

Appendix A

Glossary of Terms



A

ABBREVIATED VISUAL APPROACH SLOPE INDICATOR SYSTEM (AVASI)

ABOVE GROUND LEVEL (AGL)

ACCELERATE-STOP DISTANCE AVAILABLE (ASDA) – The runway plus stopway length declared available and suitable for the acceleration and deceleration of an airplane aborting a takeoff (see Declared Distances).

ADVISORY CIRCULAR (AC) – Federal Aviation Administration Advisory Circular. This is an FAA document which provides guidance on aviation issues.

ADVISORY SERVICE – Advice and information provided by a facility to assist pilots in the safe conduct of flight and aircraft movement.

AIR CARGO - Freight, mail, and express packages transported by air. Includes perishable foods and livestock.

AIR CARRIER - Aircraft operating under certificates of public convenience and necessity issued by the FAA, which authorizes scheduled air transportation over specified routes, a limited amount of non-scheduled air transportation over specified routes, and a limited amount of non-scheduled flights.

AIR FORCE BASE (AFB)

AIR NAVIGATION AID FACILITY (NAVAID) – Any facility used or available for use as an aid to air navigation, including landing areas; lights; any apparatus or equipment for disseminating weather information, for signaling, for radio direction-finding, or for radio or other electronic communication; and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air or during the landing or takeoff of aircraft.

AIR ROUTE SURVEILLANCE RADAR (ARSR) - Long-range radar that increases the capacity of air traffic control for handling heavy en route traffic. An ARSR site is usually some distance from the Air Route Traffic Control Center it serves. Its range is approximately 200 nautical miles. Also, called ATC Center Radar.

AIR ROUTE TRAFFIC CONTROL CENTER (ARTCC) - A facility providing air traffic control service to aircraft operating on an IFR flight plan within controlled airspace and principally during the en route phase of flight.

AIR TAXI - Aircraft operated by a company or individual that provides transportation on a non-scheduled basis over unspecified routes usually with light aircraft.

AIR TAXI - A FAR Part 135 certificated air carrier carrying passengers and cargo for hire and operating under exemption authority from the Civil Aeronautics Board; aircraft of 30 seats or less or maximum payloads of 7,500 lbs.

AIR TRAFFIC CONTROL CLEARANCE – An authorization by air traffic control for the purpose of preventing collision between known aircraft, or for an aircraft to proceed under specified traffic conditions within controlled airspace. A clearance is also a communicated authorization or approval from ATC for an aircraft to conduct certain maneuvers, such as altering heading or altitude, taking off, and landing.

AIR TRAFFIC CONTROL SERVICE (ATC) – A service provided for the purpose of promoting the safe, orderly, and expeditious flow of air traffic, including airport, approach, and en route air traffic control services. ATC is provided by the Federal Aviation Administration, a branch of the federal government under the Department of Transportation.

AIR TRAFFIC CONTROL TOWER (ATCT) – A facility providing airport traffic control service to an airport and its associated airspace area.

AIR TRANSPORT ASSOCIATION (ATA)

AIRCRAFT APPROACH CATEGORY - A grouping of aircraft based on a speed of 1.3 times the stall speed in the landing configuration at maximum gross landing weight. An aircraft shall fit in only one category. If it is necessary to maneuver at speeds in excess of the upper limit of a speed range for a category, the minimums for the next higher category should be used. For example, an aircraft that falls in Category A, but is circling to land at a speed in excess of 91 knots, should use the approach Category B minimums when circling to land. The categories are:

- Category A - Speed less than 91 knots;
- Category B - Speed 91 knots or more but less than 121 knots;
- Category C - Speed 121 knots or more but less than 141 knots;
- Category D - Speed 141 knots or more but less than 166 knots; and,
- Category E - Speed 166 knots or more.

AIRCRAFT CLASSES - For the purposes of wake turbulence separation minima, ATC classifies aircraft as heavy, large, and small as follows:

- Heavy - Aircraft of 300,000 pounds or more maximum certification;
- Large - Aircraft of more than 12,500 pounds but less than 300,000 pounds, maximum certificated takeoff weight; and,
- Small - Aircraft of 12,500 pounds or less maximum certificated takeoff weight.

AIRCRAFT PARKING LINE LIMIT – An aircraft parking line limit is a line established by FAA AC 5300-13, beyond which no part of a parked aircraft should protrude.

AIRCRAFT RESCUE AND FIREFIGHTING FACILITIES (ARFF)

AIRCRAFT TYPES - An arbitrary classification system that identifies and groups aircraft having similar operational characteristics for the purpose of computing runway and terminal area capacity.

AIRPLANE DESIGN GROUP (ADG) (PHYSICAL CHARACTERISTICS) – The FAA airplane Design Group subdivides airplanes by wingspan. The airplane Design Groups are:

- (1) Group I: Wingspan up to but not including 49 feet (15 m);
- (2) Group II: Wingspan 49 feet (15 m) up to but not including 79 feet (24 m);
- (3) Group III: Wingspan 79 feet (24 m) up to but not including 118 feet (36 m);
- (4) Group IV: Wingspan 118 feet (36 m) up to but not including 171 feet (52 m);
- (5) Group V: Wingspan 171 feet (52 m) up to but not including 197 feet (60 m);
- (6) Group VI: Wingspan 197 feet (60 m) up to but not including 262 feet (80 m).

AIRPLANE DESIGN GROUP (ADG) - A grouping of airplanes based on wingspan. The groups are as follows:

- Group I: Up to but not including 49 feet;
- Group II: 49 feet up to but not including 79 feet;
- Group III: 79 feet up to but not including 118 feet;
- Group IV: 118 feet up to but not including 171 feet;
- Group V: 171 feet up to but not including 214 feet; and,
- Group VI: 214 feet up to but not including 262 feet.

AIRPORT AIRSPACE ANALYSIS (AAA)

AIRPORT DESIGN (AD)

AIRPORT DEVELOPMENT AID PROGRAM (ADAP) – A program originally established by the Airport and Airway Development Act of 1970 to provide federal funds for certain airport improvements and new airport development; the original legislation has been revised on various occasions, resulting in the present day Airport and Airway Improvement Act of 1982. This program has been replaced by the Airport Improvement Program (AIP).

AIRPORT HAZARD – An airport hazard is any structure or natural object located on or in the vicinity of a public airport, or any use of land near such airport, that obstructs the airspace required for the flight of aircraft in landing or taking off at the airport or is otherwise hazardous to aircraft landing, taking off, or taxiing at the airport.

AIRPORT IMPROVEMENT PROGRAM (AIP) - The AIP provides federal funding from the Aviation Trust Fund for airport development, airport planning, noise compatibility planning, and similar programs. The AIP is implemented under various authorization acts that cover a specific time period.

AIRPORT LAYOUT PLAN (ALP) – An airport layout plan is a scale drawing of the airport showing:

- (1) The boundaries of the airport and all its proposed additions together with the boundaries of offsite areas owned or controlled by the airport authorities for air-purposes, including additions;
- (2) The exact location, type, and dimensions (including height) of all existing and proposed airport facilities and structures such as runways, taxiways, aprons, terminal buildings, and roads, as well as all proposed extensions and reductions of existing airport facilities; and,

- (3) The location of all existing and proposed non-aviation areas and all their existing improvements.

AIRPORT LAYOUT PLAN DRAWING SET -The airport layout plan drawing set consists of a number of graphics drawn to scale, showing both existing and planned airport facilities as well as on-airport and adjoining-airport land uses. Depending on the specific requirements of the planning project, airport size, and activity level, some drawings may not be required or can be combined. Drawings that should be created:

- Title Sheet;
- Airport Layout Drawing;
- Terminal Area Drawing;
- Inner Portion of the Approach Surface Drawing;
- Airport Airspace Drawing;
- Airport Property Drawing;
- Land Use Drawing; and,
- Airport Access Drawing.

AIRPORT REFERENCE CODE - The airport reference code (ARC) is a coding system used to relate airport design criteria to the operational and physical characteristics of airplanes anticipated to operate at the airport. As described in FAA AC 150/5300-13, the ARC is made up of two components. The first considers the aircraft approach category to be served. For example, aircraft with approach speeds of less than 91 knots are within Category A. Speeds of 91 knots but less than 121 knots are within Category B. Speeds of 121 knots but less than 141 knots are within Category C, and speeds of 141 knots but less than 166 knots are within Category D. The second component considers the airplane design group (ADG) to be served, which is based on wingspan. For example, Group I includes aircraft having a wing span of up to but not including 49 feet. Group II includes aircraft having a wing span of 49 feet up to but not including 79 feet, and Group III includes aircraft having a wingspan of 79 feet up to but not including 118 feet.

AIRPORT REFERENCE POINT (ARP) – An ARP is a point having equal relationship to all existing and proposed landing and takeoff which is used to locate the airport geographically.

AIRPORT ROLE - The capability of an airport defined in terms of the classes of aircraft that it can accommodate or in the case of air carrier airports, the route length it serves non-stop in its market area. Role types in the state of Florida include:

- Basic Utility Airport;
 - General Utility Airport;
 - Transport Airport;
 - Heliport;
 - Seaplane Base;
 - Short Haul;
 - Medium Haul; and,
 - Long Haul.
- (See specific role type for definition)

AIRPORT SERVICE LEVEL - Classification of an airport based on its functional role in the community. Service levels include:

- Commercial Service Airport;
 - General Aviation Airport; and,
 - Reliever Airport.
- (See specific service level type for definition).

AIRPORT SURFACE DETECTION EQUIPMENT (ASDE) – Radar equipment specifically designed to detect all principal features on the surface of an airport, including vehicular traffic, and to present the entire picture on a radar indicator console.

AIRPORT SURVEILLANCE RADAR (ASR) - Radar tracking aircraft by azimuth and range data without elevation data. It has a range of 50 miles. Also, called ATC Terminal Radar.

AIRPORT SURVEILLANCE RADAR (ASR) – Radar providing the position of an aircraft by azimuth and range data without elevation data. It is used for terminal approach, departure, and aircraft overflights.

AIRPORTS DISTRICT OFFICE (ADO) - Administrative regional office of FAA that oversees airport development projects.

AIRSPACE - The space above a certain area of land or water, used for flight, landings, and takeoffs.

AIRWAY – A control area in the form of a corridor, in which the centerline is defined by radio or other navigational aids. Airways are used by aircraft in a similarly to the way automobiles use highways.

AIRWAY FACILITIES SECTOR FIELD OFFICE (AFSFO)

ALERT AREA - A category of special use airspace of defined dimensions identified by an area from the surface of the earth to a specified altitude where DOD flight training occurs.

ALSF-II - High intensity approach lighting system with sequenced flashing lights.

ALTERNATE AIRPORT – An airport specified on a flight plan to which a flight may proceed when a landing at the point of first intended landing becomes inadvisable.

ANNUAL INSTRUMENT APPROACH (AIA)

ANNUAL SERVICE VOLUME (ASV) - A reasonable estimate of the maximum number of annual aircraft operations that can theoretically be conducted at an airport, based on configuration, aircraft fleet mix, use, etc.

APPROACH CONTROL SERVICE – Air traffic control service provided by an approach control facility for arriving and departing VFR/IFR aircraft and, on occasion, tower en route control service.

APPROACH END OF RUNWAY – The approach end of runway is the near end of the runway as viewed from the cockpit of a landing airplane.

APPROACH FIX – The navigational point, determined electronically or geographically, from or over which the final approach (IFR) to an airport is executed.

APPROACH GATE – That point on the final approach course which is one mile from the approach fix on the side away from the airport or five miles from the landing threshold, whichever is farther from the landing threshold.

APPROACH LIGHT SYSTEM (ALS) – An airport lighting system designed to assist pilots in finding the runway during instrument approaches for landing. The lights extend from the runway end outwards along the extended centerline for a certain distance, depending on the type of runway.

APPROACH SEQUENCE – The order in which aircraft are positioned while awaiting approach clearance or while on approach.

APPROACH SURFACE – An imaginary surface extending out from the end of the Primary Surface at a slope and width defined in FAR Part 77, above which the airspace must be free of obstacles as aircraft approach or depart the runway.

AQUEOUS FILM FORMING FOAM (AFFF) –Used by Aircraft Rescue and Fire Fighting (ARFF) vehicles for aircraft related emergencies.

AREA NAVIGATION (RNAV) – A method of navigation that permits aircraft operations on any desired course within the coverage of station referenced navigation signals or within the limits of self-contained system capability.

ARMY NATIONAL GUARD (ANG)

ASPH - Abbreviation for runway surface composed of asphalt.

AUTOMATED RADAR TERMINAL STATION (ARTS)

AUTOMATED WEATHER OBSERVING SYSTEM (AWOS)

AVIATION SAFETY AND NOISE ABATEMENT ACT OF 1979 (ASNA)

AVIGATION EASEMENT - The conveyance of a specified property interest in the airspace over real property which grants rights and imposes restrictions. Rights include: right-of-flight; right-of-entry to remove and/or mark obstructions; right to cause noise, vibration, fumes, dust, and fuel particles, etc. Restrictions include: penetration of Far Part 77 surfaces by structures, growths, or obstructions; creation of electrical interferences with aircraft avionics, lighting that may confuse a pilot during approach, air emissions that may visually impair a pilot's vision, incompatible land uses, etc.

AZIMUTH (AZ) - The horizontal angle measured clockwise from north to an object. Also, see True Bearing.

B

BASED AIRCRAFT - An aircraft permanently stationed at an airport, usually by agreement between the aircraft owner and airport management (or FBO).

BASIC UTILITY AIRPORT - Airports that can accommodate 95 percent of the general aviation propeller-drive fleet of aircraft under 12,500 pounds maximum gross weight.

BRL - Building Restriction Line.

C

CAPACITY - The number of takeoffs and landings that can be safely handled within an acceptable level of delay. Airfield capacity represents the maximum number of operations (landings and takeoffs) that can be performed hourly or annually at an airport.

CATEGORY I, II, AND III LANDINGS –

- Category I: 200 foot ceiling and 2400 foot RVR;
- Category II: 100 foot ceiling and 1200 foot RVR;
- Category IIIA: zero ceiling and 700 foot RVR;
- Category IIIB: zero ceiling and 150 foot RVR;
- Category IIIC: zero ceiling and zero RVR.

To make landing under these conditions, aircraft must be equipped with special avionics, pilot must be qualified to land under specified conditions for that category, and aircraft must have proper ground equipment for conditions.

CATEGORY I INSTRUMENT LANDING SYSTEM (CAT I) - Precision Approach Category I. An instrument approach procedure that provides for approaches to a decision height of not less than 200 feet (60m) and visibility of not less than 1/2 mile (800m), or a runway visual range 2,400' (or 1,800' with operative touchdown zone and runway centerline lights).

CATEGORY II INSTRUMENT LANDING SYSTEM (CAT II) - Precision Approach Category II. An instrument approach procedure that provides for approaches to a minima less than CAT I to as low as a decision height of not less than 100 feet (30m) and runway visual range of not less than 1,200'.

CATEGORY III A INSTRUMENT LANDING SYSTEM (CAT III A) - Precision Approach Category III. An instrument approach procedure which provides for approaches to a minima less than CAT II.

CEILING – The height above the earth's surface of the lowest layer of clouds or obscuring phenomena that is reported as "broken", "overcast", or "obscured" and not classified as "thin" or "partial". The ceiling is reported in feet above the surface in a given location.

CENTER FIELD WIND (CFW)

CENTERLINE LIGHTING (CL)

CENTRAL BUSINESS DISTRICT (CBD)

CERTIFICATED POINT – A city, place, or population center authorized to receive scheduled air service under a Certificate of Public – Convenience and Necessity, or under an exemption issued to an air carrier.

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY - A document issued to an air carrier under Section 401 of the Federal Aviation Act by the Civil Aeronautics Board authorizing the carrier to engage in air transportation.

CIRCLING APPROACH - A descent in an approved procedure to an airport; a circle-to-land maneuver.

CIVIL AERONAUTICS BOARD (CAB) - Former federal agency responsible for overseeing and regulating the air carrier industry; the FAA carries out these tasks.

CIVIL AIR FACILITY (CAF)

CLEAR ZONE - Formally, the inner portion of the runway approach zone, now called the Runway Protection Zone (RPZ).

CLEAR ZONE – Defined by FAR Part 77 as an area off each runway end to be void of trees and other obstacles. The FAA has replaced this area with the Runway Protection Zone (RPZ).

CLEARWAY (CWY) - A defined rectangular area beyond the end of a runway cleared or suitable for use in lieu of a runway to satisfy takeoff distance requirements.

CLEARWAY – A clearway is an area beyond the stop end of runway, not less than 500 feet (150 m) wide, centered on the extended centerline of the runway, and controlled by the airport authorities. The clearway is expressed in terms of a geometric plane extending from the end of the runway, with an upward slope not exceeding 1.25 percent, above which no object nor terrain may protrude. Threshold lights, however, may protrude above the clearway plane if their height above the end of the runway is 26 inches (66 cm) or less and if they are located to each side of the runway. A clearway increases the allowable operating takeoff weights of turbine-powered airplanes. For most airplanes, the maximum usable length of the clearway is less than 1,000 feet (300 m).

CODE OF FEDERAL REGULATION (CFR)

COMMERCIAL SERVICE AIRPORT - An airport that handles scheduled passenger service by FAA-certified air carriers.

COMMERCIAL SERVICE AIRPORT – A public airport which enplanes 2,500 or more passengers annually and receives scheduled commercial passenger service. See “AIR CARRIER” for more information.

COMMUTER AIRLINE - Aircraft operated by an airline that performs scheduled flights over specified routes using light aircraft. Light aircraft have 30 seats or less and a maximum payload capacity of 7,500 pounds or less.

COMMUTER AIRLINES – Scheduled commuter air carrier operating with passengers, cargo, or mail for revenue in accordance with FAR Part 135 or Part 121.

COMPOSITE NOISE RATING (CNR) – An aircraft noise impact measuring methodology.

CONTROL TOWER - A central operations facility in the terminal air traffic control system consisting of a tower cab structure (including an associated IFR room if radar-equipped) using air/ ground communications and/or radar, visual signaling and other devices to provide safe and expeditious movement of terminal air traffic.

CONTROLLED AIRSPACE - An airspace of defined dimensions within which air traffic control service is provided to IFR and VFR flights in accordance with the airspace classification.

Note 1: Controlled airspace is a generic term that covers Class A, Class B, Class C, Class D, and Class E airspace.

Note 2: Controlled airspace is also that airspace within which all aircraft operators are subject to certain pilot qualifications, operating rules, and equipment requirements in Part 91 (for specific operating requirements, please refer to Part 91). For IFR operations in any class of controlled airspace, a pilot must file an IFR flight plan and receive an appropriate ATC clearance. Each Class B, Class C, and Class D airspace area designated for an airport contains at least one primary airport around which the airspace is designated (for specific designations and descriptions of the airspace classes, please refer to Part 71). Controlled airspace in the United States is designated as follows:

- **Class A** - Generally, the airspace from 18,000 feet MSL up to and including Flight Level 600 (60,000 feet), including the airspace overlying the waters within 12 nautical miles of the coast of the 48 contiguous states and Alaska. Unless otherwise authorized, all persons must operate their aircraft under IFR.

- **Class B** - Generally, the airspace from the surface to 10,000 feet MSL and surrounding the nation’s busiest airports in terms of airport operations or passenger enplanements. The configuration of each Class B airspace is individually tailored and consists of a surface area and two or more layers (some Class B airspaces resemble upside-down wedding cakes), and is designed to contain all published instrument procedures once an aircraft enters the airspace. An ATC clearance is required for all aircraft to operate in the area, and all aircraft that are so cleared receive separation services within the airspace. The cloud clearance requirement for VFR operations is “clear of clouds.”

- **Class C** - Generally, the airspace from the surface to 4,000 feet above the airport elevation (charted in MSL) and surrounding those airports that have an operational control tower, are serviced by a radar

approach control, and have a certain number of IFR operations or passenger enplanements. Although the configuration of each Class C area is individually tailored, the airspace usually consists of a surface area(s) with a five nautical miles radius and an outer area. Each person must establish two-way radio communications with the ATC facility providing air traffic services before entering the airspace and then maintain communications while in the airspace. VFR aircraft are only separated from IFR aircraft within the airspace.

- **Class D** - Generally, the airspace from the surface to 2,500 feet above the airport elevation (charted in MSL) and surrounding those airports that have an operational control tower. The configuration of each Class D airspace is individually tailored, and when instrument procedures are published, the airspace will normally be designed to contain the procedures. Arrival extensions for instrument approach procedures may be Class D or Class E airspace. Unless otherwise authorized, each person must establish two-way radio communications with the ATC facility providing air traffic services before entering the airspace and then maintain communications while in the airspace. No separation services are provided to VFR aircraft.

- **Class E** - Generally, if the airspace is not Class A, Class B, Class C, or Class D, and it is controlled airspace, it is Class E airspace. Class E airspace extends upward from either the surface or a designated altitude to the overlying or adjacent controlled airspace. When designated as a surface area, the airspace will be configured to contain all instrument procedures. Also, in this class are Federal airways, airspace beginning at either 700 or 1,200 feet AGL used to transition to and from the terminal or en route environment, en route domestic, and offshore airspace areas designated below 18,000 feet MSL. Unless designated at a lower altitude, Class E airspace begins at 14,500 MSL over the United States, including that airspace overlying the waters within 12 nautical miles off the coast of the 48 contiguous states and Alaska, and up to, but not including, 18,000 feet MSL, and the airspace above FL600.

D

DAY-NIGHT AVERAGE SOUND LEVEL (DNL) - The 24-hour average sound level, in decibels, for the period from midnight to midnight, obtained after the addition of ten decibels to sound levels for the periods between midnight and 7:00a.m., and between 10:00 p.m. and midnight, local time. The symbol for DNL is Ldn.

DAY NIGHT AVERAGE SOUND LEVEL – NOISE METRIC (DNL) – Standard unit of measure for aircraft noise studies.

DECIBEL (Db)

A-WEIGHTED DECIBEL (DbA)

DECISION HEIGHT (DH) - The height at which a decision must be made, using an ILS or PAR instrument approach, to either continue the approach or to execute a missed approach.

DECISION HEIGHT (DH) – The height above the highest runway elevation in the touchdown zone at which a missed approach shall be initiated if the required visual reference has not been established. This term is used only in procedures where an electronic glide slope provides the reference for descent, as in ILS.

DECLARED DISTANCES - The distances the airport owner declares available and suitable for satisfying the airplane's takeoff run, takeoff distance, accelerate stop distance, and landing distance requirements. The distances are: (see TORA, TODA, ASDA, and LDA).

DECLARED DISTANCES – Declared distances are the runway distances that limit turbine-powered airplane operations and thus the airport operational capacity. The distances are the accelerated stop distance available (ASDA), the Landing Distance Available (LDA), the Takeoff Distance Available (TODA), and the Takeoff Run Available (TORA).

- 1) ASDA is equal to TORA plus the length of the stopway (SWY), if provided.
- 2) LDA is equal to the length of runway available and suitable for the landing ground run of airplanes.
- 3) TODA is equal to TORA plus the length of the clearway (CWY), if provided.
- 4) TORA is equal to the length of runway available and suitable for the takeoff ground run of airplanes.

DEPARTMENT OF DEFENSE (DOD)

DEPARTURE CONTROL – A function of air traffic control providing service for departing IFR aircraft and, on occasion, VFR aircraft.

DESIGN AIRCRAFT – The Design Aircraft is an aircraft whose dimensions and/or other requirements make it the most demanding aircraft for an airport's facilities (i.e., runways and taxiways). The Design Aircraft is used as the basis for airport planning and design; because if the airport's facilities are designed to accommodate the Design Aircraft, they can accommodate less demanding aircraft as well. An aircraft can be utilized as the Design Aircraft for an airport if it will (has) conduct(ed) 500 or more annual operations (250 landings) at that airport.

DEVELOPMENT OF REGIONAL IMPACT (DRI)

DISPLACED THRESHOLD - The portion of pavement behind a displaced threshold may be available for takeoffs in either direction and roll-out landings from the opposite direction.

DISPLACED THRESHOLD – A displaced threshold is a threshold located at a point on the runway other than at the runway end. Except for the approach standards defined in FAR Part 77, approach surfaces are associated with the threshold location.

DISTANCE MEASURING EQUIPMENT (DME) - An electronic installation with either a VOR or ILS to provide distance information from the facility to pilots by electronic signals. It measures, in nautical miles, the distance of an aircraft from a NAVAID.

DISTANCE MEASURING EQUIPMENT (DME) – Equipment (airborne and ground) used to measure, in nautical miles, the distance of an aircraft from a NAVAID.

DME FIX – A geographical position determined by reference to a NAVAID which provides distance and azimuth information. The DME fix is defined by a specified distance in nautical miles and a radial in degrees magnetic from that aid.

DXF - AutoCAD Drawing Interchange file format.

E

ELEVATION (EL)

EN ROUTE - The route of flight from departure to destination, including intermediate stops (excludes local operations).

EN ROUTE AIRSPACE - Controlled airspace above and/or adjacent to terminal airspace.

EN ROUTE FLIGHT ADVISORY SERVICE (Flight Watch) – Is a service specifically designed to provide the pilot with timely weather information pertinent to his type of flight, route of flight, and altitude.

ENPLANED PASSENGER – The number of revenue passengers boarding aircraft, including originating, stopover, and transfer passengers.

ENPLANEMENTS - The total number of revenue passengers boarding aircraft, including originating, stopover, and transfer passengers in scheduled and nonscheduled services.

ENVIRONMENTAL ASSESSMENT (EA)

ENVIRONMENTAL DATA SERVICE (EDS)

ENVIRONMENTAL IMPACT STATEMENT (EIS) – An environmental report describing environmental impacts which would occur during the implementation of airport improvement projects. This report includes mitigation measures and public comment.

ENVIRONMENTAL PROTECTION AGENCY (EPA)

F

FEDERAL AID TO AIRPORTS PROGRAM (FAAP) – FAA program to provide financial aid to airports. This has been replaced by the Airport Improvement Program (AIP).

FEDERAL AVIATION ADMINISTRATION (FAA) – Branch of the Federal Government (Department of Transportation) responsible for the safety of aviation and the operation of the air traffic control system, as well as other aviation related tasks.

FEDERAL AVIATION REGULATION (FAR) – Regulations developed by the FAA in order to maintain safety, define standards, and institute uniform practices throughout the industry.

FILLET – A concave junction formed where two surfaces meet (as at an angle), a strip that gives a rounded appearance to such a junction; also, a strip to reinforce the corner where two surfaces meet.

FINAL APPROACH – A flight path of a landing aircraft in the direction of landing along the extended runway centerline from the base leg to the runway. For instrument approaches, the final approach begins at the final approach fix (FAF).

FINAL APPROACH FIX (FAF) – The fix from or over which final approach (IFR) to an airport is executed.

FINAL APPROACH IFR - The flight path of an aircraft that is inbound on an approved final instrument approach course, beginning at the point of interception of that course and extending to the airport or the point where circling for landing or missed approach is executed.

FINAL APPROACH VFR - A flight path of landing aircraft in the direction of landing along the extended runway centerline from the base leg to the runway.

FISCAL YEAR (FY)

FIX – A geographical position determined by visual reference to the surface by reference to one or more radio NAVAIDS, by celestial plotting, or by another navigational device.

FIXED BASE OPERATION OR FIXED BASE OPERATOR (FBO) – A sales and/or service facility located at an airport, or the person who operates such a facility.

FLEET MIX - The proportion of aircraft types or models expected to operate at an airport.

FLIGHT PLAN – Specified information relating to the intended flight of an aircraft that is filed orally or in writing with an air traffic control facility.

FLIGHT SERVICE STATION (FSS) - A facility operated by the FAA to provide flight assistance services.

FLIGHT TRACK (FT)

FLORIDA AVIATION SYSTEM PLAN (FASP) -The aviation plan for Florida that provides documentation related to airports and related facilities needed to meet current and future statewide aviation demands.

FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)

G

GENERAL AVIATION (GA) – All civil aircraft and aviation activity except that of the certified air carriers and military operations. GA includes corporate flying and private flying (recreation or personal).

GENERAL AVIATION AIRPORT - All public airports except commercial service airports.

GENERAL UTILITY (GU) AIRPORT - Airports that can accommodate all general aviation aircraft under 12,500 pounds maximum gross weight.

GENERIC VISUAL GLIDESLOPE INDICATOR (GVGI) – This is a general term which includes all airport light systems used to assist pilots in maintaining the proper glideslope while on final approach to the runway during landing. These systems use colored lights to warn pilots of their position in reference to the proper glideslope. GVGI's include Precision Approach Path Indicators (PAPI) and Visual Approach Slope Indicators (VASI).

GLIDE SLOPE (GS) – Vertical guidance provided by a ground based radio transmitter to an aircraft landing by use of an Instrument Landing System. This guidance informs the pilot if the aircraft is either too high or too low as it flies its approach to the runway for landing.

GLOBAL POSITIONING SYSTEM (GPS) - A system of navigation beacons mounted on satellites that orbit the earth. The system allows users to fix their position to a high degree of accuracy anywhere on earth.

GLOBAL POSITIONING SYSTEM (GPS) – GPS is a navigational system based on the use of multiple satellites strategically placed in the earth's orbit. GPS is used by aircraft equipped with the proper GPS receiving equipment for en route navigation, as well as instrument approaches to airports for landing. GPS allows aircraft to fly more freely and set waypoints (destinations) without the need or reliance on ground based radio navigation facilities such as VORs.

GROUND SERVICE (GS) – An indication that a given airport is staffed – usually offering aviation fuel and at least minor maintenance services.

H

HAZARD TO AIR NAVIGATION – Any object which has a substantial adverse effect upon the safe and efficient use of navigable airspace by aircraft or on the operation of air navigation facilities is a hazard to air navigation. The FAA will conduct an aeronautical study of any object to determine whether or not the object is a hazard to air navigation. As part of the airport layout plan approval process, the FAA conducts aeronautical studies of all obstructions to air navigation identified on the Airport Layout Plan. Hazards or potential hazards to air navigation are eliminated by either altering the existing or proposed object or adjusting the aviation operation to accommodate the object, in that order of priority.

HEIGHT ABOVE AIRPORT (HAA) – Indicates the height of the MDA above the published airport elevations. This is published in conjunction with circling minimums.

HELIPORT - A specialized airport for the exclusive operation and basing of rotorcraft.

HERTZ (Hz) – Cycles per second.

HIGH ALTITUDE AIRWAYS - Air routes above 18,000 feet MSL. These are referred to as Jet Routes.

HIRL - High Intensity Runway Edge Lighting.

HOLDING - A predetermined maneuver that keeps an aircraft within a specified airspace while awaiting clearance to land.

HOLDING FIX – A specified geographical point or NAVAID used as a reference point in establishing and maintaining the position of an aircraft while holding.

HUD - Department of Housing and Urban Development.

I

IFR CONDITIONS – Weather conditions below the minimum prescribed for flight under VFR.

INITIAL APPROACH – The segment of a standard instrument approach procedure between the initial approach fix and the intermediate fix, or the point where the aircraft is established on the intermediate segment of the final approach course.

INITIAL APPROACH ALTITUDE – The altitude prescribed for the initial approach segment of an instrument approach.

INITIAL GRAPHICS EXCHANGE SPECIFICATION (IGES) – Initial graphics exchange specification file format.

INNER MARKER (IM)

INSTRUMENT APPROACH - An approach conducted while the final approach fix is below VFR minimums.

INSTRUMENT FLIGHT RULES (IFR) - Instrument Flight Rules that govern flight procedures under limited visibility or other operational constraints.

INSTRUMENT FLIGHT RULES (IFR) – Aircraft operation rules as prescribed by Federal Aviation Regulations for flying by instruments.

INSTRUMENT LANDING SYSTEM (ILS) - A precision approach landing system consisting of a localizer (azimuth guidance), glide scope (vertical guidance), outer marker (final approach fix), and approach light system.

INSTRUMENT LANDING SYSTEM (ILS) – A system of electronic devices whereby the pilot guides his aircraft to a runway solely by reference to instruments in the cockpit. In some instances the signals

received from the ground can be fed into the automatic pilot for automatically controlled approaches. The ILS consists of a Localizer, Glideslope and Marker Beacons (and Approach Light System).

INSTRUMENT METEOROLOGICAL CONDITIONS (IMC)

INSTRUMENT OPERATION - A landing or takeoff conducted while operating on an instrument flight plan.

INTEGRATED NOISE MODEL (INM)

INTEGRATED NOISE MODEL (INM) - The primary FAA sponsored noise model. This is a Windows-based model that produces noise contours and a variety of other noise data outputs pertinent to the development of airport noise impact assessments.

INTERMODAL - Refers to the means of changing modes of transportation such as airplane to road or rail.

INTERMODEL SURFACE TRANSPORTATION AND EFFICIENCY ACT (ISTEA)

ITINERANT OPERATION - All aircraft arrivals and departures other than local operations.

J

JET ROUTES - See High Altitude Airways.

JET PORT – An airport designed to handle jet airplanes.

JETWAYS (JET ROUTES) – An air route designed for aircraft operating at altitudes from 18,000 feet to 45,000 feet. These routes comprise the high altitude airway system. The name jetway is derived from the fact that most aircraft utilizing these routes are jet powered.

JOINT AUTOMATED CAPITAL IMPROVEMENT PLAN (JACIP) – A coordinated process between the FDOT and the FAA to plan airport capital improvements and expenditures on a short and long-term basis. The JACIP process has been designed as an ongoing and interactive process by which airports, the FAA and the FDOT can develop a realistic plan of staged capital improvements at each facility.

JOINT PARTICIPATION AGREEMENT (JPA)

L

LANDING DIRECTION INDICATOR - A device that visually indicates the direction in which landings and takeoffs should be made.

LANDING DISTANCE AVAILABLE (LDA) - The runway length declared available and suitable for landing (see Declared Distances).

LANDING MINIMUMS/IFR LANDING MINIMUMS - The minimum visibility prescribed for landing while using an instrument approach procedure.

LARGE AIRCRAFT – A large aircraft is an aircraft of more than 12,500 pounds (5,700 kg) for its maximum certificated takeoff weight.

(Ldn) SYMBOL FOR DAY-NIGHT AVERAGE SOUND LEVEL

LEAD-IN LIGHTS (LDIN)

(Leq) EQUIVALENT SOUND LEVEL

LINEAR FEET (LF)

LOCAL OPERATIONS - Operations performed by aircraft which:

- a) Operate in the local traffic pattern or within sight of the tower;
- b) Are known to be departing for or arriving from flight in a local practice area located within a 20-mile radius of the control tower; or
- c) Execute simulated instrument approaches or low passes at the airport.

LOCALIZER (LOC) – A ground based radio transmitter which provides pilots with course guidance as they approach a runway for landing utilizing an Instrument Landing System. The course guidance is known as “azimuth”.

LOCALIZER TYPE DIRECTIONAL AID (LDA) – A facility of comparable utility and accuracy to a localizer but which is not part of a complete ILS and will not be aligned with the runway.

LOM - Compass locator at an outer marker (part of an ILS). Also, called COMLO.

LONG HAUL AIRPORT - Commercial service airports that serve scheduled trips longer than 1,500 miles.

LOW ALTITUDE AIRWAYS - Air routes below 18,000 feet MSL. These are referred to as Victor Airways.

LOW IMPACT RESISTANT SUPPORTS (LIRS)

LOW INTENSITY RUNWAY EDGE LIGHTING (LIRL)

LOW LEAD (LL)

M

MALSF - MALS with sequenced flashing lights.

MALSR - MALS with runway alignment indicator lights (RAILs).

MARKER BEACON - A VFR navigational aid that transmits a narrow directional beam. It is associated with an airway or instrument approach.

MARKER BEACON – An instrument which provides aural and/or visual identification of a specific position along an Instrument Landing System approach to a runway.

MASTER PLAN - Long-range plan of airport development requirements.

MAXIMUM CERTIFICATED TAKEOFF WEIGHT (MCTW)

MAXIMUM GROSS WEIGHT (MGW)

MEAN SEA LEVEL (MSL)

MEDIUM HAUL AIRPORT - Commercial service airports that serve scheduled trips between 500 and 1,500 miles.

MEDIUM (INTENSITY) APPROACH LIGHT SYSTEM (MALS) – An airport approach light system of medium intensity.

MEDIUM INTENSITY RUNWAY EDGE LIGHTING (MIRL) – An airport runway lighting system of medium intensity.

MEDIUM INTENSITY TAXIWAY EDGE LIGHTING (MITL)

MICROWAVE LANDING SYSTEM (MLS) - An instrument landing system operating in the microwave spectrum, which provides lateral and vertical guidance to aircraft having compatible avionics equipment.

MICROWAVE LANDING SYSTEM (MLS) – A type of instrument approach system which uses different radio signals than an ILS. MLS is more flexible and is less susceptible to interference. MLS is very rare due to its high cost.

MIDDLE MARKER (MM) - Part of an ILS that defines a point along the glide slope normally at or near the point of decision height (DH).

MILITARY OPERATION - All arrivals and departures by aircraft not classified as civil (civilian).

MILITARY OPERATIONS AREA (MOA)

MINIMUM CROSSING ALTITUDES (MCA) – The lowest altitudes at certain radio fixes at which an aircraft can cross when proceeding in the direction of a higher minimum en route IFR altitude.

MINIMUM DESCENT ALTITUDE (MDA) - The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circling-to-land maneuvering in execution of a standard instrument approach procedure where no electronic glide slope is provided.

MINIMUM OBSTRUCTION CLEARANCE ALTITUDE (MOCA) - The specified altitude in effect between radio fixes on VOR/LF airways, off-airway routes, or route segments, which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within 22 nautical miles of a VOR.

MINIMUM VECTORING ALTITUDE (MVA) – The lowest altitude at which aircraft will be guided by a radar controller. This altitude ensures communications, radar coverage, and meets obstruction clearance criteria.

MISSED APPROACH - A prescribed procedure to be followed by aircraft that cannot complete an attempted landing at an airport.

MOVEMENT - Synonymous with the term operation, i.e., a takeoff or a landing.

MOVEMENT AREA – The runways, taxiways, and other areas of an airport which are used for taxiing, takeoff, and landing of aircraft, excluding loading ramps and parking areas.

N

NATIONAL AIRSPACE SYSTEM (NAS) - The common system of air navigation and air traffic control communications facilities, air navigation facilities, airways, controlled airspace, special use airspace, and flight procedures authorized by Federal Aviation Regulations for domestic and international aviation.

NATIONAL CLIMATIC DATA CENTER (NCDC)

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS (NPIAS)

NATIONAL TECHNICAL INFORMATION SERVICE (NTIS)

NATIONAL WEATHER SERVICE (NWS)

NAUTICAL MILE (NM) – The unit of measure of distance in both nautical and aeronautical context. A nautical mile equals 1.15 statute miles (6,080 feet). The measure of speed in regards to nautical miles is known as *KNOTS* (nautical miles per hour).

NAVAID - See Air Navigational Facility.

NAVAL AIR STATION (NAS₂)

NOISE ABATEMENT - A procedure for the operation of aircraft at an airport that minimizes the impact of noise on the environs of the airport.

NOISE COMPATIBILITY PROGRAM (NCP) - List of actions the airport proprietor proposes to undertake to minimize noise/land use incompatibilities.

NOISE EXPOSURE FORECAST (NEF)

NOISE EXPOSURE MAP (NEM) - Graphic depiction of both existing and future noise exposure resulting from aircraft operations and land uses in the airport environs.

NOISE LEVEL REDUCTION (NLF)

NOISEMAP - FAA-approved computer model used to generate noise contours.

NON-DIRECTIONAL BEACON (NDB) - A ground station transmitting in all directions in the L/MF frequency spectrum; provides azimuth guidance to aircraft equipped with direction finder receivers. These facilities often have ILS outer markers to provide transition guidance to the ILS system.

NON-DIRECTIONAL BEACON (NDB) - A radio beacon transmitting non-directional signals whereby an aircraft equipped with direction finding equipment can determine headings to or from the radio beacon and “home” in on a track to or from it.

NON-PRECISION APPROACH PROCEDURE/NON-PRECISION APPROACH - A standard instrument approach procedure in which no electronic glideslope is provided. A localizer, NDB, or VOR is often used.

NON-PRECISION INSTRUMENT RUNWAY - A non-precision instrument runway is one with an instrument approach procedure utilizing air navigation facilities, with only horizontal guidance, or area-type navigation equipment for which a straight in non-precision instrument approach procedure has been approved or planned, and no precision approach facility or procedure is planned or indicated on an FAA or DOD approved Airport Layout Plan, or on other FAA or DOD planning documents.

NORTH AMERICAN DATUM (NAD) - A mathematical model of North America that allows the making of “flat” maps that represent curved surfaces.

NOTICE TO AIRMEN (NOTAM) - A notice essential to personnel concerned with flight operations containing information (not known sufficiently in advance to publicize by other means) concerning the establishment of, conditions of, or change in any component (facility, service, or procedure, or hazard in the National Airspace System).

NOTICE TO AIRMEN (NOTAM) – A notice identified either as a NOTAM or an Airmen Advisory containing information concerning the establishment, condition, or change in any component of, or hazard in, the National Airspace System, the timely knowledge of which is essential to personnel concerned with flight operations.

- 1) *NOTAM*: A notice to Airmen in message form requiring expeditious and wide dissemination by telecommunications means.
- 2) *AIRMEN ADVISORY*: A Notice to Airmen normally only given local dissemination, during pre-flight or in-flight briefing, or otherwise during contact with pilots.

NP - Non-Precision Instrument runway marking.

O

OBJECT FREE AREA (OFA) - A two dimensional ground area surrounding runways, taxiways, and taxilanes, which is clear of objects except for those objects whose location are fixed by function.

OBSTACLE FREE ZONE (OFZ) - The airspace defined by the runway OFZ and, as appropriate, the inner-approach OFZ and the inner-transitional OFZ, which is clear of object penetrations other than frangible NAVAIDs.

OBSTACLE FREE ZONE (OFZ) – An OFZ is an area comprised of the runway OFZ, the approach OFZ, and the inner-transitional surface OFZ.

(A) Runway OFZ: The runway OFZ is the volume of space above a surface longitudinally centered on the runway. The elevation of any point on the surface is the same as the elevation of the nearest point on the runway centerline. The runway OFZ extends 200 feet (60 m) beyond each end of the runway and its width is:

- 1) 120 feet (36 m) for visual runways serving or expected to serve only small airplanes with approach speeds less than 50 knots.
- 2) 250 feet (75 m) for non-precision instrument and visual runways serving or expected to serve small airplanes with approach speeds of 50 knots or more and no large airplanes.
- 3) 300 feet (90 m) for precision instrument runways serving or expected to serve only small airplanes.
- 4) 180 feet (54 m), plus the wingspan of the most demanding airplane, plus 20 feet (6 m) per 1,000 feet (300 m) or airport elevation; or, 400 feet (120 m), whichever is greater, for runways serving or expected to serve large airplanes.

(B) Approach OFZ: The approach OFZ is the volume of space above a surface which has the same width as the runway OFZ and rises at a slope of 50 (horizontal) to 1 (vertical) away from the runway into the approach area. It begins 200 feet (60 m) from the runway threshold at the same elevation as the runway threshold and it extends 200 feet (60 m) beyond the last light unit in the approach lighting system. The approach OFZ applies only to runways with an approach lighting system.

(C) Inner-Transitional Surface OFZ: The inner-transitional surface OFZ is the volume or space above the surfaces which slope 3 (horizontal) to 1 (vertical) laterally from the edges of the runway.

- 1) OFZ and approach OFZ end at the height of 150 feet (45 m) above the established airport elevation. The inner-transitional surface OFZ applies only to precision instrument runways.
- 2) Free of all fixed objects. FAA approved frangible equipment which provides an essential aviation service may be located in the OFZ, provided the amount of penetration is kept to a practical minimum.
- 3) Clear of vehicles as well as parked, holding, or taxiing aircraft in the proximity of an airplane conducting an approach, missed approach, landing, takeoff or departure.

OBSTRUCTION - Any object/obstacle exceeding the obstruction standards specified by FAR Part 77.

OBSTRUCTION CHART (OC)

OBSTRUCTION LIGHT - A light, usually red or white, frequently mounted on a surface structure or natural terrain to warn pilots of the presence of an obstruction.

OBSTRUCTION TO AIR NAVIGATION – An existing object, including a mobile object, is, and a future object would be, an obstruction to air navigation if it is of a greater height than any of the heights or surfaces defined in FAR PART 77.23.

OFFICIAL AIRLINE GUIDE (OAG)

OMNI-DIRECTIONAL APPROACH LIGHTING SYSTEM (ODALS)

OPERATION - An aircraft arrival (landing) or departure (takeoff).

OPERATION – Generally thought of as either a take-off or a landing of an aircraft. FAA ATCT operations include all radio contacts with an aircraft, regardless of whether or not they are taking off or landing. Operations used for planning purposes include only takeoffs, landings and touch and gos.

OPERATIONS PER BASED AIRCRAFT (OPBA)

ORINATION AND DESTINATION (O & D)

OUTER FIX - A point in the destination terminal area from which aircraft are cleared to the approach fix or final approach course.

OUTER FIX – A fix in the destination terminal area, other than the approach fix, to which aircraft are normally cleared by an air route traffic control center or an approach control facility, and from which aircraft are cleared to the approach fix or final approach course.

OUTER MARKER (OM) - A marker beacon, which is part of an ILS, located at or near the glide slope intercept altitude of an ILS approach.

P

P - Precision Instrument runway marking.

PRACTICAL ANNUAL CAPACITY (PANCAP) – The practical annual capacity of an airport based, based on the runway(s).

PRACTICAL HOURLY CAPACITY (PHOCAP) – The practical hourly capacity of an airport based, based on the runway(s).

PRECISION APPROACH - A standard approach in which an electronic glide slope is provided.

PRECISION APPROACH PATH INDICATOR (PAPI) – An airport approach light aid to pilots. See GVGL.

PRECISION APPROACH RADAR (PAR) – Radar used by air traffic control specialists in a ground-controlled approach to assist a pilot on final approach down a prescribed path leading to the runway.

PRECISION INSTRUMENT RUNWAY – A precision instrument runway is one with an instrument approach procedure utilizing an Instrument Landing System (ILS), microwave landing system (MLS), or precision approach radar (PAR). A planned precision instrument runway is one for which a precision approach system or procedure is indicated on an FAA or DOD approved airport layout plan, or on other FAA or DOD planning documents.

PRIMARY RADAR – Primary Radar occurs when the original radar pulse generated by the ground station (air traffic control) returns to the same ground station after it “bounces” off of an object (aircraft). This return notifies the controller that an aircraft is present as well as where it is and in which direction it is moving. This return cannot tell a controller the altitude of the aircraft.

PRIMARY SURFACE – An imaginary horizontal surface extending out an equal distance on each side of the runway centerline a width as defined in FAR Part 77.

PRIVATE AIRPORT - A privately owned airport closed to the general public.

PRIVATE PILOT – A licensed pilot authorized to fly an aircraft carrying passengers provided he does not receive compensation.

PROHIBITED AREA - A category of special use airspace of defined dimensions identified by an area from the surface of the earth to a specified altitude where all flight activity is prohibited, e.g. the White House.

PUBLIC USE AIRPORT - A publicly or privately owned airport open to the public without advanced permission.

R

RADAR APPROACH CONTROL CENTER (RAPCON)

RADAR BEACON (SECONDARY RADAR) – A radar system in which the object to be detected is fitted with cooperative equipment in the form of a radio receiver/transmitter (transponder). Radio pulses transmitted from the ground based searching transmitter/receiver interrogator (air traffic control radar) site are received in the cooperative equipment and used to trigger a distinctive transmission. This transmission, not a reflected signal, is then received back at the interrogator site in order to track the aircraft and determine its altitude.

RADAR IDENTIFICATION – The process of ascertaining that a radar target is the radar return from a particular aircraft.

RADAR NAVIGATION (RNAV)

RADAR (RADIO DETECTION AND RANGING) – A device which, by measuring the time interval between transmission and reception of radio pulses, provides information on range, azimuth and/or elevation of objects in the path of the transmitted pulses.

RADAR SERVICE – A term which encompasses aircraft separation, navigation guidance, and/or flight track monitoring services based on the use of radar which can be provided by a controller to a pilot of a radar-identified aircraft.

RADAR SURVEILLANCE - The radar observation of a given geographic area for the purpose of performing some radar function.

RADAR VECTOR – A heading issued to an aircraft by air traffic control to provide navigational guidance based upon radar observations.

RADIAL – A magnetic bearing extending from a VOR, a VORTAC, or a TACAN navigational facility.

RANDOM AREA NAVIGATION ROUTE – Direct flight, based on area navigation capability, between waypoints defined in terms of degree distance fixes or offset from published or established routes/airways at a specified distance and direction.

REGIONAL AIRPORT SYSTEM PLAN (RASP)

RELIEVER AIRPORT - A specially designated general aviation airport that reduces congestion at busy commercial service airports by providing alternate landing areas for business aircraft.

RELIEVER AIRPORT - An airport designated as having the primary function of relieving congestion at a commercial airport and providing more general aviation access to the overall community. Reliever Airports are allowed to receive AIP (federal) funds for improvement.

RELOCATED THRESHOLD - The portion of pavement behind a relocated threshold is not available for takeoff or landing. It may be available for taxiing aircraft.

RELOCATED THRESHOLD – A relocated threshold is a permanent threshold located at the relocated runway end.

REMOTE COMMUNICATIONS OUTLET (RCO) - An unmanned communications facility remotely controlled by air traffic personnel. RCO's serve FSSs. RTRs serve terminal ATC facilities. An RCO or RTR may be UHF or VHF and will extend the communication range of the air traffic facility. There are several classes of RCOs and RTRs. The class is determined by the number of transmitters or receivers. Classes A through G are used primarily for air/ground purposes. RCO and RTR class O facilities are non protected outlets subject to undetected and prolonged outages. RCOs and RTRs were established for the express purpose of providing ground-to ground communications between air traffic control specialists and

pilots at a satellite airport delivering en route clearances, issuing departure authorizations, and acknowledging instrument flight rules cancellations or departure/landing times. They may also be used for advisory purposes whenever the aircraft is below the coverage of the primary air/ground frequency.

RESTRICTED AREAS - A category of special use airspace of defined dimensions identified by an area from the surface of the earth to a specified altitude within which the flight of aircraft, while not wholly prohibited, is subject to restrictions.

REQUEST FOR PROPOSALS (RFP)

ROTATING BEACON - A visual NAVAID flashing white and/or colored light to indicate the location of an airport.

RUNUP – A part of the final checkout of the aircraft just before takeoff where the engine (or engines) is revved to a percentage of maximum power. During this exercise, all airplane systems are checked to make a final determination of whether or not the aircraft is fit for safe flight.

RUNWAY (RW, R/W AND RWY) – A runway is a defined rectangular area on an airport prepared for the landing or takeoff of airplanes.

RUNWAY ALIGNMENT INDICATOR LIGHTS (RAIL) – (usually part of a MALS system).

RUNWAY END IDENTIFIER LIGHTS (REIL) – Flashing strobe lights (usually white) which indicate the end of a runway. They are located at each end of the runway.

RUNWAY OBJECT FREE AREA (ROFA)

RUNWAY PROTECTION ZONE (RPZ) - An area of the runway end (formerly the clear zone) used to enhance the protection of people and property on the ground.

RUNWAY PROTECTION ZONE (RPZ) – A trapezoidal area centered about the extended runway centerline beginning 200 feet beyond the end of the area usable for takeoff or landing. The dimensions are a function of the approach visibility minimum and the type of aircraft. Refer to AC 150/5300-13 for specific dimensions and land use guidelines.

RUNWAY REFERENCE POINT (RRP) – The point on the runway where the effective visual glide slope intercepts the runway surface.

RUNWAY SAFETY AREA (RSA) - A surface surrounding the runway prepared or suitable for reducing the risk of damage to airplanes in the event of an undershoot, overshoot, or excursion from the runway.

RUNWAY SAFETY AREA (RSA) – A runway safety area is a rectangular area, centered on the runway centerline, which includes the runway (and stopway, if present) and the runway shoulders. The portion abutting the edge of the runway shoulders, runway ends, and stopways is cleared, drained, graded and usually turfed. Under normal conditions, the runway safety area is capable of supporting snow removal,

firefighting, and rescue equipment and accommodating the occasional passage of aircraft without causing major damage to the aircraft.

RUNWAY VISIBILITY RANGE (RVR) – An instrumentally derived value, based on standard calibrations, that represents the horizontal distance a pilot will see down the runway from the approach end.

S

SAFETY AREA – An actual graded area surrounding the runway that can be safely negotiated in case of an emergency by an aircraft that will be using that runway.

SEAPLANE BASE - A body of water licensed for operation and basing of seaplanes.

SEGMENTED CIRCLE - An aid identifying the traffic pattern direction.

SEPARATION – Spacing of aircraft to achieve their safe and orderly movement in flight and while landing and taking off.

SEPARATION MINIMA - The minimum longitudinal, lateral, or vertical distances by which aircraft are spaced through the application of air traffic control procedures.

SHORT APPROACH LIGHT SYSTEM (SALS)

SHORT HAUL AIRPORT - Commercial service airports that service scheduled trips for less than 500 miles.

SHORT TAKEOFF AND LANDING (STOL) RUNWAY – A runway specifically designated and marked for STOL operations. Except for the standards for locating thresholds, specified in appendix 9, and for marking and lighting, STOL runways are designed and maintained to the standards and recommendations applicable to conventional takeoff and landing airplanes.

SIMPLIFIED SHORT APPROACH LIGHT SYSTEM (SSALS)

SIMPLIFIED SHORT APPROACH LIGHT SYSTEM WITH SEQUENCED FLASHING LIGHTS (SSALF)

SINGLE-EVENT NOISE EXPOSURE LEVEL (SENEL)

SMALL AIRCRAFT – A small aircraft is an aircraft of 12,500 pounds (5,700 kg) or less maximum certificated takeoff weight.

SOUND EXPOSURE LEVEL (SEL)

SQUARE FEET (SF)

STANDARD INSTRUMENT DEPARTURE (SID) – A preplanned coded air traffic control IFR departure routing, preprinted for pilot use in graphic and/or written form.

STANDARD METROPOLITAN STATISTICAL AREA (SMSA)

STANDARD TERMINAL ARRIVAL ROUTE (STAR) – A preplanned coded air traffic control IFR arrival routing, preprinted for pilot use in graphic and/or written form.

STATUTE MILE – A regular “highway” mile measuring 5,280 feet.

STOL AIRCRAFT - A STOL (short takeoff and landing) aircraft is an aircraft with a certified performance capability to execute approaches along a glide slope of 6 degree or steeper and to execute missed approaches at a climb gradient sufficient to clear a 15:1 missed approach surface at sea level. The gradient is based on the airport elevation and decreases at the rate of 5 percent per 1,000 feet (300 m), i.e., for an airport at 4,000 feet (1,200 m) above Mean Sea Level (MSL), the gradient of the missed approach surface would be 18:1, 120 percent of 15:1.

STOP END OF RUNWAY – The stop end of runway is the far runway end as viewed from the cockpit of a landing airplane.

STOPWAY (SWY) - A rectangular surface beyond the end of a runway prepared or suitable for use in lieu of a runway to support an aborted takeoff, without causing structural damage to the airplane.

STOPWAY (SWY) – A stopway is an area beyond the stop end of the takeoff runway which is no less wide than the runway and is centered on the extended centerline of the runway. It is able to support an airplane during an aborted takeoff without causing structural damage to the airplane, and designated by the airport authorities for use in decelerating the airplane during an aborted takeoff.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

STRAIGHT-IN APPROACH - A descent in an approved procedure in which the final approach course alignment and descent gradient permit authorization of straight-in landing minimums.

STRAIGHT-IN APPROACH – Entry into the traffic pattern by interception of the extended runway centerline (final approach) without executing any other portion of the traffic pattern.

STUDY ADVISORY COMMITTEE (SAC)

SUPPLEMENTARY AVIATION WEATHER REPORTING STATIONS (SAWRS) – A weather observation station used solely for aviation purposes and manned by non-Federal personnel. The local airport management usually provides the equipment and personnel for the station.

SURFACE ACCESS - Ground transportation modes, such as auto or public transit, used to travel to and from the airport.

SURVEILLANCE APPROACH – An instrument approach conducted in accordance with directions issued by a controller referring to the surveillance radar display.

SYSTEM PLAN - A representation of the aviation facilities required to meet the immediate and future air transportation needs and to achieve the overall goals.

T

TACTICAL AIR NAVIGATION (TACAN) – A military navigation aid that provides distance and direction information to appropriately equipped aircraft. Derived from “tactical air navigation”.

TACTICAL AIRLIFT GROUP (TAG)

TAKEOFF DISTANCE AVAILABLE (TODA) - The TORA plus the length of any remaining runway and/or clearway beyond the far end of the TORA (see Declared Distances).

TAKEOFF RUNWAY AVAILABLE (TORA) - The runway length declared available and suitable for the ground run of an airplane taking off (see Declared Distances).

TAXI – To operate an airplane under its own power on the ground, except the movement incident to actual takeoff and landing.

TAXILANE (TL) – A taxilane is the portion of the aircraft parking area used for access between taxiways, aircraft parking positions, hangars, storage facilities, etc. A taxilane is outside the movement area, and is normally not controlled by the Air Traffic Control Tower.

TAXIWAY (TW, TWY, AND T/W) – A taxiway is a defined path, from one part of an airport to another, selected or prepared for the taxiing of aircraft.

TAXIWAY SAFETY AREA (TSA) – A taxiway safety area is an area centered on the taxiway centerline, which includes the taxiway and taxiway shoulders. The portion abutting the edge of the taxiway shoulders is cleared, drained, graded, and usually turfed. Under normal conditions, the taxiway safety area is capable of supporting snow removal, fire fighting, and rescue equipment and accommodating the occasional passage of aircraft without causing major damage to the aircraft.

TERMINAL AIRSPACE - The controlled airspace normally associated with aircraft departure and arrival patterns to and from airports within a terminal system and between adjacent terminal systems in which tower en route air traffic control service is provided.

TERMINAL AREA FORECAST, FAA’S (TAF)

TERMINAL AREA PLAN (TAP)

TERMINAL CONTROL AREA (TCA) – The aircraft traffic control area surrounding a hub airport in which all aircraft must be under radar control and have radio communications established. This airspace is now known as Class B airspace.

TERMINAL INSTRUMENT PROCEDURES (TERPS)

TERMINAL RADAR SERVICE AREA (TRSA) - This area identifies the airspace surrounding an airport wherein air traffic control provides radar vectoring, sequencing, and separation on a full-time basis

for all IFR and participating VFR aircraft. Although pilot participation is urged, it is not mandatory within the TRSA.

TERMINAL VERY HIGH FREQUENCY OMNIRANGE RADIO STATION (TVOR)

T-HANGAR - A T-shaped aircraft hangar that provides shelter for a single airplane.

THRESHOLD – The threshold is the beginning of that portion of the runway available and suitable for the landing of airplanes.

THRESHOLD (TH) - The physical end of runway pavement. (Also see Displaced Threshold and Relocated Threshold.)

THRESHOLD CROSSING HEIGHT (TCH) – The height of the straight line extension of the visual or electronic glide slope above the runway threshold.

TOUCH-AND-GO OPERATION – A training operation in which a landing approach is made, the aircraft touches down on the runway, but does not fully reduce speed to turn off the runway. Instead, after the landing, full engine power is applied while still rolling and a takeoff is made, thereby practicing both maneuvers as part of one motion. It counts as two separate aircraft operations.

TOUCHDOWN ZONE LIGHTS (TDZ)

TRACK – The flight path of an aircraft over the surface of the earth.

TRAFFIC PATTERN - The traffic flow that is prescribed for aircraft landing at or taking off from an airport. The usual traffic pattern consists of five segments, or “legs”. These components are the upwind leg, crosswind leg, downwind leg, base leg, and the final approach. Traffic patterns are followed by aircraft in order to exit the airport area after takeoff in an orderly fashion, and to enter an Airport area and ultimately land, also in an orderly fashion.

TRANSIENT OPERATIONS - An operation performed at an airport by an aircraft that is based at another airport.

TRANSITION ZONE - An imaginary surface extending upward at a 7 to 1 slope (i.e., up one foot for every seven feet moved horizontally) from the Primary Surface and Approach Surface defined in Federal Aviation Regulations (FAR) Part 77.

TRANSPORT AIRPORT - Airports that can accommodate high performance aircraft over 150,000 pounds maximum gross weight.

TRANSPORT AIRPORT – A transport airport is an airport designed, constructed, and maintained to specifically serve airplanes in Aircraft Approach Category C and D. Please refer to the definition for Aircraft Approach Category. Airports which accommodate Category C and D aircraft on a semi regular basis are not necessarily Transport Airports.

TRANSPORT CATEGORY AIRCRAFT - Aircraft with a maximum gross takeoff weight of 12,500 pounds or more.

TRUE AIR SPEED (TAS) – The actual speed at which an aircraft is traveling through the air.

TRUE BEARING (Azimuth) - The clockwise angle between a direction line and a meridian line that is referenced to the geographic north.

TURBINE – A mechanical device or engine that spins in reaction to fluid flow through or over it. This device is used in turbofan, turbojet, and turboprop powered aircraft.

TURBOFAN – A turbojet engine whose thrust has been increased by the addition of a low pressure compressor fan.

TURBOJET - An engine that derives power from a fanned wheel spinning in reaction to burning gases escaping from a combustion chamber. The turbine in turn drives a compressor and other accessories.

TURBOPROP - A turbine engine in which the rotating turbine turns a propeller.

U

ULTRA HIGH FREQUENCY (UHF)

UNCONTROLLED AIRSPACE - Airspace that has not been designated as Continental Control Area, control area, control zone, terminal control area, or transition area and within which ATC has neither the authority nor the responsibility for exercising control over air traffic.

UNICOM - Radio communications station that provides pilots with pertinent information (winds, weather, etc.) at specific airports.

UNITED STATES GEOLOGICAL SERVICE (USGS)

UNITED STATES WEATHER BUREAU (USWB)

USEFUL LOAD – In aircraft, the difference between the empty weight of the plane and the maximum authorized gross weight.

UTILITY AIRPORT – A utility airport is an airport designed, constructed, and maintained to serve airplanes in Aircraft Approach Category A and B. For discussion on airport type, see paragraph 5.

V

V - Visual Approach runway marking.

V₁- Takeoff Decision Speed.

V₂ - Takeoff Safety Speed.

V_{LOF} - Lift-off Speed.

V_{SO} - Stalling Speed or the minimum steady flight speed in the landing configuration.

VECTOR - A heading issued to an aircraft to provide navigational guidance by radar.

VERTICAL/SHORT TAKEOFF AND LANDING (V/STOL)

VERTICAL TAKEOFF AND LANDING (AIRCRAFT) (VTOL) – An aircraft which has the capability of vertical takeoff and landing. These aircraft include, but are not limited to, helicopters.

VERY HIGH FREQUENCY (VHF)

VERY HIGH FREQUENCY OMNI DIRECTIONAL RANGE (VOR) – A ground radio station that provides a pilot of a properly equipped aircraft with his radial location in reference to that station. A VORTAC is an electronic air navigation facility combining a VOR and a TACAN.

VFR AIRCRAFT - An aircraft conducting flight in accordance with Visual Flight Rules.

VFR CONDITIONS – Basic weather conditions prescribed for flight under Visual Flight Rules; usually implies a ceiling of at least 1000 feet and a forward visibility of three miles or more.

VFR TRAFFIC – Aircraft traffic operated solely in accordance with Visual Flight Rules.

VICTOR AIRWAYS - See Low Altitude Airways.

VICTOR AIRWAYS – Established air routes connecting most VORs in the United States. The victor airways comprise the low altitude (up to but not including 18,000 feet) airway system. (Jetways comprise the high altitude airway system).

VISIBILITY, PREVAILING – The horizontal distance at which targets of known distance are visible over at least half of the horizon. It is normally determined by an observer on or close to the ground viewing buildings or other similar objects during the day and ordinary city lights at night.

VISUAL APPROACH – A VFR approach granted to an IFR flight by air traffic control under special circumstances. Visual approaches are normally conducted by aircraft operating under visual flight rules.

VISUAL APPROACH SLOPE INDICATOR (VASI) – The VASI is a device used by pilots to determine their position in regard to the recommended approach path for a particular airport. See also GVGI.

VISUAL FLIGHT RULES (VFR) - Visual Flight Rules that govern flight procedures in good weather.

VISUAL FLIGHT RULES (VFR) – “See and be seen” flight rules. Each pilot is responsible for the safe spacing and proper operation of his aircraft. Under VFR, a pilot is not required to file a flight plan or be in constant radar and communication contact with air traffic control. Visual flight rules are determined by weather and require a ceiling of at least 1,000 feet and visibility of at least 3 miles.

VISUAL RUNWAY - A visual runway is a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA or Department of Defense (DOD) approved layout plan, or, on other FAA or DOD planning documents.

VORDME - VOR facility supplemented with Distance Measuring Equipment (DME).

VORTAC - VOR facility supplemented with Tactical Air Navigation (TACAN).

VORTAC – A combination of the civil VOR/DME and the military TACAN which can provide both distance and direction of an aircraft from the station.

W

WAKE TURBULENCE – The air turbulence caused by a moving aircraft, originating at the tips of the wings. The turbulence is caused by vortices generated by an aircraft’s wingtips as it travels through the air. This turbulence is greatest when the aircraft is taking off and landing.

WARNING AREA - A category of special use airspace of defined dimensions identified by an area from the surface of the earth to a specified altitude, which exists in international airspace along the U.S. coastal borders.

WATER MANAGEMENT DISTRICT (WMD)

WIND-CONE (WIND SOCK) - Conical wind direction indicator.

WIND COVERAGE – Wind coverage is the percent of time for which aeronautical operations are considered safe due to acceptable crosswind components.

WIND ROSE - A graphic documenting the wind persistency and wind coverage provided by the runway system.

WIND TEE - A visual device used to advise pilots about wind direction at an airport.

Appendix B

FAA/FDOT Correspondence and Related Data

Appendix B: FAA/FDOT and Related Data

Copies of correspondence and data relevant to the preparation of the Master Plan Update and the Airport Layout Plan set are included in this appendix for future reference. These items include the following:

- Herlong Airport Forecasts - Copy of FAA letter dated 2005 providing written review comments and approval of the aviation forecasts through the year 2025.
- Working Paper I - Copy of FAA-Airport District Office (ADO) comments regarding data provided in Working Paper I dated .
- Working Papers II and III- Copy of FAA-ADO comments and correspondence regarding data provided in Working Paper II and III dated .
- Working Paper IV and Final Draft - Copy of FAA-ADO comments and correspondence regarding data provided in Working Paper IV and Final Draft



U.S. Department
of Transportation
Federal Aviation
Administration

ORLANDO AIRPORTS DISTRICT OFFICE
5950 Hazeltine National Dr., Suite 400
Orlando, Florida 32822-5003
Phone: (407) 812-6331 Fax: (407) 812-8978

April 11, 2006

Mr. H.E. "Chip" Seymour, A.A.E.
Assistant Director
Planning Department
Jacksonville Airport Authority
P.O. Box 18018
Jacksonville, FL 32229-0018

Dear Mr. Seymour,

**RE: Herlong Airport, Jacksonville, Florida
Approval of Master Plan Forecast**

The Airport Master Plan forecast, transmitted by your consultant's March 10, 2006, letter of transmittal, is within 10 percent of the Federal Aviation Administration (FAA) Terminal Area Forecast (TAF). Therefore, we concur with its use in the remainder of your current master planning efforts.

If you have any questions, please feel free to contact me at (407) 812-6331, ext. 122.

Sincerely,

Rebecca R. Henry
Program Manager
Planning and Compliance

cc:

Tricia Fantinato, the LPA Group, Inc, Tampa

Received

APR 17 2006

Planning and Development



U.S. Department
of Transportation
**Federal Aviation
Administration**

Orlando Airports District Office
5950 Hazeltine National Dr. Suite 400
Orlando, FL 32822-5024
Phone 407-812-6334

May 11, 2006

Mr. Chip Seymour, C.M.
Senior Manager, Planning
Jacksonville Airport Authority
Jacksonville International Airport
P.O. Box 18018
Jacksonville, FL 32229-0010

Received
MAY 11 2006
Planning & Development

Dear Mr. Seymour:

RE: Herlong Airport (HFG)

We received your consultant's responses to our January 5, 2006 comments on Working Paper #1 for the Herlong Airport Master Plan. In response to our concerns of on-airport residential development, your consultant has indicated that this residential use would not be on airport property. Rather, JAA would sell a portion of airport property to a private party to create this development, and JAA would work with the Federal Aviation Administration (FAA) to divest itself of this property. We assume that you intend to grant this development "through-the-fence" access to Herlong Airport.

As you are aware, the FAA strongly discourages "through the fence" operations, especially those including residential land uses. Through the fence agreements may present many challenges to the sponsor, including:

- Placing contractual and legal encumbrances or conditions on the airport property.
- Limiting the airport's ability to ensure safe operations in both movement and non-movement areas.
- Potentially creating unjustly discriminatory conditions for those entities operating "inside the fence", and effectively granting an exclusive right to the "through the fence" operator.
- Possibly affecting the airport's ability to be self-sustainable.
- Weakening the airport's ability to remove and mitigate hazards and incompatible land uses.
- Making it more difficult for an airport sponsor to implement future security requirements that may be imposed on airports.

If an airport sponsor chooses to grant "through the fence" access, the sponsor must ensure that its decision will not result in a violation of its Federal obligations, at present or in the future. It has been the FAA's experience that airport sponsors often find it difficult to correct violations of the grant assurances that result from "through the fence" operations.

Residential airparks adjacent to federally obligated airports are also strongly discouraged by the FAA. Residential units, even those collocated with an aviation hangar, can become problematic for the airport sponsor.

In closing, please be advised that this office would not consider the release of obligated airport property for the construction of a through-the-fence residential development adjacent to Herlong Airport.

Sincerely,



Rebecca R. Henry
Program Manager
Planning and Compliance

cc:
Tricia Fantinato, LPA Group, Inc., Tampa



September 24, 2007

Ms. Rebecca Henry
Program Manager
Planning and Compliance
Federal Aviation Administration
Orlando Airports District Office
5950 Hazelmeade National Drive
Suite 400
Orlando, Florida 32822-5024

**Re: Herlong Airport (HEG)
Airport Layout Plan (ALP) and Master Plan Update
Response to Comments and Second FAA Submittal**

Dear Ms. Henry:

Thank you for your comments on the Herlong Master Plan Update dated June 15, 2007. After reviewing both the Florida Department of Transportation (FDOT) and Federal Aviation Administration (FAA) comments, the Jacksonville Aviation Authority with the support of the LPA Group has addressed and incorporated these recommendations into both the narrative report and airport layout plan (ALP) set.

For your records, we have enclosed the responses to both FDOT and FAA comments as well as the requested five ALP sets for FAA circularization. Once we receive final FAA comments, we will provide one GBC bound narrative report and 12 to 14 ALP sets for your signature.

Please if you have any questions or need any additional information, do not hesitate to contact either Phil Jutko or myself at (813) 889-3892. Thank you for your assistance and consideration in this matter.

Respectfully,

Trina Fantinato
Manager, Aviation Planning

Enclosures: Response to FAA Comments
Response to FDOT Comments
Five copies of Airport Layout Plan
Completed Southern Region Checklist

CC: Chip Seymour, JAA
Todd Lindner, JAA



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

505 Suwannee Street
Tallahassee, FL 32399-0450
June 15, 2007

STEPHANIE NOPELAKOS
SECRETARY

Mr. Gene Lampp
District Aviation Specialist, District - 2
2198 Edison Avenue
Jacksonville, Florida 322204

Re: Herlong Airport Master Plan and Airport Layout Plan (ALP) Update

Dear Mr. Lampp:

We have reviewed the above referenced Herlong Airport Master Plan and ALP Update. This airport master plan and ALP update can not be approved as presented. The following comments must be addressed in a revised submittal for review and approval by the Aviation Office:

1. Scope of Service for this master plan and ALP update was not submitted for review by the Aviation Office. According to the Airport Master Plans procedure No. 725-040-100 d, 2.4, a copy of the Scope of Work for this airport master plan update must be submitted for review and acceptance by the Aviation Office.
2. Provide a copy of the FAA checklist for the ALP update.
3. Table 7-3, Short-Term Capital Improvement Plan: The District 2 office must assess whether funds (states share) available for Herlong Airport in the FDOT Work Program. Otherwise this plan is not financially feasible.
4. For the ALP, Sheet 11 of 11, the Runway 7 RPZ and Runway 25 RPZ extends off airport property. The Department should encourage the airport to purchase the RPZ. An aviation easement may appear to control the RPZ off airport property. However, the RPZ should be on airport property in order to effectively control long term land use. The airport should include planning to correct this deficiency and or provide further explanation and justification.
5. Please provide electronic copy of the final airport master plan and ALP.

RECEIVED:
JUN 19 2007

Mr. Gene Lammop
Herlong Airport
June 15, 2007
Page 2

Note: You have mentioned over the phone that the airport sponsor intends to extend Runway 7 by 1000 feet, instead 500 feet extension proposed in the master plan and ALP. This master plan and ALP update must justify the need for 1000 feet extension of Runway 7. It may cause substantial revision of this master plan and ALP update.

Again, the comments contained above in this review must be addressed in a revised submittal for review and approval by the Aviation Office

We appreciate the opportunity to review the airport master plan and ALP update. Should you have any questions, feel free call me at (850) 414-4504.

Sincerely,



Abdul Hatim

Airport Planning Manager

cc: Mr. Aaron Smith, FDOT, Aviation Development Administrator
Mr. David Roberts, FDOT, Airport Inspection and Safety Manager



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

STEPHANIE C. KOPELOUSON
SECRETARY

2198 Edison Avenue
Mail Station 2813
Jacksonville, Florida 32204-2619

(904) 360-5667
(904) 360-5649 Fax

May 31, 2007

Mr. Todd Linder
Planning, Grants and Environmental Administrator
Jacksonville Aviation Authority
P. O. Box 18018
Jacksonville, FL 32229-0018

RE: HERLONG MASTER

Dear Mr. Linder,

The Florida Department of Transportation (FDOT) District 2 Aviation requires that the following areas be addressed before we can complete our review of the Master Plan for the Herlong Airport.

1. The extension of runway 7-25, according to Mr. Linder, is going to be 1,000 feet. The correct size of the extension needs to be shown on the Airport Lay out Plan (ALP) and the correct cost needs to be in the Master Plan for a 1,000 feet extension.
2. Residential fly-in community needs to be shown on the ALP, or how it will connect into the airport if built on property adjacent the airport.
3. East Commerce Park Development access road shown in the Master Plan does match the access road shown on the ALP.
4. The Blimp hangar and apron is scheduled to be constructed in 2010. When will the access road to the Mid-Field development need to be funded and constructed?

Sincerely,

Gene Lamm
District Aviation Specialist

Michele Stephens - Re: Fwd: Herlong Master Plan

From: <rolandjr.luster@dot.state.fl.us>
To: "Chip Seymour" <CSeymour@jaa.aero>
Date: 6/1/2005 2:41 PM
Subject: Re: Fwd: Herlong Master Plan
CC: "Michele Stephens" <MStephens@jaa.aero>

Chip,

The Florida Department of Transportation (FDOT) gives concurrence for the scope of work for the Herlong Airport Master Plan Update. I am unable to approve and add the additional \$10,000.00 you requested for this JPA at this time.

Roland C. Luster
 Aviation and Ports Administrator
 Phone (386) 961-7655, Success 881-7855
 FAX (386) 758-2766 / Email: roland.luster@dot.state.fl.us

"Chip Seymour"
 <CSeymour@jaa.aero>
 To
 <rolandjr.luster@dot.state.fl.us>
 05/23/2005 04:16 CC
 PM
 "Michele Stephens"
 <MStephens@jaa.aero>
 Subject
 Fwd: Herlong Master Plan

I don't believe we have received concurrence on this project yet. We have received the FAA grant and need FDOT concurrence before we can begin the project. The Work scope was inadvertently left out of the original e-mail and the fee is the last three pages of the work scope file in the original e-mail.

----- Message from "Chip Seymour" <CSeymour@jaa.aero> on Thu, 07 Apr 2005 18:19:51 -0400 -----

To: "Roland Luster" <rolandjr.luster@dot.state.fl.us>, "Richard Owen" <Richard.Owen@fla.gov>

cc: "Airee Clancy" <AClancy@jaa.aero>, "Bob Simpson" <BSimpson@jaa.aero>, "David Durley" <DDurley@jaa.aero>, "Derek Powder" <DPowder@jaa.aero>, "Michele Stephens" <MStephens@jaa.aero>, "Valerie Pittman" <VPittman@jaa.aero>, "Barbara Compton" <BCompton.HA,JPA@jaa-ports.org>

Subject: Herlong Master Plan

Attached is our Application for FAA AIP assistance under FAA Grant 3-12-0034 013 2005 (pending).

Rolling the attached scope and fee is included for your concurrence under FDOT Grant 429966-1. This grant currently only has \$10,000 in funding. We request an additional \$10,000 be added to the grant from our run-ever funds when those funds become available in August of 2005 or from other FDOT resources if available now. JAA has the cash resources to cover all local share costs, if necessary. (See attached file: Horizon Master Plan Grant Application scope and fee Scope and FEE.tif) (See attached file: MP Proposal from LPA.tif)



Runway Data Details

Home | HRA | Go

OE/NRA Case

Tools

Data

Reports

Options

Search Airport

Airport Data

Airport Audit Log

Reports

Airport Data: HEG

Airport ID: HEG
Name: HERLONG
City: JACKSONVILLE
Site Type: Airport
Airport Ownership: Public
Facility Use: Public
Airport Latitude: 30-16-40.04 N NAD 83
Airport Longitude: 81-48-21.41 W NAD 83
Existing/Proposed: Existing
ARP Position Source: Existing
Magnetic Hemisphere: W

ALP Date:
Site Number: 03250 *A
State: FL
Airport Elevation: 87
QC Chart:
Quad:
Date Source: NASR
Status: CURRENT
ARP Position Date:
Magnetic Variation: 3 degrees

Runway Data:

ID: NASR
Heading: 07
Latitude: 65
Longitude: 30-16-34.91 N
Approach Category: A(V) - Utility (Visual)
Elevation: 74
Approach Lights:
Extension: 0
Length: 4000
Width: 100
Surface: Hard
Proposed/Existing: Existing

Opp. NASR: 25
Heading: 245
Latitude: 30-16-51.84 N
Longitude: 81-48-12.4 W
Approach Category: A(NP) - Utility (Non-Precision)
Elevation: 80.7
Extension: 0
Length: 4000
Width: 100
Surface: Hard
Proposed/Existing: Existing



Vasi:
Data Source: NASR
Runway Elevation Source: AVN
Runway Elevation Date: 03/12/2007
Runway Position Source: NACO
Runway Position Date: 03/26/1997

Update: 07 25

[Cancel]

Runway Data Details

Runway Elevation Source: AVN
Runway Elevation Date: 03/12/2007
Runway Position Source: NACO
Runway Position Date: 03/26/1997

Update: 11 29

Cancel



Runway Data Details

Form [] NPA [] Go []

OE/NRA Case [] Tools []

Data []

Reports []

Options []

Search Airport [] Airport Data [] Airport Audit Log [] Reports []

Airport Data: HEG

Airport ID: HEG
Name: HERLONG
City: JACKSONVILLE
Site Type: Airport
Airport Ownership: Public
Facility Use: Public
Airport Latitude: 30-16-40.04 N NAD 83
Airport Longitude: 81-48-21.41 W NAD 83
Existing/Proposed: Existing
ARP Position Source: NASR
Magnetic Hemisphere: W

ALP Date: 03250.*A
Site Number: FL
State: FL
Airport Elevation: 87
OC Chart: 87
Quad:
Data Source: NASR
Status: CURRENT
ARP Position Date:
Magnetic Variation: 3 degrees

Runway Data:

ID:	NASR	Opp. NASR	User	Opp. User	Proposed	Opp. Proposed
Heading:					07R	25L
Latitude:					64.66	244.67
Longitude:					30-16-35.77 N	30-16-48.9 N
Approach Category:					81-48-53.07 W	81-48-21.07 W
Elevation:					A(V) - Utility (Visual) 74	A(V) - Utility (Visual) 80
Approach Lights:						
Extension:						
Length:						
Width:						
Surface:						
Proposed/Existing:					Hand Proposed	Hand Proposed
Vasi:						
Data Source:					OE_USER	OE_USER

Runway Elevation Source:

Runway Elevation Date:

Runway Position Source:

Runway Position Data:

Update:

07R

25L



Runway Data Details

Find:

OE/NRA Case

Tools

Data

Reports

Options

Search Airport Airport Data Airport Audit Log Reports

Airport Data: HEG

Airport ID: HEG
Name: HERLONG
City: JACKSONVILLE
Site Type: Airport
Airport Ownership: Public
Facility Use: Public
Airport Latitude: 30-16-40.04 N NAD 83
Airport Longitude: 81-48-21.41 W NAD 83
Existing/Proposed: Existing
ARP Position Source:
Magnetic Hemisphere: W

ALP Date:
Site Number: 03250.*A
State: FL
Airport Elevation: 87
OC Chart:
Quad:
Data Source: NASR
Status: CURRENT
ARP Position Date:
Magnetic Variation: 3 degrees

Runway Data:

ID:	NASR	Opp. NASR	User	Opp. User	Proposed	Opp. Proposed
11		29				
Heading:	109.6855	289.704				
Latitude:	30-16-42.08 N ✓	30-16-30.38 N ✓				
Longitude:	81-48-26.97 W ✓	81-47-49.28 W ✓				
Approach Category:	A(V) - Utility (Visual)	A(V) - Utility (Visual)				
Elevation:	85.3	83.8				
Approach Lights:						
Extensions:	0	0				
Length:	3500 ft	3500 ft				
Width:	100	100				
Surface:	Hard	Hard				
Proposed/Existing:	Existing	Existing				
Vasi:						
Data Source:	NASR	NASR				

SURVEY (86.7)

From: Rebecca.Henry@faa.gov
Sent: Friday, June 23, 2006 4:20 PM
To: Fantinato, Tricia
Subject: Herlong Airport Working Paper 2

Tricia,

A few comments for you which should be easy enough to incorporate into the final Master Plan--

1. Runway 7-25 appears to be the runway eligible for FAA funding based on wind data (no action necessary).
2. The critical aircraft does not appear to be specified.
3. A reminder, specific runway safety area information will be required to complete an RSA determination file.

Thank you,
Rebecca Henry
Orlando Airports District Office



U.S. Department
of Transportation
**Federal Aviation
Administration**



Orlando Airports District Office
5950 Hazelline National Dr., Suite 400
Orlando, FL 32827-5003

Phone (407) 812-6331

Fax (407) 812-5978

May 11, 2007

Mr. Chip Seymour
Senior Manager, Aviation Planning
Jacksonville Aviation Authority
P.O. Box 18018
Jacksonville, FL 32229-0018

Dear Mr. Seymour:

RE: Herlong Airport, Jacksonville, Florida
Draft Airport Layout Plan

We received your draft Airport Layout Plan (ALP) as submitted by your consultant, LPA Group, on April 27, 2007. The following comments should be incorporated into the final ALP:

- Contrary to information provided on the ALP Checklist, there is no Runway Safety Area (RSA) Determination for Herlong Airport on file with the FAA. An RSA Determination will be made from the information provided on the ALP and in the Airport Master Plan. The RSA determination will document the existing RSA condition and, if necessary, determine the practicability of standardizing the RSA.
- According to the scope for this project, wind data was to be obtained through NCDC, and the cost was factored into the fee. The wind data presented was dated 1989-1998, and from Cecil Field. Was this the most current and applicable data available from NCDC?
- In accordance with FAA airport design standards set forth in Advisory Circular 150/5300-13, the centerline of Runway 7U-25U should be located 700 feet from the existing centerline of Runway 7-25.
- We note that 2006-ASO-497-NRA (fuel tanks), as well as 2004-ASO-359-NRA (perimeter fence off end of Runway 29), are not shown on the ALP. They should either be shown as either existing or future facilities.
- Please provide documentation on the calculation of future declared distances and verify their accuracy.
- The runway end elevation of both runways, as well as the runway end coordinates of Runway 7-25, do not match data in the FAA database (as attached). If a survey was recently completed, please forward documentation to that affect to this office and we will update our files. Otherwise, ALP data must match the FAA database.

- The Future RPZ of Runway 25 will encompass an incompatible land use (a church, and possibly homes?) However, this does appear to be airport property. FAA will expect the sponsor to remove any incompatible land uses prior to any upgrades to the runway.
- The runway end number of Runway 7 does not appear to be correct.
- At Herlong Airport, during IFR conditions, Runway 25 is acceptable for use 91% of the time. A future MALSR is shown for Runway 25. The sponsor may wish to consider the cost-benefit of having an approach lighting system on this end.
- The Airport Airspace Drawing should be presented in 1"=2,000' scale, as requested in the FAA checklist. The drawing presented is extremely difficult to read.
- There are several obstructions shown on the plan and profile sheets that require trimming or removal. When is this maintenance expected?
- The RPZs and other critical surfaces are not visible on the Airport Property Map.
- The Airport Property Map should show the original conveyance from the United States of America as well as any subsequent property acquisitions or releases

Once you have incorporated these comments into the drawings, you are free to submit five (5) ALP Sets for Agency coordination.

If you have any questions, please feel free to contact me at (407) 812-6331, ext. 122.

Sincerely,

Original Signed By

Rebecca R. Henry
Program Manager
Planning and Compliance

cc: Tricia Fantinato, LPA Group, Tampa



July 20, 2007

PO Box 14018

Jacksonville, FL

32229-0018

www.jaa.org

Mr. Gene Lampp
District Aviation Specialist, District 2
Florida Department of Transportation
2198 Edison Avenue
Jacksonville, FL 322204

**Re: Herlong Airport Master Plan and Airport Layout Plan Update
FDOT Central Office and Local Office
FDOT Draft Review Comments**

Dear Mr. Lampp:

Thank you for your comments on the Herlong Airport Master Plan and Airport Layout Plan Update provided in the June 15, 2007 letter. After reviewing the Florida Department of Transportation's (FDOT) comments, the Jacksonville Aviation Authority (JAA) coordinated with the LPA Group to address each recommendation and comment. Please see the responses provided on the following pages. As directed by FDOT, all recommended revisions will be incorporated into the Airport Layout Plan Set (ALP) and narrative report.

If you have any questions or need additional information, please do not hesitate to contact Mr. Chip Seymour at 904/741-2743 or myself at 904/741-2228.

Thank you for your time and consideration in this matter.

Sincerely,

A handwritten signature in blue ink that reads "Todd Lindner".

Todd Lindner, CM,
Administrator Planning & Development

Cc: Bob Molle - JAA
Chip Seymour - JAA
Izzy Bonilla - JAA
Doug Faour - JAA
Tricia Fantinato - LPA

FDOT Central Office Comments

1. Scope of Service for this master plan and ALP update was not submitted for review by the Aviation Office. According to the Airport Master Plans procedure No. 725-040-100-d. 2.4, a copy of the Scope of Work for this airport master plan update must be submitted for review and acceptance by the Aviation Office.

Response: According to JAA records, the scope of work for the Herlong Master Plan received concurrence on June 1, 2005 as shown in e-mail received from Roland Luster.

2. Provide a copy of the FAA Checklist for the ALP Update.

Response: Checklists were provided. However, once FAA and FDOT comments are incorporated, ALP checklists will be provided with the report and ALP sets for FDOT's final review and approval.

3. Table 7-3, Short Term Capital Improvement Plan. The District 2 office must assess whether funds (state's share) are available for Herlong Airport in the FDOT Work Program. Otherwise this plan is not financially feasible.

Response: Since the Airport Cash Flow Analysis, Table 7-10, denotes that JAA Herlong Airport will at a maximum receive only \$500,000 per year, two additional tables were added (Financially Feasible Short-Term Capital Improvement Plan and Financially Feasible Mid Term Capital Improvements) which show FDOT and FAA funding as provided in the current (March 07) JAA Work Program. Projects identified in the Master Plan report to occur within the years 2007-2013 that do not currently have FDOT funding are identified, and are shown as funded through local or private funding. A footnote is included in both tables stating that "FDOT funding will be requested for eligible projects currently not included in the FDOT Work Program".

4. Per the ALP, Sheet 11 of 11, the Runway 7 RPZ and Runway 25 RPZ extends off airport property. The Department should encourage the airport to purchase the RPZ. An aviation easement may appear to control the RPZ off airport property. However, the RPZ should be on airport property in order to effectively control long-term land use. The airport should include planning to correct this deficiency and or provide further explanation and justification.

Response: Based upon remarks from FDOT and at JAA's request, property located within the RPZ of both Runways 25 and 7 are designated to be acquired in 2012 and 2013.

5. Please provide electronic copy of the final airport master plan and ALP.

Response: An electronic copy of the final report and ALP set will be provided to FDOT once approval has been received from both FAA and FDOT.

FDOT Local Office Comments:

1. The extension of Runway 7-25, according to Mr. Lindner, is going to be 1,000 feet. The correct size of the extension needs to be shown on the Airport Layout Plan (ALP) and the correct cost needs to be in the Master Plan for a 1,000 foot extension.

Response: JAA will continue to examine the best length for an extension taking into account the design aircraft and the location of existing lighting as the need for the project is further developed. Based upon our discussion with JAA, the ALP shows the 500 foot runway extension to Runway 7 with 250 foot blast pads/overruns on Runways 7 and 25.

2. Residential fly-in community needs to be shown on the ALP, or how it will connect into the airport if built on property adjacent to the airport.

Response: The Residential Fly-In Community is not recommended. The preferred development focused on developing this parcel of airport property as an industrial/commerce park. Road and airfield improvements shown in both the report and the ALP support this proposed development.

3. East Commerce Park Development access road shown in the Master Plan does match the access road shown on the ALP.

Response: The East Commerce Park Access Road was changed at the request of the client; therefore, LPA will adjust the roadway alignment shown in the graphic provided in Chapter 5, *Airport Alternatives*, of the report.

4. The Blimp hangar and apron is scheduled to be constructed in 2010. When will the access road to the Midfield development need to be funded and constructed?

Response: Development of the Blimp Hangar is a private project and is dependent upon client demand. Currently there is an unpaid access road that leads to the midfield area that could serve this development until improvements to the South and West Access Road can be undertaken. The improvements

identified for the year 2007 where deferred because there is still no demand that would require the improved road access. Since this is a private development, any additional improvements to the access road will coincide with anticipated midfield aviation development identified in the year 2015 provided demand for these improvements is realized.

Michele Stephens - Re: Fwd: Herlong Master Plan

From: <rolandjr.luster@dot.state.fl.us>
To: "Chip Seymour" <CSeymour@jaa.aero>
Date: 6/1/2005 2:41 PM
Subject: Re: Fwd: Herlong Master Plan
CC: "Michele Stephens" <MStephens@jaa.aero>

Chip,
 The Florida Department of Transportation (FDOT) gives concurrence for the scope of work for the Herlong Airport Master Plan Update. I am unable to approve and add the additional \$10,000.00 you requested for this JPA at this time.

Roland C. Luster
 Aviation and Ports Administrator
 Phone (386) 561-7855, Suite 300 881-7855
 FAX (386) 755-4786 / Email: roland.luster@dot.state.fl.us

"Chip Seymour"
 <CSeymour@jaa.aero>
 On: To
 05/23/2005 04:16 <rolandjr.luster@dot.state.fl.us>
 PM CC
 "Michele Stephens"
 <MStephens@jaa.aero>
 Subject
 Fwd: Herlong Master Plan

I don't believe we have received concurrence on this project yet. We have received the FAA grant and need FDOT concurrence before we can begin the project. The Work scope was inadvertently left out of the original e-mail and the fee is the last three pages of the work scope file in the original e-mail.

----- Message from "Chip Seymour" <CSeymour@jaa.aero> on Thu, 07 Apr 2005 18:19:51 -0400

To: "Roland Luster" <rolandjr.luster@dot.state.fl.us>, "Richard Owen" <Richard.Owen@jaa.gov>

cc: "Aimee Cancy" <ACancy@jaa.aero>, "Bob Simpson" <BSimpson@jaa.aero>, "David Dunkley" <DDunkley@jaa.aero>, "Derek Powder" <DPowder@jaa.aero>, "Michele Stephens" <MStephens@jaa.aero>, "Valerie Pittman" <VPittman@jaa.aero>, "Barbara Compton" <BCompton.JAA.JPA@jaaairport.org>

Subject: Herlong Master Plan

Attached is our Application for FAA AP assistance under FAA Grant 3-12-5014-011-2005 (pending).

Revised the attached scope and fee is included for your concurrence under FDOT Grant 409985-1. This grant currently only has \$10,000 in funding. We request an additional \$10,000 be added to the grant from the rol-over funds when those funds become available in August of 2005 or from other FDOT resources if available now. JAA has the cash resources to cover all local share costs if necessary. (See attached file: Herlong Master Plan Grant Addition scope and fee Scope and FEE LO) (See attached file: MP Proposal form (PA.nf))



July 20, 2007

PO Box 19018

Jacksonville, FL

32229-0018

www.jaa.net

Ms. Rebecca Henry
Program Manager
Planning and Compliance
Federal Aviation Administration
Orlando Airports District Office
5950 Hazeltine National Drive
Suite 400
Orlando, Florida 32822-5024

**RE: Herlong Airport (HEG)
Airport Layout Plan (ALP) and Master Plan Update
FAA Draft Review Comments**

Dear Ms. Henry:

Thank you for your comments on the Herlong Airport Master Plan and Airport Layout Plan Update provided in the June 15, 2007 letter. After reviewing the Federal Aviation Administration's (FAA) comments, the Jacksonville Aviation Authority (JAA) coordinated with the LPA Group to address each recommendation and comment. Please see the responses provided on the following pages. As directed by FAA, all recommended revisions will be incorporated into the Airport Layout Plan Set (ALP) and narrative report.

If you have any questions or need additional information, please do not hesitate to contact Mr. Chip Seymour at 904-741-2743 or myself at 904-741-2228.

Thank you for your time and consideration in this matter.

Sincerely,

A handwritten signature in blue ink that reads "Todd Lindner CM".

Todd Lindner, CM,
Administrator Planning & Development

Cc: Bob Mollen - JAA
Chip Seymour - JAA
Izzy Bonilla - JAA
Doug Faour - JAA
Tricia Fantinato - LPA

1. Contrary to the information provided on the ALP Checklist, there is no Runway Safety Area (RSA) Determination for Herlong Airport on file with the FAA. An RSA Determination will be made from the information provided on the ALP and in the Airport Master Plan Update. The RSA determination will document the existing RSA condition, and, if necessary, determine the practicability of standardizing the RSA.

Response: This was mistakenly checked. Enclosed is an updated ALP Checklist, and the following information has been added: "An RSA determination will be made based upon information contained on the ALP and provided in the Master Plan Narrative".

2. According to the scope for this project, wind data was to be obtained through NCDC, and the cost was factored into the fee. The wind data presented was dated 1989-1998 and from Cecil Field. Was this the most current and applicable data available from NCDC?

Response: Wind data was ordered for this project. A copy of the wind data inventory information is enclosed. Cecil Field wind data from 1989-1998 provided the most up to date information. Wind data provided after 1998 was incomplete and could not be effectively used.

3. In accordance with FAA airport design standards set forth in Advisory Circular 150/5300-13, the centerline of Runway 7U-25U should be located 700 feet from the existing centerline of Runway 7-25.

Response: It was the intent that Runway 7U-25U and the existing 7-25 would be operated as a one runway system with the turf runway providing a better surface for gliders and tail drag aircraft. Thus, simultaneous operations could not occur on Runway 7-25 and 7U-25U. The lesser separation is due to the anticipated environmental impacts associated with providing a separation of 700 feet. Since HEG is a non-Towered airport, a modification to standards is requested and will be identified within the report and on the ALP Data Sheet.

4. 2006-ASO-497-NRA (fuel tanks) as well as 2004-ASO-359-NRA (perimeter fence off end of Runway 29) are not shown on the ALP. They should either be shown as existing or future facilities.

Response: This information has been added to the ALP drawing set as requested.

5. Please provide documentation on the calculation of future declared distances and verify their accuracy.

Response: The 500 feet of additional pavement located beyond the thresholds of Runways 7 and 25 are blast pads and have been marked with chevrons. This pavement is to be designed at a lower strength than the main runway and is provided for safety only. Therefore, the implementation of declared distances is not warranted.

6. The runway end elevations of both runways, as well as the runway end coordinates of Runway 7-25 do not match data in the FAA's database. If a survey was recently completed, please forward documentation to that effect to this office and we will update our files. Other ALP data must match the FAA database.

Response: An updated boundary and clear zone survey was performed by LD Bradley Land Surveyors in December 2005 as identified on ALP Sheet 11, Sheet 2 of Airport Property Map. The coordinates and information provided was incorporated into the Master Plan and ALP documentation. Enclosed is a copy of the survey drawings.

7. The future RPZ of Runway 25 will encompass an incompatible land use (church and possibly homes). However, this does appear to be airport property. FAA will expect the sponsor to remove any incompatible land uses prior to any upgrades to the runway.

Response: The future RPZ property is anticipated to be acquired by JAA and incompatible land uses will be removed once the property is obtained. Please note that Runway 25 will not be upgraded to a precision approach until a cost benefit analysis has been completed, the property has been acquired, and incompatible land use is removed.

8. The runway end number of Runway 7 does not appear to be correct.

Response: The runway end number for Runway 7 is correctly marked on the Airport Layout Plan drawing. However, due to pen point settings, it is rather difficult to read. As a result, this has been corrected.

9. At Herlong Airport, during IFR conditions, Runway 25 is acceptable for use 91% of the time. A future MALSRL is shown for Runway 25. The sponsor may wish to consider the cost benefit of having an approach lighting system on this end.

Response: Typically, a precision approach with visibility of less than 3/4 of a mile requires an approach lighting system. Since a precision approach is recommended, a cost benefit analysis will be necessary before installing a MALSR and lowering the approach minima on Runway 25.

10. The Airport Airspace Drawing should be presented in 1"=2,000' scale, as requested in the FAA checklist. The drawing presented is extremely difficult to read.

Response: In order to provide full coverage of the 50:1 approach zones proposed for Runway 7 and 25, the Airport Airspace Drawing was split into two sheets with a scale of 1" = 2,000'.

11. There are several obstructions shown on the plan and profile sheets that require trimming or removal. When is this maintenance expected?

Response: According to JAA, tree trimming and removal will occur over the next two years (2007-2009).

12. The RPZ and other critical surfaces are not visible on the Airport Property Map.

Response: The RPZ and other critical surfaces are shown on Sheet 2 of the Airport Property Map. To improve the clarity of these areas, additional identification text and dimensions have been added to the drawing.

13. The Airport Property Map should show the original conveyance from the United States of America as well as any subsequent property acquisitions or releases.

Response: This information was added to the property map as requested.



July 20, 2007

PO Box 10010

Jacksonville, FL

32229-0010

www.jaa.aero

Ms. Rebecca Henry
Program Manager
Planning and Compliance
Federal Aviation Administration
Orlando Airports District Office
5950 Hazeltine National Drive
Suite 400
Orlando, Florida 32822-5024

**RE: Herlong Airport (HEG)
Airport Layout Plan (ALP) and Master Plan Update
FAA Draft Review Comments**

Dear Ms. Henry:

Thank you for your comments on the Herlong Airport Master Plan and Airport Layout Plan Update provided in the June 15, 2007 letter. After reviewing the Federal Aviation Administration's (FAA) comments, the Jacksonville Aviation Authority (JAA) coordinated with the LPA Group to address each recommendation and comment. Please see the responses provided on the following pages. As directed by FAA, all recommended revisions will be incorporated into the Airport Layout Plan Set (ALP) and narrative report.

If you have any questions or need additional information, please do not hesitate to contact Mr. Chip Seymour at 904/741-2743 or myself at 904/741-2228.

Thank you for your time and consideration in this matter.

Sincerely,

Todd Lindner, CM.
Administrator Planning & Development

Cc: Bob Molle - JAA
Chip Seymour - JAA
Izzy Bonilla - JAA
Doug Favour - JAA
Tricia Fantinato - LPA

1. Contrary to the information provided on the ALP Checklist, there is no Runway Safety Area (RSA) Determination for Herlong Airport on file with the FAA. An RSA Determination will be made from the information provided on the ALP and in the Airport Master Plan Update. The RSA determination will document the existing RSA condition, and, if necessary, determine the practicability of standardizing the RSA.

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3. In accordance with FAA airport design standards set forth in Advisory Circular 150/5300-13, the centerline of Runway 7U-25U should be located 700 feet from the existing centerline of Runway 7-25.

Response: It was the intent that Runway 7U-25U and the existing 7-25 would be operated as a one runway system with the turf runway providing a better surface for gliders and tail drag aircraft. Thus, simultaneous operations could not occur on Runway 7-25 and 7U-25U. The lesser separation is due to the anticipated environmental impacts associated with providing a separation of 700 feet. Since HEG is a non-Towered airport, a modification to standards is requested and will be identified within the report and on the ALP Data Sheet.

4. 2006-ASO-497-NRA (fuel tanks) as well as 2004-ASO-359-NRA (perimeter fence off end of Runway 29) are not shown on the ALP. They should either be shown as existing or future facilities.

Response: This information has been added to the ALP drawing set as requested.

5. Please provide documentation on the calculation of future declared distances and verify their accuracy.

Response: The 500 feet of additional pavement located beyond the thresholds of Runways 7 and 25 are blast pads and have been marked with chevrons. This pavement is to be designed at a lower strength than the main runway and is provided for safety only. Therefore, the implementation of declared distances is not warranted.

6. The runway end elevations of both runways, as well as the runway end coordinates of Runway 7-25 do not match data in the FAA's database. If a survey was recently completed, please forward documentation to that affect to this office and we will update our files. Other ALP data must match the FAA database.

Response: An updated boundary and clear zone survey was performed by LD Bradley Land Surveyors in December 2005 as identified on ALP Sheet 11, Sheet 2 of Airport Property Map. The coordinates and information provided was incorporated into the Master Plan and ALP documentation. Enclosed is a copy of the survey drawings.

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Response: The future RPZ property is anticipated to be acquired by JAA and incompatible land uses will be removed once the property is obtained. Please note that Runway 25 will not be upgraded to a precision approach until a cost benefit analysis has been completed, the property has been acquired, and incompatible land use is removed.

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Response: Typically, a precision approach with visibility of less than 3/4 of a mile requires an approach lighting system. Since a precision approach is recommended, a cost benefit analysis will be necessary before installing a MALSR and lowering the approach minima on Runway 25.

10. The Airport Airspace Drawing should be presented in 1"=2,000' scale, as requested in the FAA checklist. The drawing presented is extremely difficult to read.

Response: In order to provide full coverage of the 50:1 approach zones proposed for Runway 7 and 25, the Airport Airspace Drawing was split into two sheets with a scale of 1"=2,000'.

11. There are several obstructions shown on the plan and profile sheets that require trimming or removal. When is this maintenance expected?

Response: According to JAA, tree trimming and removal will occur over the next two years (2007-2009).

12. The RPZ and other critical surfaces are not visible on the Airport Property Map.

Response: The RPZ and other critical surfaces are shown on Sheet 2 of the Airport Property Map. To improve the clarity of these areas, additional identification text and dimensions have been added to the drawing.

13. The Airport Property Map should show the original conveyance from the United States of America as well as any subsequent property acquisitions or releases.

Response: This information was added to the property map as requested.

Final FAA Comments.HEG

From: TLindner@jaa.aero
Sent: Tuesday, February 12, 2008 2:26 PM
To: Fantinato, Tricia
Subject: Fw: Herlong ALP Comments

----- Forwarded by Todd Lindner/JAA on 02/12/2008 02:26 PM -----

Rebecca.Henry@faa
.gov

01/18/2008 02:48
PM

TLindner@jaa.aero
CSeymour@jaa.aero,
tfantinato@lpagroup.com

To
CC
Subject

Herlong ALP Comments

FAA offers the following comments on the Herlong ALP:

1. Page 2 and 3 indicate that Runway 7-25 will be extended on the R07 end. Approval of this ALP does not imply that FAA will start development of approaches to the new (proposed) runway threshold. The FPO requires 12 to 18 months prior notification of proposed construction completion date in order for AVN to develop/amend approach procedures so that they are ready at the same time as runway construction completion. Failure to notify the FPO could result in no approaches being available to the new runway/extension. ****No changes to ALP required****
2. Page 3 indicates that LPV approaches are being planned for runway 7/25. Herlong at this time does not have a Spec 405 survey for this runway. A spec 405 survey is required prior to procedure development. (<https://tpss.faa.gov/etpss>.) is the web site to enter survey data. Information on Survey requirements go to (<http://avn.faa.gov>). Under flight procedures, click on the survey information link. ****No changes to ALP required****
3. Check the coordinates for runway 7/25. Our calculations (with coordinated provided) indicate a length of runway as 4483 ft vs propose 4500 ft. ****Please review and correct****
4. Page 5 shows 20:1 penetrations on R07 end. These will need to be removed with three years so that the airport is not restricted to Day use only. ****No changes to ALP required****
5. FAA does not agree with the proposed turf runway. The sponsor has not demonstrated the need for the additional runway, and, as shown on the ALP, the runway would not meet FAA design standards pertaining to parallel runway separation.

Final FAA Comments.HEG

FAA does not agree to new construction that does not meet FAA design standards. The runway should be shown in a location meeting FAA design standards, or removed from the ALP. If the sponsor feels the runway should be developed, and elects to include the runway on the ALP, FAA will formally object to the runway in the final ALP approval letter. This turf runway will need to be presented as a "Proposed Modification to Standards" and coordinated through a separate NRA.
Please review and change/delete runway

6. Runway Data Table on page 3 shows ultimate OFA Length Beyond Runway End to be 600 feet and should be 1000 feet. Runway Data Table on page 3 shows RSA width of Rwy 07/25 to be 300 feet and should be 400 feet. RSA Length Beyond Runway End shows 600 feet and should be 1000 feet. **Please review and correct**

Once these comments have been addressed, please send 10 copies of the final ALP to the Orlando ADO in my attention for final ALP approval.

If you have any questions, please contact me at 407-812-6331, ext. 122.

Thank you,

Rebecca Henry
Orlando Airports District Office

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**Please note that under Florida's very broad public records law, e-mail communication to and from the Jacksonville Aviation Authority is subject to public disclosure. **



April 29, 2008

Ms. Rebecca Henry
Program Manager
Planning and Compliance
Federal Aviation Administration
Orlando Airports District Office
5950 Hazelhine National Drive
Suite 400
Orlando, Florida 32822-5024

**Re: Herlong Airport (HEG)
Airport Layout Plan (ALP) and Master Plan Update
Final Submittal and Request for Approval**

Dear Ms. Henry:

Thank you for providing the final comments on the Herlong Master Plan Update dated January 18, 2008. We have reviewed and incorporated the requested changes (attached), and provided one bound copy of the narrative report and appendices and 13 copies of the Airport Layout Plan set for FAA final approval.

