreement. The Contractor’s purchase of the SERP does not relieve the Contractor of its obligation to provide
replacement coverage. In addition, the Contractor shall require the carrier immediately inform the Contractor and the City’s Risk Manager of any contractual obligations that may alter the Contractor’s professional liability coverage under the Agreement.

(f) **Commercial Umbrella.** Umbrella coverage must include as insureds all entities that are additional insureds on the CGL policy. Furthermore, Umbrella Coverage for such additional insureds must apply as primary before any other insurance or self-insurance, including any deductible, maintained by, or provided to the additional insured other than the CGL, Auto Liability, and Employer’s Liability Coverage maintained by the Contractor.

(g) **No Changes.** Contractor further agrees to make no changes to coverage without notice to and prior approval of the City and shall not permit the required coverage to expire, be canceled, or lapse due to an act or omission of Contractor.

9. **Indemnification.** Contractor hereby agrees to indemnify, defend, and hold the City and its elected and appointed officials, employees, and agents harmless from and against any and all claims, disputes, lawsuits, injuries, damages, construction liens, attorneys' fees (including trial and appellate fees), costs and experts' fees, interest, and all adverse matters in any way arising out of or relating to Contractor’s, its officers', employees', contractors’, subcontractors’, and agents' acts, omissions, negligence, misrepresentations, or defaults related to this Agreement and work and Services performed hereunder. This paragraph nine (9) survives termination, expiration, and completion of this Agreement.

10. **Governing Law; Venue.** The Agreement shall be governed by and interpreted in accordance with the laws of the state of Florida. Any and all legal action necessary to enforce this Agreement will be held in a court of competent jurisdiction in Volusia County, Florida, or, if in federal court, in the Middle District of Florida, Orlando Division.

11. **Independent Contractor Relationship.** Contractor acknowledges and agrees that Contractor is an independent contractor and not an employee of the City and, as such, Contractor shall not look to the City for workers’ compensation insurance coverage or any other employee benefits provided by the City.

12. **Entire Agreement; Amendment; Assignment.** This Agreement contains all understandings, covenants, and agreements between the Parties and no modification or amendment to this Agreement shall be effective unless embodied in writing executed by both Parties. The Contractor shall not assign or transfer this Agreement or delegate the performance of a service required herein to any other person, without prior written consent of the City in the City’s sole discretion.

13. **Public Records.** Contractor acknowledges and agrees that all records maintained, kept, and created pursuant to the Agreement, regardless of form or medium, are public records as defined pursuant to Section 24 of Article I of the Florida Constitution and Chapter 119, Florida Statutes, and that such records are subject to all state laws and regulations regarding the storage, disclosure, production, and maintenance of public records. Pursuant to section 119.0701(2)(a), Florida Statutes, the City is required to provide the Contractor with this statement and establish the following requirements as contractual obligations pursuant to the Agreement:
IF CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO CONTRACTOR’S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT (386) 601-0219, ahatch@debary.org, or by mail, City Clerk, 16 Colomba Road, Debary, Florida.

By entering into this Agreement, Contractor acknowledges and agrees that any records maintained, generated, received, or kept in connection with, or related to the performance of services provided under, this Agreement are public records subject to the public records disclosure requirements of § 119.07(1), Florida Statutes, and Article I, section 24 of the Florida Constitution. Pursuant to § 119.0701, Florida Statutes, any contractor, including Contractor, entering into an agreement for services with the City is required to:

(i) Keep and maintain public records required by the City to perform the services and work provided pursuant to this Agreement.

(ii) Upon request from the City’s custodian of public records, provide the City with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law.

(iii) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement term and following completion or termination of the Agreement if the Agreement does not transfer the records to the City.

(iv) Upon completion or termination of the Agreement, transfer, at no cost, to the City all public records in the possession of Contractor or keep and maintain public records required by the City to perform the service. If Contractor transfers all public records to the City upon completion or termination of the Agreement, Contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If Contractor keeps and maintains public records upon completion or termination of the Agreement, Contractor shall meet all applicable requirements for retaining public records as set forth in the applicable retention schedule for State and Local Government Agencies, which schedule is published and maintained by the Florida Department of State, Division of Library and Information Services. All records stored electronically must be provided to the City, upon request from the City’s custodian of public records, in a format that is compatible with the information technology systems of the City.

Requests to inspect or copy public records relating to the Agreement must be made directly to the City. If Contractor receives any such request, Contractor shall instruct the requestor to
contact the City. If the City does not possess the records requested, the City shall immediately notify Contractor of such request, and Contractor must provide the records to the City or otherwise allow the records to be inspected or copied within a reasonable time.

Contractor acknowledges that failure to provide the public records to the City within a reasonable time may result in the assessment of penalties under § 119.10, Florida Statutes. Contractor further agrees not to release any records that are statutorily confidential or otherwise exempt from disclosure without first receiving prior written authorization from the City. Contractor agrees to indemnify, defend, and hold the City harmless from and against any and all claims, damage awards, penalties, sanctions, and causes of action arising from Contractor’s failure to comply with the public records disclosure requirements of section 119.07(1), Florida Statutes, or by Contractor’s failure to maintain public records that are exempt or confidential and exempt from the public records disclosure requirements, including, but not limited to, any third party claims or awards for attorney’s fees and costs arising therefrom. Contractor authorizes the City to seek declaratory, injunctive, or other appropriate relief against Contractor from a Circuit Court in Volusia County, Florida on an expedited basis to enforce the requirements of this section. This paragraph shall survive expiration or termination of this Agreement.

14. **Headings; Interpretation.** The headings used in this Agreement are solely for the purpose of convenience and should not be construed to interpret the substance of this Agreement. The Parties have thoroughly read and reviewed the terms of this Agreement, acknowledge that it has been prepared after negotiations between the Parties, and agree that if any ambiguity is contained herein, then in resolving such ambiguity, no weight shall be given in favor of or against either Party on account of its drafting of this Agreement.

15. **Severability.** It is the desire and intention of the Parties that the provisions of this Agreement shall be enforced to the fullest extent permissible under the law. Accordingly, if any particular provision hereof shall be adjudicated to be invalid or unenforceable, this Agreement shall be deemed amended to delete therefrom the portion thus adjudicated and every other remaining term and provision of this Agreement shall be deemed valid and enforceable to the maximum extent permitted by law.

16. **Non-Waiver and Sovereign Immunity.**

(a) Any failure by the City to require strict compliance with any provision of this Agreement shall not be construed as a waiver of such provision, and the City may subsequently require strict compliance at any time, notwithstanding any prior failure to do so. Nothing contained in this Agreement and no actions or inactions by the City or its officers, elected and appointed officials, agents and representatives may be considered or deemed a waiver of the City’s sovereign immunity or any other privilege, immunity, or defense available to the City or its officers, elected and appointed officials, agents, and representatives.

(b) The City expressly retains all rights, benefits and immunities of sovereign immunity in accordance with Section 768.28, Florida Statutes. Notwithstanding anything set forth in any section of this Agreement to the contrary, nothing in this Agreement may be deemed as a waiver of immunity or the limits of liability beyond any statutorily limited waiver of immunity or
limits of liability that may have been or may be adopted by the Florida Legislature, and the cap on the amount and liability of the City for damages, regardless of the number or nature of claims in tort, contract, or equity, may not exceed the dollar amount set by the legislature for tort. Nothing in this Agreement may inure to the benefit of any third party for the purpose of allowing any claim against the City, which would otherwise be barred under the doctrine of Sovereign Immunity or by operation of law.

17. **Execution; Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall be a duplicate original, but all of which taken together shall constitute one and the same document.

18. **Notice.** Each party’s address for purposes of written notice under this Agreement shall be the address provided in the introduction paragraph of this Agreement, except that either party may change its address upon notice of such to the other party.

19. **Non-Discrimination and Americans with Disabilities Act.** Contractor may not unlawfully discriminate against any person in the operations and activities in the use or expenditure of the funds or any portion of the funds provided by this Agreement or in the provision of goods or Services pursuant to this Agreement. Contractor agrees it shall affirmatively comply with all applicable provisions of the Americans with Disabilities Act (ADA) in the course of providing all goods and services funded or paid for by City, including Titles I, II and III of the ADA (regarding nondiscrimination on the basis of disability), and all applicable regulations, guidelines, and standards. For the purposes of this paragraph, any services or products offered to public digitally, whether via the internet, intranet, or online, must comply with WCAG 2.0 AA in order to be deemed ADA compliant. The City will provide Contractor with prompt written notice with respect to any ADA deficiencies of which the City is aware and Contractor will promptly correct such deficiencies. If the City, the Department of Justice or other governmental entity tasked with the enforcement of the ADA (“Enforcement Agency”) notes any deficiency in the facilities, practices, services, or operations of Contractor furnished or provided in connection with this Agreement, Contractor shall, at no additional charge or cost to the City, immediately cure any such deficiencies without delay to the satisfaction of such Enforcement Contractor. Contractor further agrees that it shall, to the extent permitted by law, indemnify, defend, and hold harmless the City against any and all claims, sanctions, or penalties assessed against the City, which claims, sanctions, or penalties arise or otherwise result from Contractor’s failure to comply with the ADA for services and products generally or WCAG 2.0 AA, for online or internet services or products. In performing under this Agreement, Contractor agrees that it shall not commit an unfair employment practice in violation of any state or federal law and that it shall not discriminate against any member of the public, employee or applicant for employment for work under this Agreement because of race, color, religion, gender, sexual orientation, age, national origin, political affiliation, or disability and will take affirmative steps to ensure that applicants are employed and employees are treated during employment without regard to race, color, religion, gender, sexual orientation, age, national origin, political affiliation, or disability.
20. **E-Verify.** The Contractor is obligated to comply with the provisions of § 448.095, Florida Statutes, "Employment Eligibility." This includes, but is not limited to, utilization of the E-Verify System to verify the work authorization status of all newly hired employees and requiring any subcontractors to provide an affidavit attesting that the subcontractor does not employ, contract with, or subcontract with, an unauthorized alien. Failure to comply will lead to termination of the Agreement, or if a subcontractor knowingly violates the statute, the subcontract must be terminated immediately. Pursuant to § 448.095(2)(d), Florida Statutes, any challenge to termination under this provision must be filed in the Circuit Court no later than 20 calendar days after the date of termination. If the Agreement is terminated for a violation of the statute by the Contractor, the Contractor may not be awarded a public contract for a period of 1 year after the date of termination. Failure to abide by § 448.095, Florida Statutes, will make the Contractor liable for any additional costs incurred by the City as a result of the termination of this Agreement pursuant to such statute.

21. **Survival.** Any parts of this Agreement that contemplate ongoing obligations of either party beyond the termination or expiration of this Agreement, including those provisions addressing indemnity, public records, and limitations of liability survive any such termination or expiration of this Agreement.

CITY COUNCIL OF THE
City of DeBary, Florida

____________________________
Attest: Annette Hatch, City Clerk

____________________________
Karen Chasez, Mayor

Date: __________

AXISPRO EVENTS, LLC

___________________________
Signature

___________________________
Name

___________________________
President / aXisPro Events, Inc

___________________________
Position

___________________________
Date

05/02/23
**INVOICE**

**BILL TO**
City of DeBary  
Attn: Jason Schaitz  
16 Colomba Road  
DeBary, Florida 32713  

**INVOICE #** 14378  
**DATE** 03/07/2023

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**STAGE:**  
- Stageline SL100: 24x20  
- 2 Stairs  
- Mesh Backdrop / Skirt

**AUDIO:**  
- (10) QSC KLA Line Array 8 Tops / 2 Middle Fills  
- (4) QSC Dual 218 Subs  
- x32 Behringer Mixing Console  
- (6) QSC K12.2 Monitor Wedges  
- (2) Full Band Mic Package/Mic Stand Package  
- (2) Audio Techs (FOH/Monitors)  
- (2) Audio Stage Hands

**ADDITIONAL:**  
- (2) 2 Channels Wireless Mics w/ Dual Broadband

**LIGHTING:**  
- (12) Front Wash Static  
- (8) Movers on Truss  
- (1) Hazer per code

**SCRIM HARDWARE:**  
- 1 Tech Set Up/Strike

**LABOR:**  
- 2 FOH Tech
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BALANCE DUE $9,000.00
REQUEST

The Parks and Recreation Department is requesting Council approve the attached grant application submitted by the DeBary Babe Ruth 8U Baseball All Star Team.

PURPOSE

The DeBary Babe Ruth 8U Softball All Star Team is raising money to be able to take the team to the All Star Tournament and help cover expenses such as lodging, food, and tournament fees. They are requesting $500 in matching funds to go towards their tournament expenses.

CONSIDERATIONS

The DeBary Babe Ruth 8U Baseball All Star Team has met all the criteria to be eligible for the matching grant program. They have also completed the grant request application as well as provided all the necessary attachments that are required with the application.

COST/FUNDING

Funding for the matching grant program was approved in the FY 22/23 budget in line item 001-1100-511-8200. This request would cost $500.

RECOMMENDATION

It is recommended that the City Council approve the attached grant application in the amount of $500 to the DeBary Babe Ruth 8U Baseball All Star Team.
IMPLEMENTATION

Upon approval the Parks and Recreation Department will submit a check request to the finance department in the amount of $500 for the 8U Baseball Team.

ATTACHMENTS

Attachment A: Grant Application DeBary Babe Ruth 8U Baseball All Star Team
Applicant Information

Legal Entity Name: NVAC 8u Allstars

D/B/A Subgroup:

Physical Address (No PO Box): 200 W. Highbanks Rd.

City/State/Zipcode: DeBary FL 32713

Contact Person: Teresa Santos Title: Rookie Commissioner

Primary Phone Number: 386-209-3148 Cell Phone Number: 

E-Mail: teresalewis804@yahoo.com

Tax Status: Exempt (Attach Exempt Certificate)

Grant Information:

TYPE: Monetary Contribution In Kind Services Waiver of Fees

Total Value of the Request (cannot exceed $500): $500

Description of Event, Include Date and Location:

Districts Tournament June 7-11

States Tournament June 21-25 Ft. Caroline

Will Admission Fees be Charged at your Event: Yes No

If Yes, Admission Charge: $_________ Per _________
Are Other Donations Being Solicited or Been Received:  Yes X  No ____

If Yes, Please Provide Information

The team is fundraising to cover all travel and lodging costs for the team to attend Districts tournament as well as States later on.

Have Legal Entity or Subgroup Applied for a Grant Request from the City of Debary within the last twelve months?:  Yes ____  No X
Required Attachments

1. Tax Exempt Certificate
2. W-9 Request for Taxpayer Identification Number and Certification
3. Insurance Certificate listing City of DeBary as an additional named insured
4. A letter on organization letterhead outlining the details of your request. Please make sure to answer the following questions:
   ✓ a. Describe your organization and the purpose/goals of your event.
   ✓ b. How will any monetary contributions, in kind services, or waiver of fees be used?
   ✓ c. How will the grant benefit the City?
5. Event Budget (monetary or waiver of fees only). Budget must include the following:
   a. All event expenses
   b. Projected event revenue
6. Event Summary Statement

I/we have read and have been given a copy of the Special Event Policy and agree to abide by the regulations of the City of DeBary.

I hereby state the above information is true and accurate to the best of my knowledge. I further understand and agree to any and all conditions of the required application.

I understand that the City of DeBary assumes no liability for this event. I hereby agree to defend, hold harmless, and indemnify the City, at the City’s option, from any and all demands, claims, suits, actions and legal proceedings brought against the City of DeBary in connection with this event, whether threatened or otherwise, to the full extent as permitted by the law of the State of Florida.

This provision shall survive the term of the Agreement and shall remain in full force and effect until the expiration of the time for the institution of any action at law or equity or administrative action against the City of DeBary under either federal law or the laws of Florida.

Signature of Applicant  
Date signed 4/19/23

Submission of this application DOES NOT guarantee a grant or event approval. You will be contacted by the appropriate person to confirm the details of your proposed event.

INTAKE ACCEPTANCE (Office Use Only)

Name of Event: ___________________________ Organization/Person: ___________________________

Application # __________ Application Complete: YES   NO

Received By/Title: ___________________________ Date Accepted: ___________ Initial: ___________

SPONSORSHIP APPROVED or DENIED Date ________
Consumer's Certificate of Exemption
Issued Pursuant to Chapter 212, Florida Statutes

<table>
<thead>
<tr>
<th>Certificate Number</th>
<th>Effective Date</th>
<th>Expiration Date</th>
<th>Exemption Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>85-B017074809C-1</td>
<td>01/26/2022</td>
<td>01/31/2027</td>
<td>501(C)(3) ORGANIZATION</td>
</tr>
</tbody>
</table>

This certifies that

WEST VOLUSIA ATHLETIC CLUB INC
200 W HIGHBANKS RD
DEBARY FL 32713

is exempt from the payment of Florida sales and use tax on real property rented, transient rental property rented, tangible personal property purchased or rented, or services purchased.

Important Information for Exempt Organizations

1. You must provide all vendors and suppliers with an exemption certificate before making tax-exempt purchases. See Rule 12A-1.038, Florida Administrative Code (F.A.C.).

2. Your Consumer's Certificate of Exemption is to be used solely by your organization for your organization's customary nonprofit activities.

3. Purchases made by an individual on behalf of the organization are taxable, even if the individual will be reimbursed by the organization.

4. This exemption applies only to purchases your organization makes. The sale or lease to others of tangible personal property, sleeping accommodations, or other real property is taxable. Your organization must register, and collect and remit sales and use tax on such taxable transactions. Note: Churches are exempt from this requirement except when they are the lessor of real property (Rule 12A-1.070, F.A.C.).

5. It is a criminal offense to fraudulently present this certificate to evade the payment of sales tax. Under no circumstances should this certificate be used for the personal benefit of any individual. Violators will be liable for payment of the sales tax plus a penalty of 200% of the tax, and may be subject to conviction of a third-degree felony. Any violation will require the revocation of this certificate.

6. If you have questions about your exemption certificate, please call Taxpayer Services at 850-488-6800. The mailing address is PO Box 8480, Tallahassee, FL 32314-6480.
W-9
Request for Taxpayer Identification Number and Certification

Go to www.irs.gov/FormW9 for instructions and the latest information.

Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

West Volusia Athletic Club
1 Business name/disregarded entity name, if different from above

2 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.

☐ Individual/solo proprietor or single-member LLC
☑ C Corporation
☐ S Corporation
☐ Partnership
☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=S corporation, S=S corporation, P=Partnership)

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

☐ Other (see instructions) ▶

3 Address (number, street, and apt. or suite no.) See instructions.

200 W Highbanks Rd.
6 City, state, and ZIP code
DeBary, FL 32713

7 List account number(s) here (optional)

Requestor's name and address (optional)

WVAC-16U
PO Box 530035
DeBary, FL 32753

Part I Taxpayer Identification Number (TIN)
Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see How to get a TIN, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see What Name and Number To Give the Requester for guidelines on whose number to enter.