Please if you have any questions or need any additional information, do not hesitate to contact either Phil Juiko or myself at (813) 889-3892. Thank you for your assistance and consideration in this matter.

Respectfully,

Trieta Pantanato
Manager, Aviation Planning

Enclosures: Response to FAA Comments
One GBC Bound Copy of Narrative Report (Separate Cover)
13 copies of Airport Layout Plan
Completed Southern Region Checklist

CC: Chip Seymour, JAA
Todd Lindner, JAA

RESPONSE TO FAA FINAL COMMENTS

FAA Comment: Page 2 and 3 indicate that Runway 7-25 will be extended on the R07 end. Approval of this ALP does not imply that FAA will start development of approaches to the new (proposed) runway threshold. The FPO requires 12 to 18 months prior notification of proposed construction completion date in order for AVN to develop/amend approach procedures so that they are ready at the same time as runway construction completion. Failure to notify the FPO would result in no approaches being available to the new runway/extension. ** No changes to ALP required**

LPA Response: JAA will notify the FPO at least 12 months prior to completion of runway construction in order to develop approaches to new runway threshold. No changes to ALP required.

FAA Comment: Page 3 indicates that LPV approaches are being planned for Runway 7/25. Herlong at this time does not have a Spec 405 survey for this runway. A Spec 405 survey is required prior to procedure development. <https://tpps.faa.gov/tpps> is the website to enter survey data. Information on survey requirements go to <http://avn.faa.gov>. Under flight procedures, click on the survey information link. **No Changes to ALP required**

LPA Response: JAA will provide Spec 405 survey data to the FAA for evaluation of an LPV approach to Runways 25. Information on survey requirements is provided within the appendices of the narrative report.

FAA Comment: Check the coordinates for Runway 7/25. Our calculations (with coordinates provided) indicate a length of runway as 4,483 feet vs. proposed 4,500 ft. **Please review and correct.**

LPA Response: The coordinates were corrected to provide indicated length of 4,500 feet.

FAA Comment: Page 5 shows 20:1 penetrations on Runway 7 end. These will need to be removed with three years so that the airport is not restricted to day use only. **No Changes to ALP required.**

LPA Response: A notation has been added to the report to reflect that these penetrations will need to be removed.

FAA Comment: FAA does not agree with the proposed turf runway. The sponsor has not demonstrated the need for the additional runway, and, as shown in the ALP, the runway would not meet FAA design standards pertaining to parallel runway separation. FAA does not agree to new construction that does not meet FAA design standards. The runway should be shown in a location meeting FAA design standards or removed from

the ALP. If the sponsor feels the runway should be developed and elects to include the runway in the ALP, FAA will formally object to the runway in the final ALP approval letter. This turf runway will need to be presented as a "Proposed Modification to Standards" and coordinated through a separate NRA. **Please review, and change/delete runway.**

LPA Response: LPA after consultation with JAA has relocated the proposed turf runway (7U-25U) to provide the required 700 ft centerline separation with the primary runway 7-25. The separation will allow for simultaneous operations and provides a greater degree of safety since there is currently no ATIS at HEG. An additional inner approach drawing was added to the ALP set to reflect the proposed turf runway approach surfaces. Updated cost estimates have also been provided within the implementation section of the narrative report based upon the new location.

FAA Comment: Runway Data Table on page 3 shows ultimate OFA Length beyond Runway End to be 600 feet and should be 1,000 feet. Runway Data Table on page 3 shows RSA width of Runway 7-25 to be 300 feet and should be 400 feet. RSA Length beyond Runway End shows 600 feet and should be 1,000 feet. **Please review and correct.**

LPA Response: LPA has reviewed and corrected.

Appendix C

Regional Guidance Letter





Regional Guidance Letter

Airports Division, Southern Region

Number: RGL 01-2

Line of Business: Airport Planning

Date: August 2001

Subject: Runway Length and Strength Requirements for Business Jet Aircraft

Purpose: This Regional Guidance Letter supplements RGL 00-1, Standard Development for “Business Jet” Aircraft, and Advisory Circular (AC) 150/5325-4A, Runway Length Requirements for Airport Design, and provides additional guidance for determining the appropriate runway length and strength for airports expected to serve business jet aircraft.

Background: There has been a rapid increase in the business jet aircraft fleet over the past few years. Many new models and several new manufacturers have been introduced into the marketplace. There has also been a general increase in the size of business jet aircraft. As a result, AC 150/5325-4A, and therefore the runway length portion of the Airport Design for Microcomputers program which is based on this AC, is out of date with regard to business jet aircraft. Most of the business jets listed in the AC are now obsolete. While the AC or the microcomputer program should still be used as a general guide in determining the appropriate runway length for airports serving business jet aircraft, additional guidance is needed to ensure the runway length is adequate for the specific makes and models of business jets expected to use the airport on a regular basis.

The FAA’s Central Region Airports Division reviewed the performance characteristics of 64 different makes and models of business jet aircraft, 57 of which are listed in the attached table (ref: Table 1. Business Jet Statistics). There was not enough information available to determine the performance characteristics of the remaining models. An analysis of the information in Table 1 revealed the following:

Category B Business Jets: 23 of the models studied have approach speeds of 91 knots or more, but less than 121 knots. All of these jets have a wingspan of less than 79 feet, thus fall in Airplane Design Groups I or II. About 5,500 of these jets have been manufactured to date. These aircraft typically weigh between 10,000 and 45,000 pounds, with most weighing less than 30,000 pounds. The takeoff distance required at sea level, standard temperature, and maximum takeoff weight is between 3,200 and 5,500 feet. The landing distance required in dry conditions at sea level, standard temperature, and maximum landing weight ranges from 2,500 to 5,900 feet.

Category C Business Jets: 28 of the models studied have approach speeds of 121 knots or more, but less than 141 knots. All but one of these jets have wingspans of less than 79 feet, thus fall in Airplane Design Groups I or II. One jet has a wingspan of 94 feet, thus falls in Airplane Design

Group III. There have been about 5,400 of these jets manufactured to date. Most of them weigh between 13,000 and 45,000 pounds. The takeoff distance required at sea level, standard temperature, and maximum takeoff weight is between 3,200 and 5,700 feet. The landing distance required in dry conditions at sea level, standard temperature, and maximum landing weight ranges from 2,400 to 5,900 feet.

Category D Business Jets: Only 4 of the models studied have approach speeds greater than 141 knots. One of them has a wingspan less than 49 feet, thus falls in Airplane Design Group I. Two of them have wingspans greater than 49 feet, but less than 79 feet, thus fall in Airplane Design Group II. One of them has a wingspan greater than 79 feet, but less than 118 feet, thus falls in Airplane Design Group III. There have been about 1,100 of these jets manufactured to date. Three of these aircraft weigh between 60,000 and 95,000 pounds. The fourth weighs 23,500 pounds. The takeoff distance required at sea level, standard temperature, and maximum takeoff weight is between 5,500 and 6,000 feet. The landing distance required in dry conditions at sea level, standard temperature, and maximum landing weight ranges from 3,000 to 3,500 feet.

Guidance:

Determinations of Required Runway Length for Business Jets: ADO Program Managers should determine the required runway length based on AC 5325-4A or the Airport Design for Microcomputers program. However, this should be supplemented by checking the runway length required for the specific makes and models of business jet aircraft expected to use the airport on a regular basis (regular basis being defined as at least 250 annual takeoff operations).

The runway length required for specific business jets may be determined by adjusting the takeoff and landing runway lengths listed in Table 1 for altitude, temperature, maximum difference in runway centerline elevations, i.e., effective gradient (takeoff length only), and wet runway conditions (landing length only). Note that takeoff and landing lengths for some of the aircraft were not available in the data used to compile the table and must be obtained from the manufacturer. The attached spreadsheets (ref: Takeoff Runway Length Adjustment.xls and Landing Runway Length Adjustment.xls) are available electronically in the Airports Reference System to aid Program Managers in making the runway length adjustment calculations. Program Managers may enter the values for takeoff and landing runway length from Table 1, airport elevation, mean maximum daily temperature, and difference between the high and low points of the runway (takeoff runway length only), and have the spreadsheets calculate the adjusted takeoff and landing runway lengths required. The greater of the adjusted takeoff or landing lengths is the recommended runway length for airport design.

Note that the takeoff runway lengths in the table are based on the aircraft operating at maximum takeoff weight, i.e., 100 percent useful load. In determining the adjusted takeoff runway length, consideration should be given to the stage length (non-stop haul distance) of the aircraft using the airport on a regular basis. This affects the fuel load to be carried, thus the weight of the aircraft. It may not be appropriate to assume that the aircraft operates at the maximum takeoff weight, i.e., 100 percent useful load. Therefore, the calculated takeoff runway length may be longer than actually required. The use of judgment is necessary in such cases.

The longer of the adjusted runway length calculated for the specific critical business jet aircraft or the runway length obtained from the AC or microcomputer program should be used as the required runway length.

Determinations of Required Runway Strength for Business Jets: ADO Program Managers should determine the required runway strength for the specific critical business jet aircraft expected to use the airport on a regular basis (regular basis defined as at least 250 annual takeoff operations). The required strength may be determined based on the maximum takeoff weight listed in Table 1.

In general, runways should have a dual wheel pavement strength of 30,000 pounds if they accommodate only category B business jets, 60,000 pounds if they accommodate category B and C business jets, and 90,000 pounds if they accommodate category B, C, and D business jets. However, these are broad generalizations and some category B business jets have a maximum takeoff weight of more than 30,000 pounds. Likewise, some category C business jets have a maximum takeoff weight of more than 60,000 pounds. Therefore, in practice, the pavement strength required for the specific critical aircraft should be used.

Point of Contact: Troy Butler, ASO-610B, (404) 305-6722

Robert B. Chapman
Acting Manager, Airports Division

Table 1. Business Jet Statistics

<u>BUSINESS JETS</u>	<u># MFG.</u>	<u>ARC</u>	<u>1.3 X STALL SPEED KNOTS</u>	<u>WING SPAN FEET</u>	<u>MAX T.O. LBS.</u>	<u>T.O. DIST. ISO</u>	<u>LAND. DIST. ISO</u>
AEROSPATIALE SN-601 CORVETTE	40	B-I	118	42.2	14550	NA	NA
BEECHJET 400A/T/ T-1A JAYHAWK**	581	C-I	121	43.5	16100	4169	2960
BOMBARDIER CL-600 CHALLENGER	85	C-II	125	61.8	41250	5700	2775
BOMBARDIER CL-601 CHALLENGER	66	C-II	125	61.8	41250	5700	2775
BOMBARDIER CL-601-3A/3R CHALLENGER	194	C-II	125	61.8	41250	5700	2775
BOMBARDIER CL-604 CHALLENGER	180	C-II	125	61.8	47600	5700	2775
BOMBARDIER BD-700 GLOBAL EXPRESS	85	C-III	126	94	96000	6300	2700
CESSNA 500 CITATION	418	B-I	108	47.1	11850	2930	2270
CESSNA 501 CITATION I/SP	325	B-I	112	46.8	10600	2830	2350
CESSNA 525 CITATIONJET (CJ-1)	430	B-I	107	46.7	10400	3080	2750
CESSNA 525A CITATIONJET II (CJ-2)	30	B-II	118	49.5	12500	3420	2980
CESSNA 550 CITATION II	733	B-II	108	51.7	13300	2990	2270
CESSNA 550 CITATION BRAVO	161	B-II	112	52.2	14800	3600	3180
CESSNA 551 CITATION II/SP	94	B-II	108	51.8	12500	2650	2210
CESSNA 552/T-47A	15	B-II	107	52.2	16300	3180	2800
CESSNA S550 CITATION S/II**	162	B-II	NA	52.2	15900	NA	NA
CESSNA 560 CITATION V Ultra**	538	B-II	108	52.2	16300	3180	NA
CESSNA 560 CITATION ENCORE	25	B-II	108	52.2	16830	3560	2865
CESSNA 560 CITATION EXCEL**	160	B-II	107	55.7	20000	3590	3180
CESSNA 650 CITATION III/VI	241	C-II	131	53.3	21000	5150	2900
CESSNA 650 CITATION VII	119	C-II	126	53.6	23000	4850	3220
CESSNA 750 CITATION X	160	C-II	131	63.6	36100	5140	3410
DASSAULT FALCON 10**	226	B-I	104	42.9	18740	NA	NA
DASSAULT FALCON 20	515	B-II	107	53.5	28660	NA	NA
DASSAULT FALCON 2000	140	B-II	114	63.5	35800	5240	5220
DASSAULT FALCON 50	310	B-II	113	61.9	37480	4715	4875
DASSAULT FALCON 900	190	B-II	100	63.4	45500	4680	5880
DASSAULT FALCON 900 EX	85	C-II	126	63.5	48300	4985	5880
GULFSTREAM II	258	D-II	141	68.8	65300	NA	NA
GULFSTREAM III	199	C-II	136	77.8	68700	NA	NA
GULFSTREAM IV	469	D-II	149	77.8	71780	5450	3190
GULFSTREAM V	160	D-III	NA	98.6	89000	5990	2950
HAWKER-SIDDELEY 125-400	291	C-I	124	47	23300	NA	NA
HAWKER-SIDDELEY 125-600	71	C-I	125	47	25000	NA	NA
BAE 125-700	212	C-I	125	47	24200	NA	NA
RAYTHEON/HAWKER 125-800	533	B-I	120	51.3	28000	5380	4500
RAYTHEON/HAWKER 125-1000 HORIZON	50	C-II	130	61.9	36000	5250	2340

Continued on next page...

<u>BUISNESS JETS</u>	<u># MFG.</u>	<u>ARC</u>	<u>1.3 X STALL SPEED KNOTS</u>	<u>WING SPAN FEET</u>	<u>MAX T.O. LBS.</u>	<u>T.O. DIST. ISO</u>	<u>LAND. DIST. ISO</u>
ISRAEL AIRCRAFT INDUSTRIES							
JET COMMANDER 1121 & WESTWIND 1123/1124	442	C-I	130	43.3	23500	NA	NA
ASTRA 1125	135	C-II	126	52.8	23500	5300	3500
GALAXY 1126	33	C-II	140	58.2	34850	5500	3500
LEARJET 23	100	C-I	124	NA	12500	4000	4300
LEARJET 24**	257	C-I	128	35.6	13000	NA	NA
LEARJET 25**	373	C-I	137	35.6	15000	NA	NA
LEARJET 28/29**	9	B-I	120	43.7	15000	NA	NA
LEARJET 31**	220	C-I	124	43.1	16500	3410	2870
LEARJET 35/36	739	C-I	133	39.5	18300	5000	2900
LEARJET 45	145	C-I	129	47.1	20200	4220	3140
LEARJET 55	147	C-I	138	43.7	21500	5310	3250
LEARJET 60	210	D-I	149	43.9	23500	5360	3420
MITSUBISHI MU-300 DIAMOND	111	B-I	109	43.5	14630	4300	3200
RAYTHEON 390 PREMIER	42	B-I	120	44	12500	3792	3300
SABRELINER T-39	140	NA	NA	NA	NA	NA	NA
SABRELINER 40	137	B-I	120	44.5	18650	4900	2950
SABRELINER 60	146	C-I	134	44.6	20200	3500	3400
SABRELINER 65	76	C-II	124	50.5	24000	5450	3345
SABRELINER 75	9	C-I	137	44.5	23300	5500	3750
SABRELINER 75a/80	72	C-II	128	50.4	24500	4460	3450

Notes:

** Denotes Aircraft currently using or expected to use HEG during the twenty year planning period.

Additional aircraft expected to use HEG are listed on Table 5-3 of this report.

NA = Not Available

Takeoff Distance is based on maximum takeoff weight and no effective gradient.

Landing Distance is based on maximum landing weight and dry pavement and no wind conditions.

ISO = Sea Level at 59 Degrees Fahrenheit

Some, but not all data has been checked against the approved aircraft flight manual.

Appendix D

Aircraft Noise Analysis



Appendix D

Noise Analysis Methodology

As part of the evaluation of proposed development at Herlong Airport, an airport noise analysis for the base year 2005 and future year 2025 was conducted. The purpose of this analysis was to determine the impact, if any, of increased operations on land use adjacent to the airfield.

LEGISLATION

The Federal Aviation Administration (FAA) 14 Code of Federal Regulations (CFR) Part 36 was first promulgated in 1969, amended in 1977 and 1991. This regulation is responsible for setting aircraft noise standards, establishing measurement procedures, “stages” of aircraft noisiness, and publishing of companion Advisory Circulars.

Federal Legislation under the United States Department of Transportation (U.S. DOT) mandated the phase out of noisier Stage 2 aircraft weighing over 75,000 pounds at all civil airports by December 1999. Exempt from this rule are military jets and aircraft weighing less than 75,000 pounds. Such aircraft would include privately owned jets, corporate, and business jets.

It should also be mentioned that there is currently a new noise standard being proposed by the U.S. DOT that would replace the quieter Stage 3 aircraft noise certification standard. This proposed rulemaking is located in the Federal Register at 14 CFR Parts 36 and 91, under the topic, *Stage 4 Aircraft Noise Standards*. This new noise standard would affect subsonic jet airplanes and subsonic transport category large airplanes. The proposed noise standard, Stage 4, would apply to any person submitting an application for a new airplane type design on and after January 2, 2006. Achieving a Stage 4 noise standard, as stated by the FAA, “would ensure that the latest available noise reduction technology is incorporated into new aircraft designs.” Current operations at HEG do not include Stage 4 aircraft. However, since all very light jets will be certified as Stage 4 compliant, it is anticipated that HEG will accommodate such aircraft within the twenty year planning period.

Further, the City of Jacksonville has also initiated a zoning ordinance, 656.1000, Part 10 of the zoning code that provides some control of land use within the 60, 65, and 70 DNL noise contours. Although land use according to the zoning map may be allowed, it use may be

modified dependent upon its specific noise zone. According to Ordinance 656.1000, Table D-1 outlines the allowable development within the specific noise zones.

TABLE D-1 CITY OF JACKSONVILLE ALLOWABLE LAND USES			
Land Use Category	Noise Zone A (> 70 DNL)	Noise Zone B (65-70 DNL)	Noise Zone C (60-65 DNL)
<i>Residential</i>			
Single Family Dwelling	X	C	C
Sing-Family Dwelling unable to meet 30 dB interior noise reduction	X	X	C
Multi Family Dwelling	X	C	C
Mobile Home Park	X	X	C
Foster care/Family Care Home	X	C	C
Group Care Home and similar uses	X	C	C
Rooming house/Boarding house	X	C	C
<i>Commercial</i>			
Retail outlets for the sale of general merchandise (including sale of food, wearing apparel and similar uses)	C	C	C
Retail sales of building materials, hardware, farm equipment, new or used automobiles, mobile homes, boats and similar uses	C	C	C
Commercial Parking Lot	C	C	C
Retail sale of furniture, home furnishings, and similar uses	C	C	C
Service establishments such as restaurants (including drive-in), service of alcoholic beverages and similar uses	C	C	C
All types of professional and business offices, personal services, professional or business including building trades, contractors and similar uses	C	C	C
Commercial indoor recreational or entertainment facilities	C	C	C
Repair services and services garages including automobile repair, radio and television repair and similar uses	C	C	C
Automobile service station	C	C	C
Motel or hotel	C	C	C

**TABLE D-1
CITY OF JACKSONVILLE
ALLOWABLE LAND USES**

Land Use Category	Noise Zone A (> 70 DNL)	Noise Zone B (65-70 DNL)	Noise Zone C (60-65 DNL)
Radio and television broadcasting offices and studios, telephone exchange and similar uses	C	C	C
Medical and other health services such as hospitals, clinics and similar uses	X	C	C
Industrial			
Wholesaling, warehousing storage or distribution establishments, assembling of components and similar uses	C	C	C
Freight, bus, traveling, shipping, or other transportation terminals	C	C	C
Manufacturing of food and kindred products, apparel, textile mill products and similar uses	C	C	C
Manufacturing of chemicals and allied products, petroleum refining and related activities, rubber and miscellaneous plastic products and similar uses	C	C	C
Manufacturing of lumber and wood products, furniture and fixtures, paper and allied products, stone, clay and glass products, primary metal including fabrication of metal products and similar uses.	C	C	C
Printing, lithography, publishing, or similar establishments	C	C	C
Manufacturing of professional, scientific and control instruments, prosthetic appliances, dentures, eyeglasses, hearing and similar products	C	C	C
Public and Quasi-public services			
Cemeteries	C	C	C
Churches	X	C	C
Governmental services, such as offices, fire stations, postal services, and prisons	C	C	C
Schools	X	X	C
Cultural activities such as libraries, museums, art galleries, and similar uses	X	X	C

**TABLE D-1
CITY OF JACKSONVILLE
ALLOWABLE LAND USES**

Land Use Category	Noise Zone A (> 70 DNL)	Noise Zone B (65-70 DNL)	Noise Zone C (60-65 DNL)
Private clubs and similar uses which provide for public assembly	X	C	C
<i>Outdoor Recreation</i>			
Playgrounds, neighborhood parks	X	X	C
Community and regional parks	X	X	C
Nature Exhibits	X	X	C
Spectator sports, including arenas	X	X	C
Golf courses, riding stables and similar uses	C	C	C
Private camps (including day camps)	X	X	C
Entertainment assembly, amphitheater, music shell, and similar uses	X	X	X
<i>Resource Production, Extraction and Open Land</i>			
Agriculture, including livestock grazing	C	C	C
Livestock farms, animal breeding	C	C	C
Agriculture related activities	C	C	C
Forestry	C	C	C
<i>Notes:</i>			
<i>A=Acceptable</i>			
<i>B= Unacceptable development</i>			
<i>C= Conditional development</i>			
<i>Source: City of Jacksonville Planning and Zoning Ordinance 656.1000 Part 10, Draft March 2007</i>			

REGULATORY AGENCIES

14 CFR FAR Part 150 – *Airport Noise Compatibility Planning*, prescribes specific standards and systems for:

- Measuring noise,
- Estimating cumulative noise exposure using computer modeling,
- Describing noise exposure,
- Coordinating noise compatibility planning with local land use planning officials,
- Documenting the analytical process,
- Submitting the documentation to FAA,
- FAA and public review processes, and
- FAA approval or disapproval process.

The Part 150 study consists of two elements: Noise Exposure Map (NEM) and Noise Compatibility Program (NCP). As part of the Master Plan Analysis, NEM for the existing conditions and the last year of the planning period were modeled.

NOISE ANALYSIS AND POTENTIAL IMPACTS

An updated aircraft noise study was conducted as part of the master planning process using standard FAA methodologies and procedures. The noise study included noise modeling and the estimation of noise exposure in terms of affected land area and associated land use. The analysis used the Day-Night Average Sound Level (L_{dn} or DNL) noise metrics as a descriptor of cumulative aircraft noise exposure. In addition, the City of Jacksonville (COJ) is in the process of rewriting the City's Zoning Code. With the assistance of Jacksonville Aviation Authority (JAA), COJ has identified land use controls within the 60 to 65 LDN contour. Preparation of Chapter 656, Ordinance Code, has been on-going for several years. The deadline for the final report and draft legislation is March 31, 2007.

Noise contours generated by the FAA Integrated Noise Model (INM) 6.2 do not depict a strict demarcation of where the noise levels end or begin but rather describe the general expected noise exposure. INM noise modeling requires the input of several variables. The noise contours represent average annual conditions rather than single event occurrences. Noise exposure on any one day may be greater or less than that of the average day. The noise model is useful for comparison of noise impacts and can provide a reasonable basis for performing airport noise compatibility planning. The noise exposure contours presented in this report do not consider operational noise abatement measures that could reduce projected noise impacts.

Assumptions

The noise environment for the Airport was modeled to determine the existing and future noise impacts on neighboring properties. Noise Exposure Maps were modeled for the Base Year

2005 and Future Year 2025 conditions. The noise model was used to generate noise contours for the 60, 65, 70 and 75 DNL.

To perform a noise analysis and generate the noise exposure maps, various input variables were required. These variables include the following:

- The number of aircraft operations by time of day and aircraft type for an average day
- Operational information, including the use of each runway end
- Departure, arrival and touch-& go flight profiles.

Fleet Mix

The existing and future fleet mix at Herlong Airport consists of primarily GA aircraft, both piston and turbine engine, with limited rotorcraft operations a sample of which is provided in **Table D-2, Aircraft Fleet Mix**.

TABLE D-2 HEG SAMPLE AIRCRAFT FLEET MIX	
2006 Aircraft Fleet	2025 Aircraft Fleet
Gliders	Gliders
Experimental Aircraft	Experimental Aircraft
Cessna 150	Cessna 150
Cessna 172	Cessna 172
Piper Navajo	Piper Navajo
Piper Commanche	Piper Commanche
Socata TB9 Tampico	Socata TB9 Tampico
Bell UN-1N Iroquois*	Bell UN-1N Iroquois*
Beech Jet 400	Beech Jet 400
King Air 90	King Air 90
Learjet 31A	Learjet 31A
Citation Jet I	Citation Jet I
	Premier Jet
	Jetstream 31
	TBM 850
	SJ30-2
	Eclipse 500 VLJ
* Associated with Cecil Field and the FARNG	
Source: HEG Airport Management and JAA, 2006	

Tables D-3 and D-4, depict the average aircraft operations per aircraft type used in INM model for the base year and final year the planning period.

**TABLE D-3
YEAR 2005 AVERAGE DAILY OPERATIONS**

CATEGORY AIRCRAFT	PERCENT	ARRIVALS		DEPARTURES		T & G
		DAY	NIGHT	DAY	NIGHT	
Single Engine - Fixed Pitch	65.00%	46.3245	1.4327	46.3245	1.4327	18.1521
Single Engine-Variable Pitch	10.00%	7.1268	0.2204	7.1268	0.2204	3.8897
Multi-Engine Piston (BE58)	15.00%	10.6903	0.3306	10.6903	0.3306	3.8897
Turboprop (Conquest II)	10.00%	7.1268	0.2204	7.1268	0.2204	
TOTAL	100.0%	71.2684	2.2042	71.2684	2.2042	25.9515

Source: THE LPA GROUP INCORPORATED, 2006

**TABLE D-4
YEAR 2025 AVERAGE DAILY OPERATIONS**

CATEGORY AIRCRAFT	PERCENT	ARRIVALS		DEPARTURES		T & G
		DAY	NIGHT	DAY	NIGHT	
Single Engine - Fixed Pitch	66.00%	60.5676	1.8732	60.5676	1.8732	23.3736
Single Engine-Variable Pitch	13.00%	11.9300	0.3690	11.9300	0.3690	5.0086
Multi-Engine Piston (BE58)	7.00%	6.4238	0.1987	6.4238	0.1987	5.0086
Turboprop (Conquest II)	9.00%	8.2592	0.2554	8.2592	0.2554	
Jet (Citation X)	5.00%	4.5885	0.1419	4.5885	0.1419	
TOTAL	100.00%	91.7691	2.8382	91.7691	2.8382	33.390

Source: THE LPA GROUP INC., 2006

Runway Utilization

The runway utilization percentage is very important in deriving the noise exposure size and direction. The runway utilization primarily depends on the prevailing wind direction and speed.

Existing runway utilization percentages were obtained from Airport Management and the local FBO as well as from local wind data and assigned to each runway end and input into INM. These percentages are shown in **Table D-5, Year 2005 Runway End Utilization.**

TABLE D-5 YEAR 2005 RUNWAY END UTILIZATION			
RUNWAY END	FLIGHT TRACK	DAY	NIGHT
7	Arrival	16.49%	0.51%
	Departure	57.23%	1.77%
25	Arrival	57.23%	1.77%
	Departure	16.49%	0.51%
11	Arrival	4.85%	0.15%
	Departure	18.43%	0.57%
29	Arrival	18.43%	0.57%
	Departure	4.85%	0.15%
TOTAL		97.00%	3.00%
<i>Source HEG Management and Weather Data</i>			

With the introduction of the Turf Runway, a percentage of activity currently using Runway 7-25 and 11-29 would likely move to the new runway. As a result, this is anticipated to increase the capacity of both Runways 7-25 and 11-29. The runway utilization percentages used to determine the noise contours for the year 2025 are shown in **Table D-6, Year 2025 Runway End Utilization.**

**TABLE D-6
YEAR 2025 RUNWAY END UTILIZATION**

RUNWAY END	FLIGHT TRACK	SINGLE-ENGINE & MULTI-ENGINE		TURBOPROP		JETS	
		DAY	NIGHT	DAY	NIGHT	DAY	NIGHT
7	Arrival	10.67%	0.33%	16.49%	0.51%	14.55%	0.45%
	Departure	70.81%	2.19%	57.23%	1.77%	82.45%	2.55%
25	Arrival	70.81%	2.19%	57.23%	1.77%	82.45%	2.55%
	Departure	10.67%	0.33%	16.49%	0.51%	14.55%	0.45%
11	Arrival	3.88%	0.12%	4.85%	0.15%		
	Departure	2.91%	0.09%	18.43%	0.57%		
29	Arrival	2.91%	0.09%	18.43%	0.57%		
	Departure	3.88%	0.12%	4.85%	0.15%		
7U	Arrival	0.00%	0.00%				
	Departure	8.73%	0.27%				
25U	Arrival	8.73%	0.27%				
	Departure	0.00%	0.00%				
TOTAL		10.67%	0.33%	16.49%	0.51%	14.55%	0.45%

Source HEG Management, Weather Data, and The LPA Group Incorporated, 2006

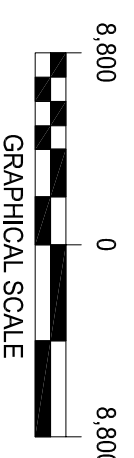
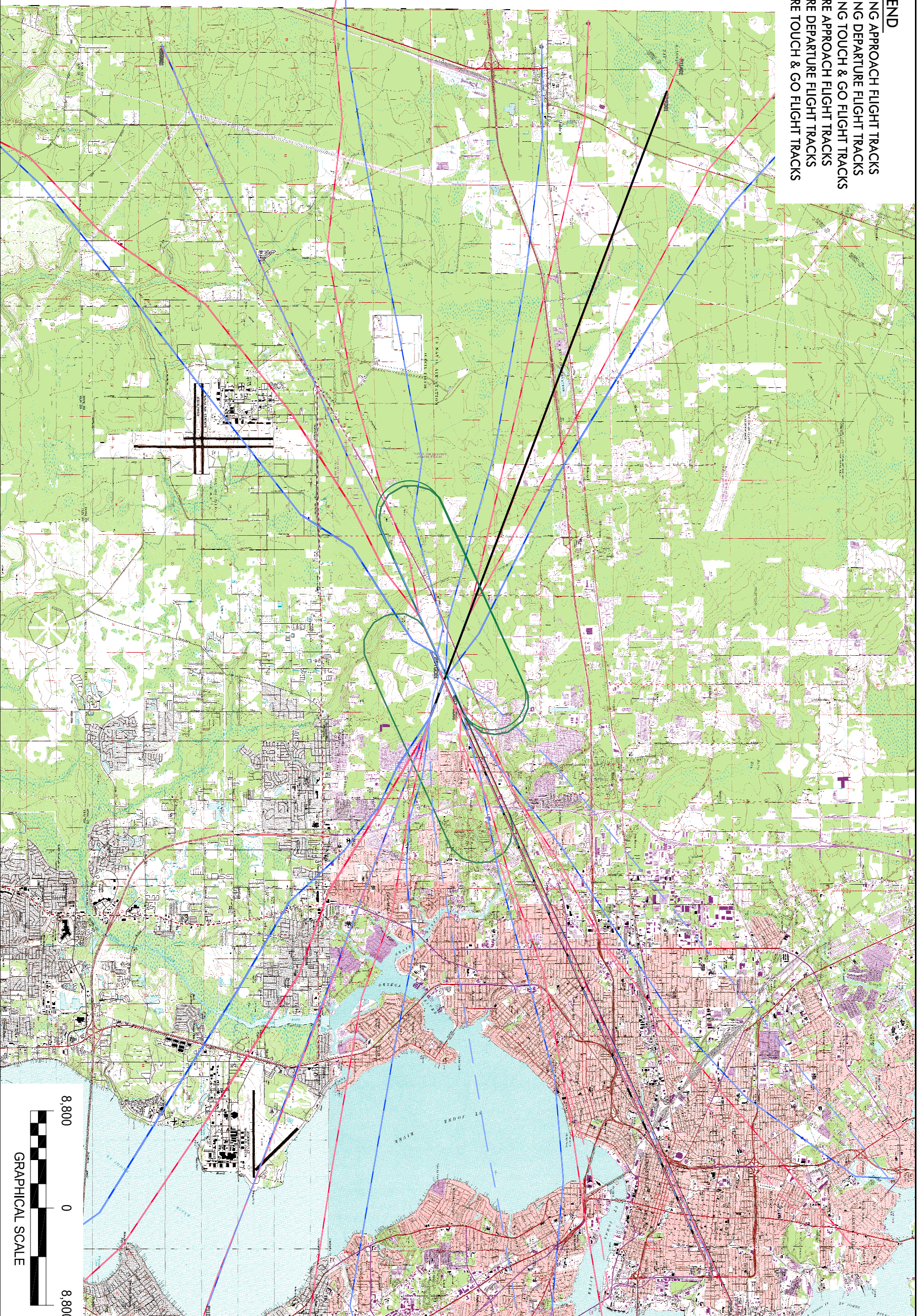
Flight Tracks

The flight track data was obtained from the previous master plan and from airport management. Flight tracks are an important input to the noise model and are shown in **Figure D-1**. Herlong Airport has specialized departure and arrival procedures in order to limit interaction with Cecil Field operations as well as military operating areas within the region. Touch-and-go flight procedures were modeled using the FAA standard, left-hand traffic pattern for Runways 7-25 and 11-29. Flight tracks for Runways 7-25 and 11-29 remain the same in the future. However, a right hand traffic pattern was implemented for the Turf Runway to avoid conflicts with Runway 7-25 operations.

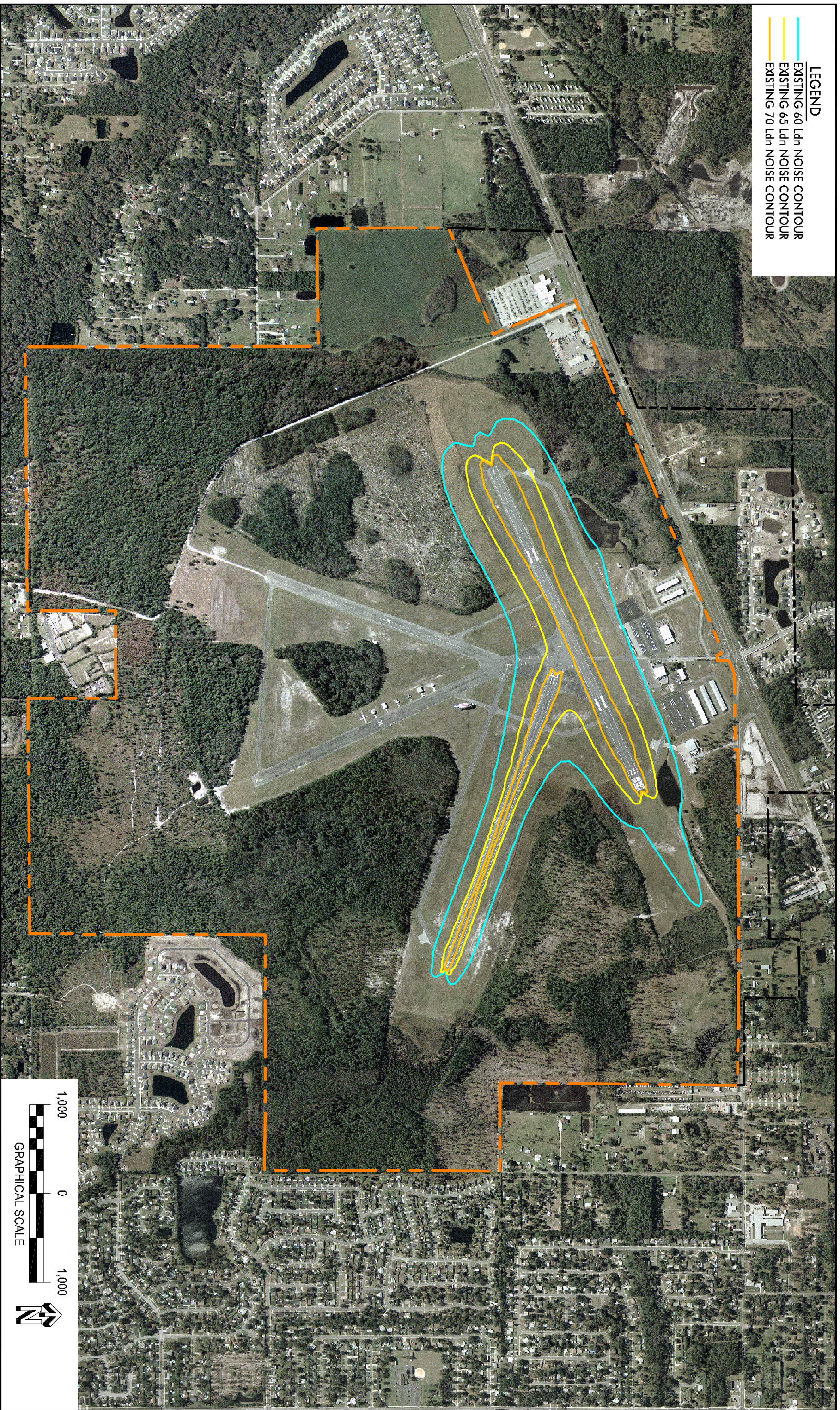
EXISTING AND FUTURE NOISE CONTOURS

Figure D-2 illustrates the noise contours for the base year, which shows that all noise contours including 65 DNL remain on existing airport property. The noise contours for the final year of the planning period is depicted in **Figure D-3**. Even with the anticipated increased use by turboprop and jet aircraft, noise contours 60-75 DNL remain on airport property. Further, the use of existing treed wetland areas and non-aviation development are anticipated to further act as a buffer between contiguous residential development and the airport.

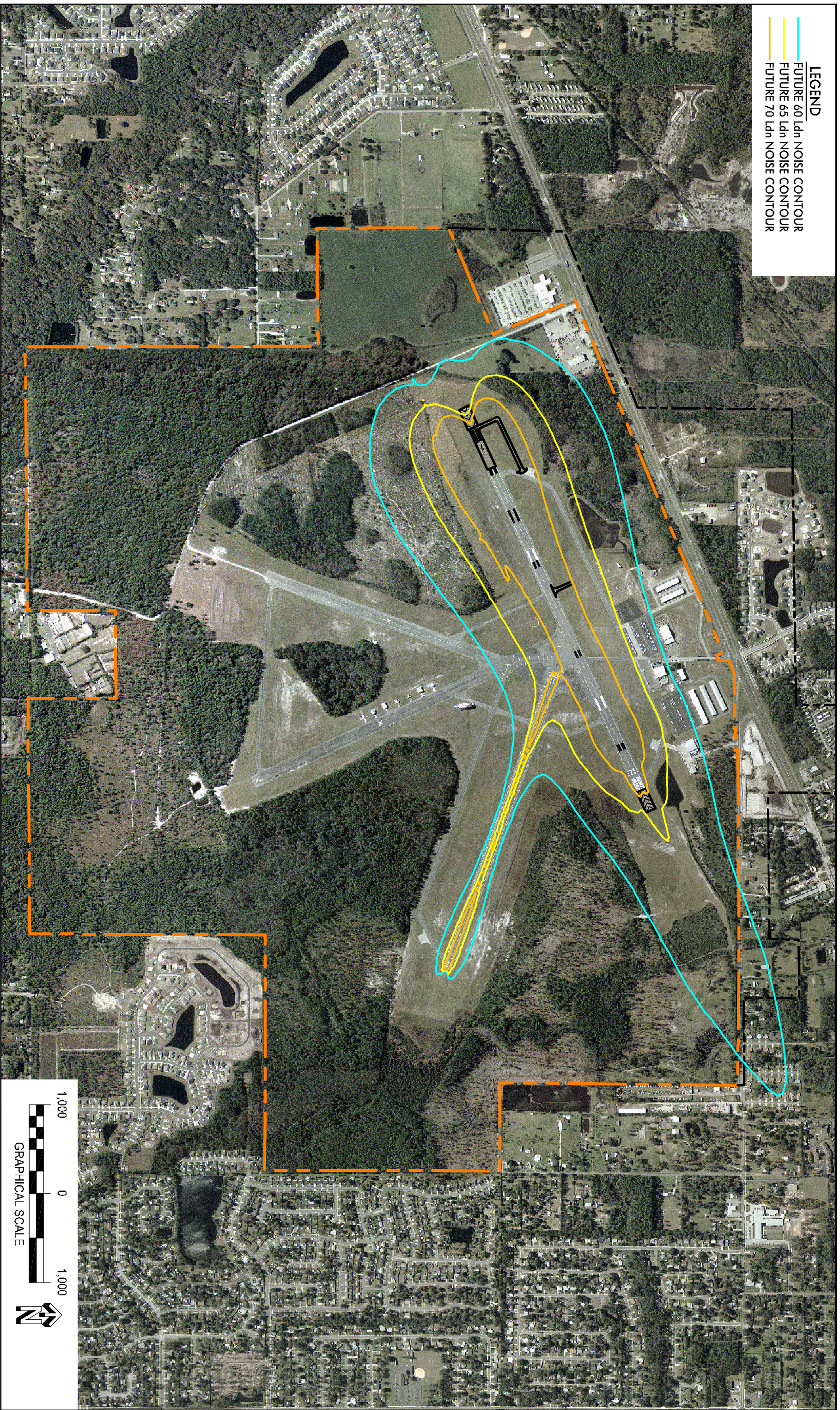
- LEGEND**
- EXISTING APPROACH FLIGHT TRACKS
 - EXISTING DEPARTURE FLIGHT TRACKS
 - EXISTING TOUCH & GO FLIGHT TRACKS
 - FUTURE APPROACH FLIGHT TRACKS
 - FUTURE DEPARTURE FLIGHT TRACKS
 - FUTURE TOUCH & GO FLIGHT TRACKS



- LEGEND**
- EXISTING 60 Ldn NOISE CONTOUR
 - EXISTING 65 Ldn NOISE CONTOUR
 - EXISTING 70 Ldn NOISE CONTOUR



- LEGEND**
- FUTURE 60 Ldn NOISE CONTOUR
 - FUTURE 65 Ldn NOISE CONTOUR
 - FUTURE 70 Ldn NOISE CONTOUR



Appendix E

Preliminary Estimates of Project Costs

Appendix E

Preliminary Estimates of Project Costs

Preliminary engineering cost estimates associated with proposed airport improvement development through the year 2015 as discussed in **Chapter 7, *Implementation Plan***, are provided to assist JAA in implementing these projects. FAA, FDOT, local and private funding were identified based upon maximum funding eligibility. JACIP-Airport Project Detail Reports are provided for only those projects in the short and intermediate term that will receive Federal, State or local funding. Airport Project Detail Reports are not provided for projects that are anticipated to be privately funded.

Estimated project costs presented in this report were based upon past and on-going project costs for similar types of improvements. These calculations are to be used for budgeting purposes only since actual costs at the time of construction may vary. The estimated implementation costs include estimated construction costs as well as allowances for professional services, such as engineering, survey, inspection and testing. In addition, a 20 percent contingency was added to each capital improvement project budget in order to address possible variations in the project costs.

A detailed cost estimate should be performed for each individual project as proposed in this report prior to appropriating funds for implementation. **Tables E-1, *Short-Term Capital Improvement Program***, and **E-2, *Mid-Term Capital Improvement Program***, outline maximum eligible federal and state funding based upon FAA and local project priorities. Preliminary cost estimates for proposed airport development are provided in 2006 dollars.

TABLE E-1
SHORT-TERM PROPOSED CAPITAL IMPROVEMENT PLAN
MAXIMUM FUNDING

Phasing Identifier	Year	UPIN #	FDOT WP #	Sponsor Priority Ranking	FAA Feasibility	Development Item Description	Development Costs & Contingencies (2006)	Federal Funding		State	Local/Other Sources	Private	Total
								GA Entitlements	Discretionary				
S-01	2006	23J609		0	58	Comprehensive Planning	\$12,500	\$0	\$0	\$0	\$12,500	\$0	\$12,500
S-02	2006	PFL0001571	217015 1	1	20	Design and Construct New Fuel Farm (2 Tanks) ¹	\$486,422	\$50,000	\$0	\$250,000	\$186,422	\$0	\$486,422
S-03	2006	PFL0001575	409970 1	3	19	Expand Terminal Vehicular Parking	\$100,000	\$0	\$0	\$50,000	\$50,000	\$0	\$100,000
S-04	2006	23J277	409968 1	4	23	West and South Access Road Improvements ¹	\$200,000	\$100,000	\$0	\$100,000	\$0	\$0	\$200,000
S-05	2006	FL0000083	409966 1	5	68	Airport Master Plan Update	\$20,000	\$0	\$0	\$0	\$20,000	\$0	\$20,000
						Total 2006	\$818,922	\$150,000	\$0	\$400,000	\$268,922	\$0	\$818,922
S-06	2007	23J275/23J609	-	0	61/58	Environmental & Comprehensive Planning	\$25,000	\$0	\$0	\$0	\$25,000	\$0	\$25,000
S-07	2007	PFL0000991	2169901-94-01	1	0	Construct 14-unit T-hangar ³	\$1,202,062	\$0	\$0	\$400,000	\$802,062	\$0	\$1,202,062
S-08	2007	-	-	2	68	Conduct Cost-Benefit Feasibility Study for Runway 7-25 Extension ²	\$35,000	\$0	\$0	\$0	\$35,000	\$0	\$35,000
S-09	2007	-	-	7	92	Signage Plan/Design ²	\$29,000	\$0	\$27,550	\$0	\$1,450	\$0	\$29,000
S-10	2007	-	-	8	0	Expand Royal Atlantic Facilities ²	\$728,865	\$0	\$0	\$0	\$0	\$728,865	\$728,865
						Total 2007	\$2,019,927	\$0	\$27,550	\$400,000	\$863,512	\$728,865	\$2,019,927
S-11	2008	23J275/23J609	-	0	61/58	Environmental & Comprehensive Planning	\$25,000	\$0	\$0	\$0	\$25,000	\$0	\$25,000
S-12	2008	PFL0001568	2170132-94-01	1	72	Rehabilitate Runway 7-25 & Signage (Phase I) - Design ¹	\$311,611	\$150,000	\$0	\$25,000	\$136,611	\$0	\$311,611
S-13	2008	PFL0001574	-	1	70	Runway 7 Extension Design ^(1 & 2)	\$147,434	\$56,511	\$76,180	\$0	\$14,743	\$0	\$147,434
S-14	2008	PFL0000079	-	2	68	EA for Turf Runway & Runway 7/25 Extension	\$350,800	\$0	\$315,720	\$0	\$35,080	\$0	\$350,800
S-15	2008	PFL0001574	-	2	70	Runway 7 Extension - Construction including 20% contingency ¹	\$572,093	\$43,489	\$0	\$500,000	\$28,604	\$0	\$572,093
S-16	2008	-	-	2	50	Runway 7-25 Stopways and Markings Design ²	\$127,238	\$0	\$0	\$63,619	\$63,619	\$0	\$127,238
S-17	2008	PFL0001619	-	5	48	Replace AWOS ¹	\$189,000	\$50,000	\$0	\$0	\$139,000	\$0	\$189,000
S-18	2008	-	-	6	58	Pavement Condition Report ²	\$30,000	\$0	\$0	\$15,000	\$15,000	\$0	\$30,000
						Total 2008	\$1,753,176	\$300,000	\$391,900	\$603,619	\$457,658	\$0	\$1,753,176
S-19	2009	23J275/23J609	-	0	61/58	Environmental & Comprehensive Planning	\$25,000	\$0	\$0	\$0	\$25,000	\$0	\$25,000
S-20	2009	PFL0001568	2170132-94-01	1	72	Rehab Runway 7/25 & Signage ³	\$1,076,500	\$0	\$968,850	\$0	\$107,650	\$0	\$1,076,500
S-21	2009	23J280	-	1	34	Construct Open Bay/Maintenance Hangar North GA Area	\$1,848,057	\$0	\$0	\$0	\$1,848,057	\$0	\$1,848,057
S-22	2009	-	-	1	50	Construct 3,700 SY Apron adjacent to Maintenance Hangar ²	\$467,718	\$0	\$0	\$0	\$467,718	\$0	\$467,718
S-23	2009	PFL0000091	4099692-94-01	3	72	Construct/Relocate Electrical Vault & Design/Construct T-Hangars (14 Unit) ³	\$1,532,302	\$0	\$0	\$500,000	\$1,032,302	\$0	\$1,532,302
S-24	2009	-	-	5	22	Extend access road to T-Hangars 1, 2 & 3 ²	\$115,204	\$0	\$0	\$0	\$115,204	\$0	\$115,204

TABLE E-1
SHORT-TERM PROPOSED CAPITAL IMPROVEMENT PLAN
MAXIMUM FUNDING

Phasing Identifier	Year	UPIN #	FDOT WP #	Sponsor Priority Ranking	FAA Feasibility	Development Item Description	Development Costs & Contingencies (2006)	Federal Funding		State	Local/Other Sources	Private	Total
								GA Entitlements	Discretionary				
S-25	2009	-	-	6	86	Relocate Fence Line associated with T-Hangar Development ²	\$87,756	\$0	\$83,368	\$0	\$4,388	\$0	\$87,756
S-26	2009	PFL0001574	-	3	50	Design/Construct Runway Extension (Stopways and Markings)	\$491,115	\$0	\$0	\$0	\$491,115	\$0	\$491,115
S-27	2009	-	-	4	53	Taxiway A Extension with Markings and Lighting ^{1 & 2}	\$535,395	\$150,000	\$0	\$0	\$385,395	\$0	\$535,395
S-28	2009	-	-	6	43	Runway 7 PAPI Relocation ²	\$32,211	\$0	\$0	\$0	\$32,211	\$0	\$32,211
S-29	2009	23J276	-	7	50	REILs Runway 7/25	\$89,604	\$0	\$0	\$0	\$89,604	\$0	\$89,604
Total 2009							\$6,300,862	\$150,000	\$1,052,218	\$500,000	\$4,598,644	\$0	\$6,300,862
S-30	2010	23J275/23J609	-	0	61/58	Environmental & Comprehensive Planning	\$25,000	\$0	\$0	\$0	\$25,000	\$0	\$25,000
S-31	2010	PFL0001568	2170132-94-01		72	Rehabilitate Runway 7/25 ³	\$1,076,500	\$0	\$0	\$475,000	\$601,500	\$0	\$1,076,500
S-32	2010	PFL0002304	2170133-94-01	1	72	Rehabilitate Runway 11/29 ^{1 & 3}	\$2,215,388	\$150,000	\$0	\$500,000	\$1,565,388	\$0	\$2,215,388
S-33	2010	PFL0004048	-	2	50	West Apron Expansion Phase 2	\$1,357,208	\$0	\$0	\$678,604	\$678,604	\$0	\$1,357,208
S-34	2010	-	-	3	50	Airfield Sign System Upgrades including new Signage ²	\$463,904	\$0	\$0	\$231,952	\$231,952	\$0	\$463,904
S-35	2010	-	-	6	19	Construct 1,069 SY of Automobile Parking ²	\$134,704	\$0	\$0	\$67,352	\$67,352	\$0	\$134,704
S-36	2010	-	-	7	0	Construct 150' x 100' Corporate Hangar in North GA Area ²	\$2,275,064	\$0	\$0	\$0	\$0	\$2,275,064	\$2,275,064
S-37	2010	-	-	8	46	Construct Blimp Hangar and Apron ²	\$3,300,976	\$0	\$0	\$0	\$0	\$3,300,976	\$3,300,976
Total 2010							\$10,848,744	\$150,000	\$0	\$1,952,908	\$3,169,796	\$5,576,040	\$10,848,744
Short-Term Project Total (2006-2010)							\$21,741,631	\$750,000	\$1,471,668	\$3,856,527	\$9,358,531	\$6,304,905	\$21,741,631

Sources: JAA FDOT Work Program, JACIP (March 2007), Historical Funding, FAA Project Priority Funding and The LPA Group, 2007

TABLE E-2
MID-TERM PROPOSED CAPITAL IMPROVEMENT PROGRAM (2011-2015)
MAXIMUM FEASIBLE FUNDING

Notes	¹ GA Entitlement Funding												
	² Not in JAA Work Program												
	³ Included FDOT Work Program												
Phasing Identifier	Year	UPIN #	FDOT WP #	Sponsor Priority Ranking	FAA Feasibility	Development Item Description	Development Costs & Contingencies (2006)	Federal Funding			Local/Other Sources	Private	Total
								GA Entitlements	Discretionary	State			
I-26	2013	PFL0002306	-	5	50	Design/Construct REILs on Runway 7/25	\$89,604	\$0	\$0	\$44,802	\$44,802	\$0	\$89,604
I-27	2013	-	-	6	43	Install MALSR on Runway 25 ²	\$444,290	\$0	\$0	\$222,145	\$222,145	\$0	\$444,290
I-28	2013	PFL0001572	-	7	45	Acquire Runway 7 Avigation Easement (9.7 Acres)	\$270,000	\$0	\$0	\$135,000	\$135,000	\$0	\$270,000
I-29	2013	PFL0002031	-	62	62	Overlay West Apron (Transient)	\$998,613	\$0	\$0	\$499,307	\$499,307	\$0	\$998,613
I-30	2013	PFL0003129	-	8	20	South Airfield Electrical Utilities	\$600,000	\$0	\$0	\$300,000	\$300,000	\$0	\$600,000
						Total 2013	\$5,075,144	\$150,000	\$333,434	\$2,283,355	\$2,308,356	\$0	\$5,075,144
I-31	2014	PFL0002026	-	1	68	Rehabilitate Taxiways A and B ¹	\$1,779,347	\$150,000	\$0	\$814,673	\$814,673	\$0	\$1,779,347
I-32	2014	-	-	2	0	Construct 100' x 170' Corporate Hangar on East Side of North GA Area, includes auto parking ²	\$2,559,735	\$0	\$0	\$0	\$0	\$2,559,735	\$2,559,735
I-34	2014	-	-	3	0	Construct 100' x 100' Corporate Hangar in North GA Area, includes auto parking ²	\$1,563,386	\$0	\$0	\$0	\$0	\$1,563,386	\$1,563,386
I-35	2014	PFL0002038	-	4	48	Implement Precision Approach - Runway 25	\$942,000	\$0	\$0	\$471,000	\$471,000	\$0	\$942,000
I-36	2014	-	-	5	0	Construct 100' x 100' Corporate Hangar in North GA Area ²	\$1,563,386	\$0	\$0	\$0	\$0	\$1,563,386	\$1,563,386
I-37	2014	-	-	6	46	Construct 3,729 SY Apron on West Side of North GA Area ¹	\$471,050	\$0	\$0	\$235,525	\$235,525	\$0	\$471,050
I-38	2014	-	-	7	19	Construct 1,069 SY Automobile Parking Area on West Side of North GA Area ²	\$134,704	\$0	\$0	\$0	\$0	\$134,704	\$134,704
I-39	2014	-	-	8	19	Construct 1,739 SY Automobile Parking Area on West Side of North GA Area ²	\$186,204	\$0	\$0	\$0	\$0	\$186,204	\$186,204
I-40	2014	-	-	9	58	West Industrial Park - Preliminary Site Development ²	\$200,000	\$0	\$0	\$100,000	\$100,000	\$0	\$200,000
I-41	2014	-	-	10	58	East Commerce Park - Preliminary Site Development ²	\$300,000	\$0	\$0	\$150,000	\$150,000	\$0	\$300,000
I-42	2014	-	-	11	86	West Industrial Park - Fenceline Relocation ²	\$15,000	\$0	\$13,500	\$750	\$750	\$0	\$15,000
I-43	2014	-	-	12	45	West Industrial Park - Drainage Improvements ²	\$123,500	\$0	\$0	\$61,750	\$61,750	\$0	\$123,500
						Total 2014	\$9,838,312	\$150,000	\$13,500	\$1,833,698	\$1,833,698	\$6,007,415	\$9,838,312
I-44	2015	-	-	1	0	Closed Runways Pavement Removal (Taxiways L & M) ^{1&2}	\$181,457	\$150,000	\$0	\$15,729	\$15,729	\$0	\$181,457
I-45	2015	-	-	2	68	Closed Runways Taxilane Overlay/Repaving (Taxiways L & M) ²	\$1,151,009	\$0	\$0	\$575,505	\$575,505	\$0	\$1,151,009
I-46	2015	-	-	3	47	Install Markings and Lighting on Southern Taxiways (L	\$368,522	\$0	\$0	\$184,261	\$184,261	\$0	\$368,522

TABLE E-2
MID-TERM PROPOSED CAPITAL IMPROVEMENT PROGRAM (2011-2015)
MAXIMUM FEASIBLE FUNDING

Notes													
¹ GA Entitlement Funding													
² Not in JAA Work Program													
³ Included FDOT Work Program													
Phasing Identifier	Year	UPIN #	FDOT WP #	Sponsor Priority Ranking	FAA Feasibility	Development Item Description	Development Costs & Contingencies (2006)	Federal Funding			Local/Other Sources	Private	Total
								GA Entitlements	Discretionary	State			
						& M) ²							
I-47	2015	-	-	4	0	Construct 100' x 170' Corporate Hangar on East Side of North GA Area ²	\$2,559,735	\$0	\$0	\$0	\$0	\$2,559,735	\$2,559,735
I-48	2015	-	-	5	48	Midfield Access Roadway Improvements ²	\$3,014,482	\$0	\$0	\$1,507,241	\$1,507,241	\$0	\$3,014,482
I-49	2015	-	-	7	48	East Commerce Park Access Roadway and Auto Parking ²	\$4,032,360	\$0	\$0	\$2,016,180	\$2,016,180	\$0	\$4,032,360
Total 2015							\$11,307,565	\$150,000	\$0	\$4,298,915	\$4,298,915	\$2,559,735	\$11,307,565
Total 2011-2015							\$35,878,426	\$750,000	\$464,039	\$11,916,948	\$11,979,449	\$10,767,991	\$35,878,427

Sources: JAA FDOT Work Program, JACIP (March 2007), Historical Funding, FAA Project Priority Funding and The LPA Group, 2007

JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:
Sponsor:	Jacksonville Aviation Authority	Airport ID: HEG
Sponsor ID:	1204	Site No.: 03250.*A

UPIN:	PFL0001571	Candidate:
Airport Project ID:	H2006-1	FDOT Description 2:
WPI No.:	217015 1	FDOT Description 3:
Sponsor Priority:	2006	National Priority:
Common Description:	Design & Construct New Fuel Farm (S-2)	Project Type: Construction/Installation

Project Narrative:

This project involves the relocation and reconstruction of the fuel farm facility behind the FBO terminal building from its current, underground location near the transient apron and FBO. The underground tanks will be replaced with new tanks and stored above ground. There will be 1 tank for AVGAS fuel and 1 tank for Jet-A fuel.

Project Justification:

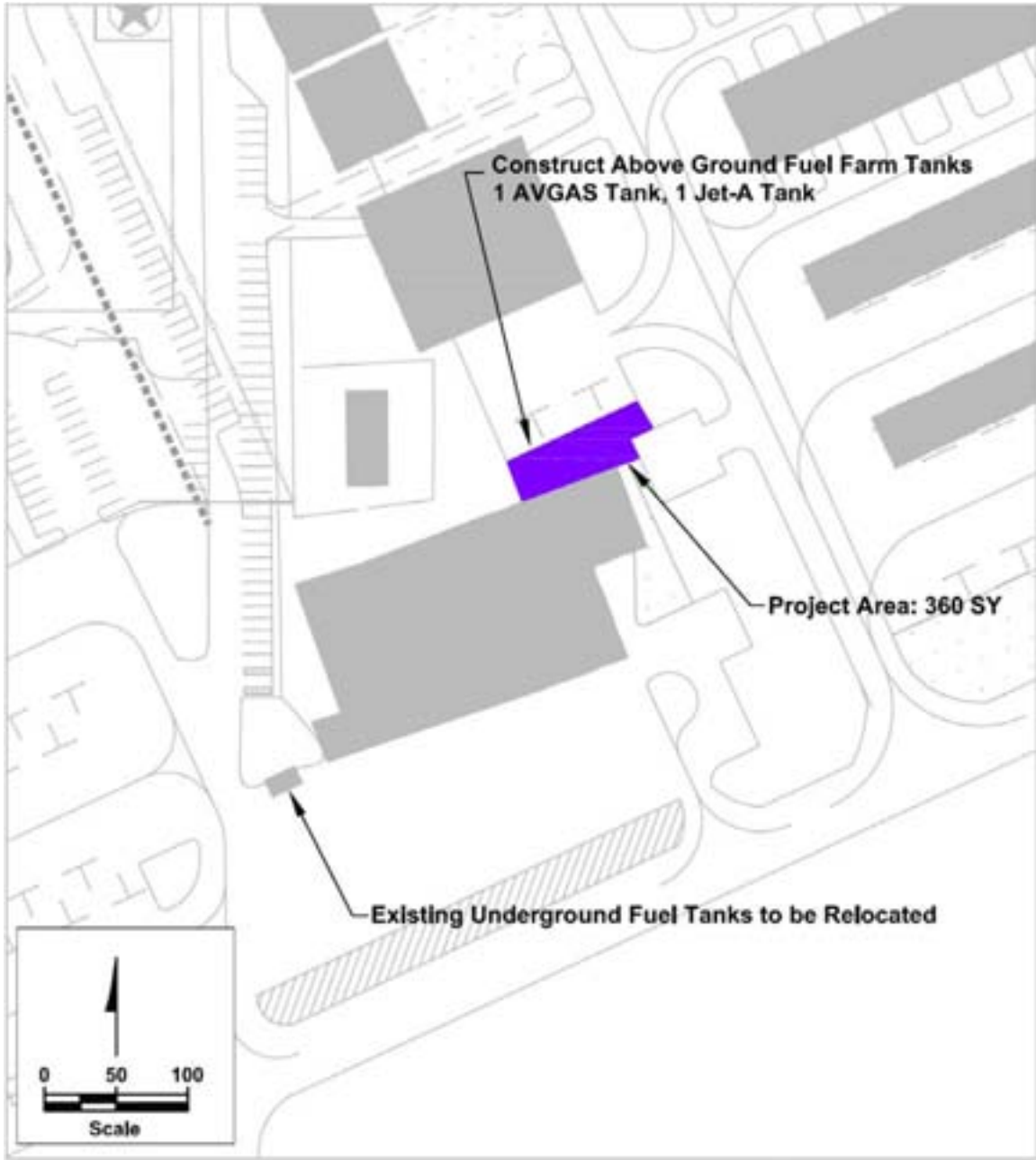
This project is necessary for the safe and environmentally conscious containment of fuel and the need for larger fuel storage at the airport.

Airport Notes:

FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2006	Federal Match - Entitlement	\$50,000
2006	FDOT Match	\$250,000
2006	Local Match	\$186,422
<u>Year Total</u>		<u>\$486,422</u>
Project Total – Federal		\$50,000
Project Total – State		\$250,000
Project Total – Local		\$186,422
Overall Project Total		<u>\$486,422</u>



PRELIMINARY ESTIMATE OF PROJECT COSTS
Herlong Airport - Capital Improvement Program

S-2 Design and Construct Fuel Farm Approximate Pavement/Bldg Area: 360 SY
 CIP Year: 2006

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>
C-1	Mobilization	1	LS	\$1,510	\$1,510	
C-2	Erosion and Sediment Control	1	LS	\$3,028	\$100	
C-3	Allowance for Drainage Improvements	1	LS	\$2,000	\$2,000	
C-4	Embankment and Excavation	120	CY	\$7	\$840	
C-5	12,000 Gallon Fuel Tank	2	ea	\$150,000	\$300,000	

Approximate Total Construction Cost: \$304,450.00

S-1	Surveying & Design Testing	6.0%			\$18,267	
S-2	Allowance for Permitting Fees				\$5,000	
S-3	Engineering	14.0%			\$42,623	
S-4	Inspection & Testing	10.0%			\$30,445	
S-5	Airport Administration	1.5%			\$4,567	

Approximate Total Services Cost: \$100,901.75

Preliminary Estimate of Project Cost \$405,351.75

Contingency 20.0% \$81,070.35

PRESENT COST: \$486,422.10

Source: The LPA Group, Inc. 2006

JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A
UPIN:	PFL0000991	Candidate:	
Airport Project ID:	H2005-2	FDOT Description 2:	
WPI No.:	2169901-94-01	FDOT Description 3:	
Sponsor Priority:	2007	National Priority:	
Common Description:	Construct 14-Unit T-Hangar, North of Terminal Building (S-07)	Project Type:	Building Construction

Project Narrative:

This project involves the construction of a 14-unit t-hangar on the east side of the North GA area and includes associated drainage and lighting.

Project Justification:

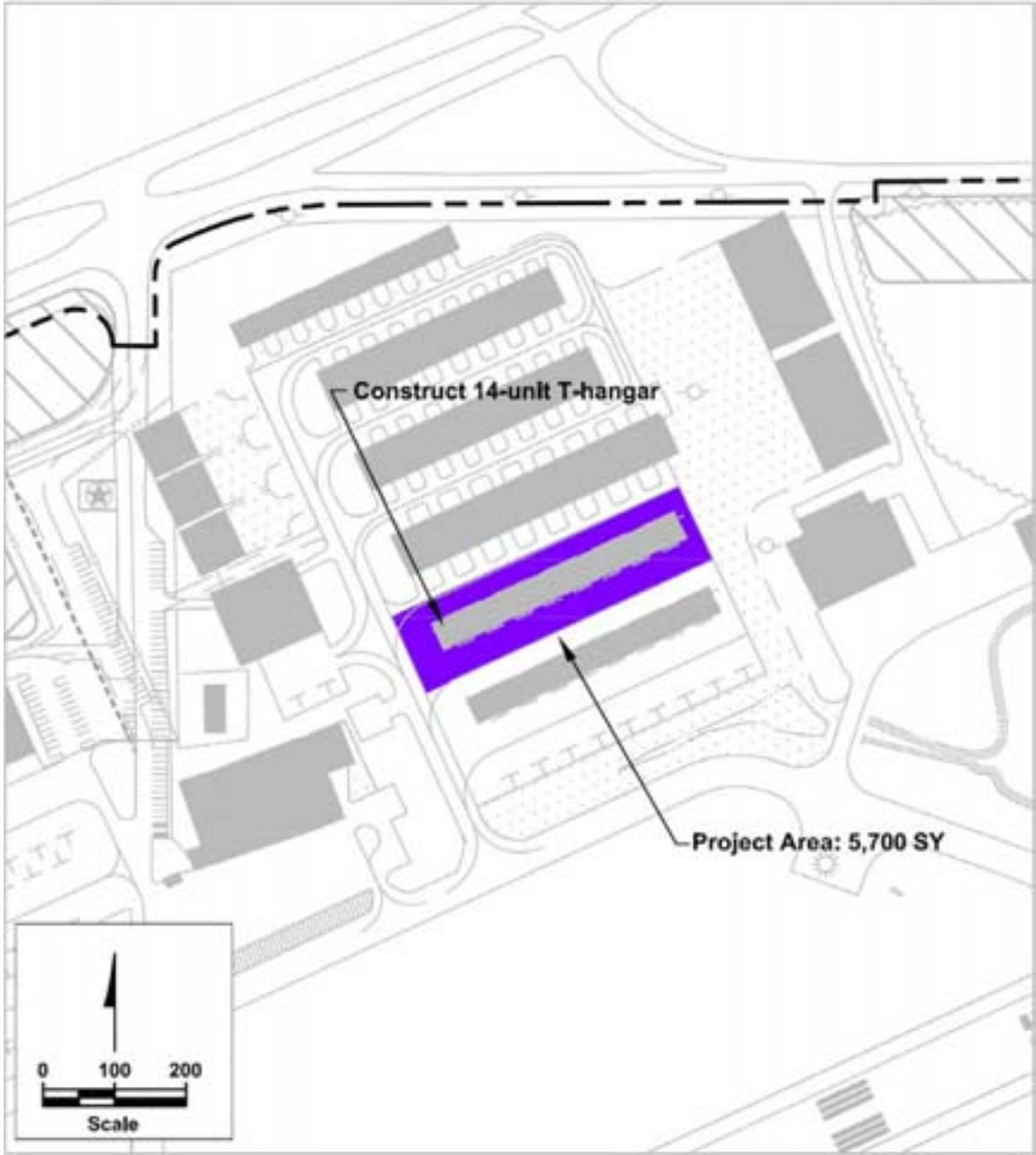
This project is necessary to accommodate future aircraft hangar storage requirements.

Airport Notes: 10/25/05 FDOT Reprogrammed the additional funds

FDOT Notes: \$400,000 programmed for FY 2007

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2007	FAA	\$0.00
2007	FDOT	\$400,000
2007	Local Match	\$802,062
<u>Year Total</u>		<u>\$1,202,062.00</u>
Project Total – Federal		\$0.00
Project Total – State		\$400,000
Project Total – Local		\$802,062
Overall Project Total		<u>\$1,202,062.00</u>



PRELIMINARY ESTIMATE OF PROJECT COSTS
Herlong Airport - Capital Improvement Program

S-07 Construct 14-Unit T-Hangar Approximate Pavement/Bldg Area: 14 Units
 CIP Year: 2007

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>
C-1	Mobilization	1.0	LS	\$68,905.50	\$68,906	
C-2	Erosion and Sediment Control	1.0	LS	\$555.00	\$555	
C-3	Construct 14-Unit T-Hangar	14.0	ea	\$45,000.00	\$630,000	
C-4	Maintenance of Traffic	1.0	LS	\$1,000.00	\$1,000	
C-5	Embankment/Excavation	500.0	CY	\$7.00	\$3,500	
C-6	Allowance for Drainage Improvements	1.0	LS	\$5,000.00	\$5,000	
C-7	Allowance for Utility/Hydrant Modifications	1.0	LS	\$25,000.00	\$25,000	
C-8	Allowance for Area Lighting	1.0	LS	\$5,000.00	\$5,000	
C-9	Vehicular Signage	1.0	LS	\$1,000.00	\$1,000	
C-10	Allowance for Curb/Gutter Improvements	1.0	LS	\$0.00	\$0	
C-11	Landscaping allowance	1.0	LS	\$15,000.00	\$15,000	
C-12	Allowance for Sidewalk Improvements	1.0	LS	\$3,000.00	\$3,000	
<i>Approximate Total Construction Cost:</i>						\$757,961
S-1	Surveying & Design Testing	6%			\$45,477.63	
S-2	Allowance for Permitting Fees				\$5,000.00	
S-3	Engineering	14%			\$106,114.47	
S-4	Inspection & Testing	10%			\$75,796.05	
S-5	Airport Administration	1.5%			\$11,369.41	
<i>Approximate Total Services Cost:</i>						\$243,758
Preliminary Estimate of Project Cost						\$1,001,718
Contingency		20.0%				\$200,344
PRESENT COST:						\$1,202,062

Source: The LPA Group, Inc. 2006

JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A

UPIN:	PFL0001619	Candidate:	
Airport Project ID:	H2008-5	FDOT Description 2:	
WPI No.:		FDOT Description 3:	
Sponsor Priority:	2008	National Priority:	
Common Description:	Replace AWOS (S-20)	Project Type:	Upgrade AWOS

Project Narrative:

This project involves the replacement of the AWOS facility with more advanced AWOS-3 equipment. The AWOS site will remain in place.

Project Justification:

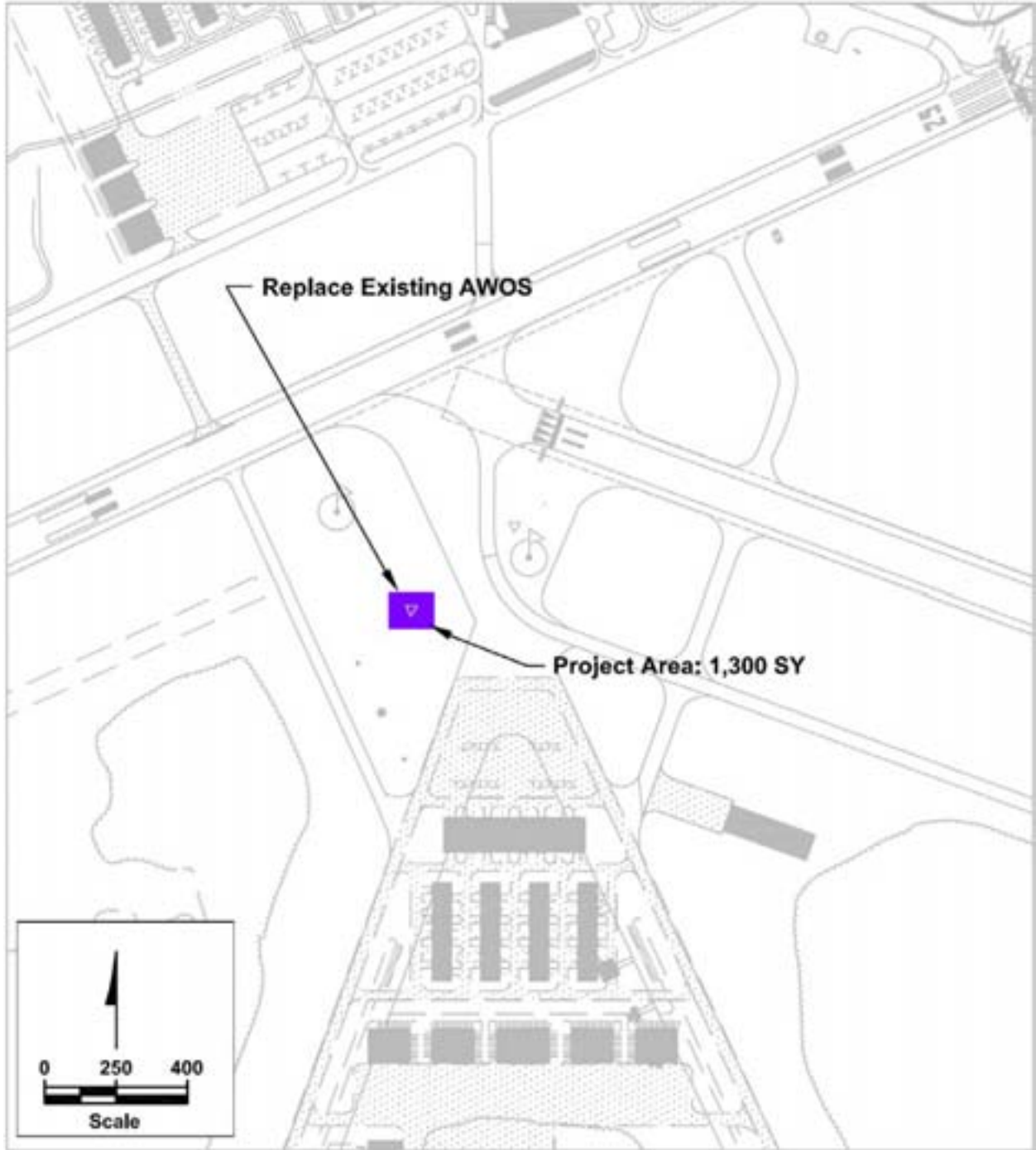
This project is necessary in order to maintain the safe and accurate broadcast of weather information to pilots.

Airport Notes:

FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2008	Federal Match - Entitlement	\$50,000
2008	Federal Match - Discretionary	\$0.00
2008	FDOT Match	\$0.00
2008	Local Match	\$139,000
<u>Year Total</u>		<u>\$189,000</u>
Project Total – Federal		\$50,000
Project Total – State		\$0.00
Project Total – Local		\$139,000
Overall Project Total		<u>\$189,000</u>



JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A
UPIN:	PFL0001574	Candidate:	
Airport Project ID:		FDOT Description 2:	
WPI No.:		FDOT Description 3:	
Sponsor Priority:	2008-2009	National Priority:	
Common Description:	Design and Construct Runway 7-25 Overruns (S-16 & S-26)	Project Type:	Runway Construction

Project Narrative:

This project consists of the design and construction of 120 x 250 foot overruns on Runways 7 and 25.

Project Justification:

As part of the 500 foot runway extension, the construction of 120 x 250 foot overruns beyond each runway end is recommended in an effort to safeguard aircraft from possible runway overshoots as well as engine out procedures, especially during wet conditions.

Airport Notes:

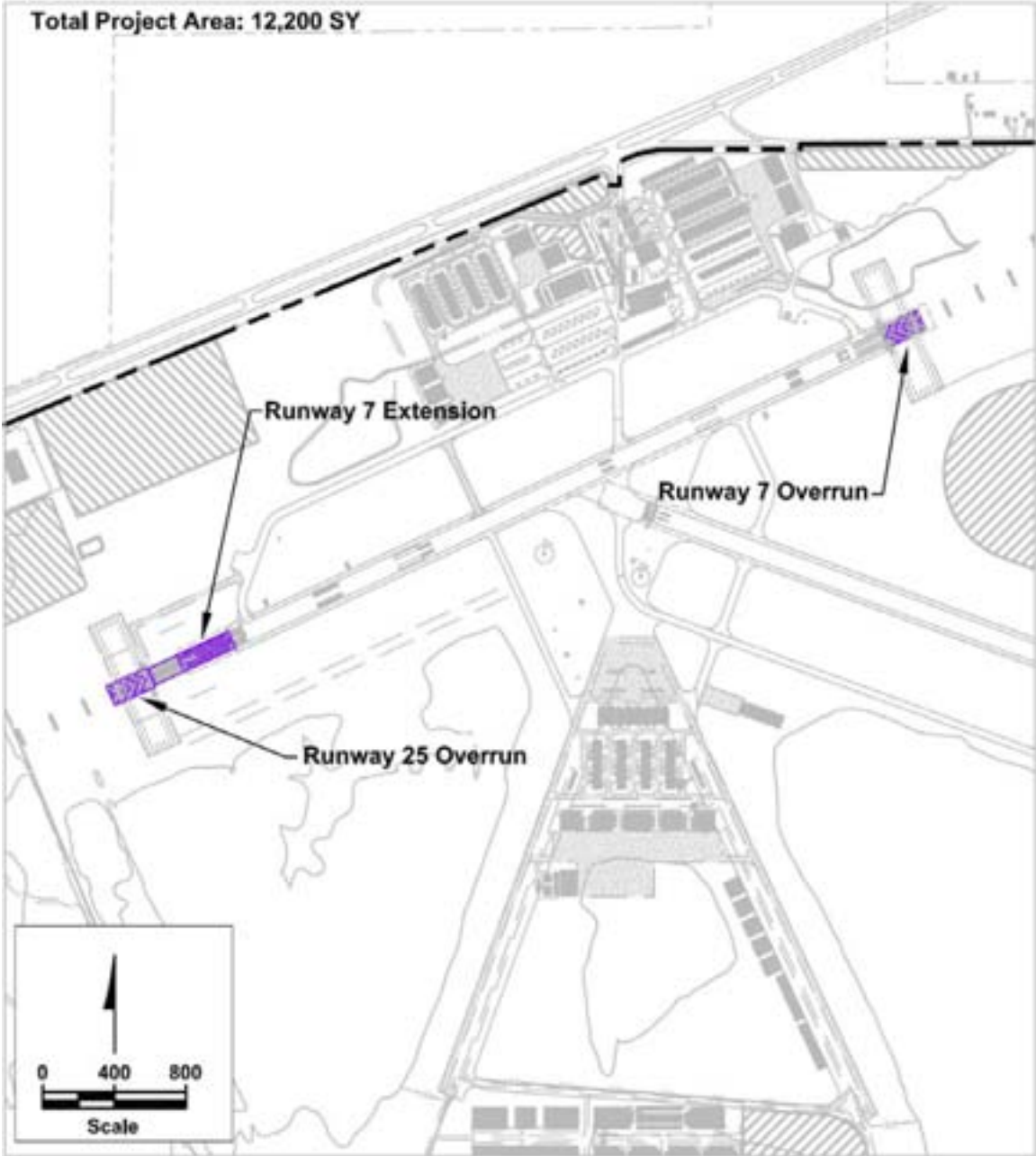
FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
Runway 7-25 Overruns Marking and Design		
2008	FDOT Match	\$63,619
2008	Local Match	\$63,619
<u>Year Total</u>		<u>\$127,238</u>
Construction of Overruns with Markings		
2009	Local Match	\$491,115
<u>Year Total</u>		<u>\$491,115</u>
Project Total – Federal		\$0.00
Project Total – State		\$63,619
Project Total – Local		\$554,734
Overall Project Total		<u>\$618,352</u>

Project Summary:

As a result of a changing operational fleet mix that includes more jet activity, an extension to Runway 7 and parallel Taxiway A is necessary. This project also includes the construction of overruns beyond each runway end in an effort to safeguard aircraft from possible runway overshoots, especially during wet conditions. The total area associated with this project is approximately 16,000 square yards.



PRELIMINARY ESTIMATE OF PROJECT COSTS

Herlong Airport - Capital Improvement Program

S-16 & 26 Runway 7-25 Overruns and Markings Approximate Pavement/Bldg Area: 6,667 SY
 CIP Year: 2008-2009

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>
C-1	Mobilization	1.0	LS	\$35,277.82	\$35,278	
C-2	Erosion and Sediment Control	1.0	LS	\$3,492.85	\$3,493	
C-3	Maintenance of Traffic	1.0	LS	\$3,000.00	\$3,000	
C-4	Embankment/Excavation	2,200.0	CY	\$8.16	\$17,952	
C-5	Subgrade Stabilization	6,666.7	SY	\$8.00	\$53,333	
C-6	Base Course (6")	6,666.7	SY	\$16.00	\$106,667	
C-7	Bituminous Surface Course (2")	6,666.7	SY	\$17.00	\$113,333	
C-8	Bituminous Prime Coat	6,666.7	SY	\$1.75	\$11,667	
C-9	Pavement Markings	1.0	LS	\$5,000.00	\$5,000	
C-10	Ditch/Shoulder Grading	1.0	LS	\$10,000.00	\$10,000	
C-11	Sodding	3,333.3	SY	\$2.50	\$8,333	
C-12	Allowance for Drainage Improvements	1.0	LS	\$20,000.00	\$20,000	
<i>Approximate Total Construction Cost:</i>						\$388,056
S-1	Surveying & Design Testing	6%			\$23,283.36	
S-2	Allowance for Permitting Fees				\$5,000.00	
S-3	Engineering	14%			\$54,327.84	
S-4	Inspection & Testing	10%			\$38,805.60	
S-5	Airport Administration	1.5%			\$5,820.84	
<i>Approximate Total Services Cost:</i>						\$127,238
Preliminary Estimate of Project Cost						\$515,294
Contingency		20.0%				\$103,059
PRESENT COST:						\$618,352

Source: The LPA Group, Inc. 2006

JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A
UPIN:	PFL0001568	Candidate:	
Airport Project ID:		FDOT Description 2:	
WPI No.:	2170132-94-01	FDOT Description 3:	
Sponsor Priority:	2007-2009	National Priority:	
Common Description:	Rehab Runway 7/25 and Signage (S-12,20 & 23)	Project Type:	Pavement Overlay and Markings; Signage

Project Narrative:

This project consists of the surveying and re-pavement of approximately 50,000 SY of Runway 7/25 including the rehabilitation of accompanying signage.

Project Justification:

The project is required in order to rehabilitate and patch areas of cracking and spalling on the pavement and ensure the safety of aircraft using the runway.

Airport Notes:

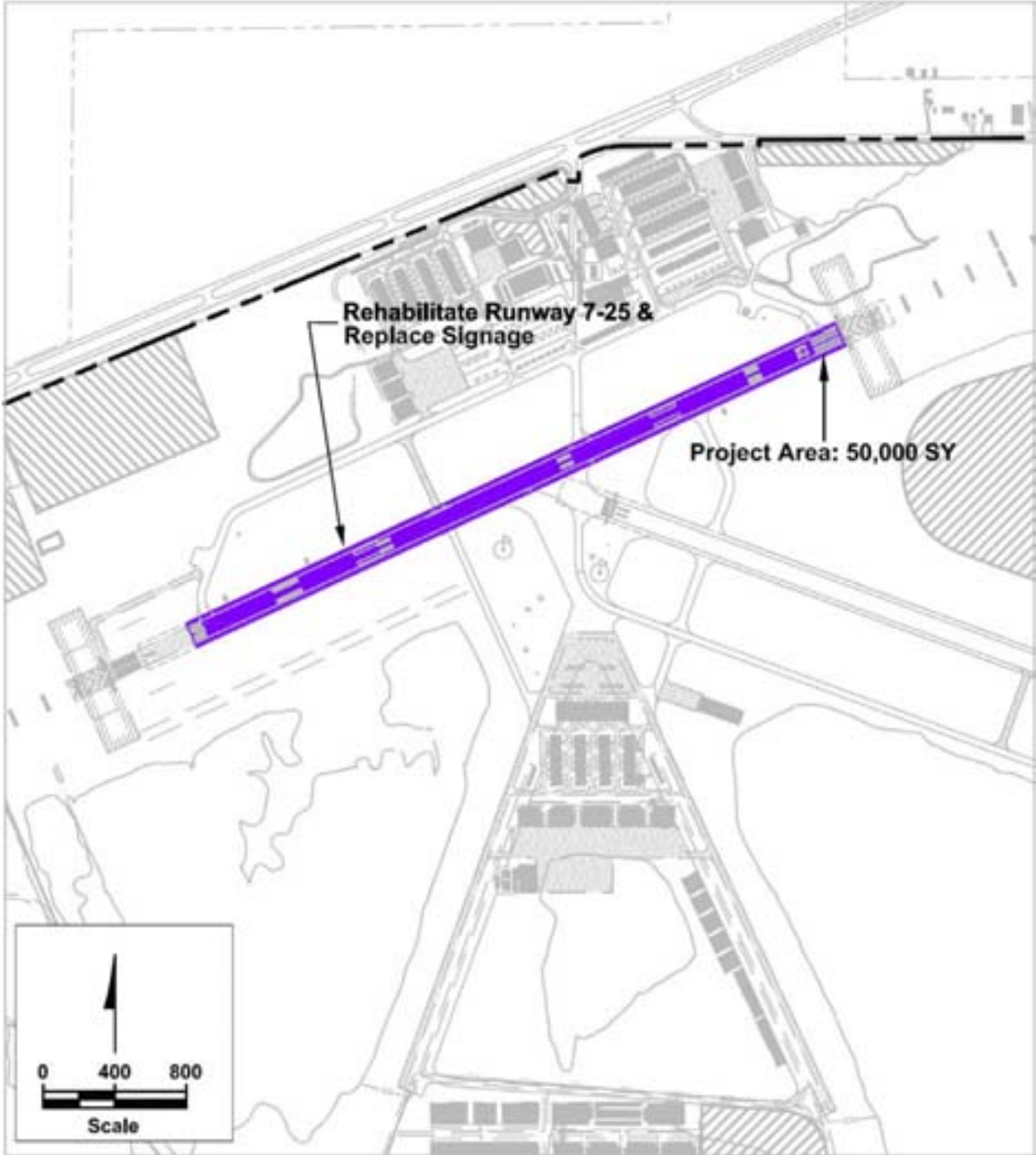
FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2008	Federal Match - Entitlement	\$150,000
2008	FDOT Match - Design	\$25,000
2008	Local Match - Design	\$136,611
Year Total		\$311,611
2009	FAA Match - Discretionary	\$968,850
2009	Local Match - Construction	\$107,650
Year Total		\$1,076,500
2010	FDOT Match - Construction	\$475,000
2010	Local Match - Construction	\$601,500
Year Total		\$1,076,500
Project – Federal		\$1,118,850
Project Total – State		\$500,000
Project Total – Local		\$845,761
Overall Project Total		\$2,464,611

Project Summary

Runway 7/25 was overlaid and remarked in 1980-81 and resealed in 1997. A pavement overlay is typically required every 10 years to maintain safe movement of aircraft and accommodate a changing fleet mix at HEG. Also associated with this project is a signage rehabilitation scheme that includes upgrading existing runway signage with LED lighting. The approximate total project area will encompass 50,000 square yards.



PRELIMINARY ESTIMATE OF PROJECT COSTS**Herlong Airport - Capital Improvement Program**

S-12,20 & 23 Runway 7-25 Pavement Overlay and Rehabilitation Approximate Pavement/Bldg Area: 50,000 SY
CIP Year: 2009-2010

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>
C-1	Mobilization	1.0	LS	\$141,641.39	\$141,641	
C-2	Erosion and Sediment Control	1.0	LS	\$14,023.90	\$14,024	
C-3	Maintenance of Traffic	1.0	LS	\$3,000.00	\$3,000	
C-4	Embankment/Excavation	16,500.0	CY	\$8.16	\$134,640	
C-5	Miscellaneous Repairs/Patching	1,800.0	SY	\$50.00	\$90,000	
C-6	Pavement Milling (1/2")	50,000.0	SY	\$1.00	\$50,000	
C-7	Bituminous Surface Course (2")	50,000.0	SY	\$17.00	\$850,000	
C-8	Bituminous Prime Coat	50,000.0	SY	\$1.65	\$82,500	
C-9	Pavement Markings	75,000.0	SF	\$1.53	\$114,750	
C-10	Ditch/Shoulder Grading	1.0	LS	\$10,000.00	\$10,000	
C-11	Sodding	25,000.0	SY	\$2.50	\$62,500	
C-12	Upgrade Signage with LED Lighting	1.0	LS	\$5,000	\$5,000	

Approximate Total Construction Cost: \$1,558,055

S-1	Surveying & Design Testing	6%		\$93,483.32	
S-2	Allowance for Permitting Fees			\$5,000.00	
S-3	Engineering	14%		\$218,127.74	
S-4	Inspection & Testing	10%		\$155,805.53	
S-5	Airport Administration	1.5%		\$23,370.83	

Approximate Total Services Cost: \$495,787

Preliminary Estimate of Project Cost \$2,053,843

Contingency 20.0% \$410,769

PRESENT COST: \$2,464,611

Source: The LPA Group, Inc. 2006

JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A

UPIN:	PFL0001574	Candidate:	
Airport Project ID:	H2008-1 & 2	FDOT Description 2:	
WPI No.:		FDOT Description 3:	
Sponsor Priority:	2008-2009	National Priority:	
Common Description:	Runway 7 Extension - Design (S-13) Runway 7 Construction including contingency (S- 15)	Project Type:	Runway Design and Construction

Project Narrative:

This project consists of the design and construction of a 500 foot extension to Runway 7 to accommodate changes in fleet mix over the twenty-year planning period.

Project Justification:

The project is required in order to accommodate current and projected general aviation jet aircraft runway length requirements.

Airport Notes:

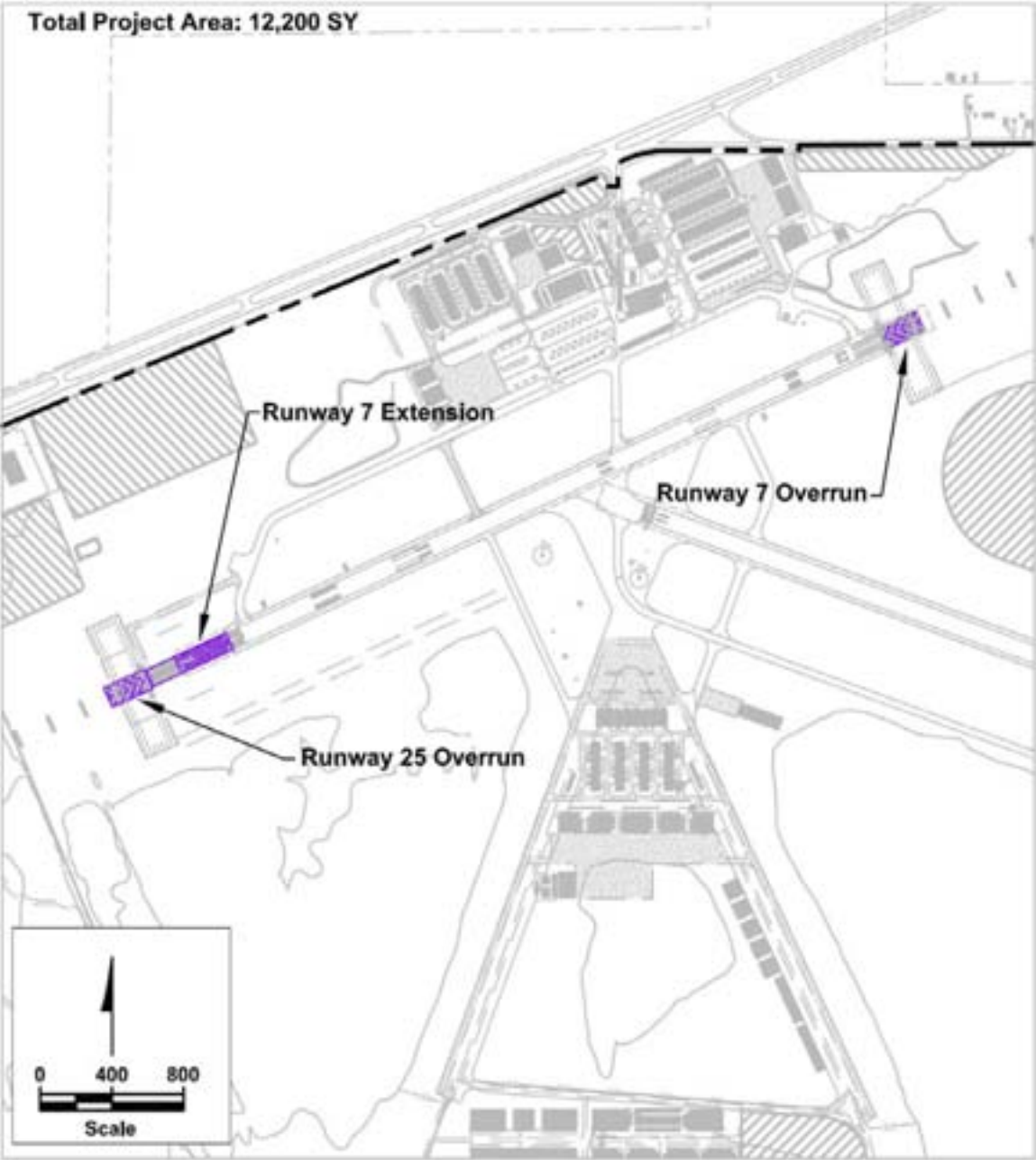
FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
Runway 7 Extension Design		
2008 - Design	FAA Funding - Entitlements	\$56,511
	FAA Funding - Discretionary	\$76,180
	FDOT Funding	\$0.00
	Local Funding	\$14,743
	Total	\$147,434
Runway 7 Extension including Contingency		
2008 - Construction	FAA Match - Entitlements	\$43,489
2008	FAA Match- Discretionary	\$0.00
2008	FDOT Match	\$500,000
2008	Local Match	\$28,604
<u>Year Total</u>		<u>\$572,093</u>
Project Total – Federal		\$176,180
Project Total – State		\$500,000
Project Total – Local		\$43,347
Overall Project Total		\$719,528

Project Summary:

As a result of a changing operational fleet mix that includes more jet activity, an extension to Runway 7 and parallel Taxiway A is necessary. This project also includes the construction of overruns beyond each runway end in an effort to safeguard aircraft from possible runway overshoots, especially during wet conditions. The total area associated with this project is approximately 16,000 square yards.



PRELIMINARY ESTIMATE OF PROJECT COSTS
Herlong Airport - Capital Improvement Program

S-13 & 15	Runway 7 Extension	Approximate Pavement/Bldg Area:	5,556	SY
CIP Year:	2008			

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>
C-1	Mobilization	1.0	LS	\$41,106.56	\$41,107	
C-2	Erosion and Sediment Control	1.0	LS	\$4,069.96	\$4,070	
C-3	Maintenance of Traffic	1.0	LS	\$3,000.00	\$3,000	
C-4	Embankment/Excavation	1,832.0	CY	\$8.16	\$14,949	
C-5	Subgrade Stabilization	5,551.6	SY	\$8.00	\$44,412	
C-6	Base Course (6")	5,551.6	SY	\$16.00	\$88,825	
C-7	Bituminous Surface Course (4")	5,551.6	SY	\$35.00	\$194,304	
C-8	Bituminous Prime Coat	5,551.6	SY	\$1.75	\$9,715	
C-9	Pavement Markings	1.0	LS	\$5,000.00	\$5,000	
C-10	Ditch/Shoulder Grading	1.0	LS	\$10,000.00	\$10,000	
C-11	Lights	4.0	ea	\$650.00	\$2,600	
C-12	Cable	1,500.0	lf	\$1.00	\$1,500	
C-13	Trench and Conduit	1,500.0	lf	\$2.50	\$3,750	
C-14	Signage	2.0	ea	\$3,000.00	\$6,000	
C-15	Regulator and Vault Work	1.0	ls	\$1,000.00	\$1,000	
C-16	Sodding	2,775.8	SY	\$2.50	\$6,939	
C-17	Allowance for Drainage Improvements	1.0	LS	\$15,000.00	\$15,000	
					<i>Approximate Total Construction Cost:</i>	\$452,172
S-1	Surveying & Design Testing	6%			\$27,130.33	
S-2	Allowance for Permitting Fees				\$5,000.00	
S-3	Engineering	14%			\$63,304.11	
S-4	Inspection & Testing	10%			\$45,217.22	
S-5	Airport Administration	1.5%			\$6,782.58	
					<i>Approximate Total Services Cost:</i>	\$147,434
Preliminary Estimate of Project Cost						\$599,606
Contingency		20.0%				\$119,921
PRESENT COST:						\$719,528

Source: The LPA Group, Inc. 2006

JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A

UPIN:		Candidate:	
Airport Project ID:		FDOT Description 2:	
WPI No.:	H2009-3	FDOT Description 3:	
Sponsor Priority:	2009	National Priority:	
Common Description:	Extend Access Road, to T-hangars 1,2 & 3 (S-10)	Project Type:	Road Construction

Project Narrative:

This project involves the extension of the access road to T-hangars 1, 2, and 3 and includes associated grading, drainage, parking and marking.

Project Justification:

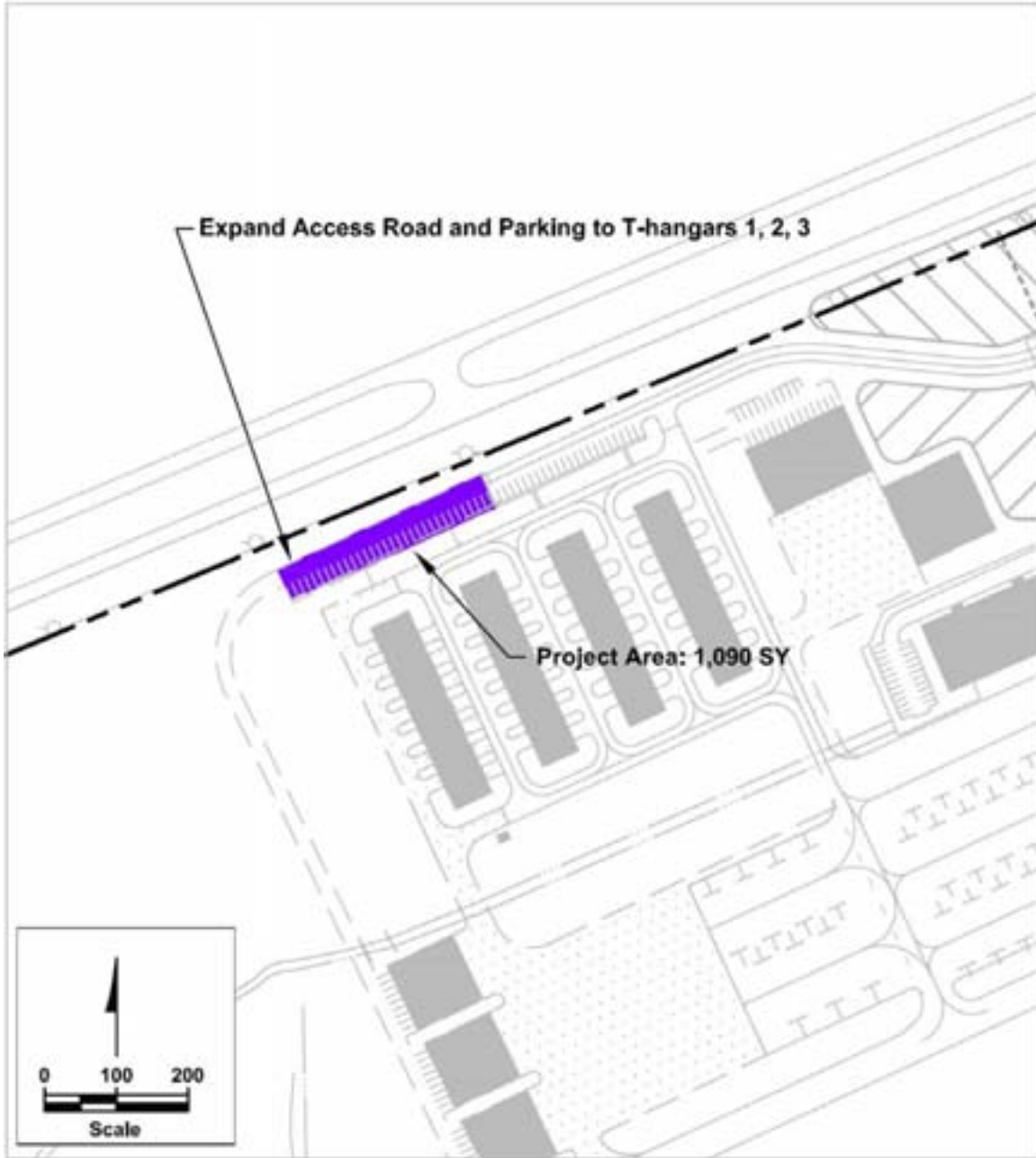
This project is necessary in order to gain access to the expanded portion of the general aviation development area on the west side.

Airport Notes:

FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2009	FDOT Funding	\$57,602
2009	JAA Funding	\$57,602
<u>Year Total</u>		<u>\$115,204</u>
Project Total – Federal		\$0.00
Project Total – State		\$57,602
Project Total – Local		\$57,602
Overall Project Total		\$115,204



PRELIMINARY ESTIMATE OF PROJECT COSTS

Herlong Airport - Capital Improvement Program

S-10 Extend Access Road to T-Hangars 1, 2 & 3 Approximate Pavement/Bldg Area: 1,090 SY
 CIP Year: 2009

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>	
C-1	Mobilization	1	LS	\$6,643.27	\$6,643.27		
C-2	Erosion and Sediment Control	1	LS	\$784.85	\$784.85		
C-3	Maintenance of Traffic	1	LS	\$2,000.00	\$2,000.00		
C-4	Embankment/Excavation	100	CY	\$8.16	\$816.00		
C-5	Subgrade Stabilization	1090	SY	\$8.00	\$8,720.00		
C-6	Base Course (6")	1090	SY	\$16.00	\$17,440.00		
C-7	Bituminous Surface Course (2")	1090	SY	\$17.00	\$18,530.00		
C-8	Bituminous Prime Coat	1090	SY	\$1.75	\$1,907.50		
C-9	Pavement Markings	1	LS	\$1,000.00	\$1,000.00		
C-10	Ditch/Shoulder Grading	1	LS	\$5,000.00	\$5,000.00		
C-11	Sodding	545	SY	\$2.50	\$1,362.50		
C-12	Allowance for Drainage Improvements	1	LS	\$5,000.00	\$5,000.00		
						Approximate Total Construction Cost:	\$69,204.12
S-1	Surveying & Design Testing	6%			\$4,152.25		
S-2	Allowance for Permitting Fees				\$5,000.00		
S-3	Engineering	14%			\$9,688.58		
S-4	Inspection & Testing	10%			\$6,920.41		
S-5	Airport Administration	2%			\$1,038.06		
						Approximate Total Services Cost:	\$26,799.30
Preliminary Estimate of Project Cost							\$96,003.42
Contingency						20%	\$19,200.68
						PRESENT COST:	\$115,204.10

Source: The LPA Group, Inc. 2006

JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A
UPIN:	23J280	Candidate:	
Airport Project ID:	H2009-1	FDOT Description 2:	
WPI No.:		FDOT Description 3:	
Sponsor Priority:	2009	National Priority:	
Common Description:	Open Bay/Maintenance Hangar Construction (S-24)	Project Type:	Construction

Project Narrative:

This project involves the construction of a 120' x 120' Open Bay/Maintenance Hangar on the west side of the North GA development area. Associated lighting and drainage are included in this project.

Project Justification:

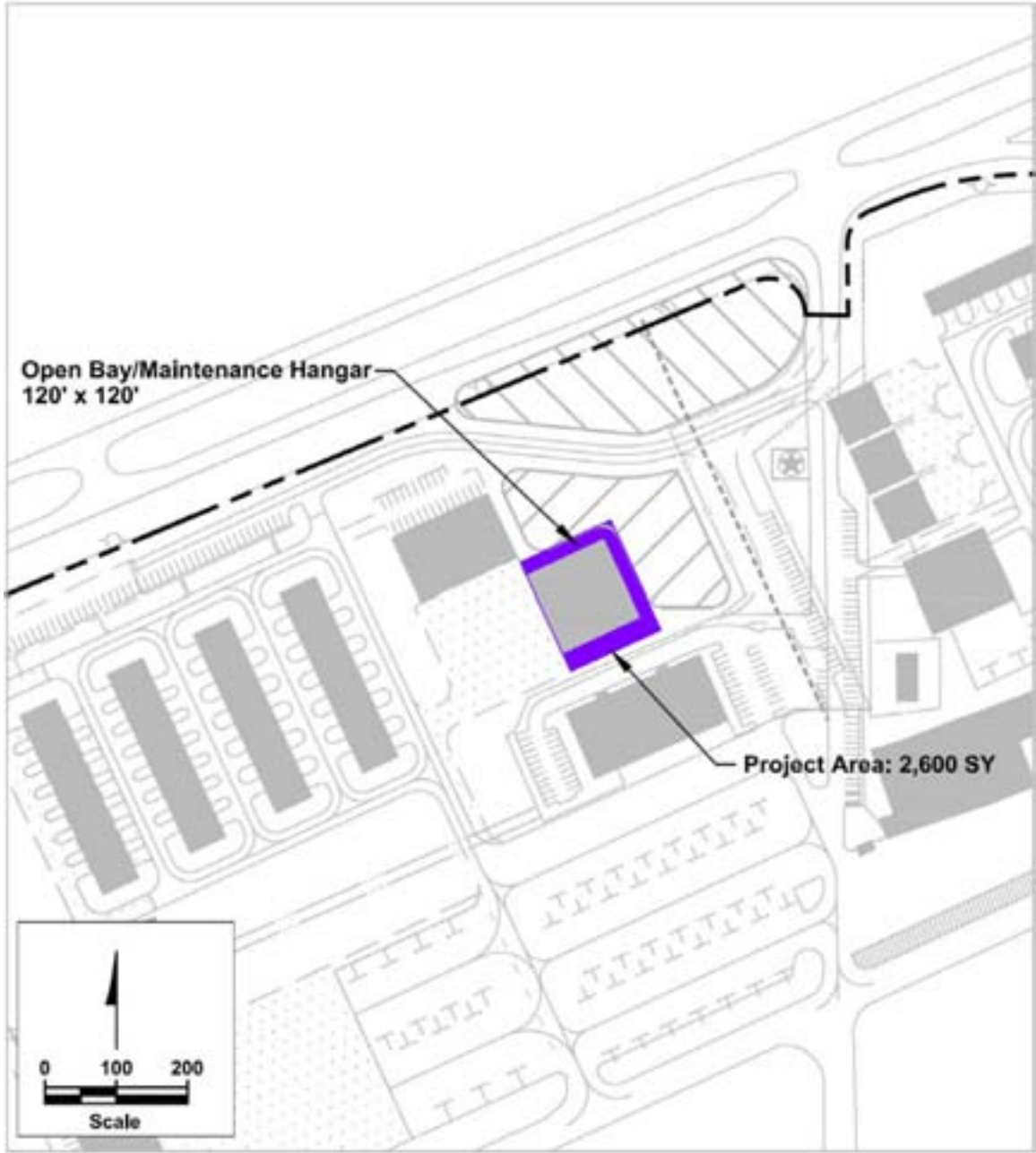
This project has interest from third party investors and is needed to support the maintenance capacities of the airport.

Airport Notes:

FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2009	FDOT Funding	\$924,028
2009	Local Funding	\$924,028
<u>Year Total</u>		<u>1,848,057</u>
Project Total – Federal		\$0.00
Project Total – State		\$924,028
Project Total – Local		\$924,028
Overall Project Total		<u>1,848,057</u>



PRELIMINARY ESTIMATE OF PROJECT COSTS
Herlong Airport - Capital Improvement Program

S-24	Open Bay/Maintenance Hangar Construction	Approximate Pavement/Bldg Area:	2,600	SY
CIP Year:	2009			

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>
C-1	Mobilization	1	LS	\$125,802	\$125,802	
C-2	Erosion and Sediment Control	1	LS	\$715	\$715	
C-3	Construct 120' x 120' maintenance Hangar	14400	SF	\$82	\$1,180,800	
C-4	Maintenance of Traffic	1	LS	\$1,000	\$1,000	
C-5	Embankment/Excavation	500	CY	\$7	\$3,500	
C-6	Allowance for Drainage Improvements	1	LS	\$5,000	\$5,000	
C-7	Allowance for Utility/Hydrant Modifications	1	LS	\$30,000	\$30,000	
C-8	Allowance for Area Lighting	1	LS	\$5,000	\$5,000	
C-9	Vehicular Signage	1	LS	\$2,000	\$2,000	
C-10	Allowance for Curb/Gutter Improvements	1	LS	\$5,000	\$5,000	
C-11	Landscaping allowance	1	LS	\$20,000	\$20,000	
C-12	Allowance for Sidewalk Improvements	1	LS	\$5,000	\$5,000	
Approximate Total Construction Cost:						\$1,383,817
S-1	Surveying & Design Testing	6.0%			\$83,029	
S-2	Allowance for Permitting Fees				\$5,000	
S-3	Engineering	14.0%			\$193,734	
S-4	Inspection & Testing	10.0%			\$138,382	
S-5	Airport Administration	1.5%			\$20,757	
Approximate Total Services Cost:						\$440,902
Preliminary Estimate of Project Cost						\$1,824,719
Contingency		20.0%				\$364,944
PRESENT COST:						\$1,848,057

Source: The LPA Group, Inc. 2006

JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A

UPIN:		Candidate:	
Airport Project ID:		FDOT Description 2:	
WPI No.:	H2009-6	FDOT Description 3:	
Sponsor Priority:	2009	National Priority:	
Common Description:	T-Hangar Fenceline Extension and Gate Relocation (S-11)	Project Type:	Fenceline Extension & Relocation

Project Narrative:

This project includes the relocation of the access gate and fenceline on the west side of the North GA development area to allow the construction and access of new t-hangar development.

Project Justification:

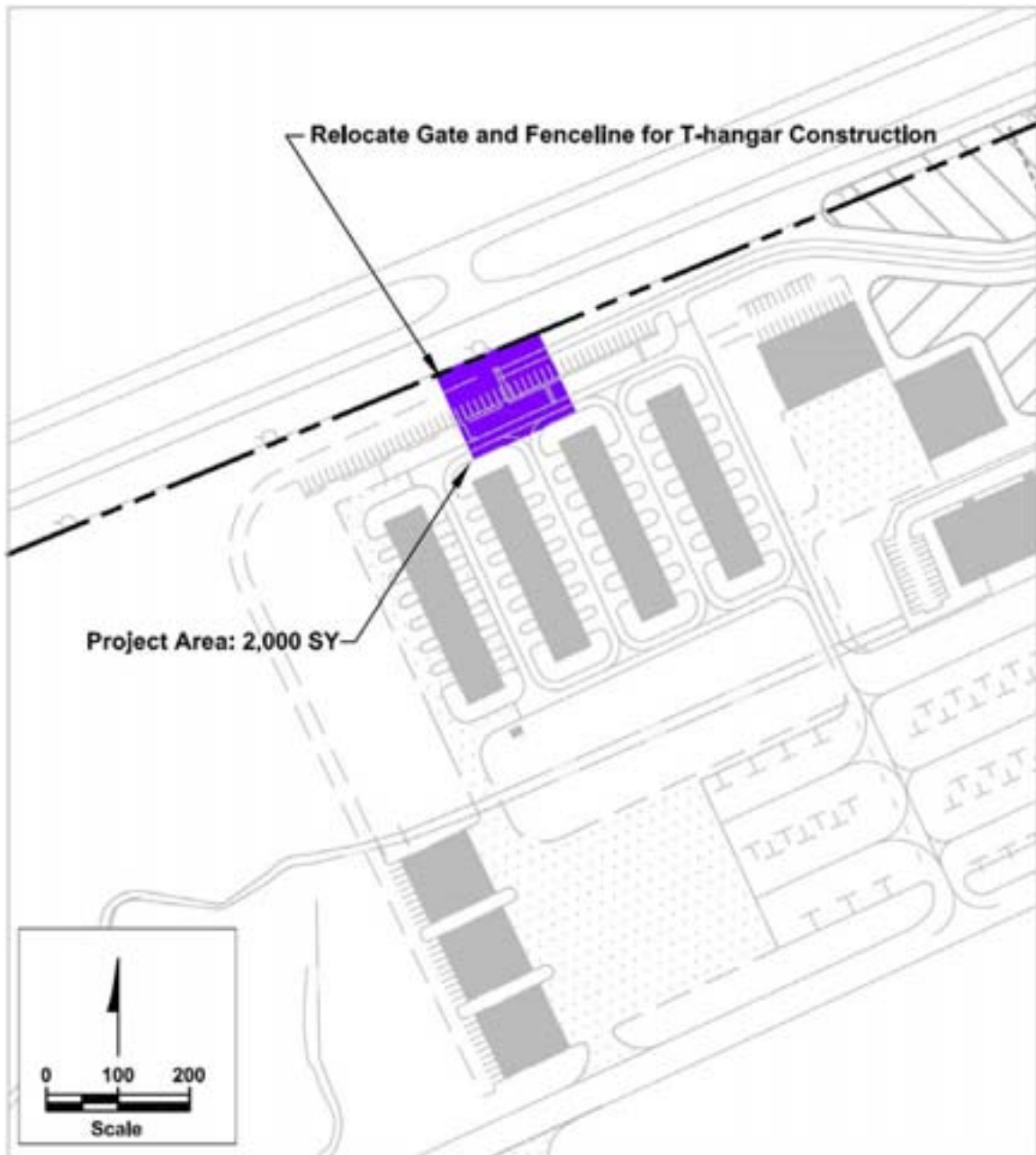
This project is necessary to allow for the construction of t-hangars and to ensure proper enclosure of the secured area of the airfield from unauthorized persons.

Airport Notes:

FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2009	Federal Funding - Discretionary	\$83,368
2009	FDOT Funding	\$2,194
2009	JAA Funding	\$2,194
<u>Year Total</u>		<u>\$87,756</u>
Project Total – Federal		\$83,368
Project Total – State		\$2,194
Project Total – Local		\$2,194
Overall Project Total		\$87,756



PRELIMINARY ESTIMATE OF PROJECT COSTS
Herlong Airport - Capital Improvement Program

S-11 T-Hangar Fenceline Extension and Gate Relocation
 CIP Year: 2009

Approximate Pavement/Bldg Area: 800 LF

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>
C-1	Mobilization	1	LS	4,710.00	4,710.00	
C-3	Clearing and Grubbing	0.5	AC	3,000.00	1,500.00	
C-4	Maintenance of Traffic	1	LS	1,000.00	1,000.00	
C-5	Chain Link Fence (8')	800	LF	12.00	9,600.00	
C-6	Gate Improvements	1	EA	10,000.00	10,000.00	
C-7	Allowance for Utility/Hydrant Modifications	1	LS	15,000.00	15,000.00	
C-8	Landscaping allowance	1	LS	10,000.00	10,000.00	
					Approximate Total Construction Costs	\$51,810.00
S-1	Surveying & Design Testing	6%			\$3,108.60	
S-2	Allowance for Permitting Fees				\$5,000.00	
S-3	Engineering	14%			\$7,253.40	
S-4	Inspection & Testing	10%			\$5,181.00	
S-5	Airport Administration	1.5%			\$777.15	
					Approximate Total Services Cost:	\$21,320.15
Preliminary Estimate of Project Cost						\$73,130.15
Contingency					20%	\$14,626.03
					PRESENT COST:	\$87,756.18

Source: The LPA Group, Inc. 2006

JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A

UPIN:		Candidate:	
Airport Project ID:	H2009-6	FDOT Description 2:	
WPI No.:		FDOT Description 3:	
Sponsor Priority:	2009	National Priority:	
Common Description:	Runway 7 PAPI Relocation (S-28)	Project Type:	NAVAID Relocation

Project Narrative:

This project consists of the relocation of Runway 7 PAPIs to align with the Runway 7 Extension.

Project Justification:

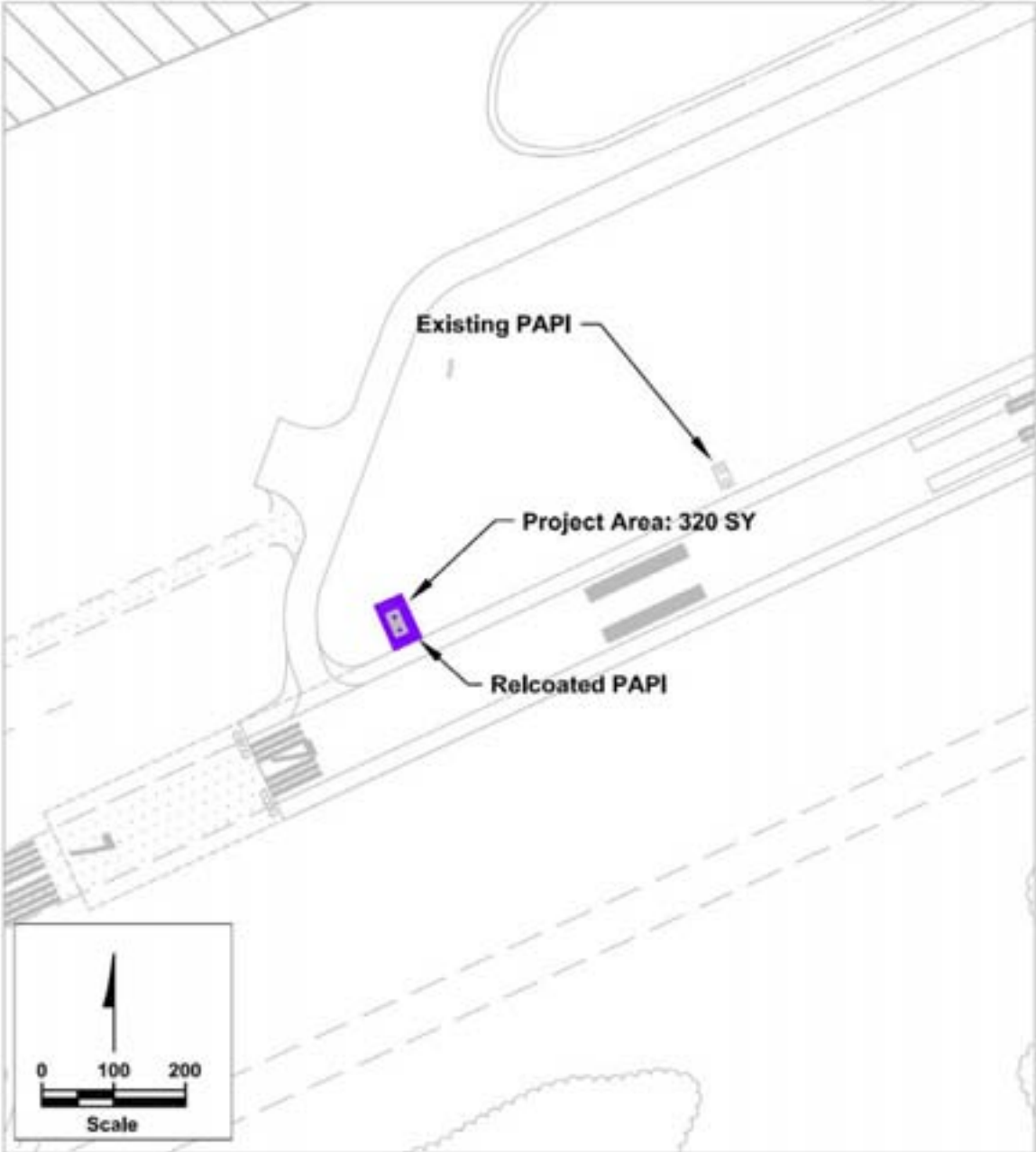
The project is required in order maintain visual glideslope indication on Runway 7.

Airport Notes:

FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2009	FDOT Match	\$0.00
2009	Local Match	\$32,211
<u>Year Total</u>		<u>\$32,211</u>
Project Total – Federal		\$0.00
Project Total – State		\$0.00
Project Total – Local		\$32,211
Overall Project Total		<u>\$32,211</u>



PRELIMINARY ESTIMATE OF PROJECT COSTS**Herlong Airport - Capital Improvement Program**

S-28 Runway 7 PAPI Relocation

Approximate Pavement/Bldg Area:

1 LS

CIP Year: 2009

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>
C-1	Mobilization	1.0	LS	\$1,510.00	\$1,510	
C-2	Erosion and Sediment Control	1.0	LS	\$100.00	\$100	
C-3	Maintenance of Traffic	1.0	LS	\$5,000.00	\$5,000	
C-4	Relocate PAPI	2.0	ea	\$5,000.00	\$10,000	
<i>Approximate Total Construction Cost:</i>						<i>\$16,610</i>
S-1	Surveying & Design Testing	6%			\$996.60	
S-2	Allowance for Permitting Fees				\$5,000.00	
S-3	Engineering	14%			\$2,325.40	
S-4	Inspection & Testing	10%			\$1,661.00	
S-5	Airport Administration	1.5%			\$249.15	
<i>Approximate Total Services Cost:</i>						<i>\$10,232</i>
Preliminary Estimate of Project Cost						\$26,842
Contingency		20.0%				<u>\$5,368</u>
PRESENT COST:						\$32,211

Source: The LPA Group, Inc. 2006

JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A

UPIN:	23J276	Candidate:	
Airport Project ID:	H2009-7	FDOT Description 2:	
WPI No.:		FDOT Description 3:	
Sponsor Priority:	2013	National Priority:	
Common Description:	Install REILs on Runway 7 (S-29)	Project Type:	NAVAID Installation

Project Narrative:

This project involves the installation of Runway End Identifier Lights (REILs) at the approach end of Runway 7. This project is temporary until the MALSR is installed on Runway 7 in the long-term future.

Project Justification:

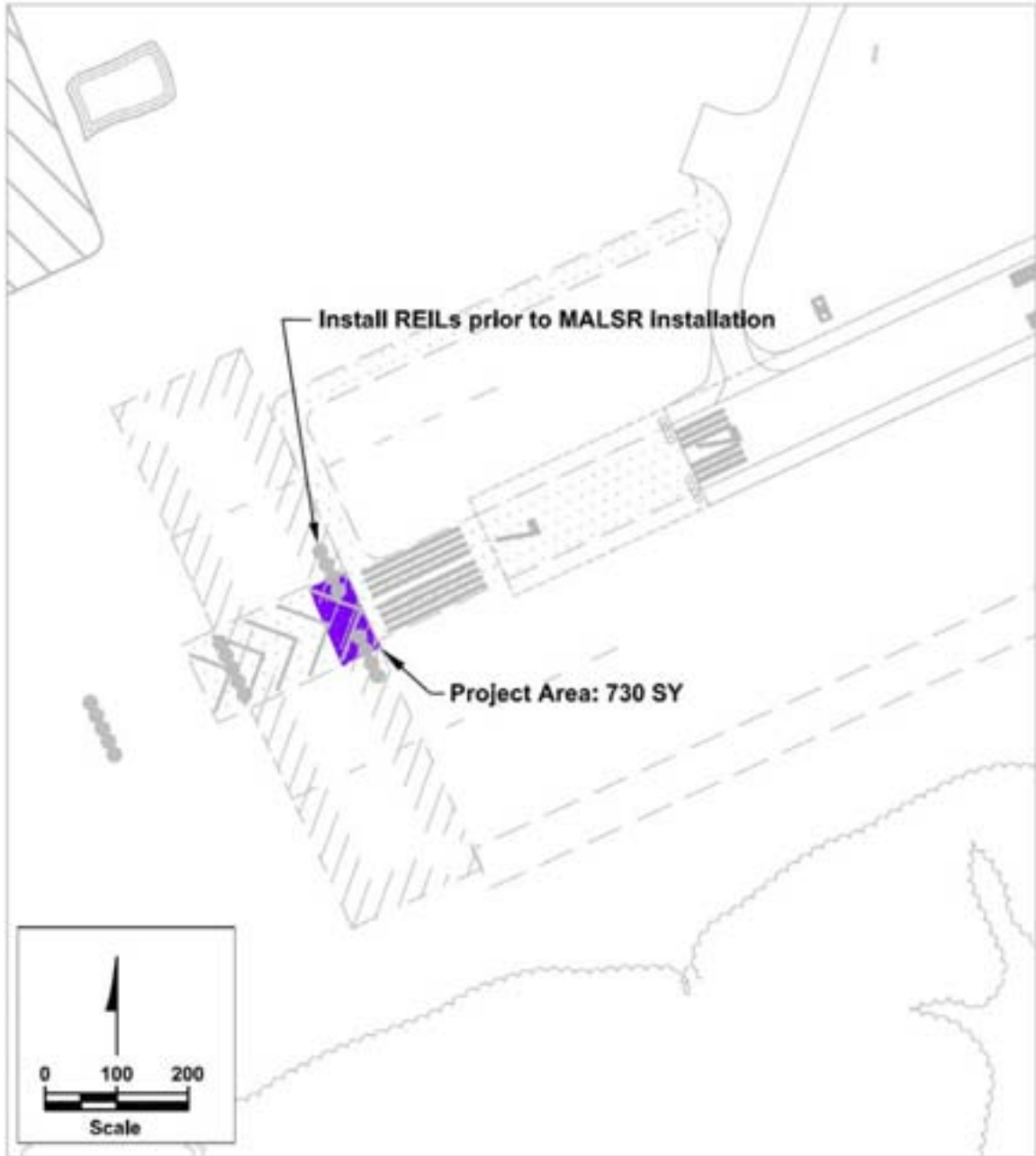
This project is necessary to support runway visual confirmation during reduced visibility.

Airport Notes:

FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2009	FAA Funding - Entitlements	\$0.00
2009	Local Match	\$89,604
<u>Year Total</u>		\$89,604
Project Total – Federal		\$0.00
Project Total – State		\$0.00
Project Total – Local		\$89,604
Overall Project Total		\$89,604



PRELIMINARY ESTIMATE OF PROJECT COSTS
Herlong Airport - Capital Improvement Program

S-29 Design and Install REILs on Runway 7 Approximate Pavement/Bldg Area: 1 LS
 CIP Year: 2009

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>
C-1	Mobilization	1.0	LS	\$5,045.00	\$5,045	
C-2	Erosion and Sediment Control	1.0	LS	\$450.00	\$450	
C-3	Maintenance of Traffic	1.0	LS	\$5,000.00	\$5,000	
C-4	Install REILs	1.0	ea	\$45,000.00	\$45,000	
<i>Approximate Total Construction Cost:</i>						\$55,495
S-1	Surveying & Design Testing	6%			\$2,700.00	
S-2	Allowance for Permitting Fees				\$5,000.00	
S-3	Engineering	14%			\$6,300.00	
S-4	Inspection & Testing	10%			\$4,500.00	
S-5	Airport Administration	1.5%			\$675.00	
<i>Approximate Total Services Cost:</i>						\$19,175
Preliminary Estimate of Project Cost						\$74,670
Contingency		20.0%				\$14,934
PRESENT COST:						\$89,604

Source: The LPA Group, Inc. 2006

JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A

UPIN:		Candidate:	
Airport Project ID:	H2009-4	FDOT Description 2:	
WPI No.:		FDOT Description 3:	
Sponsor Priority:	2009	National Priority:	
Common Description:	Taxiway A Extension, including Lighting and Markings (S-27)	Project Type:	Construction

Project Narrative:

This project involves the extension of Taxiway A to the extended end of Runway 7. The extension includes marking and associated taxiway edge lighting. The project area is approximately 12,000 SY.

Project Justification:

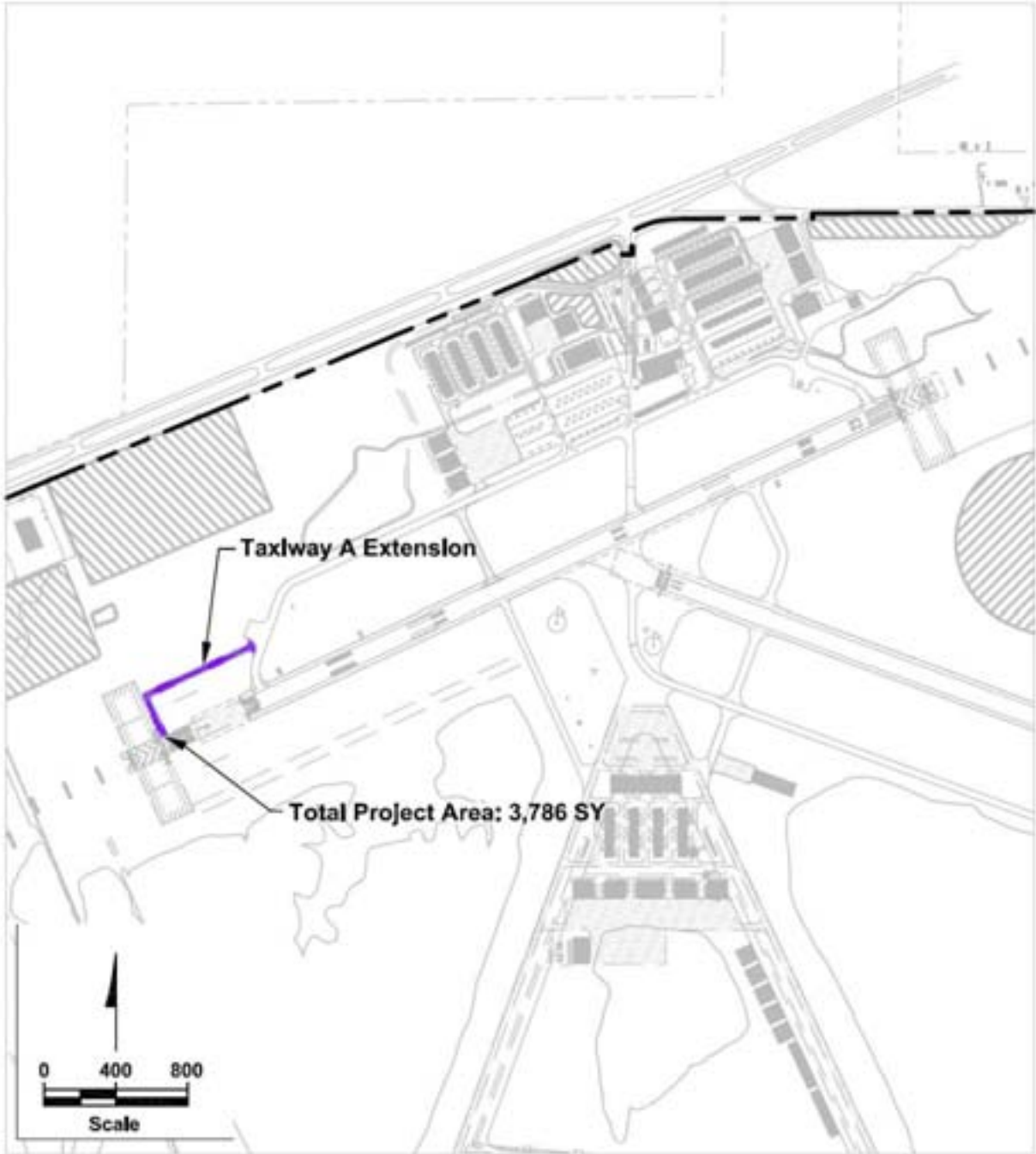
This project is necessary to access the extended portion of Runway 7.

Airport Notes:

FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2009	FAA Funding - Entitlement	\$150,000
2009	FDOT Funding	\$0.00
2009	Local Match	\$385,395
<u>Year Total</u>		\$535,395
Project Total – Federal		\$150,000
Project Total – State		\$0.00
Project Total – Local		\$385,395
Overall Project Total		\$535,395



PRELIMINARY ESTIMATE OF PROJECT COSTS
Herlong Airport - Capital Improvement Program

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>
S-28	Taxiway Extension, including Lighting and Markings			Approximate Pavement/Bldg Area:	3,786	SY
CIP Year:	2009					
C-1	Mobilization	1.0	LS	\$30,498.65	\$30,499	
C-2	Erosion and Sediment Control	1.0	LS	\$2,779.20	\$2,779	
C-3	Maintenance of Traffic	1.0	LS	\$3,000.00	\$3,000	
C-4	Embankment/Excavation	1,249.3	CY	\$8.16	\$10,195	
C-5	Subgrade Stabilization	3,785.9	SY	\$8.00	\$30,287	
C-6	Base Course (6")	3,785.9	SY	\$16.00	\$60,574	
C-7	Bituminous Surface Course (4")	3,785.9	SY	\$35.00	\$132,506	
C-8	Bituminous Prime Coat	3,785.9	SY	\$1.75	\$6,625	
C-9	Pavement Markings	1.0	LS	\$5,000.00	\$5,000	
C-10	Ditch/Shoulder Grading	1.0	LS	\$10,000.00	\$10,000	
C-11	Sodding	1,892.9	SY	\$2.50	\$4,732	
C-12	Allowance for Drainage Improvements	1.0	LS	\$15,000.00	\$15,000	
C-13	Lights	16.0	EA	\$450.00	\$7,200	
C-14	Cable	2,025.0	LF	\$1.00	\$2,025	
C-15	Trench and Conduit	2,025.0	LF	\$2.50	\$5,063	
C-16	Signage	3.0	EA	\$3,000.00	\$9,000	
C-17	Regulator and Vault Work	1.0	LS	\$1,000.00	\$1,000	
					<i>Approximate Total Construction Cost:</i>	\$335,485
S-1	Surveying & Design Testing	6%			\$20,129.11	
S-2	Allowance for Permitting Fees				\$5,000.00	
S-3	Engineering	14%			\$46,967.91	
S-4	Inspection & Testing	10%			\$33,548.51	
S-5	Airport Administration	1.5%			\$5,032.28	
					<i>Approximate Total Services Cost:</i>	\$110,678
Preliminary Estimate of Project Cost						\$446,163
Contingency		20.0%				\$89,233
PRESENT COST:						\$535,395

Source: The LPA Group, Inc. 2006

JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A
UPIN:	PFL0000091	Candidate:	
Airport Project ID:	H2009-03	FDOT Description 2:	
WPI No.:	4099692-94-01	FDOT Description 3:	
Sponsor Priority:	2009	National Priority:	
Common Description:	Construct 14-Unit T-Hangar & Construct/Relocate Electrical Vault (S-25)	Project Type:	Construction

Project Narrative:

This project consists of the design, permitting, and construction of one (1) 14-unit T-hangar including approximately 328 SY of associated taxilanes and relocation/construction of new electrical vault. Associated grading, paving, signage, and lighting are anticipated to be included in this development.

Project Justification:

The project is required in order to accommodate current and projected general aviation aircraft hangar storage demand. Herlong has a waiting list for T-Hangars.

Airport Notes: Identified in existing JACIP and FDOT Work Program

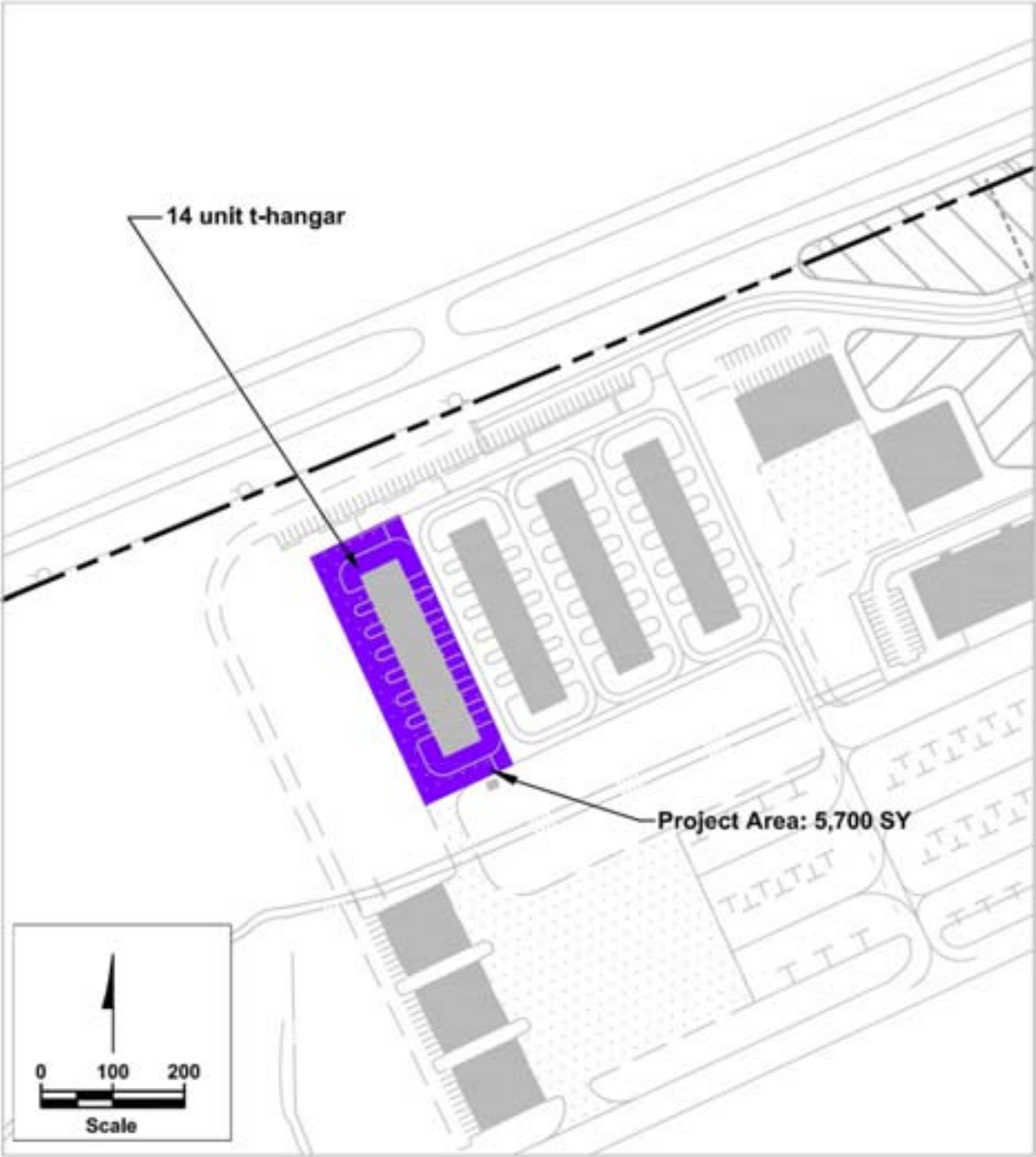
FDOT Notes: Currently \$500,000 in state funding is programmed for FY 2009.

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2009	FAA	\$0.00
2009	FDOT	\$500,000
2009	Local Match	\$1,032,302
<u>Year Total</u>		\$1,532,302
Project Total - Federal		\$0.00
Project Total – State		\$500,000
Project Total – Local		\$1,032,302
Overall Project Total		\$1,532,302

Project Summary:

This project includes the construction of a 14-unit t-hangar facility and associated taxilanes. This project is necessary to accommodate future aircraft storage demand.



PRELIMINARY ESTIMATE OF PROJECT COSTS

Herlong Airport - Capital Improvement Program

S-25	Construct 14-unit T-hangar - NW Airfield	Approximate Pavement/Bldg Area:	14	Units
CIP Year: 2009				

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>
C-1	Mobilization	1.0	LS	\$68,905.50	\$68,906	
C-2	Erosion and Sediment Control	1.0	LS	\$555.00	\$555	
C-3	Construct 14-Unit T-Hangar	14.0	ea	\$45,000.00	\$630,000	
C-4	Maintenance of Traffic	1.0	LS	\$1,000.00	\$1,000	
C-5	Embankment/Excavation	500.0	CY	\$7.00	\$3,500	
C-6	Allowance for Drainage Improvements	1.0	LS	\$5,000.00	\$5,000	
C-7	Allowance for Utility/Hydrant Modifications	1.0	LS	\$25,000.00	\$25,000	
C-8	Allowance for Area Lighting	1.0	LS	\$5,000.00	\$5,000	
C-9	Vehicular Signage	1.0	LS	\$1,000.00	\$1,000	
C-10	Allowance for Curb/Gutter Improvements	1.0	LS	\$0.00	\$0	
C-11	Landscaping allowance	1.0	LS	\$15,000.00	\$15,000	
C-12	Allowance for Sidewalk Improvements	1.0	LS	\$3,000.00	\$3,000	

Approximate Total Construction Cost: \$757,961

S-1	Surveying & Design Testing	6%			\$45,477.63	
S-2	Allowance for Permitting Fees				\$5,000.00	
S-3	Engineering	14%			\$106,114.47	
S-4	Inspection & Testing	10%			\$75,796.05	
S-5	Airport Administration	1.5%			\$11,369.41	

Approximate Total Services Cost: \$243,758

Preliminary Estimate of Project Cost \$1,001,718

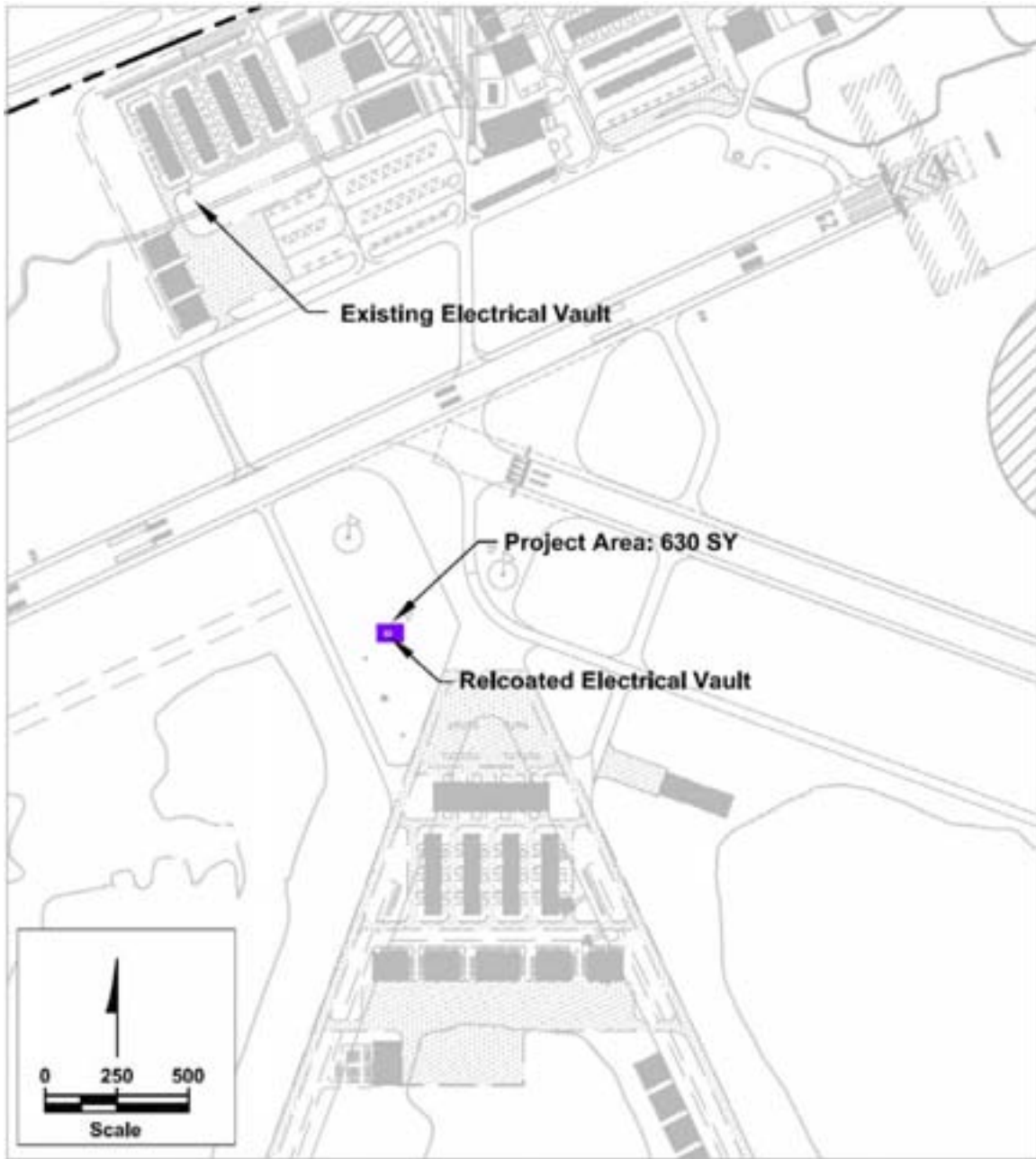
Contingency 20.0% \$200,344

PRESENT COST: \$1,202,062

Source: The LPA Group, Inc. 2006

Project Summary:

Relocation of the electrical vault is required to accommodate hangar and airfield development.



PRELIMINARY ESTIMATE OF PROJECT COSTS
Herlong Airport - Capital Improvement Program

S-25 Relocate Electrical Vault Approximate Pavement/Bldg Area: 1 LS
 CIP Year: 2009

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>
C-1	Mobilization	1.0	LS	\$11,150.00	\$11,150	
C-2	Existing Demolition	2.0	LS	\$16,100.00	\$32,200	
C-2	Erosion and Sediment Control	1.0	LS	\$500.00	\$500	
C-3	Maintenance of Traffic	1.0	LS	\$25,000.00	\$25,000	
C-4	Pre-Cast Vault Building	600.0	SF	\$60.00	\$36,000	
C-10	Regulator and Vault Work	1.0	LS	\$50,000.00	\$50,000	
C-10	Transformers and Power Pedestal(s)	1.0	LS	\$50,000.00	\$50,000	
C-12	Sodding	250.0	SY	\$2.50	\$625	
<i>Approximate Total Construction Cost:</i>						\$205,475
S-1	Surveying & Design Testing	6%			\$12,328.50	
S-2	Allowance for Permitting Fees				\$5,000.00	
S-3	Engineering	14%			\$28,766.50	
S-4	Inspection & Testing	10%			\$20,547.50	
S-5	Airport Administration	1.5%			\$3,082.13	
<i>Approximate Total Services Cost:</i>						\$69,725
Preliminary Estimate of Project Cost						\$275,200
Contingency		20.0%				\$55,040
PRESENT COST:						\$330,240

Source: The LPA Group, Inc. 2006

JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A

UPIN:		Candidate:	
Airport Project ID:	H2009-1	FDOT Description 2:	
WPI No.:		FDOT Description 3:	
Sponsor Priority:	2009	National Priority:	
Common Description:	Construct 3,700 SY Apron & Taxilane adjacent to maintenance hangar (S-22)	Project Type:	Construction

Project Narrative:

This project includes the construction of a 3,700 SY corporate apron on the west side of the North GA development area, adjacent to the open bay/maintenance hangar and the 100' x 150' corporate hangar. Associated grading, drainage, lighting, and markings are included.

Project Justification:

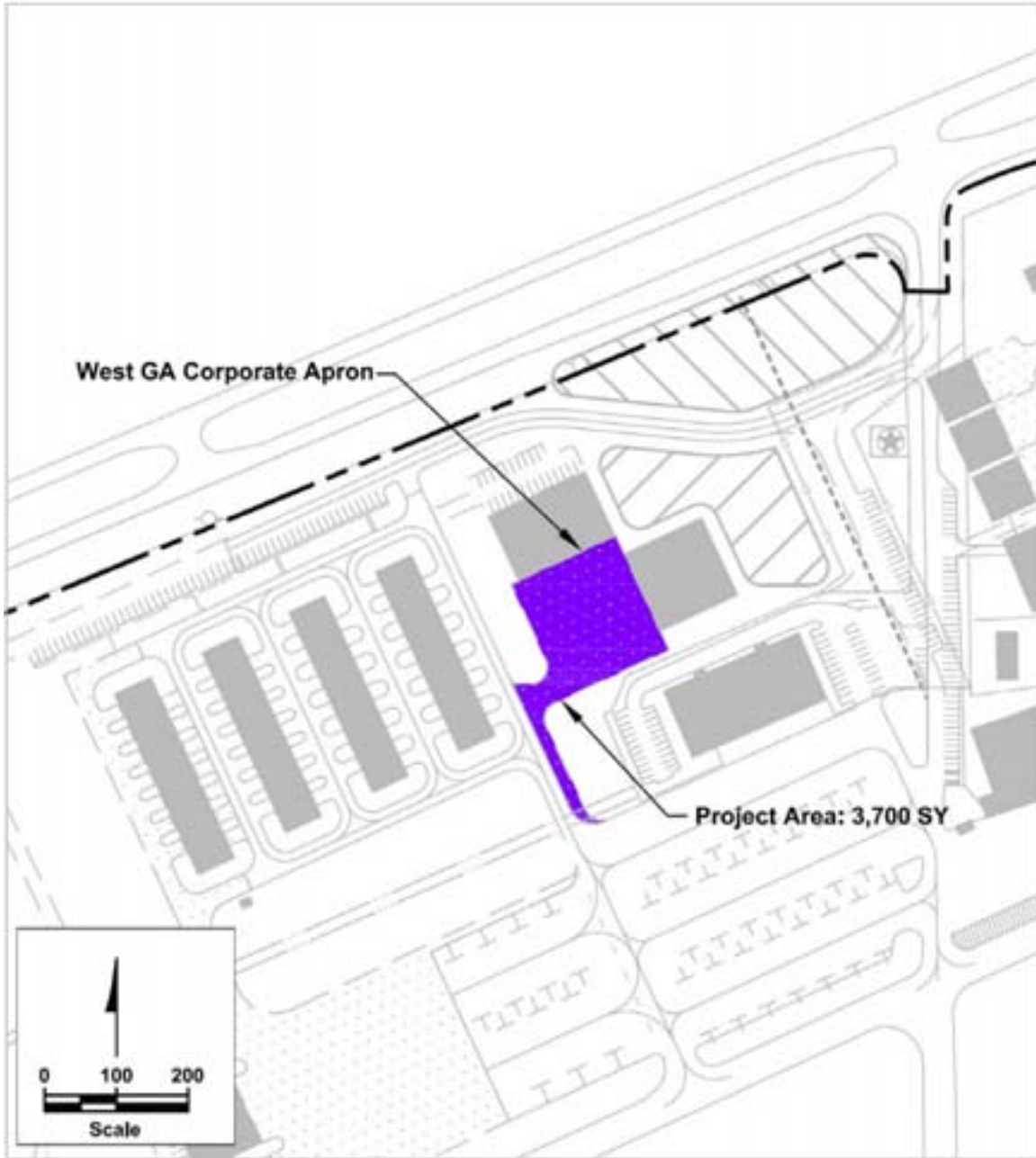
This project is necessary to accommodate an expected increase in the level of jet activity at the airport.

Airport Notes:

FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2009	FDOT Match	\$0.00
2009	Local Match	\$467,718
<u>Year Total</u>		\$467,718
Project Total – Federal		\$0.00
Project Total – State		\$0.00
Project Total – Local		\$467,718
Overall Project Total		\$467,718



PRELIMINARY ESTIMATE OF PROJECT COSTS
Herlong Airport - Capital Improvement Program

S-22 West GA Apron and taxi lane Approximate Pavement/Bldg Area: 3,700 SY
 CIP Year: 2009

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>
C-1	Mobilization	1.0	LS	\$26,599.70	\$26,600	
C-2	Erosion and Sediment Control	1.0	LS	\$2,633.63	\$2,634	
C-3	Maintenance of Traffic	1.0	LS	\$3,000.00	\$3,000	
C-4	Embankment/Excavation	1,221.0	CY	\$8.16	\$9,963	
C-5	Subgrade Stabilization	3,700.0	SY	\$8.00	\$29,600	
C-6	Base Course (6")	3,700.0	SY	\$16.00	\$59,200	
C-7	Bituminous Surface Course (4")	3,700.0	SY	\$35.00	\$129,500	
C-8	Bituminous Prime Coat	3,700.0	SY	\$1.75	\$6,475	
C-9	Pavement Markings	1.0	LS	\$1,000.00	\$1,000	
C-10	Ditch/Shoulder Grading	1.0	LS	\$5,000.00	\$5,000	
C-11	Sodding	1,850.0	SY	\$2.50	\$4,625	
C-12	Allowance for Drainage Improvements	1.0	LS	\$15,000.00	\$15,000	
					<i>Approximate Total Construction Cost:</i>	\$292,597
S-1	Surveying & Design Testing	6%			\$17,555.80	
S-2	Allowance for Permitting Fees				\$5,000.00	
S-3	Engineering	14%			\$40,963.54	
S-4	Inspection & Testing	10%			\$29,259.67	
S-5	Airport Administration	1.5%			\$4,388.95	
					<i>Approximate Total Services Cost:</i>	\$97,168
Preliminary Estimate of Project Cost						\$389,765
Contingency		20.0%				\$77,953
PRESENT COST:						\$467,718

Source: The LPA Group, Inc. 2006

JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A

UPIN:		Candidate:	
Airport Project ID:	H2010-6	FDOT Description 2:	
WPI No.:		FDOT Description 3:	
Sponsor Priority:	2010	National Priority:	
Common Description:	Construct 1,069 SY Automobile Parking (S-35)	Project Type:	Automobile Parking

Project Narrative:

This project consists of the design and construction of approximately 1,070 SY of automobile parking adjacent to the 100 ft x 150 ft corporate hangar on the west side of the North GA development area.

Project Justification:

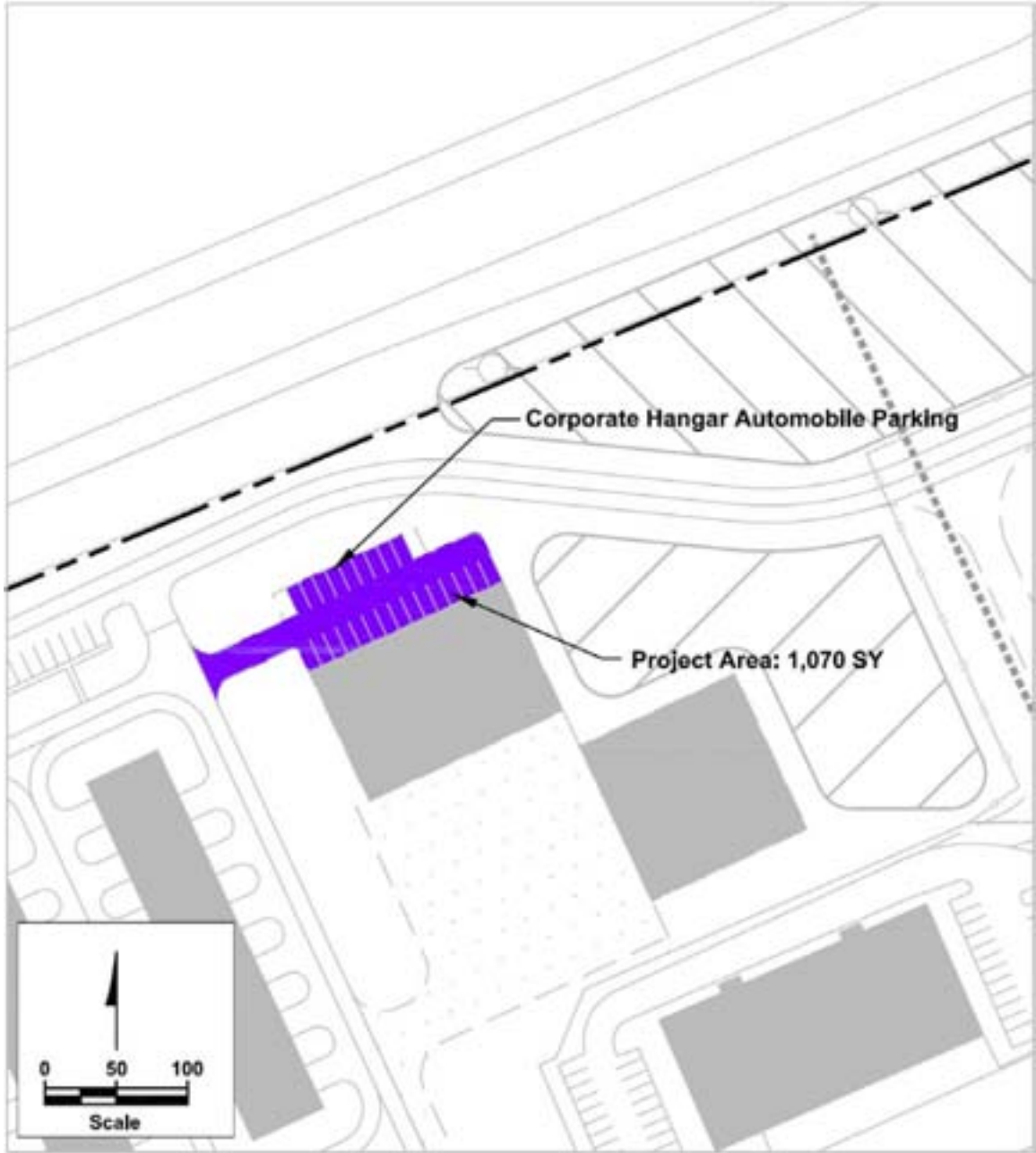
The project is required in order to accommodate vehicular parking demand adjacent to the proposed hangar facilities in the North GA development area.

Airport Notes:

FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2010	Federal Funding	\$0.00
2010	FDOT Funding	\$67,352
2010	Local Match	\$67,352
<u>Year Total</u>		\$134,704
Project Total – Federal		\$0.00
Project Total – State		\$67,352
Project Total – Local		\$67,352
Overall Project Total		\$134,704



PRELIMINARY ESTIMATE OF PROJECT COSTS

Herlong Airport - Capital Improvement Program

S-35 Construct 1,070 SY Automobile Parking Area Approximate Pavement/Bldg Area: 1,070 SY
 CIP Year: 2010

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>
C-1	Mobilization	1.0	LS	\$4,929.52	\$4,930	
C-2	Erosion and Sediment Control	1.0	LS	\$758.73	\$759	
C-3	Maintenance of Traffic	1.0	LS	\$2,000.00	\$2,000	
C-4	Embankment/Excavation	100.0	CY	\$8.16	\$816	
C-5	Subgrade Stabilization	1,070	SY	\$8.00	\$8,556	
C-6	Base Course (6")	1,070	SY	\$16.00	\$17,112	
C-7	Bituminous Surface Course (2")	1,070	SY	\$17.00	\$18,181	
C-8	Bituminous Prime Coat	1,070	SY	\$1.75	\$1,872	
C-9	Pavement Markings	1.0	LS	\$1,000.00	\$1,000	
C-10	Ditch/Shoulder Grading	1.0	LS	\$5,000.00	\$5,000	
C-11	Sodding	534.7	SY	\$2.50	\$1,337	
C-12	Allowance for Drainage Improvements	1.0	LS	\$20,000.00	\$20,000	
					<i>Approximate Total Construction Cost:</i>	\$81,562
S-1	Surveying & Design Testing	6%			\$4,893.70	
S-2	Allowance for Permitting Fees				\$5,000.00	
S-3	Engineering	14%			\$11,418.62	
S-4	Inspection & Testing	10%			\$8,156.16	
S-5	Airport Administration	1.5%			\$1,223.42	
					<i>Approximate Total Services Cost:</i>	\$30,692
Preliminary Estimate of Project Cost						\$112,253
Contingency		20.0%				\$22,451
					PRESENT COST:	\$134,704

Source: The LPA Group, Inc. 2006

JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A

UPIN:	PFL0002304	Candidate:	
Airport Project ID:	H2010-1	FDOT Description 2:	
WPI No.:	2170133-94-01	FDOT Description 3:	
Sponsor Priority:	2010	National Priority:	
Common Description:	Runway 11/29 Rehabilitation (S-32)	Project Type:	Pavement Overlay and Markings

Project Narrative:

This project consists of the surveying and re-pavement of approximately 44,000 SY of Runway 11/29.

Project Justification:

The project is required in order to rehabilitate and patch areas of cracking and spalling on the pavement and ensure the safety of aircraft using the runway.

Airport Notes: FAA may participate in rehabilitation of Runway 11/29 even though Runway 7/25 provides greater than 96% wind coverage.

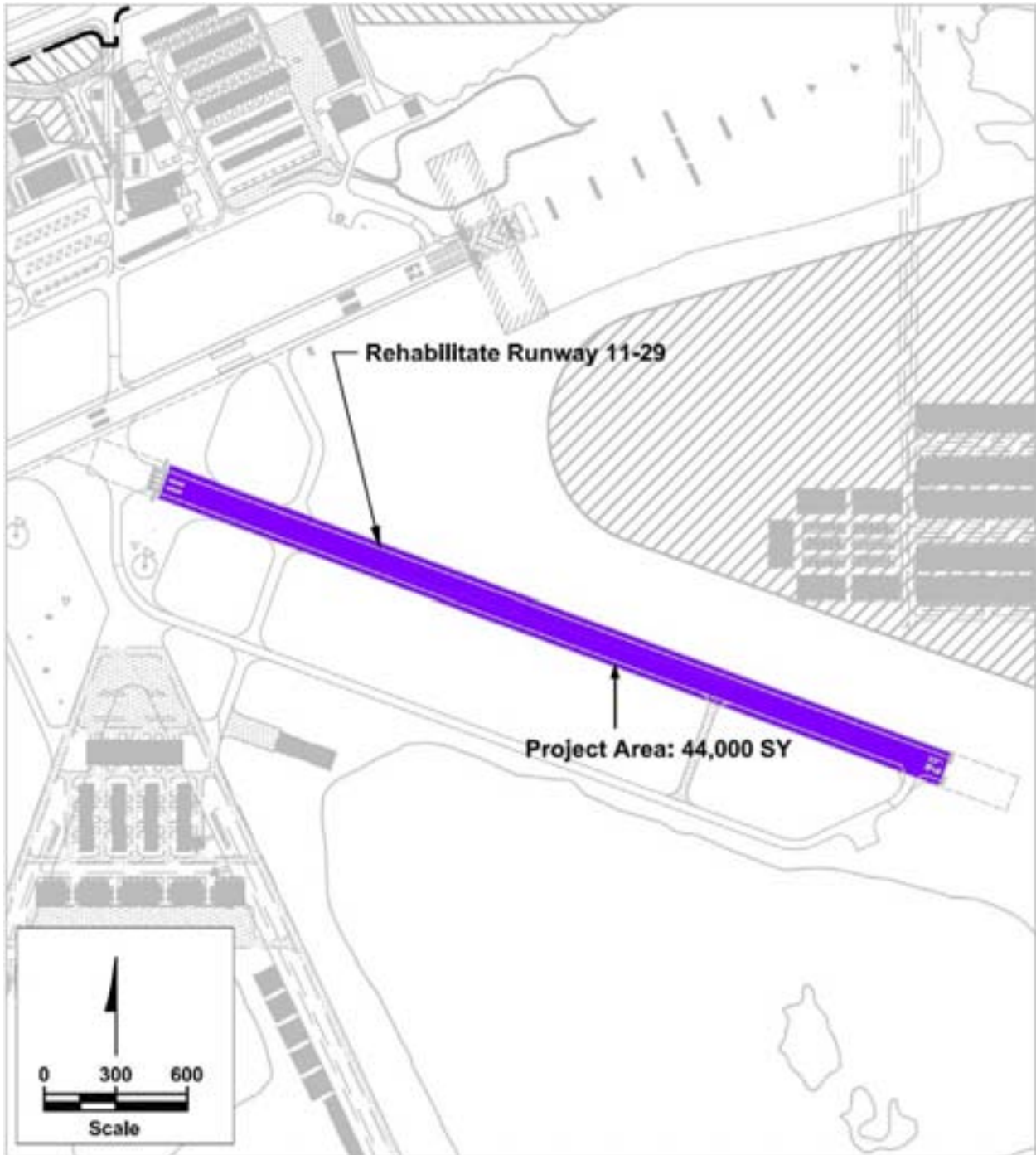
FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2010	FAA Entitlement*	\$150,00
2010	FDOT Match	\$500,000
2010	Local Match	\$1,565,388
<u>Year Total</u>		<u>\$2,215,388</u>
Project Total – Federal		\$150,00
Project Total – State		\$500,000
Project Total – Local		\$1,565,388
Overall Project Total		\$2,215,388

Project Summary

Runway 11/29 was overlaid and remarked in 1980-81 and resealed in 1997. A pavement overlay is typically required every 10 years to maintain safe movement of aircraft and accommodate a changing fleet mix at HEG. The approximate total project area will encompass 44,000 square yards.



PRELIMINARY ESTIMATE OF PROJECT COSTS
Herlong Airport - Capital Improvement Program

S-32	Runway 11-29 Pavement Overlay and Markings	Approximate Pavement/Bldg Area:	44,000	SY
CIP Year: 2010				

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>
C-1	Mobilization	1.0	LS	\$127,283.55	\$127,284	
C-2	Erosion and Sediment Control	1.0	LS	\$12,602.33	\$12,602	
C-3	Maintenance of Traffic	1.0	LS	\$3,000.00	\$3,000	
C-4	Embankment/Excavation	14,520.0	CY	\$8.16	\$118,483	
C-5	Miscellaneous Repairs/Patching	1,800.0	SY	\$50.00	\$90,000	
C-6	Pavement Milling (1/2")	44,000.0	SY	\$1.00	\$44,000	
C-7	Bituminous Surface Course (2")	44,000.0	SY	\$17.00	\$748,000	
C-8	Bituminous Prime Coat	44,000.0	SY	\$1.75	\$77,000	
C-9	Pavement Markings	75,000.0	SF	\$1.53	\$114,750	
C-10	Ditch/Shoulder Grading	1.0	LS	\$10,000.00	\$10,000	
C-11	Sodding	22,000.0	SY	\$2.50	\$55,000	

Approximate Total Construction Cost: \$1,400,119

S-1	Surveying & Design Testing	6%			\$84,007.15	
S-2	Allowance for Permitting Fees				\$5,000.00	
S-3	Engineering	14%			\$196,016.67	
S-4	Inspection & Testing	10%			\$140,011.91	
S-5	Airport Administration	1.5%			\$21,001.79	

Approximate Total Services Cost: \$446,038

Preliminary Estimate of Project Cost \$1,846,157

Contingency 20.0% \$369,231

PRESENT COST: \$2,215,388

Source: The LPA Group, Inc. 2006

JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A

UPIN:		Candidate:	
Airport Project ID:	H2010-3	FDOT Description 2:	
WPI No.:		FDOT Description 3:	
Sponsor Priority:	2010	National Priority:	
Common Description:	Runway and Taxiway Signage Improvements (S-34)	Project Type:	Airfield Signage

Project Narrative:

This project consists of upgrading the airfield signage system in and around Runway 7-25 and Taxiway A to include LED lighting.

Project Justification:

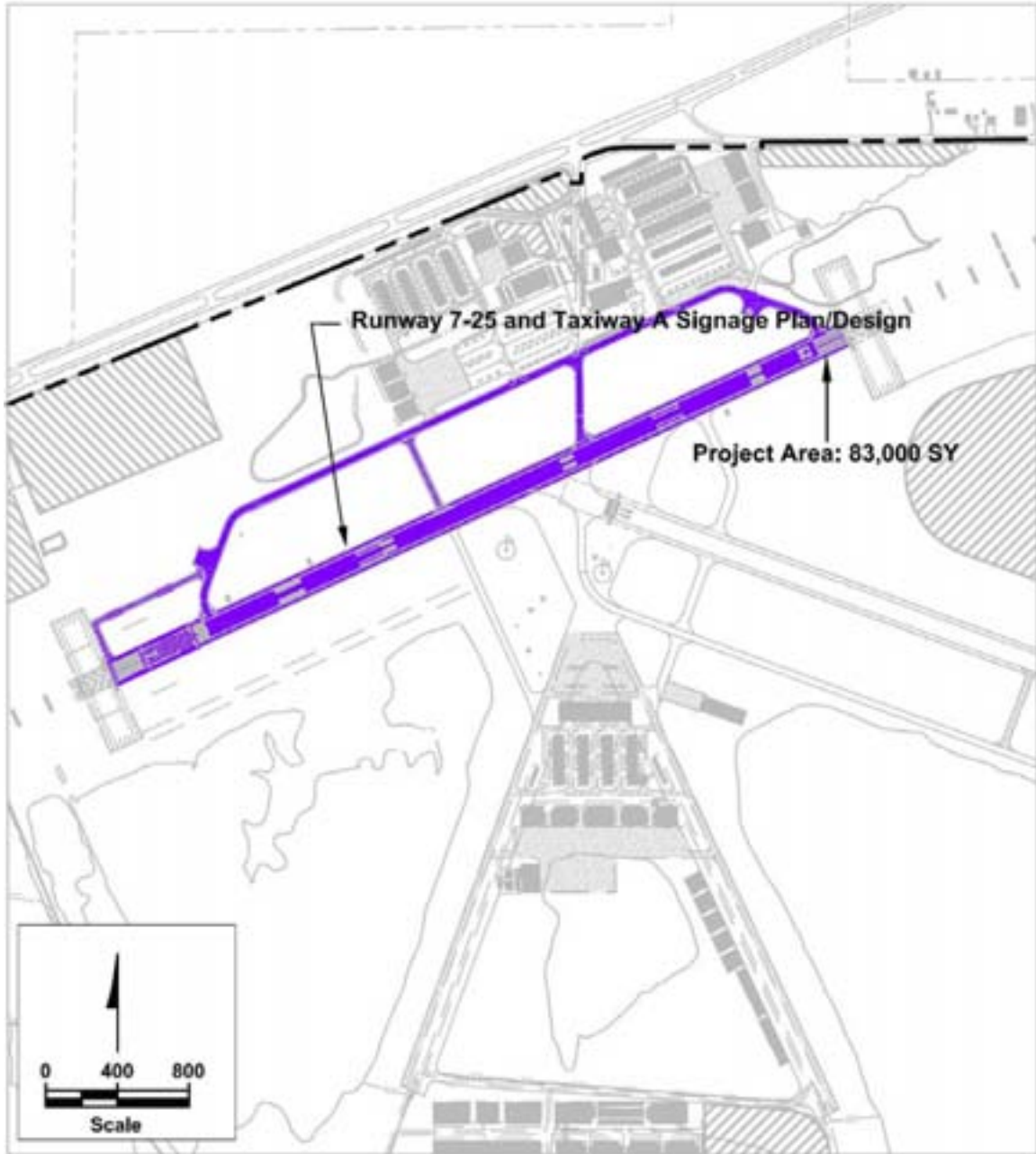
This project is necessary to ensure that pilots have positive identification of airfield signage and that the signage is clearly lighted during inclement weather conditions.

Airport Notes:

FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2010	FDOT Match	\$231,952
2010	Local Match	\$231,952
<u>Year Total</u>		\$463,904
Project Total – Federal		\$0.00
Project Total – State		\$231,952
Project Total – Local		\$231,952
Overall Project Total		\$463,904



PRELIMINARY ESTIMATE OF PROJECT COSTS

Herlong Airport - Capital Improvement Program

S-34	Runway and Taxiway Signage Improvements	Approximate Pavement/Bldg Area:	83,000	SY
CIP Year:	2010			

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>
C-1	Mobilization	1.0	LS	\$26,380.00	\$26,380	
C-2	5kV Cable in conduit or duct	3,000.0	LF	\$0.85	\$2,550	
C-3	600V Cable in conduit or duct	1,000.0	LF	\$0.65	\$650	
C-4	Counterpoise wire including ground rounds and Connections	1,000.0	LF	\$0.85	\$850	
C-5	Improvements Airport Lighting Vault	1.0	LS	\$20,000.00	\$20,000	
C-6	Electric Conduit	3,000.0	LF	\$4.00	\$12,000	
C-7	Directional Bore Conduit	250.0	LF	\$15.00	\$3,750	
C-8	L-858 Sign, Size 1, Style 5, 3-4 Characters, Concrete Base	2.0	Ea	\$24,000.00	\$48,000	
C-9	L-858 Sign, Size 1, Style 5, 5-6 Characters, Concrete Base	4.0	Ea	\$28,000.00	\$112,000	
C-10	L-858 Sign, Size 1, Style 5, 7-8 Characters, Concrete Base	2.0	Ea	\$32,000.00	\$64,000	
<i>Approximate Total Construction Cost:</i>						\$290,180
S-1	Surveying & Design Testing	6%			\$17,410.80	
S-2	Allowance for Permitting Fees				\$5,000.00	
S-3	Engineering	14%			\$40,625.20	
S-4	Inspection & Testing	10%			\$29,018.00	
S-5	Airport Administration	1.5%			\$4,352.70	
<i>Approximate Total Services Cost:</i>						\$96,407
Preliminary Estimate of Project Cost						\$386,587
Contingency		20.0%				\$77,317
PRESENT COST:						\$463,904

Source: The LPA Group, Inc. 2006

JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A

UPIN:	PFL0004048	Candidate:	
Airport Project ID:	H2010-2	FDOT Description 2:	
WPI No.:		FDOT Description 3:	
Sponsor Priority:	2010	National Priority:	
Common Description:	Expand West GA Apron, Phase 2 (S-33)	Project Type:	Apron Expansion

Project Narrative:

This project consists of the design and construction of approximately 11,600 SY of aircraft apron space in the North GA Development Area. This apron will serve the proposed three 100' x 100' corporate hangars to be developed just north of Taxiway A on the west side of the North GA Development Area.

Project Justification:

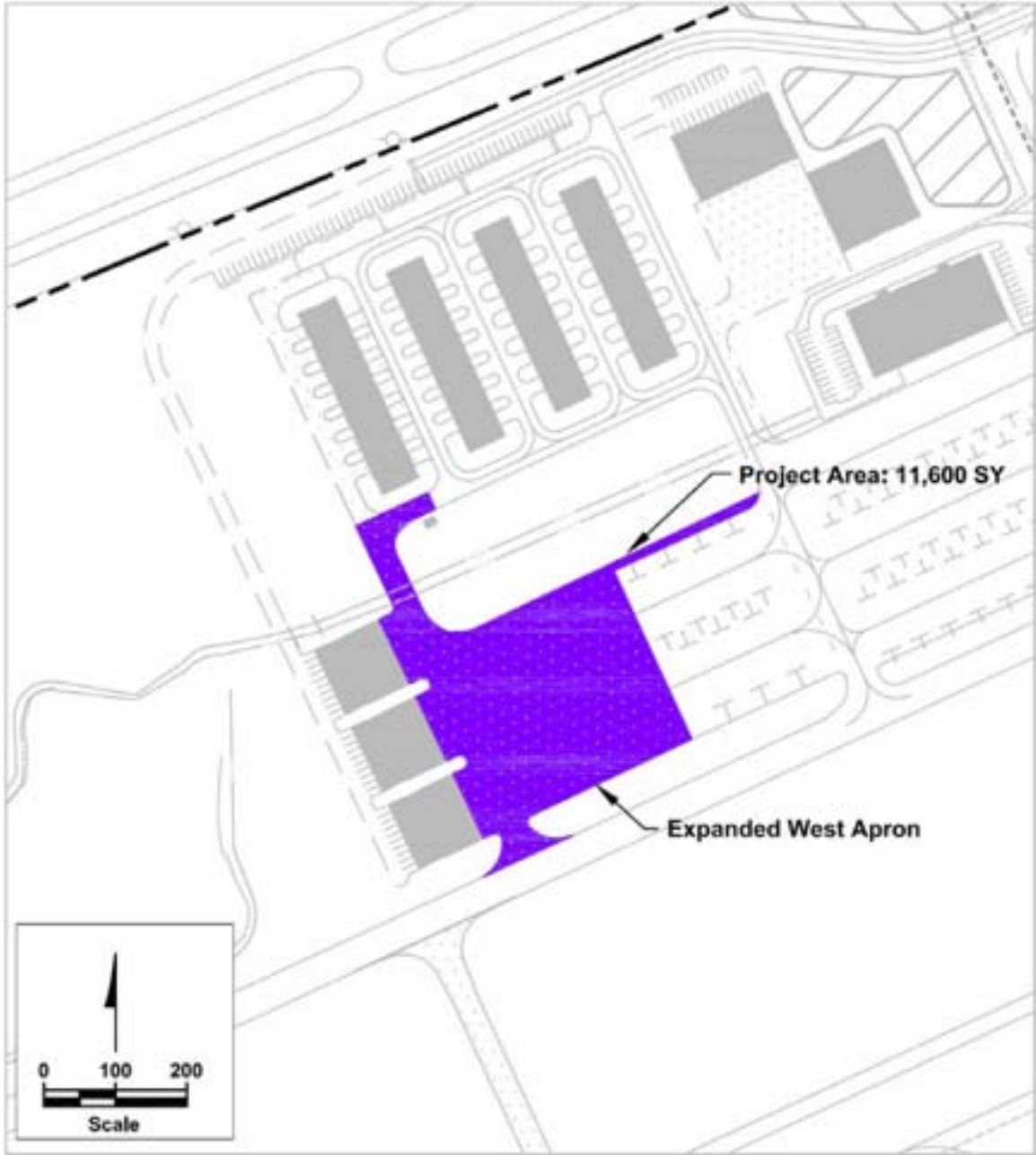
The project is recommended in order to accommodate current and projected general aviation aircraft apron space demand anticipated at HEG. The apron will primarily serve larger corporate jet aircraft.

Airport Notes:

FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2010	FDOT Match	\$678,604
2010	Local Funding	\$678,604
<u>Year Total</u>		\$1,357,208
Project Total – Federal		\$0.00
Project Total – State		\$678,604
Project Total – Local		\$678,604
Overall Project Total		\$1,357,208



PRELIMINARY ESTIMATE OF PROJECT COSTS
Herlong Airport - Capital Improvement Program

S-33 Expand West GA Apron Approximate Pavement/Bldg Area: 11,600 SY
 CIP Year: 2010

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>
C-1	Mobilization	1.0	LS	\$77,843.54	\$77,844	
C-2	Erosion and Sediment Control	1.0	LS	\$7,707.28	\$7,707	
C-3	Maintenance of Traffic	1.0	LS	\$3,000.00	\$3,000	
C-4	Embankment/Excavation	2,760.8	CY	\$8.16	\$22,528	
C-5	Subgrade Stabilization	11,600.0	SY	\$8.00	\$92,800	
C-6	Base Course (6")	11,600.0	SY	\$16.00	\$185,600	
C-7	Bituminous Surface Course (2")	11,600.0	SY	\$35.00	\$406,000	
C-8	Bituminous Prime Coat	11,600.0	SY	\$1.75	\$20,300	
C-9	Pavement Markings	1.0	LS	\$1,000.00	\$1,000	
C-10	Ditch/Shoulder Grading	1.0	LS	\$10,000.00	\$10,000	
C-11	Sodding	5,800.0	SY	\$2.50	\$14,500	
C-12	Allowance for Drainage Improvements	1.0	LS	\$15,000.00	\$15,000	

Approximate Total Construction Cost: \$856,279

S-1	Surveying & Design Testing	6%			\$51,376.74	
S-2	Allowance for Permitting Fees				\$5,000.00	
S-3	Engineering	14%			\$119,879.06	
S-4	Inspection & Testing	10%			\$85,627.90	
S-5	Airport Administration	1.5%			\$12,844.18	

Approximate Total Services Cost: \$274,728

Preliminary Estimate of Project Cost \$1,131,007

Contingency 20.0% \$226,201

PRESENT COST: \$1,357,208

Source: The LPA Group, Inc. 2006

JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A
UPIN:	PFL0000084	Candidate:	
Airport Project ID:	H2011-7	FDOT Description 2:	
WPI No.:		FDOT Description 3:	
Sponsor Priority:	2011	National Priority:	
Common Description:	Drainage Improvements (I-07)	Project Type:	Drainage

Project Narrative:

This project includes the construction of drainage canals and ditches in the midfield.

Project Justification:

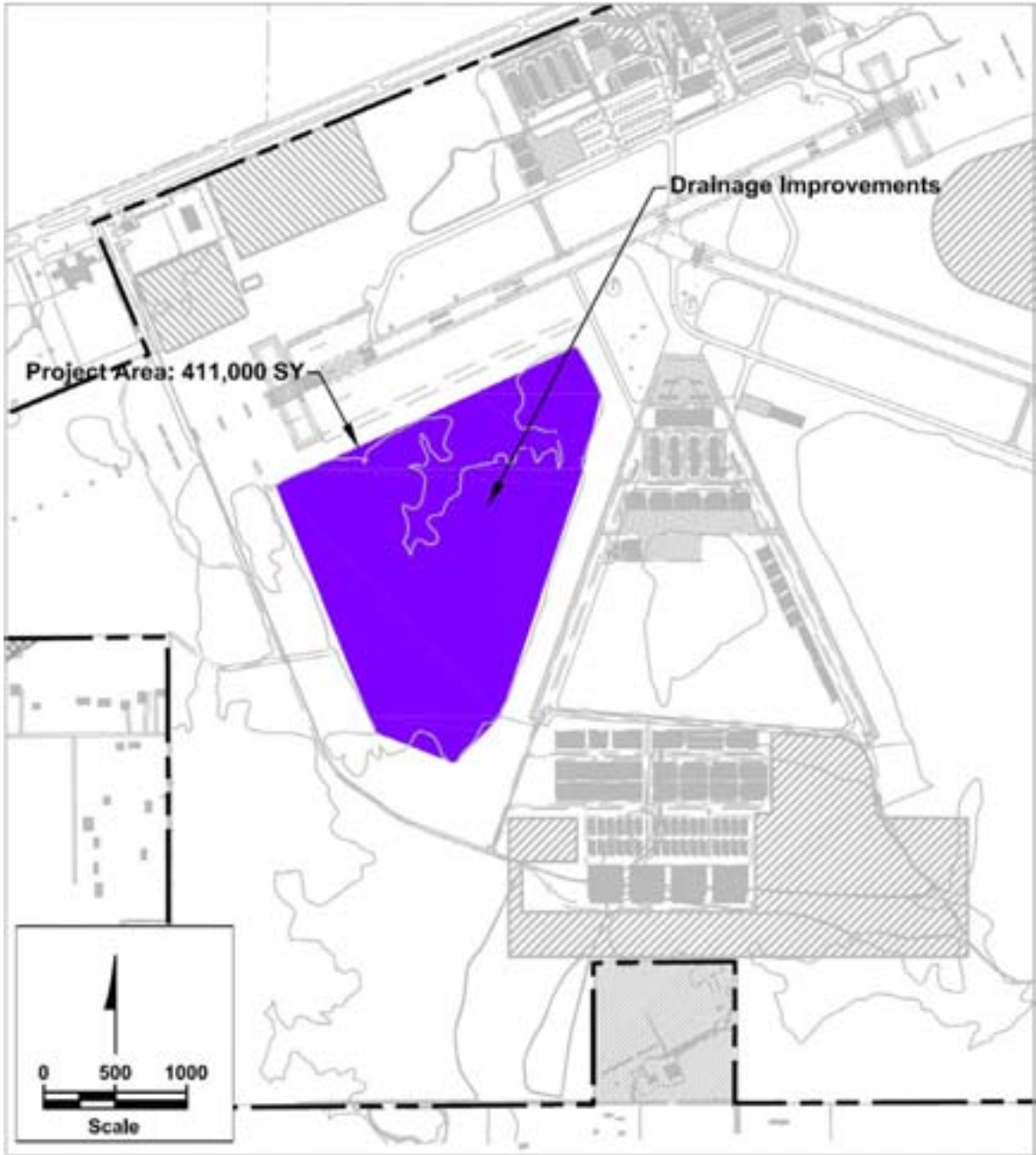
This project is necessary to prevent the improper ponding of stormwater.

Airport Notes:

FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2011	FDOT Funding Match	\$98,985
2011	Local Match	\$98,986
<u>Year Total</u>		<u>\$197,971</u>
Project Total – Federal		\$0.00
Project Total – State		\$98,985
Project Total – Local		\$98,986
Overall Project Total		<u>\$197,971</u>



PRELIMINARY ESTIMATE OF PROJECT COSTS
Herlong Airport - Capital Improvement Program

I-07 Drainage Improvements Approximate Pavement/Bldg Area: 10,500 SY
 CIP Year: 2011

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>
C-1	Mobilization	1	LS	\$11,059.50	\$11,059.50	
C-2	Erosion and Sediment Control	1	LS	\$1,095.00	\$1,095.00	
C-3	Embankment/Excavation	3500	CY	\$7.00	\$24,500.00	
C-4	Allowance for Drainage Improvements	1	LS	\$50,000.00	\$50,000.00	
C-5	Landscaping allowance	1	LS	\$35,000.00	\$35,000.00	

Approximate Total Construction Cost: \$121,654.50

S-1	Surveying & Design Testing	6.0%			\$7,299.27	
S-2	Allowance for Permitting Fees				\$5,000.00	
S-3	Engineering	14.0%			\$17,031.63	
S-4	Inspection & Testing	10.0%			\$12,165.45	
S-5	Airport Administration	1.5%			\$1,824.82	

Preliminary Estimate of Project Cost \$164,975.67

Contingency 20% \$32,995.13

PRESENT COST: \$197,970.80

Source: The LPA Group, Inc. 2006

JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A
UPIN:	PFL0002031	Candidate:	
Airport Project ID:	H2011-8	FDOT Description 2:	
WPI No.:		FDOT Description 3:	
Sponsor Priority:	2011	National Priority:	
Common Description:	Rehabilitate FBO Transient Apron (I-08)	Project Type:	Construction

Project Narrative:

This project includes the pavement overlay of approximately 4,800 SY of existing apron located in front of the Terminal Building used for transient aircraft parking.

Project Justification:

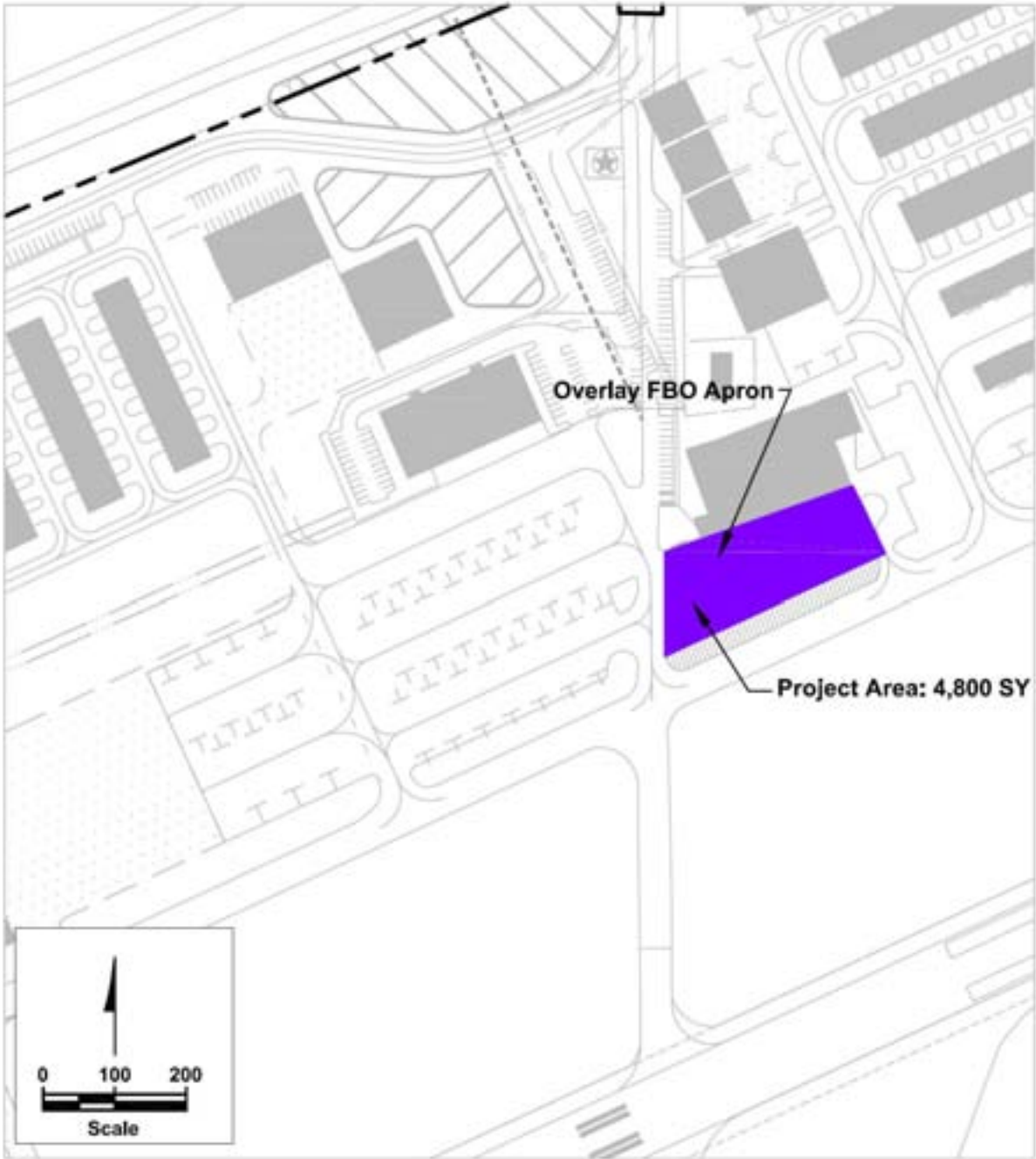
This project is necessary to prevent cracks in and spalling of the pavement and to ensure the safe and expeditious movement of aircraft.

Airport Notes:

FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2011	FAA Funding Match-Entitlement	\$150,000
2011	FDOT Match	\$78,703
2011	Local Match	\$78,702
<u>Year Total</u>		\$307,405
Project Total – Federal		\$150,000
Project Total – State		\$78,703
Project Total – Local		\$78,702
Overall Project Total		\$307,405



PRELIMINARY ESTIMATE OF PROJECT COSTS
Herlong Airport - Capital Improvement Program

I-08 Rehabilitate FBO Transient Apron Approximate Pavement/Bldg Area: 4800 SY
 CIP Year: 2011

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>
C-1	Mobilization	1.0	LS	\$22,661.92	\$22,662	
C-2	Erosion and Sediment Control	1.0	LS	\$2,243.75	\$2,244	
C-3	Maintenance of Traffic	1.0	LS	\$3,000.00	\$3,000	
C-4	Embankment/Excavation	1,584.0	CY	\$8.16	\$12,925	
C-5	Miscellaneous Repairs/Patching	1,800.0	SY	\$50.00	\$90,000	
C-6	Pavement Milling (1/2")	4,800.0	SY	\$1.00	\$4,800	
C-7	Bituminous Surface Course (2")	4,800.0	SY	\$17.00	\$81,600	
C-8	Bituminous Prime Coat	4,800.0	SY	\$1.75	\$8,400	
C-9	Pavement Markings	5,000.0	SF	\$1.53	\$7,650	
C-10	Ditch/Shoulder Grading	1.0	LS	\$10,000.00	\$10,000	
C-11	Sodding	2,400.0	SY	\$2.50	\$6,000	
<i>Approximate Total Construction Cost:</i>						\$249,281
S-1	Surveying & Design Testing	6%			\$360.00	
S-2	Allowance for Permitting Fees				\$5,000.00	
S-3	Engineering	14%			\$840.00	
S-4	Inspection & Testing	10%			\$600.00	
S-5	Airport Administration	1.5%			\$90.00	
<i>Approximate Total Services Cost:</i>						\$6,890
Preliminary Estimate of Project Cost						\$256,171
Contingency		20.0%				\$51,234
PRESENT COST:						\$307,405

Source: The LPA Group, Inc. 2006

JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A
UPIN:		Candidate:	12-0034
Airport Project ID:	H2011-1	FDOT Description 2:	
WPI No.:		FDOT Description 3:	
Sponsor Priority:	2011	National Priority:	
Common Description:	Relocate Airport Entrance Road (I-02)	Project Type:	Construction

Project Narrative:

This project includes the relocation and realignment of the airport and terminal entrance road. Associated grading, drainage and markings are included.

Project Justification:

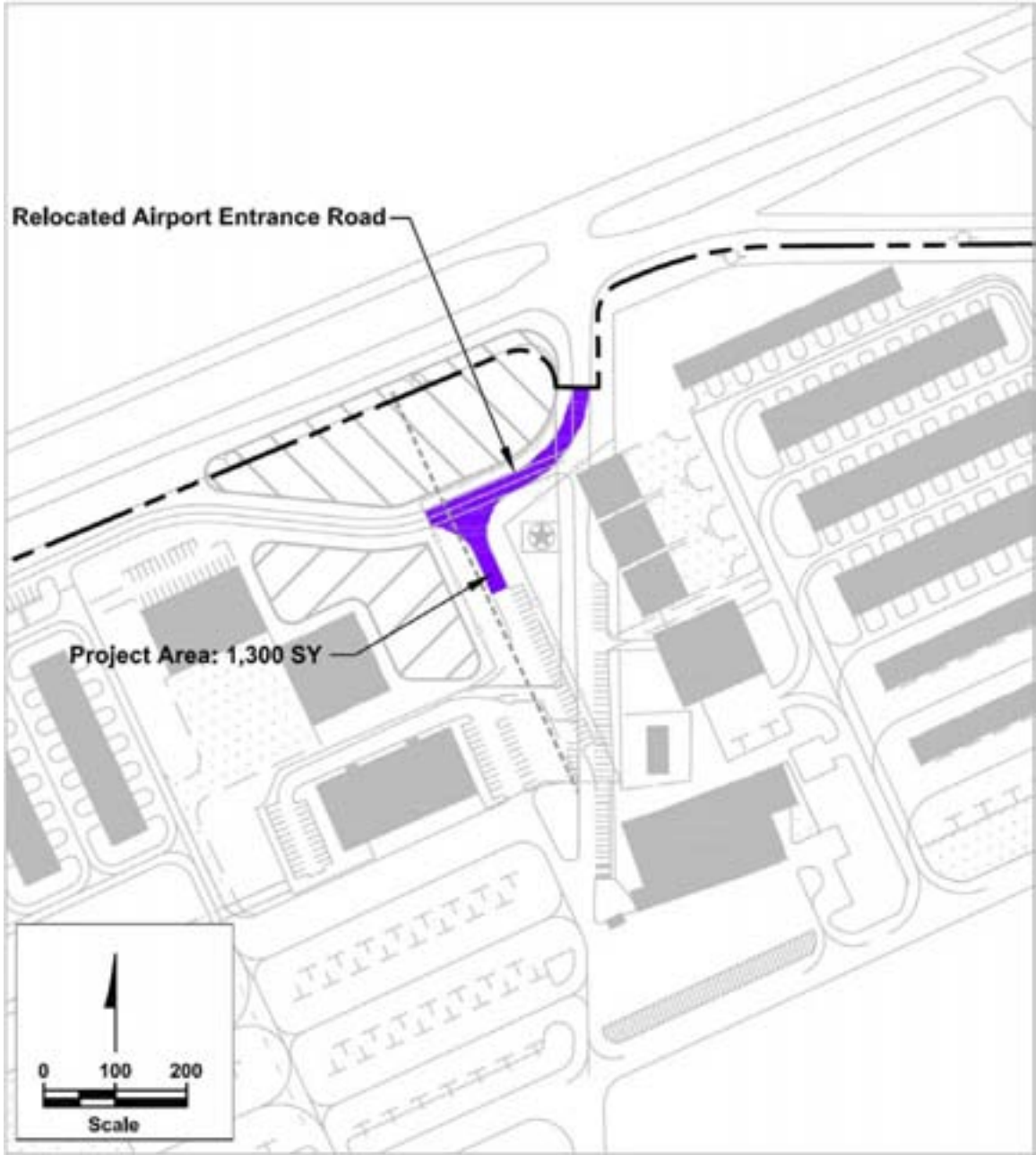
This project is necessary to accommodate additional hangar construction on the east side.

Airport Notes:

FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2011	FDOT Funding	\$183,821
2011	Local Match	\$183,820
<u>Year Total</u>		\$367,641
Project Total – Federal		\$0.00
Project Total – State		\$183,821
Project Total – Local		\$183,820
Overall Project Total		\$367,641



PRELIMINARY ESTIMATE OF PROJECT COSTS
Herlong Airport - Capital Improvement Program

I-02 Reconfigure/Construct Entrance Road Approximate Pavement/Bldg Area: 1,300 SY
 CIP Year: 2011

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>
C-1	Mobilization	1.0	LS	\$20,834.28	\$20,834	
C-2	Erosion and Sediment Control	1.0	LS	\$2,062.80	\$2,063	
C-3	Maintenance of Traffic	1.0	LS	\$2,000.00	\$2,000	
C-4	Embankment/Excavation	100.0	CY	\$8.16	\$816	
C-5	Subgrade Stabilization	1,300.0	SY	\$8.00	\$10,400	
C-6	Base Course (6")	1,300.0	SY	\$16.00	\$20,800	
C-7	Bituminous Surface Course (2")	1,300.0	SY	\$17.00	\$22,100	
C-8	Bituminous Prime Coat	1,300.0	SY	\$1.75	\$2,275	
C-9	Pavement Markings	1.0	LS	\$1,000.00	\$1,000	
C-10	Ditch/Shoulder Grading	1.0	LS	\$45,000.00	\$45,000	
C-11	Allowance for Water	488	LF	\$45.00	\$21,960	
C-12	Allowance for Sewer	488	LF	\$40.00	\$19,520	
C-13	Power/Communications Conduits/Misc	488	LF	\$18.00	\$8,784	
C-14	Sodding	650.0	SY	\$2.50	\$1,625	
C-16	Allowance for Drainage Improvements	1.0	LS	\$50,000.00	\$50,000	
Approximate Total Construction Cost						\$229,177
S-1	Surveying & Design Testing	6%			\$13,750.62	
S-2	Allowance for Permitting Fees				\$5,000.00	
S-3	Engineering	14%			\$32,084.79	
S-4	Inspection & Testing	10%			\$22,917.71	
S-5	Airport Administration	1.5%			\$3,437.66	
Approximate Total Services Cost:						\$77,191
Preliminary Estimate of Project Cost						\$306,368
Contingency		20.0%				\$61,274
PRESENT COST:						\$367,641

Source: The LPA Group, Inc. 2006

JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A

UPIN:		Candidate:	
Airport Project ID:	H2011-3	FDOT Description 2:	
WPI No.:		FDOT Description 3:	
Sponsor Priority:	2011	National Priority:	
Common Description:	Reconfigure Airport Parking	Project Type:	Construction

Project Narrative:

This project includes the realignment/reconfiguration of the public vehicle parking lot. The project area is approximately 1,750 SY and includes grading, drainage, and markings.

Project Justification:

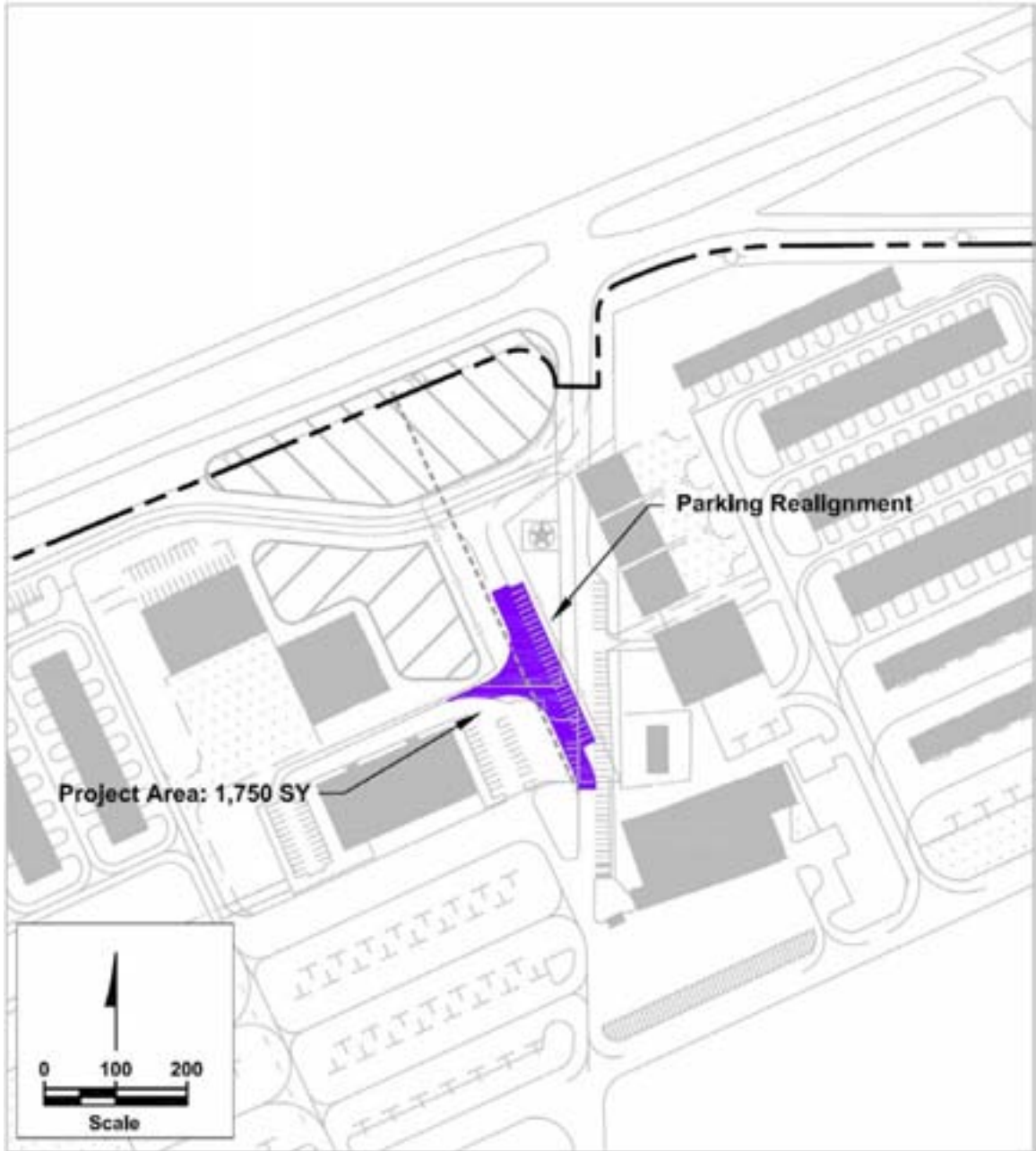
This project is necessary to accommodate additional hangar space on the west side of the North GA development area.

Airport Notes:

FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2011	FDOT Funding	\$86,547
2011	Local Match	\$346,189
<u>Year Total</u>		\$432,736
Project Total – Federal		\$0.00
Project Total – State		\$86,547
Project Total – Local		\$346,189
Overall Project Total		\$432,736



PRELIMINARY ESTIMATE OF PROJECT COSTS

Herlong Airport - Capital Improvement Program

I-03 Relocate Airport Parking
 associated with Entrance Road Realignment
 CIP Year: 2011

Approximate Pavement/Bldg Area:

1,750 SY

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>
C-1	Mobilization	1.0	LS	\$24,584.38	\$24,584	
C-2	Erosion and Sediment Control	1.0	LS	\$2,434.10	\$2,434	
C-3	Maintenance of Traffic	1.0	LS	\$2,000.00	\$2,000	
C-4	Embankment/Excavation	100.0	CY	\$8.16	\$816	
C-5	Subgrade Stabilization	1,750.0	SY	\$8.00	\$14,000	
C-6	Base Course (6")	1,750.0	SY	\$16.00	\$28,000	
C-7	Bituminous Surface Course (2")	1,750.0	SY	\$17.00	\$29,750	
C-8	Bituminous Prime Coat	1,750.0	SY	\$1.75	\$3,063	
C-9	Pavement Markings	1.0	LS	\$1,000.00	\$1,000	
C-10	Ditch/Shoulder Grading	1.0	LS	\$45,000.00	\$45,000	
C-11	Allowance for Water	656.3	LF	\$45.00	\$29,531	
C-12	Allowance for Sewer	656.3	LF	\$40.00	\$26,250	
C-13	Power/Communications Conduits/Misc	656.3	LF	\$18.00	\$11,813	
C-14	Sodding	875.0	SY	\$2.50	\$2,188	
C-15	Allowance for Drainage Improvements	1.0	LS	\$50,000.00	\$50,000	

Approximate Total Construction Cost: \$270,428

S-1	Surveying & Design Testing	6%			\$16,225.69	
S-2	Allowance for Permitting Fees				\$5,000.00	
S-3	Engineering	14%			\$37,859.95	
S-4	Inspection & Testing	10%			\$27,042.82	
S-5	Airport Administration	1.5%			\$4,056.42	

Approximate Total Services Cost: \$90,185

Preliminary Estimate of Project Cost

\$360,613

Contingency 20.0%

\$72,123

PRESENT COST: \$432,736

Source: The LPA Group, Inc. 2006

JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A

UPIN:		Candidate:	
Airport Project ID:	H2011-4	FDOT Description 2:	
WPI No.:		FDOT Description 3:	
Sponsor Priority:	2011	National Priority:	
Common Description:	Relocate Airport Entrance Road Fenceline (I-04)	Project Type:	Relocation

Project Narrative:

This project includes the relocation of the existing entrance road fenceline in coordination with the relocation/realignment of the entrance road into the airport.

Project Justification:

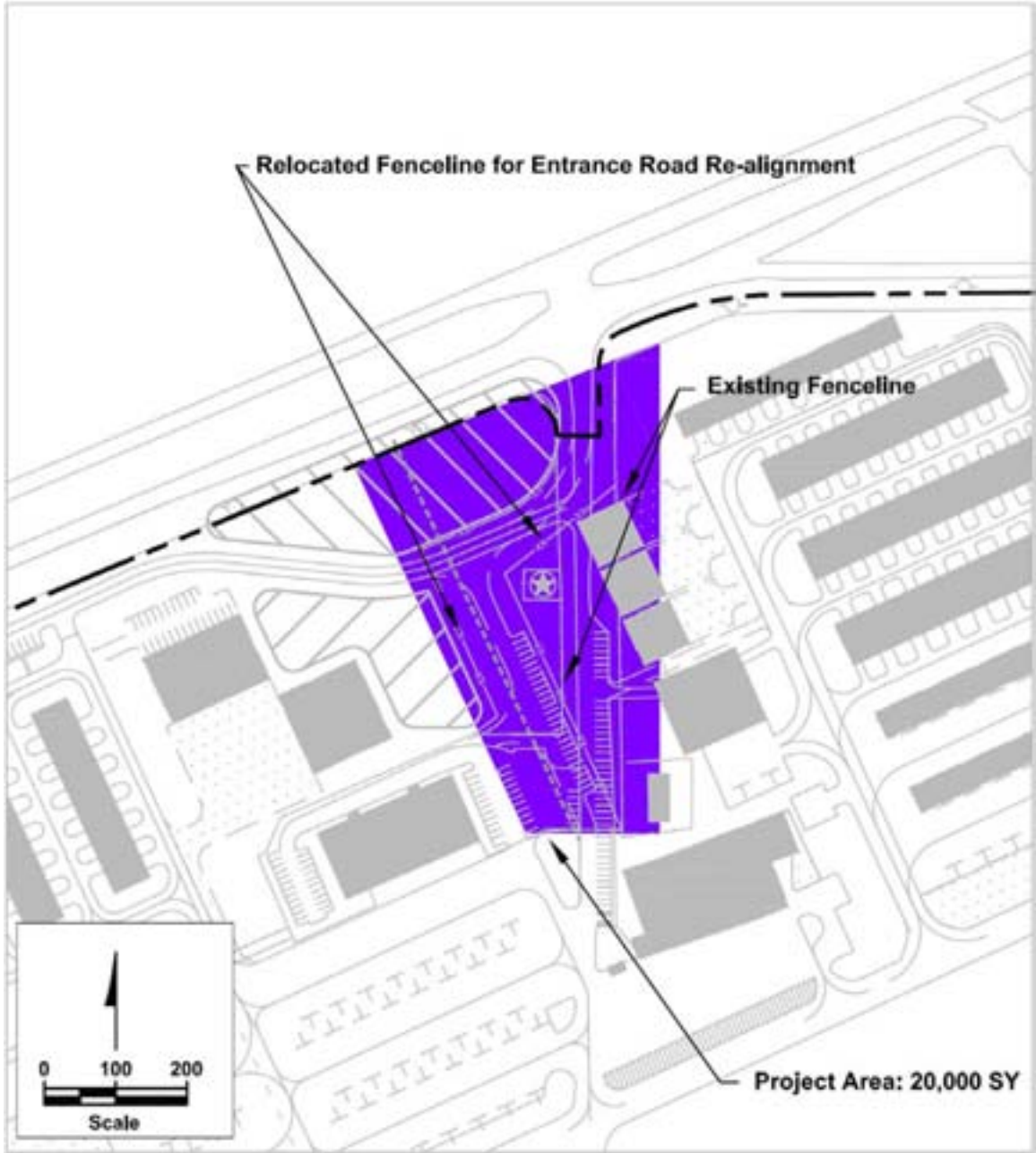
This project is necessary to maintain the safety and security of the airside areas to prevent unauthorized persons from entering. The relocation will also allow for the development of additional hangar and apron space.

Airport Notes:

FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2011	FAA Funding - Discretionary	\$117,105
2011	FDOT Funding	\$6,506
2011	Local Match	\$6,506
<u>Year Total</u>		\$130,117
Project Total – Federal		\$117,105
Project Total – State		\$6,506
Project Total – Local		\$6,506
Overall Project Total		\$130,117



PRELIMINARY ESTIMATE OF PROJECT COSTS
Herlong Airport - Capital Improvement Program

I-04 Relocate Airport Entrance Road Fenceline Approximate Pavement/Bldg Area: 1130 LF
 CIP Year: 2011

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>
C-1	Mobilization	1	LS	7,150.40	7,150.40	
C-2	Fence Removal	986	LF	4.00	3,944.00	
C-3	Clearing and Grubbing	1	AC	3,000.00	3,000.00	
C-4	Maintenance of Traffic	1	LS	1,000.00	1,000.00	
C-5	Chain Link Fence (8')	1130	LF	12.00	13,560.00	
C-6	Gate Improvements	1	EA	10,000.00	10,000.00	
C-7	Allowance for Utility/Hydrant Modifications	1	LS	30,000.00	30,000.00	
C-8	Landscaping allowance	1	LS	10,000.00	10,000.00	
<i>Approximate Total Construction Cost:</i>						\$78,654.40
S-1	Surveying & Design Testing	6%			\$4,719.26	
S-2	Allowance for Permitting Fees				\$5,000.00	
S-3	Engineering	14%			\$11,011.62	
S-4	Inspection & Testing	10%			\$7,865.44	
S-5	Airport Administration	1.5%			\$1,179.82	
<i>Approximate Total Services Cost:</i>						\$29,776.14
Preliminary Estimate of Project Cost						\$108,430.54
Contingency		20.0%				\$21,686.11
PRESENT COST:						\$130,116.64

Source: The LPA Group, Inc. 2006

JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A

UPIN:	PFL0000080	Candidate:	
Airport Project ID:	H2011-4	FDOT Description 2:	
WPI No.:		FDOT Description 3:	
Sponsor Priority:	2011	National Priority:	
Common Description:	Design/Construct 2,000 x 60 ft Turf Runway (I-05)	Project Type:	Turf Runway

Project Narrative:

This project consists of the design, permitting, and construction of a new 2,000 ft x 60 ft turf runway to be located at a 700 centerline separation from the primary runway, Runway 7-25.

Project Justification:

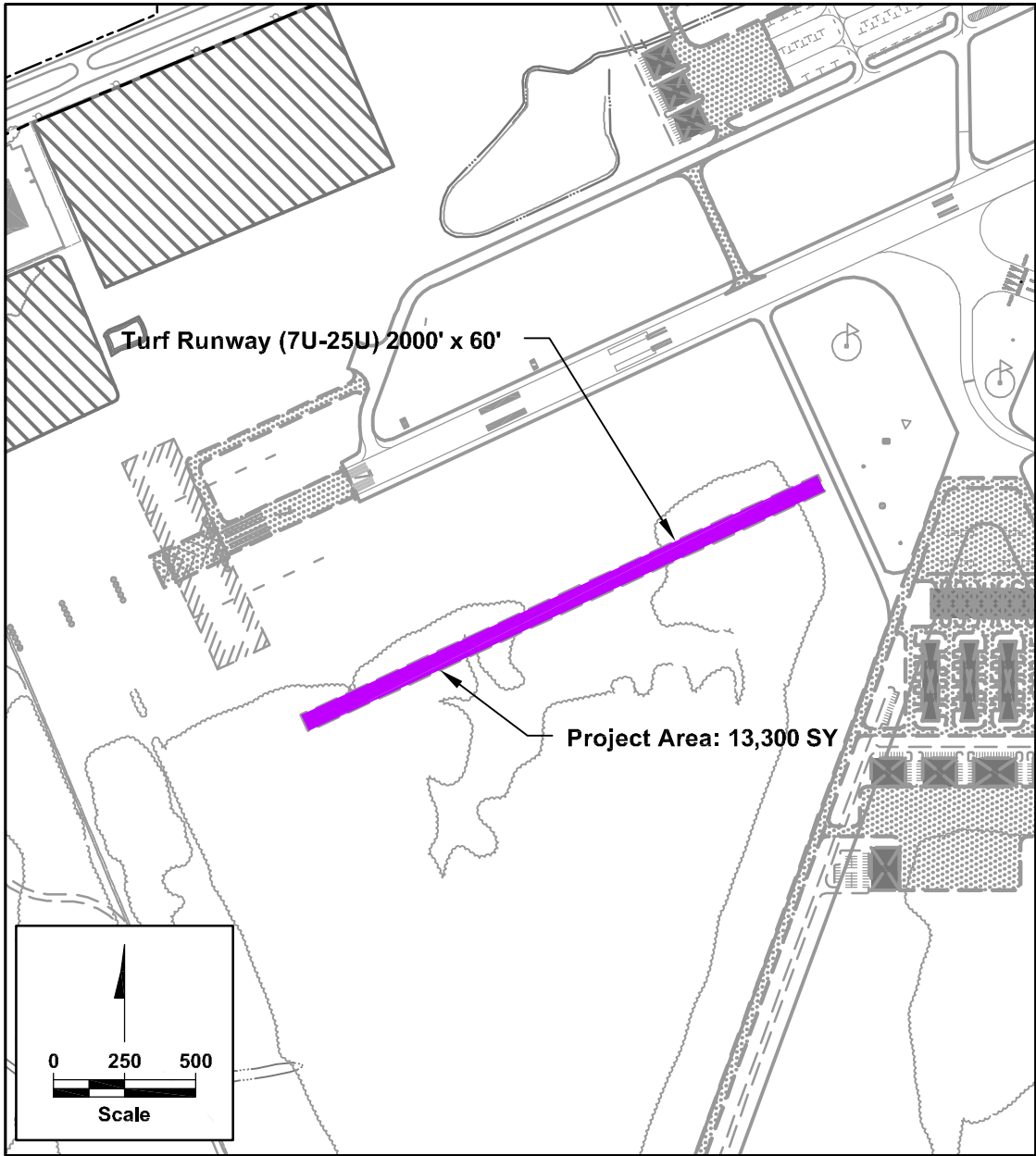
The project is recommended in order to provide a runway for the dedicated use of light and sport aircraft and gliders. These aircraft currently use the turf situated between Taxiway A and Runway 7-25, which is considered a significant safety hazard to all aircraft operating in the vicinity.