Social security number

6 1 0 5 7 9 6 8 6

Employer identification number

Part II Certification
Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and

2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and

3. I am a U.S. citizen or other U.S. person (defined below); and

4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have not been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Signature of U.S. person ▶ Sarah M. Yockey

Date ▶ 06/01/18

General Instructions
Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form
An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

• Form 1099-DIV (dividends, including those from stocks or mutual funds)
• Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
• Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
• Form 1099-S (proceeds from real estate transactions)
• Form 1099-K (merchant card and third party network transactions)
• Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
• Form 1099-C (canceled debt)
• Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.
# Certificate of Liability Insurance

**Producer:**
KAK INSURANCE GROUP, INC.
1712 MAGNAMAOX WAY
PO BOX 2338
FORT WAYNE IN 46801

**Contact:**
NAME: Nick Davey
PHONE: 800-736-7358
FAX: 847-953-2873
E-MAIL: Nick.Davey@kakinsurance.com

**Insured:**
WEST VOLUSIA ATHLETIC CLUB BABE RUTH LEAGUE
DBA: West Volusia Athletic Club
PO Box 530035
DeBary, FL, 32713

**Coverages:**

<table>
<thead>
<tr>
<th>Insured</th>
<th>Western General Liability</th>
<th>Policy Number</th>
<th>Policy Period</th>
<th>Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR</td>
<td>AIL0003450194701</td>
<td>02/02/2023 12:01 AM</td>
<td>EAC OCCURRENCE $1,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>02/01/2024 12:01 AM</td>
<td>JANUARY OCCURRENCE $300,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>MED EXP (Any one person) $5,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>PERSONAL &amp; ADV INJURY $1,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>GENERAL AGGREGATE $5,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>PRODUCTS-COMPOUND AGG $1,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>PARTICIPANT LEGAL LIABILITY $1,000,000</td>
</tr>
<tr>
<td>A</td>
<td>AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY SCHEDULED AUTOS</td>
<td>AIL0003450194701</td>
<td>02/02/2023 12:01 AM</td>
<td>COMBINED SINGLE LIMIT $1,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>02/01/2024 12:01 AM</td>
<td>BODILY INJURY (Per person)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>BODILY INJURY (Per accident)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>PROPERTY DAMAGE (Per accident)</td>
</tr>
<tr>
<td></td>
<td>UMBRELLA LIABILITY OCCUR CLAIMS-MADE</td>
<td></td>
<td></td>
<td>EAC OCCURRENCE</td>
</tr>
<tr>
<td></td>
<td>EXCESS LIABILITY OCCUR CLAIMS-MADE</td>
<td></td>
<td></td>
<td>AGGREGATE</td>
</tr>
<tr>
<td>A</td>
<td>WORKERS COMPENSATION \n AND EMPLOYER'S LIABILITY ANY PROPIETORS/\n PARTNER/EXECUTIVE OFFICE/\n MEMBER EXCLUDED (Mandatory in N.H.) \n If yes, describe under DESCRIPTION OF OPERATIONS below</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>PARTICIPANT ACCIDENT</td>
<td>AID0003450195201</td>
<td>02/02/2023 12:01 AM</td>
<td>Excess Medical $250,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>02/01/2024 12:01 AM</td>
<td>AD&amp;D $15,000</td>
</tr>
</tbody>
</table>

**Description of Operations / Locations / Vehicles:**
ADDITIONAL INSURED: ANY PERSON, ORGANIZATION OR ENTITY WHO IS ENGAGED IN PROVIDING THE PREMISES, IS A SPONSOR OR CO-PROMOTER, BUT SOLELY WITH RESPECT TO THE OPERATIONS OF THE NAMED INSURED.

**Sexual Abuse/Molestation:** $1,000,000 PER OCCURRENCE/$2,000,000 AGGREGATE

**Cancellation:**
Evidence of Coverage

**Authorized Representative:**
Scott [Signature]
To Whom It May Concern:

I am reaching out to you on behalf of the WVAC 8UBB Allstar team, we are currently going hard with our fundraising efforts for the team, and we ask the City of DeBary to take us into consideration when issuing the grants this year. Our team is made up of a 13 of the best kids out of our Rookie division in our league this season. These 13 boys have high hopes to fight their way through Districts and hit the road to Jacksonville onto States at the end of June. In order for this to happen, the team will need to raise a minimum of $7000.00 to cover travel/hotel expenses, uniforms, registration fees, snacks and drinks to keep them hydrated in this Florida heat! We are trying our best to keep out of pocket costs as low as possible for the 13 families involved on this team, and with the help from the city it could ease just a bit more of the financial stress involved. We are hoping to add another Home of the State Champion hash mark on the record for DeBary and I do believe we have just the group of boys for the job! We would love nothing more than to bring home the gold this year to make our community proud and show everyone exactly why we worked so hard all season long! Thank you for your time and consideration.

Sincerely,

Teresa Santos
WVAC Rookies Commissioner
### Baseball Uniforms

<table>
<thead>
<tr>
<th>Description</th>
<th>Quantity</th>
<th>Cost Per Uniform</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Top and Bottom Set</td>
<td>17</td>
<td>$85</td>
<td>$1,445.00</td>
</tr>
</tbody>
</table>

### Accomodations

Courtyard by Marriot  
I-295/ East Beltway  
904-47-6782

<table>
<thead>
<tr>
<th>Room Type Reserved</th>
<th># Of Rooms</th>
<th>Cost Per Night</th>
<th># of Nights</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 King w sleeper sofa</td>
<td>5</td>
<td>$139</td>
<td>4 nights</td>
<td>$2,780.00</td>
</tr>
<tr>
<td>2 Queen beds</td>
<td>10</td>
<td>$149</td>
<td>4 nights</td>
<td>$5,960.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>15</strong></td>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$8,740.00</strong></td>
</tr>
</tbody>
</table>

### Sponsors to Date

<table>
<thead>
<tr>
<th>Sponsors</th>
<th>Donation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deland Kia</td>
<td>$500</td>
</tr>
<tr>
<td>Katie</td>
<td>$10</td>
</tr>
<tr>
<td>Nikky</td>
<td>$20</td>
</tr>
<tr>
<td>Alicia Blise</td>
<td>$10</td>
</tr>
<tr>
<td>Latoya</td>
<td>$250</td>
</tr>
<tr>
<td>Patricia GC Drinks</td>
<td>$75</td>
</tr>
<tr>
<td>Father&amp;Son</td>
<td>$250</td>
</tr>
<tr>
<td>Fair Way Management</td>
<td>$250</td>
</tr>
<tr>
<td>Brown Family</td>
<td>$25</td>
</tr>
<tr>
<td>Shackelford</td>
<td>$100</td>
</tr>
<tr>
<td>Olearys</td>
<td>$250</td>
</tr>
<tr>
<td>Santiago Family</td>
<td>$250</td>
</tr>
<tr>
<td>Stax Roofing</td>
<td>$250</td>
</tr>
</tbody>
</table>

**Total**                          | **$2,240** |
City Council Meeting  
City of DeBary  
AGENDA ITEM

Subject: Volusia Growth Management Commission – Reappoint Sid Vihlen, Jr.  
From: Carmen Rosamonda, City Manager

Attachments:  
( ) Ordinance  
( ) Resolution  
(x ) Supporting Documents/ Contracts  
( ) Other

Meeting Hearing Date  May 17, 2023

REQUEST
City Manager requests City Council to reappoint Sid Vihlen, Jr. to the Volusia Growth Management Commission (VGMC) for the four-year term beginning July 1, 2023.

PURPOSE
The main purpose of the commission is to provide an effective means for coordinating the plans of municipalities and the county, in order to provide a forum for the several local governments in the county to cooperate with each other in coordinating the provision of public services to and improvements for the citizens of the county, and create incentives to foster intergovernmental cooperation and coordination.

CONSIDERATIONS

• VGMC was established by Volusia County on November 4, 1986.

• Sid Vihlen has served as Chairman of the Commission the last four years and his current term expires June 30, 2023.

• Sid Vihlen, Jr., is a true leader, providing significant knowledge, expertise and commitment in his role. He represents DeBary well.

COST/FUNDING
There is no cost for this reappointment.

RECOMMENDATION
It is recommended that the City Council reappoint Sid Vihlen, Jr. to the Volusia Growth Management Commission (VGMC) for the four-year term beginning July 1, 2023.
IMPLEMENTATION

Term begins July 1, 2023

ATTACHMENTS

None
REQUEST

Staff is requesting the City Council approve the second reading of Ordinance # 04-2023, amending the Land Development Code (LDC) to define self-storage facilities and warehouses and provide development standards for self-storage facilities and miniwarehouses fronting the Gateway Corridor.

PURPOSE

To clarify the definition of self-storage facilities; to require mixed use as part of new self-storage facilities; and to provide developmental standards for the Gateway Corridor.

CONSIDERATIONS

Background:

The LDC does not define the term “self-storage facilities”, although defines the term “miniwarehouses”. Self-storage facilities are referenced in certain Planned Unit Development (PUD) development agreements (DA), although not defined in the LDC. Furthermore, the LDC allows “warehouses” as a permitted special exception in the B-5 classification, and a permitted principal use in the I-1 classification. Clarifying the definition of self-storage facilities will update the LDC to reflect the intended purpose.

The Gateway Corridors (U.S. Highway 17-92, Highbanks Road, Enterprise Road, Saxon Boulevard, Dirksen Drive, and I-4 frontage roads) (See Attached Map) provide the first impressions of the City to visitors. Therefore, there are enhanced design standards to improve the Gateway appearance, provide uniform design standards, coordinate the appearance of developments and enhance property values.

In recent years, developers have submitted inquiries to City Staff for self-storage facilities. The potential proliferation of this use threatens the City’s desire to enhance the appearance of the Gateway Corridors. The majority of the vacant commercial property in the City is located on a Gateway Corridor (see attached Vacant Commercial Property map).
Proposed Amendments:

SECTION 2 ADOPTION. Chapter 1, Section 1-3 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 being included are not being amended):

Section 1-3. – Definitions and rules of construction

Self-storage facilities and Miniwarehouse shall mean an enclosed storage area containing individually rented or owned compartments or stalls for storage only, and a commercial use as an accessory use where required by this Code.

Warehouses shall mean an enclosed storage area for the purpose of temporarily receiving and/or storing of goods for delivery to the ultimate customer at remote locations.

SECTION 3 ADOPTION. Chapter 3, Article III, Division 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 being included are not being amended):

Section 3-102. – B-4 General Commercial Classification (c) Permitted special exceptions.

Self-storage facilities and Miniwarehouses (refer to section 3-134(4)).

Section 3-103. – B-5 Heavy Commercial Classification.

(b) Permitted principal uses and structures

Miniwarehouses which meet the requirements of section 3-134(4) Self-storage facilities and Miniwarehouses.

Section 3-107. – I-1 Light Industrial Classification.

(b) Permitted principal uses and structures.

Self-storage facilities and Miniwarehouses.

SECTION 4 ADOPTION. Chapter 3, Article III, Division 4 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 being included are not being amended):

Section 3-129. – Off-street parking and loading.

(5) Off-street parking spaces.

<table>
<thead>
<tr>
<th>Use</th>
<th>Number of Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mini-warehouses</td>
<td>1 for every 10 storage cubicles or units</td>
</tr>
<tr>
<td>Self-storage facilities and miniwarehouses</td>
<td>1 for every 10 storage cubicles or units.</td>
</tr>
</tbody>
</table>
Section 3-134. – Special exceptions.

(4) Self-storage facilities and Miniwarehouses. Self-storage facilities and Miniwarehouses shall be designed and operated according to the following standards:

b. There shall be a minimum of 30 feet between self-storage facilities and miniwarehouse buildings for driveway, parking and fire lane purposes.

c. When located within a commercial zoning classification, PUD, RPUD, BPUD, or MPUD, the use shall be designed pursuant to Section 5-128, when applicable.

SECTION 5 ADOPTION.

Chapter 5, Article V 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 being included are not being amended):

Section 5-128. – Supplemental Site and Building Standards

(1) Self-Storage Facilities and Miniwarehouses

Self-storage facilities, if allowed, shall be designed to meet the intent to create a pedestrian-friendly urban environment. Self-storage facilities shall be designed and constructed in accordance with the following requirements (Figure 5-32):

a. Self-storage facilities shall be a mixed-use development with a portion of the first floor being an additional office, restaurant or retail and services use(s). The entrance of the additional use(s) shall be from the front façade of the principal structure

b. Access to the individual storage units shall only be provided from interior spaces.

c. There shall be no outdoor storage allowed.

Figure 5-32: Urban Self-Storage Facilities

Secs. 5-128, 5-129. – Reserved.

SECTION 6 ADOPTION
Chapter 5, Article VI 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 being included are not being amended):

***

Section 5-131 (b)(3) Additional regulations are applicable to permitted and prohibited uses within the TOD Overlay District as specified in the following Comprehensive Land Use Table. Please note that residential uses are prohibited on the ground floor within the entire TOD Main Street Area. See Mixed-use requirements in section 5-131(b)(2) above.

<table>
<thead>
<tr>
<th>P (Permitted)</th>
<th>— (Prohibited)</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S. Hwy 17-92</td>
<td>TOD Core</td>
</tr>
<tr>
<td>Outside TOD Core</td>
<td>Additional Requirements</td>
</tr>
</tbody>
</table>

### Commercial Uses

<table>
<thead>
<tr>
<th></th>
<th>P (Permitted)</th>
<th>— (Prohibited)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Storage/Mini-Warehouse</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>—</td>
<td>No outdoor storage</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>P (Permitted)</th>
<th>— (Prohibited)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Self-storage facilities and miniwarehouses</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>—</td>
<td>No self-storage facilities</td>
<td></td>
</tr>
</tbody>
</table>

Comprehensive Plan Review:

Amendments to the LDC are required to be consistent with the City’s adopted Comprehensive Plan (Plan), as per F.S. 163.3202. Therefore, this amendment has been reviewed to ensure compliance with the Plan.

**Economic Development**

Policy 3.204 states the City will provide for high quality mixed uses in appropriate locations to support economic development in commercial and industrial locations. A stand-alone self-storage facility does little to support economic development. The facilities consume larger parcels of property, while requiring the greatest average square-footage per worker as illustrated in the following chart.
<table>
<thead>
<tr>
<th>Principal building activity</th>
<th>Average square feet per worker</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convenience stores (with or without gas station)</td>
<td>963</td>
</tr>
<tr>
<td>Grocery store/food market</td>
<td>1,218</td>
</tr>
<tr>
<td>Fast food</td>
<td>414</td>
</tr>
<tr>
<td>Restaurant/cafeteria</td>
<td>461</td>
</tr>
<tr>
<td>Other food service</td>
<td>956</td>
</tr>
<tr>
<td>Health care office (outpatient, diagnostic)</td>
<td>566</td>
</tr>
<tr>
<td>Clinic or other outpatient</td>
<td>581</td>
</tr>
<tr>
<td>Retail store</td>
<td>1,632</td>
</tr>
<tr>
<td>Other retail</td>
<td>1,408</td>
</tr>
<tr>
<td>Strip shopping center</td>
<td>938</td>
</tr>
<tr>
<td>Administrative/professional office</td>
<td>483</td>
</tr>
<tr>
<td>Bank/other financial</td>
<td>518</td>
</tr>
<tr>
<td>Medical (non-diagnostic)</td>
<td>523</td>
</tr>
<tr>
<td>Other office</td>
<td>621</td>
</tr>
<tr>
<td>Self-storage units</td>
<td>6,342</td>
</tr>
</tbody>
</table>

Also, adding a mixed-use element to a self-storage facility will provide commercial retail spaces, that are in high demand on the 17-92 corridor. Instead of having a sole-purpose facility, that consumes much-needed commercial property, a proposed site would also fill the gap for retail space availability on the corridor. Sites can be designed that may have office or retail facilities on the first floor or front façade of the self-storage facility.

**Future Land Use**

Policy 5.502(a) states the LDC shall contain provisions addressing compatibility of adjacent land uses. The Gateway Corridor standards were adopted to enhance the appearance of the corridors. Adding a commercial element to self-storage facilities will make the facilities more compatible with other mixed-use, commercial and residential areas.

At the May 3, 2023 City Council meeting, the first reading of the ordinance was approved. Since that meeting, a minor change has been made to proposed Section 5-128(1)a to provide clarification on the amount of mixed use required on the ground floor.
COST/FUNDING
None

RECOMMENDATION
It is recommended the City Council approve the second reading of Ordinance # 04-2023, proposed amendment to the LDC to define self-storage facilities and warehouses and provide development standards for self-storage facilities and miniwarehouses fronting the Gateway Corridor.

IMPLEMENTATION
If the Council approves the second reading of the ordinance, Staff will update the relevant sections of the LDC.

ATTACHMENTS
- Proposed Ordinance # 04-2023
- City of DeBary Vacant Commercial Property
- City of DeBary Gateway Corridor Map
ORDINANCE NO. 04-2023

AN ORDINANCE OF THE CITY OF DEBARY, FLORIDA, AMENDING THE CITY’S LAND DEVELOPMENT CODE TO PROVIDE DEFINITIONS AND ZONING AND LAND DEVELOPMENT STANDARDS PERTAINING TO SELF-STORAGE FACILITIES, MINI-WAREHOUSES, AND WAREHOUSES; AND PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of DeBary’s land development code has not specifically addressed land development regulations and standards for “self-storage facilities” or how such facilities should be treated in relation to similar facilities such as “warehouses” and “miniwarehouses;” and

WHEREAS, the City of DeBary, in further developing its form-based zoning code desires to provide for zoning and land development standards specific to self-storage facilities and further clarification of standards for warehouses and mini-warehouses.

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

SECTION 1. RECITALS. The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

SECTION 2. ADOPTION. Chapter 1, Section 1-3 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; and provisions not included are not being amended):

Section 1-3. – Definitions and rules of construction

***

(c) Words and terms defined. The following words and phrases, as used in this Code, shall have the following meanings:

***

Self-storage facilities and Miniwarehouse shall mean an enclosed storage area containing individually rented or owned compartments or stalls for storage only, and a commercial use as an accessory use where required by this Code.

***

Warehouses shall mean an enclosed storage area for the purpose of temporarily receiving and/or storing of goods for delivery to the ultimate customer at remote locations.
Section 3-102. – B-4 General Commercial Classification

***

(c) Permitted special exceptions. Additional regulations/requirements governing permitted special exceptions are located in section 3-134.

***

Self-storage facilities and Miniwarehouses (refer to section 3-134(4)).

***

Section 3-103. – B-5 Heavy Commercial Classification.

(b) Permitted principal uses and structures. In the B-5 Heavy Commercial Classification, no premises shall be used except for the following uses and their customary accessory uses or structures unless a use is found to be substantially similar in nature by the City Manager. Also, reference Article II, Overlay Districts, for any additional applicable regulations.

***

Miniwarehouses which meet the requirements of section 3-134(4). Self-storage facilities and Miniwarehouses

***

Section 3-107. – I-1 Light Industrial Classification.

(b) Permitted principal uses and structures. In the I-1 Light Industrial Classification, no premises shall be used except for the following industrial uses and their customary accessory uses or structures unless a use is found to be substantially similar in nature by the City Manager. Permitted and special exception uses must also be consistent with the uses permitted by the property's future land use designation on the City's adopted Future Land Use Map. Also, reference Article, II Overlay Districts, for any additional applicable regulations.

***

Self-storage facilities and Miniwarehouses.

***

SECTION 3 ADOPTION. Chapter 3, Article III, Division 4 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; and provisions not included are not being amended):

Section 3-129. – Off-street parking and loading.
Where required by this Code, every use or structure shall have an adequate number of off-street parking and loading spaces for the use of occupants, employees, visitors, customers, patrons or suppliers. Except as noted in this section, division 4, article II of chapter 4 shall apply to the design and construction of all required off-street parking and loading areas.

***

(5) **Off-street parking spaces.** The number of off-street parking spaces shall be determined from the following table. Numbers for any use not specifically mentioned shall be the same as for the use most similar to the one sought. Fractional spaces shall be rounded up to the closest whole number. In houses of worship or other places of assembly where occupants sit on seats without dividing arms, each 18 linear inches of such seat shall be counted as one seat.

The minimum and maximum number of parking spaces required for any use not specifically mentioned, shall be determined by the Planning Administrator or his or her designee based upon data from the Transportation Engineers Parking Generation Manual, from publications and data from the American Planning Association or the Urban Land Institute, from studies using ITE recommended methodology and other professionally acceptable sources.