Airport Notes:

FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2011	FDOT Match	\$211,471
2011	Local Match	\$834,918
<u>Year Total</u>		\$1,046,389
Project Total - Federal		\$0
Project Total – State		\$211,471
Project Total – Local		\$834,918
Overall Project Total		\$1,046,389



PRELIMINARY ESTIMATE OF PROJECT COSTS

Herlong Airport - Capital Improvement Program

I-05 Construct 2,000' x 60' Turf Runway Approximate Pavement/Bldg Area: 13,333 SY
 CIP Year: 2011

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>
PRELIMINARY CONSTRUCTION COSTS						
C-1	Mobilization	1.0	LS	\$23,805.56	\$23,806	
C-2	Erosion and Sediment Control	1.0	LS	\$2,380.56	\$2,381	
C-3	UNCLASSIFIED EXCAVATION, 1' Average	4,444.4	CY	\$11.00	\$48,889	
C-4	12" SUBGRADE STABILIZATION	13,333.3	SY	\$6.50	\$86,667	
C-5	PERMANENT PAVEMENT MARKINGS	0.0	SF	\$2.05	\$0	
C-6	GRASSING	2.0	AC	\$3,500.00	\$7,000	
C-7	SODDING	5,000.0	SY	\$3.10	\$15,500	
C-8	Ditch/Shoulder Grading	1.0	LS	\$10,000.00	\$10,000	
C-9	Sodding	12,000.0	SY	\$2.50	\$30,000	
C-10	Allowance for Drainage Improvements	1.0	LS	\$40,000.00	\$40,000	
					<i>Approximate Total Construction Cost:</i>	\$264,242
S-1	Surveying & Design Testing	6%			\$15,854.50	
S-2	Allowance for Permitting Fees				\$5,000.00	
S-3	Engineering	14%			\$36,993.83	
S-4	Inspection & Testing	10%			\$26,424.17	
S-5	Airport Administration	1.5%			\$3,963.63	
					<i>Approximate Total Services Cost:</i>	\$88,236
Preliminary Estimate of Construction Cost						\$352,478
Construction Contingency 20.0%						\$70,496
					Construction Cost:	\$422,973
PRELIMINARY ENVIRONMENTAL COSTS*						
E-2	Permitting	1	LS	100,000.00	\$100,000.00	
E-3	Mitigation	6.54	Acres	80,033.00	\$523,416.00	
						\$773,416
					Total Design, Construction and Environmental Cost	\$1,046,389.35

Note: *Environmental Assessment for Turf Runway combined with Runway Extension. Estimated cost was approximately \$350,800.
 Source: The LPA Group, Inc. 2008

JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A

UPIN:		Candidate:	
Airport Project ID:	H2012-3	FDOT Description 2:	
WPI No.:		FDOT Description 3:	
Sponsor Priority:	2012	National Priority:	
Common Description:	Construct 3, 70' x 70' Corporate Hangars (I-11)	Project Type:	Corporate Hangar

Project Narrative:

This project consists of the design, permitting, and construction of three (3) 70 ft x 70 ft corporate hangars. Associated grading, paving, and lighting are to be included in this development.

Project Justification:

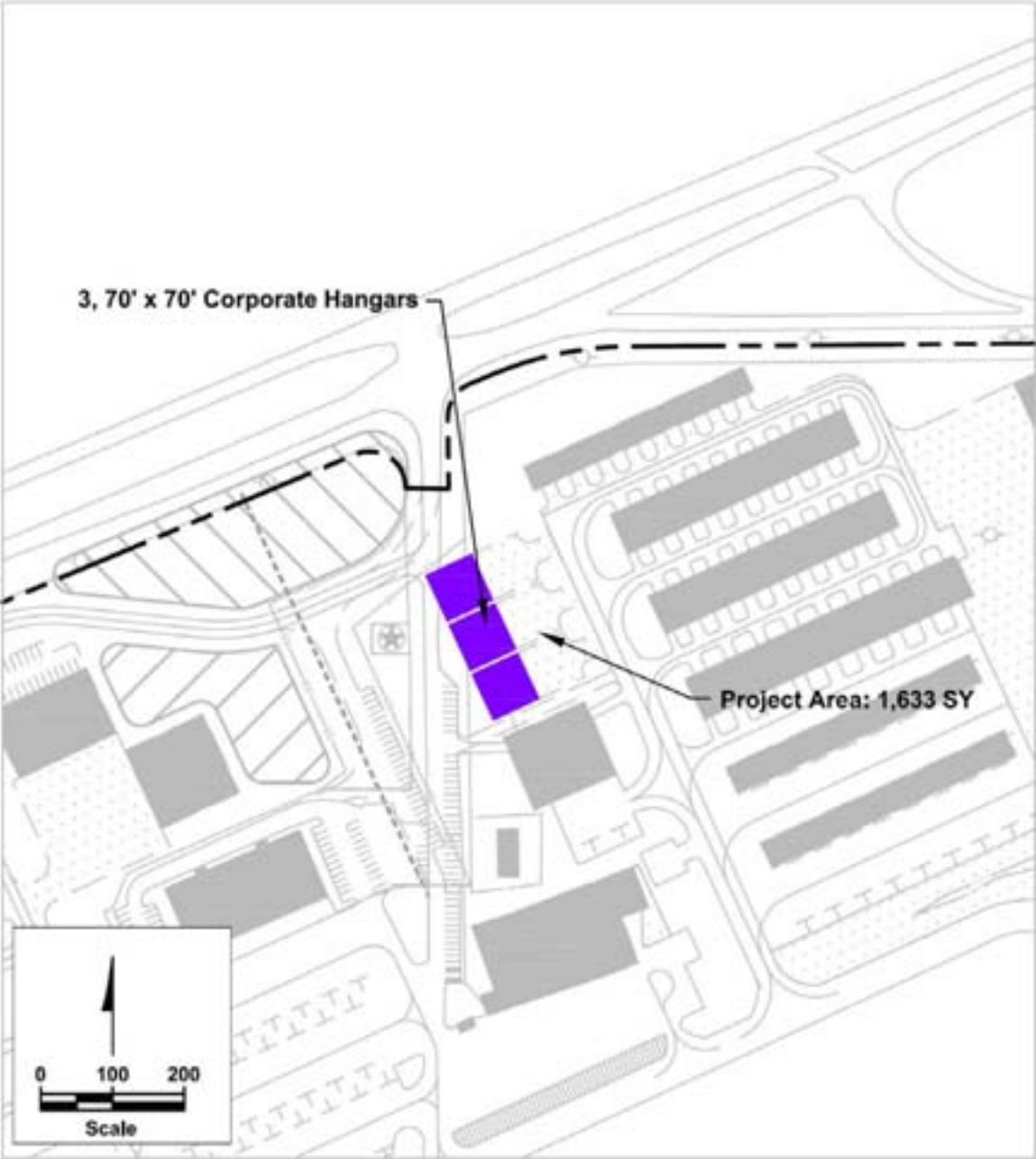
The project is required in order to accommodate current and projected corporate aircraft hangar storage demand capable of handling larger jet aircraft. Development is based upon demand and available funding.

Airport Notes:

FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2012	FAA Funding	\$0.00
2012	FDOT Funding	\$1,100,421
2012	JAA Local Match	\$1,100,421
<u>Year Total</u>		<u>\$2,200,841.00</u>
Project Total – Federal		\$0.00
Project Total – State		\$1,100,421
Project Total – Local		\$1,100,421
Overall Project Total		<u>\$2,200,841.00</u>



PRELIMINARY ESTIMATE OF PROJECT COSTS
Herlong Airport - Capital Improvement Program

I-11 Construct 3 70' x 70' Corporate Hangars Approximate Pavement/Bldg Area: 4,900 SF
 CIP Year: 2012

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>
C-1	Mobilization	1.0	LS	\$126,445.50	\$126,446	
C-2	Erosion and Sediment Control	1.0	LS	\$555.00	\$555	
C-3	Construct 70' x 70' Corporate Hangar	14,700.0	ea	\$82.00	\$1,205,400	
C-4	Maintenance of Traffic	1.0	LS	\$1,000.00	\$1,000	
C-5	Embankment/Excavation	500.0	CY	\$7.00	\$3,500	
C-6	Allowance for Drainage Improvements	1.0	LS	\$5,000.00	\$5,000	
C-7	Allowance for Utility/Hydrant Modifications	1.0	LS	\$25,000.00	\$25,000	
C-8	Allowance for Area Lighting	1.0	LS	\$5,000.00	\$5,000	
C-9	Vehicular Signage	1.0	LS	\$1,000.00	\$1,000	
C-10	Allowance for Curb/Gutter Improvements	1.0	LS	\$0.00	\$0	
C-11	Landscaping allowance	1.0	LS	\$15,000.00	\$15,000	
C-12	Allowance for Sidewalk Improvements	1.0	LS	\$3,000.00	\$3,000	

Approximate Total Construction Cost: \$1,390,901

S-1	Surveying & Design Testing	6%			\$83,454.03	
S-2	Allowance for Permitting Fees				\$5,000.00	
S-3	Engineering	14%			\$194,726.07	
S-4	Inspection & Testing	10%			\$139,090.05	
S-5	Airport Administration	1.5%			\$20,863.51	

Approximate Total Services Cost: \$443,134

Preliminary Estimate of Project Cost \$1,834,034

Contingency 20.0% \$366,807

PRESENT COST: \$2,200,841

Source: The LPA Group, Inc. 2006

JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A

UPIN:		Candidate:	
Airport Project ID:	H2012-6	FDOT Description 2:	
WPI No.:		FDOT Description 3:	
Sponsor Priority:	2012	National Priority:	
Common Description:	Construct 2,106 SY Apron adjacent to 70' x 70' Hangars in North GA Area (I-14)	Project Type:	Apron Development

Project Narrative:

This project consists of the design and construction of three 702 SY (2,106 SY) of aircraft apron space in the North GA Development Area adjacent to the 70' x 70' box hangars.

Project Justification:

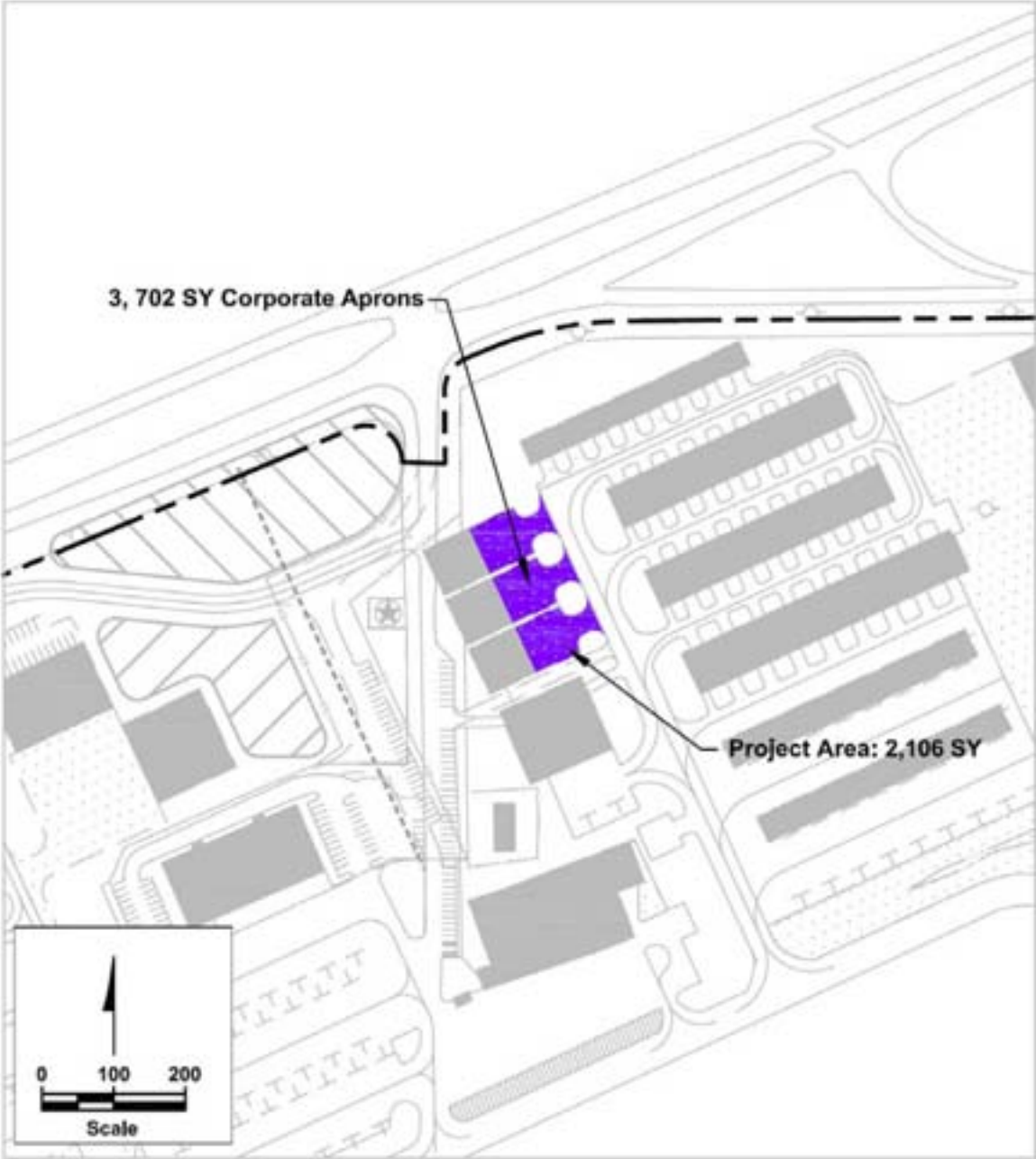
The project is recommended in order to accommodate current and projected general aviation aircraft apron space demand anticipated at HEG.

Airport Notes:

FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2012	FAA Funding	\$0.00
2012	FDOT Funding	\$143,466
2012	Local Match	\$143,466
<u>Year Total</u>		<u>\$286,931</u>
Project Total – Federal		\$0.00
Project Total – State		\$143,466
Project Total – Local		\$143,466
Overall Project Total		<u>\$286,931</u>



PRELIMINARY ESTIMATE OF PROJECT COSTS**Herlong Airport - Capital Improvement Program**

I-14 Construct 2,106 SY Apron Adjacent to 70' x 70' Hangars Approximate Pavement/Bldg Area: 2,106 SY
CIP Year: 2012

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>	
C-1	Mobilization	1.0	LS	\$16,184.55	\$16,185		
C-2	Erosion and Sediment Control	1.0	LS	\$1,602.43	\$1,602		
C-3	Maintenance of Traffic	1.0	LS	\$3,000.00	\$3,000		
C-4	Embankment/Excavation	695.0	CY	\$8.16	\$5,671		
C-5	Subgrade Stabilization	2,106.0	SY	\$8.00	\$16,848		
C-6	Base Course (6")	2,106.0	SY	\$16.00	\$33,696		
C-7	Bituminous Surface Course (4")	2,106.0	SY	\$35.00	\$73,710		
C-8	Bituminous Prime Coat	2,106.0	SY	\$1.75	\$3,686		
C-9	Pavement Markings	1.0	LS	\$1,000.00	\$1,000		
C-10	Ditch/Shoulder Grading	1.0	LS	\$5,000.00	\$5,000		
C-11	Sodding	1,053.0	SY	\$2.50	\$2,633		
C-12	Allowance for Drainage Improvements	1.0	LS	\$15,000.00	\$15,000		
						<i>Approximate Total Construction Cost:</i>	\$178,030
S-1	Surveying & Design Testing	6%			\$10,681.80		
S-2	Allowance for Permitting Fees				\$5,000.00		
S-3	Engineering	14%			\$24,924.20		
S-4	Inspection & Testing	10%			\$17,803.00		
S-5	Airport Administration	1.5%			\$2,670.45		
						<i>Approximate Total Services Cost:</i>	\$61,079
Preliminary Estimate of Project Cost							\$239,109
Contingency						20.0%	\$47,822
						PRESENT COST:	\$286,931

Source: The LPA Group, Inc. 2006

JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A

UPIN:	23J278	Candidate:	
Airport Project ID:	H2012-5	FDOT Description 2:	
WPI No.:	217013	FDOT Description 3:	
Sponsor Priority:	2012	National Priority:	
Common Description:	Construct 13,424 SY Apron in North GA Area (I-13)	Project Type:	Apron Development

Project Narrative:

This project consists of the design and construction of approximately 13,424 SY of aircraft apron space in the North GA Development Area adjacent to the proposed large corporate hangars.

Project Justification:

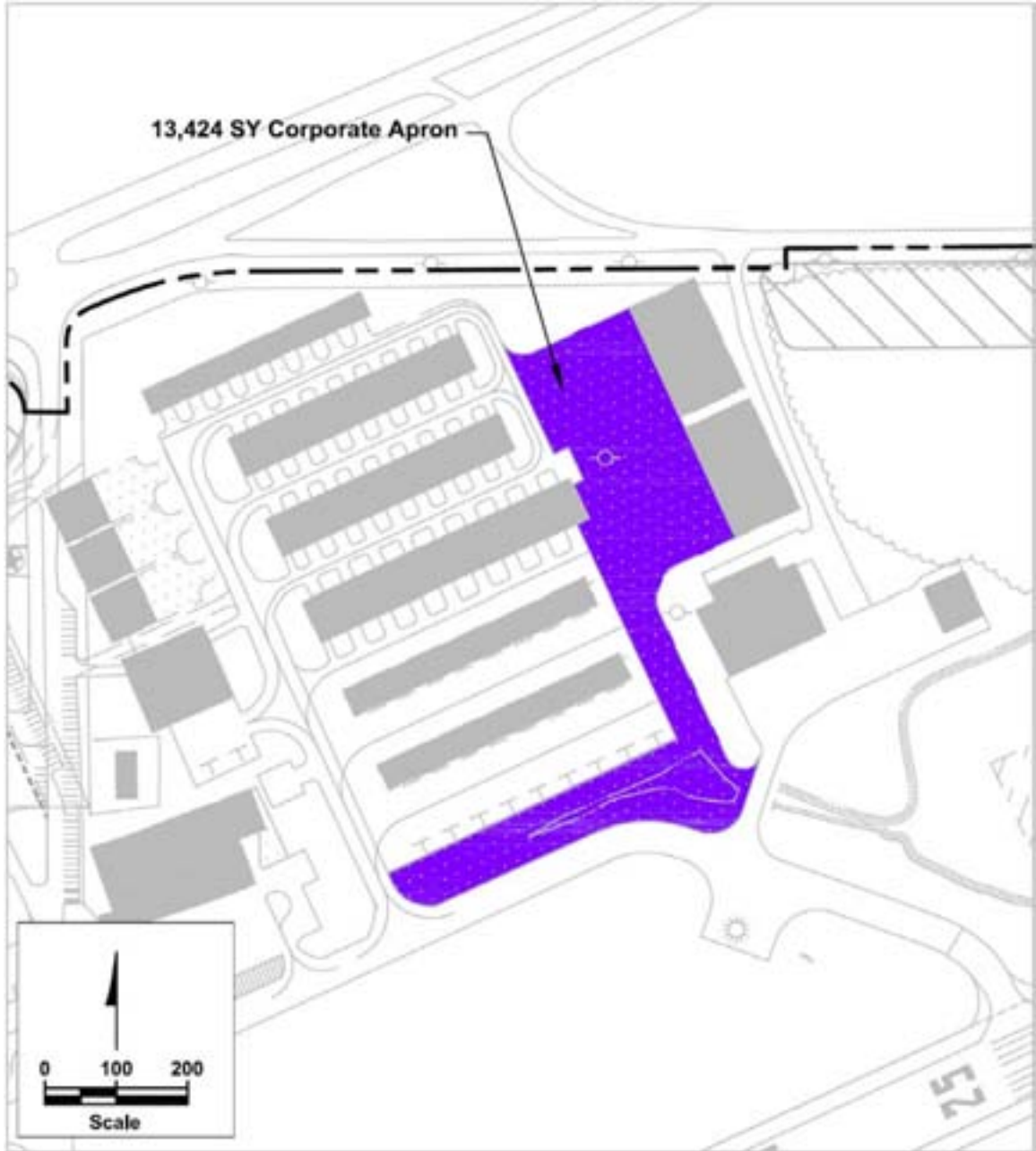
The project is recommended in order to accommodate current and projected general aviation and corporate aircraft apron space demand anticipated at HEG.

Airport Notes:

FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2012	FAA Funding	\$0.00
2012	FDOT Funding	\$785,291
<u>2012</u>	Local Match	\$785,291
<u>Year Total</u>		<u>\$1,570,582.00</u>
Project Total – Federal		\$0.00
Project Total – State		\$785,291
Project Total – Local		\$785,291
Overall Project Total		<u>\$1,570,582.00</u>



PRELIMINARY ESTIMATE OF PROJECT COSTS**Herlong Airport - Capital Improvement Program**

I-13 Construct 13,424 SY Apron in North GA Area Approximate Pavement/Bldg Area: 13,424 SY
CIP Year: 2012

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>
C-1	Mobilization	1.0	LS	\$90,136.05	\$90,136	
C-2	Erosion and Sediment Control	1.0	LS	\$8,924.36	\$8,924	
C-3	Maintenance of Traffic	1.0	LS	\$3,000.00	\$3,000	
C-4	Embankment/Excavation	4,429.9	CY	\$8.16	\$36,148	
C-5	Subgrade Stabilization	13,424.0	SY	\$8.00	\$107,392	
C-6	Base Course (6")	13,424.0	SY	\$16.00	\$214,784	
C-7	Bituminous Surface Course (4")	13,424.0	SY	\$35.00	\$469,840	
C-8	Bituminous Prime Coat	13,424.0	SY	\$1.75	\$23,492	
C-9	Pavement Markings	1.0	LS	\$1,000.00	\$1,000	
C-10	Ditch/Shoulder Grading	1.0	LS	\$5,000.00	\$5,000	
C-11	Sodding	6,712.0	SY	\$2.50	\$16,780	
C-12	Allowance for Drainage Improvements	1.0	LS	\$15,000.00	\$15,000	
<i>Approximate Total Construction Cost:</i>						\$991,497
S-1	Surveying & Design Testing	6%			\$59,489.79	
S-2	Allowance for Permitting Fees				\$5,000.00	
S-3	Engineering	14%			\$138,809.52	
S-4	Inspection & Testing	10%			\$99,149.66	
S-5	Airport Administration	1.5%			\$14,872.45	
<i>Approximate Total Services Cost:</i>						\$317,321
Preliminary Estimate of Project Cost						\$1,308,818
Contingency		20.0%				<u>\$261,764</u>
PRESENT COST:						\$1,570,582

Source: The LPA Group, Inc. 2006

JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A

UPIN:		Candidate:	
Airport Project ID:	H2012-11	FDOT Description 2:	
WPI No.:		FDOT Description 3:	
Sponsor Priority:	2012	National Priority:	
Common Description:	Modify/Rehabilitate Existing T-Hangar (I-18)	Project Type:	T-Hangar Rehab/Modification

Project Narrative:

This project consists of rehabilitating the existing building and removing approximately 4,900 SF from an existing 16-unit T-hangar on the east side of the North GA development area. This modification will provide 14 available units.

Project Justification:

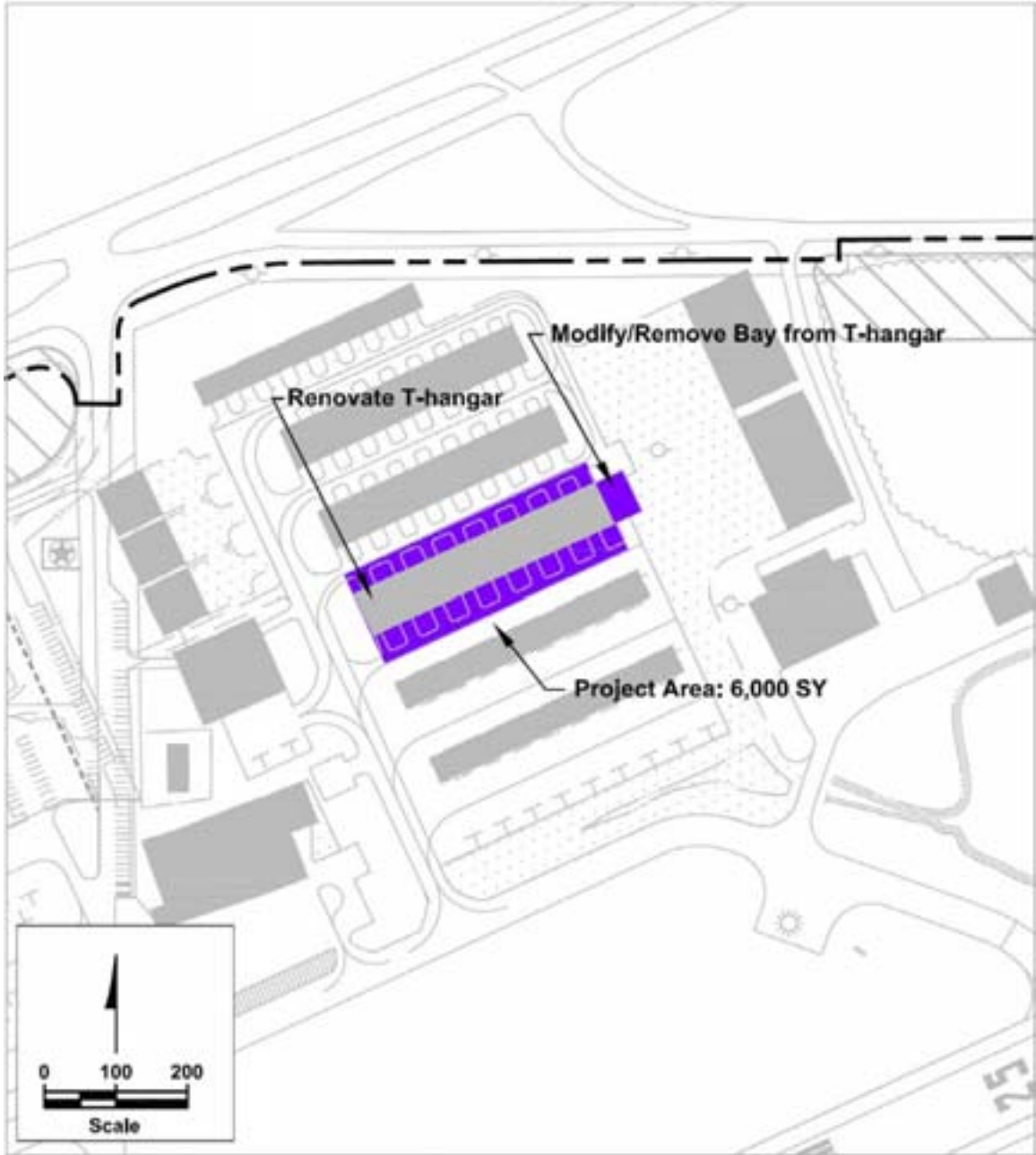
The project is required in order to provide aircraft access to the proposed apron and corporate hangars to be developed on the east side of the North GA development area.

Airport Notes:

FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2012	FAA Funding	\$0.00
2012	FDOT Funding	\$125,581
2012	Local Funding	\$125,581
<u>Year Total</u>		<u>\$251,162</u>
Project Total – Federal		\$0.00
Project Total – State		\$125,581
Project Total – Local		\$125,581
Overall Project Total		<u>\$251,162</u>



PRELIMINARY ESTIMATE OF PROJECT COSTS**Herlong Airport - Capital Improvement Program**

I-18 Modify/Rehabilitate Existing T-Hangar Approximate Pavement/Bldg Area: 6,000 SF
CIP Year: 2012

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>
C-1	Mobilization	1.0	LS	\$21,644.50	\$21,645	
C-2	Erosion and Sediment Control	1.0	LS	\$145.00	\$145	
C-3	Modify/Rehabilitate Existing Hangar	14	Ea	\$10,000.00	140,000	
C-4	Maintenance of Traffic	1.0	LS	\$1,000.00	\$1,000	
<i>Approximate Total Construction Cost:</i>						<i>\$162,790</i>
S-1	Allowance for Permitting Fees				\$5,000.00	
S-2	Engineering	14%			\$22,791.00	
S-3	Inspection & Testing	10%			\$16,279.00	
S-4	Airport Administration	1.5%			\$2,442.00	
<i>Approximate Total Services Cost:</i>						<i>\$46,512</i>
Preliminary Estimate of Project Cost						\$209,302
Contingency 20.0%						<u>\$41,860</u>
PRESENT COST:						\$251,162

Source: The LPA Group, Inc. 2006

JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A
UPIN:	PFL0001573	Candidate:	
Airport Project ID:	H2012-7	FDOT Description 2:	
WPI No.:		FDOT Description 3:	
Sponsor Priority:	2012	National Priority:	
Common Description:	Acquire Runway 25 Avigation Easement (I-15)	Project Type:	Property Acquisition

Project Narrative:

This project includes the acquisition of approximately 1.7 acres of land for an avigation easement for the Runway 25 Runway Protection Zone (RPZ).

Project Justification:

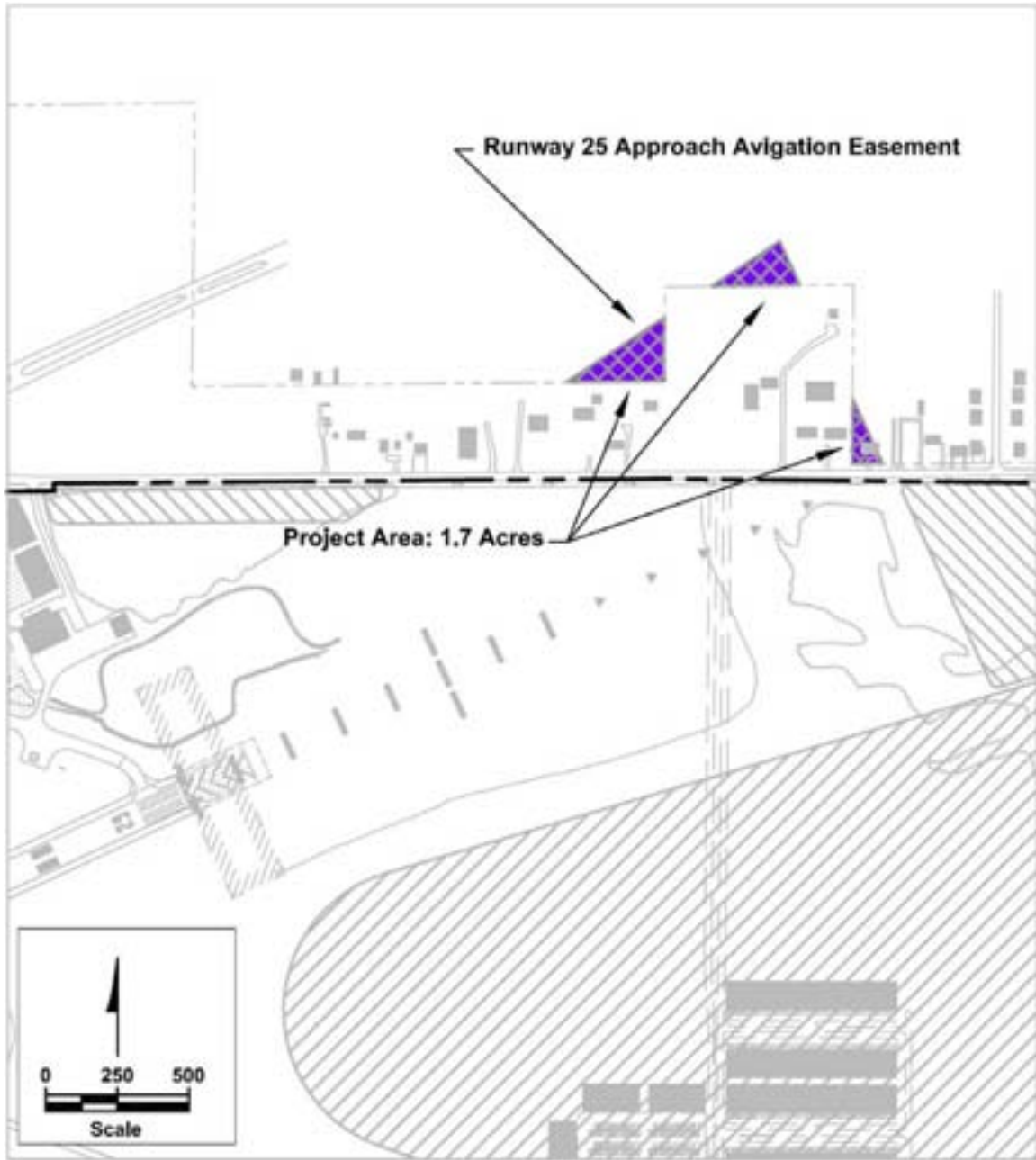
This project is necessary to ensure that development does not occur within the RPZ and to keep clear of potential obstructions for approaching aircraft.

Airport Notes:

FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2012	FDOT Funding Match	\$30,000
2012	Local Funding Match	\$30,000
<u>Year Total</u>		<u>\$60,000</u>
Project Total – Federal		\$0.00
Project Total – State		\$30,000
Project Total – Local		\$30,000
Overall Project Total		\$60,000



JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A

UPIN:	PFL0003129	Candidate:	
Airport Project ID:	H2012-10	FDOT Description 2:	
WPI No.:	217003	FDOT Description 3:	
Sponsor Priority:	2012	National Priority:	
Common Description:	South Airfield Utilities (I-17)	Project Type:	Utility Installation

Project Narrative:

This project includes the initial installation of electrical utilities by JEA to the south and midfield areas of the Airport.

Project Justification:

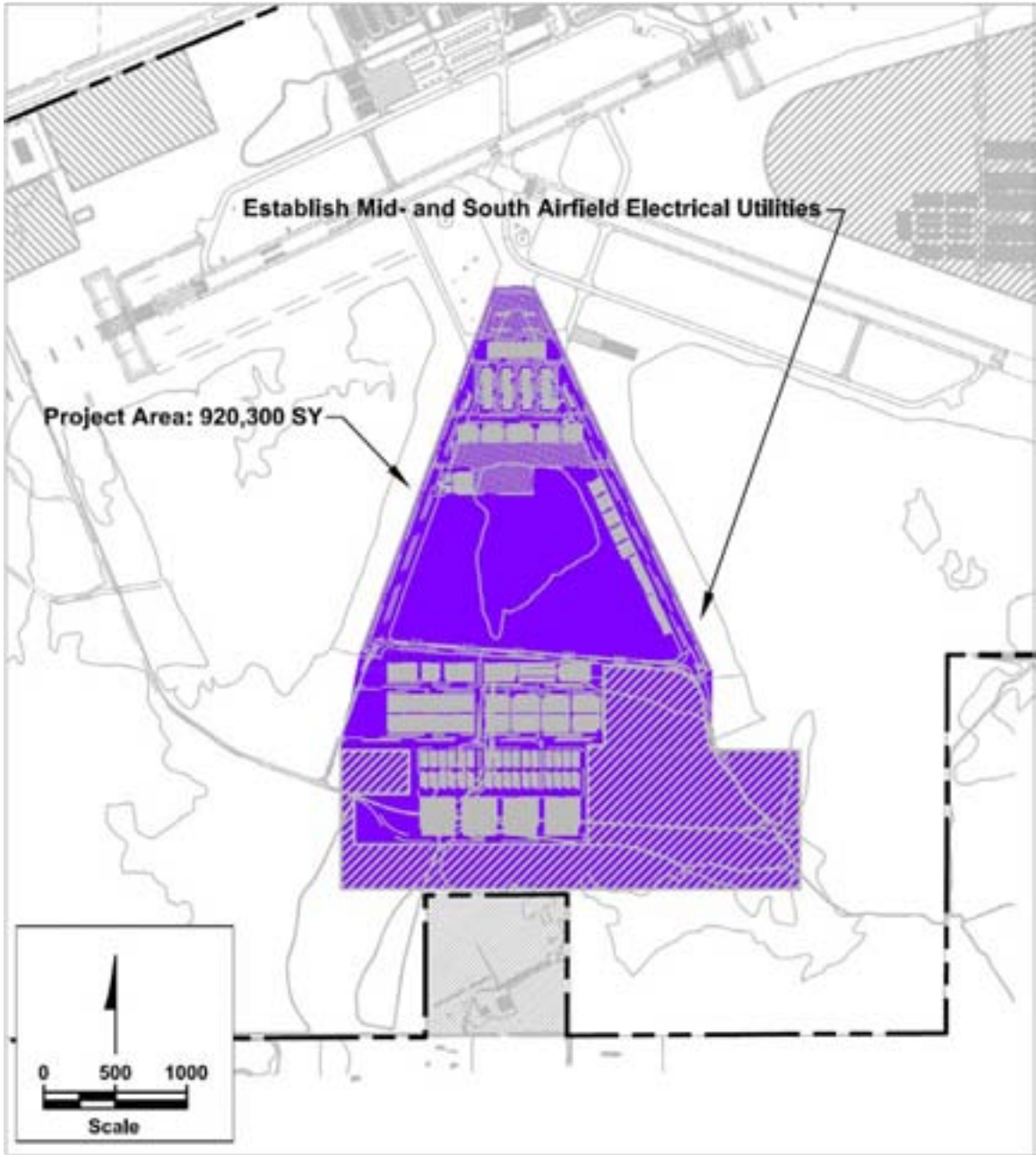
This project is necessary to develop the mid and south development area.

Airport Notes:

FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2012	FDOT Funding	\$300,000
2012	Local Match	\$300,000
<u>Year Total</u>		<u>\$600,000</u>
Project Total – Federal		\$0.00
Project Total – State		\$300,000
Project Total – Local		\$300,000
Overall Project Total		\$600,000



JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.: 12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID: HEG
Sponsor ID:	1204	Site No.: 03250.*A

UPIN:	PFL0000990	Candidate:
Airport Project ID:	H2012-1	FDOT Description 2:
WPI No.:		FDOT Description 3:
Sponsor Priority:	2012	National Priority:
Common Description:	Design/Construct Taxiway J, formerly "K" (I-10)	Project Type: Construction

Project Narrative:

Design and construct 19,541 SF taxiway to connect Runway 11-29 to Taxiway D. This project was formerly referred to as the construction of Taxiway "K".

Project Justification:

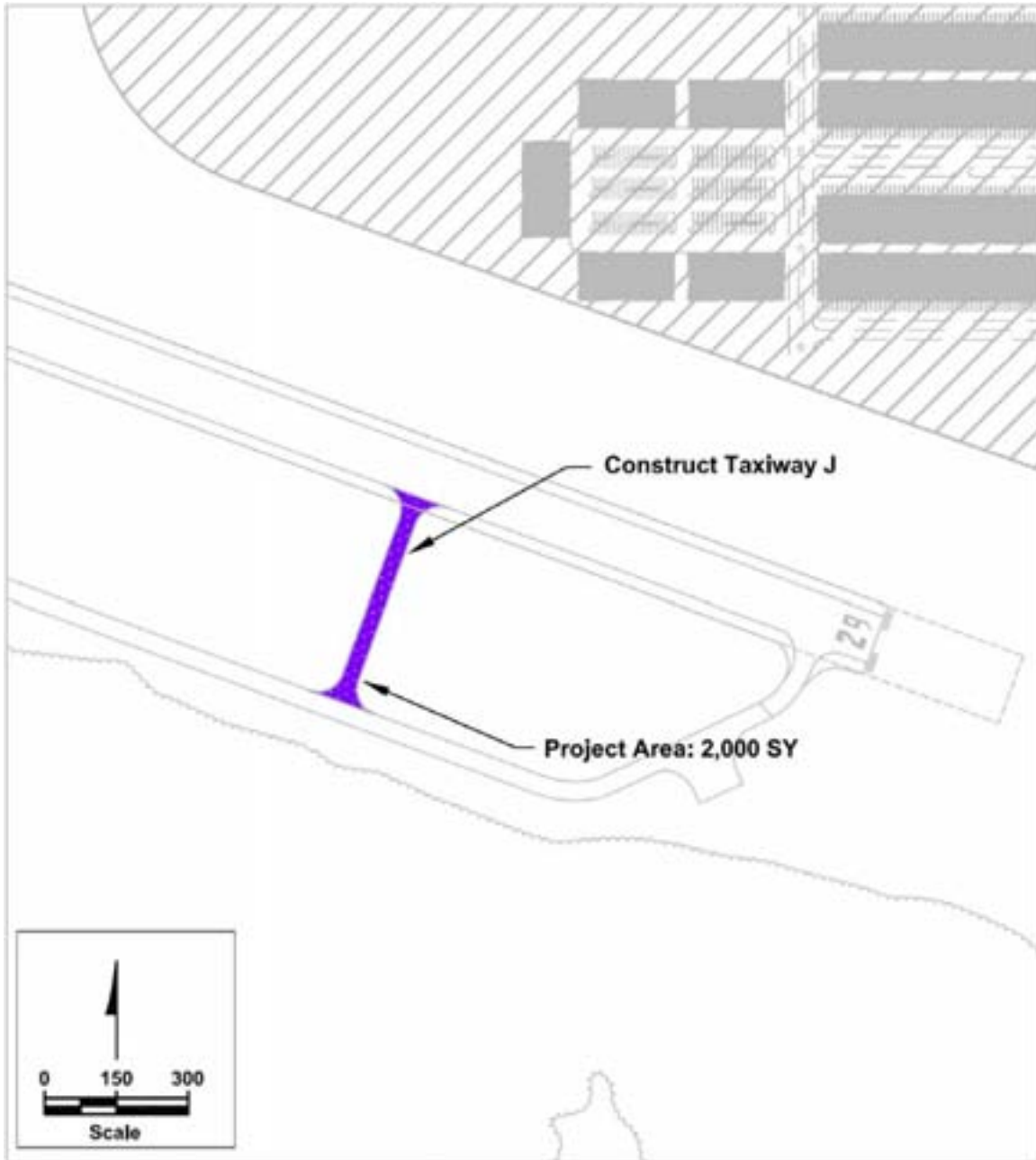
The project is recommended in order to facilitate the expeditious egress of aircraft from the runway environment and provide a direct link to the midfield area of the airport.

Airport Notes:

FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2012	FDOT Funding	\$135,605
2012	Local Match	\$135,606
<u>Year Total</u>		\$271,211
Project Total – Federal		\$0.00
Project Total – State		\$135,605
Project Total – Local		\$135,606
Overall Project Total		\$271,211



PRELIMINARY ESTIMATE OF PROJECT COSTS**Herlong Airport - Capital Improvement Program**

I-10 Design and Construct Taxiway J Approximate Pavement/Bldg Area: 2,000 SY
CIP Year: 2012

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>
C-1	Mobilization	1	LS	\$45,000.00	\$45,000	
C-2	Remove Existing Pavement	633	SY	\$3.00	\$1,900	
C-3	Erosion Control & Pollution Abatement	1	LS	\$1,500.00	\$1,500	
C-4	Unclassified Excavation	3,000	CY	\$7.00	\$21,000	
C-5	12" Subgrade Stabilization	2,775	SY	\$6.50	\$18,038	
C-6	Limerock base course	2,650	SY	\$15.00	\$39,750	
C-7	Bituminous surface course (P-401)	380	TON	\$85.00	\$32,300	
C-8	Bituminous Tack Coat (@ 0.1 GAL/SY)	50	GAL	\$2.50	\$125	
C-9	Bituminous Prime Coat(@ 0.5 GAL/SY)	1,200	GAL	\$2.00	\$2,400	
C-10	Permanent Pavement Markings	1,950	SF	\$2.05	\$3,998	
C-11	30" Class III RCP	144	LF	\$50.00	\$7,200	
C-12	Sodding	12,000	SY	\$3.10	\$37,200	
C-13	Topsoiling (FURNISHED FROM OFF SITE)	1,300	CY	\$20.00	\$26,000	
C-14	FDOT Type D Inlet	2	EA	\$4,000.00	\$8,000	
C-15	2-W 4" SCH 40 PVC Electrical Duct (Spares)	165	LF	\$13.00	\$2,145	

Approximate Total Construction Cost: \$246,555

Preliminary Estimate of Project Cost \$246,555\$

Contingency 10.0% \$24,656

PRESENT COST: \$271,211

Source: The LPA Group, Inc. 2006

JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A
UPIN:	PFL0002019	Candidate:	
Airport Project ID:	H2012-4	FDOT Description 2:	
WPI No.:		FDOT Description 3:	
Sponsor Priority:	2012	National Priority:	
Common Description:	Overlay Taxiways C & D (I-12)	Project Type:	Pavement Overlay and Markings

Project Narrative:

This project consists of the surveying and re-pavement of approximately 30,160 SY of Taxiways C and D.

Project Justification:

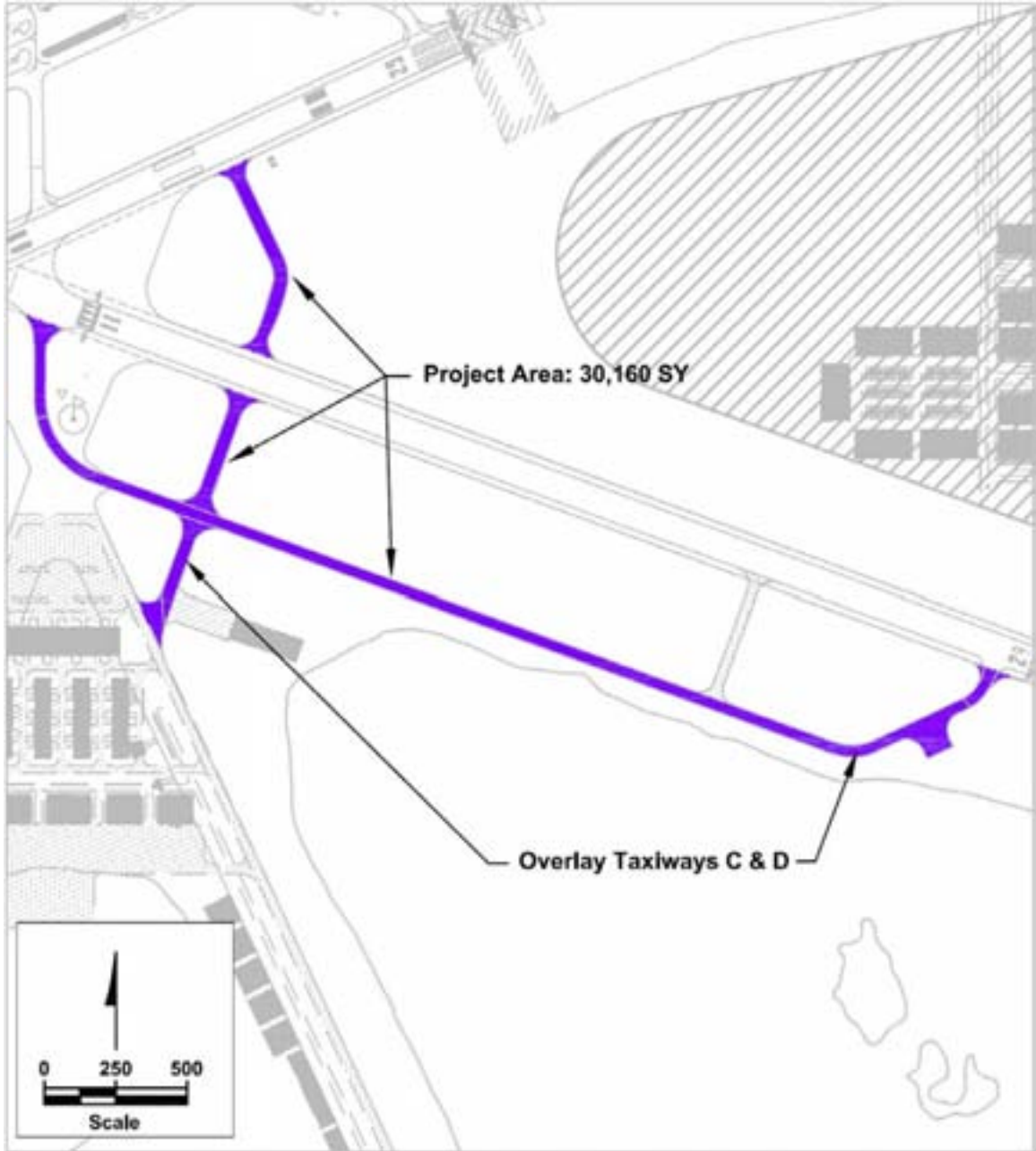
The project is required in order to rehabilitate and patch areas of cracking and spalling on the pavement and ensure the safety of aircraft using the taxiways.

Airport Notes:

FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2012	FDOT Match	\$848,460
2012	Local Match	\$848,460
<u>Year Total</u>		<u>\$1,696,920</u>
Project Total – Federal		\$0.00
Project Total – State		\$848,460
Project Total – Local		\$848,460
Overall Project Total		\$1,696,920



PRELIMINARY ESTIMATE OF PROJECT COSTS**Herlong Airport - Capital Improvement Program**

I-12 Taxiways C & D Pavement Rehabilitation Approximate Pavement/Bldg Area: 31,518 SY
CIP Year: 2012

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>
C-1	Mobilization	1.0	LS	\$97,414.47	\$97,414	
C-2	Erosion and Sediment Control	1.0	LS	\$9,645.00	\$9,645	
C-3	Maintenance of Traffic	1.0	LS	\$3,000.00	\$3,000	
C-4	Embankment/Excavation	10,400.9	CY	\$8.16	\$84,872	
C-5	Miscellaneous Repairs/Patching	1,800.0	SY	\$50.00	\$90,000	
C-6	Pavement Milling (1/2")	31,518.0	SY	\$1.00	\$31,518	
C-7	Bituminous Surface Course (2")	31,518.0	SY	\$17.00	\$535,806	
C-8	Bituminous Prime Coat	31,518.0	SY	\$1.75	\$55,157	
C-9	Pavement Markings	75,000.0	SF	\$1.53	\$114,750	
C-10	Ditch/Shoulder Grading	1.0	LS	\$10,000.00	\$10,000	
C-11	Sodding	15,759.0	SY	\$2.50	\$39,398	

Approximate Total Construction Cost: \$1,071,559

S-1	Surveying & Design Testing	6%			\$64,293.55	
S-2	Allowance for Permitting Fees				\$5,000.00	
S-3	Engineering	14%			\$150,018.28	
S-4	Inspection & Testing	10%			\$107,155.91	
S-5	Airport Administration	1.5%			\$16,073.39	

Approximate Total Services Cost: \$342,541

Preliminary Estimate of Project Cost \$1,414,100

Contingency 20.0% \$282,820

PRESENT COST: \$1,696,920

Source: The LPA Group, Inc. 2006

JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A
UPIN:	PFL0004088	Candidate:	
Airport Project ID:	H2013-3	FDOT Description 2:	
WPI No.:		FDOT Description 3:	
Sponsor Priority:	2013	National Priority:	
Common Description:	Construct 12-Unit T-Hangar North of Terminal (I-24)	Project Type:	Building Construction

Project Narrative:

This project involves the construction of a 12-unit t-hangar on the east side of the North GA area and includes associated drainage and lighting.

Project Justification:

This project is necessary to accommodate future aircraft hangar storage requirements.

Airport Notes:

FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2013	FAA Funding	\$0.00
2013	FDOT Funding	\$601,031
2013	Local Match	\$601,031
<u>Year Total</u>		<u>\$1,202,062</u>
Project Total – Federal		\$0.00
Project Total – State		\$601,031
Project Total – Local		\$601,031
Overall Project Total		<u>\$1,202,062</u>



PRELIMINARY ESTIMATE OF PROJECT COSTS
Herlong Airport - Capital Improvement Program

I-24 12-Unit T-Hangar NE Apron Approximate Pavement/Bldg Area: 14 Units
 CIP Year: 2013

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>
C-1	Mobilization	1.0	LS	\$68,905.50	\$68,906	
C-2	Erosion and Sediment Control	1.0	LS	\$555.00	\$555	
C-3	Construct 14-Unit T-Hangar	14.0	ea	\$45,000.00	\$630,000	
C-4	Maintenance of Traffic	1.0	LS	\$1,000.00	\$1,000	
C-5	Embankment/Excavation	500.0	CY	\$7.00	\$3,500	
C-6	Allowance for Drainage Improvements	1.0	LS	\$5,000.00	\$5,000	
C-7	Allowance for Utility/Hydrant Modifications	1.0	LS	\$25,000.00	\$25,000	
C-8	Allowance for Area Lighting	1.0	LS	\$5,000.00	\$5,000	
C-9	Vehicular Signage	1.0	LS	\$1,000.00	\$1,000	
C-10	Allowance for Curb/Gutter Improvements	1.0	LS	\$0.00	\$0	
C-11	Landscaping allowance	1.0	LS	\$15,000.00	\$15,000	
C-12	Allowance for Sidewalk Improvements	1.0	LS	\$3,000.00	\$3,000	
<i>Approximate Total Construction Cost:</i>						\$757,961
S-1	Surveying & Design Testing	6%			\$45,477.63	
S-2	Allowance for Permitting Fees				\$5,000.00	
S-3	Engineering	14%			\$106,114.47	
S-4	Inspection & Testing	10%			\$75,796.05	
S-5	Airport Administration	1.5%			\$11,369.41	
<i>Approximate Total Services Cost:</i>						\$243,758
Preliminary Estimate of Project Cost						\$1,001,718
Contingency		20.0%				\$200,344
PRESENT COST:						\$1,202,062

Source: The LPA Group, Inc. 2006

JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A

UPIN:		Candidate:	
Airport Project ID:	H2013-6	FDOT Description 2:	
WPI No.:		FDOT Description 3:	
Sponsor Priority:	2013	National Priority:	
Common Description:	Install MALSR on Runway 25 (I-27)	Project Type:	Approach Lighting System

Project Narrative:

This project consists of the construction of a medium-intensity approach lighting system with runway alignment indicator lights (MALSR) to Runway 25.

Project Justification:

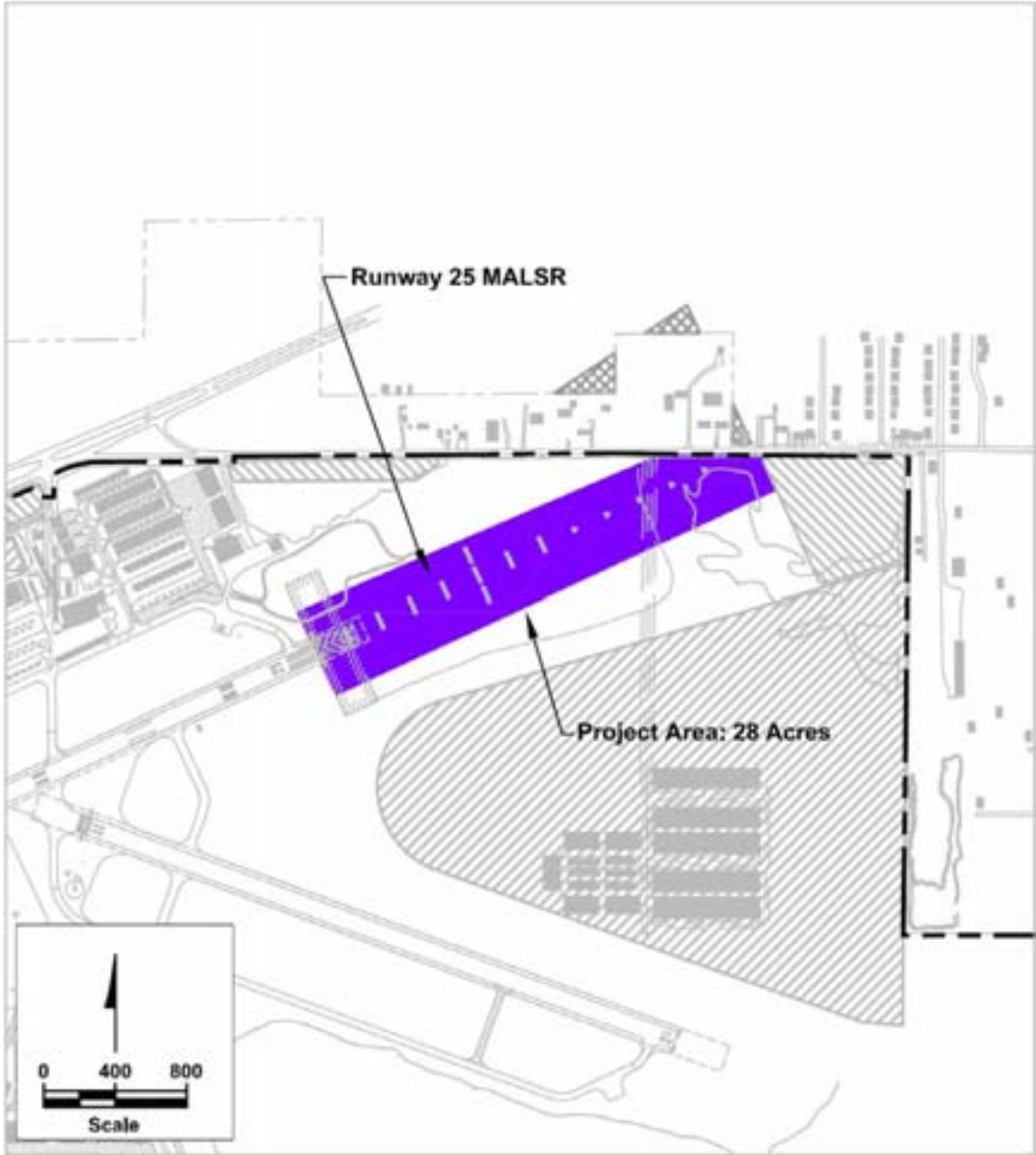
The project is recommended in order to provide aircraft better visual identification of Runway 25 under poor weather conditions and when operating under IFR.

Airport Notes:

FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2013	FAA Funding	\$0.00
2013	FDOT Funding	\$222,145
2013	Local Match	\$222,145
<u>Year Total</u>		<u>\$444,290</u>
Project Total – Federal		\$0.00
Project Total – State		\$222,145
Project Total – Local		\$222,145
Overall Project Total		<u>\$444,290</u>



PRELIMINARY ESTIMATE OF PROJECT COSTS**Herlong Airport - Capital Improvement Program**

I-27 Install MALSR on Runway 25

Approximate Pavement/Bldg Area:

1 LS

CIP Year: 2013

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>
C-1	Mobilization	1.0	LS	\$25,250.00	\$25,250	
C-2	Erosion and Sediment Control	1.0	LS	\$2,500.00	\$2,500	
C-3	Install MALSR	1.0	LS	\$250,000.00	\$250,000	
<i>Approximate Total Construction Cost:</i>						\$277,750
S-1	Surveying & Design Testing	6%			\$16,665.00	
S-2	Allowance for Permitting Fees				\$5,000.00	
S-3	Engineering	14%			\$38,885.00	
S-4	Inspection & Testing	10%			\$27,775.00	
S-5	Airport Administration	1.5%			\$4,166.25	
<i>Approximate Total Services Cost:</i>						\$92,491
Preliminary Estimate of Project Cost						\$370,241
Contingency						\$74,048
						PRESENT COST: \$444,290

Source: The LPA Group, Inc. 2006

JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A
UPIN:	PFL0002020	Candidate:	
Airport Project ID:	H2013-2	FDOT Description 2:	
WPI No.:		FDOT Description 3:	
Sponsor Priority:	2013	National Priority:	
Common Description:	Overlay East Apron (I-23)	Project Type:	Construction

Project Narrative:

This project includes the pavement overlay of approximately 9,600 SY of the east general aviation apron and associated markings.

Project Justification:

This project is necessary to prevent cracks in and spalling of the pavement and to ensure the safe and expeditious movement of aircraft.

Airport Notes:

FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2013	FAA Funding - Discretionary	\$0.00
2013	FDOT Match	\$230,646
2013	Local Match	\$230,646
<u>Year Total</u>		\$461,292
Project Total – Federal		\$0.00
Project Total – State		\$230,646
Project Total – Local		\$230,646
Overall Project Total		\$461,292



PRELIMINARY ESTIMATE OF PROJECT COSTS
Herlong Airport - Capital Improvement Program

I-23 Overlay East Apron Approximate Pavement/Bldg Area: 9,600 SY
 CIP Year: 2013

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>
C-1	Mobilization	1.0	LS	\$34,148.19	\$34,148	
C-2	Erosion and Sediment Control	1.0	LS	\$3,381.01	\$3,381	
C-3	Maintenance of Traffic	1.0	LS	\$3,000.00	\$3,000	
C-4	Embankment/Excavation	3,168.0	CY	\$8.16	\$25,851	
C-5	Miscellaneous Repairs/Patching	1,800.0	SY	\$50.00	\$90,000	
C-6	Pavement Milling (1/2")	9,600.0	SY	\$1.00	\$9,600	
C-7	Bituminous Surface Course (2")	9,600.0	SY	\$17.00	\$163,200	
C-8	Bituminous Prime Coat	9,600.0	SY	\$1.75	\$16,800	
C-9	Pavement Markings	5,000.0	SF	\$1.53	\$7,650	
C-10	Ditch/Shoulder Grading	1.0	LS	\$10,000.00	\$10,000	
C-11	Sodding	4,800.0	SY	\$2.50	\$12,000	
					<i>Approximate Total Construction Cost:</i>	\$375,630
S-1	Surveying & Design Testing	6%			\$720.00	
S-2	Allowance for Permitting Fees				\$5,000.00	
S-3	Engineering	14%			\$1,680.00	
S-4	Inspection & Testing	10%			\$1,200.00	
S-5	Airport Administration	1.5%			\$180.00	
					<i>Approximate Total Services Cost:</i>	\$8,780
Preliminary Estimate of Project Cost						\$384,410
Contingency		20.0%				\$76,882
PRESENT COST:						\$461,292

Source: The LPA Group, Inc. 2006

JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A
UPIN:	PFL0002031	Candidate:	
Airport Project ID:	H2013-X	FDOT Description 2:	
WPI No.:		FDOT Description 3:	
Sponsor Priority:	2013	National Priority:	
Common Description:	Overlay West (Transient) Apron (I-29)	Project Type:	Construction

Project Narrative:

This project includes the pavement overlay of approximately 26,360 SY of the west general aviation apron and associated markings.

Project Justification:

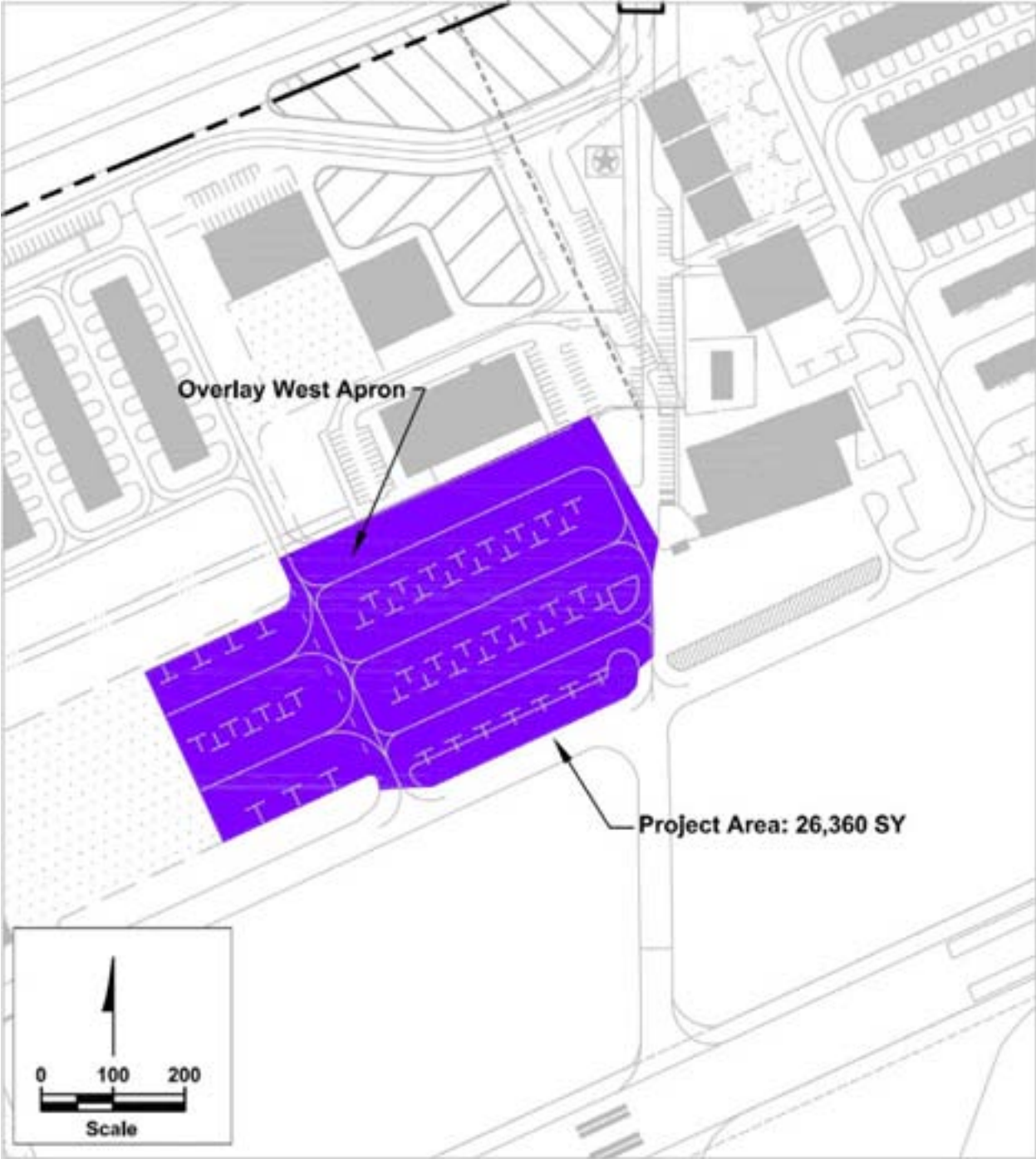
This project is necessary to prevent cracks in and spalling of the pavement and to ensure the safe and expeditious movement of aircraft.

Airport Notes:

FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2013	Federal Match - Discretionary	\$0.00
2013	FDOT Match	\$499,307
2013	Local Match	\$499,307
<u>Year Total</u>		<u>\$998,613</u>
Project Total – Federal		\$0.00
Project Total – State		\$499,307
Project Total – Local		\$499,307
Overall Project Total		<u>\$998,613</u>



PRELIMINARY ESTIMATE OF PROJECT COSTS
Herlong Airport - Capital Improvement Program

I-29 Overlay West (Transient) Apron Approximate Pavement/Bldg Area: 26,360 SY
 CIP Year: 2013

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>
C-1	Mobilization	1.0	LS	\$74,254.41	\$74,254	
C-2	Erosion and Sediment Control	1.0	LS	\$7,351.92	\$7,352	
C-3	Maintenance of Traffic	1.0	LS	\$3,000.00	\$3,000	
C-4	Embankment/Excavation	8,698.8	CY	\$8.16	\$70,982	
C-5	Miscellaneous Repairs/Patching	1,800.0	SY	\$50.00	\$90,000	
C-6	Pavement Milling (1/2")	26,360.0	SY	\$1.00	\$26,360	
C-7	Bituminous Surface Course (2")	26,360.0	SY	\$17.00	\$448,120	
C-8	Bituminous Prime Coat	26,360.0	SY	\$1.75	\$46,130	
C-9	Pavement Markings	5,000.0	SF	\$1.53	\$7,650	
C-10	Ditch/Shoulder Grading	1.0	LS	\$10,000.00	\$10,000	
C-11	Sodding	13,180.0	SY	\$2.50	\$32,950	

Approximate Total Construction Cost: \$816,799

S-1	Surveying & Design Testing	6%			\$1,977.00	
S-2	Allowance for Permitting Fees				\$5,000.00	
S-3	Engineering	14%			\$4,613.00	
S-4	Inspection & Testing	10%			\$3,295.00	
S-5	Airport Administration	1.5%			\$494.25	

Approximate Total Services Cost: \$15,379

Preliminary Estimate of Project Cost \$832,178

Contingency 20% \$166,436

PRESENT COST: \$998,613

Source: The LPA Group, Inc. 2006

JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A

UPIN:		Candidate:	
Airport Project ID:	H2013-2	FDOT Description 2:	
WPI No.:		FDOT Description 3:	
Sponsor Priority:	2013	National Priority:	
Common Description:	Replace MIRL with HIRL on Runway 7-25 (I-22)	Project Type:	Runway Lighting Improvements

Project Narrative:

This project consists of the replacement and relocation of medium intensity runway edge lights (MIRL) with high intensity runway edge lights (HIRL).

Project Justification:

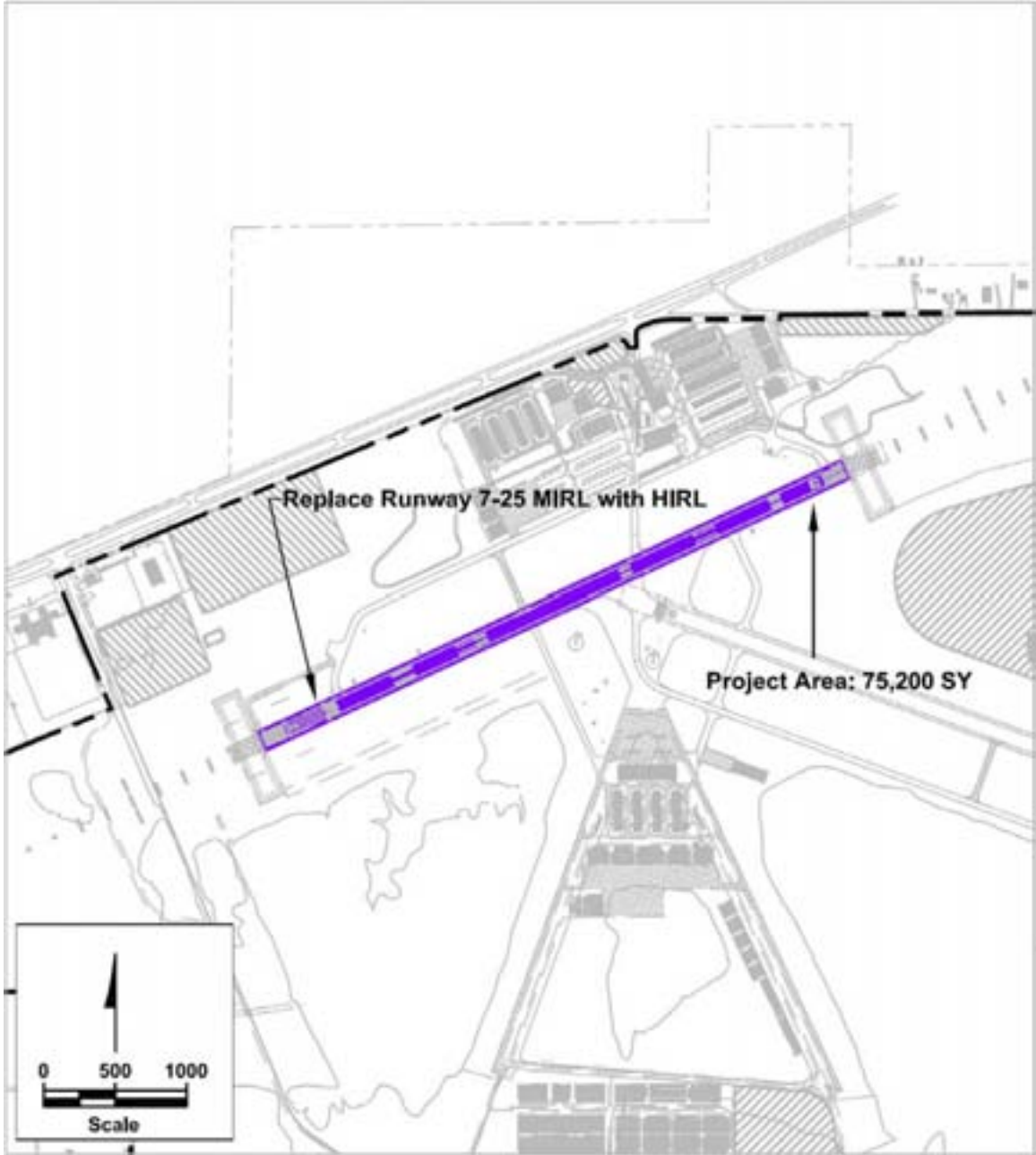
The project is recommended to provide enhanced identification of runway edges, especially during IFR.

Airport Notes:

FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2013	FAA-Discretionary Funding	\$259,634
2013	FDOT Match	\$14,424
2013	Local Match	\$14,424
<u>Year Total</u>		<u>\$288,482</u>
Project Total – Federal		\$259,634
Project Total – State		\$14,424
Project Total – Local		\$14,424
Overall Project Total		<u>\$288,482</u>



PRELIMINARY ESTIMATE OF PROJECT COSTS
Herlong Airport - Capital Improvement Program

I-22 Replace MIRL with HIRL on Runway 7-25 Approximate Pavement/Bldg Area: 1 LS
 CIP Year: 2013

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>
C-1	Mobilization	1.0	LS	\$16,273.88	\$16,274	
C-2	Erosion and Sediment Control	1.0	LS	\$1,363.75	\$1,364	
C-3	Maintenance of Traffic	1.0	LS	\$25,000.00	\$25,000	
C-4	Lights	60.0	ea	\$650.00	\$39,000	
C-5	Cable	11,250.0	LF	\$1.00	\$11,250	
C-6	Trench and Conduit	11,250.0	LF	\$2.50	\$28,125	
C-7	Signage	16.0	ea	\$3,000.00	\$48,000	
C-8	Regulator and Vault Work	1.0	LS	\$10,000.00	\$10,000	
					<i>Approximate Total Construction Cost:</i>	\$179,013
S-1	Surveying & Design Testing	6%			\$10,740.76	
S-2	Allowance for Permitting Fees				\$5,000.00	
S-3	Engineering	14%			\$25,061.77	
S-4	Inspection & Testing	10%			\$17,901.26	
S-5	Airport Administration	1.5%			\$2,685.19	
					<i>Approximate Total Services Cost:</i>	\$61,389
Preliminary Estimate of Project Cost						\$240,402
Contingency					20.0%	\$48,080
					PRESENT COST:	\$288,482

Source: The LPA Group, Inc. 2006

JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A

UPIN:		Candidate:	
Airport Project ID:	H2013-4	FDOT Description 2:	
WPI No.:		FDOT Description 3:	
Sponsor Priority:	2013	National Priority:	
Common Description:	7-25 Marking Removal and Remarking (I-25)	Project Type:	Removal/Remarking

Project Narrative:

This project includes the marking removal and remarking of approximately 50,000 SY of pavement on Runway 7-25.

Project Justification:

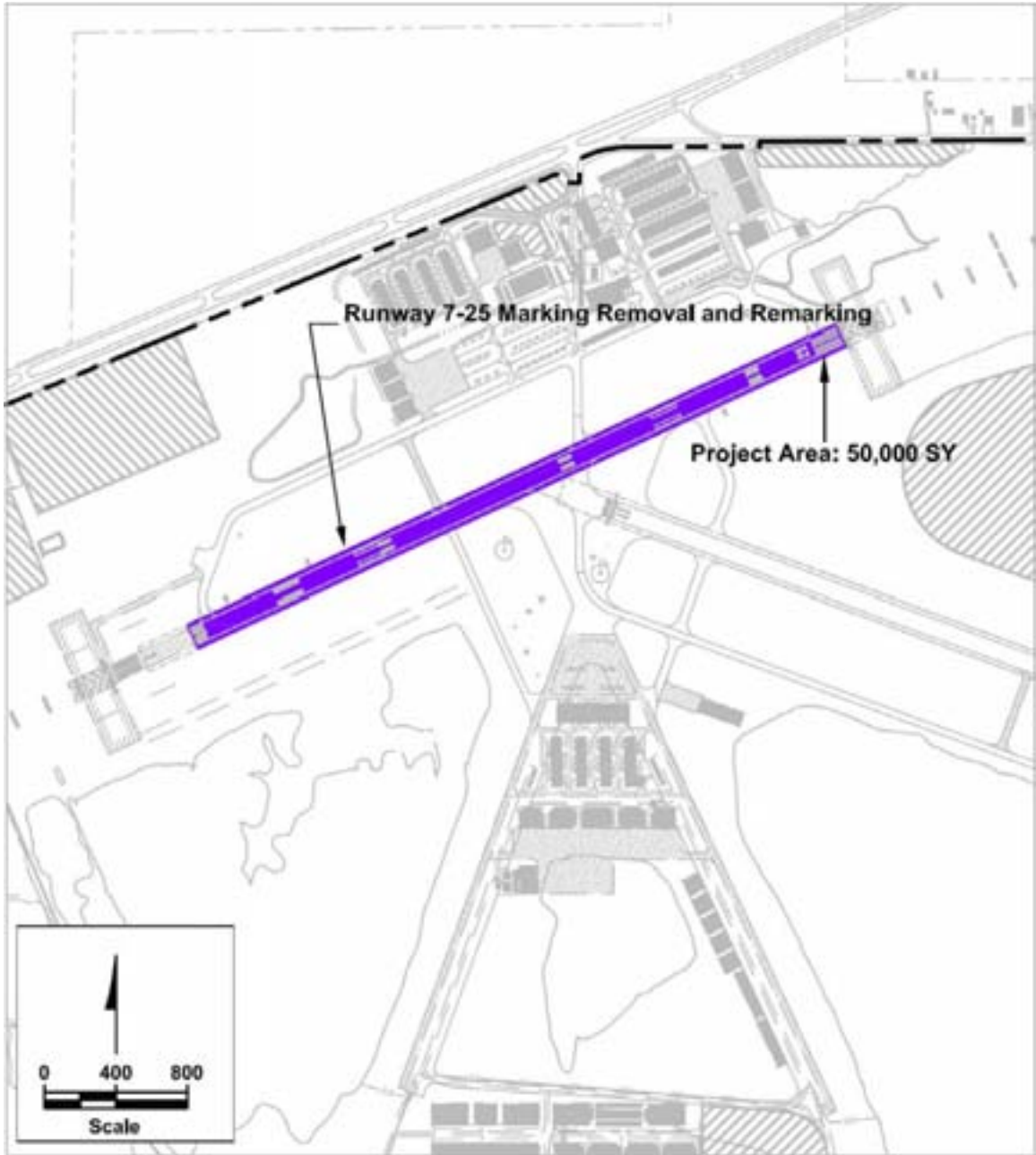
This project is necessary to ensure positive visual identification of runway markings and the safe movement of aircraft to/from the runway environment.

Airport Notes:

FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2013	FAA Funding	\$0.00
2013	FDOT Funding	\$171,295
2013	Local Funding	\$171,295
<u>Year Total</u>		\$342,591
Project Total – Federal		\$0.00
Project Total – State		\$171,295
Project Total – Local		\$171,295
Overall Project Total		\$342,591



PRELIMINARY ESTIMATE OF PROJECT COSTS
Herlong Airport - Capital Improvement Program

I-25 Runway 7-25, Marking Removal and
 Remarking
 CIP Year: 2013

Approximate Pavement/Bldg Area: 74,700 LF

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>
C-1	Mobilization	1.0	LS	\$19,391.09	\$19,391	
C-2	Erosion and Sediment Control	1.0	LS	\$1,919.91	\$1,920	
C-3	Maintenance of Traffic	1.0	LS	\$3,000.00	\$3,000	
C-4	Remove Existing Markings	74,700.0	LF	\$1.00	\$74,700	
C-5	Pavement Markings	74,700.0	LF	\$1.53	\$114,291	
<i>Approximate Total Construction Cost:</i>						\$213,302
S-1	Surveying & Design Testing	6%			\$12,798.12	
S-2	Allowance for Permitting Fees				\$5,000.00	
S-3	Engineering	14%			\$29,862.28	
S-4	Inspection & Testing	10%			\$21,330.20	
S-5	Airport Administration	1.5%			\$3,199.53	
<i>Approximate Total Services Cost:</i>						\$72,190
Preliminary Estimate of Project Cost						\$285,492
Contingency		20.0%				\$57,098
Source: The LPA Group, Inc. 2006						PRESENT COST: \$342,591

JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A
UPIN:	PFL0001572	Candidate:	
Airport Project ID:	H2013-7	FDOT Description 2:	
WPI No.:		FDOT Description 3:	
Sponsor Priority:	2013	National Priority:	
Common Description:	Acquire Runway 7 Avigation Easement (I-28)	Project Type:	Property Acquisition

Project Narrative:

This project includes the acquisition of approximately 9.7 acres of land (at approximately \$30,000 per acre) for an avigation easement for the Runway 7 Runway Protection Zone (RPZ).

Project Justification:

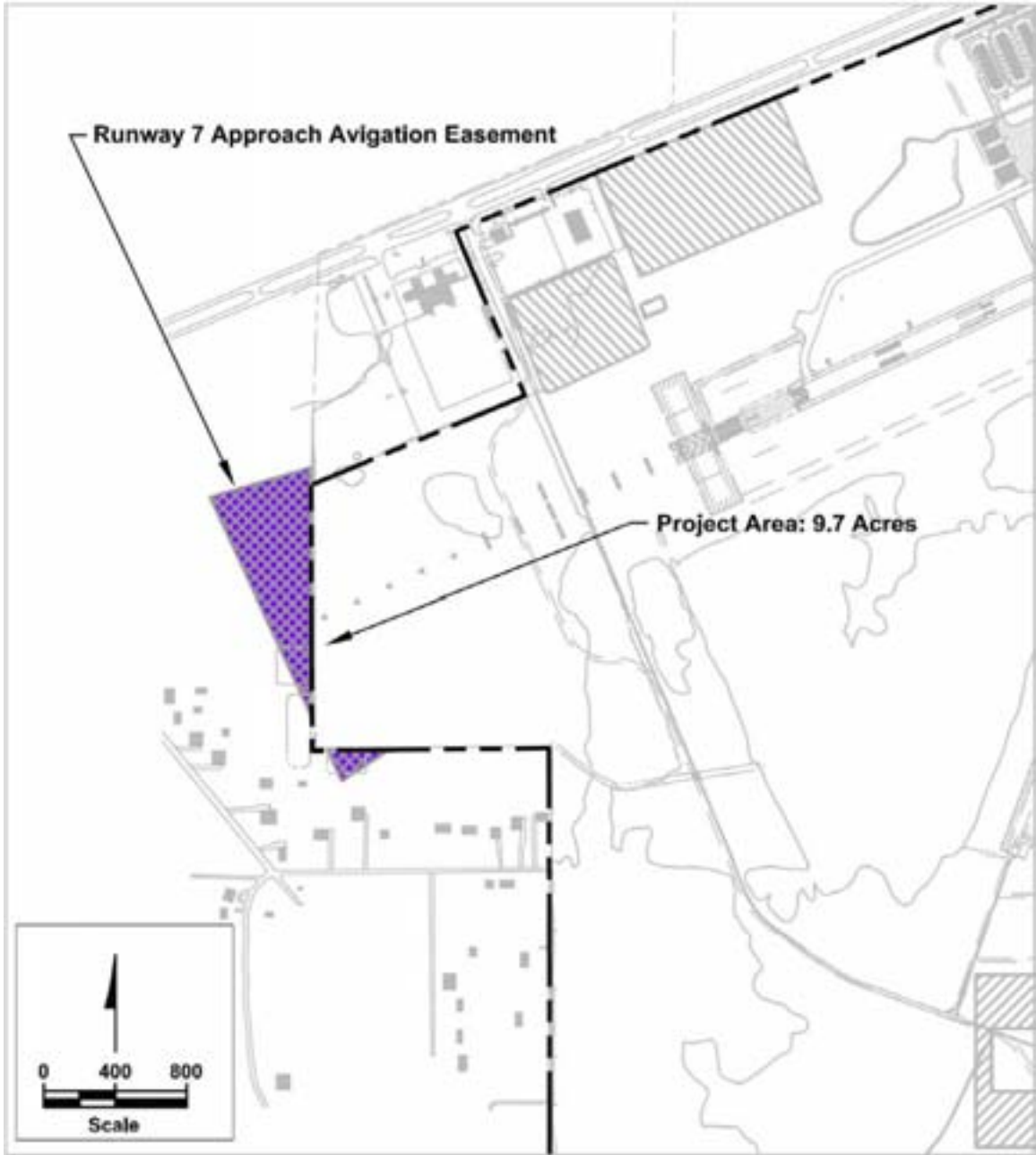
This project is necessary to ensure that development does not occur within the RPZ and to keep clear of potential obstructions for approaching aircraft.

Airport Notes:

FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2013	Federal Funding	\$0.00
2013	FDOT Funding	\$135,000
2013	Local Funding Match	\$135,000
<u>Year Total</u>		<u>\$270,000</u>
Project Total – Federal		\$0.00
Project Total – State		\$135,000
Project Total – Local		\$135,000
Overall Project Total		<u>\$270,000</u>



JACIP – AIRPORT PROJECT DETAIL REPORT

Airport:	Herlong Airport	NPIAS No.:	12-0034
Sponsor:	Jacksonville Aviation Authority	Airport ID:	HEG
Sponsor ID:	1204	Site No.:	03250.*A

UPIN:	PFL0003224	Candidate:	
Airport Project ID:	H2013-2	FDOT Description 2:	
WPI No.:		FDOT Description 3:	
Sponsor Priority:	2013	National Priority:	
Common Description:	Construct Taxiway E, with lights (I-21)	Project Type:	Taxiway

Project Narrative:

This project consists of the design and construction of 19,541 SF (2,180 SY) of taxiway connecting Runway 7-25 with parallel Taxiway A.

Project Justification:

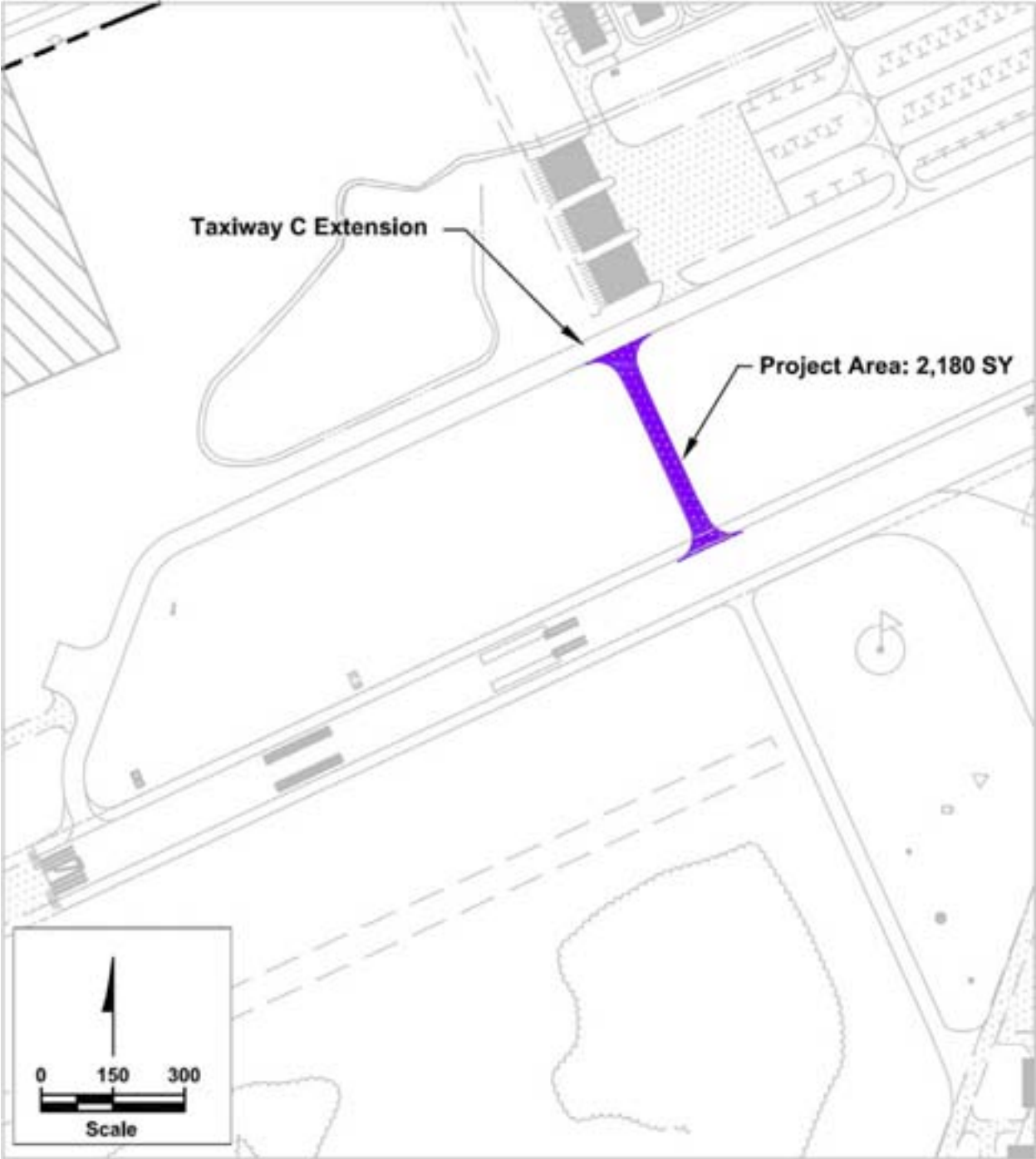
The project is recommended in order to facilitate the expeditious egress of aircraft from the runway environment and provide a direct link to the midfield area of the airport.

Airport Notes:

FDOT Notes:

Airport Sponsor Request:

<u>Sponsor Year</u>	<u>Source</u>	<u>Amount</u>
2013	FAA Match - GA Entitlement	\$150,000
2013	FDOT Match	\$60,606
2013	Local Match	\$60,605
<u>Year Total</u>		<u>\$271,211</u>
Project Total – Federal		\$150,000
Project Total – State		\$60,606
Project Total – Local		\$60,605
Overall Project Total		<u>\$271,211</u>



PRELIMINARY ESTIMATE OF PROJECT COSTS

Herlong Airport - Capital Improvement Program

I-21	Construct Taxiway E	Approximate Pavement/Bldg Area:	2,180	SY
CIP Year: 2013				

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Item Cost</u>	<u>Total Cost</u>
C-1	Mobilization	1	LS	\$45,000.00	\$45,000.00	
C-2	Remove Existing Pavement	633	SY	\$3.00	\$1,900	
C-3	Erosion Control & Pollution Abatement	1	LS	\$1,500.00	\$1,500	
C-4	Unclassified Excavation	3,000	CY	\$7.00	\$21,000	
C-5	12" Subgrade Stabilization	2,775	SY	\$6.50	\$18,038	
C-6	Limerock Base Course	2,650	SY	\$15.00	\$39,750	
C-7	Bituminous Surface Course (P-401)	380	TON	\$85.00	\$32,300	
C-8	Bituminous Tack Coat (@ 0.1 GAL/SY)	50	GAL	\$2.50	\$125	
C-9	Bituminous Prime Coat (@ 0.5 GAL/SY)	1,200	GAL	\$2.00	\$2,400	
	Permanent Pavement Markings	1,950	SF	\$2.05	\$3,998	
	30" Class III RCP	144	LF	\$50.00	\$7,200	
	Sodding	12,000	SY	\$3.10	\$37,200	
	Topsoiling (FURNISHED FROM OFF SITE)	1,300	CY	\$20.00	\$26,000	
	FDOT TYPE D Inlet	2	EA	\$4,000.00	\$8,000	
	2-W 4" SCH 40 PVC Electrical Ducts (Spares)	165	LF	\$13.00	\$2,145	
				SUBTOTAL CONSTRUCTION:		\$246,555
	Contingency	10%				\$24,656
				PRESENT COST		<u>\$271,211</u>

Source: The LPA Group, Inc. 2006

Appendix F

Public Involvement and Runway Extension Letters

Herlong Airport Master Plan Update
 Technical Advisory Committee Meeting
 September 14, 2005
 4:30 to 6:30 p.m.

ATTENDEE LIST:

NAME	COMPANY	PHONE NUMBER	E-MAIL
Richard D'ARBY	Southwest CPAC NORTH FLORIDA	778-4258	radARBY@comcast.net
MERRICK BAYER	SALINE SOC	539-6064	MBAYER@HINDSPRING.COM
Leslie Crooks	JAA	741-2063	lcrooks@jaa.aero
Felix M. Huxford	City of Jay Planning Dept	630-1904	Fhuxford@coj.net
RANDAL L. MINER	CORPORATE AVIATION SERVICE	(904) 859-3667	rminer@bellsouth.net
David Dunkley	JAA	904-741-2744	ddunkley@JAA.AERO
Aimee Clancy	JAA - Herlong	904-783-2805	aclancy@jaa.aero
Chip Seymour	JAA - Planning	904-741-2743	cseymour@jaa.aero
Kristen Reed	COJ - Planning 3 DEV. DEPT.	904-7630-2137	KREED@COJ.NET
T. FANTINATO	LPA	813-889-3892	TFANTINATO@LPA Group.com
Phil Janko	LPA	813-889-3892	PJanko@LPA Group.com
Bob Simpson	JAA	904-573-1601	bsimpson@jaa.aero

Herlong Airport Master Plan Update
 Project "Kick-Off" Meeting
 June 21, 2005
 1:30 p.m.

ATTENDEE LIST:

NAME	COMPANY	PHONE NUMBER	E-MAIL
Larry Elkins	LPA	371-3306	lelkins@lpagroup.com
Phil Jufko	LPA	352-585-1510(ceil) 813-889-3892(w)	pjufko@lpagroup.com
Tricia Fantinato	LPA	813-889-3892(w)	tfantinato@lpagroup.com
David Dunkley	JAA	904-741-2744	ddunkley@JAA.AERO
Chris Cochran	JAA	706-254 4279	chrisc85@uga.edu
Bob Simpson	JAA	904-573-1601	BSIMPSON@JAA.AERO
MERRICK BAYER	NORTH FLORIDA SOARING SOCIETY	904-538-0064	MBAYER@MINDSPRING.COM
Wimce Clancy	JAA	783-2805	wclancy@jaa.aero

**SOUTHWEST DISTRICT
CITIZENS PLANNING ADVISORY COMMITTEE**

NOTICE

**The Southwest CPAC 2005
meeting dates, times and locations are as follows:***

Monday, January 10, 2005, following the Mayor's Town Hall meeting at Forrest High School

Monday, February 14, 2005, 7 p.m. at FCCJ Kent Campus

Monday, March 14, 2005, 7 p.m. at FCCJ Kent Campus

Monday, April 11, 2005, 7 p.m. at Forrest High School

Monday, May 9, 2005, 7 p.m. at FCCJ Kent Campus

Monday, June 13, 2005, 7 p.m. at FCCJ Kent Campus

Monday, July 11, 2005, 7 p.m. at Forrest High School

Monday, August 8, 2005, 7 p.m. at FCCJ Kent Campus

Monday, September 12, 2005, 7 p.m. at FCCJ Kent Campus

Monday, October 10, 2005, 7 p.m. at Forrest High School

Monday, November 14, 2005, 7 p.m. at FCCJ Kent Campus

Monday, December 12, 2005, 7 p.m. at FCCJ Kent Campus

*These dates are subject to change at the discretion of the CPAC.

AGENDA

Herlong Airport Master Plan Update
Herlong Airport Technical Advisory Committee Meeting
April 10, 2006
4:30 p.m.

Introduction
Project Status

Demand/Capacity and Facility Requirements
Airport Capacity and Delay
Design Aircraft and Runway Requirements
Airfield Facility Requirements
General Aviation Facilities
Airport Support Facilities

Airport Alternatives Analysis
Airfield Development Concepts
Land Use Considerations
Landside Development Concepts

Questions and Next Steps
Questions
Address Comments on Working Papers 2 and 3
FAA Review of Forecasts
Refinement of Airport Development Options
Submit Working Paper 4 (Refined Alternatives) for Review

Additional Information:

Phil Jufko and Tricia Fantinato of the LPA GROUP INCORPORATED will make a presentation on the airport master plan project, including key aspects associated with the Facility Requirements and Alternatives Development phases of the study.

AGENDA

Herlong Airport Master Plan Update

Project “Kick-Off” Meeting

June 21, 2005

1:30 p.m.

Jacksonville Airport Authority Offices, Herlong Airport

Attendees: See Attendee List

Introduction

Goals and Objectives of Study

Master Planning Process

Deliverables

Project Schedule

Dates for Deliverables:

- Internal Review

- 2 week before TAC Meeting

- 2 weeks following TAC Meeting for comments

Technical Advisory Committee Members

JAA Airport Contacts and Coordination Meetings

Public Advisory Meetings

FAA Internal Review

Inventory and Existing Conditions

On-Airport Contact

Local Business Information

Chamber of Commerce Information

Historical aircraft operations, based aircraft, fleet mix, etc.

Financial Data, etc

Questions?

AGENDA

**Herlong Airport Master Plan Update
Technical Advisory Meeting
September 13, 2006
4:00 p.m.**

Introduction

Project Status

Airport Issues

Overview of Key Airport Issues

Refined Airport Alternatives

Areas of Interest

Recommended Development Alternatives

Recommended Development Concept, including:

- Airport Land Use
 - Environmental Impacts
 - Airport Noise
 - Flight Patterns, and
 - Support Facilities
-

Capital Improvement Program and Cost Estimates

Recommended Projects

Project Phasing

Cost Estimates per Project and Phase

Financial Plan

Existing Airport Revenues and Expenses

Overview of Cash Flow Analysis

Draft Airport Layout Plan

Overview of Set, including:

- Airport Layout Plan
 - Terminal Drawing
 - Inner Approach Surface Drawings
 - Airspace Drawing
 - Airport Land Use, and
 - Airport Property Map
-

AGENDA

**Herlong Airport Master Plan Update
Technical Advisory Meeting
September 13, 2006
4:00 p.m.**

Questions and Next Steps

Questions

Address Comments on:

- Refined Alternatives
- Capital Improvement Program
- Financial Plan, and
- Draft ALP and Report

Tentative Submittal of Draft Report to FAA and FDOT for
Review

Additional Information:

Phil Jufko of the LPA GROUP INCORPORATED will make a 30-minute presentation on airport master plan project, including key aspects associated with airport recommended development.

Master Plan Update Herlong Airport

Technical Advisory Committee Meeting

September 14, 2005

Goals & Objectives

- ✦ Community leaders providing input into long-range planning for aviation authority consideration.
- ✦ Intended as a forum to freely present issues, ideas, and provide guidance in planning for future aviation facilities.
- ✦ Provide diverse representation of community interests and opinions relative to airport development to address all issues of concern to the community and region.
- ✦ Provide input related to aviation, community, political, planning & legal issues.
- ✦ Provide a linkage to various groups that committee members have been drawn from and to the larger community as a whole.

What is a Master Plan?

- ✦ Projection of the Airport's ultimate growth over a 20-year timeframe.
- ✦ Plan for the ultimate development of physical facilities.
- ✦ Development guide, including timing and costs, that considers adjacent land uses and environmental issues.
- ✦ Step-by-step description of the logic used in formulating the plan.
- ✦ Display of the plan in graphical and written form.
- ✦ Positions the Airport to compete for FAA and FDOT funding (up to 95%).

Master Plan Process

- ✦ Inventory
- ✦ Aviation Activity Forecasts
- ✦ Airfield Capacity Analysis
- ✦ Facility Requirements Analysis
- ✦ Airport Alternatives Analysis
- ✦ Airport Layout Plans
- ✦ Financial Plan/Capital Improvement Program
- ✦ Public Involvement
 - Advisory Committee Meetings
 - Airport Authority Meetings
 - Public Meeting
 - Coordination Meetings
 - Briefings to JAA

Existing Conditions

- ✦ Combination civilian/military airspace: Class E, overlapping Classes C & D; MOAs
- ✦ Non-precision instrument approaches
- ✦ East/west apron: accommodate 92 aircraft
- ✦ FBO terminal: renovated in 2001
- ✦ Runway 7-25
 - Primary runway: 4,000 ft x 150 ft
 - ARC B-II design designation; good condition
- ✦ Runway 11-29
 - Secondary/crosswind runway: 3,501 ft x 100 ft
 - ARC B-II design designation; visual approach only; good condition



Existing Conditions: Issues

- ✈ Automobile parking
- ✈ Surface access: ground transportation
- ✈ Dense, overlapping airspace
- ✈ Turf runway
- ✈ Utilities

- ✈ **Security**
 - Perimeter and Airside

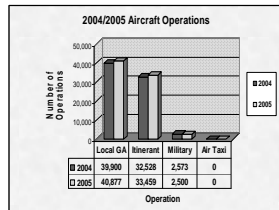
- ✈ **Diverse Aircraft Type Activity**
 - Prompts Need for Control Tower to Control Ground and Air Movement



Historical Aviation Activity

- ✈ Significant growth in number of based aircraft
 - Increasing variety
 - growth in recreational based aircraft

- ✈ Operations AAGR
 - Itinerant: 1.71%
 - Local: 1.46%



Purpose of Forecasting

- ✈ To develop a realistic assessment of market conditions and market performance.
- ✈ To address unique local conditions not fully considered in national, macro level forecast efforts.
- ✈ To provide a benchmark for comparing current facilities against a reasonable estimate of future demand to define potential future facility needs.
- ✈ Consider the current recession coupled with the terrorist attacks of September 11, 2001 and their impacts well into the future.

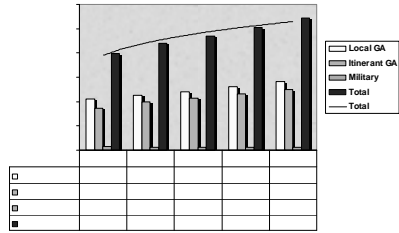
Forecast Methodology

- ✈ Market share approach was used
- ✈ Calculations were made to determine what has historically been the airport's contribution to the nation's GA activity.
- ✈ These rates were then applied with the FAA's national forecasts to project the anticipated level of GA operations for the planning period.
- ✈ The resulting level of GA activity reflects a positive growth rate.

Aviation Forecasts

	Base Year					Average Annual Growth Rate
	2005	2010	2015	2020	2025	
Air Taxi	0	0	0	0	0	0%
Based Aircraft	1,692	1,741	1,811	1,892	1,911	1.502%
OPERATIONS						
Local GA	39,900	40,877	41,924	43,047	44,250	1.46%
Itinerant GA	32,528	33,459	34,452	35,507	36,624	1.71%
Military	2,573	2,500	2,500	2,500	2,500	0.00%

Aviation Forecast: GA Operations



Next Steps

- ✈ Address comments on Working Paper 1
 - Refinement of Forecasts/FAA Review
- ✈ Airfield Capacity and Facility Requirements Analyses
- ✈ TAC meeting to review results of Working Paper 2
- ✈ Airport Alternatives Analysis
- ✈ Airport Plans Set
- ✈ Financial Plan/Capital Improvement Program

Question & Answer Forum

Project Schedule

- ✈ Inventory & Forecast – 3 months
- ✈ Capacity & Facility Requirements – 2 months
- ✈ Alternatives Analysis – 4 months
- ✈ Financial Plan – 2 months
- ✈ Airport Layout Plan and Report – 3 months
- ✈ Agency Review (FAA/FDOT) – 3 months



WELCOME

Herlong Airport Master Plan Update



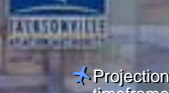


Open House

May 31, 2006



5:30pm - 7:30pm

All Are Welcome!



What is a Master Plan?

- ✦ Projection of the Airport's ultimate growth over a 20-year timeframe.
- ✦ Plan for the ultimate development of physical facilities.
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- ✦ Step-by-step description of the logic used in formulating the plan.
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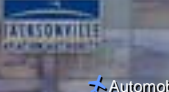
Master Plan Process

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- ✓ Aviation Activity Forecasts
- ✓ Airfield Capacity Analysis
- ✓ Facility Requirements Analysis
- ✓ Airport Alternatives Analysis
- ✦ Airport Layout Plans
- ✦ Financial Plan/Capital Improvement Program
- ✦ Public Involvement
 - Advisory Committee Meetings
 - Airport Authority Meetings
 - Public Meeting
 - Coordination Meetings
 - Briefings to JAA



Existing Conditions

- ✦ Combination civilian/military airspace: Class E, overlapping Classes C & D; Special Use Airspace
- ✦ Non-precision instrument approaches
- ✦ East/West apron: accommodate 92 aircraft
- ✦ FBO terminal: renovated in 2001
- ✦ **Runway 7-25**
 - Primary runway: 4,000 ft x 150 ft
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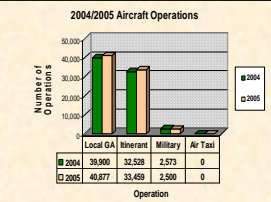
Existing Conditions: Issues

- ✦ Automobile parking
- ✦ Surface access: ground transportation
- ✦ Dense, overlapping airspace
- ✦ Turf runway
- ✦ Utilities
- ✦ **Security**
 - Perimeter and Airside
- ✦ **Diverse Aircraft Type Activity**
 - Runway length requirements
 - Navigational Aids, and
 - Potential demand for ATC related to diverse Ground and Air Movement





Historical Aviation Activity

- ✦ Significant growth in number of based aircraft
 - Increasing variety
 - growth in recreational based aircraft
- ✦ **Operations AAGR**
 - Itinerant: 1.71%
 - Local: 1.46%



Year	Local GA	Itinerant	Military	Air Taxi
2004	38,900	32,528	2,573	0
2005	40,877	33,459	2,500	0



Purpose of Forecasting

- ✦ To develop a realistic assessment of market conditions and market performance.
- ✦ To address unique local conditions not fully considered in national, macro level forecast efforts.
- ✦ To provide a benchmark for comparing current facilities against a reasonable estimate of future demand to define potential future facility needs.
- ✦ Consider the current recession coupled with the terrorist attacks of September 11, 2001 and their impacts well into the future.