<table>
<thead>
<tr>
<th>Use</th>
<th>Number of Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amusement centers (arcades, skating rinks, miniature golf and similar uses)</td>
<td>1 per each 250 sq. ft. of area within enclosed buildings, plus 1 space for 3 persons the outdoor facilities are designed for, at maximum capacity</td>
</tr>
<tr>
<td>Automotive, boat, motorcycle, mobile home and recreational vehicle sales</td>
<td>1 per 500 sq. ft. of GFA*; 1 per each employee on the largest shift; 2 per service bay</td>
</tr>
<tr>
<td>Automobile service stations with retail sale, Types A and B</td>
<td>1 space per gas pump, plus 3.6 spaces per 1,000 sq. ft. GFA, plus 2 for each grease rack or other working bay, if applicable</td>
</tr>
<tr>
<td>Automobile service stations, Types A and B</td>
<td>1 for each gas pump, plus 2 for each grease rack or working bay</td>
</tr>
<tr>
<td>Ball park or stadium (other than Little League)</td>
<td>1 for each 3 seats, or 1 for each 300 sq. ft. of floor area, whichever is greater</td>
</tr>
<tr>
<td>Banks and similar financial institutions</td>
<td>1 per 275 sq. ft. of GFA* plus 4 reservoir spaces per drive through window and drive thru ATM</td>
</tr>
<tr>
<td>Activity</td>
<td>Calculation and Additional Details</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Barbershops, beauty salons and cosmetic treatments</td>
<td>2 per station or chair for a barber shop and 1 space per 250 sq. ft. of GFA for beauty salons</td>
</tr>
<tr>
<td>Baseball/softball</td>
<td>38 spaces per field</td>
</tr>
<tr>
<td>Basketball court</td>
<td>5 spaces per court</td>
</tr>
<tr>
<td>Bed and breakfast homestay</td>
<td>1 for each guest room plus 2 per dwelling unit</td>
</tr>
<tr>
<td>Boat ramp</td>
<td>30 spaces per ramp, 15 spaces per boat lane</td>
</tr>
<tr>
<td>Bowling alleys</td>
<td>3 for each alley, plus spaces required for other uses such as consumption of food and beverages or other recreational uses, plus 1 space per employee on the largest shift</td>
</tr>
<tr>
<td>Commercial uses not listed</td>
<td>1 per 275 sq. ft. of GFA*</td>
</tr>
<tr>
<td>Community center or recreation center</td>
<td>1 space per 200 sq. ft. of GFA*</td>
</tr>
<tr>
<td>Concession building</td>
<td>1 space per concessionaire or employee</td>
</tr>
<tr>
<td>Day care center</td>
<td>1 per 10 children served, plus 1 space per employee on the largest shift, plus a pickup and drop-off area equal to 1 space per 25 children served</td>
</tr>
<tr>
<td>Duplex and multifamily dwelling</td>
<td>2 per dwelling unit with 2 or more bedroom units; 1.5 per each one bedroom unit; add guest parking at 1 space per 5 units</td>
</tr>
<tr>
<td>Equipped playground</td>
<td>10 spaces per site</td>
</tr>
<tr>
<td>Fishing pier</td>
<td>1 space per 50 lineal feet</td>
</tr>
<tr>
<td>Furniture and flooring store</td>
<td>1 per 1,000 sq. ft. of GFA*</td>
</tr>
<tr>
<td>General, nonmedical, offices</td>
<td>1 per 250 sq. ft. of GFA* or one parking space for each 220 sq. ft. of gross floor space excluding areas of common public use and circulation. In computing the latter requirement the exclusion is to be used for public stairs, elevators, lobbies, arcades and atriums but not for common restrooms, mechanical areas or hallways beyond 20 feet from the lobby area</td>
</tr>
<tr>
<td>Use Description</td>
<td>Spaces/Units/Shift</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>Golf or country clubs</td>
<td>3 spaces/golf hole</td>
</tr>
<tr>
<td>Group homes</td>
<td>1 for each 5 persons plus 1 for each employee on the largest shift</td>
</tr>
<tr>
<td>Handball/racquetball court</td>
<td>2 spaces/court</td>
</tr>
<tr>
<td>Hardware store, home improvement stores</td>
<td>1 per 350 sq. ft. of GFA*</td>
</tr>
<tr>
<td>Health club, Fitness Club/Gym</td>
<td>6 spaces, per 1,000 sq. ft. of GFA*</td>
</tr>
<tr>
<td>Hospital</td>
<td>1 for each employee on the largest shift, plus ½ for each bed, and ½ for each staff doctor</td>
</tr>
<tr>
<td>House of worship, auditoriums, funeral homes and other places of assembly not listed</td>
<td>1 space for each 4 seats in the principal place of assembly or 1 space for every 50 sq. ft. of seating area where there are no fixed seats</td>
</tr>
<tr>
<td>Industrial uses</td>
<td>1 space for each bay, plus 1 space for each 1,000 sq. ft. of GFA*</td>
</tr>
<tr>
<td>Library, art gallery</td>
<td>1 space for each 300 sq. ft. of GFA*</td>
</tr>
<tr>
<td>Manufacturing industries</td>
<td>1 for each employee on the largest shift</td>
</tr>
<tr>
<td>Marinas</td>
<td>8 boat-trailer spaces for each boat launching ramp</td>
</tr>
<tr>
<td>Medical offices, dental offices, clinics and laboratories</td>
<td>1 per 225 sq. ft. of GFA*</td>
</tr>
<tr>
<td>Mini-warehouses</td>
<td>1 for every 10 storage cubicles or units</td>
</tr>
<tr>
<td>Mixed use projects, Village Center Overlay by special exception</td>
<td>Shared parking is permitted when data is provided demonstrating a shared parking model based on professionally accepted sources and where generators have non-concurrent parking demand timeframes</td>
</tr>
<tr>
<td>Mobile home dwellings</td>
<td>2 per dwelling unit</td>
</tr>
<tr>
<td>Mobile home parks</td>
<td>2 per dwelling unit, plus any additional spaces reasonably required for accessory buildings or structures</td>
</tr>
<tr>
<td>Use</td>
<td>Parking Requirements</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>----------------------------------------------------------</td>
</tr>
<tr>
<td>Motels or hotels</td>
<td>1 for each unit, plus 1 for each 5 employees, in addition to spaces required for accessory uses</td>
</tr>
<tr>
<td>Motor vehicle repair</td>
<td>1 per 350 sq. ft. of GFA* and 2 spaces per service bay</td>
</tr>
<tr>
<td>Multipurpose court</td>
<td>5 spaces per court</td>
</tr>
<tr>
<td>Multipurpose field</td>
<td>8 spaces per acre</td>
</tr>
<tr>
<td>Municipal, county, state, federal and community buildings</td>
<td>4 spaces for each 1,000 sq. ft. of GFA*</td>
</tr>
<tr>
<td>Nursing homes, convalescent facilities and assisted living facilities</td>
<td>1 for each 4 beds, and 1 for each employee and/or visiting doctor on the largest shift</td>
</tr>
<tr>
<td>Open &quot;free play&quot; area</td>
<td>8 spaces per acre</td>
</tr>
<tr>
<td>Picnic area</td>
<td>1 space per table</td>
</tr>
<tr>
<td>Pool halls and billiard parlors</td>
<td>2 for each pool or billiard table</td>
</tr>
<tr>
<td>Primitive camping</td>
<td>1 space per site</td>
</tr>
<tr>
<td>Professional office</td>
<td>1 space per 250 sq. ft. of GFA*</td>
</tr>
<tr>
<td>Restaurants, Types A and B, nightclubs or bars</td>
<td>1 per 4 seats or 1 for each 200 sq. ft. of GFA* for take-outs, plus 1 space for each employee on the largest shift</td>
</tr>
<tr>
<td>Restaurants (fast food)</td>
<td>6 reservoir spaces per service lane with a minimum of 3 spaces behind the order station or menu, plus 10 spaces per 1,000 GFA*</td>
</tr>
<tr>
<td>Retail sales and service establishments</td>
<td>1 per 275 sq. ft. of GFA*</td>
</tr>
<tr>
<td>Senior housing</td>
<td>1.25 spaces per unit plus 1 guest space per every five units</td>
</tr>
<tr>
<td>Schools: private elementary schools</td>
<td>1 for each faculty member, plus 1 for each employee</td>
</tr>
<tr>
<td>Schools: private high school</td>
<td>1 for each faculty member, plus 1 for each employee, plus 1 space for each 10 students</td>
</tr>
<tr>
<td>Use/Structure</td>
<td>Per Staff Member/Employee/Building Area</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>Schools: colleges or other institutions of higher learning, trade/vocational</td>
<td>1 for each staff member and employee, plus 1 for each 3 students</td>
</tr>
<tr>
<td>Self-storage facilities and miniwarehouses</td>
<td>1 for every 10 storage cubicles or units.</td>
</tr>
<tr>
<td>Shopping centers</td>
<td>4 spaces for each 1,000 sq. ft. of GFA* Garden center area shall be included</td>
</tr>
<tr>
<td>Shuffleboard court</td>
<td>2 spaces per court</td>
</tr>
<tr>
<td>Single-family dwellings</td>
<td>2 per dwelling unit</td>
</tr>
<tr>
<td>Swimming pool (50m)</td>
<td>1 per 200 sq. ft. of pool surface area, plus 1 space for each 200 sq. ft. of building area in accessory structures in excess of 1,000 sq. ft.</td>
</tr>
<tr>
<td>Tennis court</td>
<td>2 spaces per court</td>
</tr>
<tr>
<td>Theaters</td>
<td>1 for each 4 seats, plus 1 for each employee</td>
</tr>
<tr>
<td>Veterinary clinic</td>
<td>1 space per 275 sq. ft. GFA*</td>
</tr>
<tr>
<td>Volleyball</td>
<td>6 spaces per court</td>
</tr>
<tr>
<td>Warehousing (commercial and industrial)</td>
<td>1 for each employee, plus 1 for each 1,500 sq. ft. of storage</td>
</tr>
</tbody>
</table>

***

Section 3-134. – Special exceptions.

The following uses or structures are permitted as special exceptions only when listed as permitted special exceptions in Chapter 3, Article II, Overlay Districts, and Chapter 3, Article III, Division 3, Zoning Classifications:

***

(4) Self-storage facilities and Miniwarehouses. Self-storage facilities and miniwarehouses shall be designed and operated according to the following standards:
a. No garage sales shall be conducted on the premises. No servicing or repair of motor vehicles, watercraft, trailers, lawn mowers and other similar equipment shall be conducted on the premises.

b. There shall be a minimum of 30 feet between self-storage facilities and miniwarehouse buildings for driveway, parking and fire lane purposes.

c. When located within a commercial zoning classification, PUD, RPUD, BPUD, or MPUD, the use shall be designed pursuant to Section 5-128, when applicable.