Forecast Methodology

- ✦ Market share approach was used
- ✦ Calculations were made to determine what has historically been the airport's contribution to the nation's GA activity.
- ✦ These rates were then applied with the FAA's national forecasts to project the anticipated level of GA operations for the planning period.
- ✦ The resulting level of GA activity reflects a positive growth rate.

Approved Aviation Forecast

	2005	2010	2015	2020	2025
Military	2,000	2,000	2,000	2,000	2,000
Inherent GA	26,321	31,836	33,147	35,063	37,689
Local GA	34,740	35,822	37,680	39,858	42,161
Total Operations	63,061	69,664	72,827	76,921	81,850

Demand/Capacity

Annual Service Volume (ASV)

- Weighted hourly capacity of 116 operations
- 204,128 operations
- Forecast operations will not exceed ASV during planning period

Year	ASV	80% ASV	Demand	% of ASV
2005	204,128	163,302	63,300	31%
2010	204,128	163,302	66,300	32%
2015	204,128	163,302	70,826	35%
2020	204,128	163,302	76,921	38%
2025	204,128	163,302	81,251	40%

Runway Length Analysis

- ✦ Runway Length
 - Extension needed to accommodate larger aircraft
 - Airport elevation, temperature adjustment, maximum takeoff weight (MTOW) and pavement condition variables used
- ✦ SATS
 - Very light jet (VLJ) aircraft
- ✦ Fleet Mix
 - Expected to change with larger jet presence
 - Extension minimizes larger aircraft payload penalties

Runway Length Requirements

Aircraft	MTOW	Manufacturer's Runway Length Recommendation	Calculated Runway Length Requirement	Net Runway Length Available
Beech 350	15,113	3,139	3,139	3,139
Falcon 10	18,740	4,490	4,490	4,490
Legend 280S	18,740	4,075	4,331	3,682
Legend 24	13,500	3,300	3,415	3,995
Legend 25	19,000	5,116	6,095	7,136
Legend 31A	16,500	3,290	3,777	3,573
Pittman Jet	17,500	3,732	4,587	3,287
Citation Jet 680	10,400	3,080	3,734	4,204
Citation Excel	18,700	3,314	4,139	4,700
Citation S	13,500	2,300	3,635	4,469
Citation Ultra	16,300	3,180	3,885	4,234
Jetstream 31	18,000	4,350	3,474	3,065
TBM 850	7,363	2,850	3,583	3,960
S330	13,500	3,515	4,262	4,801

Sino Swearingen S130-2

Cessna 525 Citation Jet

Data of Aircraft Manufacturer Runway Length Recommendation comes from the aircraft manufacturer's website and published manuals.
 1. Maximum Allowable Takeoff Weight (MTOW) comes from the manufacturer's website or published manuals.
 2. The recommended runway length is for aircraft at MTOW at standard ISA, at sea level.
 3. Runway length was determined by adjusting the manufacturer's recommended runway length for the elevation (increased by 0.08% and temperature 2.16% at MSL).
 4. Wet runway length was calculated by applying a 15% increase to the calculated runway length.

Facility Requirements

Runway and Taxiway Improvements

- Extend Rwy 7-25 to at least 4,500 feet
- Install Runway overruns of Runway 7-25
- Construct new turf runway
- Re-surface/re-mark closed runways as taxiways
- Re-surface/re-mark Runway 11-29
- Extend Taxiway C to approach end of 7-25
- Extend Taxiway A to full parallel with 7-25
- Install MTL on closed runways and Taxiways A & C

General Aviation Needs

- Construct at least 35 T-hanger units
- Construct at least 28,333 SY of Apron
- Construct additional Aircraft Maintenance Hangar
- Provide glider and experimental aircraft facilities Adjacent to Tull Runway

Other Airfield Needs:


- Install precision instrument approach
- Construct new access road entrance
- Rehabilitate airfield signage
- Relocate or install additional electrical vault
- Upgrade security fencing
- Install utilities on the east side and south side of the airfield
- Construct additional automobile parking adjacent to Terminal



Alternatives Analysis



Airfield Concept 1: "Limited Development" Scenario




Strengths

- No impact on critical aircraft
- No impact on existing taxiway
- Limited runway length impacts on aircraft access to south airfield

Weaknesses

- Accommodates A/C B-1 aircraft
- No capacity increases for single aircraft
- No access improvements to Runways 7-25 and 11-29

Airfield Concept 2: "Runway Extension" Scenario



Strengths

- Provides required length of 5,000 feet
- Provides taxiway and taxiway access
- Provides precision and non-precision approach
- Provides full runway access, avoiding back taxiing
- Improved aircraft access to southern quadrant of airfield

Weaknesses

- Requires realignment of perimeter road
- Requires relocation of Runway 7 PAPIs
- Significant cost
- Requires replacement of MRL with HRL on Runway 7-25
- Requires installation of obstacle warning system to accommodate taxiway lighting

Airfield Concept 3: "Runway Ext. with Overruns" Scenario



Strengths

- Accommodates C-II critical aircraft
- Accommodates runway length requirements during standard and poor weather conditions
- Provides Tull Runway
- Provides precision and non-precision approach
- No property acquisition required
- Taxiway access to southern portion of airfield
- Provides full runway access, avoiding back taxiing
- Improved aircraft access to southern quadrant of airfield

Weaknesses

- Highest cost alternative
- Requires environmental assessment
- Requires relocation of PAPIs
- Requires significant pavement removal and rehabilitation
- Requires roadway realignment
- Requires installation of utilities on south side of airfield

Airfield Alternative Analysis Matrix

Airfield Evaluation Criteria	Concept 1	Concept 2	Concept 3
Total Growth Potential	Growth Limited & doesn't satisfy user needs	Allows for growth but doesn't fully satisfy user needs	Provides the greatest opportunity & meets user needs
Phasing/Construction	Limited and restricted to final acquisition required	Limited construction, less leveling based on demand, more acquisition required	Limited overall impact, development based upon demand, no final acquisition required
Operational Performance	Short and long-term capacity affected	Accommodates critical aircraft & improves airfield capacity	Accommodates existing and future critical aircraft, improves airfield capacity beyond the 20-year planning period, & provides additional margin of safety
Environmental Impacts	No impact	No impact	Minor impacts to on-airport wetlands associated with Tull Runway development
Fiscal Effects	Approx. Opportunity Costs Limited	Significant cost, but allows for growth	Significant cost, but allows for the greatest growth potential
Community Recommendations/Acceptance	Expect partial community acceptance since doesn't meet needs of users	Expect community and partial user acceptance	Expect full community and airport user acceptance
Order of Magnitude Cost	\$16 million	\$60 million	\$74 million

North Landside Development: Concept I




Strengths
<ul style="list-style-type: none"> No land acquisition required Provides mix of facilities for aircraft hangar storage Provides adequate automobile parking and aircraft tie-down and ramp space
Weaknesses
<ul style="list-style-type: none"> Does not meet long-term hangar demand Does not meet corporate hangar demand

North Landside Development: Concept II



Strengths
<ul style="list-style-type: none"> No land acquisition required Provides mix of facilities for aircraft hangar storage Provides adequate automobile parking and aircraft apron space Exceeds T-Hangar demand over long-term
Weaknesses
<ul style="list-style-type: none"> Does not meet clean span hangar and maintenance hangar demand

North Landside Development: Concept III




Strengths
<ul style="list-style-type: none"> No land acquisition required Provides mix of facilities for aircraft hangar storage Provides adequate automobile parking and aircraft ramp space Does not require wetland mitigation
Weaknesses
<ul style="list-style-type: none"> Does not meet long-term hangar demand Limited corporate and conventional hangar development

East Commerce Park Development




Strengths
<ul style="list-style-type: none"> No land acquisition required Provides mix of facilities (office buildings, hotels, restaurants, etc.) for revenue diversification Provides development opportunities Provides buffer between airport and community
Weaknesses
<ul style="list-style-type: none"> No utilities (electricity, sewer, water, etc) Access roads and facilities will need to be developed

Mid-Field GA Development: Concept I




Strengths
<ul style="list-style-type: none"> No land acquisition required Provides mix of aircraft storage facilities Exceeds automobile parking, hangar and apron space requirements Exceeds corporate and conventional hangar demand Provides additional FBO or maintenance facility
Weaknesses
<ul style="list-style-type: none"> Likely requires stormwater retention facilities No utilities (electricity, sewer, water, etc) May require wetland mitigation Significant cost for development

Mid-Field GA Development: Concept II



Strengths
<ul style="list-style-type: none"> No land acquisition required Provides mix of facilities for aircraft hangar storage Exceeds automobile parking, hangar and apron space requirements Exceeds corporate and conventional hangar demand Provides additional FBO or maintenance facility
Weaknesses
<ul style="list-style-type: none"> Likely requires stormwater retention facilities May require wetland mitigation No utilities (electricity, sewer, water, etc) Estimated Cost: ~\$13.7 million


South Development: Concept I "Industrial/Commerce Park"



Strengths	
• Additional source of on-going revenue	
• Utilizes existing property	
• Buffer between airport and off-airport development	
• May attract aviation and non-aviation businesses	

Weaknesses	
• Significant initial cost	
• Utilities need to be provided	
• Potential issues in preventing unauthorized access to airside	
• Requires additional fencing	
• Requires wetland mitigation	
• Requires perimeter road expansion and realignment	

South Development: Concept II "Residential Fly-In"



Strengths	
• Sale of land provides influx of cash for on-airport improvements	
• Residents will support on-airport facilities	

Weaknesses	
• Decreases available property	
• Requires fence line relocation	
• Requires perimeter road relocation	
• No additional revenue streams after sale of property	
• Requires installation of additional gates	

Recommended Development Plan




Recommended North GA Alternative

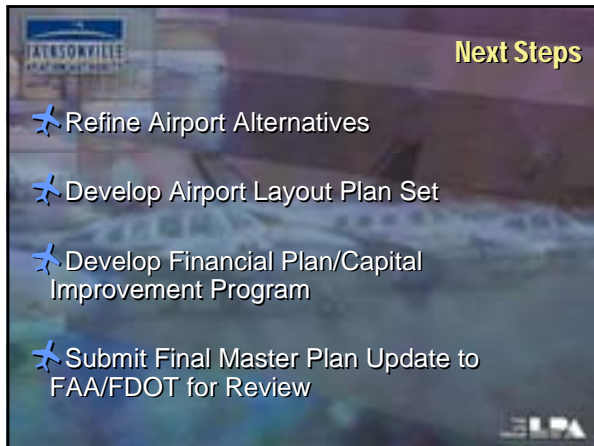


Recommended Mid-Field Alternative



Recommended South GA Alternative





Next Steps

- ✈ Refine Airport Alternatives
- ✈ Develop Airport Layout Plan Set
- ✈ Develop Financial Plan/Capital Improvement Program
- ✈ Submit Final Master Plan Update to FAA/FDOT for Review



Question & Answer Forum

Attendee List: OPEN HOUSE

NAME	ADDRESS	PHONE NUMBER	E-MAIL
Burt Taylor	1425 Mary Hill	777-9844	
John Dinger	160 Gail Ct Op. FL 32073	994-8602	JRD48@Comcast.net
John Foster	200 FOXRIDGERS O.P. FL 32065	276-0498	FtoTottam?1916@jpa.com
Ken Cobby	Heslong Airport		
Todd Cox	HFG/JAA	783-2805	tcox@jaa.aero
Aimee Clancy	HFG/JAA	783-2805	aclancy@jaa.aero
Bob Simpson	JAA	219-6701	bsimpson@jaa.aero
Chip Snowden	JAA	741-2000	csnowden@jaa.aero
Brian Wechman	8904 Snow Hill Ln JAX 32271	693-6498	wechFL2@yahoo.com
Lara Tancer	6410 Shindler Dr.	781-2054	larahgi@bellsouth.net
Albena Higgs	6502 Shindler Dr	982-4291	h.higgs@group.uscibell.com
BARRY HOPPER	21 EDGEWATER	287-9857	abhopper@comcast.net
Milford Shirley	4001 Pinto Rd. Middleburg	353-1098	FLAG8R96@aol
George Keeler	1703 HARBOR LN Middleburg	910-0552	lgck@bellsouth.net
JIM USSERY	CFDR DUBOIS CIR	781-5914	-
David Dunkley	JAA	741-2744	ddunkley@jaa.aero
Dan Coffman	404 Timpanua Rd Jax 32210	389-1204	dancoffman@comcast.net
J.C. Hunt	ORANGE PARK Ln	904-264-9998	NONE



"Open House" Response Form

Herlong Airport Master Plan Update

Wednesday, May 31st - Herlong Airport
5:30 p.m. - 7:30 p.m.

Please complete the following information:

Name: Milford Shirley

Organization: _____

Address: 400 Pinto Rd

City/State/Zip: Middleburg, FL 32068

Phone: 333-1098 E-Mail: FLAG8R96@aol.com

Was this public meeting informative? Yes No

Are you likely to attend future meetings to discuss issues related to the proposed project? Yes No

Please use the space below to share your comments or suggestions regarding the Herlong Airport Master Plan Update.

I don't believe we need to extend runways and create instrument approaches. This would only attract aircraft that do not mesh with our current mix. Why don't we keep Herlong as a place where the private pilot can enjoy him or herself.

Thank you for your time and participation.

Please return this form at the end of the Open House or drop off with Ms. Annee Clancy, Airport Manager



"Open House" Response Form Herlong Airport Master Plan Update

Wednesday, May 31st - Herlong Airport
5:30 p.m. - 7:30 p.m.

Please complete the following information:

Name: John Kelt

Organization: _____

Address: 4327 Hazyng Moss Dr.

City/State/Zip: Orange Park Fl.

Phone: 908-8313 E-Mail: j.kelt@bbsunway

Was this public meeting informative? Yes No

Are you likely to attend future meetings to discuss issues related to the proposed project? Yes No

Please use the space below to share your comments or suggestions regarding the Herlong Airport Master Plan Update.

Herlong needs to start recycling
waste. There needs to be separate
PAPER ONLY DUMPSTERS and some
containers for glass, Aluminum, & plastics.
show
Everybody STOP LANDFILLING RECYCLEABLES.

Thank you for your time and participation.

Please return this form at the end of the Open House or drop off with Ms. Aimee Clancy, Airport Manager

Mr. "TC" Cox
Manager
Herlong Airport
Jacksonville, Fla.

At our last airport tenant's meeting, one point of discussion was the JAA's master plan for runway extensions at Herlong Airport. (500 FT. overruns on Rwy's 7 - 25)

Please urge the JAA to give priority consideration to this agenda item if they want Herlong Airport to be able to serve the growth needs of both Herlong Airport and West Jacksonville's future commercial development.

Herlong Airport now has one 4000 FT. Runway which is adequate for small single and multi engine airplanes, but is marginal for medium piston twin engine, cabin class aircraft, and completely unsafe for large piston twins and Jet aircraft.

F.A. A. is beginning to take a hard look at aircraft using runways that are too short for safe operations.

Each aircraft's Pilot Operations Handbook's performance section has data that establishes minimum requirements and conditions for safe (legal) operations, for both take-off and landing, and pilots who disregard this operational data can be violated for this infraction. Insurance companies can also refuse to honor claims when an incident occurs while operation an aircraft outside of its performance criterion.

As Jacksonville's Westside grows, we will find an increase in residential development surrounding Herlong Airport, which in turn will make future runway extensions much more difficult due to organized community pressure against airport expansion.

Reference the problems presented with the plan to build runway extensions at Craig Airport.

If we act now we will be able to execute this plan. If we wait, we will find that runway extensions will be impossible.

Thank you for your consideration.



Jim Ussery - LLB, ATP, A&P
Corporate Flight Department Manager
SWMM, PA, and H&J Aircraft Inc.

WING AIR, LLC

1828 Southlake Drive
Middleburg, FL 32068

March 30, 2007

Doug Faour, Manager
Herlong Airport
Jacksonville, FL

Dear Doug:

As you are aware, Wing Air, LLC has been operating a King Air B200 out of Herlong Airport since January of 2007. While the airport has met our needs and we enjoy the convenience of being based here, there are several items that raise safety concerns.

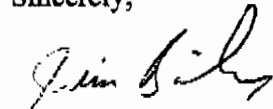
The first concern is the limitation of only one published instrument approach into Herlong Airport. It is great to have an instrument approach into the field, however, if the winds are not favoring that particular runway, the pilot is forced to land with a tailwind (which I have seen as high as 20 knots) or divert to another airfield.

Another concern is being weight limited on hot summer days due to the length of runway 7/25.

Please consider an extension to runway 7/25. By adding 500'-800' to the length of runway 7/25 you would greatly enhance the safety margin for aircraft landing with a tailwind due to using the instrument approach. The extra length would permit my aircraft to perform a maximum weight take off, even on the hottest days in August. Additionally, the extra length would provide a valuable safety margin to help compensate for the hundreds of variables that affect aircraft take off and landing performance. An extension would also open up the field to more aircraft which are limited by the 4000' length of 7/25.

Thank you for your attention to this matter.

Sincerely,



Jim Bailey
Chief Pilot

Appendix G

FAA Project Priority Funding



5100.39A
Appendix 5

Point Values for AIP Airport and ACIP Work Codes

A = Airport Code (2 to 5 pts.):

Primary Commercial Service Airports

A - Large and Medium Hub = 5 pts
B - Small and Non Hub = 4 pts

Non Primary Commercial Service, Reliever, and General Aviation Airports

Based Aircraft/Itinerant Operations

A - 100 or 50,000 = 5 pts
B - 50 or 20,000 = 4 pts
C - 20 or 8,000 = 3 pts
D - <20 and <8,000 = 2 pts

P = Purpose Points (0 to 10 pts)

CA = Capacity = 7pts
EN = Environment = 8pts
OT = Other = 4pts
PL = Planning = 8pts
RE = Reconstruction = 8pts
SA = Safety/Security = 10pts
SP = Statutory Emphasis Programs = 9pts
ST = Standards = 6pts

C = Component Points (0 to 10 pts)

AP = Apron = 5pts
BD = Building = 3pts
EQ = Equipment = 8pts
FI = Financing = 0pts
GT = Ground Transportation = 4pts
HE = Helipad = 9pts
HO = Homes = 7pts
LA = Land = 7pts
NA = New Airport = 4pts
OT = Other = 7pts
PB = Public Building = 7pts
PL = Planning = 7pts
RW = Runway = 10pts
SB = Seaplane = 9pts
TE = Terminal = 1pt
TW = Taxiway = 8pts
VT = Vertiport = 4pts

T = Type Points (0 to 10 pts)

60 = Outside 65 DNL = 0pts
65 = 65 - 69 DNL = 4pts
70 = 70 - 74 DNL = 7pts
75 = Inside 75 DNL = 10pts
AC = Access = 7pts
AD = Administration Costs = 0pts
AQ = Acquire Airport = 5pts
BO = Bond Retirement = 0pts
CO = Construction = 10pts
DI = De-Icing Facilities = 6pts
DV = Development Land = 6pts
EX = Extension/Expansion = 6pts
FF = Fuel Farm Development = 2pts
FR = RW Friction = 9pts
IM = Improvements = 8pts
IN = Instrument Approach Aid = 7pts
LI = Lighting = 8pts
MA = Master Plan = 9pts
ME = Metropolitan Planning = 7pts
MS = Miscellaneous = 5pts
MT = Mitigation = 6pts
NO = Noise Plan/Suppression = 7pts
OB = Obstruction Removal = 10pts
PA = Parking = 1pt
PM = People Mover = 3pts
RF = ARFF Vehicle = 10pts
RL = Rail = 3pts
SE = Security Improvement = 6pts
SF = RW Safety Area = 8pts
SG = RW/TW Signs = 9pts
SN = Snow Removal Equipment = 9pts
SR = Sensors = 8pts
ST = State Planning = 8pts
SV = Service = 6pts
SZ = Safety Zone (RPZ) = 8pts
VI = Visual Approach Aids, Aid = 8pts
VT = Construct V/Tol RW/Vert Plan = 2pts
WX = Weather Reporting Equipment = 8pts

NPIAS-ACIP Standard Descriptions, ACIP Codes, and National Priority Ratings

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Appendix 6

PROJECT DESCRIPTION	ACIP Codes			Airport Code			
	Purpose	Component	Type	A	B	C	D
				5	4	3	2
APRON							
Construct (name) Apron	CA	AP	CO	56	54	52	50
Expand (name) Apron	CA	AP	EX	47	46	44	42
Construct (name) Apron (environmental mitigation)	EN	AP	CO	66	64	62	60
Rehabilitate (name) Apron	RE	AP	IM	62	60	58	56
Construct (name) Apron	ST	AP	CO	46	44	43	41
Expand/Strengthen (name) Apron	ST	AP	IM	42	41	39	38
Install (name) Apron Lighting	ST	AP	LI	42	41	39	38
BUILDINGS							
<Construct/Expand/Improve/Modify/Rehabilitate> Aircraft Rescue & Fire Fighting Building [Pt	SA	BD	EX	73	71	68	66
<Construct/Expand/Improve/Modify/Rehabilitate> (describe) Building	ST	BD	MS	34	32	31	29
<Construct/Expand/Imp/Modify/Rehabilitate> <Snow Removal Equipment/Chemical Storage E	ST	BD	SN	41	39	38	36
EQUIPMENT							
Acquire Driver's Enhanced Vision System	ST	EQ	MS	41	40	38	37
Acquire Interactive Training System	OT	EQ	MS	25	24	23	22
Acquire Aircraft Rescue & Fire Fighting Vehicle [required by Part 139 only]	SA	EQ	RF	98	95	93	90
Acquire Aircraft Rescue & Fire Fighting Safety Equipment (describe) [required by Part 139]	SA	EQ	RF	98	95	93	90
Acquire Security Equipment/Install Fencing [e.g., access control] [required by Part 107]	SA	EQ	SE	86	83	81	78
Acquire Aircraft Deicing Equipment	ST	EQ	DI	43	41	40	38
<Acquire/Install/Rehabilitate> Emergency Generator	ST	EQ	LI	47	45	44	42
Acquire Aircraft Rescue & Fire Fighting Safety Equipment (describe) [not required by Part 139]	ST	EQ	MS	41	40	38	37
Acquire Equipment (e.g., Sweepers, etc.)	ST	EQ	MS	41	40	38	37
Acquire Aircraft Rescue & Fire Fighting Vehicle [not required by Part 139]	ST	EQ	RF	50	49	47	46
Acquire Security Equipment/Install Perimeter Fencing [e.g., access control] [not Part 107]	ST	EQ	SE	43	41	40	38
Acquire <Snow Removal Equipment/Urea Truck/etc.>	ST	EQ	SN	48	47	45	44
Acquire Friction Measuring Equipment	ST	EQ	SR	47	45	44	42
Install Weather Reporting Equipment (describe, e.g., AWOS }	ST	EQ	WX	47	45	44	42
FINANCE							
Administrative Costs (PFC)	OT	FI	AD	0	0	0	0
Financing Costs	OT	FI	BO	0	0	0	0
GROUND TRANSPORTATION							
<Construct/Expand/Improve/Modify/Rehabilitate> <Inter/Intra> Terminal People Mover	CA	GT	PM	39	37	36	34
<Construct/Expand/Improve/Modify/Rehabilitate> <Inter/Intra> Terminal People Mover	OT	GT	PM	18	17	16	15
<Construct/Expand/Improve/Modify/Rehabilitate> Access Rail	CA	GT	RL	39	37	36	34
<Construct/Expand/Improve/Modify/Rehabilitate> Access Rail	OT	GT	RL	18	17	16	15
<Construct/Expand/Improve/Modify/Rehabilitate> Access Road	CA	GT	AC	48	46	44	42
<Construct/Expand/Improve/Modify/Rehabilitate> Access Road	OT	GT	AC	23	22	21	20
<Construct/Expand/Improve/Modify/Rehabilitate> Service Road	OT	GT	SV	22	21	20	19
HELIPORT							
<Construct/Expand/Improve/Modify/Rehabilitate> Helipad/Heliport	CA	HE	CO	63	61	59	57
<Construct/Expand/Improve/Modify/Rehabilitate> Helipad/Heliport	ST	HE	CO	52	50	49	47
RESIDENCE							
Noise Mitigation measures for residences outside 65 DNL	EN	HO	60	46	44	42	40
Noise Mitigation measures for residences within 65 - 69 DNL	EN	HO	65	56	54	52	50
Noise Mitigation measures for residences within 70 - 74 DNL	EN	HO	70	63	61	59	57
Noise Mitigation measures for residences within 75 DNL	EN	HO	75	70	68	66	64
LAND							
Acquire <land/easement> for noise compatibility/relocation (# relocated) outside 65 DNL	EN	LA	60	46	44	42	40
Acquire <land/easement> for noise compatibility/relocation (# relocated) within 65 - 69 DNL	EN	LA	65	56	54	52	50
Acquire <land/easement> for noise compatibility/relocation (# relocated) within 70 - 74 DNL	EN	LA	70	63	61	59	57
Acquire <land/easement> for noise compatibility/relocation (# relocated) within 75 DNL	EN	LA	75	70	68	66	64
Acquire <land/easement> for development/relocation (list parcels and/or # relocated)	ST	LA	DV	41	40	38	37
Acquire miscellaneous land (describe, e.g., land for outer marker, relocate road)	ST	LA	MS	40	38	37	35
Acquire land/easement for approaches (list parcels and/or # relocated)	ST	LA	SZ	45	44	42	41

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PROJECT DESCRIPTION	ACIP Codes			Airport Code			
	Purpose	Component	Type	A	B	C	D
				5	4	3	2
NEW AIRPORTS							
Construct New Airport	CA	NA	CO	54	52	50	49
Acquire [existing] Airport	ST	NA	AO	35	34	32	31
Construct New Airport	ST	NA	CO	44	43	41	40
OTHER							
Construct Deicing Containment Facility	EN	OT	DI	61	59	57	55
Noise Mitigation Measures [miscellaneous]	EN	OT	MS	58	56	54	52
Environmental Mitigation	EN	OT	MT	61	59	57	55
Install Noise Monitoring System/Equipment	EN	OT	NO	63	61	59	57
<Construct/Improve/Repair> <Fuel Farm/Utilities> [MAP]	OT	OT	FF	20	19	18	17
<Construct/Rehabilitate> Parking Lot [non revenue producing-non hub/MAP]	OT	OT	PA	19	18	17	16
<Light/Mark/Remove> Obstructions [list location][hazard only e.g., approaches]	SA	OT	OB	95	93	90	88
Install <Guidance Signs/ Runway Incursion Caution Bars> [required by Part 139]	SA	OT	SG	92	90	87	85
Install <Guidance Signs/ Runway Incursion Caution Bars> [non Part 139 CS]	SP	OT	SG	80	77	75	73
<Install/Rehabilitate> Airport Beacons [required by Part 139]	SA	OT	VI	89	87	84	82
Install miscellaneous <NAVAIDS/Approach Aids> [seg, circle, beacon, etc., Not ALS]	SP	OT	IN	74	72	70	68
Install miscellaneous <NAVAIDS/Approach Aids> [seg, circle, beacon, etc., Not ALS]	ST	OT	IN	43	42	40	39
Improve Airport <Drainage/Erosion Control/miscellaneous improvements>	ST	OT	IM	45	44	42	41
<Light/Mark/Remove> Obstructions [location]	ST	OT	OB	49	47	46	44
Construct Aircraft Rescue & Fire Fighting Training Facility/Regional Burn Pit/Mobile Training F	ST	OT	RF	49	47	46	44
Install <Guidance/other> Signs [not Part 139]	ST	OT	SG	47	45	44	42
Construct Deicing Containment Facility	ST	OT	DI	41	40	38	37
PUBLIC BUILDINGS							
Noise Mitigation measures for public buildings outside 65 DNL	EN	PB	60	46	44	42	40
Noise Mitigation measures for public buildings within 65 - 69 DNL	EN	PB	65	56	54	52	50
Noise Mitigation measures for public buildings within 70 - 74 DNL	EN	PB	70	63	61	59	57
Noise Mitigation measures for public buildings within 75 DNL	EN	PB	75	70	68	66	64
PLANNING							
Conduct <Environmental Assessment/Environmental Impact Statement/Feasibility> <study/up	EN	PL	MA	68	66	64	62
Conduct Noise Compatibility Plan study/update [Part 150]	EN	PL	NO	63	61	59	57
Conduct Ground Transportation/Rail Study	PL	PL	AC	63	61	59	57
<Conduct/Update> <Airport Master Plan Study (ALP, EA, etc.)>	PL	PL	MA	68	66	64	62
Conduct/Update Metropolitan System Plan Study	PL	PL	ME	63	61	59	57
<Conduct/Update> [name] (e.g., Pavement Maintenance Plan, PCI, NPDES, etc.)	PL	PL	MS	58	56	54	52
<Conduct/Update> State System Plan Study	PL	PL	ST	66	64	62	60
Conduct Vertiport/Tiltrotor Plan	PL	PL	VT	51	49	47	45
RUNWAYS							
Construct Runway [name]	CA	RW	CO	64	63	61	59
Extend Runway [name]	CA	RW	EX	56	54	53	51
Construct Runway [name] (environmental mitigation)	EN	RW	CO	76	74	72	70
Rehabilitate Runway [name]	RE	RW	IM	72	70	68	66
Rehabilitate Runway <Lighting/Electrical Vault>	RE	RW	LI	72	70	68	66
Install Runway Lighting (HIRL, MIRL) [Required by Part 139]	SA	RW	LI	97	94	92	89
Install Runway Lighting (HIRL, MIRL) [non Part 139 CS]	SP	RW	LI	84	81	79	77
<Construct/Extend/Improve> Runway [name] Safety Area [Primary Airports]	SA	RW	SF	97	94	92	89
<Apply Friction Course/Groove> Runway	SP	RW	FR	86	84	82	80
Install Runway [name] distance-to-go Signs	SP	RW	SG	86	84	82	80
Install Runway [name]<Vertical/Visual> Guidance System [PAPI/VASI/REIL/ALS/etc.]	SP	RW	VI	84	81	79	77
Construct Runway [name] [includes relocation]	ST	RW	CO	53	52	50	49
<Construct/Extend/Improve> Runway [name] Safety Area [Non-Primary Airports]	ST	RW	SF	50	48	47	45
Install Runway Lighting (HIRL, MIRL, TDZ, LAHSO or CL)	ST	RW	LI	50	48	47	45
<Extend/Widen/Strengthen> Runway [name] [to meet standards]	ST	RW	IM	50	48	47	45
Install <full/partial> Instrument Approach Aid [describe, e.g., install localizer]	ST	RW	IN	48	46	45	43
Install Runway [name] Sensors	ST	RW	SR	50	48	47	45
Install Runway [name] <vertical/visual> Guidance System [PAPI/VASI/REIL/ALS/etc.]	ST	RW	VI	50	48	47	45

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PROJECT DESCRIPTION	ACIP Codes			Airport Code			
	Purpose	Component	Type	A	B	C	D
				5	4	3	2
SEAPLANE BASES							
Rehabilitate Seaplane <ramp/floats>	RE	SB	IM	72	70	68	66
<Construct/Improve/Modify> Seaplane ramp/floats	CA	SB	CO	64	63	61	59
<Construct/Improve/Modify> Seaplane ramp/floats	ST	SB	CO	53	52	50	49
TERMINAL DEVELOPMENT							
Construct Terminal Building	CA	TE	CO	49	47	45	43
Expand Terminal Building	CA	TE	EX	40	39	37	35
<Improve/Modify/Rehabilitate> Terminal Building	CA	TE	IM	44	43	41	39
Construct Terminal Building	ST	TE	CO	40	38	37	35
Expand Terminal Building	ST	TE	EX	32	31	29	28
<Improve/Modify/Rehabilitate> Terminal Building	ST	TE	IM	36	35	33	32
Acquire Handicap Passenger Lift Device	ST	TE	MS	31	29	28	26
TAXIWAYS							
Construct Taxiway (name)	CA	TW	CO	61	59	57	56
Extend Taxiway	CA	TW	EX	53	51	49	47
Construct Taxiway (name) (environmental mitigation)	EN	TW	CO	72	70	68	66
Rehabilitate Taxiway	RE	TW	IM	68	66	64	62
Rehabilitate Taxiway (name) Lighting	RE	TW	LI	68	66	64	62
Install Taxiway (name) Lighting (MITL) [Required by Part 139]	SA	TW	LI	92	89	87	84
Install Taxiway (name) Lighting (MITL) [non Part 139 CS]	SP	TW	LI	79	77	75	72
Construct Taxiway (name) [includes relocation]	ST	TW	CO	50	49	47	46
<Extend/Widen/Strengthen> Taxiway (name)	ST	TW	IM	47	45	44	42
Install Taxiway (name) Lighting (e.g., SMGCS, reflectors, MITL)	ST	TW	LI	47	45	44	42
Install Taxiway (name) Sensors	ST	TW	SR	47	45	44	42
VERTIPOINTS							
<Construct/Expand/Improve/Modify/Rehabilitate> Vertipoint	CA	VT	IM	50	48	46	44
<Construct/Expand/Improve/Modify/Rehabilitate> Vertipoint	ST	VT	IM	41	39	38	36

A = Airport Code (2 to 5 pts.):

Primary Commercial Service Airports

A = Large and Medium Hub = 5 pts

B = Small and Non Hub = 4 pts

Non Primary Commercial Service, Reliever, and General Aviation Airports.

Aircraft/Itinerant Operations

A = 100 or 50,000 = 5 pts

B = 50 or 20,000 = 4 pts

C = 20 or 8,000 = 3 pts

D = <20 and <8,000 = 2 pts

$$\text{Priority Equation} = k5 \cdot P \cdot (k1 \cdot A + k2 \cdot P + k3 \cdot C + k4 \cdot T)$$

$$\text{Priority Number} = .25P(A+1.4P+C+1.2T)$$

k1 =	1.00
k2 =	1.40
k3 =	1.00
k4 =	1.20
k5 =	0.25
k6 =	0.00

Appendix H

Florida Public Law



Select Year: 2006

The 2006 Florida Statutes

CHAPTER 163

INTERGOVERNMENTAL PROGRAMS

PART I

MISCELLANEOUS PROGRAMS (ss. 163.01-163.07)

PART II

GROWTH POLICY; COUNTY AND MUNICIPAL PLANNING; LAND DEVELOPMENT REGULATION (ss. 163.2511-163.3247)

PART III

COMMUNITY REDEVELOPMENT (ss. 163.330-163.463)

PART IV

NEIGHBORHOOD IMPROVEMENT DISTRICTS (ss. 163.501-163.526)

PART V

REGIONAL TRANSPORTATION AUTHORITIES (ss. 163.565-163.572)

PART VI

COLLABORATIVE CLIENT INFORMATION SYSTEMS (ss. 163.61-163.65)

PART I

MISCELLANEOUS PROGRAMS

163.01 Florida Interlocal Cooperation Act of 1969.

163.02 Councils of local public officials.

163.03 Secretary of Community Affairs; powers and duties; function of Department of Community Affairs with respect to federal grant-in-aid programs.

163.04 Energy devices based on renewable resources.

163.05 Small County Technical Assistance Program.

163.055 Local Government Financial Technical Assistance Program.

163.06 Miami River Commission.

163.061 Miami River Commission; unanimous vote required for certain acts.

163.065 Miami River Improvement Act.

163.07 Efficiency and accountability in local government services.

163.01 Florida Interlocal Cooperation Act of 1969.--

(1) This section shall be known and may be cited as the "Florida Interlocal Cooperation Act of 1969."

(2) It is the purpose of this section to permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities.

(3) As used in this section:

(a) "Interlocal agreement" means an agreement entered into pursuant to this section.

(b) "Public agency" means a political subdivision, agency, or officer of this state or of any state of the United States, including, but not limited to, state government, county, city, school district, single and multipurpose special district, single and multipurpose public authority, metropolitan or consolidated government, an independently elected county officer, any agency of the United States Government, a federally recognized Native American tribe, and any similar entity of any other state of the United States.

(c) "State" means a state of the United States.

(d) "Electric project" means:

1. Any plant, works, system, facilities, and real property and personal property of any nature whatsoever, together with all parts thereof and appurtenances thereto, which is located within or without the state and which is used or useful in the generation, production, transmission, purchase, sale, exchange, or interchange of electric capacity and energy, including facilities and property for the acquisition, extraction, conversion, transportation, storage, reprocessing, or disposal of fuel and other materials of any kind for any such purposes.

2. Any interest in, or right to, the use, services, output, or capacity of any such plant, works, system, or facilities.

3. Any study to determine the feasibility or costs of any of the foregoing, including, but not limited to, engineering, legal, financial, and other services necessary or appropriate to determine the legality and financial and engineering feasibility of any project referred to in subparagraph 1. or subparagraph 2.

(e) "Person" means:

1. Any natural person;

2. The United States; any state; any municipality, political subdivision, or municipal corporation created by or pursuant to the laws of the United States or any state; or any board, corporation, or other entity or body declared by or pursuant to the laws of the United States or any state to be a department, agency, or instrumentality thereof;

3. Any corporation, not-for-profit corporation, firm, partnership, cooperative association, electric cooperative, or business trust of any nature whatsoever which is organized and existing under the laws of the United States or any state; or

4. Any foreign country; any political subdivision or governmental unit of a foreign country; or any corporation, not-for-profit corporation, firm, partnership, cooperative association, electric cooperative, or business trust of any nature whatsoever which is organized and existing under the laws of a foreign country or of a political subdivision or governmental unit thereof.

(f) "Electric utility" has the same meaning as in s. 361.11(2).

(g) "Foreign public utility" means any person whose principal location or principal place of business is not located within this state; who owns, maintains, or operates facilities for the generation, transmission, or distribution of electrical energy; and who supplies electricity to retail or wholesale customers, or both, on a continuous, reliable, and dependable basis. "Foreign public utility" also means any affiliate or subsidiary of such person, the business of which is limited to the generation or transmission, or both, of electrical energy and activities reasonably incidental thereto.

(h) "Local government liability pool" means a reciprocal insurer as defined in s. 629.021 or any self-insurance program created pursuant to s. 768.28(16), formed and controlled by counties or municipalities of this state to provide liability insurance coverage for counties, municipalities, or other public agencies of this state, which pool may contract with other parties for the purpose of providing claims administration, processing, accounting, and other administrative facilities.

(4) A public agency of this state may exercise jointly with any other public agency of the state, of any other state, or of the United States Government any power, privilege, or authority which such agencies share in common and which each might exercise separately.

(5) A joint exercise of power pursuant to this section shall be made by contract in the form of an interlocal agreement, which may provide for:

(a) The purpose of such interlocal agreement or the power to be exercised and the method by which the purpose will be accomplished or the manner in which the power will be exercised.

(b) The duration of the interlocal agreement and the method by which it may be rescinded or terminated by any participating public agency prior to the stated date of termination.

(c) The precise organization, composition, and nature of any separate legal or administrative entity created thereby with the powers designated thereto, if such entity may be legally created.

(d) The manner in which the parties to an interlocal agreement will provide from their treasuries the financial support for the purpose set forth in the interlocal agreement; payments of public funds that may be made to defray the cost of such purpose; advances of public funds that may be made for the purposes set forth in the interlocal agreements and repayment thereof; and the personnel, equipment, or property of one or more of the parties to the agreement that may be used in lieu of other contributions or advances.

(e) The manner in which funds may be paid to and disbursed by any separate legal or administrative entity created pursuant to the interlocal agreement.

(f) A method or formula for equitably providing for and allocating and financing the capital and operating costs, including payments to reserve funds authorized by law and payments of principal and interest on obligations. The method or formula shall be established by the participating parties to the interlocal agreement on a ratio of full valuation of real property, on the basis of the amount of services rendered or to be rendered or benefits received or conferred or to be received or conferred, or on any other equitable basis, including the levying of taxes or assessments to pay

such costs on the entire area serviced by the parties to the interlocal agreement, subject to such limitations as may be contained in the constitution and statutes of this state.

(g) The manner of employing, engaging, compensating, transferring, or discharging necessary personnel, subject to the provisions of applicable civil service and merit systems.

(h) The fixing and collecting of charges, rates, rents, or fees, where appropriate, and the making and promulgation of necessary rules and regulations and their enforcement by or with the assistance of the participating parties to the interlocal agreement.

(i) The manner in which purchases shall be made and contracts entered into.

(j) The acquisition, ownership, custody, operation, maintenance, lease, or sale of real or personal property.

(k) The disposition, diversion, or distribution of any property acquired through the execution of such interlocal agreement.

(l) The manner in which, after the completion of the purpose of the interlocal agreement, any surplus money shall be returned in proportion to the contributions made by the participating parties.

(m) The acceptance of gifts, grants, assistance funds, or bequests.

(n) The making of claims for federal or state aid payable to the individual or several participants on account of the execution of the interlocal agreement.

(o) The manner of responding for any liabilities that might be incurred through performance of the interlocal agreement and insuring against any such liability.

(p) The adjudication of disputes or disagreements, the effects of failure of participating parties to pay their shares of the costs and expenses, and the rights of the other participants in such cases.

(q) The manner in which strict accountability of all funds shall be provided for and the manner in which reports, including an annual independent audit, of all receipts and disbursements shall be prepared and presented to each participating party to the interlocal agreement.

(r) Any other necessary and proper matters agreed upon by the participating public agencies.

(6) An interlocal agreement may provide for one or more parties to the agreement to administer or execute the agreement. One or more parties to the agreement may agree to provide all or a part of the services set forth in the agreement in the manner provided in the agreement. The parties may provide for the mutual exchange of services without payment of any contribution other than such services.

(7)(a) An interlocal agreement may provide for a separate legal or administrative entity to administer or execute the agreement, which may be a commission, board, or council constituted pursuant to the agreement.

(b) A separate legal or administrative entity created by an interlocal agreement shall possess the common power specified in the agreement and may exercise it in the manner or according to the method provided in the agreement. The entity may, in addition to its other powers, be authorized in its own name to make and enter into contracts; to employ agencies or employees; to acquire, construct, manage, maintain, or operate buildings, works, or improvements; to acquire, hold, or dispose of property; and to incur debts, liabilities, or obligations which do not constitute the debts,

liabilities, or obligations of any of the parties to the agreement.

(c) No separate legal or administrative entity created by an interlocal agreement shall possess the power or authority to levy any type of tax within the boundaries of any governmental unit participating in the interlocal agreement, to issue any type of bond in its own name, or in any way to obligate financially a governmental unit participating in the interlocal agreement. However, any separate legal entity, the membership of which consists only of electric utilities as defined in s. 361.11(2) and which is created for the purpose of exercising the powers granted by part II of chapter 361, the Joint Power Act, may, for the purpose of financing or refinancing the costs of an electric project, exercise all powers in connection with the authorization, issuance, and sale of bonds as are conferred by parts I, II, and III of chapter 159 or part II of chapter 166, or both. Any such entity may also issue bond anticipation notes, as provided by s. 215.431, in connection with the authorization, issuance, and sale of such bonds. All of the privileges, benefits, powers, and terms of parts I, II, and III of chapter 159 and part II of chapter 166, notwithstanding any limitations provided above, shall be fully applicable to such entity. In addition, the governing body of such legal entity may also authorize bonds to be issued and sold from time to time and delegate, to such officer, official, or agent of such legal entity as the governing body of such legal entity shall select, the power to determine the time; manner of sale, public or private; maturities; rate or rates of interest, which may be fixed or may vary at such time or times and in accordance with a specified formula or method of determination; and other terms and conditions as may be deemed appropriate by the officer, official, or agent so designated by the governing body of such legal entity. However, the amounts and maturities of such bonds and the interest rate or rates on such bonds shall be within the limits prescribed by the governing body of such legal entity in its resolution delegating to such officer, official, or agent the power to authorize the issuance and sale of such bonds. Bonds issued pursuant to this section may be validated as provided in chapter 75 and paragraph (15)(f). However, the complaint in any action to validate such bonds shall be filed only in the Circuit Court for Leon County. The notice required to be published by s. 75.06 shall be published only in Leon County, and the complaint and order of the circuit court shall be served only on the State Attorney of the Second Judicial Circuit and on the state attorney of each circuit in which a public agency participating in the electric project lies. Notice of such proceedings shall be published in the manner and at the time required by s. 75.06 in Leon County and in each county in which any portion of any public agency participating in the electric project lies.

(d) Notwithstanding the provisions of paragraph (c), any separate legal entity created pursuant to this section and controlled by the municipalities or counties of this state or by one or more municipality and one or more county of this state, the membership of which consists or is to consist of municipalities only, counties only, or one or more municipality and one or more county, may, for the purpose of financing or refinancing any capital projects, exercise all powers in connection with the authorization, issuance, and sale of bonds. Notwithstanding any limitations provided in this section, all of the privileges, benefits, powers, and terms of part I of chapter 125, part II of chapter 166, and part I of chapter 159 shall be fully applicable to such entity. Bonds issued by such entity shall be deemed issued on behalf of the counties or municipalities which enter into loan agreements with such entity as provided in this paragraph. Any loan agreement executed pursuant to a program of such entity shall be governed by the provisions of part I of chapter 159 or, in the case of counties, part I of chapter 125, or in the case of municipalities and charter counties, part II of chapter 166. Proceeds of bonds issued by such entity may be loaned to counties or municipalities of this state or a combination of municipalities and counties, whether or not such counties or municipalities are also members of the entity issuing the bonds. The issuance of bonds by such entity to fund a loan program to make loans to municipalities or counties or a combination of municipalities and counties with one another for capital projects to be identified subsequent to the issuance of the bonds to fund such loan programs is deemed to be a paramount public purpose. Any entity so created may also issue bond anticipation notes, as provided by s. 215.431, in connection with the authorization, issuance, and sale of such bonds. In addition, the governing body of such legal entity may also authorize bonds to be issued and sold from time to time and may delegate, to such officer, official, or agent of such legal entity as the governing body of such legal entity may select, the power to determine the time; manner of sale, public or private; maturities; rate or rates of interest, which may be fixed or may vary at such time or times and in accordance with a

specified formula or method of determination; and other terms and conditions as may be deemed appropriate by the officer, official, or agent so designated by the governing body of such legal entity. However, the amounts and maturities of such bonds and the interest rate or rates of such bonds shall be within the limits prescribed by the governing body of such legal entity and its resolution delegating to such officer, official, or agent the power to authorize the issuance and sale of such bonds. A local government self-insurance fund established under this section may financially guarantee bonds or bond anticipation notes issued or loans made under this subsection. Bonds issued pursuant to this paragraph may be validated as provided in chapter 75. The complaint in any action to validate such bonds shall be filed only in the Circuit Court for Leon County. The notice required to be published by s. 75.06 shall be published only in Leon County, and the complaint and order of the circuit court shall be served only on the State Attorney of the Second Judicial Circuit and on the state attorney of each circuit in each county where the public agencies which were initially a party to the agreement are located. Notice of such proceedings shall be published in the manner and the time required by s. 75.06 in Leon County and in each county where the public agencies which were initially a party to the agreement are located. Obligations of any county or municipality pursuant to a loan agreement as described in this paragraph may be validated as provided in chapter 75.

(e)1. Notwithstanding the provisions of paragraph (c), any separate legal entity, created pursuant to the provisions of this section and controlled by counties or municipalities of this state, the membership of which consists or is to consist only of public agencies of this state, may, for the purpose of financing acquisition of liability coverage contracts from one or more local government liability pools to provide liability coverage for counties, municipalities, or other public agencies of this state, exercise all powers in connection with the authorization, issuance, and sale of bonds. All of the privileges, benefits, powers, and terms of s. 125.01 relating to counties and s. 166.021 relating to municipalities shall be fully applicable to such entity and such entity shall be considered a unit of local government for all of the privileges, benefits, powers, and terms of part I of chapter 159. Bonds issued by such entity shall be deemed issued on behalf of counties, municipalities, or public agencies which enter into loan agreements with such entity as provided in this paragraph. Proceeds of bonds issued by such entity may be loaned to counties, municipalities, or other public agencies of this state, whether or not such counties, municipalities, or other public agencies are also members of the entity issuing the bonds, and such counties, municipalities, or other public agencies may in turn deposit such loan proceeds with a separate local government liability pool for purposes of acquiring liability coverage contracts.

2. Counties or municipalities of this state are authorized pursuant to this section, in addition to the authority provided by s. 125.01, part II of chapter 166, and other applicable law, to issue bonds for the purpose of acquiring liability coverage contracts from a local government liability pool. Any individual county or municipality may, by entering into interlocal agreements with other counties, municipalities, or public agencies of this state, issue bonds on behalf of itself and other counties, municipalities, or other public agencies, for purposes of acquiring a liability coverage contract or contracts from a local government liability pool. Counties, municipalities, or other public agencies are also authorized to enter into loan agreements with any entity created pursuant to subparagraph 1., or with any county or municipality issuing bonds pursuant to this subparagraph, for the purpose of obtaining bond proceeds with which to acquire liability coverage contracts from a local government liability pool. No county, municipality, or other public agency shall at any time have more than one loan agreement outstanding for the purpose of obtaining bond proceeds with which to acquire liability coverage contracts from a local government liability pool. Obligations of any county, municipality, or other public agency of this state pursuant to a loan agreement as described above may be validated as provided in chapter 75. Prior to the issuance of any bonds pursuant to subparagraph 1. or this subparagraph for the purpose of acquiring liability coverage contracts from a local government liability pool, the reciprocal insurer or the manager of any self-insurance program shall demonstrate to the satisfaction of the Office of Insurance Regulation of the Financial Services Commission that excess liability coverage for counties, municipalities, or other public agencies is reasonably unobtainable in the amounts provided by such pool or that the liability coverage obtained through acquiring contracts from a local government liability pool, after taking into account costs of issuance of bonds and any other administrative fees, is less expensive to counties, municipalities, or special districts than similar commercial coverage then reasonably

available.

3. Any entity created pursuant to this section or any county or municipality may also issue bond anticipation notes, as provided by s. 215.431, in connection with the authorization, issuance, and sale of such bonds. In addition, the governing body of such legal entity or the governing body of such county or municipality may also authorize bonds to be issued and sold from time to time and may delegate, to such officer, official, or agent of such legal entity as the governing body of such legal entity may select, the power to determine the time; manner of sale, public or private; maturities; rate or rates of interest, which may be fixed or may vary at such time or times and in accordance with a specified formula or method of determination; and other terms and conditions as may be deemed appropriate by the officer, official, or agent so designated by the governing body of such legal entity. However, the amounts and maturities of such bonds and the interest rate or rates of such bonds shall be within the limits prescribed by the governing body of such legal entity and its resolution delegating to such officer, official, or agent the power to authorize the issuance and sale of such bonds. Any series of bonds issued pursuant to this paragraph shall mature no later than 7 years following the date of issuance thereof.

4. Bonds issued pursuant to subparagraph 1. may be validated as provided in chapter 75. The complaint in any action to validate such bonds shall be filed only in the Circuit Court for Leon County. The notice required to be published by s. 75.06 shall be published in Leon County and in each county which is an owner of the entity issuing the bonds, or in which a member of the entity is located, and the complaint and order of the circuit court shall be served only on the State Attorney of the Second Judicial Circuit and on the state attorney of each circuit in each county or municipality which is an owner of the entity issuing the bonds or in which a member of the entity is located.

5. Bonds issued pursuant to subparagraph 2. may be validated as provided in chapter 75. The complaint in any action to validate such bonds shall be filed in the circuit court of the county or municipality which will issue the bonds. The notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in the county or municipality which will issue the bonds.

6. The participation by any county, municipality, or other public agency of this state in a local government liability pool shall not be deemed a waiver of immunity to the extent of liability coverage, nor shall any contract entered regarding such a local government liability pool be required to contain any provision for waiver.

(f) Notwithstanding anything to the contrary, any separate legal entity, created pursuant to the provisions of this section, wholly owned by the municipalities or counties of this state, the membership of which consists or is to consist only of municipalities or counties of this state, may exercise the right and power of eminent domain, including the procedural powers under chapters 73 and 74, if such right and power is granted to such entity by the interlocal agreement creating the entity.

(g)1. Notwithstanding any other provisions of this section, any separate legal entity created under this section, the membership of which is limited to municipalities and counties of the state, and which may include a special district in addition to a municipality or county or both, may acquire, own, construct, improve, operate, and manage public facilities, or finance facilities on behalf of any person, relating to a governmental function or purpose, including, but not limited to, wastewater facilities, water or alternative water supply facilities, and water reuse facilities, which may serve populations within or outside of the members of the entity. Notwithstanding s. 367.171 (7), any separate legal entity created under this paragraph is not subject to Public Service Commission jurisdiction. The separate legal entity may not provide utility services within the service area of an existing utility system unless it has received the consent of the utility.

2. For purposes of this paragraph, the term:

a. "Host government" means the governing body of the county, if the largest number of equivalent residential connections currently served by a system of the utility is located in the unincorporated area, or the governing body of a municipality, if the largest number of equivalent residential connections currently served by a system of the utility is located within that municipality's boundaries.

b. "Separate legal entity" means any entity created by interlocal agreement the membership of which is limited to two or more special districts, municipalities, or counties of the state, but which entity is legally separate and apart from any of its member governments.

c. "System" means a water or wastewater facility or group of such facilities owned by one entity or affiliate entities.

d. "Utility" means a water or wastewater utility and includes every person, separate legal entity, lessee, trustee, or receiver owning, operating, managing, or controlling a system, or proposing construction of a system, who is providing, or proposes to provide, water or wastewater service to the public for compensation.

3. A separate legal entity that seeks to acquire any utility shall notify the host government in writing by certified mail about the contemplated acquisition not less than 30 days before any proposed transfer of ownership, use, or possession of any utility assets by such separate legal entity. The potential acquisition notice shall be provided to the legislative head of the governing body of the host government and to its chief administrative officer and shall provide the name and address of a contact person for the separate legal entity and information identified in s. 367.071(4) (a) concerning the contemplated acquisition.

4.a. Within 30 days following receipt of the notice, the host government may adopt a resolution to become a member of the separate legal entity, adopt a resolution to approve the utility acquisition, or adopt a resolution to prohibit the utility acquisition by the separate legal entity if the host government determines that the proposed acquisition is not in the public interest. A resolution adopted by the host government which prohibits the acquisition may include conditions that would make the proposal acceptable to the host government.

b. If a host government adopts a membership resolution, the separate legal entity shall accept the host government as a member on the same basis as its existing members before any transfer of ownership, use, or possession of the utility or the utility facilities. If a host government adopts a resolution to approve the utility acquisition, the separate legal entity may complete the acquisition. If a host government adopts a prohibition resolution, the separate legal entity may not acquire the utility within that host government's territory without the specific consent of the host government by future resolution. If a host government does not adopt a prohibition resolution or an approval resolution, the separate legal entity may proceed to acquire the utility after the 30-day notice period without further notice.

5. After the acquisition or construction of any utility systems by a separate legal entity created under this paragraph, revenues or any other income may not be transferred or paid to a member of a separate legal entity, or to any other special district, county, or municipality, from user fees or other charges or revenues generated from customers that are not physically located within the jurisdictional or service delivery boundaries of the member, special district, county, or municipality receiving the transfer or payment. Any transfer or payment to a member, special district, or other local government must be solely from user fees or other charges or revenues generated from customers that are physically located within the jurisdictional or service delivery boundaries of the member, special district, or local government receiving the transfer of payment.

6. This section is an alternative provision otherwise provided by law as authorized in s. 4, Art. VIII of the State Constitution for any transfer of power as a result of an acquisition of a utility by a separate legal entity from a municipality, county, or special district.

7. The entity may finance or refinance the acquisition, construction, expansion, and improvement of such facilities relating to a governmental function or purpose through the issuance of its bonds, notes, or other obligations under this section or as otherwise authorized by law. The entity has all the powers provided by the interlocal agreement under which it is created or which are necessary to finance, own, operate, or manage the public facility, including, without limitation, the power to establish rates, charges, and fees for products or services provided by it, the power to levy special assessments, the power to sell or finance all or a portion of such facility, and the power to contract with a public or private entity to manage and operate such facilities or to provide or receive facilities, services, or products. Except as may be limited by the interlocal agreement under which the entity is created, all of the privileges, benefits, powers, and terms of s. 125.01, relating to counties, and s. 166.021, relating to municipalities, are fully applicable to the entity. However, neither the entity nor any of its members on behalf of the entity may exercise the power of eminent domain over the facilities or property of any existing water or wastewater plant utility system, nor may the entity acquire title to any water or wastewater plant utility facilities, other facilities, or property which was acquired by the use of eminent domain after the effective date of this act. Bonds, notes, and other obligations issued by the entity are issued on behalf of the public agencies that are members of the entity.

8. Any entity created under this section may also issue bond anticipation notes in connection with the authorization, issuance, and sale of bonds. The bonds may be issued as serial bonds or as term bonds or both. Any entity may issue capital appreciation bonds or variable rate bonds. Any bonds, notes, or other obligations must be authorized by resolution of the governing body of the entity and bear the date or dates; mature at the time or times, not exceeding 40 years from their respective dates; bear interest at the rate or rates; be payable at the time or times; be in the denomination; be in the form; carry the registration privileges; be executed in the manner; be payable from the sources and in the medium or payment and at the place; and be subject to the terms of redemption, including redemption prior to maturity, as the resolution may provide. If any officer whose signature, or a facsimile of whose signature, appears on any bonds, notes, or other obligations ceases to be an officer before the delivery of the bonds, notes, or other obligations, the signature or facsimile is valid and sufficient for all purposes as if he or she had remained in office until the delivery. The bonds, notes, or other obligations may be sold at public or private sale for such price as the governing body of the entity shall determine. Pending preparation of the definitive bonds, the entity may issue interim certificates, which shall be exchanged for the definitive bonds. The bonds may be secured by a form of credit enhancement, if any, as the entity deems appropriate. The bonds may be secured by an indenture of trust or trust agreement. In addition, the governing body of the legal entity may delegate, to an officer, official, or agent of the legal entity as the governing body of the legal entity may select, the power to determine the time; manner of sale, public or private; maturities; rate of interest, which may be fixed or may vary at the time and in accordance with a specified formula or method of determination; and other terms and conditions as may be deemed appropriate by the officer, official, or agent so designated by the governing body of the legal entity. However, the amount and maturity of the bonds, notes, or other obligations and the interest rate of the bonds, notes, or other obligations must be within the limits prescribed by the governing body of the legal entity and its resolution delegating to an officer, official, or agent the power to authorize the issuance and sale of the bonds, notes, or other obligations.

9. Bonds, notes, or other obligations issued under this paragraph may be validated as provided in chapter 75. The complaint in any action to validate the bonds, notes, or other obligations must be filed only in the Circuit Court for Leon County. The notice required to be published by s. 75.06 must be published in Leon County and in each county that is a member of the entity issuing the bonds, notes, or other obligations, or in which a member of the entity is located, and the complaint and order of the circuit court must be served only on the State Attorney of the Second Judicial Circuit and on the state attorney of each circuit in each county that is a member of the entity issuing the bonds, notes, or other obligations or in which a member of the entity is located. Section 75.04(2) does not apply to a complaint for validation brought by the legal entity.

10. The accomplishment of the authorized purposes of a legal entity created under this paragraph is in all respects for the benefit of the people of the state, for the increase of their commerce and

prosperity, and for the improvement of their health and living conditions. Since the legal entity will perform essential governmental functions in accomplishing its purposes, the legal entity is not required to pay any taxes or assessments of any kind whatsoever upon any property acquired or used by it for such purposes or upon any revenues at any time received by it. The bonds, notes, and other obligations of an entity, their transfer, and the income therefrom, including any profits made on the sale thereof, are at all times free from taxation of any kind by the state or by any political subdivision or other agency or instrumentality thereof. The exemption granted in this subparagraph is not applicable to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

(8) If the purpose set forth in an interlocal agreement is the acquisition, construction, or operation of a revenue-producing facility, the agreement may provide for the repayment or return to the parties of all or any part of the contributions, payments, or advances made by the parties pursuant to subsection (5) and for payment to the parties of any sum derived from the revenues of such facility. Payments, repayments, or returns shall be made at any time and in the manner specified in the agreement and may be made at any time on or prior to the rescission or termination of the agreement or completion of the purposes of the agreement.

(9)(a) All of the privileges and immunities from liability; exemptions from laws, ordinances, and rules; and pensions and relief, disability, workers' compensation, and other benefits which apply to the activity of officers, agents, or employees of any public agency or employees of any public agency when performing their respective functions within the territorial limits for their respective agencies shall apply to the same degree and extent to the performance of such functions and duties of such officers, agents, or employees extraterritorially under the provisions of any such interlocal agreement.

(b) An interlocal agreement does not relieve a public agency of any obligation or responsibility imposed upon it by law except to the extent of actual and timely performance thereof by one or more of the parties to the agreement or any legal or administrative entity created by the agreement, in which case the performance may be offered in satisfaction of the obligation or responsibility.

(c) All of the privileges and immunities from liability and exemptions from laws, ordinances, and rules which apply to the municipalities and counties of this state apply to the same degree and extent to any separate legal entity, created pursuant to the provisions of this section, wholly owned by the municipalities or counties of this state, the membership of which consists or is to consist only of municipalities or counties of this state, unless the interlocal agreement creating such entity provides to the contrary. All of the privileges and immunities from liability; exemptions from laws, ordinances, and rules; and pension and relief, disability, and worker's compensation, and other benefits which apply to the activity of officers, agents, employees, or employees of agents of counties and municipalities of this state which are parties to an interlocal agreement creating a separate legal entity pursuant to the provisions of this section shall apply to the same degree and extent to the officers, agents, or employees of such entity unless the interlocal agreement creating such entity provides to the contrary.

(10)(a) A public agency entering into an interlocal agreement may appropriate funds and sell, give, or otherwise supply any party designated to operate the joint or cooperative undertaking such personnel, services, facilities, property, franchises, or funds thereof as may be within its legal power to furnish.

(b) A public agency entering into an interlocal agreement may receive grants-in-aid or other assistance funds from the United States Government or this state for use in carrying out the purposes of the interlocal agreement.

(11) Prior to its effectiveness, an interlocal agreement and subsequent amendments thereto shall be filed with the clerk of the circuit court of each county where a party to the agreement is located. However, if the parties to the agreement are located in multiple counties and the

agreement under subsection (7) provides for a separate legal entity or administrative entity to administer the agreement, the interlocal agreement and any amendments thereto may be filed with the clerk of the circuit court in the county where the legal or administrative entity maintains its principal place of business.

(12) Any public agency entering into an agreement pursuant to this section may appropriate funds and may sell, lease, give, or otherwise supply the administrative joint board or other legal or administrative entity created to operate the joint or cooperative undertaking by providing such personnel or services therefor as may be within its legal power to furnish.

(13) The powers and authority granted by this section shall be in addition and supplemental to those granted by any other general, local, or special law. Nothing contained herein shall be deemed to interfere with the application of any other law.

(14) This section is intended to authorize the entry into contracts for the performance of service functions of public agencies, but shall not be deemed to authorize the delegation of the constitutional or statutory duties of state, county, or city officers.

(15) Notwithstanding any other provision of this section or of any other law except s. 361.14, any public agency of this state which is an electric utility, or any separate legal entity created pursuant to the provisions of this section, the membership of which consists only of electric utilities, and which exercises or proposes to exercise the powers granted by part II of chapter 361, the Joint Power Act, may exercise any or all of the following powers:

(a) Any such public agency or legal entity, or both, may plan, finance, acquire, construct, reconstruct, own, lease, operate, maintain, repair, improve, extend, or otherwise participate jointly in one or more electric projects, which are proposed, existing, or under construction and which are located or to be located within or without this state, with any one or more of the following:

1. Any such legal entity;
2. One or more electric utilities;
3. One or more foreign public utilities; or
4. Any other person,

if the right to full possession and to all of the use, services, output, and capacity of any such electric project during the original estimated useful life thereof is vested, subject to creditors' rights, in any one or more of such legal entities, electric utilities, or foreign public utilities, or in any combination thereof. Any such public agency or legal entity, or both, may act as agent or designate one or more persons, whether or not participating in an electric project, to act as its agent in connection with the planning, design, engineering, licensing, acquisition, construction, completion, management, control, operation, maintenance, repair, renewal, addition, replacement, improvement, modification, insuring, decommissioning, cleanup, retirement, or disposal, or all of the foregoing, of such electric project or electric projects.

(b)1. In any case in which any such public agency or legal entity, or both, participate in an electric project with any one or more of the following:

- a. Any such legal entity;
- b. One or more electric utilities;

- c. One or more foreign public utilities; or
- d. Any other person,

and if the right to full possession and to all of the use, services, output, and capacity of any such electric project during the original estimated useful life thereof is vested, subject to creditors' rights, in any one or more of such legal entities, electric utilities, or foreign public utilities, or in any combination thereof, such public agency or legal entity, or both, may enter into an agreement or agreements with respect to such electric project with the other person or persons participating therein, and such legal entity may enter into an agreement or agreements with one or more public agencies who are parties to the interlocal agreement creating such legal entity. Any such agreement may be for such period, including, but not limited to, an unspecified period, and may contain such other terms, conditions, and provisions, consistent with the provisions of this section, as the parties thereto shall determine. In connection with entry into and performance pursuant to any such agreement, with the selection of any person or persons with which any such public agency or legal entity, or both, may enter into any such agreement, and with the selection of any electric project to which such agreement may relate, no such public agency or legal entity shall be required to comply with any general, local, or special statute, including, but not limited to, the provisions of s. 287.055, or with any charter provision of any public agency, which would otherwise require public bidding, competitive negotiation, or both.

2. Any such agreement may include, but need not be limited to, any or all of the following:

- a. Provisions defining what constitutes a default thereunder and providing for the rights and remedies of the parties thereto upon the occurrence of such a default, including, without limitation, the right to discontinue the delivery of products or services to a defaulting party and requirements that the remaining parties not in default who are entitled to receive products or services from the same electric project may be required to pay for and use or otherwise dispose of, on a proportionate or other basis, all or some portion of the products and services which were to be purchased by the defaulting party.
- b. Provisions granting one or more of the parties the option to purchase the interest or interests of one or more other parties in the electric project upon such occurrences, and at such times and pursuant to such terms and conditions, as the parties may agree, notwithstanding the limitations on options in the provisions of any law to the contrary.
- c. Provisions setting forth restraints on alienation of the interests of the parties in the electric project.
- d. Provisions for the planning, design, engineering, licensing, acquisition, construction, completion, management, control, operation, maintenance, repair, renewal, addition, replacement, improvement, modification, insuring, decommissioning, cleanup, retirement, or disposal, or all of the foregoing of such electric project by any one or more of the parties to such agreement, which party or parties may be designated in or pursuant to such agreement as agent or agents on behalf of itself and one or more of the other parties thereto or by such other means as may be determined by the parties thereto.
- e. Provisions for a method or methods of determining and allocating among or between the parties the costs of planning, design, engineering, licensing, acquisition, construction, completion, management, control, operation, maintenance, repair, renewal, addition, replacement, improvement, modification, insuring, decommissioning, cleanup, retirement, or disposal, or all of the foregoing with respect to such electric project.
- f. Provisions that any such public agency or legal entity, or both, will not rescind, terminate, or amend any contract or agreement relating to such electric project without the consent of one or more persons with which such public agency or legal entity, or both, have entered into an agreement pursuant to this section or without the consent of one or more persons with whom any

such public agency or legal entity, or both, have made a covenant or who are third-party beneficiaries of any such covenant.

g. Provisions whereby any such public agency or legal entity, or both, are obligated to pay for the products and services of such electric project and the support of such electric project, including, without limitation, those activities set forth in sub-subparagraph d., without setoff or counterclaim and irrespective of whether such products or services are furnished, made available, or delivered to such public agency or legal entity, or both, or whether any electric project contemplated by such contract or agreement is completed, operable, or operating, and notwithstanding suspension, interruption, interference, reduction, or curtailment of the products and services of such electric project and notwithstanding the quality, or failure, of performance of any one or more of the activities set forth in sub-subparagraph d. with respect to such electric project.

h. Provisions that in the event of the failure or refusal of any such public agency or legal entity, or both, to perform punctually any specified covenant or obligation contained in or undertaken pursuant to any such agreement, any one or more parties to such agreement or any one or more persons who have been designated in such agreement as third-party beneficiaries of such covenant or obligation may enforce the performance of such public agency or legal entity by an action at law or in equity, including, but not limited to, specific performance or mandamus.

i. Provisions obligating any such public agency or legal entity, or both, to indemnify, including, without limitation, indemnification against the imposition or collection of local, state, or federal taxes and interest or penalties related thereto, or payments made in lieu thereof, to hold harmless, or to waive claims or rights for recovery, including claims or rights for recovery based on sole negligence, gross negligence, any other type of negligence, or any other act or omission, intentional or otherwise, against one or more of the other parties to such agreement. Such provisions may define the class or classes of persons for whose acts, intentional or otherwise, a party shall not be responsible; and all of such provisions may be upon such terms and conditions as the parties thereto shall determine.

j. Provisions obligating any such public agency or legal entity, or both, not to dissolve until all principal and interest payments for all bonds and other evidences of indebtedness issued by such public agency or legal entity, or both, have been paid or otherwise provided for and until all contractual obligations and duties of such public agency or legal entity have been fully performed or discharged, or both.

k. Provisions obligating any such public agency or legal entity, or both, to establish, levy, and collect rents, rates, and other charges for the products and services provided by such legal entity or provided by the electric or other integrated utility system of such public agency, which rents, rates, and other charges shall be at least sufficient to meet the operation and maintenance expenses of such electric or integrated utility system; to comply with all covenants pertaining thereto contained in, and all other provisions of, any resolution, trust indenture, or other security agreement relating to any bonds or other evidences of indebtedness issued or to be issued by any such public agency or legal entity; to generate funds sufficient to fulfill the terms of all other contracts and agreements made by such public agency or legal entity, or both; and to pay all other amounts payable from or constituting a lien or charge on the revenues derived from the products and services of such legal entity or constituting a lien or charge on the revenues of the electric or other integrated utility system of such public agency.

l. Provisions obligating such legal entity to enforce the covenants and obligations of each such public agency with which such legal entity has entered into a contract or agreement with respect to such electric project.

m. Provisions obligating such legal entity not to permit any such public agency to withdraw from such legal entity until all contractual obligations and duties of such legal entity and of each such public agency with which it has entered into a contract or agreement with respect to such electric project have been fully performed, discharged, or both.

n. Provisions obligating each such public agency which has entered into a contract or agreement with such legal entity with respect to an electric project not to withdraw from, or cause or participate in the dissolution of, such legal entity until all duties and obligations of such legal entity and of each such public agency arising from all contracts and agreements entered into by such public agency or legal entity, or both, have been fully performed, discharged, or both.

o. Provisions obligating each such public agency which has entered into a contract or agreement with such legal entity or which has entered into a contract or agreement with any other person or persons with respect to such electric project to maintain its electric or other integrated utility system in good repair and operating condition until all duties and obligations of each such public agency and of each such legal entity arising out of all contracts and agreements with respect to such electric project entered into by each such public agency or legal entity, or both, have been fully performed, discharged, or both.

3. All actions taken by an agent designated in accordance with the provisions of any such agreement may, if so provided in the agreement, be made binding upon such public agency or legal entity, or both, without further action or approval by such public agency or legal entity, or both. Any agent or agents designated in any such agreement shall be governed by the laws and rules applicable to such agent as a separate entity and not by any laws or rules which may be applicable to any of the other participating parties and not otherwise applicable to the agent.

(c) Any such legal entity may acquire services, output, capacity, energy, or any combination thereof only from:

1. An electric project in which it has an ownership interest; or
2. Any other source:
 - a. To the extent of replacing the services, output, capacity, energy, or combination thereof of its share of an electric project when the output or capacity of such electric project is reduced or unavailable; or
 - b. At any time and in any amount for resale to any of its members as necessary to meet their retail load requirements.

However, under sub-subparagraph 2.b., such legal entity may not purchase wholesale power for resale to any of its members from any electric utility as a result of any legal proceeding commenced by the legal entity or any of its members after January 1, 1982, before any state or federal court or administrative body, to the extent that such purchase or proceeding would involuntarily expand the responsibility of the electric utility to provide such wholesale power.

(d) Any such legal entity may sell services, output, capacity, energy, or any combination thereof only to:

1. Its members to meet their retail load requirements;
2. Other electric utilities or foreign public utilities which have ownership interests in, or contractual arrangements which impose on such electric utilities or foreign public utilities obligations which are the economic equivalents of ownership interests in, the electric project from which such services, output, capacity, energy, or combination thereof is to be acquired;
3. Any other electric utility or foreign public utility to dispose of services, output, capacity, energy, or any combination thereof that is surplus to the requirements of such legal entity:
 - a. If such surplus results from default by one or more of the members of such legal entity under a contract or contracts for the purchase of such services, output, capacity, energy, or combination

thereof; and

b. If the revenues from such contract or contracts are pledged as security for payment of bonds or other evidences of indebtedness issued by such legal entity or if such revenues are required by such legal entity to meet its obligations under any contract or agreement entered into by such legal entity pursuant to paragraph (b);

4. Any other electric utility or foreign public utility for a period not to exceed 5 years from the later to occur of the date of commercial operation of, or the date of acquisition by such legal entity of any ownership interest in or right to acquire services, output, capacity, energy, or any combination thereof from, the electric project from which such services, output, capacity, energy, or combination thereof is to be acquired, if:

a. One or more members of such legal entity have contracted to purchase such services, output, capacity, energy, or combination thereof from such legal entity commencing upon the expiration of such period; and

b. Such services, output, capacity, energy, or combination thereof, if acquired commencing at an earlier time, could have been reasonably predicted to create a surplus or surpluses in the electric system or systems of such member or members during such period, when added to services, output, capacity, energy, or any combination thereof available to such member or members during such period from facilities owned by such member or members or pursuant to one or more then-existing firm contractual obligations which are not terminable prior to the end of such period without payment of a penalty, or both; or

5. Any combination of the above.

Nothing contained in this paragraph shall prevent such legal entity from selling the output of its ownership interest in any such electric project to any electric utility or foreign public utility as emergency, scheduled maintenance, or economy interchange service.

(e) All obligations and covenants of any such public agency or legal entity, or both, contained in any contract or agreement, which contract or agreement and obligations and covenants are authorized, permitted, or contemplated by this section, shall be the legal, valid, and binding obligations and covenants of the public agency or legal entity undertaking such obligations or making such covenants; and each such obligation or covenant shall be enforceable in accordance with its terms.

(f) When contract payments by any such public agency contracting with any such legal entity or revenues of any such public agency contracting with any other person or persons with respect to an electric project are to be pledged as security for the payment of bonds or other evidences of indebtedness sought to be validated, the complaint for validation may make parties defendant to such action, in addition to the state and the taxpayers, property owners, and citizens of the county in which the complaint for validation is filed, including nonresidents owning property or subject to taxation therein:

1. Every public agency the contract payments of which are to be so pledged.

2. Any other person contracting with such public agency or legal entity, or both, in any manner relating to such electric project, and particularly with relation to any ownership or operation of any electric project; the supplying of electrical energy to such public agency or legal entity, or both; or the taking or purchase of electrical energy from the electric project.

3. The taxpayers, property owners, and citizens of each county or municipality in which each such public agency is located, including nonresidents owning property or subject to taxation therein, and the holders of any outstanding debt obligations of any such public agency or legal entity.

All such parties who are made defendants and over whom the court acquires jurisdiction in such validation proceedings shall be required to show cause, if any exists, why such contract or agreement and the terms and conditions thereof should not be inquired into by the court, the validity of the terms thereof determined, and the matters and conditions which are imposed on the parties to such contract or agreement and all such undertakings thereof adjudicated to be valid and binding on the parties thereto. Notice of such proceedings shall be included in the notice of validation hearing required to be issued and published pursuant to the provisions of paragraph (7) (c); and a copy of the complaint in such proceedings, together with a copy of such notice, shall be served on each party defendant referred to in subparagraphs 1. and 2. who is made a defendant and over whom the court acquires jurisdiction in such validation proceedings. Any person resident of this state or any person not a resident of, or located within, this state, whether or not authorized to transact business in this state, who contracts with any such public agency or legal entity, or both, in any manner relating to such electric project, may intervene in the validation proceedings at or before the time set for the validation hearing and assert any ground or objection to the validity and binding effect of such contract or agreement on his or her own behalf and on behalf of any such public agency and of all citizens, residents, and property owners of the state. No appeal may be taken by any person who was not a party of record in such proceedings at the time the judgment appealed from was rendered. An adjudication as to the validity of any such contract or agreement from which no appeal has been taken within the time permitted by law from the date of entry of the judgment of validation or, if an appeal is filed, which is confirmed on appeal shall be forever conclusive and binding upon such legal entity and all such parties who are made defendants and over whom the court acquires jurisdiction in such validation proceedings.

(g) Each such public agency or legal entity, or both, which contracts with any other person or persons with respect to the ownership or operation of any electric project, and each such public agency which contracts with any legal entity for the support of, or supply of, power from an electric project, is authorized to pledge to such other person or persons or such legal entity, or both, for the benefit of such electric project all or any portion of the revenues derived or to be derived:

1. In the case of any such public agency, from the ownership and operation of its electric or other integrated utility system; and

2. In the case of a legal entity, from the provision of products and services by it;

and to pledge to such other person or persons or such legal entity, or both, for the benefit of such electric project any securities, contract rights, and other property. Each such legal entity is also authorized to pledge to, or for the benefit of, the holders of any bonds, notes, or other evidences of indebtedness issued by such legal entity, as security for the payment thereof, any revenues, securities, contract rights, or other property. Any such pledge shall specify the priority and ranking of such pledge in respect of other pledges, if any, of the same revenues, securities, contract rights, or other property by such public agency or legal entity. Any pledge of revenues, securities, contract rights, or other property made by any such public agency or legal entity, or both, pursuant to this section shall be valid and binding from the date the pledge is made. The revenues, securities, contract rights, or other property so pledged and then held or thereafter received by such public agency or legal entity, or any fiduciary, or such other person or persons shall immediately be subject to the lien of the pledge without any physical delivery thereof or further act; and the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, in contract, or otherwise against the public agency or legal entity making such pledge, without regard to whether such parties have notice thereof. The resolution, trust indenture, security agreement, or other instrument by which a pledge is created need not be filed or recorded in any manner.

(h) Any such legal entity is authorized and empowered to sue and be sued in its own name. In the event that any such public agency or legal entity enters into a contract or an agreement with respect to an electric project located in another state, or owns an interest in an electric project

located in another state, an action against such public agency or legal entity may be brought in the federal or state courts located in such state.

(i) The provisions of this subsection shall be liberally construed to effect the purposes hereof. The powers conferred by the provisions of this subsection shall be in addition and supplementary to the powers conferred by the other provisions of this section, by any other general, local, or special law, or by any charter of any public agency. When the exercise of any power conferred on any public agency or any legal entity by the provisions of this subsection would conflict with any limitation or requirement upon such public agency or such legal entity contained in the other provisions of this section, in any other general, local, or special law, except s. 361.14, or in the charter of such public agency, such limitation or requirement shall be superseded by the provisions of this subsection for the purposes of the exercise of such power pursuant to the provisions of this subsection.

(j) While any bonds or other evidences of indebtedness issued by any such public agency or any such legal entity pursuant to the authority granted by paragraph (7)(c) or other applicable law remain outstanding, or while any such public agency or any such legal entity has any undischarged duties or obligations under any contract or agreement, including, but not limited to, obligations to any operator or joint owner of any electric project, the powers, duties, or existence of such public agency or such legal entity or of its officers, employees, or agents shall not be diminished, impaired, or affected in any manner which will affect materially and adversely the interests and rights of the owners of such bonds or other evidences of indebtedness or the persons to whom such duties or obligations are owed under such contract or agreement. The provisions of this subsection shall be for the benefit of the state, each such public agency, each such legal entity, every owner of the bonds of each such legal entity or public agency, and every other person to whom such public agency or such legal entity owes a duty or is obligated by contract or agreement; and, upon and after the earlier of the execution and delivery by any public agency or legal entity, pursuant to this section, of any contract or agreement to any person with respect to an electric project, or the issuance of such bonds or other evidences of indebtedness, the provisions of this subsection shall constitute an irrevocable contract by the state with the owners of the bonds or other evidences of indebtedness issued by such public agency or legal entity and with the other person or persons to whom any such public agency or legal entity owes a duty or is obligated by any such contract or agreement.

(k) The limitations on waiver in the provisions of s. 768.28 or any other law to the contrary notwithstanding, the Legislature, in accordance with s. 13, Art. X of the State Constitution, hereby declares that any such legal entity or any public agency of this state that participates in any electric project waives its sovereign immunity to:

1. All other persons participating therein; and
2. Any person in any manner contracting with a legal entity of which any such public agency is a member, with relation to:
 - a. Ownership, operation, or any other activity set forth in sub-subparagraph (b)2.d. with relation to any electric project; or
 - b. The supplying or purchasing of services, output, capacity, energy, or any combination thereof.

(l) Notwithstanding the definition of "electric project" contained in paragraph (3)(d), or any other provision of this subsection or of part II of chapter 361 limiting the parties which may participate jointly in electric projects, any public agency of this state which is an electric utility, or any separate legal entity created pursuant to the provisions of this section, the membership of which consists only of electric utilities, and which exercises or proposes to exercise the powers granted by part II of chapter 361, may exercise any or all of the powers provided in this subsection jointly with any other person with respect to the acquisition, extraction, conversion, use, transportation, storage, reprocessing, disposal, or any combination thereof of any primary fuel or source thereof,

as well as any other materials resulting therefrom, only when such primary fuel or source thereof is to be used for the generation of electrical energy in one or more electric projects by such legal entity, any member thereof, or any combination thereof; and, in connection therewith, any such public agency or legal entity shall be deemed to have all the additional powers, privileges, and rights provided in this subsection.

(m) In the event that any public agency or any such legal entity, or both, should receive, in connection with its joint ownership or right to the services, output, capacity, or energy of an electric project, as defined in paragraph (3)(d), any material which is designated by the person supplying such material as proprietary confidential business information or which a court of competent jurisdiction has designated as confidential or secret shall be kept confidential and shall be exempt from the provisions of s. 119.07(1). As used in this paragraph, "proprietary confidential business information" includes, but is not limited to, trade secrets; internal auditing controls and reports of internal auditors; security measures, systems, or procedures; information concerning bids or other contractual data, the disclosure of which would impair the efforts of the utility to contract for services on favorable terms; employee personnel information unrelated to compensation, duties, qualifications, or responsibilities; and formulas, patterns, devices, combinations of devices, contract costs, or other information the disclosure of which would injure the affected entity in the marketplace.

(16)(a) All of the additional powers and authority granted by chapter 82-53, Laws of Florida, to a public agency as defined in paragraph (3)(b), a legal entity created pursuant to the provisions of this section, or both, respecting agreements for participation in electric projects shall apply to any agreement in existence as of March 25, 1982, as well as to any such agreement entered into thereafter; but no additional limitation provided in chapter 82-53 upon any power or authority of any such public agency or legal entity, or both, respecting agreements for participation in electric projects shall apply to any such agreement entered into prior to March 25, 1982.

(b) Chapter 82-53, Laws of Florida, shall be deemed to be enacted for the purpose of further implementing the provisions of s. 10(d), Art. VII of the State Constitution, as amended.

(17) In any agreement entered into pursuant to this section, any public agency or separate legal entity created by interlocal agreement may, in its discretion, grant, sell, donate, dedicate, lease or otherwise convey, title, easements or use rights in real property, including tax-reverted real property, title to which is in such public agency or separate legal entity, to any other public agency or separate legal entity created by interlocal agreement. Any public agency or separate legal entity created by interlocal agreement is authorized to grant such interests in real property or use rights without consideration when in its discretion it is determined to be in the public interest. Real property and interests in real property granted or conveyed to such public agency or separate legal entity shall be for the public purposes contemplated in the interlocal agreement and may be made subject to the condition that in the event that said real property or interest in real property is not so used, or if used and subsequently its use for such purpose is abandoned, the interest granted shall cease as to such public agency or separate legal entity and shall automatically revert to the granting public agency or separate legal entity.

History.--ss. 1, 2, ch. 69-42; ss. 11, 18, 35, ch. 69-106; s. 1, ch. 79-24; ss. 1, 2, ch. 79-31; s. 61, ch. 79-40; s. 68, ch. 81-259; ss. 1, 7, 8, ch. 82-53; s. 45, ch. 83-217; s. 21, ch. 85-55; s. 1, ch. 87-9; s. 6, ch. 87-237; s. 46, ch. 88-130; ss. 33, 34, ch. 90-360; s. 83, ch. 91-45; s. 11, ch. 93-51; s. 896, ch. 95-147; s. 45, ch. 96-406; s. 19, ch. 97-236; s. 61, ch. 99-2; s. 23, ch. 99-251; s. 1, ch. 2001-201; s. 72, ch. 2002-295; s. 156, ch. 2003-261; s. 10, ch. 2004-5; s. 1, ch. 2004-336; s. 6, ch. 2006-218; s. 1, ch. 2006-220.

163.02 Councils of local public officials.--

(1) The governing bodies of any two or more counties, municipalities, special districts, or other governmental subdivisions of this state, or any of them, herein referred to as member local governments, may, by resolution, enter into an agreement with each other for the establishment of

a council of local public officials. Any council established under the authority of this section shall be a corporation not for profit.

(2) Representation on the council shall be in the manner provided in the agreement establishing the council. The representative from each member local government shall be the elected chief executive of said local government or, if such government does not have an elected chief executive, a member of its governing body chosen by such body to be its representative. Any member may withdraw from the council upon 60 days' notice subsequent to formal action by its governing body.

(3) The local government council shall have the power to:

(a) Study such area governmental problems as it deems appropriate, including but not limited to matters affecting health, safety, welfare, education, economic conditions, and area development;

(b) Promote cooperative arrangements and coordinate action among its members; and

(c) Make recommendations for review and action to the members and other public agencies that perform local functions and services within the area.

(4) The council shall adopt bylaws designating the officers of the council and providing for the conduct of its business. The council may employ a staff, consult and retain experts, and purchase or lease or otherwise provide for such supplies, materials, equipment and facilities as it deems desirable and necessary.

(5)(a) The governing bodies of the member governments may appropriate funds to meet the necessary expenses of the council. Services of personnel, use of equipment and office space, and other necessary services may be accepted from members as part of their financial support.

(b) The council may accept funds, grants, gifts, and services from the state, from any other governmental unit, whether participating in the council or not, from the Government of the United States, and from private and civic sources.

(c) The council shall make an annual public report of its activities to each of the member local governments, and shall have its accounts audited annually.

History.--ss. 1, 2, 3, 4, 5, ch. 69-69.

163.03 Secretary of Community Affairs; powers and duties; function of Department of Community Affairs with respect to federal grant-in-aid programs.--

(1) The Secretary of Community Affairs shall:

(a) Supervise and administer the activities of the department and shall advise the Governor, the Cabinet, and the Legislature with respect to matters affecting community affairs and local government and participate in the formulation of policies which best utilize the resources of state government for the benefit of local government.

(b) Render services to local governments by assisting, upon request, in applying for and securing federal and state funds and by assisting the Executive Office of the Governor in coordinating the activities of the state with federal programs for assistance in and solution of urban problems.

(c) Under the direction of the Governor, administer programs to apply rapidly all available aid to communities stricken by an emergency as defined in s. 252.34(3) and, for this purpose, provide liaison with federal agencies and other public and private agencies.

- (d) When requested, administer programs which will assist the efforts of local governments in developing mutual and cooperative solutions to their common problems.
- (e) Conduct programs to encourage and promote the involvement of private enterprise in the solution of urban problems.
- (f) Conduct continuing programs of analysis and evaluation of local governments and recommend to the Governor programs and changes in the powers and organization of local government as may seem necessary to strengthen local governments.
- (g) Assist the Governor and the Cabinet in coordinating and making more effective the activities and services of those departments and agencies of the state which may be of service to units of local government.
- (h) Provide consultative services and technical assistance to local officials in the fields of housing, redevelopment and renewal, local public improvement programs, planning and zoning, and other local programs and collect and disseminate information pertaining thereto, including information concerning federal, state, and private assistance programs and services.
- (i) Conduct research and studies, and prepare model ordinances and codes relating to the areas referred to herein.
- (j) Cooperate with other state agencies in the preparation of statewide plans relating to housing, redevelopment and renewal, human resources development, local planning and zoning, transportation and traffic, and other matters relating to the purposes of this section.
- (k) Accept funds from all sources to be utilized in programs designed to combat juvenile crime, including the making of contributions to the National Youth Emergency Corps.
- (l) Be authorized to accept and disburse funds from all sources in order to carry out the following programs:
1. Advisory and informational services to local governments.
 2. Community development training under Title VIII of the Housing Act of 1964.
 3. Local planning assistance under s. 701 of the Housing Act of 1954.
 4. Statewide planning assistance under s. 701 of the Housing Act of 1954.
 5. Model cities technical assistance under s. 701 of the Housing Act of 1954.
- (m) Perform such other functions, duties, or responsibilities as may be hereafter assigned to him or her by law.
- (2) It is the intent of this section, with respect to federal grant-in-aid programs, that the department serve as the agency for disseminating information to local governments regarding the availability of federal grant-in-aid assistance to local governments in their efforts to secure federal grant-in-aid assistance, but only upon the request of such local governments, and for assisting local governments in maintaining liaison and communications with federal agencies concerning federal grant-in-aid programs. Nothing contained herein shall be construed to require consent, approval, or authorization from the department as a condition to any application for or acceptance of grants-in-aid from the United States Government.
- (3) The department is authorized to adopt rules implementing the following grant programs, which

rules shall be consistent with the laws, regulations, or guidelines governing the grant to the department:

- (a) Criminal justice grant programs administered by the Bureau of Criminal Justice Assistance.
- (b) Grants under the federal Outer Continental Shelf Program administered by the Bureau of Land and Water Management.
- (c) Federal housing assistance programs.
- (d) Community Services Block Grant programs.
- (e) Federal weatherization grant programs.
- (f) The Jobs Impact Program of the federal Community Development Block Grant.

History.--s. 18, ch. 69-106; s. 1, ch. 70-121; s. 91, ch. 79-190; s. 9, ch. 81-167; s. 9, ch. 83-55; ss. 5, 49, ch. 83-334; s. 1, ch. 84-218; s. 4, ch. 84-241; s. 157, ch. 92-152; s. 897, ch. 95-147; s. 62, ch. 99-2; s. 7, ch. 2004-243.

163.04 Energy devices based on renewable resources.--

(1) Notwithstanding any provision of this chapter or other provision of general or special law, the adoption of an ordinance by a governing body, as those terms are defined in this chapter, which prohibits or has the effect of prohibiting the installation of solar collectors, clotheslines, or other energy devices based on renewable resources is expressly prohibited.

(2) No deed restrictions, covenants, or similar binding agreements running with the land shall prohibit or have the effect of prohibiting solar collectors, clotheslines, or other energy devices based on renewable resources from being installed on buildings erected on the lots or parcels covered by the deed restrictions, covenants, or binding agreements. A property owner may not be denied permission to install solar collectors or other energy devices based on renewable resources by any entity granted the power or right in any deed restriction, covenant, or similar binding agreement to approve, forbid, control, or direct alteration of property with respect to residential dwellings not exceeding three stories in height. For purposes of this subsection, such entity may determine the specific location where solar collectors may be installed on the roof within an orientation to the south or within 45° east or west of due south provided that such determination does not impair the effective operation of the solar collectors.

(3) In any litigation arising under the provisions of this section, the prevailing party shall be entitled to costs and reasonable attorney's fees.

(4) The legislative intent in enacting these provisions is to protect the public health, safety, and welfare by encouraging the development and use of renewable resources in order to conserve and protect the value of land, buildings, and resources by preventing the adoption of measures which will have the ultimate effect, however unintended, of driving the costs of owning and operating commercial or residential property beyond the capacity of private owners to maintain. This section shall not apply to patio railings in condominiums, cooperatives, or apartments.

History.--s. 8, ch. 80-163; s. 1, ch. 92-89; s. 14, ch. 93-249.

163.05 Small County Technical Assistance Program.--

(1) Among small counties, the Legislature finds that:

- (a) The percentage of the population of small counties residing in the unincorporated areas is relatively high based on the United States Decennial Census of 2000.
- (b) Projected revenue and expenditure trends of the small counties indicate that a serious fiscal condition has developed that could require a number of small counties to declare financial emergencies.
- (c) Fiscal shortfalls persist even though 12 of the small counties levied the maximum ad valorem millage authorized in their jurisdictions in 2001 and an additional 15 small counties levied between 8 and 10 mills.
- (d) State and federal mandates will continue to place additional funding demands on small counties.

(2) Recognizing the findings in subsection (1), the Legislature declares that:

(a) The financial difficulties confronting small counties require an investment that will facilitate efforts to improve the productivity and efficiency of small counties' structures and operating procedures.

(b) Current and additional revenue enhancements authorized by the Legislature should be managed and administered using appropriate management practices and expertise.

(3) The purpose of this section is to provide technical assistance to small counties to enable them to implement workable solutions to financial and administrative problems. As used in this section, "small county" means a county that has a population of 75,000 or less.

(4) The Commissioner of Agriculture shall enter into contracts with program providers who shall:

(a) Be a foundation that meets the requirements for nonprofit status under s. 501(c)(3) of the Internal Revenue Code with a governing board which includes in its membership county commissioners and professional staff of the county.

(b) Have substantial and documented experience working closely with county governments in providing both educational and technical assistance.

(c) Use existing resources, services, and information that are available from state or local agencies, universities, or the private sector.

(d) Seek and accept funding from any public or private source.

(e) Assist small counties in developing alternative revenue sources.

(f) Provide assistance to small counties in areas such as financial management, accounting, investing, purchasing, planning and budgeting, debt issuance, public management, management systems, computers and information technology, economic and community development, and public safety management.

(g) Provide for an annual independent financial audit of the program.

(h) In each county served, conduct a needs assessment upon which the assistance provided for that county will be designed.

(5)(a) The Commissioner of Agriculture shall issue a request for proposals to provide assistance to small counties. The request for proposals shall be required no more frequently than every third

year beginning with fiscal year 2004-2005. All contracts in existence on the effective date of this act between the Comptroller and any other party with respect to the Small County Technical Assistance Program may be accepted by the Commissioner of Agriculture as the party in interest and said contracts shall remain in full force and effect according to their terms.

(b) The Commissioner of Agriculture shall review each contract proposal submitted.

(c) The Commissioner of Agriculture shall consider the following factors in reviewing contract proposals:

1. The demonstrated capacity of the provider to conduct needs assessments and implement the program as proposed.
2. The number of small counties to be served under the proposal.
3. The cost of the program as specified in a proposed budget.
4. The short-term and long-term benefits of the assistance to small counties.
5. The form and extent to which existing resources, services, and information that are available from state and local agencies, universities, and the private sector will be used by the provider under the contract.

(6) A decision of the Commissioner of Agriculture to award a contract under this section is final and shall be in writing.

(7) The Commissioner of Agriculture shall provide fiscal oversight to ensure that funds expended for the program are used in accordance with the contracts entered into pursuant to subsection (4) and shall conduct a performance review of the program as may be necessary to ensure that the goals and objectives of the program are being met.

History.--s. 5, ch. 92-309; s. 5, ch. 96-311; s. 3, ch. 98-258; s. 22, ch. 2002-404; s. 12, ch. 2004-305.

163.055 Local Government Financial Technical Assistance Program.--

(1) Among municipalities and special districts, the Legislature finds that:

(a) State and federal mandates will continue to place additional funding demands on all municipalities and special districts.

(b) State government lacks the specific technical expertise or resources to effectively perform ongoing educational support and financial emergency detection or assistance.

(2) Recognizing the findings in subsection (1), the Legislature declares that:

(a) The fiscal challenges confronting various municipalities and special districts require an investment that will facilitate efforts to improve the productivity and efficiency of their financial structures and operating procedures.

(b) Current and additional revenue enhancements authorized by the Legislature should be managed and administered using appropriate management practices and expertise.

(3) The purpose of this section is to provide technical assistance to municipalities and special

districts to enable them to implement workable solutions to financially related problems.

(4) The Chief Financial Officer shall enter into contracts with program providers who shall:

(a) Be a public agency or private, nonprofit corporation, association, or entity.

(b) Use existing resources, services, and information that are available from state or local agencies, universities, or the private sector.

(c) Seek and accept funding from any public or private source.

(d) Annually submit information to assist the Legislative Committee on Intergovernmental Relations in preparing a performance review that will include an analysis of the effectiveness of the program.

(e) Assist municipalities and independent special districts in developing alternative revenue sources.

(f) Provide for an annual independent financial audit of the program, if the program receives funding.

(g) Provide assistance to municipalities and special districts in the areas of financial management, accounting, investing, budgeting, and debt issuance.

(h) Develop a needs assessment to determine where assistance should be targeted, and to establish a priority system to deliver assistance to those jurisdictions most in need through the most economical means available.

(i) Provide financial emergency assistance upon direction from the Executive Office of the Governor pursuant to s. 218.503.

(5)(a) The Chief Financial Officer shall issue a request for proposals to provide assistance to municipalities and special districts. At the request of the Chief Financial Officer, the Legislative Committee on Intergovernmental Relations shall assist in the preparation of the request for proposals.

(b) The Chief Financial Officer shall review each contract proposal submitted.

(c) The Legislative Committee on Intergovernmental Relations shall review each contract proposal and submit to the Chief Financial Officer, in writing, advisory comments and recommendations, citing with specificity the reasons for its recommendations.

(d) The Chief Financial Officer and the Legislative Committee on Intergovernmental Relations shall consider the following factors in reviewing contract proposals:

1. The demonstrated capacity of the provider to conduct needs assessments and implement the program as proposed.

2. The number of municipalities and special districts to be served under the proposal.

3. The cost of the program as specified in a proposed budget.

4. The short-term and long-term benefits of the assistance to municipalities and special districts.

5. The form and extent to which existing resources, services, and information that are available from state and local agencies, universities, and the private sector will be used by the provider under the contract.

(6) A decision of the Chief Financial Officer to award a contract under this section is final and shall be in writing with a copy provided to the Legislative Committee on Intergovernmental Relations.

(7) The Chief Financial Officer may enter into contracts and agreements with other state and local agencies and with any person, association, corporation, or entity other than the program providers, for the purpose of administering this section.

(8) The Chief Financial Officer shall provide fiscal oversight to ensure that funds expended for the program are used in accordance with the contracts entered into pursuant to subsection (4).

(9) The Legislative Committee on Intergovernmental Relations shall annually conduct a performance review of the program. The findings of the review shall be presented in a report submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Financial Officer by January 15 of each year.

History.--s. 22, ch. 99-251; s. 1, ch. 2000-340; s. 157, ch. 2003-261.

163.06 Miami River Commission.--

(1)(a) The Miami River Commission is hereby established as the official coordinating clearinghouse for all public policy and projects related to the Miami River to unite all governmental agencies, businesses, and residents in the area to speak with one voice on river issues; to develop coordinated plans, priorities, programs, projects, and budgets that might substantially improve the river area; and to act as the principal advocate and watchdog to ensure that river projects are funded and implemented in a proper and timely manner.

(b) The commission may seek and receive funding to further its coordinating functions regarding river improvement projects of the commission. Nothing in this act affects or supersedes the regulatory authority of any governmental agency or any local government, and any responsibilities of any governmental entity relating to the Miami River shall remain with such respective governmental entity. However, the commission may accept any specifically defined coordinating authority or functions delegated to the commission by any governmental entity, through a memorandum of understanding or other legal instrument. The commission shall use powers of persuasion to achieve its objectives through the process of building a consensus work plan and through widespread publication of regular progress reports.

(2) The Miami River Commission shall consist of:

(a) A policy committee comprised of the Governor, the chair of the Dade delegation, the chair of the governing board of the South Florida Water Management District, the Miami-Dade County State Attorney, the Mayor of Miami, the Mayor of Miami-Dade County, a commissioner of the City of Miami Commission, a commissioner of the Miami-Dade County Commission, the chair of the Miami River Marine Group, the chair of the Marine Council, the Executive Director of the Downtown Development Authority, and the chair of the Greater Miami Chamber of Commerce; two neighborhood representatives, selected from the Spring Garden Neighborhood Association, the Grove Park Neighborhood Association, and the Miami River Neighborhood Enhancement Corporation, one neighborhood representative to be appointed by the city commission and one neighborhood representative to be appointed by the county commission, each selected from a list of three names submitted by each such organization; one representative from an environmental or civic association, appointed by the Governor; and three members-at-large, who shall be persons who have a demonstrated history of involvement on the Miami River through business, residence, or volunteer activity, one appointed by the Governor, one appointed by the city commission, and

one appointed by the county commission. All members shall be voting members. The committee shall also include a member of the United States Congressional delegation and the Captain of the Port of Miami as a representative of the United States Coast Guard, as nonvoting, ex officio members. The policy committee may meet monthly, but shall meet at least quarterly.

(b) A managing director who has the responsibility to implement plans and programs.

(c) A working group consisting of all governmental agencies that have jurisdiction in the Miami River area, as well as representatives from business and civic associations.

(3) The policy committee shall have the following powers and duties:

(a) Consolidate existing plans, programs, and proposals into a coordinated strategic plan for improvement of the Miami River and surrounding areas, addressing environmental, economic, social, recreational, and aesthetic issues. The committee shall monitor the progress on each element of such plan and shall revise the plan regularly.

(b) Prepare an integrated financial plan using the different jurisdictional agencies available for projected financial resources. The committee shall monitor the progress on each element of such plan and revise the plan regularly.

(c) Provide technical assistance and political support as needed to help implement each element of the strategic and financial plans.

(d) Accept any specifically defined coordinating authority or function delegated to the committee by any level of government through a memorandum of understanding or other legal instrument.

(e) Publicize a semiannual report describing accomplishments of the commission and each member agency, as well as the status of each pending task. The committee shall distribute the report to the city and county commissions and mayors, the Governor, chair of the Dade County delegation, stakeholders, and the local media.

(f) Seek grants from public and private sources and receive grant funds to provide for the enhancement of its coordinating functions and activities and administer contracts that achieve these goals.

(g) Coordinate a joint planning area agreement between the Department of Community Affairs, the city, and the county under the provisions of s. 163.3177(11)(a), (b), and (c).

(h) Provide a forum for exchange of information and facilitate the resolution of conflicts.

(i) Act as a clearinghouse for public information and conduct public education programs.

(j) Establish the Miami River working group, appoint members to the group, and organize subcommittees, delegate tasks, and seek council from members of the working group as necessary to carry out the powers and duties listed in this subsection.

(k) Elect officers and adopt rules of procedure as necessary to carry out the powers and duties listed above and solicit appointing authorities to name replacements for policy committee members who do not participate on a regular basis.

(l) Hire the managing director, who shall be authorized to represent the commission and to implement all policies, plans, and programs of the commission. The committee shall employ any additional staff necessary to assist the managing director.

History.--ss. 5, 7, ch. 98-402; s. 1, ch. 2003-123.

163.061 Miami River Commission; unanimous vote required for certain acts.--

(1) No item, motion, directive, or policy position that would impact or in any way diminish levels of currently permitted commercial activity on the Miami River or riverfront properties shall be adopted by the Miami River Commission unless passed by a unanimous vote of the appointed members of the commission then in office.

(2) No item, motion, directive, or policy position suggesting, proposing, or otherwise promoting additional taxes, fees, charges, or any other financial obligation on owners of riverfront property or shipping companies or operators shall be adopted by the Miami River Commission unless passed by a unanimous vote of all appointed members of the commission then in office.

History.--ss. 6, 7, ch. 98-402; s. 1, ch. 2003-123.

163.065 Miami River Improvement Act.--

(1) SHORT TITLE.--This section may be cited as the "Miami River Improvement Act."

(2) FINDINGS; PURPOSE.--

(a) The Miami River Commission was created by chapter 98-402, Laws of Florida, to be the official coordinating clearinghouse for all public policy and projects related to the Miami River.

(b) The United States Congress has provided funding for an initial federal share of 80 percent for the environmental and navigational improvements to the Miami River. The governments of the City of Miami and Miami-Dade County are coordinating with the Legislature and the Florida Department of Environmental Protection to determine how the 20-percent local share will be provided.

(c) Successful revitalizing and sustaining the urban redevelopment of the areas adjacent to the Miami River is dependent on addressing, through an integrated and coordinated intergovernmental plan, a range of varied components essential to a healthy urban environment, including cultural, recreational, economic, and transportation components.

(d) The purpose of this section is to ensure a coordinated federal, state, regional, and local effort to improve the Miami River and adjacent areas.

(3) AGENCY ASSISTANCE.--All state and regional agencies shall provide all available assistance to the Miami River Commission in the conduct of its activities.

(4) PLAN.--The Miami River Commission, working with the City of Miami and Miami-Dade County, shall consider the merits of the following:

(a) Development and adoption of an urban infill and redevelopment plan, under ss. 163.2511-163.2526, and participating state and regional agencies shall review the proposed plan for the purposes of consistency with applicable law.

(b) Development of a greenway/riverwalk and blueway, where appropriate, as authorized in s. 260.011, to provide an attractive and safe connector system of bicycle, pedestrian, and transit routes and water taxis to link jobs, waterfront amenities, and people, and contribute to the comprehensive revitalization of the Miami River.

History.--s. 26, ch. 2000-170; s. 23, ch. 2001-60.

163.07 Efficiency and accountability in local government services.--

(1) The intent of this section is to provide and encourage a process that will:

(a) Allow municipalities and counties to resolve conflicts among local jurisdictions regarding the delivery and financing of local services.

(b) Increase local government efficiency and accountability.

(c) Provide greater flexibility in the use of local revenue sources for local governments involved in the process.

(2) Any county or combination of counties, and the municipalities therein, may use the procedures provided by this section to develop and adopt a plan to improve the efficiency, accountability, and coordination of the delivery of local government services. The development of such a plan may be initiated by a resolution adopted by a majority vote of the governing body of each of the counties involved, by resolutions adopted by a majority vote of the governing bodies of a majority of the municipalities within each county, or by resolutions adopted by a majority vote of the governing bodies of the municipality or combination of municipalities representing a majority of the municipal population of each county. The resolution shall create a commission which will be responsible for developing the plan. The resolution shall specify the composition of the commission, which shall include representatives of county and municipal governments, of any affected special districts, and of any other relevant local government entities or agencies. The resolution must include a proposed timetable for development of the plan and must specify the local government support and personnel services that will be made available to the representatives developing the plan.

(3) Upon adoption of a resolution or resolutions as provided in subsection (2), the designated representatives shall develop a plan for delivery of local government services. The plan must:

(a) Designate the areawide and local government services that are the subject of the plan.

(b) Describe the existing organization of such services and the means of financing the services, and create a reorganization of such services and the financing thereof that will meet the goals of this section.