**SECTION 4. ADOPTION.**

Chapter 5, Article V of the City of DeBary Land Development Code is hereby amended to include new § 5-128 as follows (words that are stricken out are deletions; words that are underlined are additions; provisions not included are not being amended):

Section 5-128. – Supplemental Site and Building Standards

(1) *Self-Storage Facilities and Miniwarehouses*

Self-storage facilities, if allowed, shall be designed to meet the intent to create a pedestrian-friendly urban environment. Self-storage facilities shall be designed and constructed in accordance with the following requirements (Figure 5-32):

a. Self-storage facilities shall be a mixed-use development with a portion of the first floor being an additional office, restaurant or retail and services use(s). The entrance of the additional use(s) shall be from the front façade of the principal structure.

b. Access to the individual storage units only be provided from interior spaces.

c. There shall be no outdoor storage allowed.
CHAPTER 5

ADOPTION

Chapter 5, Article VI 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 being included are not being amended):

Section 5-131. – Land use and building density.

(b) Compatible Land Uses. Each of the properties within the TOD Overlay District maintains their current zoning designations until such time as they are developed or redeveloped. Then an administrative rezoning to PUD will be processed by the city. To further the intent and purpose of the TOD Overlay District, certain specific and incompatible uses shall be prohibited.

(3) Additional regulations are applicable to permitted and prohibited uses within the TOD Overlay District as specified in the following Comprehensive Land Use Table. Please note that residential uses are prohibited on the ground floor within the entire TOD Main Street Area. See Mixed-use requirements in section 5-131(b)(2) above.

<table>
<thead>
<tr>
<th>U.S. Hwy 17-92 TOD Core</th>
<th>Outside TOD Core</th>
<th>Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>P (Permitted)</strong></td>
<td><strong>— (Prohibited)</strong></td>
<td></td>
</tr>
</tbody>
</table>

Figure 5-32: Urban Self-Storage Facilities

Secs. 5–128; 5-129. – Reserved.
<table>
<thead>
<tr>
<th>Residential Uses</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Assisted/Congregate Living</td>
<td></td>
<td></td>
<td></td>
<td>Prohibited at ground-floor within TOD Main Street Area</td>
</tr>
<tr>
<td>Condominium Residential</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Prohibited within TOD Main Street Area</td>
</tr>
<tr>
<td>Duplex Residential</td>
<td></td>
<td></td>
<td>P</td>
<td>Prohibited within TOD Main Street Area</td>
</tr>
<tr>
<td>Group Residential</td>
<td></td>
<td>P</td>
<td>P</td>
<td>Prohibited at ground-floor within TOD Main Street Area</td>
</tr>
<tr>
<td>Class A Home Occupation</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>In accordance with Chapter 3, Article III, Division 4, Section 3-127 of the City of DeBary Land Development Code Prohibited at ground-floor within TOD Main Street Area</td>
</tr>
<tr>
<td>Mobile Home Residential</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Multifamily Residential</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Apartments allowed above retail/office uses Prohibited within TOD Main Street Area</td>
</tr>
<tr>
<td>Single-Family Residential</td>
<td></td>
<td></td>
<td>P</td>
<td>Prohibited within TOD Main Street Area</td>
</tr>
<tr>
<td>Townhouse Residential</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Prohibited within TOD Main Street Area</td>
</tr>
<tr>
<td>Commercial Uses</td>
<td></td>
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<td></td>
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<tr>
<td>-----------------------------------------------------</td>
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</tr>
<tr>
<td>Art Gallery</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Arts Centers (Galleries, Schools &amp; Workshops)</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Auction House</td>
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<tr>
<td>Automobile Body Shops</td>
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<tr>
<td>Automobile Driving Schools</td>
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<tr>
<td>Automobile Service Station</td>
<td>—</td>
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<td>—</td>
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<tr>
<td>Automotive Detail/Washing</td>
<td>—</td>
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<td>—</td>
</tr>
<tr>
<td>Automotive or Vehicular Sales</td>
<td>—</td>
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<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Automotive Rentals</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Automotive Repair Services</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
</tbody>
</table>

Includes art, dance, music, culinary, martial arts

No outside storage of vehicles
All work areas are to be within enclosed building

Not allowed within 100 feet of corner
The use must meet all applicable design requirements in this document

Includes auto, motorcycle, boat and personal watercraft

No outside storage of vehicles

No outside storage of vehicles
All work areas are to be within enclosed building
<table>
<thead>
<tr>
<th>Category</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bakery/Confectioners/Deli</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>May include on site preparation of goods</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Outside service is permitted</td>
</tr>
<tr>
<td>Back Office Operation Center</td>
<td></td>
<td></td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Retail-oriented Bars, Pubs, Micro-breweries, and Lounges</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Bars and Pubs limited to 5,000 gross square feet unless accessory to a restaurant of space as primary use Micro-breweries limited to 10,000 gross square feet and must have retail provision Outside service is permitted</td>
</tr>
<tr>
<td>Bed &amp; Breakfast</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Bicycle Sales and Rentals</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Book and Stationery Stores</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Bowling Alleys</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Material Sales And Storage</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Call Center</td>
<td></td>
<td></td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Campus Employment</td>
<td></td>
<td></td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Customer Service Centers</td>
<td></td>
<td></td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Service Type</td>
<td>Code</td>
<td>Code</td>
<td>Code</td>
<td>Description</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Catering Services</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Limited to 5,000 gross square feet  May include on site preparation</td>
</tr>
<tr>
<td>Civic Clubs</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>i.e., American Legion, Moose Lodge, Masonic Lodge, etc.</td>
</tr>
<tr>
<td>Coin-Operated Amusements</td>
<td></td>
<td>P**</td>
<td>P</td>
<td>Non-gambling related uses not greater than 2,500 gross square feet  ** Permitted as accessory to restaurant or bar</td>
</tr>
<tr>
<td>Commercial Parking Garage</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>With City approved Architectural facades that match the &quot;Architecture and Elements of Style&quot; described in this document</td>
</tr>
<tr>
<td>Communication Towers</td>
<td></td>
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<tr>
<td>Consumer Repair Services</td>
<td></td>
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<tr>
<td>Contractor's Shop, Storage And Equipment Yard</td>
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<tr>
<td>Convenience Store Without Fuel Dispensers</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Convenience Stores With Fuel Dispensers</td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>Business Type</td>
<td>Class A</td>
<td>Class B</td>
<td>Class C</td>
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<tr>
<td>Dental Laboratories</td>
<td>—</td>
<td>—</td>
<td>P</td>
<td></td>
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<tr>
<td>Employment Agencies</td>
<td>—</td>
<td>P</td>
<td>P</td>
<td>Excluding Day Labor Agencies</td>
</tr>
<tr>
<td>Exercise Gym and Health Spas</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Drive-through windows only permitted outside of Main Street area</td>
</tr>
<tr>
<td>Financial Services</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Funeral Homes With Crematory As An Accessory Use</td>
<td>—</td>
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<tr>
<td>Funeral Services</td>
<td>—</td>
<td>—</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>General Retail Sales</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Maximum size of 2,000 gross square feet</td>
</tr>
<tr>
<td>General Retail Sales (Convenience)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>No fueling stations</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>No fueling stations except in Transitional Areas</td>
</tr>
<tr>
<td>Hardware Stores</td>
<td>—</td>
<td>P</td>
<td>P**</td>
<td>No outside storage or display ** Limited to 5,000 gross square feet</td>
</tr>
<tr>
<td>Hotel-Motel</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Service Type</td>
<td>Use Approval</td>
<td>Location Approval</td>
<td>Parking Approval</td>
<td>Notes</td>
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<td>------------------------------------</td>
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</tr>
<tr>
<td>Indoor Amusements/Arcade</td>
<td>—</td>
<td>P</td>
<td>P</td>
<td>Only as accessory to restaurants or bars, pubs or lounges</td>
</tr>
<tr>
<td>Kennels</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>A kennel use must be conducted entirely within an enclosed structure</td>
</tr>
<tr>
<td>Liquor/Wine Sales</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Limited to 2,500 gross square feet Outside service is permitted</td>
</tr>
<tr>
<td>Off-Site Accessory Parking</td>
<td>—</td>
<td>P</td>
<td>P</td>
<td>Accessory to primary use off-site businesses</td>
</tr>
<tr>
<td>Office (General)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Office (Professional)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
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<tr>
<td>Pawn Shop Services</td>
<td>—</td>
<td>—</td>
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<td></td>
</tr>
<tr>
<td>Personal Care Services (Hair/Beauty Salons/Spas)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Personal Dry Cleaning Services</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Drop-off/pick-up only</td>
</tr>
<tr>
<td>Personal Laundry Services</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>No bulk laundry or cleaning plant, no diaper services or linen supply services allowed in TOD Overlay District ** Drop-off/pick-up only</td>
</tr>
<tr>
<td>Personal Storage/Mini-Warehouse</td>
<td></td>
<td></td>
<td></td>
<td>No outdoor storage</td>
</tr>
<tr>
<td>--------------------------------</td>
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</tr>
<tr>
<td>Pest Exterminators</td>
<td></td>
<td></td>
<td></td>
<td>Maximum size of 2,000 gross square feet</td>
</tr>
<tr>
<td>Pet Grooming Services</td>
<td></td>
<td></td>
<td>P</td>
<td>All services within enclosed structure</td>
</tr>
<tr>
<td>Pharmacies</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Drive-through windows only permitted along U.S. Hwy 17-92</td>
</tr>
<tr>
<td>Plant Nursery (Retail)</td>
<td></td>
<td></td>
<td></td>
<td>Limited to 2,000 gross square feet within TOD Core, otherwise not greater than 5,000 gross square feet</td>
</tr>
<tr>
<td>Plant Nursery (Wholesale/Retail)</td>
<td></td>
<td></td>
<td></td>
<td>Limited to 5,000 gross square feet</td>
</tr>
<tr>
<td>Printing And Publishing</td>
<td></td>
<td>P</td>
<td>P</td>
<td>Maximum size of 5,000 gross square feet</td>
</tr>
<tr>
<td>Radio And Television Broadcasting Stations</td>
<td></td>
<td>P</td>
<td>P</td>
<td>Outside service is permitted</td>
</tr>
<tr>
<td>Restaurant (Bakery/Deli)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Maximum size of 5,000 gross square feet</td>
</tr>
<tr>
<td>Category</td>
<td>Code</td>
<td>Code</td>
<td>Code</td>
<td>Details</td>
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</tr>
<tr>
<td>Restaurant (Catering)</td>
<td>P</td>
<td>P</td>
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<td>Maximum size of 5,000 gross square feet</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Outside service is permitted</td>
</tr>
<tr>
<td>Restaurant (Fast Food)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Drive-through windows not permitted within 2,000 linear feet from any other similar drive-through window use</td>
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<tr>
<td></td>
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<td></td>
<td></td>
<td>Drive-through window prohibited within Main Street area</td>
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<td></td>
<td>Outside service is permitted</td>
</tr>
<tr>
<td>Restaurant (General)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Drive-through windows not permitted within 2,000 feet from any other similar drive-through window use</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Drive-through window prohibited within Main Street area</td>
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<tr>
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<td></td>
<td></td>
<td></td>
<td>Outside service is permitted</td>
</tr>
<tr>
<td>Retail Repair Services</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Repair services for personal clothing, jewelry or electronics</td>
</tr>
<tr>
<td>Rug Cleaning Establishments</td>
<td>—</td>
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<td>—</td>
<td></td>
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<tr>
<td>Scrap And Salvage</td>
<td>—</td>
<td>—</td>
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</tr>
<tr>
<td>Self-stORAGE facilities and miniwarehouses</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>No self-storage facilities</td>
</tr>
<tr>
<td>Special Event Entertainment</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Special events permit required</td>
</tr>
<tr>
<td>Theaters (Movie And Live)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Theatres less than 5 screens</td>
</tr>
<tr>
<td>Animal Uses</td>
<td>Zoned</td>
<td>Allowed</td>
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<tr>
<td>Veterinary Services</td>
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</tr>
</tbody>
</table>

- A veterinary services use must be conducted entirely within an enclosed structure
- No outdoor kennels or runs

<table>
<thead>
<tr>
<th>Civic Uses</th>
<th>Zoned</th>
<th>Allowed</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>College and University Facilities</td>
<td>P</td>
<td>—</td>
<td>P</td>
</tr>
<tr>
<td>College and University Satellite Facilities</td>
<td>P</td>
<td>P</td>
<td>—</td>
</tr>
<tr>
<td>Community Center/Recreation</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Common Open Space</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Convention Center</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Day Care Services</td>
<td>—</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Government Postal Facilities</td>
<td>P</td>
<td>P</td>
<td>P</td>
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</table>

- Limited to 5,000 gross square feet
<table>
<thead>
<tr>
<th>Category</th>
<th>P1</th>
<th>P2</th>
<th>P3</th>
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<tbody>
<tr>
<td>Hospital Services (General)</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Museums</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Parks and Plazas</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Private Primary Educational Facilities</td>
<td></td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Private Secondary Educational Facilities</td>
<td></td>
<td></td>
<td>P</td>
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<tr>
<td>Public Primary Educational Facilities</td>
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<tr>
<td>Public Secondary Educational Facilities</td>
<td></td>
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<tr>
<td>Public Safety Services</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Religious Assembly (Churches)</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Technical/Trade Schools</td>
<td></td>
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<tr>
<td>Telecommunication Tower</td>
<td></td>
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<tr>
<td>Transportation Terminal</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Urgent Care Services</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td></td>
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<td></td>
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<tr>
<td><strong>Light Industrial Uses</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bakeries</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Bottling and distribution plants</td>
<td></td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>Convenience stores without gasoline pumps</td>
<td></td>
<td></td>
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<tr>
<td>Sale (retail or wholesale) of products or parts manufactured or assembled on the premises</td>
<td></td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>Employment agencies offering day labor services and</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Limited to 5,000 gross square feet</td>
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</tr>
<tr>
<td>Category</td>
<td>Location 1</td>
<td>Location 2</td>
<td>Location 3</td>
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<tr>
<td>-------------------------------------------------------------------------</td>
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<tr>
<td>where workers congregate at the business location to receive daily assignments</td>
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<tr>
<td>Essential utility services</td>
<td>—</td>
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<td>S</td>
</tr>
<tr>
<td>Flex-space</td>
<td>—</td>
<td>—</td>
<td>S</td>
</tr>
<tr>
<td>Industrial vocational training school</td>
<td>—</td>
<td>—</td>
<td>S</td>
</tr>
<tr>
<td>Laundries and linen services</td>
<td>—</td>
<td>—</td>
<td>S</td>
</tr>
<tr>
<td>Machinery and machine shops</td>
<td>—</td>
<td>—</td>
<td>S</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>—</td>
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<td>S</td>
</tr>
<tr>
<td>Micro-breweries</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Printing, publishing and engraving</td>
<td>—</td>
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<td>S</td>
</tr>
<tr>
<td>Publicly owned parks and recreational areas</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Restaurants, Types A and B, when contained within the principal industrial structure</td>
<td>—</td>
<td>—</td>
<td>S</td>
</tr>
<tr>
<td>Sign and paint shop</td>
<td>—</td>
<td>—</td>
<td>S</td>
</tr>
<tr>
<td>Testing of materials, equipment and products</td>
<td>—</td>
<td>—</td>
<td>S</td>
</tr>
</tbody>
</table>

**SECTION 6. Codification.** Sections 2 through 5 of this Ordinance are to be incorporated into the City of DeBary Land Development Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing, and lists of defined terms may be set in alphabetical order where appropriate where such does not alter the construction or meaning of this ordinance. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance and the code may be freely made.

**SECTION 7. Conflicts.** This Ordinance shall control over any ordinances or parts of ordinances in conflict herewith.

**SECTION 8. Severability.** The provisions of this Ordinance are declared to be separable and if any section, paragraph, sentence or word of this Ordinance or the application thereto any person or circumstance is held invalid, that invalidity shall not affect other sections or words or applications of this Ordinance. If any part of this Ordinance is found to be preempted or otherwise superseded, the remainder shall nevertheless be given full force and effect to the extent permitted by the severance of such preempted or superseded part.
SECTION 9. Effective Date. This Ordinance shall take effect immediately upon the second reading and final adoption of this Ordinance.

First reading and public hearing was held on the ______ day of ________________, 2023
Second reading, public hearing and adoption was held on the___ day of ________________, 2023

CITY OF DEBARY
CITY COUNCIL

__________________________
Karen Chasez, Mayor

ATTEST:

__________________
Annette Hatch, City Clerk
## AGENDA ITEM

**Subject:** DeBary Elementary School Zone Revision  
**From:** Carmen Rosamonda, City Manager  
**Meeting Hearing Date:** May 17, 2023

### Attachments:
- ( ) Ordinance
- ( ) Resolution
- (x) Supporting Documents/ Contracts
- ( ) Other

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### REQUEST

City Manager requests City Council approval of the Volusia County Public Works proposal WO# 23-0950 to revise the existing school zone on W. Highbanks and install a new school zone on Donald Smith Blvd.

### PURPOSE

The purpose is to improve the safety of parents, students and drivers who travel in and through DeBary Elementary School Zone during student pickup and drop off times.

### CONSIDERATIONS

- The City of DeBary and Volusia County School Board entered into a 50-50 partnership to reconstruct the school entrance at DeBary Elementary School. For more than 15 years, traffic at and near the school was dangerous and burdensome to nearby residents. This project was completed in August 2022.

- Upon completion, the City was advised by the VCSB Project Manager that the VCSB is the sole authority in creating and adjusting school zones. The City has been waiting for these adjustments.

- On or about March 13, 2023, the City Manager received a letter from Stacy Pojero on behalf of Girl Scout Troop 1401 concerning the unsafe school zone and the W. Highbanks/Donald Smith intersection.

- On March 13, 2023, the City Manager contacted VCSB Chairman Jamie Haynes who referred me to Superintendent Dr. Balgobin and her Directors. After much legal research, it was determined that since the adjacent roads are City roads, the City of DeBary had the authority to make school zone changes. They advised that Volusia County installs school zone signage.

- Over the last 60 days, our City Engineer has been working with Volusia County Public Works designing the adjustments along W. Highbanks and installing a new school zone at the school entrance on Donald Smith Blvd.
On W. Highbanks, the school zone will be extended west of Donald Smith/W. Highbanks intersection. A new flashing light will be installed eastbound between Rosedown Blvd and Donald Smith Blvd.

At the school entrance along Donald Smith Blvd, there is currently no school zone. We will be installing a flashing light southbound on Donald Smith, north of the school entrance.

This project will also be adding other signage to ensure that all drivers are aware and understand their responsibilities while traveling through the school zone during pick up and drop off times.

The improvements will also include restriping of W. Highbanks in front of the school, as they are all faded. Because restriping comes from another department within Volusia County, it is not included in this proposal and will be handled separately.

**COST/FUNDING**

The cost of this project is $12,819.10. The funds will be allocated from the current FY 2022-23 City of DeBary’s Public Works budget.

**RECOMMENDATION**

It is recommended that the City Council approval of the Volusia County Public Works proposal WO# 23-0950 to revise the existing school zone on W. Highbanks and install a new school zone on Donald Smith Blvd.

**IMPLEMENTATION**

It will take approximately 6-8 weeks’ delivery time to receive the signage and lights. One received, Volusia County Public Works will install.

**ATTACHMENTS**

Volusia County Public Works WO#23-09350 Cost Proposal
DeBary Girl Scout Troop 1401 Letter
Engineering Map of New School Zone Configuration
Girl Scout Troop 1401 (C/O Stacie Pojero)
152 Ambergate Court; DeBary, FL 32713

City of DeBary
Attn: Mr. Carmen Rosamonda
16 Colomba Road
DeBary, FL 32713

Mr. Rosamonda:

We are Girl Scout Troop 1401 and we attend DeBary Elementary School. Our troop is in the fourth and fifth grade. We are writing to ask you for two things.

- Evaluate the need for a Flashing Pedestrian Crossing Signal at Donald E. Smith Boulevard & Highbanks Road.
- We request to extend the School Zone so that it ends past Donald E. Smith Boulevard.

In 2022, DeBary Elementary had to reroute all of the parent drop off traffic and the cars now turn onto Donald E. Smith to get to DeBary Elementary. This change created four lanes of traffic and hundreds of cars entering and exiting off of Donald E Smith Blvd. Since the school zone ends prior to Donald E. Smith Boulevard, the cars increase in speed from a safe 20 miles per hour to 35 miles per hour right where students cross. The cars at 35 miles per hour (or more) are very intimidating. We also would like to extend the school zone roughly 100 feet so that it ends AFTER you pass Donald E. Smith, not prior. We understand it may not be as simple as moving a sign – but it’s as simple as moving a sign.