(c) Designate the local agency that should be responsible for the delivery of each service.

(d) Designate those services that should be delivered regionally or countywide. No provision of the plan shall operate to restrict the power of a municipality to finance and deliver services in addition to, or at a higher level than, the services designated for regional or countywide delivery under this paragraph.

(e) Provide means to reduce the cost of providing local services and enhance the accountability of service providers.

(f) Include a multiyear capital outlay plan for infrastructure.

(g) Specifically describe any expansion of municipal boundaries that would further the goals of this section. Any area proposed to be annexed must meet the standards for annexation provided in chapter 171. The plan shall not contain any provision for contraction of municipal boundaries or elimination of any municipality.

(h) Provide specific procedures for modification or termination of the plan.

(i) Specify any special act modifications which must be made to effectuate the plan.

(j) Specify the effective date of the plan.

(4)(a) A plan developed pursuant to this section must conform to all comprehensive plans that have been found to be in compliance under part II of this chapter, for the local governments participating in the plan.

(b) No provision of a plan developed pursuant to this section shall restrict the authority of any state or regional governmental agency to perform any duty required to be performed by that agency by law.

(5)(a) A plan developed pursuant to this section must be approved by a majority vote of the governing body of each county involved in the plan, and by a majority vote of the governing bodies of a majority of municipalities in each county, and by a majority vote of the governing bodies of the municipality or municipalities that represent a majority of the municipal population of each county.

(b) After approval by the county and municipal governing bodies as required by paragraph (a), the plan shall be submitted for referendum approval in a countywide election in each county involved. The plan shall not take effect unless approved by a majority of the electors of each county who vote in the referendum, and also by a majority of the electors of the municipalities that represent a majority of the municipal population of each county who vote in the referendum. If approved by the electors as required by this paragraph, the plan shall take effect on the date specified in the plan.

(6) If the plan calls for merger or dissolution of special districts, such merger or dissolution shall comply with the provisions of chapter 189.

(7) If a plan developed pursuant to this section includes areas proposed for municipal annexation which meet the standards for annexation provided in chapter 171, such annexation shall take effect upon approval of the plan as provided in this section, notwithstanding the procedures for approval of municipal annexation specified in chapter 171.

History.--s. 13, ch. 99-378.

PART II

GROWTH POLICY; COUNTY AND MUNICIPAL PLANNING; LAND DEVELOPMENT REGULATION

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- 163.2511 Urban infill and redevelopment.--**

(1) Sections 163.2511-163.2526 may be cited as the "Growth Policy Act."

(2) It is declared that:

(a) Fiscally strong urban centers are beneficial to regional and state economies and resources, are a method for reduction of future urban sprawl, and should be promoted by state, regional, and local governments.

(b) The health and vibrancy of the urban cores benefit their respective regions and the state; conversely, the deterioration of those urban cores negatively impacts the surrounding area and the

state.

(c) In recognition of the interwoven destiny between the urban center, the suburbs, the region, and the state, the respective governments need to establish a framework and work in partnership with communities and the private sector to revitalize urban centers.

(d) State urban policies should guide the state, regional agencies, local governments, and the private sector in preserving and redeveloping existing urban cores and promoting the adequate provision of infrastructure, human services, safe neighborhoods, educational facilities, and economic development to sustain these cores into the future.

(e) Successfully revitalizing and sustaining the urban cores is dependent on addressing, through an integrated and coordinated community effort, a range of varied components essential to a healthy urban environment, including cultural, educational, recreational, economic, transportation, and social service components.

(f) Infill development and redevelopment are recognized to be important components and useful mechanisms for promoting and sustaining urban cores. State and regional entities and local governments should provide incentives to promote urban infill and redevelopment. Existing programs and incentives should be integrated to the extent possible to promote urban infill and redevelopment and to achieve the goals of the state urban policy.

History.--s. 1, ch. 99-378.

163.2514 Growth Policy Act; definitions.--As used in ss. 163.2511-163.2526:

(1) "Local government" means any county or municipality.

(2) "Urban infill and redevelopment area" means an area or areas designated by a local government where:

(a) Public services such as water and wastewater, transportation, schools, and recreation are already available or are scheduled to be provided in an adopted 5-year schedule of capital improvements;

(b) The area, or one or more neighborhoods within the area, suffers from pervasive poverty, unemployment, and general distress as defined by s. 290.0058;

(c) The area exhibits a proportion of properties that are substandard, overcrowded, dilapidated, vacant or abandoned, or functionally obsolete which is higher than the average for the local government;

(d) More than 50 percent of the area is within $\frac{1}{4}$ mile of a transit stop, or a sufficient number of such transit stops will be made available concurrent with the designation; and

(e) The area includes or is adjacent to community redevelopment areas, brownfields, enterprise zones, or Main Street programs, or has been designated by the state or Federal Government as an urban redevelopment, revitalization, or infill area under empowerment zone, enterprise community, or brownfield showcase community programs or similar programs.

History.--s. 1, ch. 99-378.

163.2517 Designation of urban infill and redevelopment area.--

(1) A local government may designate a geographic area or areas within its jurisdiction as an urban

infill and redevelopment area for the purpose of targeting economic development, job creation, housing, transportation, crime prevention, neighborhood revitalization and preservation, and land use incentives to encourage urban infill and redevelopment within the urban core.

(2)(a) As part of the preparation and implementation of an urban infill and redevelopment plan, a collaborative and holistic community participation process must be implemented to include each neighborhood within the area targeted for designation as an urban infill and redevelopment area. The objective of the community participation process is to encourage communities within the proposed urban infill and redevelopment area to participate in the design and implementation of the plan, including a "visioning" of the urban core, before redevelopment.

(b)1. A neighborhood participation process must be developed to provide for the ongoing involvement of stakeholder groups including, but not limited to, community-based organizations, neighborhood associations, financial institutions, faith organizations, housing authorities, financial institutions, existing businesses, businesses interested in operating in the community, schools, and neighborhood residents, in preparing and implementing the urban infill and redevelopment plan.

2. The neighborhood participation process must include a governance structure whereby the local government shares decisionmaking authority for developing and implementing the urban infill and redevelopment plan with communitywide representatives. For example, the local government and community representatives could organize a corporation under s. 501(c)(3) of the Internal Revenue Code to implement specific redevelopment projects.

(3) A local government seeking to designate a geographic area within its jurisdiction as an urban infill and redevelopment area shall prepare a plan that describes the infill and redevelopment objectives of the local government within the proposed area. In lieu of preparing a new plan, the local government may demonstrate that an existing plan or combination of plans associated with a community redevelopment area, Florida Main Street program, Front Porch Florida Community, sustainable community, enterprise zone, or neighborhood improvement district includes the factors listed in paragraphs (a)-(n), including a collaborative and holistic community participation process, or amend such existing plans to include these factors. The plan shall demonstrate the local government and community's commitment to comprehensively address the urban problems within the urban infill and redevelopment area and identify activities and programs to accomplish locally identified goals such as code enforcement; improved educational opportunities; reduction in crime; neighborhood revitalization and preservation; provision of infrastructure needs, including mass transit and multimodal linkages; and mixed-use planning to promote multifunctional redevelopment to improve both the residential and commercial quality of life in the area. The plan shall also:

(a) Contain a map depicting the geographic area or areas to be included within the designation.

(b) Confirm that the infill and redevelopment area is within an area designated for urban uses in the local government's comprehensive plan.

(c) Identify and map existing enterprise zones, community redevelopment areas, community development corporations, brownfield areas, downtown redevelopment districts, safe neighborhood improvement districts, historic preservation districts, and empowerment zones or enterprise communities located within the area proposed for designation as an urban infill and redevelopment area and provide a framework for coordinating infill and redevelopment programs within the urban core.

(d) Identify a memorandum of understanding between the district school board and the local government jurisdiction regarding public school facilities located within the urban infill and redevelopment area to identify how the school board will provide priority to enhancing public school facilities and programs in the designated area, including the reuse of existing buildings for schools within the area.

(e) Identify each neighborhood within the proposed area and state community preservation and revitalization goals and projects identified through a collaborative and holistic community participation process and how such projects will be implemented.

(f) Identify how the local government and community-based organizations intend to implement affordable housing programs, including, but not limited to, economic and community development programs administered by federal and state agencies, within the urban infill and redevelopment area.

(g) Identify strategies for reducing crime.

(h) If applicable, provide guidelines for the adoption of land development regulations specific to the urban infill and redevelopment area which include, for example, setbacks and parking requirements appropriate to urban development.

(i) Identify and map any existing transportation concurrency exception areas and any relevant public transportation corridors designated by a metropolitan planning organization in its long-range transportation plans or by the local government in its comprehensive plan for which the local government seeks designation as a transportation concurrency exception area. For those areas, describe how public transportation, pedestrian ways, and bikeways will be implemented as an alternative to increased automobile use.

(j) Identify and adopt a package of financial and local government incentives which the local government will offer for new development, expansion of existing development, and redevelopment within the urban infill and redevelopment area. Examples of such incentives include:

1. Waiver of license and permit fees.
2. Exemption of sales made in the urban infill and redevelopment area from local option sales surtaxes imposed pursuant to s. 212.055.
3. Waiver of delinquent local taxes or fees to promote the return of property to productive use.
4. Expedited permitting.
5. Lower transportation impact fees for development which encourages more use of public transit, pedestrian, and bicycle modes of transportation.
6. Prioritization of infrastructure spending within the urban infill and redevelopment area.
7. Local government absorption of developers' concurrency costs.

In order to be authorized to recognize the exemption from local option sales surtaxes pursuant to subparagraph 2., the owner, lessee, or lessor of the new development, expanding existing development, or redevelopment within the urban infill and redevelopment area must file an application under oath with the governing body having jurisdiction over the urban infill and redevelopment area where the business is located. The application must include the name and address of the business claiming the exclusion from collecting local option surtaxes; an address and assessment roll parcel number of the urban infill and redevelopment area for which the exemption is being sought; a description of the improvements made to accomplish the new development, expanding development, or redevelopment of the real property; a copy of the building permit application or the building permit issued for the development of the real property; a new application for a certificate of registration with the Department of Revenue with the address of the new development, expanding development, or redevelopment; and the location of the property. The local government must review and approve the application and submit the completed

application and documentation along with a copy of the ordinance adopted pursuant to subsection (5) to the Department of Revenue in order for the business to become eligible to make sales exempt from local option sales surtaxes in the urban infill and redevelopment area.

(k) Identify how activities and incentives within the urban infill and redevelopment area will be coordinated and what administrative mechanism the local government will use for the coordination.

(l) Identify how partnerships with the financial and business community will be developed.

(m) Identify the governance structure that the local government will use to involve community representatives in the implementation of the plan.

(n) Identify performance measures to evaluate the success of the local government in implementing the urban infill and redevelopment plan.

(4) In order for a local government to designate an urban infill and redevelopment area, it must amend its comprehensive land use plan under s. 163.3187 to delineate the boundaries of the urban infill and redevelopment area within the future land use element of its comprehensive plan pursuant to its adopted urban infill and redevelopment plan. The state land planning agency shall review the boundary delineation of the urban infill and redevelopment area in the future land use element under s. 163.3184. However, an urban infill and redevelopment plan adopted by a local government is not subject to review for compliance as defined by s. 163.3184(1)(b), and the local government is not required to adopt the plan as a comprehensive plan amendment. An amendment to the local comprehensive plan to designate an urban infill and redevelopment area is exempt from the twice-a-year amendment limitation of s. 163.3187.

(5) After the preparation of an urban infill and redevelopment plan or designation of an existing plan, the local government shall adopt the plan by ordinance. Notice for the public hearing on the ordinance must be in the form established in s. 166.041(3)(c)2. for municipalities, and s. 125.66(4)(b)2. for counties.

(6)(a) In order to continue to be eligible for the economic and regulatory incentives granted with respect to an urban infill and redevelopment area, the local government must demonstrate during the evaluation, assessment, and review of its comprehensive plan required pursuant to s. 163.3191, that within designated urban infill and redevelopment areas, the amount of combined annual residential, commercial, and institutional development has increased by at least 10 percent.

(b) If the local government fails to implement the urban infill and redevelopment plan in accordance with the deadlines set forth in the plan, the Department of Community Affairs may seek to rescind the economic and regulatory incentives granted to the urban infill and redevelopment area, subject to the provisions of chapter 120. The action to rescind may be initiated 90 days after issuing a written letter of warning to the local government.

History.--s. 1, ch. 99-378; s. 18, ch. 2000-317; s. 24, ch. 2001-60.

163.2520 Economic incentives.--

(1) A local government with an adopted urban infill and redevelopment plan or plan employed in lieu thereof may issue revenue bonds under s. 163.385 and employ tax increment financing under s. 163.387 for the purpose of financing the implementation of the plan, except that in a charter county such incentives shall be employed consistent with the provisions of s. 163.410.

(2) A local government with an adopted urban infill and redevelopment plan or plan employed in lieu thereof may exercise the powers granted under s. 163.514 for community redevelopment neighborhood improvement districts, including the authority to levy special assessments.

(3) Prior to June 1 each year, areas designated by a local government as urban infill and redevelopment areas shall be given a priority in the allocation of private activity bonds from the state pool pursuant to s. 159.807.

History.--s. 1, ch. 99-378; s. 25, ch. 2001-60.

163.2523 Grant program.--An Urban Infill and Redevelopment Assistance Grant Program is created for local governments. A local government may allocate grant money to special districts, including community redevelopment agencies, and nonprofit community development organizations to implement projects consistent with an adopted urban infill and redevelopment plan or plan employed in lieu thereof. Thirty percent of the general revenue appropriated for this program shall be available for planning grants to be used by local governments for the development of an urban infill and redevelopment plan, including community participation processes for the plan. Sixty percent of the general revenue appropriated for this program shall be available for fifty/fifty matching grants for implementing urban infill and redevelopment projects that further the objectives set forth in the local government's adopted urban infill and redevelopment plan or plan employed in lieu thereof. The remaining 10 percent of the revenue must be used for outright grants for implementing projects requiring an expenditure of under \$50,000. If the volume of fundable applications under any of the allocations specified in this section does not fully obligate the amount of the allocation, the Department of Community Affairs may transfer the unused balance to the category having the highest dollar value of applications eligible but unfunded. However, in no event may the percentage of dollars allocated to outright grants for implementing projects exceed 20 percent in any given fiscal year. Projects that provide employment opportunities to clients of the WAGES program and projects within urban infill and redevelopment areas that include a community redevelopment area, Florida Main Street program, Front Porch Florida Community, sustainable community, enterprise zone, federal enterprise zone, enterprise community, or neighborhood improvement district must be given an elevated priority in the scoring of competing grant applications. The Division of Housing and Community Development of the Department of Community Affairs shall administer the grant program. The Department of Community Affairs shall adopt rules establishing grant review criteria consistent with this section.

History.--s. 1, ch. 99-378; s. 20, ch. 2000-317.

163.2526 Review and evaluation.--Before the 2004 Regular Session of the Legislature, the Office of Program Policy Analysis and Government Accountability shall perform a review and evaluation of ss. 163.2511-163.2526, including the financial incentives listed in s. 163.2520. The report must evaluate the effectiveness of the designation of urban infill and redevelopment areas in stimulating urban infill and redevelopment and strengthening the urban core. A report of the findings and recommendations of the Office of Program Policy Analysis and Government Accountability shall be submitted to the President of the Senate and the Speaker of the House of Representatives before the 2004 Regular Session of the Legislature.

History.--s. 1, ch. 99-378.

163.3161 Short title; intent and purpose.--

(1) This part shall be known and may be cited as the "Local Government Comprehensive Planning and Land Development Regulation Act."

(2) In conformity with, and in furtherance of, the purpose of the Florida Environmental Land and Water Management Act of 1972, chapter 380, it is the purpose of this act to utilize and strengthen the existing role, processes, and powers of local governments in the establishment and implementation of comprehensive planning programs to guide and control future development.

(3) It is the intent of this act that its adoption is necessary so that local governments can preserve and enhance present advantages; encourage the most appropriate use of land, water, and

resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within their jurisdictions. Through the process of comprehensive planning, it is intended that units of local government can preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; prevent the overcrowding of land and avoid undue concentration of population; facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; and conserve, develop, utilize, and protect natural resources within their jurisdictions.

(4) It is the intent of this act to encourage and assure cooperation between and among municipalities and counties and to encourage and assure coordination of planning and development activities of units of local government with the planning activities of regional agencies and state government in accord with applicable provisions of law.

(5) It is the intent of this act that adopted comprehensive plans shall have the legal status set out in this act and that no public or private development shall be permitted except in conformity with comprehensive plans, or elements or portions thereof, prepared and adopted in conformity with this act.

(6) It is the intent of this act that the activities of units of local government in the preparation and adoption of comprehensive plans, or elements or portions thereof, shall be conducted in conformity with the provisions of this act.

(7) The provisions of this act in their interpretation and application are declared to be the minimum requirements necessary to accomplish the stated intent, purposes, and objectives of this act; to protect human, environmental, social, and economic resources; and to maintain, through orderly growth and development, the character and stability of present and future land use and development in this state.

(8) It is the intent of the Legislature that the repeal of ss. 163.160 through 163.315 by s. 19 of chapter 85-55, Laws of Florida, shall not be interpreted to limit or restrict the powers of municipal or county officials, but shall be interpreted as a recognition of their broad statutory and constitutional powers to plan for and regulate the use of land. It is, further, the intent of the Legislature to reconfirm that ss. 163.3161 through 163.3215 have provided and do provide the necessary statutory direction and basis for municipal and county officials to carry out their comprehensive planning and land development regulation powers, duties, and responsibilities.

(9) It is the intent of the Legislature that all governmental entities in this state recognize and respect judicially acknowledged or constitutionally protected private property rights. It is the intent of the Legislature that all rules, ordinances, regulations, and programs adopted under the authority of this act must be developed, promulgated, implemented, and applied with sensitivity for private property rights and not be unduly restrictive, and property owners must be free from actions by others which would harm their property. Full and just compensation or other appropriate relief must be provided to any property owner for a governmental action that is determined to be an invalid exercise of the police power which constitutes a taking, as provided by law. Any such relief must be determined in a judicial action.

History.--ss. 1, 2, ch. 75-257; ss. 1, 20, ch. 85-55; s. 1, ch. 93-206.

¹163.3162 Agricultural Lands and Practices Act.--

(1) SHORT TITLE.--This section may be cited as the "Agricultural Lands and Practices Act."

(2) LEGISLATIVE FINDINGS AND PURPOSE.--The Legislature finds that agricultural production is a major contributor to the economy of the state; that agricultural lands constitute unique and

irreplaceable resources of statewide importance; that the continuation of agricultural activities preserves the landscape and environmental resources of the state, contributes to the increase of tourism, and furthers the economic self-sufficiency of the people of the state; and that the encouragement, development, and improvement of agriculture will result in a general benefit to the health, safety, and welfare of the people of the state. It is the purpose of this act to protect reasonable agricultural activities conducted on farm lands from duplicative regulation.

(3) DEFINITIONS.--As used in this section, the term:

(a) "Farm" is as defined in s. 823.14.

(b) "Farm operation" is as defined in s. 823.14.

(c) "Farm product" means any plant, as defined in s. 581.011, or animal useful to humans and includes, but is not limited to, any product derived therefrom.

(4) DUPLICATION OF REGULATION.--Except as otherwise provided in this section and s. 487.051(2), and notwithstanding any other law, including any provision of chapter 125 or this chapter, a county may not exercise any of its powers to adopt any ordinance, resolution, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm operation on land classified as agricultural land pursuant to s. 193.461, if such activity is regulated through implemented best management practices, interim measures, or regulations developed by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district and adopted under chapter 120 as part of a statewide or regional program; or if such activity is expressly regulated by the United States Department of Agriculture, the United States Army Corps of Engineers, or the United States Environmental Protection Agency.

(a) When an activity of a farm operation takes place within a wellfield protection area as defined in any wellfield protection ordinance adopted by a county, and the implemented best management practice, regulation, or interim measure does not specifically address wellfield protection, a county may regulate that activity pursuant to such ordinance. This subsection does not limit the powers and duties provided for in s. 373.4592 or limit the powers and duties of any county to address an emergency as provided for in chapter 252.

(b) This subsection may not be construed to permit an existing farm operation to change to a more excessive farm operation with regard to traffic, noise, odor, dust, or fumes where the existing farm operation is adjacent to an established homestead or business on March 15, 1982.

(c) This subsection does not limit the powers of a predominantly urbanized county with a population greater than 1,500,000 and more than 25 municipalities, not operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the Constitution of 1885, as preserved by s. 6(e), Art. VIII of the Constitution of 1968, which has a delegated pollution control program under s. 403.182 and includes drainage basins that are part of the Everglades Stormwater Program, to enact ordinances, regulations, or other measures to comply with the provisions of s. 373.4592, or which are necessary to carrying out a county's duties pursuant to the terms and conditions of any environmental program delegated to the county by agreement with a state agency.

(d) For purposes of this subsection, a county ordinance that regulates the transportation or land application of domestic wastewater residuals or other forms of sewage sludge shall not be deemed to be duplication of regulation.

(5) AMENDMENT TO LOCAL GOVERNMENT COMPREHENSIVE PLAN.--The owner of a parcel of land defined as an agricultural enclave under s. 163.3164(33) may apply for an amendment to the local government comprehensive plan pursuant to s. 163.3187. Such amendment is presumed to be consistent with rule 9J-5.006(5), Florida Administrative Code, and may include land uses and

intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel. This presumption may be rebutted by clear and convincing evidence. Each application for a comprehensive plan amendment under this subsection for a parcel larger than 640 acres must include appropriate new urbanism concepts such as clustering, mixed-use development, the creation of rural village and city centers, and the transfer of development rights in order to discourage urban sprawl while protecting landowner rights.

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

(b) Upon conclusion of good faith negotiations under paragraph (a), regardless of whether the local government and owner reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel, the amendment must be transmitted to the state land planning agency for review pursuant to s. 163.3184. If the local government fails to transmit the amendment within 180 days after receipt of a complete application, the amendment must be immediately transferred to the state land planning agency for such review at the first available transmittal cycle. A plan amendment transmitted to the state land planning agency submitted under this subsection is presumed to be consistent with rule 9J-5.006(5), Florida Administrative Code. This presumption may be rebutted by clear and convincing evidence.

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

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

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

History.--s. 1, ch. 2003-162; s. 2, ch. 2006-255.

¹**Note.**--Section 5, ch. 2006-228, provides that "[n]o authority granted by this act shall limit or restrict the protections from duplication contained in s. 163.3162 or s. 823.14, Florida Statutes."

163.3164 Local Government Comprehensive Planning and Land Development Regulation Act; definitions.--As used in this act:

(1) "Administration Commission" means the Governor and the Cabinet, and for purposes of this chapter the commission shall act on a simple majority vote, except that for purposes of imposing the sanctions provided in s. 163.3184(11), affirmative action shall require the approval of the Governor and at least three other members of the commission.

(2) "Area" or "area of jurisdiction" means the total area qualifying under the provisions of this act, whether this be all of the lands lying within the limits of an incorporated municipality, lands in and

adjacent to incorporated municipalities, all unincorporated lands within a county, or areas comprising combinations of the lands in incorporated municipalities and unincorporated areas of counties.

(3) "Coastal area" means the 35 coastal counties and all coastal municipalities within their boundaries designated coastal by the state land planning agency.

(4) "Comprehensive plan" means a plan that meets the requirements of ss. 163.3177 and 163.3178.

(5) "Developer" means any person, including a governmental agency, undertaking any development as defined in this act.

(6) "Development" has the meaning given it in s. 380.04.

(7) "Development order" means any order granting, denying, or granting with conditions an application for a development permit.

(8) "Development permit" includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

(9) "Governing body" means the board of county commissioners of a county, the commission or council of an incorporated municipality, or any other chief governing body of a unit of local government, however designated, or the combination of such bodies where joint utilization of the provisions of this act is accomplished as provided herein.

(10) "Governmental agency" means:

(a) The United States or any department, commission, agency, or other instrumentality thereof.

(b) This state or any department, commission, agency, or other instrumentality thereof.

(c) Any local government, as defined in this section, or any department, commission, agency, or other instrumentality thereof.

(d) Any school board or other special district, authority, or governmental entity.

(11) "Land" means the earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

(12) "Land use" means the development that has occurred on the land, the development that is proposed by a developer on the land, or the use that is permitted or permissible on the land under an adopted comprehensive plan or element or portion thereof, land development regulations, or a land development code, as the context may indicate.

(13) "Local government" means any county or municipality.

(14) "Local planning agency" means the agency designated to prepare the comprehensive plan or plan amendments required by this act.

(15) A "newspaper of general circulation" means a newspaper published at least on a weekly basis and printed in the language most commonly spoken in the area within which it circulates, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper whose primary function is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

(16) "Parcel of land" means any quantity of land capable of being described with such definiteness that its locations and boundaries may be established, which is designated by its owner or developer as land to be used, or developed as, a unit or which has been used or developed as a unit.

(17) "Person" means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

(18) "Public notice" means notice as required by s. 125.66(2) for a county or by s. 166.041(3)(a) for a municipality. The public notice procedures required in this part are established as minimum public notice procedures.

(19) "Regional planning agency" means the agency designated by the state land planning agency to exercise responsibilities under law in a particular region of the state.

(20) "State land planning agency" means the Department of Community Affairs.

(21) "Structure" has the meaning given it by s. 380.031(19).

(22) "Land development regulation commission" means a commission designated by a local government to develop and recommend, to the local governing body, land development regulations which implement the adopted comprehensive plan and to review land development regulations, or amendments thereto, for consistency with the adopted plan and report to the governing body regarding its findings. The responsibilities of the land development regulation commission may be performed by the local planning agency.

(23) "Land development regulations" means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land, except that this definition shall not apply in s. 163.3213.

(24) "Public facilities" means major capital improvements, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems and facilities, and spoil disposal sites for maintenance dredging located in the intracoastal waterways, except for spoil disposal sites owned or used by ports listed in s. 403.021(9)(b).

(25) "Downtown revitalization" means the physical and economic renewal of a central business district of a community as designated by local government, and includes both downtown development and redevelopment.

(26) "Urban redevelopment" means demolition and reconstruction or substantial renovation of existing buildings or infrastructure within urban infill areas or existing urban service areas.

(27) "Urban infill" means the development of vacant parcels in otherwise built-up areas where public facilities such as sewer systems, roads, schools, and recreation areas are already in place and the average residential density is at least five dwelling units per acre, the average nonresidential intensity is at least a floor area ratio of 1.0 and vacant, developable land does not constitute more than 10 percent of the area.

(28) "Projects that promote public transportation" means projects that directly affect the provisions of public transit, including transit terminals, transit lines and routes, separate lanes for the exclusive use of public transit services, transit stops (shelters and stations), office buildings or projects that include fixed-rail or transit terminals as part of the building, and projects which are transit oriented and designed to complement reasonably proximate planned or existing public facilities.

(29) "Existing urban service area" means built-up areas where public facilities and services such as sewage treatment systems, roads, schools, and recreation areas are already in place.

(30) "Transportation corridor management" means the coordination of the planning of designated future transportation corridors with land use planning within and adjacent to the corridor to promote orderly growth, to meet the concurrency requirements of this chapter, and to maintain the integrity of the corridor for transportation purposes.

(31) "Optional sector plan" means an optional process authorized by s. 163.3245 in which one or more local governments by agreement with the state land planning agency are allowed to address development-of-regional-impact issues within certain designated geographic areas identified in the local comprehensive plan as a means of fostering innovative planning and development strategies in s. 163.3177(11)(a) and (b), furthering the purposes of this part and part I of chapter 380, reducing overlapping data and analysis requirements, protecting regionally significant resources and facilities, and addressing extrajurisdictional impacts.

(32) "Financial feasibility" means that sufficient revenues are currently available or will be available from committed funding sources for the first 3 years, or will be available from committed or planned funding sources for years 4 and 5, of a 5-year capital improvement schedule for financing capital improvements, such as ad valorem taxes, bonds, state and federal funds, tax revenues, impact fees, and developer contributions, which are adequate to fund the projected costs of the capital improvements identified in the comprehensive plan necessary to ensure that adopted level-of-service standards are achieved and maintained within the period covered by the 5-year schedule of capital improvements. The requirement that level-of-service standards be achieved and maintained shall not apply if the proportionate-share process set forth in s. 163.3180 (12) and (16) is used.

(33) "Agricultural enclave" means an unincorporated, undeveloped parcel that:

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

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

(c) Is surrounded on at least 75 percent of its perimeter by:

1. Property that has existing industrial, commercial, or residential development; or

2. Property that the local government has designated, in the local government's comprehensive plan, zoning map, and future land use map, as land that is to be developed for industrial, commercial, or residential purposes, and at least 75 percent of such property is existing industrial, commercial, or residential development;

(d) Has public services, including water, wastewater, transportation, schools, and recreation facilities, available or such public services are scheduled in the capital improvement element to be provided by the local government or can be provided by an alternative provider of local government infrastructure in order to ensure consistency with applicable concurrency provisions of s. 163.3180; and

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

History. --s. 3, ch. 75-257; s. 49, ch. 79-190; s. 10, ch. 81-167; s. 10, ch. 83-55; s. 2, ch. 85-55; s. 3, ch. 92-129; s. 2, ch. 93-206; s. 2, ch. 95-257; s. 22, ch. 95-280; s. 7, ch. 95-310; s. 2, ch. 98-176;

s. 2, ch. 99-378; s. 1, ch. 2005-290; s. 3, ch. 2006-255.

163.3167 Scope of act.--

(1) The several incorporated municipalities and counties shall have power and responsibility:

(a) To plan for their future development and growth.

(b) To adopt and amend comprehensive plans, or elements or portions thereof, to guide their future development and growth.

(c) To implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations or elements thereof.

(d) To establish, support, and maintain administrative instruments and procedures to carry out the provisions and purposes of this act.

The powers and authority set out in this act may be employed by municipalities and counties individually or jointly by mutual agreement in accord with the provisions of this act and in such combinations as their common interests may dictate and require.

(2) Each local government shall prepare a comprehensive plan of the type and in the manner set out in this act or shall prepare amendments to its existing comprehensive plan to conform it to the requirements of this part in the manner set out in this part. Each local government, in accordance with the procedures in s. 163.3184, shall submit its complete proposed comprehensive plan or its complete comprehensive plan as proposed to be amended to the state land planning agency by the date specified in the rule adopted by the state land planning agency pursuant to this subsection. The state land planning agency shall, prior to October 1, 1987, adopt a schedule of local governments required to submit complete proposed comprehensive plans or comprehensive plans as proposed to be amended. Such schedule shall specify the exact date of submission for each local government, shall establish equal, staggered submission dates, and shall be consistent with the following time periods:

(a) Beginning on July 1, 1988, and on or before July 1, 1990, each county that is required to include a coastal management element in its comprehensive plan and each municipality in such a county; and

(b) Beginning on July 1, 1989, and on or before July 1, 1991, all other counties or municipalities.

Nothing herein shall preclude the state land planning agency from permitting by rule a county together with each municipality in the county from submitting a proposed comprehensive plan earlier than the dates established in paragraphs (a) and (b). Any county or municipality that fails to meet the schedule set for submission of its proposed comprehensive plan by more than 90 days shall be subject to the sanctions described in s. 163.3184(11)(a) imposed by the Administration Commission. Notwithstanding the time periods established in this subsection, the state land planning agency may establish later deadlines for the submission of proposed comprehensive plans or comprehensive plans as proposed to be amended for a county or municipality which has all or a part of a designated area of critical state concern within its boundaries; however, such deadlines shall not be extended to a date later than July 1, 1991, or the time of de-designation, whichever is earlier.

(3) When a local government has not prepared all of the required elements or has not amended its plan as required by subsection (2), the regional planning agency having responsibility for the area in which the local government lies shall prepare and adopt by rule, pursuant to chapter 120, the missing elements or adopt by rule amendments to the existing plan in accordance with this act by July 1, 1989, or within 1 year after the dates specified or provided in subsection (2) and the state

land planning agency review schedule, whichever is later. The regional planning agency shall provide at least 90 days' written notice to any local government whose plan it is required by this subsection to prepare, prior to initiating the planning process. At least 90 days before the adoption by the regional planning agency of a comprehensive plan, or element or portion thereof, pursuant to this subsection, the regional planning agency shall transmit a copy of the proposed comprehensive plan, or element or portion thereof, to the local government and the state land planning agency for written comment. The state land planning agency shall review and comment on such plan, or element or portion thereof, in accordance with s. 163.3184(6). Section 163.3184 (6), (7), and (8) shall be applicable to the regional planning agency as if it were a governing body. Existing comprehensive plans shall remain in effect until they are amended pursuant to subsection (2), this subsection, s. 163.3187, or s. 163.3189.

(4) A municipality established after the effective date of this act shall, within 1 year after incorporation, establish a local planning agency, pursuant to s. 163.3174, and prepare and adopt a comprehensive plan of the type and in the manner set out in this act within 3 years after the date of such incorporation. A county comprehensive plan shall be deemed controlling until the municipality adopts a comprehensive plan in accord with the provisions of this act. If, upon the expiration of the 3-year time limit, the municipality has not adopted a comprehensive plan, the regional planning agency shall prepare and adopt a comprehensive plan for such municipality.

(5) Any comprehensive plan, or element or portion thereof, adopted pursuant to the provisions of this act, which but for its adoption after the deadlines established pursuant to previous versions of this act would have been valid, shall be valid.

(6) When a regional planning agency is required to prepare or amend a comprehensive plan, or element or portion thereof, pursuant to subsections (3) and (4), the regional planning agency and the local government may agree to a method of compensating the regional planning agency for any verifiable, direct costs incurred. If an agreement is not reached within 6 months after the date the regional planning agency assumes planning responsibilities for the local government pursuant to subsections (3) and (4) or by the time the plan or element, or portion thereof, is completed, whichever is earlier, the regional planning agency shall file invoices for verifiable, direct costs involved with the governing body. Upon the failure of the local government to pay such invoices within 90 days, the regional planning agency may, upon filing proper vouchers with the Chief Financial Officer, request payment by the Chief Financial Officer from unencumbered revenue or other tax sharing funds due such local government from the state for work actually performed, and the Chief Financial Officer shall pay such vouchers; however, the amount of such payment shall not exceed 50 percent of such funds due such local government in any one year.

(7) A local government that is being requested to pay costs may seek an administrative hearing pursuant to ss. 120.569 and 120.57 to challenge the amount of costs and to determine if the statutory prerequisites for payment have been complied with. Final agency action shall be taken by the state land planning agency. Payment shall be withheld as to disputed amounts until proceedings under this subsection have been completed.

(8) Nothing in this act shall limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to chapter 380 or who has been issued a final local development order and development has commenced and is continuing in good faith.

(9) The Reedy Creek Improvement District shall exercise the authority of this part as it applies to municipalities, consistent with the legislative act under which it was established, for the total area under its jurisdiction.

(10) Nothing in this part shall supersede any provision of ss. 341.8201-341.842.

(11) Each local government is encouraged to articulate a vision of the future physical appearance and qualities of its community as a component of its local comprehensive plan. The vision should

be developed through a collaborative planning process with meaningful public participation and shall be adopted by the governing body of the jurisdiction. Neighboring communities, especially those sharing natural resources or physical or economic infrastructure, are encouraged to create collective visions for greater-than-local areas. Such collective visions shall apply in each city or county only to the extent that each local government chooses to make them applicable. The state land planning agency shall serve as a clearinghouse for creating a community vision of the future and may utilize the Growth Management Trust Fund, created by ¹s. 186.911, to provide grants to help pay the costs of local visioning programs. When a local vision of the future has been created, a local government should review its comprehensive plan, land development regulations, and capital improvement program to ensure that these instruments will help to move the community toward its vision in a manner consistent with this act and with the state comprehensive plan. A local or regional vision must be consistent with the state vision, when adopted, and be internally consistent with the local or regional plan of which it is a component. The state land planning agency shall not adopt minimum criteria for evaluating or judging the form or content of a local or regional vision.

(12) An initiative or referendum process in regard to any development order or in regard to any local comprehensive plan amendment or map amendment that affects five or fewer parcels of land is prohibited.

(13) Each local government shall address in its comprehensive plan, as enumerated in this chapter, the water supply sources necessary to meet and achieve the existing and projected water use demand for the established planning period, considering the applicable plan developed pursuant to s. 373.0361.

(14)(a) If a local government grants a development order pursuant to its adopted land development regulations and the order is not the subject of a pending appeal and the timeframe for filing an appeal has expired, the development order may not be invalidated by a subsequent judicial determination that such land development regulations, or any portion thereof that is relevant to the development order, are invalid because of a deficiency in the approval standards.

(b) This subsection does not preclude or affect the timely institution of any other remedy available at law or equity, including a common law writ of certiorari proceeding pursuant to Rule 9.190, Florida Rules of Appellate Procedure, or an original proceeding pursuant to s. 163.3215, as applicable.

(c) This subsection applies retroactively to any development order granted on or after January 1, 2002.

History.--s. 4, ch. 75-257; s. 1, ch. 77-174; s. 3, ch. 85-55; s. 6, ch. 86-191; s. 1, ch. 87-338; s. 1, ch. 92-129; s. 5, ch. 93-206; s. 1, ch. 95-322; s. 23, ch. 96-410; s. 158, ch. 2003-261; s. 11, ch. 2004-5; s. 1, ch. 2004-37; s. 3, ch. 2004-372; s. 1, ch. 2004-381.

¹**Note.**--Repealed by s. 1, ch. 95-145.

163.3171 Areas of authority under this act.--

(1) A municipality shall exercise authority under this act for the total area under its jurisdiction. Unincorporated areas adjacent to incorporated municipalities may be included in the area of municipal jurisdiction for the purposes of this act if the governing bodies of the municipality and the county in which the area is located agree on the boundaries of such additional areas, on procedures for joint action in the preparation and adoption of the comprehensive plan, on procedures for the administration of land development regulations or the land development code applicable thereto, and on the manner of representation on any joint body or instrument that may be created under the joint agreement. Such joint agreement shall be formally stated and approved in appropriate official action by the governing bodies involved.

(2) A county shall exercise authority under this act for the total unincorporated area under its jurisdiction or in such unincorporated areas as are not included in any joint agreement with municipalities established under the provisions of subsection (1). In the case of chartered counties, the county may exercise such authority over municipalities or districts within its boundaries as is provided for in its charter.

(3) Combinations of municipalities within a county, or counties, or an incorporated municipality or municipalities and a county or counties, or an incorporated municipality or municipalities and portions of a county or counties may jointly exercise the powers granted under the provisions of this act upon formal adoption of an official agreement by the governing bodies involved pursuant to law. No such official agreement shall be adopted by the governing bodies involved until a public hearing on the subject with public notice has been held by each governing body involved. The general administration of any joint agreement shall be governed by the provisions of s. 163.01 except that when there is conflict with this act the provisions of this act shall govern.

(4) The state land planning agency and a local government shall have the power to enter into agreements with each other and to agree together to enter into agreements with a landowner, developer, or governmental agency as may be necessary or desirable to effectuate the provisions and purposes of ss. 163.3177(6)(h) and (11)(a), (b), and (c), and 163.3245.

History.--s. 5, ch. 75-257; s. 4, ch. 85-55; s. 8, ch. 95-310; s. 1, ch. 96-416; s. 3, ch. 98-176.

163.3174 Local planning agency.--

(1) The governing body of each local government, individually or in combination as provided in s. 163.3171, shall designate and by ordinance establish a "local planning agency," unless the agency is otherwise established by law. Notwithstanding any special act to the contrary, all local planning agencies or equivalent agencies that first review rezoning and comprehensive plan amendments in each municipality and county shall include a representative of the school district appointed by the school board as a nonvoting member of the local planning agency or equivalent agency to attend those meetings at which the agency considers comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application. However, this subsection does not prevent the governing body of the local government from granting voting status to the school board member. The governing body may designate itself as the local planning agency pursuant to this subsection with the addition of a nonvoting school board representative. The governing body shall notify the state land planning agency of the establishment of its local planning agency. All local planning agencies shall provide opportunities for involvement by applicable community college boards, which may be accomplished by formal representation, membership on technical advisory committees, or other appropriate means. The local planning agency shall prepare the comprehensive plan or plan amendment after hearings to be held after public notice and shall make recommendations to the governing body regarding the adoption or amendment of the plan. The agency may be a local planning commission, the planning department of the local government, or other instrumentality, including a countywide planning entity established by special act or a council of local government officials created pursuant to s. 163.02, provided the composition of the council is fairly representative of all the governing bodies in the county or planning area; however:

(a) If a joint planning entity is in existence on the effective date of this act which authorizes the governing bodies to adopt and enforce a land use plan effective throughout the joint planning area, that entity shall be the agency for those local governments until such time as the authority of the joint planning entity is modified by law.

(b) In the case of chartered counties, the planning responsibility between the county and the several municipalities therein shall be as stipulated in the charter.

(2) Nothing in this act shall prevent the governing body of a local government that participates in creating a local planning agency serving two or more jurisdictions from continuing or creating its

own local planning agency. Any such governing body which continues or creates its own local planning agency may designate which local planning agency functions, powers, and duties will be performed by each such local planning agency.

(3) The governing body or bodies shall appropriate funds for salaries, fees, and expenses necessary in the conduct of the work of the local planning agency and shall also establish a schedule of fees to be charged by the agency. To accomplish the purposes and activities authorized by this act, the local planning agency, with the approval of the governing body or bodies and in accord with the fiscal practices thereof, may expend all sums so appropriated and other sums made available for use from fees, gifts, state or federal grants, state or federal loans, and other sources; however, acceptance of loans must be approved by the governing bodies involved.

(4) The local planning agency shall have the general responsibility for the conduct of the comprehensive planning program. Specifically, the local planning agency shall:

(a) Be the agency responsible for the preparation of the comprehensive plan or plan amendment and shall make recommendations to the governing body regarding the adoption or amendment of such plan. During the preparation of the plan or plan amendment and prior to any recommendation to the governing body, the local planning agency shall hold at least one public hearing, with public notice, on the proposed plan or plan amendment. The governing body in cooperation with the local planning agency may designate any agency, committee, department, or person to prepare the comprehensive plan or plan amendment, but final recommendation of the adoption of such plan or plan amendment to the governing body shall be the responsibility of the local planning agency.

(b) Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the governing body such changes in the comprehensive plan as may from time to time be required, including preparation of the periodic reports required by s. 163.3191.

(c) Review proposed land development regulations, land development codes, or amendments thereto, and make recommendations to the governing body as to the consistency of the proposal with the adopted comprehensive plan, or element or portion thereof, when the local planning agency is serving as the land development regulation commission or the local government requires review by both the local planning agency and the land development regulation commission.

(d) Perform any other functions, duties, and responsibilities assigned to it by the governing body or by general or special law.

(5) All meetings of the local planning agency shall be public meetings, and agency records shall be public records.

History.--s. 6, ch. 75-257; s. 1, ch. 77-223; s. 5, ch. 85-55; s. 2, ch. 92-129; s. 9, ch. 95-310; s. 9, ch. 95-341; s. 1, ch. 2002-296.

163.3175 Legislative findings on compatibility of development with military installations; exchange of information between local governments and military installations.--

(1) The Legislature finds that incompatible development of land close to military installations can adversely affect the ability of such an installation to carry out its mission. The Legislature further finds that such development also threatens the public safety because of the possibility of accidents occurring within the areas surrounding a military installation. In addition, the economic vitality of a community is affected when military operations and missions must relocate because of incompatible urban encroachment. Therefore, the Legislature finds it desirable for the local governments in the state to cooperate with military installations to encourage compatible land use, help prevent incompatible encroachment, and facilitate the continued presence of major military installations in this state.

(2) Each county in which a military installation is either wholly or partially located and each affected local government must transmit to the commanding officer of that installation information relating to proposed changes to comprehensive plans, plan amendments, and proposed changes to land development regulations which, if approved, would affect the intensity, density, or use of the land adjacent to or in close proximity to the military installation. Each county and affected local government shall provide the military installation an opportunity to review and comment on the proposed changes.

(3) The commanding officer or his or her designee may provide comments to the county or affected local government on the impact such proposed changes may have on the mission of the military installation. Such comments may include:

(a) If the installation has an airfield, whether such proposed changes will be incompatible with the safety and noise standards contained in the Air Installation Compatible Use Zone (AICUZ) adopted by the military installation for that airfield;

(b) Whether such changes are incompatible with the Installation Environmental Noise Management Program (IENMP) of the United States Army;

(c) Whether such changes are incompatible with the findings of a Joint Land Use Study (JLUS) for the area if one has been completed; and

(d) Whether the military installation's mission will be adversely affected by the proposed actions of the county or affected local government.

(4) The county or affected local government shall take into consideration any comments provided by the commanding officer or his or her designee when making such decision regarding comprehensive planning or land development regulation. The county or affected local government shall forward a copy of any such comments to the state land planning agency.

(5) To facilitate the exchange of information provided for in this section, a representative of a military installation acting on behalf of all military installations within that jurisdiction shall be included as an ex officio, nonvoting member of the county's or affected local government's land planning or zoning board.

(6) The commanding officer is encouraged to provide information about any community planning assistance grants that may be available to a county or affected local government through the federal Office of Economic Adjustment as an incentive for communities to participate in a joint planning process that would facilitate the compatibility of community planning and the activities and mission of the military installation.

(7) As used in this section, the term:

(a) "Affected local government" means a municipality adjacent to or in close proximity to the military installation as determined by the state land planning agency.

(b) "Military installation" means a base, camp, post, station, airfield, yard, center, home port facility for any ship, or other land area under the jurisdiction of the Department of Defense, including any leased facility. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

History.--s. 1, ch. 2004-230.

163.3177 Required and optional elements of comprehensive plan; studies and surveys.--

(1) The comprehensive plan shall consist of materials in such descriptive form, written or graphic, as may be appropriate to the prescription of principles, guidelines, and standards for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area.

(2) Coordination of the several elements of the local comprehensive plan shall be a major objective of the planning process. The several elements of the comprehensive plan shall be consistent, and the comprehensive plan shall be financially feasible. Financial feasibility shall be determined using professionally accepted methodologies.

(3)(a) The comprehensive plan shall contain a capital improvements element designed to consider the need for and the location of public facilities in order to encourage the efficient utilization of such facilities and set forth:

1. A component which outlines principles for construction, extension, or increase in capacity of public facilities, as well as a component which outlines principles for correcting existing public facility deficiencies, which are necessary to implement the comprehensive plan. The components shall cover at least a 5-year period.

2. Estimated public facility costs, including a delineation of when facilities will be needed, the general location of the facilities, and projected revenue sources to fund the facilities.

3. Standards to ensure the availability of public facilities and the adequacy of those facilities including acceptable levels of service.

4. Standards for the management of debt.

5. A schedule of capital improvements which includes publicly funded projects, and which may include privately funded projects for which the local government has no fiscal responsibility, necessary to ensure that adopted level-of-service standards are achieved and maintained. For capital improvements that will be funded by the developer, financial feasibility shall be demonstrated by being guaranteed in an enforceable development agreement or interlocal agreement pursuant to paragraph (10)(h), or other enforceable agreement. These development agreements and interlocal agreements shall be reflected in the schedule of capital improvements if the capital improvement is necessary to serve development within the 5-year schedule. If the local government uses planned revenue sources that require referenda or other actions to secure the revenue source, the plan must, in the event the referenda are not passed or actions do not secure the planned revenue source, identify other existing revenue sources that will be used to fund the capital projects or otherwise amend the plan to ensure financial feasibility.

6. The schedule must include transportation improvements included in the applicable metropolitan planning organization's transportation improvement program adopted pursuant to s. 339.175(7) to the extent that such improvements are relied upon to ensure concurrency and financial feasibility. The schedule must also be coordinated with the applicable metropolitan planning organization's long-range transportation plan adopted pursuant to s. 339.175(6).

(b)1. The capital improvements element shall be reviewed on an annual basis and modified as necessary in accordance with s. 163.3187 or s. 163.3189 in order to maintain a financially feasible 5-year schedule of capital improvements. Corrections and modifications concerning costs; revenue sources; or acceptance of facilities pursuant to dedications which are consistent with the plan may be accomplished by ordinance and shall not be deemed to be amendments to the local comprehensive plan. A copy of the ordinance shall be transmitted to the state land planning agency. An amendment to the comprehensive plan is required to update the schedule on an annual basis or to eliminate, defer, or delay the construction for any facility listed in the 5-year schedule. All public facilities shall be consistent with the capital improvements element. Amendments to implement this section must be adopted and transmitted no later than December 1, 2007.

Thereafter, a local government may not amend its future land use map, except for plan amendments to meet new requirements under this part and emergency amendments pursuant to s. 163.3187(1)(a), after December 1, 2007, and every year thereafter, unless and until the local government has adopted the annual update and it has been transmitted to the state land planning agency.

2. Capital improvements element amendments adopted after the effective date of this act shall require only a single public hearing before the governing board which shall be an adoption hearing as described in s. 163.3184(7). Such amendments are not subject to the requirements of s. 163.3184(3)-(6).

(c) If the local government does not adopt the required annual update to the schedule of capital improvements or the annual update is found not in compliance, the state land planning agency must notify the Administration Commission. A local government that has a demonstrated lack of commitment to meeting its obligations identified in the capital improvements element may be subject to sanctions by the Administration Commission pursuant to s. 163.3184(11).

(d) If a local government adopts a long-term concurrency management system pursuant to s. 163.3180(9), it must also adopt a long-term capital improvements schedule covering up to a 10-year or 15-year period, and must update the long-term schedule annually. The long-term schedule of capital improvements must be financially feasible.

(4)(a) Coordination of the local comprehensive plan with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region; with the appropriate water management district's regional water supply plans approved pursuant to s. 373.0361; with adopted rules pertaining to designated areas of critical state concern; and with the state comprehensive plan shall be a major objective of the local comprehensive planning process. To that end, in the preparation of a comprehensive plan or element thereof, and in the comprehensive plan or element as adopted, the governing body shall include a specific policy statement indicating the relationship of the proposed development of the area to the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region and to the state comprehensive plan, as the case may require and as such adopted plans or plans in preparation may exist.

(b) When all or a portion of the land in a local government jurisdiction is or becomes part of a designated area of critical state concern, the local government shall clearly identify those portions of the local comprehensive plan that shall be applicable to the critical area and shall indicate the relationship of the proposed development of the area to the rules for the area of critical state concern.

(5)(a) Each local government comprehensive plan must include at least two planning periods, one covering at least the first 5-year period occurring after the plan's adoption and one covering at least a 10-year period.

(b) The comprehensive plan and its elements shall contain policy recommendations for the implementation of the plan and its elements.

(6) In addition to the requirements of subsections (1)-(5) and (12), the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. Counties are encouraged to designate rural land stewardship areas, pursuant to the provisions of paragraph (11)(d), as overlays on the future land use map. Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure

intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives. The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of water supplies, public facilities, and services; the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; the compatibility of uses on lands adjacent to or closely proximate to military installations; and, in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act. The future land use plan element shall include criteria to be used to achieve the compatibility of adjacent or closely proximate lands with military installations. In addition, for rural communities, the amount of land designated for future planned industrial use shall be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and shall not be limited solely by the projected population of the rural community. The future land use plan of a county may also designate areas for possible future municipal incorporation. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. For coastal counties, the future land use element must include, without limitation, regulatory incentives and criteria that encourage the preservation of recreational and commercial working waterfronts as defined in s. 342.07. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. The failure by a local government to comply with these school siting requirements will result in the prohibition of the local government's ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met. Amendments proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use are exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria that encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible and to encourage the use of elementary schools as focal points for neighborhoods. For schools serving predominantly rural counties, defined as a county with a population of 100,000 or fewer, an agricultural land use category shall be eligible for the location of public school facilities if the local comprehensive plan contains school siting criteria and the location is consistent with such criteria. Local governments required to update or amend their comprehensive plan to include criteria and address compatibility of adjacent or closely proximate lands with existing military installations in their future land use plan element shall transmit the update or amendment to the department by June 30, 2006.

(b) A traffic circulation element consisting of the types, locations, and extent of existing and proposed major thoroughfares and transportation routes, including bicycle and pedestrian ways. Transportation corridors, as defined in s. 334.03, may be designated in the traffic circulation element pursuant to s. 337.273. If the transportation corridors are designated, the local government may adopt a transportation corridor management ordinance.

(c) A general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element correlated to principles and guidelines for future land use, indicating ways to provide for future potable water, drainage, sanitary sewer, solid waste, and aquifer recharge protection requirements for the area. The element may be a detailed engineering plan including a topographic map depicting areas of prime groundwater recharge. The element shall

describe the problems and needs and the general facilities that will be required for solution of the problems and needs. The element shall also include a topographic map depicting any areas adopted by a regional water management district as prime groundwater recharge areas for the Floridan or Biscayne aquifers. These areas shall be given special consideration when the local government is engaged in zoning or considering future land use for said designated areas. For areas served by septic tanks, soil surveys shall be provided which indicate the suitability of soils for septic tanks. Within 18 months after the governing board approves an updated regional water supply plan, the element must incorporate the alternative water supply project or projects selected by the local government from those identified in the regional water supply plan pursuant to s. 373.0361(2)(a) or proposed by the local government under s. 373.0361(7)(b). If a local government is located within two water management districts, the local government shall adopt its comprehensive plan amendment within 18 months after the later updated regional water supply plan. The element must identify such alternative water supply projects and traditional water supply projects and conservation and reuse necessary to meet the water needs identified in s. 373.0361(2)(a) within the local government's jurisdiction and include a work plan, covering at least a 10 year planning period, for building public, private, and regional water supply facilities, including development of alternative water supplies, which are identified in the element as necessary to serve existing and new development. The work plan shall be updated, at a minimum, every 5 years within 18 months after the governing board of a water management district approves an updated regional water supply plan. Amendments to incorporate the work plan do not count toward the limitation on the frequency of adoption of amendments to the comprehensive plan. Local governments, public and private utilities, regional water supply authorities, special districts, and water management districts are encouraged to cooperatively plan for the development of multijurisdictional water supply facilities that are sufficient to meet projected demands for established planning periods, including the development of alternative water sources to supplement traditional sources of groundwater and surface water supplies.

(d) A conservation element for the conservation, use, and protection of natural resources in the area, including air, water, water recharge areas, wetlands, waterwells, estuarine marshes, soils, beaches, shores, flood plains, rivers, bays, lakes, harbors, forests, fisheries and wildlife, marine habitat, minerals, and other natural and environmental resources. Local governments shall assess their current, as well as projected, water needs and sources for at least a 10-year period, considering the appropriate regional water supply plan approved pursuant to s. 373.0361, or, in the absence of an approved regional water supply plan, the district water management plan approved pursuant to s. 373.036(2). This information shall be submitted to the appropriate agencies. The land use map or map series contained in the future land use element shall generally identify and depict the following:

1. Existing and planned waterwells and cones of influence where applicable.
2. Beaches and shores, including estuarine systems.
3. Rivers, bays, lakes, flood plains, and harbors.
4. Wetlands.
5. Minerals and soils.

The land uses identified on such maps shall be consistent with applicable state law and rules.

(e) A recreation and open space element indicating a comprehensive system of public and private sites for recreation, including, but not limited to, natural reservations, parks and playgrounds, parkways, beaches and public access to beaches, open spaces, waterways, and other recreational facilities.

(f)1. A housing element consisting of standards, plans, and principles to be followed in:

- a. The provision of housing for all current and anticipated future residents of the jurisdiction.
- b. The elimination of substandard dwelling conditions.
- c. The structural and aesthetic improvement of existing housing.
- d. The provision of adequate sites for future housing, including housing for low-income, very low-income, and moderate-income families, mobile homes, and group home facilities and foster care facilities, with supporting infrastructure and public facilities.
- e. Provision for relocation housing and identification of historically significant and other housing for purposes of conservation, rehabilitation, or replacement.
- f. The formulation of housing implementation programs.
- g. The creation or preservation of affordable housing to minimize the need for additional local services and avoid the concentration of affordable housing units only in specific areas of the jurisdiction.

The goals, objectives, and policies of the housing element must be based on the data and analysis prepared on housing needs, including the affordable housing needs assessment. State and federal housing plans prepared on behalf of the local government must be consistent with the goals, objectives, and policies of the housing element. Local governments are encouraged to utilize job training, job creation, and economic solutions to address a portion of their affordable housing concerns.

2. To assist local governments in housing data collection and analysis and assure uniform and consistent information regarding the state's housing needs, the state land planning agency shall conduct an affordable housing needs assessment for all local jurisdictions on a schedule that coordinates the implementation of the needs assessment with the evaluation and appraisal reports required by s. 163.3191. Each local government shall utilize the data and analysis from the needs assessment as one basis for the housing element of its local comprehensive plan. The agency shall allow a local government the option to perform its own needs assessment, if it uses the methodology established by the agency by rule.

(g)1. For those units of local government identified in s. 380.24, a coastal management element, appropriately related to the particular requirements of paragraphs (d) and (e) and meeting the requirements of s. 163.3178(2) and (3). The coastal management element shall set forth the policies that shall guide the local government's decisions and program implementation with respect to the following objectives:

- a. Maintenance, restoration, and enhancement of the overall quality of the coastal zone environment, including, but not limited to, its amenities and aesthetic values.
- b. Continued existence of viable populations of all species of wildlife and marine life.
- c. The orderly and balanced utilization and preservation, consistent with sound conservation principles, of all living and nonliving coastal zone resources.
- d. Avoidance of irreversible and irretrievable loss of coastal zone resources.
- e. Ecological planning principles and assumptions to be used in the determination of suitability and extent of permitted development.
- f. Proposed management and regulatory techniques.

- g. Limitation of public expenditures that subsidize development in high-hazard coastal areas.
- h. Protection of human life against the effects of natural disasters.
- i. The orderly development, maintenance, and use of ports identified in s. 403.021(9) to facilitate deepwater commercial navigation and other related activities.
- j. Preservation, including sensitive adaptive use of historic and archaeological resources.

2. As part of this element, a local government that has a coastal management element in its comprehensive plan is encouraged to adopt recreational surface water use policies that include applicable criteria for and consider such factors as natural resources, manatee protection needs, protection of working waterfronts and public access to the water, and recreation and economic demands. Criteria for manatee protection in the recreational surface water use policies should reflect applicable guidance outlined in the Boat Facility Siting Guide prepared by the Fish and Wildlife Conservation Commission. If the local government elects to adopt recreational surface water use policies by comprehensive plan amendment, such comprehensive plan amendment is exempt from the provisions of s. 163.3187(1). Local governments that wish to adopt recreational surface water use policies may be eligible for assistance with the development of such policies through the Florida Coastal Management Program. The Office of Program Policy Analysis and Government Accountability shall submit a report on the adoption of recreational surface water use policies under this subparagraph to the President of the Senate, the Speaker of the House of Representatives, and the majority and minority leaders of the Senate and the House of Representatives no later than December 1, 2010.

(h)1. An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards, regional water supply authorities, and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, with the state comprehensive plan and with the applicable regional water supply plan approved pursuant to s. 373.0361, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan shall demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent counties, or the region, or upon the state comprehensive plan, as the case may require.

- a. The intergovernmental coordination element shall provide for procedures to identify and implement joint planning areas, especially for the purpose of annexation, municipal incorporation, and joint infrastructure service areas.
- b. The intergovernmental coordination element shall provide for recognition of campus master plans prepared pursuant to s. 1013.30.
- c. The intergovernmental coordination element may provide for a voluntary dispute resolution process as established pursuant to s. 186.509 for bringing to closure in a timely manner intergovernmental disputes. A local government may develop and use an alternative local dispute resolution process for this purpose.

2. The intergovernmental coordination element shall further state principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards and other units of local government providing facilities and services but not having regulatory authority over the use of land. In addition, the intergovernmental coordination element shall describe joint processes for collaborative planning and decisionmaking on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land

uses whose nature and identity are established in an agreement. Within 1 year of adopting their intergovernmental coordination elements, each county, all the municipalities within that county, the district school board, and any unit of local government service providers in that county shall establish by interlocal or other formal agreement executed by all affected entities, the joint processes described in this subparagraph consistent with their adopted intergovernmental coordination elements.

3. To foster coordination between special districts and local general-purpose governments as local general-purpose governments implement local comprehensive plans, each independent special district must submit a public facilities report to the appropriate local government as required by s. 189.415.

4.a. Local governments must execute an interlocal agreement with the district school board, the county, and nonexempt municipalities pursuant to s. 163.31777. The local government shall amend the intergovernmental coordination element to provide that coordination between the local government and school board is pursuant to the agreement and shall state the obligations of the local government under the agreement.

b. Plan amendments that comply with this subparagraph are exempt from the provisions of s. 163.3187(1).

5. The state land planning agency shall establish a schedule for phased completion and transmittal of plan amendments to implement subparagraphs 1., 2., and 3. from all jurisdictions so as to accomplish their adoption by December 31, 1999. A local government may complete and transmit its plan amendments to carry out these provisions prior to the scheduled date established by the state land planning agency. The plan amendments are exempt from the provisions of s. 163.3187 (1).

6. By January 1, 2004, any county having a population greater than 100,000, and the municipalities and special districts within that county, shall submit a report to the Department of Community Affairs which:

a. Identifies all existing or proposed interlocal service-delivery agreements regarding the following: education; sanitary sewer; public safety; solid waste; drainage; potable water; parks and recreation; and transportation facilities.

b. Identifies any deficits or duplication in the provision of services within its jurisdiction, whether capital or operational. Upon request, the Department of Community Affairs shall provide technical assistance to the local governments in identifying deficits or duplication.

7. Within 6 months after submission of the report, the Department of Community Affairs shall, through the appropriate regional planning council, coordinate a meeting of all local governments within the regional planning area to discuss the reports and potential strategies to remedy any identified deficiencies or duplications.

8. Each local government shall update its intergovernmental coordination element based upon the findings in the report submitted pursuant to subparagraph 6. The report may be used as supporting data and analysis for the intergovernmental coordination element.

(i) The optional elements of the comprehensive plan in paragraphs (7)(a) and (b) are required elements for those municipalities having populations greater than 50,000, and those counties having populations greater than 75,000, as determined under s. 186.901.

(j) For each unit of local government within an urbanized area designated for purposes of s. 339.175, a transportation element, which shall be prepared and adopted in lieu of the requirements of paragraph (b) and paragraphs (7)(a), (b), (c), and (d) and which shall address the

following issues:

1. Traffic circulation, including major thoroughfares and other routes, including bicycle and pedestrian ways.
2. All alternative modes of travel, such as public transportation, pedestrian, and bicycle travel.
3. Parking facilities.
4. Aviation, rail, seaport facilities, access to those facilities, and intermodal terminals.
5. The availability of facilities and services to serve existing land uses and the compatibility between future land use and transportation elements.
6. The capability to evacuate the coastal population prior to an impending natural disaster.
7. Airports, projected airport and aviation development, and land use compatibility around airports.
8. An identification of land use densities, building intensities, and transportation management programs to promote public transportation systems in designated public transportation corridors so as to encourage population densities sufficient to support such systems.
9. May include transportation corridors, as defined in s. 334.03, intended for future transportation facilities designated pursuant to s. 337.273. If transportation corridors are designated, the local government may adopt a transportation corridor management ordinance.

(k) An airport master plan, and any subsequent amendments to the airport master plan, prepared by a licensed publicly owned and operated airport under s. 333.06 may be incorporated into the local government comprehensive plan by the local government having jurisdiction under this act for the area in which the airport or projected airport development is located by the adoption of a comprehensive plan amendment. In the amendment to the local comprehensive plan that integrates the airport master plan, the comprehensive plan amendment shall address land use compatibility consistent with chapter 333 regarding airport zoning; the provision of regional transportation facilities for the efficient use and operation of the transportation system and airport; consistency with the local government transportation circulation element and applicable metropolitan planning organization long-range transportation plans; and the execution of any necessary interlocal agreements for the purposes of the provision of public facilities and services to maintain the adopted level-of-service standards for facilities subject to concurrency; and may address airport-related or aviation-related development. Development or expansion of an airport consistent with the adopted airport master plan that has been incorporated into the local comprehensive plan in compliance with this part, and airport-related or aviation-related development that has been addressed in the comprehensive plan amendment that incorporates the airport master plan, shall not be a development of regional impact. Notwithstanding any other general law, an airport that has received a development-of-regional-impact development order pursuant to s. 380.06, but which is no longer required to undergo development-of-regional-impact review pursuant to this subsection, may abandon its development-of-regional-impact order upon written notification to the applicable local government. Upon receipt by the local government, the development-of-regional-impact development order is void.

(7) The comprehensive plan may include the following additional elements, or portions or phases thereof:

(a) As a part of the circulation element of paragraph (6)(b) or as a separate element, a mass-transit element showing proposed methods for the moving of people, rights-of-way, terminals, related facilities, and fiscal considerations for the accomplishment of the element.

(b) As a part of the circulation element of paragraph (6)(b) or as a separate element, plans for port, aviation, and related facilities coordinated with the general circulation and transportation element.

(c) As a part of the circulation element of paragraph (6)(b) and in coordination with paragraph (6)(e), where applicable, a plan element for the circulation of recreational traffic, including bicycle facilities, exercise trails, riding facilities, and such other matters as may be related to the improvement and safety of movement of all types of recreational traffic.

(d) As a part of the circulation element of paragraph (6)(b) or as a separate element, a plan element for the development of offstreet parking facilities for motor vehicles and the fiscal considerations for the accomplishment of the element.

(e) A public buildings and related facilities element showing locations and arrangements of civic and community centers, public schools, hospitals, libraries, police and fire stations, and other public buildings. This plan element should show particularly how it is proposed to effect coordination with governmental units, such as school boards or hospital authorities, having public development and service responsibilities, capabilities, and potential but not having land development regulatory authority. This element may include plans for architecture and landscape treatment of their grounds.

(f) A recommended community design element which may consist of design recommendations for land subdivision, neighborhood development and redevelopment, design of open space locations, and similar matters to the end that such recommendations may be available as aids and guides to developers in the future planning and development of land in the area.

(g) A general area redevelopment element consisting of plans and programs for the redevelopment of slums and blighted locations in the area and for community redevelopment, including housing sites, business and industrial sites, public buildings sites, recreational facilities, and other purposes authorized by law.

(h) A safety element for the protection of residents and property of the area from fire, hurricane, or manmade or natural catastrophe, including such necessary features for protection as evacuation routes and their control in an emergency, water supply requirements, minimum road widths, clearances around and elevations of structures, and similar matters.

(i) An historical and scenic preservation element setting out plans and programs for those structures or lands in the area having historical, archaeological, architectural, scenic, or similar significance.

(j) An economic element setting forth principles and guidelines for the commercial and industrial development, if any, and the employment and personnel utilization within the area. The element may detail the type of commercial and industrial development sought, correlated to the present and projected employment needs of the area and to other elements of the plans, and may set forth methods by which a balanced and stable economic base will be pursued.

(k) Such other elements as may be peculiar to, and necessary for, the area concerned and as are added to the comprehensive plan by the governing body upon the recommendation of the local planning agency.

(l) Local governments that are not required to prepare coastal management elements under s. 163.3178 are encouraged to adopt hazard mitigation/postdisaster redevelopment plans. These plans should, at a minimum, establish long-term policies regarding redevelopment, infrastructure, densities, nonconforming uses, and future land use patterns. Grants to assist local governments in the preparation of these hazard mitigation/postdisaster redevelopment plans shall be available through the Emergency Management Preparedness and Assistance Account in the Grants and

Donations Trust Fund administered by the department, if such account is created by law. The plans must be in compliance with the requirements of this act and chapter 252.

(8) All elements of the comprehensive plan, whether mandatory or optional, shall be based upon data appropriate to the element involved. Surveys and studies utilized in the preparation of the comprehensive plan shall not be deemed a part of the comprehensive plan unless adopted as a part of it. Copies of such studies, surveys, and supporting documents shall be made available to public inspection, and copies of such plans shall be made available to the public upon payment of reasonable charges for reproduction.

(9) The state land planning agency shall, by February 15, 1986, adopt by rule minimum criteria for the review and determination of compliance of the local government comprehensive plan elements required by this act. Such rules shall not be subject to rule challenges under s. 120.56(2) or to drawout proceedings under s. 120.54(3)(c)2. Such rules shall become effective only after they have been submitted to the President of the Senate and the Speaker of the House of Representatives for review by the Legislature no later than 30 days prior to the next regular session of the Legislature. In its review the Legislature may reject, modify, or take no action relative to the rules. The agency shall conform the rules to the changes made by the Legislature, or, if no action was taken, the agency rules shall become effective. The rule shall include criteria for determining whether:

(a) Proposed elements are in compliance with the requirements of part II, as amended by this act.

(b) Other elements of the comprehensive plan are related to and consistent with each other.

(c) The local government comprehensive plan elements are consistent with the state comprehensive plan and the appropriate regional policy plan pursuant to s. 186.508.

(d) Certain bays, estuaries, and harbors that fall under the jurisdiction of more than one local government are managed in a consistent and coordinated manner in the case of local governments required to include a coastal management element in their comprehensive plans pursuant to paragraph (6)(g).

(e) Proposed elements identify the mechanisms and procedures for monitoring, evaluating, and appraising implementation of the plan. Specific measurable objectives are included to provide a basis for evaluating effectiveness as required by s. 163.3191.

(f) Proposed elements contain policies to guide future decisions in a consistent manner.

(g) Proposed elements contain programs and activities to ensure that comprehensive plans are implemented.

(h) Proposed elements identify the need for and the processes and procedures to ensure coordination of all development activities and services with other units of local government, regional planning agencies, water management districts, and state and federal agencies as appropriate.

The state land planning agency may adopt procedural rules that are consistent with this section and chapter 120 for the review of local government comprehensive plan elements required under this section. The state land planning agency shall provide model plans and ordinances and, upon request, other assistance to local governments in the adoption and implementation of their revised local government comprehensive plans. The review and comment provisions applicable prior to October 1, 1985, shall continue in effect until the criteria for review and determination are adopted pursuant to this subsection and the comprehensive plans required by s. 163.3167(2) are due.

(10) The Legislature recognizes the importance and significance of chapter 9J-5, Florida

Administrative Code, the Minimum Criteria for Review of Local Government Comprehensive Plans and Determination of Compliance of the Department of Community Affairs that will be used to determine compliance of local comprehensive plans. The Legislature reserved unto itself the right to review chapter 9J-5, Florida Administrative Code, and to reject, modify, or take no action relative to this rule. Therefore, pursuant to subsection (9), the Legislature hereby has reviewed chapter 9J-5, Florida Administrative Code, and expresses the following legislative intent:

(a) The Legislature finds that in order for the department to review local comprehensive plans, it is necessary to define the term "consistency." Therefore, for the purpose of determining whether local comprehensive plans are consistent with the state comprehensive plan and the appropriate regional policy plan, a local plan shall be consistent with such plans if the local plan is "compatible with" and "furthers" such plans. The term "compatible with" means that the local plan is not in conflict with the state comprehensive plan or appropriate regional policy plan. The term "furthers" means to take action in the direction of realizing goals or policies of the state or regional plan. For the purposes of determining consistency of the local plan with the state comprehensive plan or the appropriate regional policy plan, the state or regional plan shall be construed as a whole and no specific goal and policy shall be construed or applied in isolation from the other goals and policies in the plans.

(b) Each local government shall review all the state comprehensive plan goals and policies and shall address in its comprehensive plan the goals and policies which are relevant to the circumstances or conditions in its jurisdiction. The decision regarding which particular state comprehensive plan goals and policies will be furthered by the expenditure of a local government's financial resources in any given year is a decision which rests solely within the discretion of the local government. Intergovernmental coordination, as set forth in paragraph (6)(h), shall be utilized to the extent required to carry out the provisions of chapter 9J-5, Florida Administrative Code.

(c) The Legislature declares that if any portion of chapter 9J-5, Florida Administrative Code, is found to be in conflict with this part, the appropriate statutory provision shall prevail.

(d) Chapter 9J-5, Florida Administrative Code, does not mandate the creation, limitation, or elimination of regulatory authority, nor does it authorize the adoption or require the repeal of any rules, criteria, or standards of any local, regional, or state agency.

(e) It is the Legislature's intent that support data or summaries thereof shall not be subject to the compliance review process, but the Legislature intends that goals and policies be clearly based on appropriate data. The department may utilize support data or summaries thereof to aid in its determination of compliance and consistency. The Legislature intends that the department may evaluate the application of a methodology utilized in data collection or whether a particular methodology is professionally accepted. However, the department shall not evaluate whether one accepted methodology is better than another. Chapter 9J-5, Florida Administrative Code, shall not be construed to require original data collection by local governments; however, local governments are not to be discouraged from utilizing original data so long as methodologies are professionally accepted.

(f) The Legislature recognizes that under this section, local governments are charged with setting levels of service for public facilities in their comprehensive plans in accordance with which development orders and permits will be issued pursuant to s. 163.3202(2)(g). Nothing herein shall supersede the authority of state, regional, or local agencies as otherwise provided by law.

(g) Definitions contained in chapter 9J-5, Florida Administrative Code, are not intended to modify or amend the definitions utilized for purposes of other programs or rules or to establish or limit regulatory authority. Local governments may establish alternative definitions in local comprehensive plans, as long as such definitions accomplish the intent of this chapter, and chapter 9J-5, Florida Administrative Code.

(h) It is the intent of the Legislature that public facilities and services needed to support development shall be available concurrent with the impacts of such development in accordance with s. 163.3180. In meeting this intent, public facility and service availability shall be deemed sufficient if the public facilities and services for a development are phased, or the development is phased, so that the public facilities and those related services which are deemed necessary by the local government to operate the facilities necessitated by that development are available concurrent with the impacts of the development. The public facilities and services, unless already available, are to be consistent with the capital improvements element of the local comprehensive plan as required by paragraph (3)(a) or guaranteed in an enforceable development agreement. This shall include development agreements pursuant to this chapter or in an agreement or a development order issued pursuant to chapter 380. Nothing herein shall be construed to require a local government to address services in its capital improvements plan or to limit a local government's ability to address any service in its capital improvements plan that it deems necessary.

(i) The department shall take into account the factors delineated in rule 9J-5.002(2), Florida Administrative Code, as it provides assistance to local governments and applies the rule in specific situations with regard to the detail of the data and analysis required.

(j) Chapter 9J-5, Florida Administrative Code, has become effective pursuant to subsection (9). The Legislature hereby directs the department to adopt amendments as necessary which conform chapter 9J-5, Florida Administrative Code, with the requirements of this legislative intent by October 1, 1986.

(k) So that local governments are able to prepare and adopt comprehensive plans with knowledge of the rules that will be applied to determine consistency of the plans with provisions of this part, it is the intent of the Legislature that there should be no doubt as to the legal standing of chapter 9J-5, Florida Administrative Code, at the close of the 1986 legislative session. Therefore, the Legislature declares that changes made to chapter 9J-5, Florida Administrative Code, prior to October 1, 1986, shall not be subject to rule challenges under s. 120.56(2), or to drawout proceedings under s. 120.54(3)(c)2. The entire chapter 9J-5, Florida Administrative Code, as amended, shall be subject to rule challenges under s. 120.56(3), as nothing herein shall be construed to indicate approval or disapproval of any portion of chapter 9J-5, Florida Administrative Code, not specifically addressed herein. No challenge pursuant to s. 120.56(3) may be filed from July 1, 1987, through April 1, 1993. Any amendments to chapter 9J-5, Florida Administrative Code, exclusive of the amendments adopted prior to October 1, 1986, pursuant to this act, shall be subject to the full chapter 120 process. All amendments shall have effective dates as provided in chapter 120 and submission to the President of the Senate and Speaker of the House of Representatives shall not be required.

(l) The state land planning agency shall consider land use compatibility issues in the vicinity of all airports in coordination with the Department of Transportation and adjacent to or in close proximity to all military installations in coordination with the Department of Defense.

(11)(a) The Legislature recognizes the need for innovative planning and development strategies which will address the anticipated demands of continued urbanization of Florida's coastal and other environmentally sensitive areas, and which will accommodate the development of less populated regions of the state which seek economic development and which have suitable land and water resources to accommodate growth in an environmentally acceptable manner. The Legislature further recognizes the substantial advantages of innovative approaches to development which may better serve to protect environmentally sensitive areas, maintain the economic viability of agricultural and other predominantly rural land uses, and provide for the cost-efficient delivery of public facilities and services.

(b) It is the intent of the Legislature that the local government comprehensive plans and plan amendments adopted pursuant to the provisions of this part provide for a planning process which allows for land use efficiencies within existing urban areas and which also allows for the conversion

of rural lands to other uses, where appropriate and consistent with the other provisions of this part and the affected local comprehensive plans, through the application of innovative and flexible planning and development strategies and creative land use planning techniques, which may include, but not be limited to, urban villages, new towns, satellite communities, area-based allocations, clustering and open space provisions, mixed-use development, and sector planning.

(c) It is the further intent of the Legislature that local government comprehensive plans and implementing land development regulations shall provide strategies which maximize the use of existing facilities and services through redevelopment, urban infill development, and other strategies for urban revitalization.

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

a. Assistance from the Department of Environmental Protection and water management districts in creating the geographic information systems land cover database and aerial photogrammetry needed to prepare for a rural land stewardship area;

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

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

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

3. A local government, in conjunction with a regional planning council, a stakeholder organization of private land owners, or another local government, shall notify the department in writing of its intent to designate a rural land stewardship area. The written notification shall describe the basis for the designation, including the extent to which the rural land stewardship area enhances rural land values, controls urban sprawl, provides necessary open space for agriculture and protection of the natural environment, promotes rural economic activity, and maintains rural character and the economic viability of agriculture.

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

following:

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

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

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

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

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

5. A receiving area shall be designated by the adoption of a land development regulation. Prior to the designation of a receiving area, the local government shall provide the Department of Community Affairs a period of 30 days in which to review a proposed receiving area for consistency with the rural land stewardship area plan amendment and to provide comments to the local government. At the time of designation of a stewardship receiving area, a listed species survey will be performed. If listed species occur on the receiving area site, the developer shall coordinate with each appropriate local, state, or federal agency to determine if adequate provisions have been made to protect those species in accordance with applicable regulations. In determining the adequacy of provisions for the protection of listed species and their habitats, the rural land stewardship area shall be considered as a whole, and the impacts to areas to be developed as receiving areas shall be considered together with the environmental benefits of areas protected as sending areas in fulfilling this criteria.

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

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

b. Transferable rural land use credits may only be used on lands designated as receiving areas and

then solely for the purpose of implementing innovative planning and development strategies and creative land use planning techniques adopted by the local government pursuant to this section.

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

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

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

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

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

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

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

j. Transferable rural land use credits may be assigned at different ratios of credits per acre according to the natural resource or other beneficial use characteristics of the land and according to the land use remaining following the transfer of credits, with the highest number of credits per acre assigned to the most environmentally valuable land or, in locations where the retention of open space and agricultural land is a priority, to such lands.

k. The use or conveyance of transferable rural land use credits must be recorded in the public records of the county in which the property is located as a covenant or restrictive easement running with the land in favor of the county and either the Department of Environmental Protection, Department of Agriculture and Consumer Services, a water management district, or a recognized statewide land trust.

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

a. Opportunity to accumulate transferable mitigation credits.

b. Extended permit agreements.

- c. Opportunities for recreational leases and ecotourism.
- d. Payment for specified land management services on publicly owned land, or property under covenant or restricted easement in favor of a public entity.
- e. Option agreements for sale to public entities or private land conservation entities, in either fee or easement, upon achievement of conservation objectives.

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

(e) The Legislature finds that mixed-use, high-density development is appropriate for urban infill and redevelopment areas. Mixed-use projects accommodate a variety of uses, including residential and commercial, and usually at higher densities that promote pedestrian-friendly, sustainable communities. The Legislature recognizes that mixed-use, high-density development improves the quality of life for residents and businesses in urban areas. The Legislature finds that mixed-use, high-density redevelopment and infill benefits residents by creating a livable community with alternative modes of transportation. Furthermore, the Legislature finds that local zoning ordinances often discourage mixed-use, high-density development in areas that are appropriate for urban infill and redevelopment. The Legislature intends to discourage single-use zoning in urban areas which often leads to lower-density, land-intensive development outside an urban service area. Therefore, the Department of Community Affairs shall provide technical assistance to local governments in order to encourage mixed-use, high-density urban infill and redevelopment projects.

(f) The Legislature finds that a program for the transfer of development rights is a useful tool to preserve historic buildings and create public open spaces in urban areas. A program for the transfer of development rights allows the transfer of density credits from historic properties and public open spaces to areas designated for high-density development. The Legislature recognizes that high-density development is integral to the success of many urban infill and redevelopment projects. The Legislature intends to encourage high-density urban infill and redevelopment while preserving historic structures and open spaces. Therefore, the Department of Community Affairs shall provide technical assistance to local governments in order to promote the transfer of development rights within urban areas for high-density infill and redevelopment projects.

(g) The implementation of this subsection shall be subject to the provisions of this chapter, chapters 186 and 187, and applicable agency rules.

(h) The department may adopt rules necessary to implement the provisions of this subsection.

(12) A public school facilities element adopted to implement a school concurrency program shall meet the requirements of this subsection. Each county and each municipality within the county, unless exempt or subject to a waiver, must adopt a public school facilities element that is consistent with those adopted by the other local governments within the county and enter the interlocal agreement pursuant to s. 163.31777.

(a) The state land planning agency may provide a waiver to a county and to the municipalities within the county if the capacity rate for all schools within the school district is no greater than 100 percent and the projected 5-year capital outlay full-time equivalent student growth rate is less than 10 percent. The state land planning agency may allow for a single school to exceed the 100-percent limitation if it can be demonstrated that the capacity rate for that single school is not greater than 105 percent. In making this determination, the state land planning agency shall consider the following criteria:

1. Whether the exceedance is due to temporary circumstances;

2. Whether the projected 5-year capital outlay full time equivalent student growth rate for the school district is approaching the 10-percent threshold;
3. Whether one or more additional schools within the school district are at or approaching the 100-percent threshold; and
4. The adequacy of the data and analysis submitted to support the waiver request.

(b) A municipality in a nonexempt county is exempt if the municipality meets all of the following criteria for having no significant impact on school attendance:

1. The municipality has issued development orders for fewer than 50 residential dwelling units during the preceding 5 years, or the municipality has generated fewer than 25 additional public school students during the preceding 5 years.
2. The municipality has not annexed new land during the preceding 5 years in land use categories that permit residential uses that will affect school attendance rates.
3. The municipality has no public schools located within its boundaries.

(c) A public school facilities element shall be based upon data and analyses that address, among other items, how level-of-service standards will be achieved and maintained. Such data and analyses must include, at a minimum, such items as: the interlocal agreement adopted pursuant to s. 163.31777 and the 5-year school district facilities work program adopted pursuant to s. 1013.35; the educational plant survey prepared pursuant to s. 1013.31 and an existing educational and ancillary plant map or map series; information on existing development and development anticipated for the next 5 years and the long-term planning period; an analysis of problems and opportunities for existing schools and schools anticipated in the future; an analysis of opportunities to collocate future schools with other public facilities such as parks, libraries, and community centers; an analysis of the need for supporting public facilities for existing and future schools; an analysis of opportunities to locate schools to serve as community focal points; projected future population and associated demographics, including development patterns year by year for the upcoming 5-year and long-term planning periods; and anticipated educational and ancillary plants with land area requirements.

(d) The element shall contain one or more goals which establish the long-term end toward which public school programs and activities are ultimately directed.

(e) The element shall contain one or more objectives for each goal, setting specific, measurable, intermediate ends that are achievable and mark progress toward the goal.

(f) The element shall contain one or more policies for each objective which establish the way in which programs and activities will be conducted to achieve an identified goal.

(g) The objectives and policies shall address items such as:

1. The procedure for an annual update process;
2. The procedure for school site selection;
3. The procedure for school permitting;
4. Provision for infrastructure necessary to support proposed schools, including potable water, wastewater, drainage, solid waste, transportation, and means by which to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization;

5. Provision for colocation of other public facilities, such as parks, libraries, and community centers, in proximity to public schools;
6. Provision for location of schools proximate to residential areas and to complement patterns of development, including the location of future school sites so they serve as community focal points;
7. Measures to ensure compatibility of school sites and surrounding land uses;
8. Coordination with adjacent local governments and the school district on emergency preparedness issues, including the use of public schools to serve as emergency shelters; and
9. Coordination with the future land use element.

(h) The element shall include one or more future conditions maps which depict the anticipated location of educational and ancillary plants, including the general location of improvements to existing schools or new schools anticipated over the 5-year or long-term planning period. The maps will of necessity be general for the long-term planning period and more specific for the 5-year period. Maps indicating general locations of future schools or school improvements may not prescribe a land use on a particular parcel of land.

(i) The state land planning agency shall establish a phased schedule for adoption of the public school facilities element and the required updates to the public schools interlocal agreement pursuant to s. 163.31777. The schedule shall provide for each county and local government within the county to adopt the element and update to the agreement no later than December 1, 2008. Plan amendments to adopt a public school facilities element are exempt from the provisions of s. 163.3187(1).

(j) Failure to adopt the public school facilities element, to enter into an approved interlocal agreement as required by subparagraph (6)(h)2. and s. 163.31777, or to amend the comprehensive plan as necessary to implement school concurrency, according to the phased schedule, shall result in a local government being prohibited from adopting amendments to the comprehensive plan which increase residential density until the necessary amendments have been adopted and transmitted to the state land planning agency.

(k) The state land planning agency may issue the school board a notice to show cause why sanctions should not be enforced for failure to enter into an approved interlocal agreement as required by s. 163.31777 or for failure to implement the provisions of this act relating to public school concurrency. The school board may be subject to sanctions imposed by the Administration Commission directing the Department of Education to withhold from the district school board an equivalent amount of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.

(13) Local governments are encouraged to develop a community vision that provides for sustainable growth, recognizes its fiscal constraints, and protects its natural resources. At the request of a local government, the applicable regional planning council shall provide assistance in the development of a community vision.

(a) As part of the process of developing a community vision under this section, the local government must hold two public meetings with at least one of those meetings before the local planning agency. Before those public meetings, the local government must hold at least one public workshop with stakeholder groups such as neighborhood associations, community organizations, businesses, private property owners, housing and development interests, and environmental organizations.

(b) The local government must, at a minimum, discuss five of the following topics as part of the workshops and public meetings required under paragraph (a):

1. Future growth in the area using population forecasts from the Bureau of Economic and Business Research;
2. Priorities for economic development;
3. Preservation of open space, environmentally sensitive lands, and agricultural lands;
4. Appropriate areas and standards for mixed-use development;
5. Appropriate areas and standards for high-density commercial and residential development;
6. Appropriate areas and standards for economic development opportunities and employment centers;
7. Provisions for adequate workforce housing;
8. An efficient, interconnected multimodal transportation system; and
9. Opportunities to create land use patterns that accommodate the issues listed in subparagraphs 1.-8.

(c) As part of the workshops and public meetings, the local government must discuss strategies for addressing the topics discussed under paragraph (b), including:

1. Strategies to preserve open space and environmentally sensitive lands, and to encourage a healthy agricultural economy, including innovative planning and development strategies, such as the transfer of development rights;
2. Incentives for mixed-use development, including increased height and intensity standards for buildings that provide residential use in combination with office or commercial space;
3. Incentives for workforce housing;
4. Designation of an urban service boundary pursuant to subsection (2); and
5. Strategies to provide mobility within the community and to protect the Strategic Intermodal System, including the development of a transportation corridor management plan under s. 337.273.

(d) The community vision must reflect the community's shared concept for growth and development of the community, including visual representations depicting the desired land use patterns and character of the community during a 10-year planning timeframe. The community vision must also take into consideration economic viability of the vision and private property interests.

(e) After the workshops and public meetings required under paragraph (a) are held, the local government may amend its comprehensive plan to include the community vision as a component in the plan. This plan amendment must be transmitted and adopted pursuant to the procedures in ss. 163.3184 and 163.3189 at public hearings of the governing body other than those identified in paragraph (a).

(f) Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.

(g) A local government that has developed a community vision or completed a visioning process

after July 1, 2000, and before July 1, 2005, which substantially accomplishes the goals set forth in this subsection and the appropriate goals, policies, or objectives have been adopted as part of the comprehensive plan or reflected in subsequently adopted land development regulations and the plan amendment incorporating the community vision as a component has been found in compliance is eligible for the incentives in s. 163.3184(17).

(14) Local governments are also encouraged to designate an urban service boundary. This area must be appropriate for compact, contiguous urban development within a 10-year planning timeframe. The urban service area boundary must be identified on the future land use map or map series. The local government shall demonstrate that the land included within the urban service boundary is served or is planned to be served with adequate public facilities and services based on the local government's adopted level-of-service standards by adopting a 10-year facilities plan in the capital improvements element which is financially feasible. The local government shall demonstrate that the amount of land within the urban service boundary does not exceed the amount of land needed to accommodate the projected population growth at densities consistent with the adopted comprehensive plan within the 10-year planning timeframe.

(a) As part of the process of establishing an urban service boundary, the local government must hold two public meetings with at least one of those meetings before the local planning agency. Before those public meetings, the local government must hold at least one public workshop with stakeholder groups such as neighborhood associations, community organizations, businesses, private property owners, housing and development interests, and environmental organizations.

(b)1. After the workshops and public meetings required under paragraph (a) are held, the local government may amend its comprehensive plan to include the urban service boundary. This plan amendment must be transmitted and adopted pursuant to the procedures in ss. 163.3184 and 163.3189 at meetings of the governing body other than those required under paragraph (a).

2. This subsection does not prohibit new development outside an urban service boundary. However, a local government that establishes an urban service boundary under this subsection is encouraged to require a full-cost-accounting analysis for any new development outside the boundary and to consider the results of that analysis when adopting a plan amendment for property outside the established urban service boundary.

(c) Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.

(d) A local government that has adopted an urban service boundary before July 1, 2005, which substantially accomplishes the goals set forth in this subsection is not required to comply with paragraph (a) or subparagraph 1. of paragraph (b) in order to be eligible for the incentives under s. 163.3184(17). In order to satisfy the provisions of this paragraph, the local government must secure a determination from the state land planning agency that the urban service boundary adopted before July 1, 2005, substantially complies with the criteria of this subsection, based on data and analysis submitted by the local government to support this determination. The determination by the state land planning agency is not subject to administrative challenge.

History.--s. 7, ch. 75-257; s. 1, ch. 77-174; s. 1, ch. 80-154; s. 6, ch. 83-308; s. 1, ch. 85-42; s. 6, ch. 85-55; s. 1, ch. 85-309; s. 7, ch. 86-191; s. 5, ch. 92-129; s. 6, ch. 93-206; s. 898, ch. 95-147; s. 3, ch. 95-257; s. 4, ch. 95-322; s. 10, ch. 95-341; s. 10, ch. 96-320; s. 24, ch. 96-410; s. 2, ch. 96-416; s. 2, ch. 98-146; s. 4, ch. 98-176; s. 4, ch. 98-258; s. 90, ch. 99-251; s. 3, ch. 99-378; s. 40, ch. 2001-201; s. 64, ch. 2001-279; s. 24, ch. 2002-1; s. 58, ch. 2002-20; s. 70, ch. 2002-295; s. 2, ch. 2002-296; s. 904, ch. 2002-387; s. 61, ch. 2003-286; s. 2, ch. 2004-230; s. 4, ch. 2004-372; s. 2, ch. 2004-381; s. 2, ch. 2005-36; s. 1, ch. 2005-157; s. 2, ch. 2005-290; s. 10, ch. 2005-291; s. 2, ch. 2006-220.

163.31771 Accessory dwelling units.--

(1) The Legislature finds that the median price of homes in this state has increased steadily over the last decade and at a greater rate of increase than the median income in many urban areas. The Legislature finds that the cost of rental housing has also increased steadily and the cost often exceeds an amount that is affordable to extremely-low-income, very-low-income, low-income, or moderate-income persons and has resulted in a critical shortage of affordable rentals in many urban areas in the state. This shortage of affordable rentals constitutes a threat to the health, safety, and welfare of the residents of the state. Therefore, the Legislature finds that it serves an important public purpose to encourage the permitting of accessory dwelling units in single-family residential areas in order to increase the availability of affordable rentals for extremely-low-income, very-low-income, low-income, or moderate-income persons.

(2) As used in this section, the term:

(a) "Accessory dwelling unit" means an ancillary or secondary living unit, that has a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot, as the primary dwelling unit.

(b) "Affordable rental" means that monthly rent and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for extremely-low-income, very-low-income, low-income, or moderate-income persons.

(c) "Local government" means a county or municipality.

(d) "Low-income persons" has the same meaning as in s. 420.0004(10).

(e) "Moderate-income persons" has the same meaning as in s. 420.0004(11).

(f) "Very-low-income persons" has the same meaning as in s. 420.0004(15).

(g) "Extremely-low-income persons" has the same meaning as in s. 420.0004(8).

(3) Upon a finding by a local government that there is a shortage of affordable rentals within its jurisdiction, the local government may adopt an ordinance to allow accessory dwelling units in any area zoned for single-family residential use.

(4) If the local government adopts an ordinance under this section, an application for a building permit to construct an accessory dwelling unit must include an affidavit from the applicant which attests that the unit will be rented at an affordable rate to an extremely-low-income, very-low-income, low-income, or moderate-income person or persons.

(5) Each accessory dwelling unit allowed by an ordinance adopted under this section shall apply toward satisfying the affordable housing component of the housing element in the local government's comprehensive plan under s. 163.3177(6)(f).

(6) The Department of Community Affairs shall evaluate the effectiveness of using accessory dwelling units to address a local government's shortage of affordable housing and report to the Legislature by January 1, 2007. The report must specify the number of ordinances adopted by a local government under this section and the number of accessory dwelling units that were created under these ordinances.

History.--s. 2, ch. 2004-372; s. 2, ch. 2006-69.

163.31777 Public schools interlocal agreement.--

(1)(a) The county and municipalities located within the geographic area of a school district shall

enter into an interlocal agreement with the district school board which jointly establishes the specific ways in which the plans and processes of the district school board and the local governments are to be coordinated. The interlocal agreements shall be submitted to the state land planning agency and the Office of Educational Facilities and the SMART Schools Clearinghouse in accordance with a schedule published by the state land planning agency.

(b) The schedule must establish staggered due dates for submission of interlocal agreements that are executed by both the local government and the district school board, commencing on March 1, 2003, and concluding by December 1, 2004, and must set the same date for all governmental entities within a school district. However, if the county where the school district is located contains more than 20 municipalities, the state land planning agency may establish staggered due dates for the submission of interlocal agreements by these municipalities. The schedule must begin with those areas where both the number of districtwide capital-outlay full-time-equivalent students equals 80 percent or more of the current year's school capacity and the projected 5-year student growth is 1,000 or greater, or where the projected 5-year student growth rate is 10 percent or greater.

(c) If the student population has declined over the 5-year period preceding the due date for submittal of an interlocal agreement by the local government and the district school board, the local government and the district school board may petition the state land planning agency for a waiver of one or more requirements of subsection (2). The waiver must be granted if the procedures called for in subsection (2) are unnecessary because of the school district's declining school age population, considering the district's 5-year facilities work program prepared pursuant to s. 1013.35. The state land planning agency may modify or revoke the waiver upon a finding that the conditions upon which the waiver was granted no longer exist. The district school board and local governments must submit an interlocal agreement within 1 year after notification by the state land planning agency that the conditions for a waiver no longer exist.

(d) Interlocal agreements between local governments and district school boards adopted pursuant to s. 163.3177 before the effective date of this section must be updated and executed pursuant to the requirements of this section, if necessary. Amendments to interlocal agreements adopted pursuant to this section must be submitted to the state land planning agency within 30 days after execution by the parties for review consistent with this section. Local governments and the district school board in each school district are encouraged to adopt a single interlocal agreement to which all join as parties. The state land planning agency shall assemble and make available model interlocal agreements meeting the requirements of this section and notify local governments and, jointly with the Department of Education, the district school boards of the requirements of this section, the dates for compliance, and the sanctions for noncompliance. The state land planning agency shall be available to informally review proposed interlocal agreements. If the state land planning agency has not received a proposed interlocal agreement for informal review, the state land planning agency shall, at least 60 days before the deadline for submission of the executed agreement, renotify the local government and the district school board of the upcoming deadline and the potential for sanctions.

(2) At a minimum, the interlocal agreement must address interlocal-agreement requirements in s. 163.3180(13)(g), except for exempt local governments as provided in s. 163.3177(12), and must address the following issues:

(a) A process by which each local government and the district school board agree and base their plans on consistent projections of the amount, type, and distribution of population growth and student enrollment. The geographic distribution of jurisdiction-wide growth forecasts is a major objective of the process.

(b) A process to coordinate and share information relating to existing and planned public school facilities, including school renovations and closures, and local government plans for development and redevelopment.

(c) Participation by affected local governments with the district school board in the process of evaluating potential school closures, significant renovations to existing schools, and new school site selection before land acquisition. Local governments shall advise the district school board as to the consistency of the proposed closure, renovation, or new site with the local comprehensive plan, including appropriate circumstances and criteria under which a district school board may request an amendment to the comprehensive plan for school siting.

(d) A process for determining the need for and timing of onsite and offsite improvements to support new, proposed expansion, or redevelopment of existing schools. The process must address identification of the party or parties responsible for the improvements.

(e) A process for the school board to inform the local government regarding the effect of comprehensive plan amendments on school capacity. The capacity reporting must be consistent with laws and rules relating to measurement of school facility capacity and must also identify how the district school board will meet the public school demand based on the facilities work program adopted pursuant to s. 1013.35.

(f) Participation of the local governments in the preparation of the annual update to the district school board's 5-year district facilities work program and educational plant survey prepared pursuant to s. 1013.35.

(g) A process for determining where and how joint use of either school board or local government facilities can be shared for mutual benefit and efficiency.

(h) A procedure for the resolution of disputes between the district school board and local governments, which may include the dispute resolution processes contained in chapters 164 and 186.

(i) An oversight process, including an opportunity for public participation, for the implementation of the interlocal agreement.

(3)(a) The Office of Educational Facilities and SMART Schools Clearinghouse shall submit any comments or concerns regarding the executed interlocal agreement to the state land planning agency within 30 days after receipt of the executed interlocal agreement. The state land planning agency shall review the executed interlocal agreement to determine whether it is consistent with the requirements of subsection (2), the adopted local government comprehensive plan, and other requirements of law. Within 60 days after receipt of an executed interlocal agreement, the state land planning agency shall publish a notice of intent in the Florida Administrative Weekly and shall post a copy of the notice on the agency's Internet site. The notice of intent must state whether the interlocal agreement is consistent or inconsistent with the requirements of subsection (2) and this subsection, as appropriate.

(b) The state land planning agency's notice is subject to challenge under chapter 120; however, an affected person, as defined in s. 163.3184(1)(a), has standing to initiate the administrative proceeding, and this proceeding is the sole means available to challenge the consistency of an interlocal agreement required by this section with the criteria contained in subsection (2) and this subsection. In order to have standing, each person must have submitted oral or written comments, recommendations, or objections to the local government or the school board before the adoption of the interlocal agreement by the school board and local government. The district school board and local governments are parties to any such proceeding. In this proceeding, when the state land planning agency finds the interlocal agreement to be consistent with the criteria in subsection (2) and this subsection, the interlocal agreement shall be determined to be consistent with subsection (2) and this subsection if the local government's and school board's determination of consistency is fairly debatable. When the state planning agency finds the interlocal agreement to be inconsistent with the requirements of subsection (2) and this subsection, the local government's and school board's determination of consistency shall be sustained unless it is shown by a preponderance of the evidence that the interlocal agreement is inconsistent.

(c) If the state land planning agency enters a final order that finds that the interlocal agreement is inconsistent with the requirements of subsection (2) or this subsection, it shall forward it to the Administration Commission, which may impose sanctions against the local government pursuant to s. 163.3184(11) and may impose sanctions against the district school board by directing the Department of Education to withhold from the district school board an equivalent amount of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.

(4) If an executed interlocal agreement is not timely submitted to the state land planning agency for review, the state land planning agency shall, within 15 working days after the deadline for submittal, issue to the local government and the district school board a Notice to Show Cause why sanctions should not be imposed for failure to submit an executed interlocal agreement by the deadline established by the agency. The agency shall forward the notice and the responses to the Administration Commission, which may enter a final order citing the failure to comply and imposing sanctions against the local government and district school board by directing the appropriate agencies to withhold at least 5 percent of state funds pursuant to s. 163.3184(11) and by directing the Department of Education to withhold from the district school board at least 5 percent of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.

(5) Any local government transmitting a public school element to implement school concurrency pursuant to the requirements of s. 163.3180 before the effective date of this section is not required to amend the element or any interlocal agreement to conform with the provisions of this section if the element is adopted prior to or within 1 year after the effective date of this section and remains in effect until the county conducts its evaluation and appraisal report and identifies changes necessary to more fully conform to the provisions of this section.

(6) Except as provided in subsection (7), municipalities meeting the exemption criteria in s. 163.3177(12) are exempt from the requirements of subsections (1), (2), and (3).

(7) At the time of the evaluation and appraisal report, each exempt municipality shall assess the extent to which it continues to meet the criteria for exemption under s. 163.3177(12). If the municipality continues to meet these criteria, the municipality shall continue to be exempt from the interlocal-agreement requirement. Each municipality exempt under s. 163.3177(12) must comply with the provisions of this section within 1 year after the district school board proposes, in its 5-year district facilities work program, a new school within the municipality's jurisdiction.

History.--s. 5, ch. 2002-296; s. 15, ch. 2003-1; s. 4, ch. 2005-290.

163.3178 Coastal management.--

(1) The Legislature recognizes there is significant interest in the resources of the coastal zone of the state. Further, the Legislature recognizes that, in the event of a natural disaster, the state may provide financial assistance to local governments for the reconstruction of roads, sewer systems, and other public facilities. Therefore, it is the intent of the Legislature that local government comprehensive plans restrict development activities where such activities would damage or destroy coastal resources, and that such plans protect human life and limit public expenditures in areas that are subject to destruction by natural disaster.

(2) Each coastal management element required by s. 163.3177(6)(g) shall be based on studies, surveys, and data; be consistent with coastal resource plans prepared and adopted pursuant to general or special law; and contain:

(a) A land use and inventory map of existing coastal uses, wildlife habitat, wetland and other vegetative communities, undeveloped areas, areas subject to coastal flooding, public access routes to beach and shore resources, historic preservation areas, and other areas of special concern to local government.

(b) An analysis of the environmental, socioeconomic, and fiscal impact of development and redevelopment proposed in the future land use plan, with required infrastructure to support this development or redevelopment, on the natural and historical resources of the coast and the plans and principles to be used to control development and redevelopment to eliminate or mitigate the adverse impacts on coastal wetlands; living marine resources; barrier islands, including beach and dune systems; unique wildlife habitat; historical and archaeological sites; and other fragile coastal resources.

(c) An analysis of the effects of existing drainage systems and the impact of point source and nonpoint source pollution on estuarine water quality and the plans and principles, including existing state and regional regulatory programs, which shall be used to maintain or upgrade water quality while maintaining sufficient quantities of water flow.

(d) A component which outlines principles for hazard mitigation and protection of human life against the effects of natural disaster, including population evacuation, which take into consideration the capability to safely evacuate the density of coastal population proposed in the future land use plan element in the event of an impending natural disaster. The Division of Emergency Management shall manage the update of the regional hurricane evacuation studies, ensure such studies are done in a consistent manner, and ensure that the methodology used for modeling storm surge is that used by the National Hurricane Center.

(e) A component which outlines principles for protecting existing beach and dune systems from human-induced erosion and for restoring altered beach and dune systems.

(f) A redevelopment component which outlines the principles which shall be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise.

(g) A shoreline use component that identifies public access to beach and shoreline areas and addresses the need for water-dependent and water-related facilities, including marinas, along shoreline areas. Such component must include the strategies that will be used to preserve recreational and commercial working waterfronts as defined in s. 342.07.

(h) Designation of coastal high-hazard areas and the criteria for mitigation for a comprehensive plan amendment in a coastal high-hazard area as defined in subsection (9). The coastal high-hazard area is the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. Application of mitigation and the application of development and redevelopment policies, pursuant to s. 380.27(2), and any rules adopted thereunder, shall be at the discretion of local government.

(i) A component which outlines principles for providing that financial assurances are made that required public facilities will be in place to meet the demand imposed by the completed development or redevelopment. Such public facilities will be scheduled for phased completion to coincide with demands generated by the development or redevelopment.

(j) An identification of regulatory and management techniques that the local government plans to adopt or has adopted in order to mitigate the threat to human life and to control proposed development and redevelopment in order to protect the coastal environment and give consideration to cumulative impacts.

(k) A component which includes the comprehensive master plan prepared by each deepwater port listed in s. 311.09(1), which addresses existing port facilities and any proposed expansions, and which adequately addresses the applicable requirements of paragraphs (a)-(k) for areas within the port and proposed expansion areas. Such component shall be submitted to the appropriate local government at least 6 months prior to the due date of the local plan and shall be integrated with, and shall meet all criteria specified in, the coastal management element. "The appropriate local government" means the municipality having the responsibility for the area in which the deepwater

port lies, except that where no municipality has responsibility, where a municipality and a county each have responsibility, or where two or more municipalities each have responsibility for the area in which the deepwater port lies, "the appropriate local government" means the county which has responsibility for the area in which the deepwater port lies. Failure by a deepwater port which is not part of a local government to submit its component to the appropriate local government shall not result in a local government being subject to sanctions pursuant to ss. 163.3167 and 163.3184. However, a deepwater port which is not part of a local government shall be subject to sanctions pursuant to s. 163.3184.

(3) Expansions to port harbors, spoil disposal sites, navigation channels, turning basins, harbor berths, and other related inwater harbor facilities of ports listed in s. 403.021(9); port transportation facilities and projects listed in s. 311.07(3)(b); and intermodal transportation facilities identified pursuant to s. 311.09(3) shall not be developments of regional impact where such expansions, projects, or facilities are consistent with comprehensive master plans that are in compliance with this section.

(4) Improvements and maintenance of federal and state highways that have been approved as part of a plan approved pursuant to s. 380.045 or s. 380.05 shall be exempt from the provisions of s. 380.27(2).

(5) The appropriate dispute resolution process provided under s. 186.509 must be used to reconcile inconsistencies between port master plans and local comprehensive plans. In recognition of the state's commitment to deepwater ports, the state comprehensive plan must include goals, objectives, and policies that establish a statewide strategy for enhancement of existing deepwater ports, ensuring that priority is given to water-dependent land uses. As an incentive for promoting plan consistency, port facilities as defined in s. 315.02(6) on lands owned or controlled by a deepwater port as defined in s. 311.09(1), as of the effective date of this act shall not be subject to development-of-regional-impact review provided the port either successfully completes an alternative comprehensive development agreement with a local government pursuant to ss. 163.3220-163.3243 or successfully enters into a development agreement with the state land planning agency and applicable local government pursuant to s. 380.032 or, where the port is a department of a local government, successfully enters into a development agreement with the state land planning agency pursuant to s. 380.032. Port facilities as defined in s. 315.02(6) on lands not owned or controlled by a deepwater port as defined in s. 311.09(1) as of the effective date of this act shall not be subject to development-of-regional-impact review provided the port successfully enters into a development agreement with the state land planning agency and applicable local government pursuant to s. 380.032 or, where the port is a department of a local government, successfully enters into a development agreement with the state land planning agency pursuant to s. 380.032.