Some days, we have a police officer to help us cross the road but not 100% of the time. The Flashing Pedestrian Crossing signal would allow us to alert student presence to vehicles, forcing them to stop and allowing us to continue to and from school – safely. Our research shows that a “flashing” pedestrian signal is proven to increase driver yield rates by as much as 90% in the city of Saint Petersburg, Florida. (According to Tapco Safe Travel website)

One thing to add is that the Spring-to-Spring Trail also crosses this intersection and people using the trail would benefit from the installation of the pedestrian crossing signal.

As Girl Scouts, part of the Girl Scout law is to use resources wisely. We would request that any signs be solar powered, if at all possible. We searched the internet and it appears that there are multiple companies that offer solar powered signals that could be used.

We are happy to speak with you regarding our solutions to this problem and we thank you for your time and consideration to this problem.

Girl Scout Troop 1401
DeBary Elementary Students

Our troop can be reached by contacting: Stacie Pojero; Cell Phone: 386-479-2179; staciepojero@yahoo.com
### Work Order Estimate

**Volusia County Public Works**

City of Debary school flasher installation

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**Customer:** DEBARY

**Main Task:** SCHOOL FLASHER INSTALLATION/REPAIR

**WO Number #:** 23-09350

**Division:** TRAFFIC ENGINEERING

**Supervisor:** CATES, ALLEN B

**Assigned Crew:** MICHELS, SCOTT

**Classification:** EXTERNAL AGENCY

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#### *Estimated Totals*

<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Labor Hours</td>
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<td>Labor Costs</td>
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<td>Contractor Costs</td>
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<td><strong>Total</strong></td>
<td><strong>$12,819.10</strong></td>
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**Comments:**

Install two school flashers for the City of Debary

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#### Estimated Tasks/Resources

**6115 SCHOOL FLASHER INSTALLATION/REPAIR**

**Crew:** MICHELS, SCOTT

**Supervisor:** CATES, ALLEN B

<table>
<thead>
<tr>
<th>Resource</th>
<th>Units</th>
<th>Unit Cost</th>
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<th>Unit of Measure</th>
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<td>REGULAR TIME</td>
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<th>Unit Cost</th>
<th>Type</th>
<th>Unit of Measure</th>
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<tr>
<td>TAPCO SCHOOL Flasher COMPLETE ASSY.</td>
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<td>BASE, CONCRETE PREFORMED 24X24</td>
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City Council Meeting  
City of DeBary  
AGENDA ITEM

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<tr>
<th>Subject:</th>
<th>Gateway Center for the Arts Mural</th>
<th>Attachments:</th>
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<tbody>
<tr>
<td>From:</td>
<td>Jason Schaitz Parks and Recreation Director</td>
<td>( ) Ordinance</td>
</tr>
<tr>
<td></td>
<td></td>
<td>( ) Resolution</td>
</tr>
<tr>
<td></td>
<td></td>
<td>( ) Supporting Documents/ Contracts</td>
</tr>
<tr>
<td>Meeting Hearing Date</td>
<td>05/17/2023</td>
<td>(X) Other</td>
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REQUEST

Gateway Center for the Arts is seeking approval to paint a mural on the park side of the Gateway Center.

PURPOSE

The request is needed at this time to allow Gateway Center for the Arts to paint their mural.

CONSIDERATIONS

In May 2022 the City took over ownership of the Gateway Center. Any physical or large cosmetic changes to the facility would be taken to Council for approval. In this case, there are no physical changes to the building, only approval to paint the mural is needed at this time.

COST/FUNDING

Gateway Center for the Arts would take on any and all expenses for the project.

RECOMMENDATION

It is recommended the Council approved the mural and allow Gateway Center for the Arts to start the process to paint it as soon as they are able.

IMPLEMENTATION

Upon approval, the City will coordinate with the Gateway Center for the Arts to paint the mural.

ATTACHMENTS

Attachment A: Gateway Center Mural  
Attachment B: Gateway Center Mural on Building
City Council Meeting  
City of DeBary  
AGENDA ITEM

Subject: Florida Live Local Act – SB 102  
From: Carmen Rosamonda, City Manager  
Meeting Hearing Date: May 17, 2023  
Attachments:  
- ( ) Ordinance  
- ( ) Resolution  
- (x) Supporting Documents/Contracts  
- ( ) Other

REQUEST

City Manager is requesting the City Attorney to provide a briefing on the new Florida Live Local Act and its impact on the City’s Comprehensive Plan, Zoning and Land Development Codes.

PURPOSE

The purpose is to educate the Council, City Staff and residents on the overall impacts of this Act.

CONSIDERATIONS

- SB 102 was passed by the 2023 Florida Legislature and signed into law by Governor Desantis on March 29, 2023.

- SB 102 appropriates $711 million for housing projects through Florida Housing and Finance Corporation, the largest investment in state history.

- The Live Local Act impacts local governments. Our City Attorney has been interpreting the law and its impacts regarding the following issues:

  o Prohibits local governments from imposing rent controls.

  o Pre-empts local government rules on zoning, density and building heights in some cases.

  o Requires local governments to OK multifamily and mixed-use residential developments in any area zoned for commercial, industrial, or mixed-use as long as at least 40% of the rental units will be affordable for at least 30 years; for mixed-use projects, at least 65% of the total square footage will have to be used for residential purposes.

  o Prohibits local governments from requiring developers of proposed multifamily developments from obtaining a zoning or land use change, special exception, conditional use approval, variance, or comprehensive plan amendment for the building height, zoning, and density.
Prohibits local governments from restricting the height of a new development below the highest limit allowed for a commercial or residential building located within one mile of the new structure.

- This law does effect home rule powers. Discussion on this issue is necessary to educate and formulate growth management strategies going forward.

COST/FUNDING
N/A

RECOMMENDATION
N/A

IMPLEMENTATION
N/A

ATTACHMENTS
Senate Bill 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.
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 surplusing
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;
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 findin
gs required; procedures.—

(1)(a) Except as hereinafter provided, a no county, municipality, or other entity of local government may not adopt or maintain in effect an ordinance or a rule that has the effect of imposing price controls upon a lawful business activity that 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 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) No municipality, county, or other entity of local government may not adopt or maintain in effect any law, ordinance, rule, or other measure that 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) 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) does not apply in an area of critical state concern, as designated in s. 380.052.

(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 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 county, municipality, or other entity of local government may not adopt or maintain in effect an ordinance or a rule that has the effect of imposing price controls upon a lawful business activity that 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 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
552 dwelling units as stated in leases or rent lists existing on
553 that date divided by the number of dwelling units exceeds $250.
554
555 (5) A 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
558 effect of imposing controls on rents **unless**:
559
560 (a) Such measure is duly adopted by the governing body of
561 such entity of local government, **after notice and public**
562 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
564 other applicable laws.
565
566 (b) Such governing body makes and recites in such measure
its findings establishing the existence in fact of a housing
567 emergency so grave as to constitute a serious menace to the
568 general public and that such controls are necessary and proper
to eliminate such grave housing emergency.
569
570 (c) Such measure is approved by the voters in such
571 municipality, county, or other entity of local government.
572
573 (6) In any court action brought to challenge the validity
574 of rent control imposed pursuant to the provisions of this
575 section, the evidentiary effect of any findings or recitations
required by subsection (5) shall be limited to imposing upon any
576 party challenging the validity of such measure the burden of
577 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.
578
579 (3)(7) Notwithstanding any other provisions of this
580
CODING: Words **stricken** are deletions; words **underlined** are additions.
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 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:


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 subparagraph (1)(a)1.a., natural persons or families meeting the income limits of 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.

(1) 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.

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)(c) 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 million in the 2023-2024 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.
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
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 million in the 2023-2024 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.

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 surplused. 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, exchange, or any other means of transfer, must be expedited throughout the surplusing process. Property jointly acquired by the state and other entities may not be surplused 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) 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
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
(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, 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 servicemembers, 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

CODING: Words stricken are deletions; words underlined are additions.
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 servicemember
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 Affordable Housing at the University of Florida shall perform the following functions:

(a) Quantify affordable housing needs in 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.
REQUEST

City Manager requests a discussion and guidance with the City Council on the status of the City’s Strategic Initiatives.

PURPOSE

The purpose of the discussion is to provide an update of all of the City’s Strategic initiatives.

CONSIDERATIONS

- Since 2019, the City has deployed a comprehensive strategic planning process that streamlines concepts into results.

- Last year, we extended the current strategic initiatives, as many were complex, multi-year strategies. City Manager is seeking Council guidance on moving forward.

COST/FUNDING

N/A

RECOMMENDATION

N/A

IMPLEMENTATION

N/A

ATTACHMENTS

N/A
City Council Meeting
City of DeBary
AGENDA ITEM

<table>
<thead>
<tr>
<th>Subject:</th>
<th>FDMS’ Florida Digital Service - Cybersecurity Grant Program</th>
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<td>From:</td>
<td>Carmen Rosamonda, City Manager</td>
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<tr>
<td>Meeting Hearing Date</td>
<td>May 17, 2023</td>
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<tr>
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<td>(X) Supporting Documents/ Contracts</td>
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REQUEST

City Manager is requesting that the City Council approve the Local Government Cybersecurity Grant Agreement between Florida Department of Management Services and the City of DeBary.

PURPOSE

City Staff applied for a grant to procure service to help bolster our Cybersecurity environment.

CONSIDERATIONS

These services include:

Redacted per F.S. 119.0725

COST/FUNDING

No cost. The grant covers all cost in the first year.

RECOMMENDATION

It is recommended the City Council approve the Local Government Cybersecurity Grant Agreement between Florida Department of Management Services and the City of DeBary.

IMPLEMENTATION

The Grant agreement defines implementation. Attachment A-1 provides Deliverables 1-3 (Implementation Plan) must be completed by June 30, 2023.

ATTACHMENTS

Award Letter - DMS-22-23-427 - City of Debary.pdf
Grant Agreement - DMS-22-23-427 - City of Debary.pdf