(6) Local governments are encouraged to adopt countywide marina siting plans to designate sites for existing and future marinas. The Coastal Resources Interagency Management Committee, at the direction of the Legislature, shall identify incentives to encourage local governments to adopt such siting plans and uniform criteria and standards to be used by local governments to implement state goals, objectives, and policies relating to marina siting. These criteria must ensure that priority is given to water-dependent land uses. The Coastal Resources Interagency Management Committee shall submit its recommendations regarding local government incentives to the Legislature by December 1, 1993. Countywide marina siting plans must be consistent with state and regional environmental planning policies and standards. Each local government in the coastal area which participates in adoption of a countywide marina siting plan shall incorporate the plan into the coastal management element of its local comprehensive plan.

(7) Each port listed in s. 311.09(1) and each local government in the coastal area which has spoil disposal responsibilities shall provide for or identify disposal sites for dredged materials in the future land use and port elements of the local comprehensive plan as needed to assure proper long-term management of material dredged from navigation channels, sufficient long-range disposal capacity, environmental sensitivity and compatibility, and reasonable cost and

transportation. The disposal site selection criteria shall be developed in consultation with navigation and inlet districts and other appropriate state and federal agencies and the public. For areas owned or controlled by ports listed in s. 311.09(1) and proposed port expansion areas, compliance with the provisions of this subsection shall be achieved through comprehensive master plans prepared by each port and integrated with the appropriate local plan pursuant to paragraph (2)(k).

(8) Each county shall establish a county-based process for identifying and prioritizing coastal properties so they may be acquired as part of the state's land acquisition programs. This process must include the establishment of criteria for prioritizing coastal acquisitions which, in addition to recognizing pristine coastal properties and coastal properties of significant or important environmental sensitivity, recognize hazard mitigation, beach access, beach management, urban recreation, and other policies necessary for effective coastal management.

(9)(a) Local governments may elect to comply with rule 9J-5.012(3)(b)6. and 7., Florida Administrative Code, through the process provided in this section. A proposed comprehensive plan amendment shall be found in compliance with state coastal high-hazard provisions pursuant to rule 9J-5.012(3)(b)6. and 7., Florida Administrative Code, if:

1. The adopted level of service for out-of-county hurricane evacuation is maintained for a category 5 storm event as measured on the Saffir-Simpson scale;
2. A 12-hour evacuation time to shelter is maintained for a category 5 storm event as measured on the Saffir-Simpson scale and shelter space reasonably expected to accommodate the residents of the development contemplated by a proposed comprehensive plan amendment is available; or
3. Appropriate mitigation is provided that will satisfy the provisions of subparagraph 1. or subparagraph 2. Appropriate mitigation shall include, without limitation, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities. Required mitigation shall not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. A local government and a developer shall enter into a binding agreement to memorialize the mitigation plan.

(b) For those local governments that have not established a level of service for out-of-county hurricane evacuation by July 1, 2008, but elect to comply with rule 9J-5.012(3)(b)6. and 7., Florida Administrative Code, by following the process in paragraph (a), the level of service shall be no greater than 16 hours for a category 5 storm event as measured on the Saffir-Simpson scale.

(c) This subsection shall become effective immediately and shall apply to all local governments. No later than July 1, 2008, local governments shall amend their future land use map and coastal management element to include the new definition of coastal high-hazard area and to depict the coastal high-hazard area on the future land use map.

History.--s. 7, ch. 85-55; s. 8, ch. 86-191; s. 24, ch. 87-224; s. 7, ch. 93-206; s. 899, ch. 95-147; s. 11, ch. 96-320; s. 65, ch. 99-251; s. 2, ch. 2005-157; s. 2, ch. 2006-68.

163.3179 Family homestead.--A local government may include in its comprehensive plan a provision allowing the use of a parcel of property solely as a homestead by an individual who is the grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild of the person who conveyed the parcel to said individual, notwithstanding the density or intensity of use assigned to the parcel in the plan. Such a provision shall apply only once to any individual.

History.--s. 6, ch. 92-129.

163.3180 Concurrency.--

(1)(a) Sanitary sewer, solid waste, drainage, potable water, parks and recreation, schools, and transportation facilities, including mass transit, where applicable, are the only public facilities and services subject to the concurrency requirement on a statewide basis. Additional public facilities and services may not be made subject to concurrency on a statewide basis without appropriate study and approval by the Legislature; however, any local government may extend the concurrency requirement so that it applies to additional public facilities within its jurisdiction.

(b) Local governments shall use professionally accepted techniques for measuring level of service for automobiles, bicycles, pedestrians, transit, and trucks. These techniques may be used to evaluate increased accessibility by multiple modes and reductions in vehicle miles of travel in an area or zone. The Department of Transportation shall develop methodologies to assist local governments in implementing this multimodal level-of-service analysis. The Department of Community Affairs and the Department of Transportation shall provide technical assistance to local governments in applying these methodologies.

(2)(a) Consistent with public health and safety, sanitary sewer, solid waste, drainage, adequate water supplies, and potable water facilities shall be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent. Prior to approval of a building permit or its functional equivalent, the local government shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent. A local government may meet the concurrency requirement for sanitary sewer through the use of onsite sewage treatment and disposal systems approved by the Department of Health to serve new development.

(b) Consistent with the public welfare, and except as otherwise provided in this section, parks and recreation facilities to serve new development shall be in place or under actual construction no later than 1 year after issuance by the local government of a certificate of occupancy or its functional equivalent. However, the acreage for such facilities shall be dedicated or be acquired by the local government prior to issuance by the local government of a certificate of occupancy or its functional equivalent, or funds in the amount of the developer's fair share shall be committed no later than the local government's approval to commence construction.

(c) Consistent with the public welfare, and except as otherwise provided in this section, transportation facilities needed to serve new development shall be in place or under actual construction within 3 years after the local government approves a building permit or its functional equivalent that results in traffic generation.

(3) Governmental entities that are not responsible for providing, financing, operating, or regulating public facilities needed to serve development may not establish binding level-of-service standards on governmental entities that do bear those responsibilities. This subsection does not limit the authority of any agency to recommend or make objections, recommendations, comments, or determinations during reviews conducted under s. 163.3184.

(4)(a) The concurrency requirement as implemented in local comprehensive plans applies to state and other public facilities and development to the same extent that it applies to all other facilities and development, as provided by law.

(b) The concurrency requirement as implemented in local comprehensive plans does not apply to public transit facilities. For the purposes of this paragraph, public transit facilities include transit stations and terminals, transit station parking, park-and-ride lots, intermodal public transit connection or transfer facilities, and fixed bus, guideway, and rail stations. As used in this paragraph, the terms "terminals" and "transit facilities" do not include airports or seaports or commercial or residential development constructed in conjunction with a public transit facility.

(c) The concurrency requirement, except as it relates to transportation facilities and public

schools, as implemented in local government comprehensive plans, may be waived by a local government for urban infill and redevelopment areas designated pursuant to s. 163.2517 if such a waiver does not endanger public health or safety as defined by the local government in its local government comprehensive plan. The waiver shall be adopted as a plan amendment pursuant to the process set forth in s. 163.3187(3)(a). A local government may grant a concurrency exception pursuant to subsection (5) for transportation facilities located within these urban infill and redevelopment areas.

(5)(a) The Legislature finds that under limited circumstances dealing with transportation facilities, countervailing planning and public policy goals may come into conflict with the requirement that adequate public facilities and services be available concurrent with the impacts of such development. The Legislature further finds that often the unintended result of the concurrency requirement for transportation facilities is the discouragement of urban infill development and redevelopment. Such unintended results directly conflict with the goals and policies of the state comprehensive plan and the intent of this part. Therefore, exceptions from the concurrency requirement for transportation facilities may be granted as provided by this subsection.

(b) A local government may grant an exception from the concurrency requirement for transportation facilities if the proposed development is otherwise consistent with the adopted local government comprehensive plan and is a project that promotes public transportation or is located within an area designated in the comprehensive plan for:

1. Urban infill development,
2. Urban redevelopment,
3. Downtown revitalization, or
4. Urban infill and redevelopment under s. 163.2517.

(c) The Legislature also finds that developments located within urban infill, urban redevelopment, existing urban service, or downtown revitalization areas or areas designated as urban infill and redevelopment areas under s. 163.2517 which pose only special part-time demands on the transportation system should be excepted from the concurrency requirement for transportation facilities. A special part-time demand is one that does not have more than 200 scheduled events during any calendar year and does not affect the 100 highest traffic volume hours.

(d) A local government shall establish guidelines in the comprehensive plan for granting the exceptions authorized in paragraphs (b) and (c) and subsections (7) and (15) which must be consistent with and support a comprehensive strategy adopted in the plan to promote the purpose of the exceptions.

(e) The local government shall adopt into the plan and implement strategies to support and fund mobility within the designated exception area, including alternative modes of transportation. The plan amendment shall also demonstrate how strategies will support the purpose of the exception and how mobility within the designated exception area will be provided. In addition, the strategies must address urban design; appropriate land use mixes, including intensity and density; and network connectivity plans needed to promote urban infill, redevelopment, or downtown revitalization. The comprehensive plan amendment designating the concurrency exception area shall be accompanied by data and analysis justifying the size of the area.

(f) Prior to the designation of a concurrency exception area, the Department of Transportation shall be consulted by the local government to assess the impact that the proposed exception area is expected to have on the adopted level-of-service standards established for Strategic Intermodal System facilities, as defined in s. 339.64, and roadway facilities funded in accordance with s. 339.2819. Further, the local government shall, in cooperation with the Department of

Transportation, develop a plan to mitigate any impacts to the Strategic Intermodal System, including, if appropriate, the development of a long-term concurrency management system pursuant to subsection (9) and s. 163.3177(3)(d). The exceptions may be available only within the specific geographic area of the jurisdiction designated in the plan. Pursuant to s. 163.3184, any affected person may challenge a plan amendment establishing these guidelines and the areas within which an exception could be granted.

(g) Transportation concurrency exception areas existing prior to July 1, 2005, shall meet, at a minimum, the provisions of this section by July 1, 2006, or at the time of the comprehensive plan update pursuant to the evaluation and appraisal report, whichever occurs last.

(6) The Legislature finds that a de minimis impact is consistent with this part. A de minimis impact is an impact that would not affect more than 1 percent of the maximum volume at the adopted level of service of the affected transportation facility as determined by the local government. No impact will be de minimis if the sum of existing roadway volumes and the projected volumes from approved projects on a transportation facility would exceed 110 percent of the maximum volume at the adopted level of service of the affected transportation facility; provided however, that an impact of a single family home on an existing lot will constitute a de minimis impact on all roadways regardless of the level of the deficiency of the roadway. Further, no impact will be de minimis if it would exceed the adopted level-of-service standard of any affected designated hurricane evacuation routes. Each local government shall maintain sufficient records to ensure that the 110-percent criterion is not exceeded. Each local government shall submit annually, with its updated capital improvements element, a summary of the de minimis records. If the state land planning agency determines that the 110-percent criterion has been exceeded, the state land planning agency shall notify the local government of the exceedance and that no further de minimis exceptions for the applicable roadway may be granted until such time as the volume is reduced below the 110 percent. The local government shall provide proof of this reduction to the state land planning agency before issuing further de minimis exceptions.

(7) In order to promote infill development and redevelopment, one or more transportation concurrency management areas may be designated in a local government comprehensive plan. A transportation concurrency management area must be a compact geographic area with an existing network of roads where multiple, viable alternative travel paths or modes are available for common trips. A local government may establish an areawide level-of-service standard for such a transportation concurrency management area based upon an analysis that provides for a justification for the areawide level of service, how urban infill development or redevelopment will be promoted, and how mobility will be accomplished within the transportation concurrency management area. Prior to the designation of a concurrency management area, the Department of Transportation shall be consulted by the local government to assess the impact that the proposed concurrency management area is expected to have on the adopted level-of-service standards established for Strategic Intermodal System facilities, as defined in s. 339.64, and roadway facilities funded in accordance with s. 339.2819. Further, the local government shall, in cooperation with the Department of Transportation, develop a plan to mitigate any impacts to the Strategic Intermodal System, including, if appropriate, the development of a long-term concurrency management system pursuant to subsection (9) and s. 163.3177(3)(d). Transportation concurrency management areas existing prior to July 1, 2005, shall meet, at a minimum, the provisions of this section by July 1, 2006, or at the time of the comprehensive plan update pursuant to the evaluation and appraisal report, whichever occurs last. The state land planning agency shall amend chapter 9J-5, Florida Administrative Code, to be consistent with this subsection.

(8) When assessing the transportation impacts of proposed urban redevelopment within an established existing urban service area, 110 percent of the actual transportation impact caused by the previously existing development must be reserved for the redevelopment, even if the previously existing development has a lesser or nonexistent impact pursuant to the calculations of the local government. Redevelopment requiring less than 110 percent of the previously existing capacity shall not be prohibited due to the reduction of transportation levels of service below the

adopted standards. This does not preclude the appropriate assessment of fees or accounting for the impacts within the concurrency management system and capital improvements program of the affected local government. This paragraph does not affect local government requirements for appropriate development permits.

(9)(a) Each local government may adopt as a part of its plan, long-term transportation and school concurrency management systems with a planning period of up to 10 years for specially designated districts or areas where significant backlogs exist. The plan may include interim level-of-service standards on certain facilities and shall rely on the local government's schedule of capital improvements for up to 10 years as a basis for issuing development orders that authorize commencement of construction in these designated districts or areas. The concurrency management system must be designed to correct existing deficiencies and set priorities for addressing backlogged facilities. The concurrency management system must be financially feasible and consistent with other portions of the adopted local plan, including the future land use map.

(b) If a local government has a transportation or school facility backlog for existing development which cannot be adequately addressed in a 10-year plan, the state land planning agency may allow it to develop a plan and long-term schedule of capital improvements covering up to 15 years for good and sufficient cause, based on a general comparison between that local government and all other similarly situated local jurisdictions, using the following factors:

1. The extent of the backlog.
2. For roads, whether the backlog is on local or state roads.
3. The cost of eliminating the backlog.
4. The local government's tax and other revenue-raising efforts.

(c) The local government may issue approvals to commence construction notwithstanding this section, consistent with and in areas that are subject to a long-term concurrency management system.

(d) If the local government adopts a long-term concurrency management system, it must evaluate the system periodically. At a minimum, the local government must assess its progress toward improving levels of service within the long-term concurrency management district or area in the evaluation and appraisal report and determine any changes that are necessary to accelerate progress in meeting acceptable levels of service.

(10) With regard to roadway facilities on the Strategic Intermodal System designated in accordance with ss. 339.61, 339.62, 339.63, and 339.64, the Florida Intrastate Highway System as defined in s. 338.001, and roadway facilities funded in accordance with s. 339.2819, local governments shall adopt the level-of-service standard established by the Department of Transportation by rule. For all other roads on the State Highway System, local governments shall establish an adequate level-of-service standard that need not be consistent with any level-of-service standard established by the Department of Transportation. In establishing adequate level-of-service standards for any arterial roads, or collector roads as appropriate, which traverse multiple jurisdictions, local governments shall consider compatibility with the roadway facility's adopted level-of-service standards in adjacent jurisdictions. Each local government within a county shall use a professionally accepted methodology for measuring impacts on transportation facilities for the purposes of implementing its concurrency management system. Counties are encouraged to coordinate with adjacent counties, and local governments within a county are encouraged to coordinate, for the purpose of using common methodologies for measuring impacts on transportation facilities for the purpose of implementing their concurrency management systems.

(11) In order to limit the liability of local governments, a local government may allow a landowner

to proceed with development of a specific parcel of land notwithstanding a failure of the development to satisfy transportation concurrency, when all the following factors are shown to exist:

- (a) The local government with jurisdiction over the property has adopted a local comprehensive plan that is in compliance.
 - (b) The proposed development would be consistent with the future land use designation for the specific property and with pertinent portions of the adopted local plan, as determined by the local government.
 - (c) The local plan includes a financially feasible capital improvements element that provides for transportation facilities adequate to serve the proposed development, and the local government has not implemented that element.
 - (d) The local government has provided a means by which the landowner will be assessed a fair share of the cost of providing the transportation facilities necessary to serve the proposed development.
 - (e) The landowner has made a binding commitment to the local government to pay the fair share of the cost of providing the transportation facilities to serve the proposed development.
- (12) When authorized by a local comprehensive plan, a multiuse development of regional impact may satisfy the transportation concurrency requirements of the local comprehensive plan, the local government's concurrency management system, and s. 380.06 by payment of a proportionate-share contribution for local and regionally significant traffic impacts, if:

- (a) The development of regional impact meets or exceeds the guidelines and standards of s. 380.0651(3)(h) and rule 28-24.032(2), Florida Administrative Code, and includes a residential component that contains at least 100 residential dwelling units or 15 percent of the applicable residential guideline and standard, whichever is greater;
- (b) The development of regional impact contains an integrated mix of land uses and is designed to encourage pedestrian or other nonautomotive modes of transportation;
- (c) The proportionate-share contribution for local and regionally significant traffic impacts is sufficient to pay for one or more required improvements that will benefit a regionally significant transportation facility;
- (d) The owner and developer of the development of regional impact pays or assures payment of the proportionate-share contribution; and
- (e) If the regionally significant transportation facility to be constructed or improved is under the maintenance authority of a governmental entity, as defined by s. 334.03(12), other than the local government with jurisdiction over the development of regional impact, the developer is required to enter into a binding and legally enforceable commitment to transfer funds to the governmental entity having maintenance authority or to otherwise assure construction or improvement of the facility.

The proportionate-share contribution may be applied to any transportation facility to satisfy the provisions of this subsection and the local comprehensive plan, but, for the purposes of this subsection, the amount of the proportionate-share contribution shall be calculated based upon the cumulative number of trips from the proposed development expected to reach roadways during the peak hour from the complete buildout of a stage or phase being approved, divided by the change in the peak hour maximum service volume of roadways resulting from construction of an improvement necessary to maintain the adopted level of service, multiplied by the construction cost, at the time

of developer payment, of the improvement necessary to maintain the adopted level of service. For purposes of this subsection, "construction cost" includes all associated costs of the improvement.

(13) School concurrency shall be established on a districtwide basis and shall include all public schools in the district and all portions of the district, whether located in a municipality or an unincorporated area unless exempt from the public school facilities element pursuant to s. 163.3177(12). The application of school concurrency to development shall be based upon the adopted comprehensive plan, as amended. All local governments within a county, except as provided in paragraph (f), shall adopt and transmit to the state land planning agency the necessary plan amendments, along with the interlocal agreement, for a compliance review pursuant to s. 163.3184(7) and (8). The minimum requirements for school concurrency are the following:

(a) *Public school facilities element.*--A local government shall adopt and transmit to the state land planning agency a plan or plan amendment which includes a public school facilities element which is consistent with the requirements of s. 163.3177(12) and which is determined to be in compliance as defined in s. 163.3184(1)(b). All local government public school facilities plan elements within a county must be consistent with each other as well as the requirements of this part.

(b) *Level-of-service standards.*--The Legislature recognizes that an essential requirement for a concurrency management system is the level of service at which a public facility is expected to operate.

1. Local governments and school boards imposing school concurrency shall exercise authority in conjunction with each other to establish jointly adequate level-of-service standards, as defined in chapter 9J-5, Florida Administrative Code, necessary to implement the adopted local government comprehensive plan, based on data and analysis.

2. Public school level-of-service standards shall be included and adopted into the capital improvements element of the local comprehensive plan and shall apply districtwide to all schools of the same type. Types of schools may include elementary, middle, and high schools as well as special purpose facilities such as magnet schools.

3. Local governments and school boards shall have the option to utilize tiered level-of-service standards to allow time to achieve an adequate and desirable level of service as circumstances warrant.

(c) *Service areas.*--The Legislature recognizes that an essential requirement for a concurrency system is a designation of the area within which the level of service will be measured when an application for a residential development permit is reviewed for school concurrency purposes. This delineation is also important for purposes of determining whether the local government has a financially feasible public school capital facilities program that will provide schools which will achieve and maintain the adopted level-of-service standards.

1. In order to balance competing interests, preserve the constitutional concept of uniformity, and avoid disruption of existing educational and growth management processes, local governments are encouraged to initially apply school concurrency to development only on a districtwide basis so that a concurrency determination for a specific development will be based upon the availability of school capacity districtwide. To ensure that development is coordinated with schools having available capacity, within 5 years after adoption of school concurrency, local governments shall apply school concurrency on a less than districtwide basis, such as using school attendance zones or concurrency service areas, as provided in subparagraph 2.

2. For local governments applying school concurrency on a less than districtwide basis, such as utilizing school attendance zones or larger school concurrency service areas, local governments and school boards shall have the burden to demonstrate that the utilization of school capacity is maximized to the greatest extent possible in the comprehensive plan and amendment, taking into

account transportation costs and court-approved desegregation plans, as well as other factors. In addition, in order to achieve concurrency within the service area boundaries selected by local governments and school boards, the service area boundaries, together with the standards for establishing those boundaries, shall be identified and included as supporting data and analysis for the comprehensive plan.

3. Where school capacity is available on a districtwide basis but school concurrency is applied on a less than districtwide basis in the form of concurrency service areas, if the adopted level-of-service standard cannot be met in a particular service area as applied to an application for a development permit and if the needed capacity for the particular service area is available in one or more contiguous service areas, as adopted by the local government, then the local government may not deny an application for site plan or final subdivision approval or the functional equivalent for a development or phase of a development on the basis of school concurrency, and if issued, development impacts shall be shifted to contiguous service areas with schools having available capacity.

(d) *Financial feasibility.*--The Legislature recognizes that financial feasibility is an important issue because the premise of concurrency is that the public facilities will be provided in order to achieve and maintain the adopted level-of-service standard. This part and chapter 9J-5, Florida Administrative Code, contain specific standards to determine the financial feasibility of capital programs. These standards were adopted to make concurrency more predictable and local governments more accountable.

1. A comprehensive plan amendment seeking to impose school concurrency shall contain appropriate amendments to the capital improvements element of the comprehensive plan, consistent with the requirements of s. 163.3177(3) and rule 9J-5.016, Florida Administrative Code. The capital improvements element shall set forth a financially feasible public school capital facilities program, established in conjunction with the school board, that demonstrates that the adopted level-of-service standards will be achieved and maintained.

2. Such amendments shall demonstrate that the public school capital facilities program meets all of the financial feasibility standards of this part and chapter 9J-5, Florida Administrative Code, that apply to capital programs which provide the basis for mandatory concurrency on other public facilities and services.

3. When the financial feasibility of a public school capital facilities program is evaluated by the state land planning agency for purposes of a compliance determination, the evaluation shall be based upon the service areas selected by the local governments and school board.

(e) *Availability standard.*--Consistent with the public welfare, a local government may not deny an application for site plan, final subdivision approval, or the functional equivalent for a development or phase of a development authorizing residential development for failure to achieve and maintain the level-of-service standard for public school capacity in a local school concurrency management system where adequate school facilities will be in place or under actual construction within 3 years after the issuance of final subdivision or site plan approval, or the functional equivalent. School concurrency shall be satisfied if the developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by actual development of the property, including, but not limited to, the options described in subparagraph 1. Options for proportionate-share mitigation of impacts on public school facilities shall be established in the public school facilities element and the interlocal agreement pursuant to s. 163.31777.

1. Appropriate mitigation options include the contribution of land; the construction, expansion, or payment for land acquisition or construction of a public school facility; or the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits. Such options must include execution by the applicant and the local government of a binding development agreement that constitutes a legally binding commitment to

pay proportionate-share mitigation for the additional residential units approved by the local government in a development order and actually developed on the property, taking into account residential density allowed on the property prior to the plan amendment that increased overall residential density. The district school board shall be a party to such an agreement. As a condition of its entry into such a development agreement, the local government may require the landowner to agree to continuing renewal of the agreement upon its expiration.

2. If the education facilities plan and the public educational facilities element authorize a contribution of land; the construction, expansion, or payment for land acquisition; or the construction or expansion of a public school facility, or a portion thereof, as proportionate-share mitigation, the local government shall credit such a contribution, construction, expansion, or payment toward any other impact fee or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis at fair market value.

3. Any proportionate-share mitigation must be directed by the school board toward a school capacity improvement identified in a financially feasible 5-year district work plan and which satisfies the demands created by that development in accordance with a binding developer's agreement.

4. This paragraph does not limit the authority of a local government to deny a development permit or its functional equivalent pursuant to its home rule regulatory powers, except as provided in this part.

(f) *Intergovernmental coordination.*--

1. When establishing concurrency requirements for public schools, a local government shall satisfy the requirements for intergovernmental coordination set forth in s. 163.3177(6)(h)1. and 2., except that a municipality is not required to be a signatory to the interlocal agreement required by ss. 163.3177(6)(h)2. and 163.31777(6), as a prerequisite for imposition of school concurrency, and as a nonsignatory, shall not participate in the adopted local school concurrency system, if the municipality meets all of the following criteria for having no significant impact on school attendance:

a. The municipality has issued development orders for fewer than 50 residential dwelling units during the preceding 5 years, or the municipality has generated fewer than 25 additional public school students during the preceding 5 years.

b. The municipality has not annexed new land during the preceding 5 years in land use categories which permit residential uses that will affect school attendance rates.

c. The municipality has no public schools located within its boundaries.

d. At least 80 percent of the developable land within the boundaries of the municipality has been built upon.

2. A municipality which qualifies as having no significant impact on school attendance pursuant to the criteria of subparagraph 1. must review and determine at the time of its evaluation and appraisal report pursuant to s. 163.3191 whether it continues to meet the criteria pursuant to s. 163.31777(6). If the municipality determines that it no longer meets the criteria, it must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments based on the evaluation and appraisal report, and enter into the existing interlocal agreement required by ss. 163.3177(6)(h)2. and 163.31777, in order to fully participate in the school concurrency system. If such a municipality fails to do so, it will be subject to the enforcement provisions of s. 163.3191.

(g) *Interlocal agreement for school concurrency.*--When establishing concurrency requirements for public schools, a local government must enter into an interlocal agreement that satisfies the

requirements in ss. 163.3177(6)(h)1. and 2. and 163.31777 and the requirements of this subsection. The interlocal agreement shall acknowledge both the school board's constitutional and statutory obligations to provide a uniform system of free public schools on a countywide basis, and the land use authority of local governments, including their authority to approve or deny comprehensive plan amendments and development orders. The interlocal agreement shall be submitted to the state land planning agency by the local government as a part of the compliance review, along with the other necessary amendments to the comprehensive plan required by this part. In addition to the requirements of ss. 163.3177(6)(h) and 163.31777, the interlocal agreement shall meet the following requirements:

1. Establish the mechanisms for coordinating the development, adoption, and amendment of each local government's public school facilities element with each other and the plans of the school board to ensure a uniform districtwide school concurrency system.
2. Establish a process for the development of siting criteria which encourages the location of public schools proximate to urban residential areas to the extent possible and seeks to collocate schools with other public facilities such as parks, libraries, and community centers to the extent possible.
3. Specify uniform, districtwide level-of-service standards for public schools of the same type and the process for modifying the adopted level-of-service standards.
4. Establish a process for the preparation, amendment, and joint approval by each local government and the school board of a public school capital facilities program which is financially feasible, and a process and schedule for incorporation of the public school capital facilities program into the local government comprehensive plans on an annual basis.
5. Define the geographic application of school concurrency. If school concurrency is to be applied on a less than districtwide basis in the form of concurrency service areas, the agreement shall establish criteria and standards for the establishment and modification of school concurrency service areas. The agreement shall also establish a process and schedule for the mandatory incorporation of the school concurrency service areas and the criteria and standards for establishment of the service areas into the local government comprehensive plans. The agreement shall ensure maximum utilization of school capacity, taking into account transportation costs and court-approved desegregation plans, as well as other factors. The agreement shall also ensure the achievement and maintenance of the adopted level-of-service standards for the geographic area of application throughout the 5 years covered by the public school capital facilities plan and thereafter by adding a new fifth year during the annual update.
6. Establish a uniform districtwide procedure for implementing school concurrency which provides for:
 - a. The evaluation of development applications for compliance with school concurrency requirements, including information provided by the school board on affected schools, impact on levels of service, and programmed improvements for affected schools and any options to provide sufficient capacity;
 - b. An opportunity for the school board to review and comment on the effect of comprehensive plan amendments and rezonings on the public school facilities plan; and
 - c. The monitoring and evaluation of the school concurrency system.
7. Include provisions relating to amendment of the agreement.
8. A process and uniform methodology for determining proportionate-share mitigation pursuant to subparagraph (e)1.

(h) *Local government authority.*--This subsection does not limit the authority of a local government to grant or deny a development permit or its functional equivalent prior to the implementation of school concurrency.

(14) The state land planning agency shall, by October 1, 1998, adopt by rule minimum criteria for the review and determination of compliance of a public school facilities element adopted by a local government for purposes of imposition of school concurrency.

(15)(a) Multimodal transportation districts may be established under a local government comprehensive plan in areas delineated on the future land use map for which the local comprehensive plan assigns secondary priority to vehicle mobility and primary priority to assuring a safe, comfortable, and attractive pedestrian environment, with convenient interconnection to transit. Such districts must incorporate community design features that will reduce the number of automobile trips or vehicle miles of travel and will support an integrated, multimodal transportation system. Prior to the designation of multimodal transportation districts, the Department of Transportation shall be consulted by the local government to assess the impact that the proposed multimodal district area is expected to have on the adopted level-of-service standards established for Strategic Intermodal System facilities, as defined in s. 339.64, and roadway facilities funded in accordance with s. 339.2819. Further, the local government shall, in cooperation with the Department of Transportation, develop a plan to mitigate any impacts to the Strategic Intermodal System, including the development of a long-term concurrency management system pursuant to subsection (9) and s. 163.3177(3)(d). Multimodal transportation districts existing prior to July 1, 2005, shall meet, at a minimum, the provisions of this section by July 1, 2006, or at the time of the comprehensive plan update pursuant to the evaluation and appraisal report, whichever occurs last.

(b) Community design elements of such a district include: a complementary mix and range of land uses, including educational, recreational, and cultural uses; interconnected networks of streets designed to encourage walking and bicycling, with traffic-calming where desirable; appropriate densities and intensities of use within walking distance of transit stops; daily activities within walking distance of residences, allowing independence to persons who do not drive; public uses, streets, and squares that are safe, comfortable, and attractive for the pedestrian, with adjoining buildings open to the street and with parking not interfering with pedestrian, transit, automobile, and truck travel modes.

(c) Local governments may establish multimodal level-of-service standards that rely primarily on nonvehicular modes of transportation within the district, when justified by an analysis demonstrating that the existing and planned community design will provide an adequate level of mobility within the district based upon professionally accepted multimodal level-of-service methodologies. The analysis must also demonstrate that the capital improvements required to promote community design are financially feasible over the development or redevelopment timeframe for the district and that community design features within the district provide convenient interconnection for a multimodal transportation system. Local governments may issue development permits in reliance upon all planned community design capital improvements that are financially feasible over the development or redevelopment timeframe for the district, without regard to the period of time between development or redevelopment and the scheduled construction of the capital improvements. A determination of financial feasibility shall be based upon currently available funding or funding sources that could reasonably be expected to become available over the planning period.

(d) Local governments may reduce impact fees or local access fees for development within multimodal transportation districts based on the reduction of vehicle trips per household or vehicle miles of travel expected from the development pattern planned for the district.

(16) It is the intent of the Legislature to provide a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors. The methodology used to calculate proportionate fair-share mitigation under this section

shall be as provided for in subsection (12).

(a) By December 1, 2006, each local government shall adopt by ordinance a methodology for assessing proportionate fair-share mitigation options. By December 1, 2005, the Department of Transportation shall develop a model transportation concurrency management ordinance with methodologies for assessing proportionate fair-share mitigation options.

(b)1. In its transportation concurrency management system, a local government shall, by December 1, 2006, include methodologies that will be applied to calculate proportionate fair-share mitigation. A developer may choose to satisfy all transportation concurrency requirements by contributing or paying proportionate fair-share mitigation if transportation facilities or facility segments identified as mitigation for traffic impacts are specifically identified for funding in the 5-year schedule of capital improvements in the capital improvements element of the local plan or the long-term concurrency management system or if such contributions or payments to such facilities or segments are reflected in the 5-year schedule of capital improvements in the next regularly scheduled update of the capital improvements element. Updates to the 5-year capital improvements element which reflect proportionate fair-share contributions may not be found not in compliance based on ss. 163.3164(32) and 163.3177(3) if additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed 10 years to fully mitigate impacts on the transportation facilities.

2. Proportionate fair-share mitigation shall be applied as a credit against impact fees to the extent that all or a portion of the proportionate fair-share mitigation is used to address the same capital infrastructure improvements contemplated by the local government's impact fee ordinance.

(c) Proportionate fair-share mitigation includes, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities and may include public funds as determined by the local government. The fair market value of the proportionate fair-share mitigation shall not differ based on the form of mitigation. A local government may not require a development to pay more than its proportionate fair-share contribution regardless of the method of mitigation.

(d) Nothing in this subsection shall require a local government to approve a development that is not otherwise qualified for approval pursuant to the applicable local comprehensive plan and land development regulations.

(e) Mitigation for development impacts to facilities on the Strategic Intermodal System made pursuant to this subsection requires the concurrence of the Department of Transportation.

(f) In the event the funds in an adopted 5-year capital improvements element are insufficient to fully fund construction of a transportation improvement required by the local government's concurrency management system, a local government and a developer may still enter into a binding proportionate-share agreement authorizing the developer to construct that amount of development on which the proportionate share is calculated if the proportionate-share amount in such agreement is sufficient to pay for one or more improvements which will, in the opinion of the governmental entity or entities maintaining the transportation facilities, significantly benefit the impacted transportation system. The improvement or improvements funded by the proportionate-share component must be adopted into the 5-year capital improvements schedule of the comprehensive plan at the next annual capital improvements element update.

(g) Except as provided in subparagraph (b)1., nothing in this section shall prohibit the Department of Community Affairs from finding other portions of the capital improvements element amendments not in compliance as provided in this chapter.

(h) The provisions of this subsection do not apply to a multiuse development of regional impact satisfying the requirements of subsection (12).

History.--s. 8, ch. 93-206; s. 12, ch. 95-341; s. 3, ch. 96-416; s. 1, ch. 97-253; s. 5, ch. 98-176; s. 4, ch. 99-378; s. 2, ch. 2002-13; s. 6, ch. 2002-296; s. 5, ch. 2005-290; s. 11, ch. 2005-291; s. 18, ch. 2006-1; s. 3, ch. 2006-220; s. 3, ch. 2006-252.

163.31801 Impact fees; short title; intent; definitions; ordinances levying impact fees.--

- (1) This section may be cited as the "Florida Impact Fee Act."
- (2) The Legislature finds that impact fees are an important source of revenue for a local government to use in funding the infrastructure necessitated by new growth. The Legislature further finds that impact fees are an outgrowth of the home rule power of a local government to provide certain services within its jurisdiction. Due to the growth of impact fee collections and local governments' reliance on impact fees, it is the intent of the Legislature to ensure that, when a county or municipality adopts an impact fee by ordinance or a special district adopts an impact fee by resolution, the governing authority complies with this section.
- (3) An impact fee adopted by ordinance of a county or municipality or by resolution of a special district must, at minimum:
 - (a) Require that the calculation of the impact fee be based on the most recent and localized data.
 - (b) Provide for accounting and reporting of impact fee collections and expenditures. If a local governmental entity imposes an impact fee to address its infrastructure needs, the entity shall account for the revenues and expenditures of such impact fee in a separate accounting fund.
 - (c) Limit administrative charges for the collection of impact fees to actual costs.
 - (d) Require that notice be provided no less than 90 days before the effective date of an ordinance or resolution imposing a new or amended impact fee.
- (4) Audits of financial statements of local governmental entities and district school boards which are performed by a certified public accountant pursuant to s. 218.39 and submitted to the Auditor General must include an affidavit signed by the chief financial officer of the local governmental entity or district school board stating that the local governmental entity or district school board has complied with this section.

History.--s. 9, ch. 2006-218.

163.3181 Public participation in the comprehensive planning process; intent; alternative dispute resolution.--

- (1) It is the intent of the Legislature that the public participate in the comprehensive planning process to the fullest extent possible. Towards this end, local planning agencies and local governmental units are directed to adopt procedures designed to provide effective public participation in the comprehensive planning process and to provide real property owners with notice of all official actions which will regulate the use of their property. The provisions and procedures required in this act are set out as the minimum requirements towards this end.
- (2) During consideration of the proposed plan or amendments thereto by the local planning agency or by the local governing body, the procedures shall provide for broad dissemination of the proposals and alternatives, opportunity for written comments, public hearings as provided herein, provisions for open discussion, communications programs, information services, and consideration of and response to public comments.
- (3) A local government considering undertaking a publicly financed capital improvement project

may elect to use the procedures set forth in this subsection for the purpose of allowing public participation in the decision and resolution of disputes. For purposes of this subsection, a publicly financed capital improvement project is a physical structure or structures, the funding for construction, operation, and maintenance of which is financed entirely from public funds.

(a) Prior to the date of a public hearing on the decision on whether to proceed with the proposed project, the local government shall publish public notice of its intent to decide the issue according to the notice procedures described by s. 125.66(4)(b)2. for a county or s. 166.041(3)(c)2.b. for a municipality.

(b) If the local government chooses to use this process, an affected person may not institute or intervene in an administrative hearing objecting to the project as not consistent with the local comprehensive plan unless, and then only to the extent to which, the affected person raised, through written or oral comments, the same issues between the date of publication of the public notice and the conclusion of the public hearing. However, this limitation shall not apply to issues arising either from significant changes to the location, type, or use of the project, or to significant new information about the project site which becomes known after the public hearing as a result of subsequent site study and analysis, if required.

(c) If an affected person requests an administrative hearing pursuant to ss. 120.569 and 120.57, that person shall file the petition no later than 30 days after the public hearing or no later than 30 days after the change or new information is made available to the public, whichever is later. Affected local governments, the state land planning agency, or other affected persons may intervene. Following the initiation of an administrative hearing, the administrative law judge shall, by order issued within 15 days after receipt of the petition, establish a schedule for the proceedings, including discovery, which provides for a final hearing within 60 days of the issuance of the order. Proposed recommended orders must be submitted to the administrative law judge, if at all, within 10 days of the filing of the hearing transcript. Recommended orders shall be submitted to the state land planning agency within 30 days of the last day for the filing of the proposed recommended order. The state land planning agency shall issue its final order within 45 days of receipt of the recommended order.

(d) The doctrine of res judicata shall apply to all matters raised and disposed of in the final order issued pursuant to this subsection.

(4) If a local government denies an owner's request for an amendment to the comprehensive plan which is applicable to the property of the owner, the local government must afford an opportunity to the owner for informal mediation or other alternative dispute resolution. The costs of the mediation or other alternative dispute resolution shall be borne equally by the local government and the owner. If the owner requests mediation, the time for bringing a judicial action is tolled until the completion of the mediation or 120 days, whichever is earlier.

History.--s. 8, ch. 75-257; s. 3, ch. 76-155; s. 1, ch. 77-174; s. 3, ch. 77-331; s. 9, ch. 93-206; s. 12, ch. 93-286; s. 4, ch. 95-181; s. 10, ch. 95-310; s. 25, ch. 96-410.

163.3184 Process for adoption of comprehensive plan or plan amendment.--

(1) DEFINITIONS.--As used in this section, the term:

(a) "Affected person" includes the affected local government; persons owning property, residing, or owning or operating a business within the boundaries of the local government whose plan is the subject of the review; owners of real property abutting real property that is the subject of a proposed change to a future land use map; and adjoining local governments that can demonstrate that the plan or plan amendment will produce substantial impacts on the increased need for publicly funded infrastructure or substantial impacts on areas designated for protection or special treatment within their jurisdiction. Each person, other than an adjoining local government, in

order to qualify under this definition, shall also have submitted oral or written comments, recommendations, or objections to the local government during the period of time beginning with the transmittal hearing for the plan or plan amendment and ending with the adoption of the plan or plan amendment.

(b) "In compliance" means consistent with the requirements of ss. 163.3177, when a local government adopts an educational facilities element, 163.3178, 163.3180, 163.3191, and 163.3245, with the state comprehensive plan, with the appropriate strategic regional policy plan, and with chapter 9J-5, Florida Administrative Code, where such rule is not inconsistent with this part and with the principles for guiding development in designated areas of critical state concern and with part III of chapter 369, where applicable.

(2) COORDINATION.--Each comprehensive plan or plan amendment proposed to be adopted pursuant to this part shall be transmitted, adopted, and reviewed in the manner prescribed in this section. The state land planning agency shall have responsibility for plan review, coordination, and the preparation and transmission of comments, pursuant to this section, to the local governing body responsible for the comprehensive plan. The state land planning agency shall maintain a single file concerning any proposed or adopted plan amendment submitted by a local government for any review under this section. Copies of all correspondence, papers, notes, memoranda, and other documents received or generated by the state land planning agency must be placed in the appropriate file. Paper copies of all electronic mail correspondence must be placed in the file. The file and its contents must be available for public inspection and copying as provided in chapter 119.

(3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR AMENDMENT.--

(a) Each local governing body shall transmit the complete proposed comprehensive plan or plan amendment to the state land planning agency, the appropriate regional planning council and water management district, the Department of Environmental Protection, the Department of State, and the Department of Transportation, and, in the case of municipal plans, to the appropriate county, and, in the case of county plans, to the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services, immediately following a public hearing pursuant to subsection (15) as specified in the state land planning agency's procedural rules. The local governing body shall also transmit a copy of the complete proposed comprehensive plan or plan amendment to any other unit of local government or government agency in the state that has filed a written request with the governing body for the plan or plan amendment. The local government may request a review by the state land planning agency pursuant to subsection (6) at the time of the transmittal of an amendment.

(b) A local governing body shall not transmit portions of a plan or plan amendment unless it has previously provided to all state agencies designated by the state land planning agency a complete copy of its adopted comprehensive plan pursuant to subsection (7) and as specified in the agency's procedural rules. In the case of comprehensive plan amendments, the local governing body shall transmit to the state land planning agency, the appropriate regional planning council and water management district, the Department of Environmental Protection, the Department of State, and the Department of Transportation, and, in the case of municipal plans, to the appropriate county and, in the case of county plans, to the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services the materials specified in the state land planning agency's procedural rules and, in cases in which the plan amendment is a result of an evaluation and appraisal report adopted pursuant to s. 163.3191, a copy of the evaluation and appraisal report. Local governing bodies shall consolidate all proposed plan amendments into a single submission for each of the two plan amendment adoption dates during the calendar year pursuant to s. 163.3187.

(c) A local government may adopt a proposed plan amendment previously transmitted pursuant to this subsection, unless review is requested or otherwise initiated pursuant to subsection (6).

(d) In cases in which a local government transmits multiple individual amendments that can be

clearly and legally separated and distinguished for the purpose of determining whether to review the proposed amendment, and the state land planning agency elects to review several or a portion of the amendments and the local government chooses to immediately adopt the remaining amendments not reviewed, the amendments immediately adopted and any reviewed amendments that the local government subsequently adopts together constitute one amendment cycle in accordance with s. 163.3187(1).

(4) INTERGOVERNMENTAL REVIEW.--The governmental agencies specified in paragraph (3)(a) shall provide comments to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan amendment. If the plan or plan amendment includes or relates to the public school facilities element pursuant to s. 163.3177(12), the state land planning agency shall submit a copy to the Office of Educational Facilities of the Commissioner of Education for review and comment. The appropriate regional planning council shall also provide its written comments to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan amendment and shall specify any objections, recommendations for modifications, and comments of any other regional agencies to which the regional planning council may have referred the proposed plan amendment. Written comments submitted by the public within 30 days after notice of transmittal by the local government of the proposed plan amendment will be considered as if submitted by governmental agencies. All written agency and public comments must be made part of the file maintained under subsection (2).

(5) REGIONAL, COUNTY, AND MUNICIPAL REVIEW.--The review of the regional planning council pursuant to subsection (4) shall be limited to effects on regional resources or facilities identified in the strategic regional policy plan and extrajurisdictional impacts which would be inconsistent with the comprehensive plan of the affected local government. However, any inconsistency between a local plan or plan amendment and a strategic regional policy plan must not be the sole basis for a notice of intent to find a local plan or plan amendment not in compliance with this act. A regional planning council shall not review and comment on a proposed comprehensive plan it prepared itself unless the plan has been changed by the local government subsequent to the preparation of the plan by the regional planning agency. The review of the county land planning agency pursuant to subsection (4) shall be primarily in the context of the relationship and effect of the proposed plan amendment on any county comprehensive plan element. Any review by municipalities will be primarily in the context of the relationship and effect on the municipal plan.

(6) STATE LAND PLANNING AGENCY REVIEW.--

(a) The state land planning agency shall review a proposed plan amendment upon request of a regional planning council, affected person, or local government transmitting the plan amendment. The request from the regional planning council or affected person must be received within 30 days after transmittal of the proposed plan amendment pursuant to subsection (3). A regional planning council or affected person requesting a review shall do so by submitting a written request to the agency with a notice of the request to the local government and any other person who has requested notice.

(b) The state land planning agency may review any proposed plan amendment regardless of whether a request for review has been made, if the agency gives notice to the local government, and any other person who has requested notice, of its intention to conduct such a review within 35 days after receipt of the complete proposed plan amendment.

(c) The state land planning agency shall establish by rule a schedule for receipt of comments from the various government agencies, as well as written public comments, pursuant to subsection (4). If the state land planning agency elects to review the amendment or the agency is required to review the amendment as specified in paragraph (a), the agency shall issue a report giving its objections, recommendations, and comments regarding the proposed amendment within 60 days after receipt of the complete proposed amendment by the state land planning agency. When a federal, state, or regional agency has implemented a permitting program, the state land planning agency shall not require a local government to duplicate or exceed that permitting program in its

comprehensive plan or to implement such a permitting program in its land development regulations. Nothing contained herein shall prohibit the state land planning agency in conducting its review of local plans or plan amendments from making objections, recommendations, and comments or making compliance determinations regarding densities and intensities consistent with the provisions of this part. In preparing its comments, the state land planning agency shall only base its considerations on written, and not oral, comments, from any source.

(d) The state land planning agency review shall identify all written communications with the agency regarding the proposed plan amendment. If the state land planning agency does not issue such a review, it shall identify in writing to the local government all written communications received 30 days after transmittal. The written identification must include a list of all documents received or generated by the agency, which list must be of sufficient specificity to enable the documents to be identified and copies requested, if desired, and the name of the person to be contacted to request copies of any identified document. The list of documents must be made a part of the public records of the state land planning agency.

(7) LOCAL GOVERNMENT REVIEW OF COMMENTS; ADOPTION OF PLAN OR AMENDMENTS AND TRANSMITTAL.--

(a) The local government shall review the written comments submitted to it by the state land planning agency, and any other person, agency, or government. Any comments, recommendations, or objections and any reply to them shall be public documents, a part of the permanent record in the matter, and admissible in any proceeding in which the comprehensive plan or plan amendment may be at issue. The local government, upon receipt of written comments from the state land planning agency, shall have 120 days to adopt or adopt with changes the proposed comprehensive plan or s. 163.3191 plan amendments. In the case of comprehensive plan amendments other than those proposed pursuant to s. 163.3191, the local government shall have 60 days to adopt the amendment, adopt the amendment with changes, or determine that it will not adopt the amendment. The adoption of the proposed plan or plan amendment or the determination not to adopt a plan amendment, other than a plan amendment proposed pursuant to s. 163.3191, shall be made in the course of a public hearing pursuant to subsection (15). The local government shall transmit the complete adopted comprehensive plan or plan amendment, including the names and addresses of persons compiled pursuant to paragraph (15)(c), to the state land planning agency as specified in the agency's procedural rules within 10 working days after adoption. The local governing body shall also transmit a copy of the adopted comprehensive plan or plan amendment to the regional planning agency and to any other unit of local government or governmental agency in the state that has filed a written request with the governing body for a copy of the plan or plan amendment.

(b) If the adopted plan amendment is unchanged from the proposed plan amendment transmitted pursuant to subsection (3) and an affected person as defined in paragraph (1)(a) did not raise any objection, the state land planning agency did not review the proposed plan amendment, and the state land planning agency did not raise any objections during its review pursuant to subsection (6), the local government may state in the transmittal letter that the plan amendment is unchanged and was not the subject of objections.

(8) NOTICE OF INTENT.--

(a) If the transmittal letter correctly states that the plan amendment is unchanged and was not the subject of review or objections pursuant to paragraph (7)(b), the state land planning agency has 20 days after receipt of the transmittal letter within which to issue a notice of intent that the plan amendment is in compliance.

(b) Except as provided in paragraph (a) or in s. 163.3187(3), the state land planning agency, upon receipt of a local government's complete adopted comprehensive plan or plan amendment, shall have 45 days for review and to determine if the plan or plan amendment is in compliance with this act, unless the amendment is the result of a compliance agreement entered into under subsection

(16), in which case the time period for review and determination shall be 30 days. If review was not conducted under subsection (6), the agency's determination must be based upon the plan amendment as adopted. If review was conducted under subsection (6), the agency's determination of compliance must be based only upon one or both of the following:

1. The state land planning agency's written comments to the local government pursuant to subsection (6); or
2. Any changes made by the local government to the comprehensive plan or plan amendment as adopted.

(c)1. During the time period provided for in this subsection, the state land planning agency shall issue, through a senior administrator or the secretary, as specified in the agency's procedural rules, a notice of intent to find that the plan or plan amendment is in compliance or not in compliance. A notice of intent shall be issued by publication in the manner provided by this paragraph and by mailing a copy to the local government. The advertisement shall be placed in that portion of the newspaper where legal notices appear. The advertisement shall be published in a newspaper that meets the size and circulation requirements set forth in paragraph (15)(e) and that has been designated in writing by the affected local government at the time of transmittal of the amendment. Publication by the state land planning agency of a notice of intent in the newspaper designated by the local government shall be prima facie evidence of compliance with the publication requirements of this section. The state land planning agency shall post a copy of the notice of intent on the agency's Internet site. The agency shall, no later than the date the notice of intent is transmitted to the newspaper, send by regular mail a courtesy informational statement to persons who provide their names and addresses to the local government at the transmittal hearing or at the adoption hearing where the local government has provided the names and addresses of such persons to the department at the time of transmittal of the adopted amendment. The informational statements shall include the name of the newspaper in which the notice of intent will appear, the approximate date of publication, the ordinance number of the plan or plan amendment, and a statement that affected persons have 21 days after the actual date of publication of the notice to file a petition.

2. A local government that has an Internet site shall post a copy of the state land planning agency's notice of intent on the site within 5 days after receipt of the mailed copy of the agency's notice of intent.

(9) PROCESS IF LOCAL PLAN OR AMENDMENT IS IN COMPLIANCE.--

(a) If the state land planning agency issues a notice of intent to find that the comprehensive plan or plan amendment transmitted pursuant to s. 163.3167, s. 163.3187, s. 163.3189, or s. 163.3191 is in compliance with this act, any affected person may file a petition with the agency pursuant to ss. 120.569 and 120.57 within 21 days after the publication of notice. In this proceeding, the local plan or plan amendment shall be determined to be in compliance if the local government's determination of compliance is fairly debatable.

(b) The hearing shall be conducted by an administrative law judge of the Division of Administrative Hearings of the Department of Management Services, who shall hold the hearing in the county of and convenient to the affected local jurisdiction and submit a recommended order to the state land planning agency. The state land planning agency shall allow for the filing of exceptions to the recommended order and shall issue a final order after receipt of the recommended order if the state land planning agency determines that the plan or plan amendment is in compliance. If the state land planning agency determines that the plan or plan amendment is not in compliance, the agency shall submit the recommended order to the Administration Commission for final agency action.

(10) PROCESS IF LOCAL PLAN OR AMENDMENT IS NOT IN COMPLIANCE.--

(a) If the state land planning agency issues a notice of intent to find the comprehensive plan or plan amendment not in compliance with this act, the notice of intent shall be forwarded to the Division of Administrative Hearings of the Department of Management Services, which shall conduct a proceeding under ss. 120.569 and 120.57 in the county of and convenient to the affected local jurisdiction. The parties to the proceeding shall be the state land planning agency, the affected local government, and any affected person who intervenes. No new issue may be alleged as a reason to find a plan or plan amendment not in compliance in an administrative pleading filed more than 21 days after publication of notice unless the party seeking that issue establishes good cause for not alleging the issue within that time period. Good cause shall not include excusable neglect. In the proceeding, the local government's determination that the comprehensive plan or plan amendment is in compliance is presumed to be correct. The local government's determination shall be sustained unless it is shown by a preponderance of the evidence that the comprehensive plan or plan amendment is not in compliance. The local government's determination that elements of its plans are related to and consistent with each other shall be sustained if the determination is fairly debatable.

(b) The administrative law judge assigned by the division shall submit a recommended order to the Administration Commission for final agency action.

(c) Prior to the hearing, the state land planning agency shall afford an opportunity to mediate or otherwise resolve the dispute. If a party to the proceeding requests mediation or other alternative dispute resolution, the hearing may not be held until the state land planning agency advises the administrative law judge in writing of the results of the mediation or other alternative dispute resolution. However, the hearing may not be delayed for longer than 90 days for mediation or other alternative dispute resolution unless a longer delay is agreed to by the parties to the proceeding. The costs of the mediation or other alternative dispute resolution shall be borne equally by all of the parties to the proceeding.

(11) ADMINISTRATION COMMISSION.--

(a) If the Administration Commission, upon a hearing pursuant to subsection (9) or subsection (10), finds that the comprehensive plan or plan amendment is not in compliance with this act, the commission shall specify remedial actions which would bring the comprehensive plan or plan amendment into compliance. The commission may direct state agencies not to provide funds to increase the capacity of roads, bridges, or water and sewer systems within the boundaries of those local governmental entities which have comprehensive plans or plan elements that are determined not to be in compliance. The commission order may also specify that the local government shall not be eligible for grants administered under the following programs:

1. The Florida Small Cities Community Development Block Grant Program, as authorized by ss. 290.0401-290.049.
2. The Florida Recreation Development Assistance Program, as authorized by chapter 375.
3. Revenue sharing pursuant to ss. 206.60, 210.20, and 218.61 and chapter 212, to the extent not pledged to pay back bonds.

(b) If the local government is one which is required to include a coastal management element in its comprehensive plan pursuant to s. 163.3177(6)(g), the commission order may also specify that the local government is not eligible for funding pursuant to s. 161.091. The commission order may also specify that the fact that the coastal management element has been determined to be not in compliance shall be a consideration when the department considers permits under s. 161.053 and when the Board of Trustees of the Internal Improvement Trust Fund considers whether to sell, convey any interest in, or lease any sovereignty lands or submerged lands until the element is brought into compliance.

(c) The sanctions provided by paragraphs (a) and (b) shall not apply to a local government regarding any plan amendment, except for plan amendments that amend plans that have not been finally determined to be in compliance with this part, and except as provided in s. 163.3189(2) or s. 163.3191(11).

(12) GOOD FAITH FILING.--The signature of an attorney or party constitutes a certificate that he or she has read the pleading, motion, or other paper and that, to the best of his or her knowledge, information, and belief formed after reasonable inquiry, it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay, or for economic advantage, competitive reasons, or frivolous purposes or needless increase in the cost of litigation. If a pleading, motion, or other paper is signed in violation of these requirements, the administrative law judge, upon motion or his or her own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee.

(13) EXCLUSIVE PROCEEDINGS.--The proceedings under this section shall be the sole proceeding or action for a determination of whether a local government's plan, element, or amendment is in compliance with this act.

(14) AREAS OF CRITICAL STATE CONCERN.--No proposed local government comprehensive plan or plan amendment which is applicable to a designated area of critical state concern shall be effective until a final order is issued finding the plan or amendment to be in compliance as defined in this section.

(15) PUBLIC HEARINGS.--

(a) The procedure for transmittal of a complete proposed comprehensive plan or plan amendment pursuant to subsection (3) and for adoption of a comprehensive plan or plan amendment pursuant to subsection (7) shall be by affirmative vote of not less than a majority of the members of the governing body present at the hearing. The adoption of a comprehensive plan or plan amendment shall be by ordinance. For the purposes of transmitting or adopting a comprehensive plan or plan amendment, the notice requirements in chapters 125 and 166 are superseded by this subsection, except as provided in this part.

(b) The local governing body shall hold at least two advertised public hearings on the proposed comprehensive plan or plan amendment as follows:

1. The first public hearing shall be held at the transmittal stage pursuant to subsection (3). It shall be held on a weekday at least 7 days after the day that the first advertisement is published.
2. The second public hearing shall be held at the adoption stage pursuant to subsection (7). It shall be held on a weekday at least 5 days after the day that the second advertisement is published.

(c) The local government shall provide a sign-in form at the transmittal hearing and at the adoption hearing for persons to provide their names and mailing addresses. The sign-in form must advise that any person providing the requested information will receive a courtesy informational statement concerning publications of the state land planning agency's notice of intent. The local government shall add to the sign-in form the name and address of any person who submits written comments concerning the proposed plan or plan amendment during the time period between the commencement of the transmittal hearing and the end of the adoption hearing. It is the responsibility of the person completing the form or providing written comments to accurately, completely, and legibly provide all information needed in order to receive the courtesy informational statement.

(d) The agency shall provide a model sign-in form for providing the list to the agency which may be

used by the local government to satisfy the requirements of this subsection.

(e) If the proposed comprehensive plan or plan amendment changes the actual list of permitted, conditional, or prohibited uses within a future land use category or changes the actual future land use map designation of a parcel or parcels of land, the required advertisements shall be in the format prescribed by s. 125.66(4)(b)2. for a county or by s. 166.041(3)(c)2.b. for a municipality.

(16) COMPLIANCE AGREEMENTS.--

(a) At any time following the issuance of a notice of intent to find a comprehensive plan or plan amendment not in compliance with this part or after the initiation of a hearing pursuant to subsection (9), the state land planning agency and the local government may voluntarily enter into a compliance agreement to resolve one or more of the issues raised in the proceedings. Affected persons who have initiated a formal proceeding or have intervened in a formal proceeding may also enter into the compliance agreement. All parties granted intervenor status shall be provided reasonable notice of the commencement of a compliance agreement negotiation process and a reasonable opportunity to participate in such negotiation process. Negotiation meetings with local governments or intervenors shall be open to the public. The state land planning agency shall provide each party granted intervenor status with a copy of the compliance agreement within 10 days after the agreement is executed. The compliance agreement shall list each portion of the plan or plan amendment which is not in compliance, and shall specify remedial actions which the local government must complete within a specified time in order to bring the plan or plan amendment into compliance, including adoption of all necessary plan amendments. The compliance agreement may also establish monitoring requirements and incentives to ensure that the conditions of the compliance agreement are met.

(b) Upon filing by the state land planning agency of a compliance agreement executed by the agency and the local government with the Division of Administrative Hearings, any administrative proceeding under ss. 120.569 and 120.57 regarding the plan or plan amendment covered by the compliance agreement shall be stayed.

(c) Prior to its execution of a compliance agreement, the local government must approve the compliance agreement at a public hearing advertised at least 10 days before the public hearing in a newspaper of general circulation in the area in accordance with the advertisement requirements of subsection (15).

(d) A local government may adopt a plan amendment pursuant to a compliance agreement in accordance with the requirements of paragraph (15)(a). The plan amendment shall be exempt from the requirements of subsections (2)-(7). The local government shall hold a single adoption public hearing pursuant to the requirements of subparagraph (15)(b)2. and paragraph (15)(e). Within 10 working days after adoption of a plan amendment, the local government shall transmit the amendment to the state land planning agency as specified in the agency's procedural rules, and shall submit one copy to the regional planning agency and to any other unit of local government or government agency in the state that has filed a written request with the governing body for a copy of the plan amendment, and one copy to any party to the proceeding under ss. 120.569 and 120.57 granted intervenor status.

(e) The state land planning agency, upon receipt of a plan amendment adopted pursuant to a compliance agreement, shall issue a cumulative notice of intent addressing both the compliance agreement amendment and the plan or plan amendment that was the subject of the agreement, in accordance with subsection (8).

(f)1. If the local government adopts a comprehensive plan amendment pursuant to a compliance agreement and a notice of intent to find the plan amendment in compliance is issued, the state land planning agency shall forward the notice of intent to the Division of Administrative Hearings and the administrative law judge shall realign the parties in the pending proceeding under ss. 120.569 and 120.57, which shall thereafter be governed by the process contained in paragraphs (9)

(a) and (b), including provisions relating to challenges by an affected person, burden of proof, and issues of a recommended order and a final order, except as provided in subparagraph 2. Parties to the original proceeding at the time of realignment may continue as parties without being required to file additional pleadings to initiate a proceeding, but may timely amend their pleadings to raise any challenge to the amendment which is the subject of the cumulative notice of intent, and must otherwise conform to the rules of procedure of the Division of Administrative Hearings. Any affected person not a party to the realigned proceeding may challenge the plan amendment which is the subject of the cumulative notice of intent by filing a petition with the agency as provided in subsection (9). The agency shall forward the petition filed by the affected person not a party to the realigned proceeding to the Division of Administrative Hearings for consolidation with the realigned proceeding.

2. If any of the issues raised by the state land planning agency in the original subsection (10) proceeding are not resolved by the compliance agreement amendments, any intervenor in the original subsection (10) proceeding may require those issues to be addressed in the pending consolidated realigned proceeding under ss. 120.569 and 120.57. As to those unresolved issues, the burden of proof shall be governed by subsection (10).

3. If the local government adopts a comprehensive plan amendment pursuant to a compliance agreement and a notice of intent to find the plan amendment not in compliance is issued, the state land planning agency shall forward the notice of intent to the Division of Administrative Hearings, which shall consolidate the proceeding with the pending proceeding and immediately set a date for hearing in the pending proceeding under ss. 120.569 and 120.57. Affected persons who are not a party to the underlying proceeding under ss. 120.569 and 120.57 may challenge the plan amendment adopted pursuant to the compliance agreement by filing a petition pursuant to subsection (10).

(g) If the local government fails to adopt a comprehensive plan amendment pursuant to a compliance agreement, the state land planning agency shall notify the Division of Administrative Hearings, which shall set the hearing in the pending proceeding under ss. 120.569 and 120.57 at the earliest convenient time.

(h) This subsection does not prohibit a local government from amending portions of its comprehensive plan other than those which are the subject of the compliance agreement. However, such amendments to the plan may not be inconsistent with the compliance agreement.

(i) Nothing in this subsection is intended to limit the parties from entering into a compliance agreement at any time before the final order in the proceeding is issued, provided that the provisions of paragraph (c) shall apply regardless of when the compliance agreement is reached.

(j) Nothing in this subsection is intended to force any party into settlement against its will or to preclude the use of other informal dispute resolution methods, such as the services offered by the Florida Growth Management Dispute Resolution Consortium, in the course of or in addition to the method described in this subsection.

(17) A local government that has adopted a community vision and urban service boundary under s. 163.3177(13) and (14) may adopt a plan amendment related to map amendments solely to property within an urban service boundary in the manner described in subsections (1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d. and e., 2., and 3., such that state and regional agency review is eliminated. The department may not issue an objections, recommendations, and comments report on proposed plan amendments or a notice of intent on adopted plan amendments; however, affected persons, as defined by paragraph (1)(a), may file a petition for administrative review pursuant to the requirements of s. 163.3187(3)(a) to challenge the compliance of an adopted plan amendment. This subsection does not apply to any amendment within an area of critical state concern, to any amendment that increases residential densities allowable in high-hazard coastal areas as defined in s. 163.3178(2)(h), or to a text change to the goals, policies, or objectives of the local government's comprehensive plan. Amendments submitted under this subsection are exempt

from the limitation on the frequency of plan amendments in s. 163.3187.

(18) A municipality that has a designated urban infill and redevelopment area under s. 163.2517 may adopt a plan amendment related to map amendments solely to property within a designated urban infill and redevelopment area in the manner described in subsections (1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d. and e., 2., and 3., such that state and regional agency review is eliminated. The department may not issue an objections, recommendations, and comments report on proposed plan amendments or a notice of intent on adopted plan amendments; however, affected persons, as defined by paragraph (1)(a), may file a petition for administrative review pursuant to the requirements of s. 163.3187(3)(a) to challenge the compliance of an adopted plan amendment. This subsection does not apply to any amendment within an area of critical state concern, to any amendment that increases residential densities allowable in high-hazard coastal areas as defined in s. 163.3178(2)(h), or to a text change to the goals, policies, or objectives of the local government's comprehensive plan. Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.

History.--s. 9, ch. 75-257; s. 1, ch. 77-174; s. 4, ch. 77-331; s. 7, ch. 83-308; s. 8, ch. 84-254; s. 8, ch. 85-55; s. 9, ch. 86-191; s. 7, ch. 92-129; s. 77, ch. 92-279; s. 55, ch. 92-326; s. 10, ch. 93-206; s. 34, ch. 94-356; s. 1445, ch. 95-147; s. 5, ch. 95-181; s. 11, ch. 95-310; s. 2, ch. 95-322; s. 26, ch. 96-410; s. 16, ch. 97-99; s. 2, ch. 97-253; s. 3, ch. 98-146; s. 12, ch. 98-176; s. 15, ch. 2000-158; s. 34, ch. 2001-254; s. 7, ch. 2002-296; s. 2, ch. 2004-384; s. 6, ch. 2005-290; s. 19, ch. 2006-1.

163.3187 Amendment of adopted comprehensive plan.--

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(a) In the case of an emergency, comprehensive plan amendments may be made more often than twice during the calendar year if the additional plan amendment receives the approval of all of the members of the governing body. "Emergency" means any occurrence or threat thereof whether accidental or natural, caused by humankind, in war or peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property or public funds.

(b) Any local government comprehensive plan amendments directly related to a proposed development of regional impact, including changes which have been determined to be substantial deviations and including Florida Quality Developments pursuant to s. 380.061, may be initiated by a local planning agency and considered by the local governing body at the same time as the application for development approval using the procedures provided for local plan amendment in this section and applicable local ordinances, without regard to statutory or local ordinance limits on the frequency of consideration of amendments to the local comprehensive plan. Nothing in this subsection shall be deemed to require favorable consideration of a plan amendment solely because it is related to a development of regional impact.

(c) Any local government comprehensive plan amendments directly related to proposed small scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan. A small scale development amendment may be adopted only under the following conditions:

1. The proposed amendment involves a use of 10 acres or fewer and:

a. The cumulative annual effect of the acreage for all small scale development amendments adopted by the local government shall not exceed:

(l) A maximum of 120 acres in a local government that contains areas specifically designated in the

local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e); however, amendments under this paragraph may be applied to no more than 60 acres annually of property outside the designated areas listed in this sub-sub-subparagraph. Amendments adopted pursuant to paragraph (k) shall not be counted toward the acreage limitations for small scale amendments under this paragraph.

(II) A maximum of 80 acres in a local government that does not contain any of the designated areas set forth in sub-sub-subparagraph (I).

(III) A maximum of 120 acres in a county established pursuant to s. 9, Art. VIII of the State Constitution.

b. The proposed amendment does not involve the same property granted a change within the prior 12 months.

c. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.

d. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity.

e. The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of s. 420.0004(3), and is located within an area of critical state concern designated by s. 380.0552 or by the Administration Commission pursuant to s. 380.05(1). Such amendment is not subject to the density limitations of sub-subparagraph f., and shall be reviewed by the state land planning agency for consistency with the principles for guiding development applicable to the area of critical state concern where the amendment is located and shall not become effective until a final order is issued under s. 380.05(6).

f. If the proposed amendment involves a residential land use, the residential land use has a density of 10 units or less per acre or the proposed future land use category allows a maximum residential density of the same or less than the maximum residential density allowable under the existing future land use category, except that this limitation does not apply to small scale amendments involving the construction of affordable housing units meeting the criteria of s. 420.0004(3) on property which will be the subject of a land use restriction agreement, or small scale amendments described in sub-sub-subparagraph a.(I) that are designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e).

2.a. A local government that proposes to consider a plan amendment pursuant to this paragraph is not required to comply with the procedures and public notice requirements of s. 163.3184(15)(c) for such plan amendments if the local government complies with the provisions in s. 125.66(4)(a) for a county or in s. 166.041(3)(c) for a municipality. If a request for a plan amendment under this paragraph is initiated by other than the local government, public notice is required.

b. The local government shall send copies of the notice and amendment to the state land planning agency, the regional planning council, and any other person or entity requesting a copy. This information shall also include a statement identifying any property subject to the amendment that

is located within a coastal high-hazard area as identified in the local comprehensive plan.

3. Small scale development amendments adopted pursuant to this paragraph require only one public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(7), and are not subject to the requirements of s. 163.3184(3)-(6) unless the local government elects to have them subject to those requirements.

4. If the small scale development amendment involves a site within an area that is designated by the Governor as a rural area of critical economic concern under s. 288.0656(7) for the duration of such designation, the 10-acre limit listed in subparagraph 1. shall be increased by 100 percent to 20 acres. The local government approving the small scale plan amendment shall certify to the Office of Tourism, Trade, and Economic Development that the plan amendment furthers the economic objectives set forth in the executive order issued under s. 288.0656(7), and the property subject to the plan amendment shall undergo public review to ensure that all concurrency requirements and federal, state, and local environmental permit requirements are met.

(d) Any comprehensive plan amendment required by a compliance agreement pursuant to s. 163.3184(16) may be approved without regard to statutory limits on the frequency of adoption of amendments to the comprehensive plan.

(e) A comprehensive plan amendment for location of a state correctional facility. Such an amendment may be made at any time and does not count toward the limitation on the frequency of plan amendments.

(f) Any comprehensive plan amendment that changes the schedule in the capital improvements element, and any amendments directly related to the schedule, may be made once in a calendar year on a date different from the two times provided in this subsection when necessary to coincide with the adoption of the local government's budget and capital improvements program.

(g) Any local government comprehensive plan amendments directly related to proposed redevelopment of brownfield areas designated under s. 376.80 may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan.

(h) Any comprehensive plan amendments for port transportation facilities and projects that are eligible for funding by the Florida Seaport Transportation and Economic Development Council pursuant to s. 311.07.

(i) A comprehensive plan amendment for the purpose of designating an urban infill and redevelopment area under s. 163.2517 may be approved without regard to the statutory limits on the frequency of amendments to the comprehensive plan.

(j) Any comprehensive plan amendment to establish public school concurrency pursuant to s. 163.3180(13), including, but not limited to, adoption of a public school facilities element and adoption of amendments to the capital improvements element and intergovernmental coordination element. In order to ensure the consistency of local government public school facilities elements within a county, such elements shall be prepared and adopted on a similar time schedule.

(k) A local comprehensive plan amendment directly related to providing transportation improvements to enhance life safety on Controlled Access Major Arterial Highways identified in the Florida Intrastate Highway System, in counties as defined in s. 125.011, where such roadways have a high incidence of traffic accidents resulting in serious injury or death. Any such amendment shall not include any amendment modifying the designation on a comprehensive development plan land use map nor any amendment modifying the allowable densities or intensities of any land.

(l) A comprehensive plan amendment to adopt a public educational facilities element pursuant to s. 163.3177(12) and future land-use-map amendments for school siting may be approved

notwithstanding statutory limits on the frequency of adopting plan amendments.

(m) A comprehensive plan amendment that addresses criteria or compatibility of land uses adjacent to or in close proximity to military installations in a local government's future land use element does not count toward the limitation on the frequency of the plan amendments.

(n) Any local government comprehensive plan amendment establishing or implementing a rural land stewardship area pursuant to the provisions of s. 163.3177(11)(d).

(o) A comprehensive plan amendment that is submitted by an area designated by the Governor as a rural area of critical economic concern under s. 288.0656(7) and that meets the economic development objectives may be approved without regard to the statutory limits on the frequency of adoption of amendments to the comprehensive plan.

(2) Comprehensive plans may only be amended in such a way as to preserve the internal consistency of the plan pursuant to s. 163.3177(2). Corrections, updates, or modifications of current costs which were set out as part of the comprehensive plan shall not, for the purposes of this act, be deemed to be amendments.

(3)(a) The state land planning agency shall not review or issue a notice of intent for small scale development amendments which satisfy the requirements of paragraph (1)(c). Any affected person may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57 to request a hearing to challenge the compliance of a small scale development amendment with this act within 30 days following the local government's adoption of the amendment, shall serve a copy of the petition on the local government, and shall furnish a copy to the state land planning agency. An administrative law judge shall hold a hearing in the affected jurisdiction not less than 30 days nor more than 60 days following the filing of a petition and the assignment of an administrative law judge. The parties to a hearing held pursuant to this subsection shall be the petitioner, the local government, and any intervenor. In the proceeding, the local government's determination that the small scale development amendment is in compliance is presumed to be correct. The local government's determination shall be sustained unless it is shown by a preponderance of the evidence that the amendment is not in compliance with the requirements of this act. In any proceeding initiated pursuant to this subsection, the state land planning agency may intervene.

(b)1. If the administrative law judge recommends that the small scale development amendment be found not in compliance, the administrative law judge shall submit the recommended order to the Administration Commission for final agency action. If the administrative law judge recommends that the small scale development amendment be found in compliance, the administrative law judge shall submit the recommended order to the state land planning agency.

2. If the state land planning agency determines that the plan amendment is not in compliance, the agency shall submit, within 30 days following its receipt, the recommended order to the Administration Commission for final agency action. If the state land planning agency determines that the plan amendment is in compliance, the agency shall enter a final order within 30 days following its receipt of the recommended order.

(c) Small scale development amendments shall not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining the adopted small scale development amendment is in compliance.

(4) Each governing body shall transmit to the state land planning agency a current copy of its comprehensive plan not later than December 1, 1985. Each governing body shall also transmit copies of any amendments it adopts to its comprehensive plan so as to continually update the plans

on file with the state land planning agency.

(5) Nothing in this part is intended to prohibit or limit the authority of local governments to require that a person requesting an amendment pay some or all of the cost of public notice.

(6)(a) No local government may amend its comprehensive plan after the date established by the state land planning agency for adoption of its evaluation and appraisal report unless it has submitted its report or addendum to the state land planning agency as prescribed by s. 163.3191, except for plan amendments described in paragraph (1)(b) or paragraph (1)(h).

(b) A local government may amend its comprehensive plan after it has submitted its adopted evaluation and appraisal report and for a period of 1 year after the initial determination of sufficiency regardless of whether the report has been determined to be insufficient.

(c) A local government may not amend its comprehensive plan, except for plan amendments described in paragraph (1)(b), if the 1-year period after the initial sufficiency determination of the report has expired and the report has not been determined to be sufficient.

(d) When the state land planning agency has determined that the report has sufficiently addressed all pertinent provisions of s. 163.3191, the local government may amend its comprehensive plan without the limitations imposed by paragraph (a) or paragraph (c).

(e) Any plan amendment which a local government attempts to adopt in violation of paragraph (a) or paragraph (c) is invalid, but such invalidity may be overcome if the local government readopts the amendment and transmits the amendment to the state land planning agency pursuant to s. 163.3184(7) after the report is determined to be sufficient.

History.--s. 10, ch. 75-257; s. 1, ch. 77-174; s. 5, ch. 77-331; s. 9, ch. 85-55; s. 10, ch. 86-191; s. 8, ch. 92-129; s. 11, ch. 93-206; s. 4, ch. 94-273; s. 1446, ch. 95-147; s. 12, ch. 95-310; s. 3, ch. 95-322; s. 5, ch. 95-396; s. 1, ch. 96-205; s. 27, ch. 96-410; s. 4, ch. 96-416; s. 3, ch. 97-253; s. 14, ch. 98-75; s. 13, ch. 98-176; s. 66, ch. 99-251; s. 5, ch. 99-378; s. 26, ch. 2000-151; s. 16, ch. 2000-158; s. 1, ch. 2000-284; s. 8, ch. 2002-296; s. 3, ch. 2004-230; s. 5, ch. 2004-372; s. 7, ch. 2005-290; s. 20, ch. 2006-1; s. 3, ch. 2006-69.

163.3189 Process for amendment of adopted comprehensive plan.--

(1) The procedure for amendment of an adopted comprehensive plan or plan element which has been found to be in compliance shall be solely as prescribed by this section.

(2) A local government which has a comprehensive plan that has been found to be in compliance may amend its comprehensive plan as set forth in s. 163.3184, with the following exceptions:

(a) Plan amendments shall not become effective until the state land planning agency issues a final order determining the adopted amendment to be in compliance in accordance with s. 163.3184(9), or until the Administration Commission issues a final order determining the adopted amendment to be in compliance in accordance with s. 163.3184(10).

(b) If the Administration Commission, upon a hearing pursuant to s. 163.3184, finds that the adopted plan amendment is not in compliance, the commission shall specify actions that would bring the plan amendment into compliance, and may specify the sanctions provided in s. 163.3184(11) to which the local government will be subject if it elects to make the amendment effective notwithstanding the determination of noncompliance. However, after the final order of the commission, the local government, except in designated areas of critical state concern, may elect to make the amendment effective by resolution at a public meeting after public notice and be subject to sanctions pursuant to s. 163.3184(11). If the local government enacts the remedial actions specified in the commission's final order, the local government shall no longer be subject to

sanctions.

(3)(a) At any time after the department has issued its notice of intent and the matter has been forwarded to the Division of Administrative Hearings, the local government proposing the amendment may demand formal mediation or the local government proposing the amendment or an affected person who is a party to the proceeding may demand informal mediation or expeditious resolution of the amendment proceedings by serving written notice on the state land planning agency, all other parties to the proceeding, and the administrative law judge.

(b) Upon receipt of a notice pursuant to paragraph (a), the administrative law judge shall set the matter for final hearing no more than 30 days after receipt of the notice. Once a final hearing pursuant to this paragraph has been set, no continuance in the hearing, and no additional time for post-hearing submittals, may be granted without the written agreement of the parties absent a finding by the administrative law judge of extraordinary circumstances. Extraordinary circumstances do not include matters relating to workload or need for additional time for preparation or negotiation.

(c) Absent a showing of extraordinary circumstances, the Administration Commission shall issue a final order, in a case proceeding under this subsection, within 45 days after the issuance of the recommended order, unless the parties agree in writing to a longer time.

History.--s. 9, ch. 92-129; s. 12, ch. 93-206; s. 28, ch. 96-410; s. 4, ch. 97-253.

163.3191 Evaluation and appraisal of comprehensive plan.--

(1) The planning program shall be a continuous and ongoing process. Each local government shall adopt an evaluation and appraisal report once every 7 years assessing the progress in implementing the local government's comprehensive plan. Furthermore, it is the intent of this section that:

(a) Adopted comprehensive plans be reviewed through such evaluation process to respond to changes in state, regional, and local policies on planning and growth management and changing conditions and trends, to ensure effective intergovernmental coordination, and to identify major issues regarding the community's achievement of its goals.

(b) After completion of the initial evaluation and appraisal report and any supporting plan amendments, each subsequent evaluation and appraisal report must evaluate the comprehensive plan in effect at the time of the initiation of the evaluation and appraisal report process.

(c) Local governments identify the major issues, if applicable, with input from state agencies, regional agencies, adjacent local governments, and the public in the evaluation and appraisal report process. It is also the intent of this section to establish minimum requirements for information to ensure predictability, certainty, and integrity in the growth management process. The report is intended to serve as a summary audit of the actions that a local government has undertaken and identify changes that it may need to make. The report should be based on the local government's analysis of major issues to further the community's goals consistent with statewide minimum standards. The report is not intended to require a comprehensive rewrite of the elements within the local plan, unless a local government chooses to do so.

(2) The report shall present an evaluation and assessment of the comprehensive plan and shall contain appropriate statements to update the comprehensive plan, including, but not limited to, words, maps, illustrations, or other media, related to:

(a) Population growth and changes in land area, including annexation, since the adoption of the original plan or the most recent update amendments.

(b) The extent of vacant and developable land.

(c) The financial feasibility of implementing the comprehensive plan and of providing needed infrastructure to achieve and maintain adopted level-of-service standards and sustain concurrency management systems through the capital improvements element, as well as the ability to address infrastructure backlogs and meet the demands of growth on public services and facilities.

(d) The location of existing development in relation to the location of development as anticipated in the original plan, or in the plan as amended by the most recent evaluation and appraisal report update amendments, such as within areas designated for urban growth.

(e) An identification of the major issues for the jurisdiction and, where pertinent, the potential social, economic, and environmental impacts.

(f) Relevant changes to the state comprehensive plan, the requirements of this part, the minimum criteria contained in chapter 9J-5, Florida Administrative Code, and the appropriate strategic regional policy plan since the adoption of the original plan or the most recent evaluation and appraisal report update amendments.

(g) An assessment of whether the plan objectives within each element, as they relate to major issues, have been achieved. The report shall include, as appropriate, an identification as to whether unforeseen or unanticipated changes in circumstances have resulted in problems or opportunities with respect to major issues identified in each element and the social, economic, and environmental impacts of the issue.

(h) A brief assessment of successes and shortcomings related to each element of the plan.

(i) The identification of any actions or corrective measures, including whether plan amendments are anticipated to address the major issues identified and analyzed in the report. Such identification shall include, as appropriate, new population projections, new revised planning timeframes, a revised future conditions map or map series, an updated capital improvements element, and any new and revised goals, objectives, and policies for major issues identified within each element. This paragraph shall not require the submittal of the plan amendments with the evaluation and appraisal report.

(j) A summary of the public participation program and activities undertaken by the local government in preparing the report.

(k) The coordination of the comprehensive plan with existing public schools and those identified in the applicable educational facilities plan adopted pursuant to s. 1013.35. The assessment shall address, where relevant, the success or failure of the coordination of the future land use map and associated planned residential development with public schools and their capacities, as well as the joint decisionmaking processes engaged in by the local government and the school board in regard to establishing appropriate population projections and the planning and siting of public school facilities. For those counties or municipalities that do not have a public schools interlocal agreement or public school facilities element, the assessment shall determine whether the local government continues to meet the criteria of s. 163.3177(12). If the county or municipality determines that it no longer meets the criteria, it must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments pursuant to the requirements of the public school facilities element, and enter into the existing interlocal agreement required by ss. 163.3177 (6)(h)2. and 163.31777 in order to fully participate in the school concurrency system.

(l) The extent to which the local government has been successful in identifying alternative water supply projects and traditional water supply projects, including conservation and reuse, necessary to meet the water needs identified in s. 373.0361(2)(a) within the local government's jurisdiction. The report must evaluate the degree to which the local government has implemented the work plan for building public, private, and regional water supply facilities, including development of alternative water supplies, identified in the element as necessary to serve existing and new

development.

(m) If any of the jurisdiction of the local government is located within the coastal high-hazard area, an evaluation of whether any past reduction in land use density impairs the property rights of current residents when redevelopment occurs, including, but not limited to, redevelopment following a natural disaster. The property rights of current residents shall be balanced with public safety considerations. The local government must identify strategies to address redevelopment feasibility and the property rights of affected residents. These strategies may include the authorization of redevelopment up to the actual built density in existence on the property prior to the natural disaster or redevelopment.

(n) An assessment of whether the criteria adopted pursuant to s. 163.3177(6)(a) were successful in achieving compatibility with military installations.

(o) The extent to which a concurrency exception area designated pursuant to s. 163.3180(5), a concurrency management area designated pursuant to s. 163.3180(7), or a multimodal transportation district designated pursuant to s. 163.3180(15) has achieved the purpose for which it was created and otherwise complies with the provisions of s. 163.3180.

(p) An assessment of the extent to which changes are needed to develop a common methodology for measuring impacts on transportation facilities for the purpose of implementing its concurrency management system in coordination with the municipalities and counties, as appropriate pursuant to s. 163.3180(10).

(3) Voluntary scoping meetings may be conducted by each local government or several local governments within the same county that agree to meet together. Joint meetings among all local governments in a county are encouraged. All scoping meetings shall be completed at least 1 year prior to the established adoption date of the report. The purpose of the meetings shall be to distribute data and resources available to assist in the preparation of the report, to provide input on major issues in each community that should be addressed in the report, and to advise on the extent of the effort for the components of subsection (2). If scoping meetings are held, the local government shall invite each state and regional reviewing agency, as well as adjacent and other affected local governments. A preliminary list of new data and major issues that have emerged since the adoption of the original plan, or the most recent evaluation and appraisal report-based update amendments, should be developed by state and regional entities and involved local governments for distribution at the scoping meeting. For purposes of this subsection, a "scoping meeting" is a meeting conducted to determine the scope of review of the evaluation and appraisal report by parties to which the report relates.

(4) The local planning agency shall prepare the evaluation and appraisal report and shall make recommendations to the governing body regarding adoption of the proposed report. The local planning agency shall prepare the report in conformity with its public participation procedures adopted as required by s. 163.3181. During the preparation of the proposed report and prior to making any recommendation to the governing body, the local planning agency shall hold at least one public hearing, with public notice, on the proposed report. At a minimum, the format and content of the proposed report shall include a table of contents; numbered pages; element headings; section headings within elements; a list of included tables, maps, and figures; a title and sources for all included tables; a preparation date; and the name of the preparer. Where applicable, maps shall include major natural and artificial geographic features; city, county, and state lines; and a legend indicating a north arrow, map scale, and the date.

(5) Ninety days prior to the scheduled adoption date, the local government may provide a proposed evaluation and appraisal report to the state land planning agency and distribute copies to state and regional commenting agencies as prescribed by rule, adjacent jurisdictions, and interested citizens for review. All review comments, including comments by the state land planning agency, shall be transmitted to the local government and state land planning agency within 30 days after receipt of the proposed report.

²(6) The governing body, after considering the review comments and recommended changes, if any, shall adopt the evaluation and appraisal report by resolution or ordinance at a public hearing with public notice. The governing body shall adopt the report in conformity with its public participation procedures adopted as required by s. 163.3181. The local government shall submit to the state land planning agency three copies of the report, a transmittal letter indicating the dates of public hearings, and a copy of the adoption resolution or ordinance. The local government shall provide a copy of the report to the reviewing agencies which provided comments for the proposed report, or to all the reviewing agencies if a proposed report was not provided pursuant to subsection (5), including the adjacent local governments. Within 60 days after receipt, the state land planning agency shall review the adopted report and make a preliminary sufficiency determination that shall be forwarded by the agency to the local government for its consideration. The state land planning agency shall issue a final sufficiency determination within 90 days after receipt of the adopted evaluation and appraisal report.

(7) The intent of the evaluation and appraisal process is the preparation of a plan update that clearly and concisely achieves the purpose of this section. Toward this end, the sufficiency review of the state land planning agency shall concentrate on whether the evaluation and appraisal report sufficiently fulfills the components of subsection (2). If the state land planning agency determines that the report is insufficient, the governing body shall adopt a revision of the report and submit the revised report for review pursuant to subsection (6).

³(8) The state land planning agency may delegate the review of evaluation and appraisal reports, including all state land planning agency duties under subsections (4)-(7), to the appropriate regional planning council. When the review has been delegated to a regional planning council, any local government in the region may elect to have its report reviewed by the regional planning council rather than the state land planning agency. The state land planning agency shall by agreement provide for uniform and adequate review of reports and shall retain oversight for any delegation of review to a regional planning council.

(9) The state land planning agency may establish a phased schedule for adoption of reports. The schedule shall provide each local government at least 7 years from plan adoption or last established adoption date for a report and shall allot approximately one-seventh of the reports to any 1 year. In order to allow the municipalities to use data and analyses gathered by the counties, the state land planning agency shall schedule municipal report adoption dates between 1 year and 18 months later than the report adoption date for the county in which those municipalities are located. A local government may adopt its report no earlier than 90 days prior to the established adoption date. Small municipalities which were scheduled by chapter 9J-33, Florida Administrative Code, to adopt their evaluation and appraisal report after February 2, 1999, shall be rescheduled to adopt their report together with the other municipalities in their county as provided in this subsection.

(10) The governing body shall amend its comprehensive plan based on the recommendations in the report and shall update the comprehensive plan based on the components of subsection (2), pursuant to the provisions of ss. 163.3184, 163.3187, and 163.3189. Amendments to update a comprehensive plan based on the evaluation and appraisal report shall be adopted during a single amendment cycle within 18 months after the report is determined to be sufficient by the state land planning agency, except the state land planning agency may grant an extension for adoption of a portion of such amendments. The state land planning agency may grant a 6-month extension for the adoption of such amendments if the request is justified by good and sufficient cause as determined by the agency. An additional extension may also be granted if the request will result in greater coordination between transportation and land use, for the purposes of improving Florida's transportation system, as determined by the agency in coordination with the Metropolitan Planning Organization program. Beginning July 1, 2006, failure to timely adopt and transmit update amendments to the comprehensive plan based on the evaluation and appraisal report shall result in a local government being prohibited from adopting amendments to the comprehensive plan until the evaluation and appraisal report update amendments have been adopted and transmitted to the state land planning agency. The prohibition on plan amendments shall commence when the update

amendments to the comprehensive plan are past due. The comprehensive plan as amended shall be in compliance as defined in s. 163.3184(1)(b). Within 6 months after the effective date of the update amendments to the comprehensive plan, the local government shall provide to the state land planning agency and to all agencies designated by rule a complete copy of the updated comprehensive plan.

(11) The Administration Commission may impose the sanctions provided by s. 163.3184(11) against any local government that fails to adopt and submit a report, or that fails to implement its report through timely and sufficient amendments to its local plan, except for reasons of excusable delay or valid planning reasons agreed to by the state land planning agency or found present by the Administration Commission. Sanctions for untimely or insufficient plan amendments shall be prospective only and shall begin after a final order has been issued by the Administration Commission and a reasonable period of time has been allowed for the local government to comply with an adverse determination by the Administration Commission through adoption of plan amendments that are in compliance. The state land planning agency may initiate, and an affected person may intervene in, such a proceeding by filing a petition with the Division of Administrative Hearings, which shall appoint an administrative law judge and conduct a hearing pursuant to ss. 120.569 and 120.57(1) and shall submit a recommended order to the Administration Commission. The affected local government shall be a party to any such proceeding. The commission may implement this subsection by rule.

(12) The state land planning agency shall not adopt rules to implement this section, other than procedural rules.

(13) The state land planning agency shall regularly review the evaluation and appraisal report process and submit a report to the Governor, the Administration Commission, the Speaker of the House of Representatives, the President of the Senate, and the respective community affairs committees of the Senate and the House of Representatives. The first report shall be submitted by December 31, 2004, and subsequent reports shall be submitted every 5 years thereafter. At least 9 months before the due date of each report, the Secretary of Community Affairs shall appoint a technical committee of at least 15 members to assist in the preparation of the report. The membership of the technical committee shall consist of representatives of local governments, regional planning councils, the private sector, and environmental organizations. The report shall assess the effectiveness of the evaluation and appraisal report process.

History.--s. 11, ch. 75-257; s. 10, ch. 85-55; s. 11, ch. 86-191; s. 10, ch. 92-129; s. 13, ch. 93-206; s. 6, ch. 95-322; s. 29, ch. 96-410; s. 5, ch. 96-416; s. 4, ch. 98-146; ss. 6, 14, ch. 98-176; s. 5, ch. 98-258; s. 17, ch. 2000-158; s. 9, ch. 2002-296; s. 905, ch. 2002-387; s. 4, ch. 2004-230; s. 8, ch. 2005-290; s. 12, ch. 2005-291.

¹Note.--As amended and substantially reworded by s. 14, ch. 98-176. Former paragraph (12)(a) was also amended by s. 5, ch. 98-258, without reference to the substantial rewording of the section by s. 14, ch. 98-176. As amended by s. 5, ch. 98-258, only, paragraph (12)(a) reads:

(12)(a) The state land planning agency may enter into a written agreement with a municipality of fewer than 5,000 residents or a county with fewer than 75,000 residents so that such a jurisdiction may focus planning resources on selected issues or elements when updating its plan, if the local government includes such a request in its report and the agency approves the request. Approval of the request does not authorize the local government to repeal or render ineffective any existing portion or element of its local plan.

²Note.--As amended and substantially reworded by s. 14, ch. 98-176. Former subsection (9) was also amended by s. 4, ch. 98-146, without reference to the substantial rewording of the section by s. 14, ch. 98-176; material similar to that found in former subsection (9) is now located in subsection (6), as amended by s. 14, ch. 98-176. As amended by s. 4, ch. 98-146, only, subsection (9), redesignated as subsection (6) to conform to the placement of material by s. 14, ch. 98-176, reads:

(6) The state land planning agency shall conduct a sufficiency review of each report to determine whether it has been submitted in a timely fashion and contains the prescribed components. The agency shall complete the sufficiency determination within 60 days of receipt of the report. The agency shall not conduct a compliance review. However, a local government may request that the department provide substantive comments regarding the report or addendum during the department's sufficiency review to assist the local government in the adoption of its plan amendments based on the evaluation and appraisal report. Comments provided during the sufficiency review are not binding on the local government or the department and will not supplant or limit the department's consistency review of the amendments based on the adopted evaluation and appraisal report. A request for comments must be made in writing by the local government and must be submitted at the same time the adopted report is submitted for sufficiency review.

³**Note.**--As amended and substantially reworded by s. 14, ch. 98-176. Former subsection (10) was also amended by s. 4, ch. 98-146, without reference to the substantial rewording of the section by s. 14, ch. 98-176; material similar to that found in former subsection (10) is now located in subsection (8), as amended by s. 14, ch. 98-176. As amended by s. 4, ch. 98-146, only, subsection (10), redesignated as subsection (8) to conform to the placement of material by s. 14, ch. 98-176, reads:

(8) The state land planning agency may delegate the review of reports to the appropriate regional planning council. When the review has been delegated to a regional planning council, any local government in the region, except for areas of critical state concern, may elect to have its report reviewed by the council rather than the agency. The agency shall adopt rules for accepting requests for delegation and for uniform and adequate review of reports. The agency shall retain oversight for any delegation of review to a regional planning council. Any plan amendment recommended by the report shall be reviewed by the agency pursuant to s. 163.3184 and be adopted by the local government pursuant to s. 163.3189.

163.3194 Legal status of comprehensive plan.--

(1)(a) After a comprehensive plan, or element or portion thereof, has been adopted in conformity with this act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element shall be consistent with such plan or element as adopted.

(b) All land development regulations enacted or amended shall be consistent with the adopted comprehensive plan, or element or portion thereof, and any land development regulations existing at the time of adoption which are not consistent with the adopted comprehensive plan, or element or portion thereof, shall be amended so as to be consistent. If a local government allows an existing land development regulation which is inconsistent with the most recently adopted comprehensive plan, or element or portion thereof, to remain in effect, the local government shall adopt a schedule for bringing the land development regulation into conformity with the provisions of the most recently adopted comprehensive plan, or element or portion thereof. During the interim period when the provisions of the most recently adopted comprehensive plan, or element or portion thereof, and the land development regulations are inconsistent, the provisions of the most recently adopted comprehensive plan, or element or portion thereof, shall govern any action taken in regard to an application for a development order.

(2) After a comprehensive plan for the area, or element or portion thereof, is adopted by the governing body, no land development regulation, land development code, or amendment thereto shall be adopted by the governing body until such regulation, code, or amendment has been referred either to the local planning agency or to a separate land development regulation commission created pursuant to local ordinance, or to both, for review and recommendation as to the relationship of such proposal to the adopted comprehensive plan, or element or portion thereof. Said recommendation shall be made within a reasonable time, but no later than within 2 months after the time of reference. If a recommendation is not made within the time provided, then the governing body may act on the adoption.

(3)(a) A development order or land development regulation shall be consistent with the comprehensive plan if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

(b) A development approved or undertaken by a local government shall be consistent with the comprehensive plan if the land uses, densities or intensities, capacity or size, timing, and other aspects of the development are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

(4)(a) A court, in reviewing local governmental action or development regulations under this act, may consider, among other things, the reasonableness of the comprehensive plan, or element or elements thereof, relating to the issue justiciably raised or the appropriateness and completeness of the comprehensive plan, or element or elements thereof, in relation to the governmental action or development regulation under consideration. The court may consider the relationship of the comprehensive plan, or element or elements thereof, to the governmental action taken or the development regulation involved in litigation, but private property shall not be taken without due process of law and the payment of just compensation.

(b) It is the intent of this act that the comprehensive plan set general guidelines and principles concerning its purposes and contents and that this act shall be construed broadly to accomplish its stated purposes and objectives.

(5) The tax-exempt status of lands classified as agricultural under s. 193.461 shall not be affected by any comprehensive plan adopted under this act as long as the land meets the criteria set forth in s. 193.461.

(6) If a proposed solid waste management facility is permitted by the Department of Environmental Protection to receive materials from the construction or demolition of a road or other transportation facility, a local government may not deny an application for a development approval for a requested land use that would accommodate such a facility, provided the local government previously approved a land use classification change to a local comprehensive plan or approved a rezoning to a category allowing such land use on the parcel, and the requested land use was disclosed during the previous comprehensive plan or rezoning hearing as being an express purpose of the land use changes.

History.--s. 12, ch. 75-257; s. 1, ch. 77-174; s. 2, ch. 77-223; s. 12, ch. 80-358; s. 69, ch. 81-259; s. 11, ch. 85-55; s. 33, ch. 2002-296.

163.3197 Legal status of prior comprehensive plan.--Where, prior to the adoption of a revised plan pursuant to s. 163.3167(2), a local government had adopted a comprehensive plan, or element or portion thereof, such adopted plan, or element or portion thereof, shall have such force and effect as it had at the date of adoption until a new comprehensive plan, or element or portion thereof, is adopted by or for such local government pursuant to the provisions of this act. The prior adopted plan, or element or portion thereof, may be the basis for meeting the requirement of comprehensive plan adoption set out in this act, provided all requirements of this act are met.

History.--s. 13, ch. 75-257; s. 12, ch. 85-55.

163.3201 Relationship of comprehensive plan to exercise of land development regulatory authority.--It is the intent of this act that adopted comprehensive plans or elements thereof shall be implemented, in part, by the adoption and enforcement of appropriate local regulations on the development of lands and waters within an area. It is the intent of this act that the adoption and enforcement by a governing body of regulations for the development of land or the adoption and

enforcement by a governing body of a land development code for an area shall be based on, be related to, and be a means of implementation for an adopted comprehensive plan as required by this act.

History.--s. 14, ch. 75-257; s. 13, ch. 85-55.

163.3202 Land development regulations.--

(1) Within 1 year after submission of its revised comprehensive plan for review pursuant to s. 163.3167(2), each county and each municipality shall adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan.

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

(a) Regulate the subdivision of land;

(b) Regulate the use of land and water for those land use categories included in the land use element and ensure the compatibility of adjacent uses and provide for open space;

(c) Provide for protection of potable water wellfields;

(d) Regulate areas subject to seasonal and periodic flooding and provide for drainage and stormwater management;

(e) Ensure the protection of environmentally sensitive lands designated in the comprehensive plan;

(f) Regulate signage;

(g) Provide that public facilities and services meet or exceed the standards established in the capital improvements element required by s. 163.3177 and are available when needed for the development, or that development orders and permits are conditioned on the availability of these public facilities and services necessary to serve the proposed development. Not later than 1 year after its due date established by the state land planning agency's rule for submission of local comprehensive plans pursuant to s. 163.3167(2), a local government shall not issue a development order or permit which results in a reduction in the level of services for the affected public facilities below the level of services provided in the comprehensive plan of the local government.

(h) Ensure safe and convenient onsite traffic flow, considering needed vehicle parking.

(3) This section shall be construed to encourage the use of innovative land development regulations which include provisions such as transfer of development rights, incentive and inclusionary zoning, planned-unit development, impact fees, and performance zoning. These and all other such regulations shall be combined and compiled into a single land development code for the jurisdiction. A general zoning code shall not be required if a local government's adopted land development regulations meet the requirements of this section.

(4) The state land planning agency may require a local government to submit one or more land development regulations if it has reasonable grounds to believe that a local government has totally failed to adopt any one or more of the land development regulations required by this section. Once the state land planning agency determines after review and consultation with local government whether the local government has adopted regulations required by this section, the state land planning agency shall notify the local government in writing within 30 calendar days after receipt of the regulations from the local government. If the state land planning agency determines that the

local government has failed to adopt regulations required by this section, it may institute an action in circuit court to require adoption of these regulations. This action shall not review compliance of adopted regulations with this section or consistency with locally adopted plans.

(5) The state land planning agency shall adopt rules for review and schedules for adoption of land development regulations.

History.--s. 14, ch. 85-55; s. 12, ch. 86-191; s. 14, ch. 93-206; s. 7, ch. 95-322; s. 6, ch. 96-416; s. 5, ch. 98-146.

163.3204 Cooperation by state and regional agencies.--The Department of Community Affairs and any ad hoc working groups appointed by the department and all state and regional agencies involved in the administration and implementation of this act shall cooperate and work with units of local government in the preparation and adoption of comprehensive plans, or elements or portions thereof, and of local land development regulations.

History.--s. 15, ch. 75-257; s. 3, ch. 79-65; s. 11, ch. 83-216; s. 16, ch. 85-55.

¹163.3208 Substation approval process.--

(1) It is the intent of the Legislature to maintain, encourage, and ensure adequate and reliable electric infrastructure in the state. It is essential that electric infrastructure be constructed and maintained in various locations in order to ensure the efficient and reliable delivery of electric service. Electric infrastructure should be constructed, to the maximum extent practicable, to achieve compatibility with adjacent and surrounding land uses, and the criteria included in this section are intended to balance the need for electricity with land use compatibility.

(2) The term "distribution electric substation" means an electric substation which takes electricity from the transmission grid and converts it to a lower voltage so it can be distributed to customers in the local area on the local distribution grid through one or more distribution lines less than 69 kilovolts in size.

(3) Electric substations are a critical component of electric transmission and distribution. Local governments may adopt and enforce reasonable land development regulations for new distribution electric substations addressing only setback, landscaping, buffering, screening, lighting, and other aesthetic compatibility-based standards. Vegetated buffers or screening beneath aerial access points to the substation equipment shall not be required to have a mature height in excess of 14 feet.

(4) New distribution electric substations shall be a permitted use in all land use categories in the applicable local government comprehensive plan and zoning districts within a utility's service territory except those designated as preservation, conservation, or historic preservation on the future land use map or duly adopted ordinance. If a local government has not adopted reasonable standards for substation siting in accordance with subsection (3), the following standards shall apply to new distribution electric substations:

(a) In nonresidential areas, the substation must comply with the setback and landscaped buffer area criteria applicable to other similar uses in that district, if any.

(b) Unless the local government approves a lesser setback or landscape requirement, in residential areas, a setback of up to 100 feet between the substation property boundary and permanent equipment structures shall be maintained as follows:

1. For setbacks between 100 feet and 50 feet, an open green space shall be formed by installing native landscaping, including trees and shrub material, consistent with the relevant local government's land development regulations. Substation equipment shall be protected by a security

fence consistent with the relevant local government's land development regulations.

2. For setbacks of less than 50 feet, a buffer wall 8 feet high or a fence 8 feet high with native landscaping consistent with the relevant local government's regulations shall be installed around the substation.

(5) If the application for a proposed distribution electric substation demonstrates that the substation design is consistent with the local government's applicable setback, landscaping, buffering, screening, and other aesthetic compatibility-based standards, the application for development approval for the substation shall be approved.

(6)(a) This paragraph may apply to the proposed placement or construction of a new distribution electric substation within a residential area. Prior to submitting an application for the location of a new distribution electric substation in residential areas, the utility shall consult with the local government regarding the selection of a site. The utility shall provide information regarding the utility's preferred site and as many as three alternative available sites, including sites within nonresidential areas, that are technically and electrically reasonable for the load to be served, if the local government deems that the siting of a new distribution electric substation warrants this additional review and consideration. The final determination on the site application as to the preferred and alternative sites shall be made solely by the local government within 90 days of presentation of all the necessary and required information on the preferred site and on the alternative sites. In the event the utility and the local government are unable to reach agreement on an appropriate location, the substation site selection shall be submitted to mediation conducted pursuant to ss. 44.401-44.406, unless otherwise agreed to in writing by the parties, and the mediation shall be concluded within 30 days unless extended by written agreement of the parties. The 90-day time period for the local government to render a final decision on the site application is tolled from the date a notice of intent to mediate the site selection issue is served on the utility or local government, until the mediation is concluded, terminated, or an impasse is declared. The local government and utility may agree to waive or extend this 90-day time period. Upon rendition of a final decision of the local government, a person may pursue available legal remedies in accordance with law, and the matter shall be considered on an expedited basis.

(b) A local government's land development and construction regulations for new distribution electric substations and the local government's review of an application for the placement or construction of a new distribution electric substation shall only address land development, zoning, or aesthetic compatibility-based issues. In such local government regulations or review, a local government may not require information or evaluate a utility's business decisions about its service, customer demand for its service, or quality of its service to or from a particular area or site, unless the utility voluntarily offers this information to the local government.

(7) Substation siting standards adopted after the effective date of this act shall not apply to new distribution electric substation applications that were submitted prior to the notice of the local government's adoption hearing.

(8)(a) If a local government has adopted standards for the siting of new distribution electric substations within any of the local government's land use categories or zoning districts, the local government shall grant or deny a properly completed application for a permit to locate a new distribution electric substation within the land use category or zoning district within 90 days after the date the properly completed application is declared complete in accordance with the applicable local government application procedures. If the local government fails to approve or deny a properly completed application for a new distribution electric substation within the timeframes set forth, the application shall be deemed automatically approved, and the applicant may proceed with construction consistent with its application without interference or penalty. Issuance of such local permit does not relieve the applicant from complying with applicable federal or state laws or regulations and other applicable local land development or building regulations, if any.

(b) The local government shall notify the permit applicant within 30 days after the date the application is submitted as to whether the application is, for administrative purposes only, properly completed and has been properly submitted. Further completeness determinations shall be provided within 15 days after the receipt of additional information. However, such determination shall not be not deemed an approval of the application.

(c) To be effective, a waiver of the timeframes set forth in this subsection must be voluntarily agreed to by the utility applicant and the local government. A local government may request, but not require, a waiver of the timeframes by the applicant, except that, with respect to a specific application, a one-time waiver may be required in the case of a declared local, state, or federal emergency that directly affects the administration of all permitting activities of the local government.

(d) The local government may establish reasonable timeframes within which the required information to cure the application deficiency is to be provided, or the application will be considered withdrawn or closed.

History.--s. 1, ch. 2006-268.

¹**Note.**--Section 5, ch. 2006-268, provides that "[n]othing in this act is intended to supersede the provisions of part II of chapter 403, Florida Statutes."

¹**163.3209 Electric transmission and distribution line right-of-way maintenance.**--After a right-of-way for any electric transmission or distribution line has been established and constructed, no local government shall require or apply any permits or other approvals or code provisions for or related to vegetation maintenance and tree pruning or trimming within the established right-of-way. The term "vegetation maintenance and tree pruning or trimming" means the mowing of vegetation within the right-of-way, removal of trees or brush within the right-of-way, and selective removal of tree branches that extend within the right-of-way. The provisions of this section do not include the removal of trees outside the right-of-way, which may be allowed in compliance with applicable local ordinances. Prior to conducting scheduled routine vegetation maintenance and tree pruning or trimming activities within an established right-of-way, the utility shall provide the official designated by the local government with a minimum of 5 business days' advance notice. Such advance notice is not required for vegetation maintenance and tree pruning or trimming required to restore electric service or to avoid an imminent vegetation-caused outage or when performed at the request of the property owner adjacent to the right-of-way, provided that the owner has approval of the local government, if needed. Upon the request of the local government, the electric utility shall meet with the local government to discuss and submit the utility's vegetation maintenance plan, including the utility's trimming specifications and maintenance practices. Vegetation maintenance and tree pruning or trimming conducted by utilities shall conform to ANSI A300 (Part I)--2001 pruning standards and ANSI Z133.1-2000 Pruning, Repairing, Maintaining, and Removing Trees, and Cutting Brush--Safety Requirements. Vegetation maintenance and tree pruning or trimming conducted by utilities must be supervised by qualified electric utility personnel or licensed contractors trained to conduct vegetation maintenance and tree trimming or pruning consistent with this section or by Certified Arborists certified by the Certification Program of the International Society of Arboriculture. A local government shall not adopt an ordinance or land development regulation that requires the planting of a tree or other vegetation that will achieve a height greater than 14 feet in an established electric utility right-of-way or intrude from the side closer than the clearance distance specified in Table 2 of ANSI Z133.1-2000 for lines affected by the North American Electric Reliability Council Standard, FAC 003.1 requirement R1.2. This section does not supersede or nullify the terms of specific franchise agreements between an electric utility and a local government and shall not be construed to limit a local government's franchising authority. This section does not supersede local government ordinances or regulations governing planting, pruning, trimming, or removal of specimen trees or historical trees, as defined in a local government's ordinances or regulations, or trees within designated canopied protection areas. This section shall not apply if a local government develops, with input from the utility, and the local government adopts, a written plan specifically for

vegetation maintenance, tree pruning, tree removal, and tree trimming by the utility within the local government's established rights-of-way and the plan is not inconsistent with the minimum requirements of the National Electrical Safety Code as adopted by the Public Service Commission; provided, however, such a plan shall not require the planting of a tree or other vegetation that will achieve a height greater than 14 feet in an established electric right-of-way. Vegetation maintenance costs shall be considered recoverable costs.

History.--s. 2, ch. 2006-268.

¹Note.--Section 5, ch. 2006-268, provides that "[n]othing in this act is intended to supersede the provisions of part II of chapter 403, Florida Statutes."

163.3211 Conflict with other statutes.--Where this act may be in conflict with any other provision or provisions of law relating to local governments having authority to regulate the development of land, the provisions of this act shall govern unless the provisions of this act are met or exceeded by such other provision or provisions of law relating to local government, including land development regulations adopted pursuant to chapter 125 or chapter 166. Nothing in this act is intended to withdraw or diminish any legal powers or responsibilities of state agencies or change any requirement of existing law that local regulations comply with state standards or rules.

History.--s. 17, ch. 75-257; s. 17, ch. 85-55; s. 25, ch. 87-224.

163.3213 Administrative review of land development regulations.--

(1) It is the intent of the Legislature that substantially affected persons have the right to maintain administrative actions which assure that land development regulations implement and are consistent with the local comprehensive plan.

(2) As used in this section:

(a) "Substantially affected person" means a substantially affected person as provided pursuant to chapter 120.

(b) "Land development regulation" means an ordinance enacted by a local governing body for the regulation of any aspect of development, including a subdivision, building construction, landscaping, tree protection, or sign regulation or any other regulation concerning the development of land. This term shall include a general zoning code, but shall not include a zoning map, an action which results in zoning or rezoning of land, or any building construction standard adopted pursuant to and in compliance with the provisions of chapter 553.

(3) After the deadline specified in s. 163.3202 for each local government to adopt land development regulations, a substantially affected person, within 12 months after final adoption of the land development regulation, may challenge a land development regulation on the basis that it is inconsistent with the local comprehensive plan. As a condition precedent to the institution of a proceeding pursuant to subsection (4), such affected person shall file a petition with the local government whose land development regulation is the subject of the petition outlining the facts on which the petition is based and the reasons that the substantially affected person considers the land development regulation to be inconsistent with the local comprehensive plan. The local government receiving the petition shall have 30 days after the receipt of the petition to respond. Thereafter, the substantially affected person may petition the state land planning agency not later than 30 days after the local government has responded or at the expiration of the 30-day period which the local government has to respond. The local government and the petitioning, substantially affected person may by agreement extend the 30-day time period within which the local government has to respond. The petition to the state land planning agency shall contain the facts and reasons outlined in the prior petition to the local government.

(4) The state land planning agency shall notify the local government of its receipt of a petition and shall give the local government and the petitioning, substantially affected person an opportunity to present written or oral testimony on the issue and shall conduct any investigations of the matter that it deems necessary. These proceedings shall be informal and shall not include any hearings pursuant to s. 120.57(1). Not later than 60 days nor earlier than 30 days after receiving the petition, the state land planning agency shall issue its written decision on the issue of whether the land development regulation is consistent with the local comprehensive plan, giving the grounds for its decision. The state land planning agency shall send a copy of its decision to the local government and the petitioning, substantially affected person.

(5)(a) If the state land planning agency determines that the regulation is consistent with the local comprehensive plan, the substantially affected person who filed the original petition with the local government may, within 21 days, request a hearing from the Division of Administrative Hearings, and an administrative law judge shall hold a hearing in the affected jurisdiction no earlier than 30 days after the state land planning agency renders its decision pursuant to subsection (4). The parties to a hearing held pursuant to this paragraph shall be the petitioning, substantially affected person, any intervenor, the state land planning agency, and the local government. The adoption of a land development regulation by a local government is legislative in nature and shall not be found to be inconsistent with the local plan if it is fairly debatable that it is consistent with the plan. The hearing shall be held pursuant to ss. 120.569 and 120.57(1), except that the order of the administrative law judge shall be a final order and shall be appealable pursuant to s. 120.68.

(b) If the state land planning agency determines that the regulation is inconsistent with the local comprehensive plan, the state land planning agency shall, within 21 days, request a hearing from the Division of Administrative Hearings, and an administrative law judge shall hold a hearing in the affected jurisdiction not earlier than 30 days after the state land planning agency renders its decision pursuant to subsection (4). The parties to a hearing held pursuant to this paragraph shall be the petitioning, substantially affected person, the local government, any intervenor, and the state land planning agency. The adoption of a land development regulation by a local government is legislative in nature and shall not be found to be inconsistent with the local plan if it is fairly debatable that it is consistent with the plan. The hearing shall be held pursuant to ss. 120.569 and 120.57(1), except that the order of the administrative law judge shall be the final order and shall be appealable pursuant to s. 120.68.

(6) If the administrative law judge in his or her order finds the land development regulation to be inconsistent with the local comprehensive plan, the order will be submitted to the Administration Commission. An appeal pursuant to s. 120.68 may not be taken until the Administration Commission acts pursuant to this subsection. The Administration Commission shall hold a hearing no earlier than 30 days or later than 60 days after the administrative law judge renders his or her final order. The sole issue before the Administration Commission shall be the extent to which any of the sanctions described in s. 163.3184(11)(a) or (b) shall be applicable to the local government whose land development regulation has been found to be inconsistent with its comprehensive plan. If a land development regulation is not challenged within 12 months, it shall be deemed to be consistent with the adopted local plan.

(7) An administrative proceeding under this section shall be the sole proceeding available to challenge the consistency of a land development regulation with a comprehensive plan adopted under this part.

(8) The signature of an attorney or party constitutes a certificate that he or she has read the petition, motion, or other paper and that, to the best of his or her knowledge, information, and belief formed after reasonable inquiry, it is not interposed for any improper purposes, such as to harass or to cause unnecessary delay or for economic advantage, competitive reasons, or frivolous purposes or needless increase in the cost of litigation. If a petition, motion, or other paper is signed in violation of these requirements, the administrative law judge, upon motion or his or her own initiative, shall impose upon the person who signed it or upon a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount

of reasonable expenses incurred because of the filing of the petition, motion, or other paper, including a reasonable attorney's fee.

(9) Initiation of administrative review of determination of inconsistency of a land development regulation pursuant to this section shall not affect the validity of the regulation or a development order issued pursuant to the regulation.

History.--s. 15, ch. 85-55; s. 26, ch. 87-224; s. 900, ch. 95-147; s. 23, ch. 95-280; s. 30, ch. 96-410.

163.3215 Standing to enforce local comprehensive plans through development orders.--

(1) Subsections (3) and (4) provide the exclusive methods for an aggrieved or adversely affected party to appeal and challenge the consistency of a development order with a comprehensive plan adopted under this part. The local government that issues the development order is to be named as a respondent in all proceedings under this section. Subsection (3) shall not apply to development orders for which a local government has established a process consistent with the requirements of subsection (4). A local government may decide which types of development orders will proceed under subsection (4). Subsection (3) shall apply to all other development orders that are not subject to subsection (4).

(2) As used in this section, the term "aggrieved or adversely affected party" means any person or local government that will suffer an adverse effect to an interest protected or furthered by the local government comprehensive plan, including interests related to health and safety, police and fire protection service systems, densities or intensities of development, transportation facilities, health care facilities, equipment or services, and environmental or natural resources. The alleged adverse interest may be shared in common with other members of the community at large but must exceed in degree the general interest in community good shared by all persons. The term includes the owner, developer, or applicant for a development order.

(3) Any aggrieved or adversely affected party may maintain a de novo action for declaratory, injunctive, or other relief against any local government to challenge any decision of such local government granting or denying an application for, or to prevent such local government from taking any action on, a development order, as defined in s. 163.3164, which materially alters the use or density or intensity of use on a particular piece of property which is not consistent with the comprehensive plan adopted under this part. The de novo action must be filed no later than 30 days following rendition of a development order or other written decision, or when all local administrative appeals, if any, are exhausted, whichever occurs later.

(4) If a local government elects to adopt or has adopted an ordinance establishing, at a minimum, the requirements listed in this subsection, the sole method by which an aggrieved and adversely affected party may challenge any decision of local government granting or denying an application for a development order, as defined in s. 163.3164, which materially alters the use or density or intensity of use on a particular piece of property, on the basis that it is not consistent with the comprehensive plan adopted under this part, is by an appeal filed by a petition for writ of certiorari filed in circuit court no later than 30 days following rendition of a development order or other written decision of the local government, or when all local administrative appeals, if any, are exhausted, whichever occurs later. An action for injunctive or other relief may be joined with the petition for certiorari. Principles of judicial or administrative res judicata and collateral estoppel apply to these proceedings. Minimum components of the local process are as follows:

(a) The local process must make provision for notice of an application for a development order that materially alters the use or density or intensity of use on a particular piece of property, including notice by publication or mailed notice consistent with the provisions of ss. 125.66(4)(b)2. and 3. and 166.041(3)(c)2.b. and c., and must require prominent posting at the job site. The notice must be given within 10 days after the filing of an application for a development order; however, notice under this subsection is not required for an application for a building permit or any other official action of local government which does not materially alter the use or density or intensity of

use on a particular piece of property. The notice must clearly delineate that an aggrieved or adversely affected person has the right to request a quasi-judicial hearing before the local government for which the application is made, must explain the conditions precedent to the appeal of any development order ultimately rendered upon the application, and must specify the location where written procedures can be obtained that describe the process, including how to initiate the quasi-judicial process, the timeframes for initiating the process, and the location of the hearing. The process may include an opportunity for an alternative dispute resolution.

(b) The local process must provide a clear point of entry consisting of a written preliminary decision, at a time and in a manner to be established in the local ordinance, with the time to request a quasi-judicial hearing running from the issuance of the written preliminary decision; the local government, however, is not bound by the preliminary decision. A party may request a hearing to challenge or support a preliminary decision.

(c) The local process must provide an opportunity for participation in the process by an aggrieved or adversely affected party, allowing a reasonable time for the party to prepare and present a case for the quasi-judicial hearing.

(d) The local process must provide, at a minimum, an opportunity for the disclosure of witnesses and exhibits prior to hearing and an opportunity for the depositions of witnesses to be taken.

(e) The local process may not require that a party be represented by an attorney in order to participate in a hearing.

(f) The local process must provide for a quasi-judicial hearing before an impartial special master who is an attorney who has at least 5 years' experience and who shall, at the conclusion of the hearing, recommend written findings of fact and conclusions of law. The special master shall have the power to swear witnesses and take their testimony under oath, to issue subpoenas and other orders regarding the conduct of the proceedings, and to compel entry upon the land. The standard of review applied by the special master in determining whether a proposed development order is consistent with the comprehensive plan shall be strict scrutiny in accordance with Florida law.

(g) At the quasi-judicial hearing, all parties must have the opportunity to respond, to present evidence and argument on all issues involved which are related to the development order, and to conduct cross-examination and submit rebuttal evidence. Public testimony must be allowed.

(h) The local process must provide for a duly noticed public hearing before the local government at which public testimony is allowed. At the quasi-judicial hearing, the local government is bound by the special master's findings of fact unless the findings of fact are not supported by competent substantial evidence. The governing body may modify the conclusions of law if it finds that the special master's application or interpretation of law is erroneous. The governing body may make reasonable legal interpretations of its comprehensive plan and land development regulations without regard to whether the special master's interpretation is labeled as a finding of fact or a conclusion of law. The local government's final decision must be reduced to writing, including the findings of fact and conclusions of law, and is not considered rendered or final until officially date-stamped by the city or county clerk.

(i) An ex parte communication relating to the merits of the matter under review may not be made to the special master. An ex parte communication relating to the merits of the matter under review may not be made to the governing body after a time to be established by the local ordinance, which time must be no later than receipt of the special master's recommended order by the governing body.

(j) At the option of the local government, the process may require actions to challenge the consistency of a development order with land development regulations to be brought in the same proceeding.

(5) Venue in any cases brought under this section shall lie in the county or counties where the actions or inactions giving rise to the cause of action are alleged to have occurred.

(6) The signature of an attorney or party constitutes a certificate that he or she has read the pleading, motion, or other paper and that, to the best of his or her knowledge, information, and belief formed after reasonable inquiry, it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or for economic advantage, competitive reasons or frivolous purposes or needless increase in the cost of litigation. If a pleading, motion, or other paper is signed in violation of these requirements, the court, upon motion or its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee.

(7) In any proceeding under subsection (3) or subsection (4), no settlement shall be entered into by the local government unless the terms of the settlement have been the subject of a public hearing after notice as required by this part.

(8) In any proceeding under subsection (3) or subsection (4), the Department of Legal Affairs may intervene to represent the interests of the state.

(9) Neither subsection (3) nor subsection (4) relieves the local government of its obligations to hold public hearings as required by law.

History.--s. 18, ch. 85-55; s. 901, ch. 95-147; s. 10, ch. 2002-296.

163.3217 Municipal overlay for municipal incorporation.--

(1) **PURPOSE.**--In order to assist in the planning for future municipal incorporation of a specific geographic area, a county may adopt a municipal overlay as an amendment to its comprehensive plan. A municipal overlay will allow a county, in cooperation with the public, to address the future possible municipal incorporation of a specific geographic area and the impact of municipal incorporation on the provision of public services to serve the area.

(2) PREPARATION, ADOPTION, AND AMENDMENT OF THE MUNICIPAL OVERLAY.--

(a)1. This section applies only in those jurisdictions in which the county has authorized, by resolution or local ordinance, the development of a municipal overlay pursuant to the provisions of this section. A county governing body, or a citizens' organization that represents property owners in the area affected, may sponsor the preparation of the municipal overlay.

2. It shall be the responsibility of the county to prepare the municipal overlay for an area under its jurisdiction; however, if the sponsor of the municipal overlay is other than the county, the county may by written agreement authorize the sponsor to prepare some or all of a proposed municipal overlay.

(b)1. A municipal overlay shall be adopted as an amendment to the local government comprehensive plan as prescribed by s. 163.3184.

2. A county may consider the adoption of a municipal overlay without regard to the provisions of s. 163.3187(1) regarding the frequency of adoption of amendments to the local comprehensive plan.

(3) CONTENTS OF A MUNICIPAL OVERLAY.--A municipal overlay must contain:

(a) Boundary options for the creation of the new municipality.

- (b) A feasibility study as outlined in chapter 165.
 - (c) A map of existing and proposed land uses in the area by type and density.
 - (d) Population projections for the area.
 - (e) Data and analysis relating to the provision of public facilities for the area.
- (4) FUNDING OF THE MUNICIPAL OVERLAY.--The development of the municipal overlay shall be funded by the county unless there is written agreement between the county and another entity to fund it.

History.--s. 7, ch. 96-416.

163.3220 Short title; legislative intent.--

- (1) Sections 163.3220-163.3243 may be cited as the "Florida Local Government Development Agreement Act."
- (2) The Legislature finds and declares that:
- (a) The lack of certainty in the approval of development can result in a waste of economic and land resources, discourage sound capital improvement planning and financing, escalate the cost of housing and development, and discourage commitment to comprehensive planning.
 - (b) Assurance to a developer that upon receipt of his or her development permit or brownfield designation he or she may proceed in accordance with existing laws and policies, subject to the conditions of a development agreement, strengthens the public planning process, encourages sound capital improvement planning and financing, assists in assuring there are adequate capital facilities for the development, encourages private participation in comprehensive planning, and reduces the economic costs of development.
- (3) In conformity with, in furtherance of, and to implement the Local Government Comprehensive Planning and Land Development Regulation Act and the Florida State Comprehensive Planning Act of 1972, it is the intent of the Legislature to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development.
- (4) This intent is effected by authorizing local governments to enter into development agreements with developers, subject to the procedures and requirements of ss. 163.3220-163.3243.
- (5) Sections 163.3220-163.3243 shall be regarded as supplemental and additional to the powers conferred upon local governments by other laws and shall not be regarded as in derogation of any powers now existing.

History.--s. 19, ch. 86-191; s. 902, ch. 95-147; s. 8, ch. 99-378.

163.3221 Florida Local Government Development Agreement Act; definitions.--As used in ss. 163.3220-163.3243:

- (1) "Brownfield designation" means a resolution adopted by a local government pursuant to the Brownfields Redevelopment Act, ss. 376.77-376.85.
- (2) "Comprehensive plan" means a plan adopted pursuant to the "Local Government Comprehensive Planning and Land Development Regulation Act."

(3) "Developer" means any person, including a governmental agency, undertaking any development.

(4) "Development" means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels.

(a) The following activities or uses shall be taken for the purposes of this act to involve "development":

1. A reconstruction, alteration of the size, or material change in the external appearance of a structure on land.
2. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
3. Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any "coastal construction" as defined in s. 161.021.
4. Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land.
5. Demolition of a structure.
6. Clearing of land as an adjunct of construction.
7. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

(b) The following operations or uses shall not be taken for the purpose of this act to involve "development":

1. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.
2. Work by any utility and other persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.
3. Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.
4. The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling.
5. The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products; raising livestock; or for other agricultural purposes.
6. A change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class.
7. A change in the ownership or form of ownership of any parcel or structure.

8. The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.

(c) "Development," as designated in an ordinance, rule, or development permit includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of this subsection.

(5) "Development permit" includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

(6) "Governing body" means the board of county commissioners of a county, the commission or council of an incorporated municipality, or any other chief governing body of a unit of local government, however designated.

(7) "Land" means the earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

(8) "Land development regulations" means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land.

(9) "Laws" means all ordinances, resolutions, regulations, comprehensive plans, land development regulations, and rules adopted by a local government affecting the development of land.

(10) "Local government" means any county or municipality or any special district or local governmental entity established pursuant to law which exercises regulatory authority over, and grants development permits for, land development.

(11) "Local planning agency" means the agency designated to prepare a comprehensive plan or plan amendment pursuant to the "Florida Local Government Comprehensive Planning and Land Development Regulation Act."

(12) "Person" means any individual, corporation, business or land trust, estate, trust, partnership, association, two or more persons having a joint or common interest, state agency, or any legal entity.

(13) "Public facilities" means major capital improvements, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems and facilities.

(14) "State land planning agency" means the Department of Community Affairs.

History.--s. 20, ch. 86-191; s. 4, ch. 92-129; s. 9, ch. 99-378.

163.3223 Applicability.--Any local government may, by ordinance, establish procedures and requirements, as provided in ss. 163.3220-163.3243, to consider and enter into a development agreement with any person having a legal or equitable interest in real property located within its jurisdiction.

History.--s. 21, ch. 86-191.

163.3225 Public hearings.--

(1) Before entering into, amending, or revoking a development agreement, a local government shall conduct at least two public hearings. At the option of the governing body, one of the public hearings may be held by the local planning agency.

(2)(a) Notice of intent to consider a development agreement shall be advertised approximately 7 days before each public hearing in a newspaper of general circulation and readership in the county where the local government is located. Notice of intent to consider a development agreement shall also be mailed to all affected property owners before the first public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.

(b) The notice shall specify the location of the land subject to the development agreement, the development uses proposed on the property, the proposed population densities, and the proposed building intensities and height and shall specify a place where a copy of the proposed agreement can be obtained.

History.--s. 22, ch. 86-191.

163.3227 Requirements of a development agreement.--

(1) A development agreement shall include the following:

(a) A legal description of the land subject to the agreement, and the names of its legal and equitable owners;

(b) The duration of the agreement;

(c) The development uses permitted on the land, including population densities, and building intensities and height;

(d) A description of public facilities that will service the development, including who shall provide such facilities; the date any new facilities, if needed, will be constructed; and a schedule to assure public facilities are available concurrent with the impacts of the development;

(e) A description of any reservation or dedication of land for public purposes;

(f) A description of all local development permits approved or needed to be approved for the development of the land;

(g) A finding that the development permitted or proposed is consistent with the local government's comprehensive plan and land development regulations;

(h) A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the local government for the public health, safety, or welfare of its citizens; and

(i) A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction shall not relieve the developer of the necessity of complying with the law governing said permitting requirements, conditions, term, or restriction.

(2) A development agreement may provide that the entire development or any phase thereof be commenced or completed within a specific period of time.

History.--s. 23, ch. 86-191; s. 31, ch. 91-45.

163.3229 Duration of a development agreement and relationship to local comprehensive plan.--The duration of a development agreement shall not exceed 10 years. It may be extended by mutual consent of the governing body and the developer, subject to a public hearing in accordance with s. 163.3225. No development agreement shall be effective or be implemented by a local government unless the local government's comprehensive plan and plan amendments implementing or related to the agreement are found in compliance by the state land planning agency in accordance with s. 163.3184, s. 163.3187, or s. 163.3189.

History.--s. 24, ch. 86-191; s. 32, ch. 91-45; s. 11, ch. 92-129.

163.3231 Consistency with the comprehensive plan and land development regulations.--A development agreement and authorized development shall be consistent with the local government's comprehensive plan and land development regulations.

History.--s. 25, ch. 86-191.

163.3233 Local laws and policies governing a development agreement.--

(1) The local government's laws and policies governing the development of the land at the time of the execution of the development agreement shall govern the development of the land for the duration of the development agreement.

(2) A local government may apply subsequently adopted laws and policies to a development that is subject to a development agreement only if the local government has held a public hearing and determined:

(a) They are not in conflict with the laws and policies governing the development agreement and do not prevent development of the land uses, intensities, or densities in the development agreement;

(b) They are essential to the public health, safety, or welfare, and expressly state that they shall apply to a development that is subject to a development agreement;

(c) They are specifically anticipated and provided for in the development agreement;

(d) The local government demonstrates that substantial changes have occurred in pertinent conditions existing at the time of approval of the development agreement; or

(e) The development agreement is based on substantially inaccurate information supplied by the developer.

(3) This section does not abrogate any rights that may vest pursuant to common law.

History.--s. 26, ch. 86-191.

163.3235 Periodic review of a development agreement.--A local government shall review land subject to a development agreement at least once every 12 months to determine if there has been demonstrated good faith compliance with the terms of the development agreement. For each annual review conducted during years 6 through 10 of a development agreement, the review shall be incorporated into a written report which shall be submitted to the parties to the agreement and the state land planning agency. The state land planning agency shall adopt rules regarding the contents of the report, provided that the report shall be limited to the information sufficient to determine the extent to which the parties are proceeding in good faith to comply with the terms of the development agreement. If the local government finds, on the basis of substantial competent evidence, that there has been a failure to comply with the terms of the development agreement,

the agreement may be revoked or modified by the local government.

History.--s. 27, ch. 86-191; s. 12, ch. 92-129.

163.3237 Amendment or cancellation of a development agreement.--A development agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.

History.--s. 28, ch. 86-191.

163.3239 Recording and effectiveness of a development agreement.--Within 14 days after a local government enters into a development agreement, the local government shall record the agreement with the clerk of the circuit court in the county where the local government is located. A copy of the recorded development agreement shall be submitted to the state land planning agency within 14 days after the agreement is recorded. A development agreement shall not be effective until it is properly recorded in the public records of the county and until 30 days after having been received by the state land planning agency pursuant to this section. The burdens of the development agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

History.--s. 29, ch. 86-191; s. 13, ch. 92-129.

163.3241 Modification or revocation of a development agreement to comply with subsequently enacted state and federal law.--If state or federal laws are enacted after the execution of a development agreement which are applicable to and preclude the parties' compliance with the terms of a development agreement, such agreement shall be modified or revoked as is necessary to comply with the relevant state or federal laws.

History.--s. 30, ch. 86-191.

163.3243 Enforcement.--Any party, any aggrieved or adversely affected person as defined in s. 163.3215(2), or the state land planning agency may file an action for injunctive relief in the circuit court where the local government is located to enforce the terms of a development agreement or to challenge compliance of the agreement with the provisions of ss. 163.3220-163.3243.

History.--s. 31, ch. 86-191.

163.3245 Optional sector plans.--

(1) In recognition of the benefits of conceptual long-range planning for the buildout of an area, and detailed planning for specific areas, as a demonstration project, the requirements of s. 380.06 may be addressed as identified by this section for up to five local governments or combinations of local governments which adopt into the comprehensive plan an optional sector plan in accordance with this section. This section is intended to further the intent of s. 163.3177(11), which supports innovative and flexible planning and development strategies, and the purposes of this part, and part I of chapter 380, and to avoid duplication of effort in terms of the level of data and analysis required for a development of regional impact, while ensuring the adequate mitigation of impacts to applicable regional resources and facilities, including those within the jurisdiction of other local governments, as would otherwise be provided. Optional sector plans are intended for substantial geographic areas including at least 5,000 acres of one or more local governmental jurisdictions and are to emphasize urban form and protection of regionally significant resources and facilities. The state land planning agency may approve optional sector plans of less than 5,000 acres based on local circumstances if it is determined that the plan would further the purposes of this part and part I of chapter 380. Preparation of an optional sector plan is authorized by agreement between the state land planning agency and the applicable local governments under s. 163.3171(4). An optional sector plan may be adopted through one or more comprehensive plan amendments under

s. 163.3184. However, an optional sector plan may not be authorized in an area of critical state concern.

(2) The state land planning agency may enter into an agreement to authorize preparation of an optional sector plan upon the request of one or more local governments based on consideration of problems and opportunities presented by existing development trends; the effectiveness of current comprehensive plan provisions; the potential to further the state comprehensive plan, applicable strategic regional policy plans, this part, and part I of chapter 380; and those factors identified by s. 163.3177(10)(i). The applicable regional planning council shall conduct a scoping meeting with affected local governments and those agencies identified in s. 163.3184(4) before execution of the agreement authorized by this section. The purpose of this meeting is to assist the state land planning agency and the local government in the identification of the relevant planning issues to be addressed and the data and resources available to assist in the preparation of subsequent plan amendments. The regional planning council shall make written recommendations to the state land planning agency and affected local governments, including whether a sustainable sector plan would be appropriate. The agreement must define the geographic area to be subject to the sector plan, the planning issues that will be emphasized, requirements for intergovernmental coordination to address extrajurisdictional impacts, supporting application materials including data and analysis, and procedures for public participation. An agreement may address previously adopted sector plans that are consistent with the standards in this section. Before executing an agreement under this subsection, the local government shall hold a duly noticed public workshop to review and explain to the public the optional sector planning process and the terms and conditions of the proposed agreement. The local government shall hold a duly noticed public hearing to execute the agreement. All meetings between the department and the local government must be open to the public.

(3) Optional sector planning encompasses two levels: adoption under s. 163.3184 of a conceptual long-term buildout overlay to the comprehensive plan, having no immediate effect on the issuance of development orders or the applicability of s. 380.06, and adoption under s. 163.3184 of detailed specific area plans that implement the conceptual long-term buildout overlay and authorize issuance of development orders, and within which s. 380.06 is waived. Until such time as a detailed specific area plan is adopted, the underlying future land use designations apply.

(a) In addition to the other requirements of this chapter, a conceptual long-term buildout overlay must include:

1. A long-range conceptual framework map that at a minimum identifies anticipated areas of urban, agricultural, rural, and conservation land use.
2. Identification of regionally significant public facilities consistent with chapter 9J-2, Florida Administrative Code, irrespective of local governmental jurisdiction necessary to support buildout of the anticipated future land uses.
3. Identification of regionally significant natural resources consistent with chapter 9J-2, Florida Administrative Code.
4. Principles and guidelines that address the urban form and interrelationships of anticipated future land uses and a discussion, at the applicant's option, of the extent, if any, to which the plan will address restoring key ecosystems, achieving a more clean, healthy environment, limiting urban sprawl, protecting wildlife and natural areas, advancing the efficient use of land and other resources, and creating quality communities and jobs.
5. Identification of general procedures to ensure intergovernmental coordination to address extrajurisdictional impacts from the long-range conceptual framework map.

(b) In addition to the other requirements of this chapter, including those in paragraph (a), the

detailed specific area plans must include:

1. An area of adequate size to accommodate a level of development which achieves a functional relationship between a full range of land uses within the area and to encompass at least 1,000 acres. The state land planning agency may approve detailed specific area plans of less than 1,000 acres based on local circumstances if it is determined that the plan furthers the purposes of this part and part I of chapter 380.
2. Detailed identification and analysis of the distribution, extent, and location of future land uses.
3. Detailed identification of regionally significant public facilities, including public facilities outside the jurisdiction of the host local government, anticipated impacts of future land uses on those facilities, and required improvements consistent with chapter 9J-2, Florida Administrative Code.
4. Public facilities necessary for the short term, including developer contributions in a financially feasible 5-year capital improvement schedule of the affected local government.
5. Detailed analysis and identification of specific measures to assure the protection of regionally significant natural resources and other important resources both within and outside the host jurisdiction, including those regionally significant resources identified in chapter 9J-2, Florida Administrative Code.
6. Principles and guidelines that address the urban form and interrelationships of anticipated future land uses and a discussion, at the applicant's option, of the extent, if any, to which the plan will address restoring key ecosystems, achieving a more clean, healthy environment, limiting urban sprawl, protecting wildlife and natural areas, advancing the efficient use of land and other resources, and creating quality communities and jobs.
7. Identification of specific procedures to ensure intergovernmental coordination to address extrajurisdictional impacts of the detailed specific area plan.

(c) This subsection may not be construed to prevent preparation and approval of the optional sector plan and detailed specific area plan concurrently or in the same submission.

(4) The host local government shall submit a monitoring report to the state land planning agency and applicable regional planning council on an annual basis after adoption of a detailed specific area plan. The annual monitoring report must provide summarized information on development orders issued, development that has occurred, public facility improvements made, and public facility improvements anticipated over the upcoming 5 years.

(5) When a plan amendment adopting a detailed specific area plan has become effective under ss. 163.3184 and 163.3189(2), the provisions of s. 380.06 do not apply to development within the geographic area of the detailed specific area plan. However, any development-of-regional-impact development order that is vested from the detailed specific area plan may be enforced under s. 380.11.

(a) The local government adopting the detailed specific area plan is primarily responsible for monitoring and enforcing the detailed specific area plan. Local governments shall not issue any permits or approvals or provide any extensions of services to development that are not consistent with the detailed sector area plan.

(b) If the state land planning agency has reason to believe that a violation of any detailed specific area plan, or of any agreement entered into under this section, has occurred or is about to occur, it may institute an administrative or judicial proceeding to prevent, abate, or control the conditions or activity creating the violation, using the procedures in s. 380.11.

(c) In instituting an administrative or judicial proceeding involving an optional sector plan or detailed specific area plan, including a proceeding pursuant to paragraph (b), the complaining party shall comply with the requirements of s. 163.3215(4), (5), (6), and (7).

(6) Beginning December 1, 1999, and each year thereafter, the department shall provide a status report to the Legislative Committee on Intergovernmental Relations regarding each optional sector plan authorized under this section.

(7) This section may not be construed to abrogate the rights of any person under this chapter.

History.--s. 15, ch. 98-176.

163.3246 Local government comprehensive planning certification program.--

(1) There is created the Local Government Comprehensive Planning Certification Program to be administered by the Department of Community Affairs. The purpose of the program is to create a certification process for local governments who identify a geographic area for certification within which they commit to directing growth and who, because of a demonstrated record of effectively adopting, implementing, and enforcing its comprehensive plan, the level of technical planning experience exhibited by the local government, and a commitment to implement exemplary planning practices, require less state and regional oversight of the comprehensive plan amendment process. The purpose of the certification area is to designate areas that are contiguous, compact, and appropriate for urban growth and development within a 10-year planning timeframe. Municipalities and counties are encouraged to jointly establish the certification area, and subsequently enter into joint certification agreement with the department.

(2) In order to be eligible for certification under the program, the local government must:

(a) Demonstrate a record of effectively adopting, implementing, and enforcing its comprehensive plan;

(b) Demonstrate technical, financial, and administrative expertise to implement the provisions of this part without state oversight;

(c) Obtain comments from the state and regional review agencies regarding the appropriateness of the proposed certification;

(d) Hold at least one public hearing soliciting public input concerning the local government's proposal for certification; and

(e) Demonstrate that it has adopted programs in its local comprehensive plan and land development regulations which:

1. Promote infill development and redevelopment, including prioritized and timely permitting processes in which applications for local development permits within the certification area are acted upon expeditiously for proposed development that is consistent with the local comprehensive plan.

2. Promote the development of housing for low-income and very-low-income households or specialized housing to assist elderly and disabled persons to remain at home or in independent living arrangements.

3. Achieve effective intergovernmental coordination and address the extrajurisdictional effects of development within the certified area.

4. Promote economic diversity and growth while encouraging the retention of rural character, where rural areas exist, and the protection and restoration of the environment.
 5. Provide and maintain public urban and rural open space and recreational opportunities.
 6. Manage transportation and land uses to support public transit and promote opportunities for pedestrian and nonmotorized transportation.
 7. Use design principles to foster individual community identity, create a sense of place, and promote pedestrian-oriented safe neighborhoods and town centers.
 8. Redevelop blighted areas.
 9. Adopt a local mitigation strategy and have programs to improve disaster preparedness and the ability to protect lives and property, especially in coastal high-hazard areas.
 10. Encourage clustered, mixed-use development that incorporates greenspace and residential development within walking distance of commercial development.
 11. Encourage urban infill at appropriate densities and intensities and separate urban and rural uses and discourage urban sprawl while preserving public open space and planning for buffer-type land uses and rural development consistent with their respective character along and outside the certification area.
 12. Assure protection of key natural areas and agricultural lands that are identified using state and local inventories of natural areas. Key natural areas include, but are not limited to:
 - a. Wildlife corridors.
 - b. Lands with high native biological diversity, important areas for threatened and endangered species, species of special concern, migratory bird habitat, and intact natural communities.
 - c. Significant surface waters and springs, aquatic preserves, wetlands, and outstanding Florida waters.
 - d. Water resources suitable for preservation of natural systems and for water resource development.
 - e. Representative and rare native Florida natural systems.
 13. Ensure the cost-efficient provision of public infrastructure and services.
- (3) Portions of local governments located within areas of critical state concern cannot be included in a certification area.
- (4) A local government or group of local governments seeking certification of all or part of a jurisdiction or jurisdictions must submit an application to the department which demonstrates that the area sought to be certified meets the criteria of subsections (2) and (5). The application shall include copies of the applicable local government comprehensive plan, land development regulations, interlocal agreements, and other relevant information supporting the eligibility criteria for designation. Upon receipt of a complete application, the department must provide the local government with an initial response to the application within 90 days after receipt of the application.
- (5) If the local government meets the eligibility criteria of subsection (2), the department shall

certify all or part of a local government by written agreement, which shall be considered final agency action subject to challenge under s. 120.569. The agreement must include the following components:

- (a) The basis for certification.
- (b) The boundary of the certification area, which encompasses areas that are contiguous, compact, appropriate for urban growth and development, and in which public infrastructure is existing or planned within a 10-year planning timeframe. The certification area is required to include sufficient land to accommodate projected population growth, housing demand, including choice in housing types and affordability, job growth and employment, appropriate densities and intensities of use to be achieved in new development and redevelopment, existing or planned infrastructure, including transportation and central water and sewer facilities. The certification area must be adopted as part of the local government's comprehensive plan.
- (c) A demonstration that the capital improvements plan governing the certified area is updated annually.
- (d) A visioning plan or a schedule for the development of a visioning plan.
- (e) A description of baseline conditions related to the evaluation criteria in paragraph (g) in the certified area.
- (f) A work program setting forth specific planning strategies and projects that will be undertaken to achieve improvement in the baseline conditions as measured by the criteria identified in paragraph (g).
- (g) Criteria to evaluate the effectiveness of the certification process in achieving the community-development goals for the certification area including:
 1. Measuring the compactness of growth, expressed as the ratio between population growth and land consumed;
 2. Increasing residential density and intensities of use;
 3. Measuring and reducing vehicle miles traveled and increasing the interconnectedness of the street system, pedestrian access, and mass transit;
 4. Measuring the balance between the location of jobs and housing;
 5. Improving the housing mix within the certification area, including the provision of mixed-use neighborhoods, affordable housing, and the creation of an affordable housing program if such a program is not already in place;
 6. Promoting mixed-use developments as an alternative to single-purpose centers;
 7. Promoting clustered development having dedicated open space;
 8. Linking commercial, educational, and recreational uses directly to residential growth;
 9. Reducing per capita water and energy consumption;
 10. Prioritizing environmental features to be protected and adopting measures or programs to protect identified features;

11. Reducing hurricane shelter deficits and evacuation times and implementing the adopted mitigation strategies; and

12. Improving coordination between the local government and school board.

(h) A commitment to change any land development regulations that restrict compact development and adopt alternative design codes that encourage desirable densities and intensities of use and patterns of compact development identified in the agreement.

(i) A plan for increasing public participation in comprehensive planning and land use decisionmaking which includes outreach to neighborhood and civic associations through community planning initiatives.

(j) A demonstration that the intergovernmental coordination element of the local government's comprehensive plan includes joint processes for coordination between the school board and local government pursuant to s. 163.3177(6)(h)2. and other requirements of law.

(k) A method of addressing the extrajurisdictional effects of development within the certified area which is integrated by amendment into the intergovernmental coordination element of the local government comprehensive plan.

(l) A requirement for the annual reporting to the department of plan amendments adopted during the year, and the progress of the local government in meeting the terms and conditions of the certification agreement. Prior to the deadline for the annual report, the local government must hold a public hearing soliciting public input on the progress of the local government in satisfying the terms of the certification agreement.

(m) An expiration date that is no later than 10 years after execution of the agreement.

(6) The department may enter up to eight new certification agreements each fiscal year. The department shall adopt procedural rules governing the application and review of local government requests for certification. Such procedural rules may establish a phased schedule for review of local government requests for certification.

(7) The department shall revoke the local government's certification if it determines that the local government is not substantially complying with the terms of the agreement.

(8) An affected person, as defined by s. 163.3184(1)(a), may petition for administrative hearing alleging that a local government is not substantially complying with the terms of the agreement, using the procedures and timeframes for notice and conditions precedent described in s. 163.3213. Such a petition must be filed within 30 days after the annual public hearing required by paragraph (5)(l).

(9)(a) Upon certification all comprehensive plan amendments associated with the area certified must be adopted and reviewed in the manner described in ss. 163.3184(1), (2), (7), (14), (15), and (16) and 163.3187, such that state and regional agency review is eliminated. The department may not issue any objections, recommendations, and comments report on proposed plan amendments or a notice of intent on adopted plan amendments; however, affected persons, as defined by s. 163.3184(1)(a), may file a petition for administrative review pursuant to the requirements of s. 163.3187(3)(a) to challenge the compliance of an adopted plan amendment.

(b) Plan amendments that change the boundaries of the certification area; propose a rural land stewardship area pursuant to s. 163.3177(11)(d); propose an optional sector plan pursuant to s. 163.3245; propose a school facilities element; update a comprehensive plan based on an evaluation and appraisal report; impact lands outside the certification boundary; implement new statutory requirements that require specific comprehensive plan amendments; or increase hurricane

evacuation times or the need for shelter capacity on lands within the coastal high-hazard area shall be reviewed pursuant to ss. 163.3184 and 163.3187.

(10) Notwithstanding subsections (2), (4), (5), (6), and (7), any municipality designated as a rural area of critical economic concern pursuant to s. 288.0656 which is located within a county eligible to levy the Small County Surtax under s. 212.055(3) shall be considered certified during the effectiveness of the designation of rural area of critical economic concern. The state land planning agency shall provide a written notice of certification to the local government of the certified area, which shall be considered final agency action subject to challenge under s. 120.569. The notice of certification shall include the following components:

(a) The boundary of the certification area.

(b) A requirement that the local government submit either an annual or biennial monitoring report to the state land planning agency according to the schedule provided in the written notice. The monitoring report shall, at a minimum, include the number of amendments to the comprehensive plan adopted by the local government, the number of plan amendments challenged by an affected person, and the disposition of those challenges.

(11) If the local government of an area described in subsection (10) does not request that the state land planning agency review the developments of regional impact that are proposed within the certified area, an application for approval of a development order within the certified area shall be exempt from review under s. 380.06, subject to the following:

(a) Concurrent with filing an application for development approval with the local government, a developer proposing a project that would have been subject to review pursuant to s. 380.06 shall notify in writing the regional planning council with jurisdiction.

(b) The regional planning council shall coordinate with the developer and the local government to ensure that all concurrency requirements as well as federal, state, and local environmental permit requirements are met.

(12) A local government's certification shall be reviewed by the local government and the department as part of the evaluation and appraisal process pursuant to s. 163.3191. Within 1 year after the deadline for the local government to update its comprehensive plan based on the evaluation and appraisal report, the department shall renew or revoke the certification. The local government's failure to adopt a timely evaluation and appraisal report, failure to adopt an evaluation and appraisal report found to be sufficient, or failure to timely adopt amendments based on an evaluation and appraisal report found to be in compliance by the department shall be cause for revoking the certification agreement. The department's decision to renew or revoke shall be considered agency action subject to challenge under s. 120.569.

(13) The department shall, by July 1 of each odd-numbered year, submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report listing certified local governments, evaluating the effectiveness of the certification, and including any recommendations for legislative actions.

(14) The Office of Program Policy Analysis and Government Accountability shall prepare a report evaluating the certification program, which shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2007.

History.--s. 11, ch. 2002-296; s. 15, ch. 2005-157.

163.3247 Century Commission for a Sustainable Florida.--

(1) POPULAR NAME.--This section may be cited as the "Century Commission for a Sustainable

Florida Act."

(2) FINDINGS AND INTENT.--The Legislature finds and declares that the population of this state is expected to more than double over the next 100 years, with commensurate impacts to the state's natural resources and public infrastructure. Consequently, it is in the best interests of the people of the state to ensure sound planning for the proper placement of this growth and protection of the state's land, water, and other natural resources since such resources are essential to our collective quality of life and a strong economy. The state's growth management system should foster economic stability through regional solutions and strategies, urban renewal and infill, and the continued viability of agricultural economies, while allowing for rural economic development and protecting the unique characteristics of rural areas, and should reduce the complexity of the regulatory process while carrying out the intent of the laws and encouraging greater citizen participation.

(3) CENTURY COMMISSION FOR A SUSTAINABLE FLORIDA; CREATION; ORGANIZATION.--The Century Commission for a Sustainable Florida is created as a standing body to help the citizens of this state envision and plan their collective future with an eye towards both 25-year and 50-year horizons.

(a) The commission shall consist of 15 members, 5 appointed by the Governor, 5 appointed by the President of the Senate, and 5 appointed by the Speaker of the House of Representatives. Appointments shall be made no later than October 1, 2005. The membership must represent local governments, school boards, developers and homebuilders, the business community, the agriculture community, the environmental community, and other appropriate stakeholders. One member shall be designated by the Governor as chair of the commission. Any vacancy that occurs on the commission must be filled in the same manner as the original appointment and shall be for the unexpired term of that commission seat. Members shall serve 4-year terms, except that, initially, to provide for staggered terms, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall each appoint one member to serve a 2-year term, two members to serve 3-year terms, and two members to serve 4-year terms. All subsequent appointments shall be for 4-year terms. An appointee may not serve more than 6 years.

(b) The first meeting of the commission shall be held no later than December 1, 2005, and shall meet at the call of the chair but not less frequently than three times per year in different regions of the state to solicit input from the public or any other individuals offering testimony relevant to the issues to be considered.

(c) Each member of the commission is entitled to one vote, and actions of the commission are not binding unless taken by a three-fifths vote of the members present. A majority of the members is required to constitute a quorum, and the affirmative vote of a quorum is required for a binding vote.

(d) Members of the commission shall serve without compensation but shall be entitled to receive per diem and travel expenses in accordance with s. 112.061 while in performance of their duties.

(4) POWERS AND DUTIES.--The commission shall:

(a) Annually conduct a process through which the commission envisions the future for the state and then develops and recommends policies, plans, action steps, or strategies to assist in achieving the vision.

(b) Continuously review and consider statutory and regulatory provisions, governmental processes, and societal and economic trends in its inquiry of how state, regional, and local governments and entities and citizens of this state can best accommodate projected increased populations while maintaining the natural, historical, cultural, and manmade life qualities that best represent the state.

(c) Bring together people representing varied interests to develop a shared image of the state and its developed and natural areas. The process should involve exploring the impact of the estimated population increase and other emerging trends and issues; creating a vision for the future; and developing a strategic action plan to achieve that vision using 25-year and 50-year intermediate planning timeframes.

(d) Focus on essential state interests, defined as those interests that transcend local or regional boundaries and are most appropriately conserved, protected, and promoted at the state level.

(e) Serve as an objective, nonpartisan repository of exemplary community-building ideas and as a source to recommend strategies and practices to assist others in working collaboratively to problem solve on issues relating to growth management.

(f) Annually, beginning January 16, 2007, and every year thereafter on the same date, provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a written report containing specific recommendations for addressing growth management in the state, including executive and legislative recommendations. Further, the report shall contain discussions regarding the need for intergovernmental cooperation and the balancing of environmental protection and future development and recommendations on issues, including, but not limited to, recommendations regarding dedicated sources of funding for sewer facilities, water supply and quality, transportation facilities that are not adequately addressed by the Strategic Intermodal System, and educational infrastructure to support existing development and projected population growth.

(g) Beginning with the 2007 Regular Session of the Legislature, the President of the Senate and the Speaker of the House of Representatives shall create a joint select committee, the task of which shall be to review the findings and recommendations of the Century Commission for a Sustainable Florida for potential action.

(5) EXECUTIVE DIRECTOR; STAFF AND OTHER ASSISTANCE.--

(a) The Secretary of Community Affairs shall select an executive director of the commission, and the executive director shall serve at the pleasure of the secretary under the supervision and control of the commission.

(b) The Department of Community Affairs shall provide staff and other resources necessary to accomplish the goals of the commission based upon recommendations of the Governor.

(c) All agencies under the control of the Governor are directed, and all other agencies are requested, to render assistance to, and cooperate with, the commission.

History.--s. 11, ch. 2005-290.

PART III

COMMUNITY REDEVELOPMENT

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163.330 Short title.--This part shall be known and may be cited as the "Community Redevelopment Act of 1969."

History.--s. 1, ch. 69-305.

163.335 Findings and declarations of necessity.--

(1) It is hereby found and declared that there exist in counties and municipalities of the state slum and blighted areas which constitute a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the state; that the existence of such areas contributes substantially and increasingly to the spread of disease and crime, constitutes an economic and social liability imposing onerous burdens which decrease the tax base and reduce tax revenues, substantially impairs or arrests sound growth, retards the provision of housing accommodations, aggravates traffic problems, and substantially hampers the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of slums and blight is a matter of state policy and state concern in order that the state and its counties and municipalities shall not continue to be endangered by areas which are focal centers of disease, promote juvenile delinquency, and consume an excessive proportion of its revenues because of the extra services required for police, fire, accident, hospitalization, and other forms of public protection, services, and facilities.

(2) It is further found and declared that certain slum or blighted areas, or portions thereof, may require acquisition, clearance, and disposition subject to use restrictions, as provided in this part, since the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation; that other areas or portions thereof may, through the means provided in this part, be susceptible of conservation or rehabilitation in such a manner that the conditions and evils enumerated may be eliminated, remedied, or prevented; and that salvageable slum and blighted areas can be conserved and rehabilitated through appropriate public action as herein authorized and the cooperation and voluntary action of the owners and tenants of property in such areas.

(3) It is further found and declared that the powers conferred by this part are for public uses and purposes for which public money may be expended and police power exercised, and the necessity in the public interest for the provisions herein enacted is declared as a matter of legislative determination.

(4) It is further found that coastal resort and tourist areas or portions thereof which are

deteriorating and economically distressed due to building density patterns, inadequate transportation and parking facilities, faulty lot layout, or inadequate street layout, could, through the means provided in this part, be revitalized and redeveloped in a manner that will vastly improve the economic and social conditions of the community.

(5) It is further found and declared that the preservation or enhancement of the tax base from which a taxing authority realizes tax revenues is essential to its existence and financial health; that the preservation and enhancement of such tax base is implicit in the purposes for which a taxing authority is established; that tax increment financing is an effective method of achieving such preservation and enhancement in areas in which such tax base is declining; that community redevelopment in such areas, when complete, will enhance such tax base and provide increased tax revenues to all affected taxing authorities, increasing their ability to accomplish their other respective purposes; and that the preservation and enhancement of the tax base in such areas through tax increment financing and the levying of taxes by such taxing authorities therefor and the appropriation of funds to a redevelopment trust fund bears a substantial relation to the purposes of such taxing authorities and is for their respective purposes and concerns. This subsection does not apply in any jurisdiction where the community redevelopment agency validated bonds as of April 30, 1984.

(6) It is further found and declared that there exists in counties and municipalities of the state a severe shortage of housing affordable to residents of low or moderate income, including the elderly; that the existence of such condition affects the health, safety, and welfare of the residents of such counties and municipalities and retards their growth and economic and social development; and that the elimination or improvement of such condition is a proper matter of state policy and state concern and is for a valid and desirable public purpose.

(7) It is further found and declared that the prevention or elimination of a slum area or blighted area as defined in this part and the preservation or enhancement of the tax base are not public uses or purposes for which private property may be taken by eminent domain and do not satisfy the public purpose requirement of s. 6(a), Art. X of the State Constitution.

History.--s. 2, ch. 69-305; ss. 1, 22, ch. 84-356; s. 1, ch. 98-201; s. 6, ch. 2006-11.

163.336 Coastal resort area redevelopment pilot project.--

(1) LEGISLATIVE INTENT.--

(a) The Legislature recognizes that some coastal resort and tourist areas are deteriorating and declining as recreation and tourist centers. It is appropriate to undertake a pilot project to determine the feasibility of encouraging redevelopment of economically distressed coastal properties to allow full utilization of existing urban infrastructure such as roads and utility lines. Such activities can have a beneficial impact on local and state economies and provide job opportunities and revitalization of urban areas.

(b) The Department of Environmental Protection shall administer a pilot project for redevelopment of economically distressed coastal resort and tourist areas. Such a pilot project shall be administered in the coastal areas of Florida's Atlantic Coast between the St. Johns River entrance and Ponce de Leon Inlet.

(2) PILOT PROJECT ADMINISTRATION.--

(a) To be eligible to participate in this pilot project, all or a portion of the area must be within:

1. The coastal building zone as defined in s. 161.54; and
2. A community redevelopment area, enterprise zone, brownfield area, empowerment zone, or

other such economically deprived areas as designated by the county or municipality with jurisdiction over the area.

(b) Local governments are encouraged to use the full range of economic and tax incentives available to facilitate and promote redevelopment and revitalization within the pilot project areas.

(c) The Office of the Governor, Department of Environmental Protection, and the Department of Community Affairs are directed to provide technical assistance to expedite permitting for redevelopment projects and construction activities within the pilot project areas consistent with the principles, processes, and timeframes provided in s. 403.973.

(d) The Department of Environmental Protection shall exempt construction activities within the pilot project area in locations seaward of a coastal construction control line and landward of existing armoring from certain siting and design criteria pursuant to s. 161.053. However, such exemption shall not be deemed to exempt property within the pilot project area from applicable local land development regulations, including but not limited to, setback, side lot line, and lot coverage requirements. Such exemption shall apply to construction and redevelopment of structures involving the coverage, excavation, and impervious surface criteria of s. 161.053, and related adopted rules, as follows:

1. This review by the department of applications for permits for coastal construction within the pilot project area must apply to construction and redevelopment of structures subject to the coverage, excavation, and impervious surface criteria of s. 161.053, and related adopted rules. It is the intent of these provisions that the pilot project area be enabled to redevelop in a manner which meets the economic needs of the area while preserving public safety and existing resources, including natural resources.

2. The criteria for review under s. 161.053 are applicable within the pilot project area, except that the structures within the pilot project area shall not be subject to specific shore parallel coverage requirements and are allowed to exceed the 50 percent impervious surface requirement. In no case shall stormwater discharge be allowed onto, or seaward of, the frontal dune. Structures are also not bound by the restrictions on excavation unless the construction will adversely affect the integrity of the existing seawall or rigid coastal armoring structure or stability of the existing beach and dune system. It is specifically contemplated that underground structures, including garages, will be permitted. All beach-compatible material excavated under this subparagraph must be maintained on site seaward of the coastal construction control line. However, during the permit review process under s. 161.053, the department may favorably consider authorized sand placement on adjacent properties if the permittee has demonstrated every reasonable effort to effectively use all beach-quality material on site to enhance the beach and dune system and has prepared a comprehensive plan for beach and dune nourishment for the adjoining area.

3. The review criteria in subparagraph 2. will apply to all construction within the pilot project area lying seaward of the coastal construction control line and landward of an existing viable seawall or rigid coastal armoring structure, if such construction is fronted by a seawall or rigid coastal armoring structure extending at least 1,000 feet without any interruptions other than beach access points. For purposes of this section, a viable seawall or rigid coastal armoring structure is a structure that has not deteriorated, dilapidated, or been damaged to such a degree that it no longer provides adequate protection to the upland property when considering the following criteria, including, but not limited to:

a. The top must be at or above the still water level, including setup, for the design storm of 30-year return storm plus the breaking wave calculated at its highest achievable level based on the maximum eroded beach profile and highest surge level combination, and must be high enough to preclude runup overtopping;

b. The armoring must be stable under the design storm of 30-year return storm including maximum localized scour, with adequate penetration; and

c. The armoring must have sufficient continuity or return walls to prevent flooding under the design storm of 30-year return storm from impacting the proposed construction.

4. Where there exists a continuous line of rigid coastal armoring structure on either side of unarmored property and the adjacent line of rigid coastal armoring structures are having an adverse effect on or threaten the unarmored property, and the gap does not exceed 100 feet, the department may grant the necessary permits under s. 161.085 to close the gap.

5. Structures approved pursuant to this section shall not cause flooding of or result in adverse impacts to existing upland structures or properties and shall comply with all other requirements of s. 161.053 and its implementing rules.

6. Where there exists a continuous line of viable rigid coastal armoring structure on either side of a nonviable rigid coastal armoring structure, the department shall grant the necessary permits under s. 161.085 to replace such nonviable rigid coastal armoring structure with a viable rigid coastal armoring structure as defined in this section. This shall not apply to rigid coastal armoring structures constructed after May 1, 1998, unless such structures have been permitted pursuant to s. 161.085(2).

(3) PILOT PROJECT EXPIRATION.--The authorization for the pilot project and the provisions of this section expire December 31, 2014. The department and affected local governments shall provide for an independent analysis of the economic value and environmental impact of the pilot project and provide a report to the Speaker of the House of Representatives and the President of the Senate on or before February 1, 2008.

History.--s. 4, ch. 98-201; s. 1, ch. 2002-294; s. 3, ch. 2006-68.

163.340 Definitions.--The following terms, wherever used or referred to in this part, have the following meanings:

(1) "Agency" or "community redevelopment agency" means a public agency created by, or designated pursuant to, s. 163.356 or s. 163.357.

(2) "Public body" means the state or any county, municipality, authority, special district as defined in s. 165.031(5), or other public body of the state, except a school district.

(3) "Governing body" means the council, commission, or other legislative body charged with governing the county or municipality.

(4) "Mayor" means the mayor of a municipality or, for a county, the chair of the board of county commissioners or such other officer as may be constituted by law to act as the executive head of such municipality or county.

(5) "Clerk" means the clerk or other official of the county or municipality who is the custodian of the official records of such county or municipality.

(6) "Federal Government" includes the United States or any agency or instrumentality, corporate or otherwise, of the United States.

(7) "Slum area" means an area having physical or economic conditions conducive to disease, infant mortality, juvenile delinquency, poverty, or crime because there is a predominance of buildings or improvements, whether residential or nonresidential, which are impaired by reason of dilapidation, deterioration, age, or obsolescence, and exhibiting one or more of the following factors:

(a) Inadequate provision for ventilation, light, air, sanitation, or open spaces;

(b) High density of population, compared to the population density of adjacent areas within the county or municipality; and overcrowding, as indicated by government-maintained statistics or other studies and the requirements of the Florida Building Code; or

(c) The existence of conditions that endanger life or property by fire or other causes.

(8) "Blighted area" means an area in which there are a substantial number of deteriorated, or deteriorating structures, in which conditions, as indicated by government-maintained statistics or other studies, are leading to economic distress or endanger life or property, and in which two or more of the following factors are present:

(a) Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;

(b) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions;

(c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;

(d) Unsanitary or unsafe conditions;

(e) Deterioration of site or other improvements;

(f) Inadequate and outdated building density patterns;

(g) Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality;

(h) Tax or special assessment delinquency exceeding the fair value of the land;

(i) Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality;

(j) Incidence of crime in the area higher than in the remainder of the county or municipality;

(k) Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality;

(l) A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality;

(m) Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; or

(n) Governmentally owned property with adverse environmental conditions caused by a public or private entity.

However, the term "blighted area" also means any area in which at least one of the factors identified in paragraphs (a) through (n) are present and all taxing authorities subject to s. 163.387 (2)(a) agree, either by interlocal agreement or agreements with the agency or by resolution, that the area is blighted. Such agreement or resolution shall only determine that the area is blighted. For purposes of qualifying for the tax credits authorized in chapter 220, "blighted area" means an area as defined in this subsection.

(9) "Community redevelopment" or "redevelopment" means undertakings, activities, or projects of

a county, municipality, or community redevelopment agency in a community redevelopment area for the elimination and prevention of the development or spread of slums and blight, or for the reduction or prevention of crime, or for the provision of affordable housing, whether for rent or for sale, to residents of low or moderate income, including the elderly, and may include slum clearance and redevelopment in a community redevelopment area or rehabilitation and revitalization of coastal resort and tourist areas that are deteriorating and economically distressed, or rehabilitation or conservation in a community redevelopment area, or any combination or part thereof, in accordance with a community redevelopment plan and may include the preparation of such a plan.

(10) "Community redevelopment area" means a slum area, a blighted area, or an area in which there is a shortage of housing that is affordable to residents of low or moderate income, including the elderly, or a coastal and tourist area that is deteriorating and economically distressed due to outdated building density patterns, inadequate transportation and parking facilities, faulty lot layout or inadequate street layout, or a combination thereof which the governing body designates as appropriate for community redevelopment. For community redevelopment agencies created after July 1, 2006, a community redevelopment area may not consist of more than 80 percent of a municipality.

(11) "Community redevelopment plan" means a plan, as it exists from time to time, for a community redevelopment area.

(12) "Related activities" means:

(a) Planning work for the preparation of a general neighborhood redevelopment plan or for the preparation or completion of a communitywide plan or program pursuant to s. 163.365.

(b) The functions related to the acquisition and disposal of real property pursuant to s. 163.370(4).

(c) The development of affordable housing for residents of the area.

(d) The development of community policing innovations.

(13) "Real property" means all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto or used in connection therewith and every estate, interest, right, and use, legal or equitable, therein, including but not limited to terms for years and liens by way of judgment, mortgage, or otherwise.

(14) "Bonds" means any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures, or other obligations.

(15) "Obligee" means and includes any bondholder, agents or trustees for any bondholders, or lessor demising to the county or municipality property used in connection with community redevelopment, or any assignee or assignees of such lessor's interest or any part thereof, and the Federal Government when it is a party to any contract with the county or municipality.

(16) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic and includes any trustee, receiver, assignee, or other person acting in a similar representative capacity.

(17) "Area of operation" means, for a county, the area within the boundaries of the county, and for a municipality, the area within the corporate limits of the municipality.

(18) "Housing authority" means a housing authority created by and established pursuant to chapter 421.

(19) "Board" or "commission" means a board, commission, department, division, office, body or other unit of the county or municipality.

(20) "Public officer" means any officer who is in charge of any department or branch of the government of the county or municipality relating to health, fire, building regulations, or other activities concerning dwellings in the county or municipality.

(21) "Debt service millage" means any millage levied pursuant to s. 12, Art. VII of the State Constitution.

(22) "Increment revenue" means the amount calculated pursuant to s. 163.387(1).

(23) "Community policing innovation" means a policing technique or strategy designed to reduce crime by reducing opportunities for, and increasing the perceived risks of engaging in, criminal activity through visible presence of police in the community, including, but not limited to, community mobilization, neighborhood block watch, citizen patrol, citizen contact patrol, foot patrol, neighborhood storefront police stations, field interrogation, or intensified motorized patrol.

(24) "Taxing authority" means a public body that levies or is authorized to levy an ad valorem tax on real property located in a community redevelopment area.

History.--s. 3, ch. 69-305; s. 1, ch. 77-391; s. 1, ch. 81-44; s. 3, ch. 83-231; ss. 2, 22, ch. 84-356; s. 83, ch. 85-180; s. 72, ch. 87-243; s. 33, ch. 91-45; s. 1, ch. 93-286; s. 1, ch. 94-236; s. 1447, ch. 95-147; s. 2, ch. 98-201; s. 1, ch. 98-314; s. 2, ch. 2002-294; s. 7, ch. 2006-11; s. 1, ch. 2006-307.

163.345 Encouragement of private enterprise.--

(1) Any county or municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this part, shall afford maximum opportunity, consistent with the sound needs of the county or municipality as a whole, to the rehabilitation or redevelopment of the community redevelopment area by private enterprise. Any county or municipality shall give consideration to this objective in exercising its powers under this part, including the formulation of a workable program; the approval of community redevelopment plans, communitywide plans or programs for community redevelopment, and general neighborhood redevelopment plans (consistent with the general plan of the county or municipality); the development and implementation of community policing innovations; the exercise of its zoning powers; the enforcement of other laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements; the development of affordable housing; the disposition of any property acquired, subject to the limitations of s. 73.013; and the provision of necessary public improvements.

(2) In giving consideration to the objectives outlined in subsection (1), the county or municipality shall consider making available the incentives provided under the Florida Enterprise Zone Act and chapter 420.

History.--s. 4, ch. 69-305; s. 4, ch. 83-231; s. 2, ch. 94-236; s. 2, ch. 98-314; s. 26, ch. 2001-60; s. 12, ch. 2005-287; s. 8, ch. 2006-11.

163.346 Notice to taxing authorities.--Before the governing body adopts any resolution or enacts any ordinance required under s. 163.355, s. 163.356, s. 163.357, or s. 163.387; creates a community redevelopment agency; approves, adopts, or amends a community redevelopment plan; or issues redevelopment revenue bonds under s. 163.385, the governing body must provide public notice of such proposed action pursuant to s. 125.66(2) or s. 166.041(3)(a) and, at least 15 days before such proposed action, mail by registered mail a notice to each taxing authority which levies ad valorem taxes on taxable real property contained within the geographic boundaries of the redevelopment area.

History.--s. 8, ch. 84-356; s. 2, ch. 93-286; s. 13, ch. 95-310.

163.350 Workable program.--Any county or municipality for the purposes of this part may formulate for the county or municipality a workable program for utilizing appropriate private and public resources to eliminate and prevent the development or spread of slums and urban blight, to encourage needed community rehabilitation, to provide for the redevelopment of slum and blighted areas, to provide housing affordable to residents of low or moderate income, including the elderly, or to undertake such of the aforesaid activities or other feasible county or municipal activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include provision for the prevention of the spread of blight into areas of the county or municipality which are free from blight through diligent enforcement of housing, zoning, and occupancy controls and standards; the rehabilitation or conservation of slum and blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds, and other public improvements, encouraging voluntary rehabilitation, and compelling the repair and rehabilitation of deteriorated or deteriorating structures; the development of affordable housing; the implementation of community policing innovations; and the clearance and redevelopment of slum and blighted areas or portions thereof.

History.--s. 5, ch. 69-305; s. 3, ch. 84-356; s. 3, ch. 94-236; s. 3, ch. 98-314.

163.353 Power of taxing authority to tax or appropriate funds to a redevelopment trust fund in order to preserve and enhance the tax base of the authority.--Notwithstanding any other provision of general or special law, the purposes for which a taxing authority may levy taxes or appropriate funds to a redevelopment trust fund include the preservation and enhancement of the tax base of such taxing authority and the furthering of the purposes of such taxing authority as provided by law.

History.--s. 21, ch. 84-356.

163.355 Finding of necessity by county or municipality.--No county or municipality shall exercise the community redevelopment authority conferred by this part until after the governing body has adopted a resolution, supported by data and analysis, which makes a legislative finding that the conditions in the area meet the criteria described in s. 163.340(7) or (8). The resolution must state that:

- (1) One or more slum or blighted areas, or one or more areas in which there is a shortage of housing affordable to residents of low or moderate income, including the elderly, exist in such county or municipality; and
- (2) The rehabilitation, conservation, or redevelopment, or a combination thereof, of such area or areas, including, if appropriate, the development of housing which residents of low or moderate income, including the elderly, can afford, is necessary in the interest of the public health, safety, morals, or welfare of the residents of such county or municipality.

History.--s. 6, ch. 69-305; s. 4, ch. 84-356; s. 4, ch. 94-236; s. 3, ch. 2002-294.

163.356 Creation of community redevelopment agency.--

- (1) Upon a finding of necessity as set forth in s. 163.355, and upon a further finding that there is a need for a community redevelopment agency to function in the county or municipality to carry out the community redevelopment purposes of this part, any county or municipality may create a public body corporate and politic to be known as a "community redevelopment agency." A charter county having a population less than or equal to 1.6 million may create, by a vote of at least a majority plus one of the entire governing body of the charter county, more than one community redevelopment agency. Each such agency shall be constituted as a public instrumentality, and the exercise by a community redevelopment agency of the powers conferred by this part shall be

deemed and held to be the performance of an essential public function. Community redevelopment agencies of a county have the power to function within the corporate limits of a municipality only as, if, and when the governing body of the municipality has by resolution concurred in the community redevelopment plan or plans proposed by the governing body of the county.

(2) When the governing body adopts a resolution declaring the need for a community redevelopment agency, that body shall, by ordinance, appoint a board of commissioners of the community redevelopment agency, which shall consist of not fewer than five or more than nine commissioners. The terms of office of the commissioners shall be for 4 years, except that three of the members first appointed shall be designated to serve terms of 1, 2, and 3 years, respectively, from the date of their appointments, and all other members shall be designated to serve for terms of 4 years from the date of their appointments. A vacancy occurring during a term shall be filled for the unexpired term. As provided in an interlocal agreement between the governing body that created the agency and one or more taxing authorities, one or more members of the board of commissioners of the agency may be representatives of a taxing authority, including members of that taxing authority's governing body, whose membership on the board of commissioners of the agency would be considered an additional duty of office as a member of the taxing authority governing body.

(3)(a) A commissioner shall receive no compensation for services, but is entitled to the necessary expenses, including travel expenses, incurred in the discharge of duties. Each commissioner shall hold office until his or her successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the county or municipality, and such certificate is conclusive evidence of the due and proper appointment of such commissioner.

(b) The powers of a community redevelopment agency shall be exercised by the commissioners thereof. A majority of the commissioners constitutes a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present, unless in any case the bylaws require a larger number. Any person may be appointed as commissioner if he or she resides or is engaged in business, which means owning a business, practicing a profession, or performing a service for compensation, or serving as an officer or director of a corporation or other business entity so engaged, within the area of operation of the agency, which shall be coterminous with the area of operation of the county or municipality, and is otherwise eligible for such appointment under this part.

(c) The governing body of the county or municipality shall designate a chair and vice chair from among the commissioners. An agency may employ an executive director, technical experts, and such other agents and employees, permanent and temporary, as it requires, and determine their qualifications, duties, and compensation. For such legal service as it requires, an agency may employ or retain its own counsel and legal staff. An agency authorized to transact business and exercise powers under this part shall file with the governing body, on or before March 31 of each year, a report of its activities for the preceding fiscal year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expenses as of the end of such fiscal year. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the county or municipality and that the report is available for inspection during business hours in the office of the clerk of the city or county commission and in the office of the agency.

(d) At any time after the creation of a community redevelopment agency, the governing body of the county or municipality may appropriate to the agency such amounts as the governing body deems necessary for the administrative expenses and overhead of the agency, including the development and implementation of community policing innovations.

(4) The governing body may remove a commissioner for inefficiency, neglect of duty, or misconduct in office only after a hearing and only if he or she has been given a copy of the charges

at least 10 days prior to such hearing and has had an opportunity to be heard in person or by counsel.

History.--s. 2, ch. 77-391; s. 1, ch. 83-231; s. 6, ch. 84-356; s. 903, ch. 95-147; s. 4, ch. 98-314; s. 41, ch. 2001-266; s. 4, ch. 2002-294; s. 2, ch. 2006-307.

163.357 Governing body as the community redevelopment agency.--

(1)(a) As an alternative to the appointment of not fewer than five or more than seven members of the agency, the governing body may, at the time of the adoption of a resolution under s. 163.355, or at any time thereafter by adoption of a resolution, declare itself to be an agency, in which case all the rights, powers, duties, privileges, and immunities vested by this part in an agency will be vested in the governing body of the county or municipality, subject to all responsibilities and liabilities imposed or incurred.

(b) The members of the governing body shall be the members of the agency, but such members constitute the head of a legal entity, separate, distinct, and independent from the governing body of the county or municipality. If the governing body declares itself to be an agency which already exists, the new agency is subject to all of the responsibilities and liabilities imposed or incurred by the existing agency.

(c) A governing body which consists of five members may appoint two additional persons to act as members of the community redevelopment agency. The terms of office of the additional members shall be for 4 years, except that the first person appointed shall initially serve a term of 2 years. Persons appointed under this section are subject to all provisions of this part relating to appointed members of a community redevelopment agency.

(d) As provided in an interlocal agreement between the governing body that created the agency and one or more taxing authorities, one or more members of the board of commissioners of the agency may be representatives of a taxing authority, including members of that taxing authority's governing body, whose membership on the board of commissioners of the agency would be considered an additional duty of office as a member of the taxing authority governing body.

(2) Nothing in this part prevents the governing body from conferring the rights, powers, privileges, duties, and immunities of a community redevelopment agency upon any entity in existence on July 1, 1977, which has been authorized by law to function as a downtown development board or authority or as any other body the purpose of which is to prevent and eliminate slums and blight through community redevelopment plans. Any entity in existence on July 1, 1977, which has been vested with the rights, powers, privileges, duties, and immunities of a community redevelopment agency is subject to all provisions and responsibilities imposed by this part, notwithstanding any provisions to the contrary in any law or amendment thereto which established the entity. Nothing in this act shall be construed to impair or diminish any powers of any redevelopment agency or other entity as referred to herein in existence on the effective date of this act or to repeal, modify, or amend any law establishing such entity, except as specifically set forth herein.

History.--s. 2, ch. 77-391; s. 75, ch. 79-400; s. 2, ch. 83-231; s. 5, ch. 84-356; s. 3, ch. 2006-307.

163.358 Exercise of powers in carrying out community redevelopment and related activities.--

Each county and municipality has all powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including those powers granted under s. 163.370. A county or municipality may delegate such powers to a community redevelopment agency created under s. 163.356, except the following, which continue to vest in the governing body of the county or municipality:

(1) The power to determine an area to be a slum or blighted area, or combination thereof; to designate such area as appropriate for community redevelopment; and to hold any public hearings

required with respect thereto.

(2) The power to grant final approval to community redevelopment plans and modifications thereof.

(3) The power to authorize the issuance of revenue bonds as set forth in s. 163.385.

(4) The power to approve the acquisition, demolition, removal, or disposal of property as provided in s. 163.370(4) and the power to assume the responsibility to bear loss as provided in s. 163.370 (4).

(5) The power to approve the development of community policing innovations.

(6) The power of eminent domain.

History.--s. 2, ch. 77-391; s. 70, ch. 81-259; s. 7, ch. 84-356; s. 34, ch. 91-45; s. 5, ch. 98-314; s. 9, ch. 2006-11.

163.360 Community redevelopment plans.--

(1) Community redevelopment in a community redevelopment area shall not be planned or initiated unless the governing body has, by resolution, determined such area to be a slum area, a blighted area, or an area in which there is a shortage of housing affordable to residents of low or moderate income, including the elderly, or a combination thereof, and designated such area as appropriate for community redevelopment.

(2) The community redevelopment plan shall:

(a) Conform to the comprehensive plan for the county or municipality as prepared by the local planning agency under the Local Government Comprehensive Planning and Land Development Regulation Act.

(b) Be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the community redevelopment area; zoning and planning changes, if any; land uses; maximum densities; and building requirements.

(c) Provide for the development of affordable housing in the area, or state the reasons for not addressing in the plan the development of affordable housing in the area. The county, municipality, or community redevelopment agency shall coordinate with each housing authority or other affordable housing entities functioning within the geographic boundaries of the redevelopment area, concerning the development of affordable housing in the area.

(3) The community redevelopment plan may provide for the development and implementation of community policing innovations.

(4) The county, municipality, or community redevelopment agency may itself prepare or cause to be prepared a community redevelopment plan, or any person or agency, public or private, may submit such a plan to a community redevelopment agency. Prior to its consideration of a community redevelopment plan, the community redevelopment agency shall submit such plan to the local planning agency of the county or municipality for review and recommendations as to its conformity with the comprehensive plan for the development of the county or municipality as a whole. The local planning agency shall submit its written recommendations with respect to the conformity of the proposed community redevelopment plan to the community redevelopment agency within 60 days after receipt of the plan for review. Upon receipt of the recommendations of

the local planning agency, or, if no recommendations are received within such 60 days, then without such recommendations, the community redevelopment agency may proceed with its consideration of the proposed community redevelopment plan.

(5) The community redevelopment agency shall submit any community redevelopment plan it recommends for approval, together with its written recommendations, to the governing body and to each taxing authority that levies ad valorem taxes on taxable real property contained within the geographic boundaries of the redevelopment area. The governing body shall then proceed with the hearing on the proposed community redevelopment plan as prescribed by subsection (6).

(6)(a) The governing body shall hold a public hearing on a community redevelopment plan after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the county or municipality. The notice shall describe the time, date, place, and purpose of the hearing, identify generally the community redevelopment area covered by the plan, and outline the general scope of the community redevelopment plan under consideration.

(b) For any governing body that has not authorized by June 5, 2006, a study to consider whether a finding of necessity resolution pursuant to s. 163.355 should be adopted, has not adopted a finding of necessity resolution pursuant to s. 163.355 by March 31, 2007, has not adopted a community redevelopment plan by June 7, 2007, and was not authorized to exercise community redevelopment powers pursuant to a delegation of authority under s. 163.410 by a county that has adopted a home rule charter, the following additional procedures are required prior to adoption by the governing body of a community redevelopment plan under subsection (7):

1. Within 30 days after receipt of any community redevelopment plan recommended by a community redevelopment agency under subsection (5), the county may provide written notice by registered mail to the governing body of the municipality and to the community redevelopment agency that the county has competing policy goals and plans for the public funds the county would be required to deposit to the community redevelopment trust fund under the proposed community redevelopment plan.

2. If the notice required in subparagraph 1. is timely provided, the governing body of the county and the governing body of the municipality that created the community redevelopment agency shall schedule and hold a joint hearing co-chaired by the chair of the governing body of the county and the mayor of the municipality, with the agenda to be set by the chair of the governing body of the county, at which the competing policy goals for the public funds shall be discussed. For those community redevelopment agencies for which the board of commissioners of the community redevelopment agency are comprised as specified in s. 163.356(2), a designee of the community redevelopment agency shall participate in the joint meeting as a nonvoting member. Any such hearing must be held within 90 days after receipt by the county of the recommended community redevelopment plan. Prior to the joint public hearing, the county may propose an alternative redevelopment plan that meets the requirements of this section to address the conditions identified in the resolution making a finding of necessity required by s. 163.355. If such an alternative redevelopment plan is proposed by the county, such plan shall be delivered to the governing body of the municipality that created the community redevelopment agency and to the executive director or other officer of the community redevelopment agency by registered mail at least 30 days prior to holding the joint meeting.

3. If the notice required in subparagraph 1. is timely provided, the municipality may not proceed with the adoption of the plan under subsection (7) until 30 days after the joint hearing unless the governing body of the county has failed to schedule or a majority of the members of the governing body of the county have failed to attend the joint hearing within the required 90-day period.

4. Notwithstanding the time requirements established in subparagraphs 2. and 3., the county and the municipality may at any time voluntarily use the dispute resolution process established in chapter 164 to attempt to resolve any competing policy goals between the county and municipality related to the community redevelopment agency. Nothing in this subparagraph grants the county or

the municipality the authority to require the other local government to participate in the dispute resolution process.

(7) Following such hearing, the governing body may approve the community redevelopment and the plan therefor if it finds that:

(a) A feasible method exists for the location of families who will be displaced from the community redevelopment area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families;

(b) The community redevelopment plan conforms to the general plan of the county or municipality as a whole;

(c) The community redevelopment plan gives due consideration to the utilization of community policing innovations, and to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the plans;

(d) The community redevelopment plan will afford maximum opportunity, consistent with the sound needs of the county or municipality as a whole, for the rehabilitation or redevelopment of the community redevelopment area by private enterprise; and

(e) The community redevelopment plan and resulting revitalization and redevelopment for a coastal tourist area that is deteriorating and economically distressed will reduce or maintain evacuation time, as appropriate, and ensure protection for property against exposure to natural disasters.

(8) If the community redevelopment area consists of an area of open land to be acquired by the county or the municipality, such area may not be so acquired unless:

(a) In the event the area is to be developed in whole or in part for residential uses, the governing body determines:

1. That a shortage of housing of sound standards and design which is decent, safe, affordable to residents of low or moderate income, including the elderly, and sanitary exists in the county or municipality;

2. That the need for housing accommodations has increased in the area;

3. That the conditions of blight in the area or the shortage of decent, safe, affordable, and sanitary housing cause or contribute to an increase in and spread of disease and crime or constitute a menace to the public health, safety, morals, or welfare; and

4. That the acquisition of the area for residential uses is an integral part of and is essential to the program of the county or municipality.

(b) In the event the area is to be developed in whole or in part for nonresidential uses, the governing body determines that:

1. Such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives.

2. Acquisition may require the exercise of governmental action, as provided in this part, because of:

- a. Defective, or unusual conditions of, title or diversity of ownership which prevents the free alienability of such land;
 - b. Tax delinquency;
 - c. Improper subdivisions;
 - d. Outmoded street patterns;
 - e. Deterioration of site;
 - f. Economic disuse;
 - g. Unsuitable topography or faulty lot layouts;
 - h. Lack of correlation of the area with other areas of a county or municipality by streets and modern traffic requirements; or
 - i. Any combination of such factors or other conditions which retard development of the area.
3. Conditions of blight in the area contribute to an increase in and spread of disease and crime or constitute a menace to public health, safety, morals, or welfare.

(9) Upon the approval by the governing body of a community redevelopment plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective community redevelopment area, and the county or municipality may then cause the community redevelopment agency to carry out such plan or modification in accordance with its terms.

(10) Notwithstanding any other provisions of this part, when the governing body certifies that an area is in need of redevelopment or rehabilitation as a result of an emergency under s. 252.34(3), with respect to which the Governor has certified the need for emergency assistance under federal law, that area may be certified as a "blighted area," and the governing body may approve a community redevelopment plan and community redevelopment with respect to such area without regard to the provisions of this section requiring a general plan for the county or municipality and a public hearing on the community redevelopment.

History.--s. 7, ch. 69-305; s. 3, ch. 77-391; s. 5, ch. 83-231; s. 6, ch. 83-334; s. 9, ch. 84-356; s. 26, ch. 85-55; s. 3, ch. 93-286; s. 5, ch. 94-236; s. 3, ch. 98-201; s. 6, ch. 98-314; s. 63, ch. 99-2; s. 4, ch. 2006-307.

163.361 Modification of community redevelopment plans.--

(1) If at any time after the approval of a community redevelopment plan by the governing body it becomes necessary or desirable to amend or modify such plan, the governing body may amend such plan upon the recommendation of the agency. The agency recommendation to amend or modify a redevelopment plan may include a change in the boundaries of the redevelopment area to add land to or exclude land from the redevelopment area, or may include the development and implementation of community policing innovations.

(2) The governing body shall hold a public hearing on a proposed modification of any community redevelopment plan after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the agency.

(3)(a) In addition to the requirements of s. 163.346, and prior to the adoption of any modification

to a community redevelopment plan that expands the boundaries of the community redevelopment area or extends the time certain set forth in the redevelopment plan as required by s. 163.362(10), the agency shall report such proposed modification to each taxing authority in writing or by an oral presentation, or both, regarding such proposed modification.

(b) For any community redevelopment agency that was not created pursuant to a delegation of authority under s. 163.410 by a county that has adopted a home rule charter and that modifies its adopted community redevelopment plan in a manner that expands the boundaries of the redevelopment area after October 1, 2006, the following additional procedures are required prior to adoption by the governing body of a modified community redevelopment plan:

1. Within 30 days after receipt of any report of a proposed modification that expands the boundaries of the redevelopment area, the county may provide notice by registered mail to the governing body of the municipality and the community redevelopment agency that the county has competing policy goals and plans for the public funds the county would be required to deposit to the community redevelopment trust fund under the proposed modification to the community redevelopment plan.
 2. If the notice required in subparagraph 1. is timely provided, the governing body of the county and the governing body of the municipality that created the community redevelopment agency shall schedule and hold a joint hearing co-chaired by the chair of the governing body of the county and the mayor of the municipality, with the agenda to be set by the chair of the governing body of the county, at which the competing policy goals for the public funds shall be discussed. For those community redevelopment agencies for which the board of commissioners of the community redevelopment agency are comprised as specified in s. 163.356(2), a designee of the community redevelopment agency shall participate in the joint meeting as a nonvoting member. Any such hearing shall be held within 90 days after receipt by the county of the recommended modification of the adopted community redevelopment plan. Prior to the joint public hearing, the county may propose an alternative modified community redevelopment plan that meets the requirements of s. 163.360 to address the conditions identified in the resolution making a finding of necessity required under s. 163.355. If such an alternative modified redevelopment plan is proposed by the county, such plan shall be delivered to the governing body of the municipality that created the community redevelopment agency and the executive director or other officer of the community redevelopment agency by registered mail at least 30 days prior to holding the joint meeting.
 3. If the notice required in subparagraph 1. is timely provided, the municipality may not proceed with the adoption of a modified plan until 30 days after the joint hearing unless the governing body of the county has failed to schedule or a majority of the members of the governing body of the county have failed to attend the joint hearing within the required 90-day period.
 4. Notwithstanding the time requirements established in subparagraphs 2. and 3., the county and the municipality may at any time voluntarily use the dispute resolution process established in chapter 164 to attempt to resolve any competing policy goals between the county and municipality related to the community redevelopment agency. Nothing in this subparagraph grants the county or the municipality the authority to require the other local government to participate in the dispute resolution process.
- (4) A modification to a community redevelopment plan that includes a change in the boundaries of the redevelopment area to add land must be supported by a resolution as provided in s. 163.355.
- (5) If a community redevelopment plan is modified by the county or municipality after the lease or sale of real property in the community redevelopment area, such modification may be conditioned upon such approval of the owner, lessee, or successor in interest as the county or municipality may deem advisable and, in any event, shall be subject to such rights at law or in equity as a lessee or purchaser, or his or her successor or successors in interest, may be entitled to assert.

History.--s. 4, ch. 77-391; s. 6, ch. 83-231; s. 904, ch. 95-147; s. 7, ch. 98-314; s. 5, ch. 2002-294;

s. 5, ch. 2006-307.

163.362 Contents of community redevelopment plan.--Every community redevelopment plan shall:

- (1) Contain a legal description of the boundaries of the community redevelopment area and the reasons for establishing such boundaries shown in the plan.
- (2) Show by diagram and in general terms:
 - (a) The approximate amount of open space to be provided and the street layout.
 - (b) Limitations on the type, size, height, number, and proposed use of buildings.
 - (c) The approximate number of dwelling units.
 - (d) Such property as is intended for use as public parks, recreation areas, streets, public utilities, and public improvements of any nature.
- (3) If the redevelopment area contains low or moderate income housing, contain a neighborhood impact element which describes in detail the impact of the redevelopment upon the residents of the redevelopment area and the surrounding areas in terms of relocation, traffic circulation, environmental quality, availability of community facilities and services, effect on school population, and other matters affecting the physical and social quality of the neighborhood.
- (4) Identify specifically any publicly funded capital projects to be undertaken within the community redevelopment area.
- (5) Contain adequate safeguards that the work of redevelopment will be carried out pursuant to the plan.
- (6) Provide for the retention of controls and the establishment of any restrictions or covenants running with land sold or leased for private use for such periods of time and under such conditions as the governing body deems necessary to effectuate the purposes of this part.
- (7) Provide assurances that there will be replacement housing for the relocation of persons temporarily or permanently displaced from housing facilities within the community redevelopment area.
- (8) Provide an element of residential use in the redevelopment area if such use exists in the area prior to the adoption of the plan or if the plan is intended to remedy a shortage of housing affordable to residents of low or moderate income, including the elderly, or if the plan is not intended to remedy such shortage, the reasons therefor.
- (9) Contain a detailed statement of the projected costs of the redevelopment, including the amount to be expended on publicly funded capital projects in the community redevelopment area and any indebtedness of the community redevelopment agency, the county, or the municipality proposed to be incurred for such redevelopment if such indebtedness is to be repaid with increment revenues.
- (10) Provide a time certain for completing all redevelopment financed by increment revenues. Such time certain shall occur no later than 30 years after the fiscal year in which the plan is approved, adopted, or amended pursuant to s. 163.361(1). However, for any agency created after July 1, 2002, the time certain for completing all redevelopment financed by increment revenues must occur within 40 years after the fiscal year in which the plan is approved or adopted.

(11) Subsections (1), (3), (4), and (8), as amended by s. 10, chapter 84-356, Laws of Florida, and subsections (9) and (10) do not apply to any governing body of a county or municipality or to a community redevelopment agency if such governing body has approved and adopted a community redevelopment plan pursuant to s. 163.360 before chapter 84-356 became a law; nor do they apply to any governing body of a county or municipality or to a community redevelopment agency if such governing body or agency has adopted an ordinance or resolution authorizing the issuance of any bonds, notes, or other forms of indebtedness to which is pledged increment revenues pursuant only to a community redevelopment plan as approved and adopted before chapter 84-356 became a law.

History.--s. 5, ch. 77-391; s. 7, ch. 83-231; ss. 10, 22, ch. 84-356; s. 5, ch. 93-286; s. 6, ch. 94-236; s. 6, ch. 2002-294.

163.365 Neighborhood and communitywide plans.--

(1) Any municipality or county or any public body authorized to perform planning work may prepare a general neighborhood redevelopment plan for a community redevelopment area or areas, together with any adjoining areas having specially related problems, which may be of such scope that redevelopment activities may have to be carried out in stages. Such plans may include, but not be limited to, a preliminary plan which:

- (a) Outlines the community redevelopment activities proposed for the area involved;
- (b) Provides a framework for the preparation of community redevelopment plans; and
- (c) Indicates generally the land uses, population density, building coverage, prospective requirements for rehabilitation and improvement of property and portions of the area contemplated for clearance and redevelopment.

A general neighborhood redevelopment plan shall, in the determination of the governing body, conform to the general plan of the locality as a whole and the workable program of the county or municipality.

(2) Any county or municipality or any public body authorized to perform planning work may prepare or complete a communitywide plan or program for community redevelopment which shall conform to the general plan for the development of the county or municipality as a whole and may include, but not be limited to, identification of slum or blighted areas, measurement of blight, determination of resources needed and available to renew such areas, identification of potential project areas and types of action contemplated, including the development of affordable housing if needed and appropriate for the area, and scheduling of community redevelopment activities.

(3) Authority is hereby vested in every county and municipality to prepare, adopt, and revise from time to time a general plan for the physical development of the county or municipality as a whole (giving due regard to the environs and metropolitan surroundings), to establish and maintain a planning commission for such purpose and related county or municipal planning activities, and to make available and to appropriate necessary funds therefor.

History.--s. 8, ch. 69-305; s. 7, ch. 94-236.

163.367 Public officials, commissioners, and employees subject to code of ethics.--

(1) The officers, commissioners, and employees of a community redevelopment agency created by, or designated pursuant to, s. 163.356 or s. 163.357 shall be subject to the provisions and requirements of part III of chapter 112.

(2) If any such official, commissioner, or employee presently owns or controls, or owned or

controlled within the preceding 2 years, any interest, direct or indirect, in any property which he or she knows is included or planned to be included in a community redevelopment area, he or she shall immediately disclose this fact in the manner provided in part III of chapter 112. Any disclosure required to be made by this section shall be made prior to taking any official action pursuant to this section.

(3) No commissioner or other officer of any community redevelopment agency, board, or commission exercising powers pursuant to this part shall hold any other public office under the county or municipality other than his or her commissionership or office with respect to such community redevelopment agency, board, or commission.

History.--s. 6, ch. 77-391; s. 76, ch. 79-400; s. 8, ch. 83-231; s. 905, ch. 95-147.

163.370 Powers; counties and municipalities; community redevelopment agencies.--

(1) Counties and municipalities may not exercise the power of eminent domain for the purpose of preventing or eliminating a slum area or blighted area as defined in this part; however, counties and municipalities may acquire property by eminent domain within a community redevelopment area, subject to the limitations set forth in ss. 73.013 and 73.014 or other general law.

(2) Every county and municipality shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers in addition to others herein granted:

(a) To make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this part.

(b) To disseminate slum clearance and community redevelopment information.

(c) To undertake and carry out community redevelopment and related activities within the community redevelopment area, which may include:

1. Acquisition of property within a slum area or a blighted area by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition.

2. Demolition and removal of buildings and improvements.

3. Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, public areas of major hotels that are constructed in support of convention centers, including meeting rooms, banquet facilities, parking garages, lobbies, and passageways, and other improvements necessary for carrying out in the community redevelopment area the community redevelopment objectives of this part in accordance with the community redevelopment plan.

4. Disposition of any property acquired in the community redevelopment area at its fair value as provided in s. 163.380 for uses in accordance with the community redevelopment plan.

5. Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the community redevelopment plan.

6. Acquisition by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition of real property in the community redevelopment area which, under the community redevelopment plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property.

7. Acquisition by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method

of acquisition of any other real property in the community redevelopment area when necessary to eliminate unhealthful, unsanitary, or unsafe conditions; lessen density; eliminate obsolete or other uses detrimental to the public welfare; or otherwise to remove or prevent the spread of blight or deterioration or to provide land for needed public facilities.

8. Acquisition, without regard to any requirement that the area be a slum or blighted area, of air rights in an area consisting principally of land in highways, railway or subway tracks, bridge or tunnel entrances, or other similar facilities which have a blighting influence on the surrounding area and over which air rights sites are to be developed for the elimination of such blighting influences and for the provision of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income.

9. Acquisition by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition of property in unincorporated enclaves surrounded by the boundaries of a community redevelopment area when it is determined necessary by the agency to accomplish the community redevelopment plan.

10. Construction of foundations and platforms necessary for the provision of air rights sites of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income.

(d) To provide, or to arrange or contract for, the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities, or other facilities for or in connection with a community redevelopment; to install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements; and to agree to any conditions that it deems reasonable and appropriate which are attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of a community redevelopment and related activities, and to include in any contract let in connection with such redevelopment and related activities provisions to fulfill such of the conditions as it deems reasonable and appropriate.

(e) Within the community redevelopment area:

1. To enter into any building or property in any community redevelopment area in order to make inspections, surveys, appraisals, soundings, or test borings and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.

2. To acquire by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition any personal or real property, together with any improvements thereon.

3. To hold, improve, clear, or prepare for redevelopment any such property.

4. To mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real property.

5. To insure or provide for the insurance of any real or personal property or operations of the county or municipality against any risks or hazards, including the power to pay premiums on any such insurance.

6. To enter into any contracts necessary to effectuate the purposes of this part.

7. To solicit requests for proposals for redevelopment of parcels of real property contemplated by a community redevelopment plan to be acquired for redevelopment purposes by a community redevelopment agency and, as a result of such requests for proposals, to advertise for the disposition of such real property to private persons pursuant to s. 163.380 prior to acquisition of such real property by the community redevelopment agency.

(f) To invest any community redevelopment funds held in reserves or sinking funds or any such funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to their control and to redeem such bonds as have been issued pursuant to s. 163.385 at the redemption price established therein or to purchase such bonds at less than redemption price, all such bonds so redeemed or purchased to be canceled.

(g) To borrow money and to apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the Federal Government or the state, county, or other public body or from any sources, public or private, for the purposes of this part and to give such security as may be required and to enter into and carry out contracts or agreements in connection therewith; and to include in any contract for financial assistance with the Federal Government for or with respect to community redevelopment and related activities such conditions imposed pursuant to federal laws as the county or municipality deems reasonable and appropriate which are not inconsistent with the purposes of this part.

(h) To make or have made all surveys and plans necessary to the carrying out of the purposes of this part; to contract with any person, public or private, in making and carrying out such plans; and to adopt or approve, modify, and amend such plans, which plans may include, but are not limited to:

1. Plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements.
2. Plans for the enforcement of state and local laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements.
3. Appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of community redevelopment and related activities.

(i) To develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of slums and urban blight and developing and demonstrating new or improved means of providing housing for families and persons of low income.

(j) To apply for, accept, and utilize grants of funds from the Federal Government for such purposes.

(k) To prepare plans for and assist in the relocation of persons (including individuals, families, business concerns, nonprofit organizations, and others) displaced from a community redevelopment area and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal Government.

(l) To appropriate such funds and make such expenditures as are necessary to carry out the purposes of this part; to zone or rezone any part of the county or municipality or make exceptions from building regulations; and to enter into agreements with a housing authority, which agreements may extend over any period, notwithstanding any provision or rule of law to the contrary, respecting action to be taken by such county or municipality pursuant to any of the powers granted by this part.

(m) To close, vacate, plan, or replan streets, roads, sidewalks, ways, or other places and to plan or replan any part of the county or municipality.

(n) To organize, coordinate, and direct the administration of the provisions of this part, as they may apply to such county or municipality, in order that the objective of remedying slum and blighted areas and preventing the causes thereof within such county or municipality may be most

effectively promoted and achieved and to establish such new office or offices of the county or municipality or to reorganize existing offices in order to carry out such purpose most effectively.

(o) To develop and implement community policing innovations.

(3) The following projects may not be paid for or financed by increment revenues:

(a) Construction or expansion of administrative buildings for public bodies or police and fire buildings, unless each taxing authority agrees to such method of financing for the construction or expansion, or unless the construction or expansion is contemplated as part of a community policing innovation.

(b) Installation, construction, reconstruction, repair, or alteration of any publicly owned capital improvements or projects if such projects or improvements were scheduled to be installed, constructed, reconstructed, repaired, or altered within 3 years of the approval of the community redevelopment plan by the governing body pursuant to a previously approved public capital improvement or project schedule or plan of the governing body which approved the community redevelopment plan unless and until such projects or improvements have been removed from such schedule or plan of the governing body and 3 years have elapsed since such removal or such projects or improvements were identified in such schedule or plan to be funded, in whole or in part, with funds on deposit within the community redevelopment trust fund.

(c) General government operating expenses unrelated to the planning and carrying out of a community redevelopment plan.

(4) With the approval of the governing body, a community redevelopment agency may:

(a) Prior to approval of a community redevelopment plan or approval of any modifications of the plan, acquire real property in a community redevelopment area by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition; demolish and remove any structures on the property; and pay all costs related to the acquisition, demolition, or removal, including any administrative or relocation expenses, provided such acquisition is not pursuant to s. 163.375.

(b) Assume the responsibility to bear any loss that may arise as the result of the exercise of authority under this subsection, in the event that the real property is not made part of the community redevelopment area.

History.--s. 9, ch. 69-305; s. 7, ch. 77-391; s. 11, ch. 84-356; s. 7, ch. 93-286; s. 8, ch. 94-236; s. 8, ch. 98-314; s. 10, ch. 2006-11; s. 6, ch. 2006-307.

163.380 Disposal of property in community redevelopment area.--The disposal of property in a community redevelopment area which is acquired by eminent domain is subject to the limitations set forth in s. 73.013.

(1) Any county, municipality, or community redevelopment agency may sell, lease, dispose of, or otherwise transfer real property or any interest therein acquired by it for community redevelopment in a community redevelopment area to any private person, or may retain such property for public use, and may enter into contracts with respect thereto for residential, recreational, commercial, industrial, educational, or other uses, in accordance with the community redevelopment plan, subject to such covenants, conditions, and restrictions, including covenants running with the land, as it deems necessary or desirable to assist in preventing the development or spread of future slums or blighted areas or to otherwise carry out the purposes of this part. However, such sale, lease, other transfer, or retention, and any agreement relating thereto, may be made only after the approval of the community redevelopment plan by the governing body. The purchasers or lessees and their successors and assigns shall be obligated to devote such real

property only to the uses specified in the community redevelopment plan and may be obligated to comply with such other requirements as the county, municipality, or community redevelopment agency may determine to be in the public interest, including the obligation to begin any improvements on such real property required by the community redevelopment plan within a reasonable time.

(2) Such real property or interest shall be sold, leased, otherwise transferred, or retained at a value determined to be in the public interest for uses in accordance with the community redevelopment plan and in accordance with such reasonable disposal procedures as any county, municipality, or community redevelopment agency may prescribe. In determining the value of real property as being in the public interest for uses in accordance with the community redevelopment plan, the county, municipality, or community redevelopment agency shall take into account and give consideration to the long-term benefits to be achieved by the county, municipality, or community redevelopment agency resulting from incurring short-term losses or costs in the disposal of such real property; the uses provided in such plan; the restrictions upon, and the covenants, conditions, and obligations assumed by, the purchaser or lessee or by the county, municipality, or community redevelopment agency retaining the property; and the objectives of such plan for the prevention of the recurrence of slum or blighted areas. In the event the value of such real property being disposed of is for less than the fair value, such disposition shall require the approval of the governing body, which approval may only be given following a duly noticed public hearing. The county, municipality, or community redevelopment agency may provide in any instrument of conveyance to a private purchaser or lessee that such purchaser or lessee is without power to sell, lease, or otherwise transfer the real property without the prior written consent of the county, municipality, or community redevelopment agency until the purchaser or lessee has completed the construction of any or all improvements which he or she has obligated himself or herself to construct thereon. Real property acquired by the county, municipality, or community redevelopment agency which, in accordance with the provisions of the community redevelopment plan, is to be transferred shall be transferred as rapidly as feasible in the public interest, consistent with the carrying out of the provisions of the community redevelopment plan. Any contract for such transfer and the community redevelopment plan, or such part or parts of such contract or plan as the county, municipality, or community redevelopment agency may determine, may be recorded in the land records of the clerk of the circuit court in such manner as to afford actual or constructive notice thereof.

(3)(a) Prior to disposition of any real property or interest therein in a community redevelopment area, any county, municipality, or community redevelopment agency shall give public notice of such disposition by publication in a newspaper having a general circulation in the community, at least 30 days prior to the execution of any contract to sell, lease, or otherwise transfer real property and, prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section, invite proposals from, and make all pertinent information available to, private redevelopers or any persons interested in undertaking to redevelop or rehabilitate a community redevelopment area or any part thereof. Such notice shall identify the area or portion thereof and shall state that proposals must be made by those interested within 30 days after the date of publication of the notice and that such further information as is available may be obtained at such office as is designated in the notice. The county, municipality, or community redevelopment agency shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out; and the county, municipality, or community redevelopment agency may negotiate with any persons for proposals for the purchase, lease, or other transfer of any real property acquired by it in the community redevelopment area. The county, municipality, or community redevelopment agency may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this part. Except in the case of a governing body acting as the agency, as provided in s. 163.357, a notification of intention to accept such proposal must be filed with the governing body not less than 30 days prior to any such acceptance. Thereafter, the county, municipality, or community redevelopment agency may execute such contract in accordance with the provisions of subsection (1) and deliver deeds, leases, and other instruments and take all steps necessary to effectuate such contract.

(b) Any county, municipality, or community redevelopment agency that, pursuant to the provisions of this section, has disposed of a real property project with a land area in excess of 20 acres may acquire an expanded area that is immediately adjacent to the original project and less than 35 percent of the land area of the original project, by purchase as provided in this chapter, and negotiate a disposition of such expanded area directly with the person who acquired the original project without complying with the disposition procedures established in paragraph (a), provided the county, municipality, or community redevelopment agency adopts a resolution making the following findings:

1. It is in the public interest to expand such real property project to an immediately adjacent area.
2. The expanded area is less than 35 percent of the land area of the original project.
3. The expanded area is entirely within the boundary of the community redevelopment area.

(4) Any county, municipality, or community redevelopment agency may temporarily operate and maintain real property acquired by it in a community redevelopment area for or in connection with a community redevelopment plan pending the disposition of the property as authorized in this part, without regard to the provisions of subsection (1), for such uses and purposes as may be deemed desirable, even though not in conformity with the community redevelopment plan.

(5) If any conflict exists between the provisions of this section and s. 159.61, the provisions of this section govern and supersede those of s. 159.61.

(6) Notwithstanding any provision of this section, if a community redevelopment area is established by the governing body for the redevelopment of property located on a closed military base within the governing body's boundaries, the procedures for disposition of real property within that community redevelopment area shall be prescribed by the governing body, and compliance with the other provisions of this section shall not be required prior to the disposal of real property.

History.--s. 11, ch. 69-305; s. 9, ch. 77-391; s. 13, ch. 84-356; s. 1, ch. 92-162; s. 906, ch. 95-147; s. 1, ch. 96-254; s. 9, ch. 98-314; s. 12, ch. 2006-11.

163.385 Issuance of revenue bonds.--

(1)(a) When authorized or approved by resolution or ordinance of the governing body, a county, municipality, or community redevelopment agency has power in its corporate capacity, in its discretion, to issue redevelopment revenue bonds from time to time to finance the undertaking of any community redevelopment under this part, including, without limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans or preliminary loans, and has power to issue refunding bonds for the payment or retirement of bonds or other obligations previously issued. For any agency created before July 1, 2002, any redevelopment revenue bonds or other obligations issued to finance the undertaking of any community redevelopment under this part shall mature within 60 years after the end of the fiscal year in which the initial community redevelopment plan was approved or adopted. For any agency created on or after July 1, 2002, any redevelopment revenue bonds or other obligations issued to finance the undertaking of any community redevelopment under this part shall mature within 40 years after the end of the fiscal year in which the initial community redevelopment plan is approved or adopted. However, in no event shall any redevelopment revenue bonds or other obligations issued to finance the undertaking of any community redevelopment under this part mature later than the expiration of the plan in effect at the time such bonds or obligations were issued. The security for such bonds may be based upon the anticipated assessed valuation of the completed community redevelopment and such other revenues as are legally available. Any bond, note, or other form of indebtedness pledging increment revenues to the repayment thereof shall mature no later than the end of the 30th fiscal year after the fiscal year in which increment revenues are first deposited into the

redevelopment trust fund or the fiscal year in which the plan is subsequently amended. However, for any agency created on or after July 1, 2002, any form of indebtedness pledging increment revenues to the repayment thereof shall mature by the 40th year after the fiscal year in which the initial community redevelopment plan is approved or adopted. However, any refunding bonds issued pursuant to this paragraph may not mature later than the final maturity date of any bonds or other obligations issued pursuant to this paragraph being paid or retired with the proceeds of such refunding bonds.

(b) In anticipation of the sale of revenue bonds pursuant to paragraph (a), the county, municipality, or community redevelopment agency may issue bond anticipation notes and may renew such notes from time to time, but the maximum maturity of any such note, including renewals thereof, may not exceed 5 years from the date of issue of the original note. Such notes shall be paid from any revenues of the county, municipality, or community redevelopment agency available therefor and not otherwise pledged or from the proceeds of sale of the revenue bonds in anticipation of which they were issued.

(2) Bonds issued under this section do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, and are not subject to the provisions of any other law or charter relating to the authorization, issuance, or sale of bonds. Bonds issued under the provisions of this part are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, are exempted from all taxes, except those taxes imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

(3) Bonds issued under this section shall be authorized by resolution or ordinance of the governing body; may be issued in one or more series; and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form either with or without coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment at such place or places, be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics as may be provided by such resolution or ordinance or by a trust indenture or mortgage issued pursuant thereto. Bonds issued under this section may be sold in such manner, either at public or private sale, and for such price as the governing body may determine will effectuate the purpose of this part.

(4) In case any of the public officials of the county, municipality, or community redevelopment agency whose signatures appear on any bonds or coupons issued under this part cease to be such officials before the delivery of such bonds, such signatures are, nevertheless, valid and sufficient for all purposes, the same as if such officials had remained in office until such delivery.

(5) In any suit, action, or proceeding involving the validity or enforceability of any bond issued under this part, or the security therefor, any such bond reciting in substance that it has been issued by the county, municipality, or community redevelopment agency in connection with community redevelopment, as herein defined, shall be conclusively deemed to have been issued for such purpose, and such project shall be conclusively deemed to have been planned, located, and carried out in accordance with the provisions of this part.

(6) Subsections (1), (4), and (5), as amended by s. 14, chapter 84-356, Laws of Florida, do not apply to any governing body of a county or municipality or to a community redevelopment agency if such governing body or agency has adopted an ordinance or resolution authorizing the issuance of any bonds, notes, or other forms of indebtedness to which is pledged increment revenues pursuant only to a community redevelopment plan as approved and adopted before chapter 84-356 became a law.

History.--s. 12, ch. 69-305; s. 12, ch. 73-302; s. 2, ch. 76-147; s. 10, ch. 77-391; s. 77, ch. 79-400; ss. 14, 22, ch. 84-356; s. 6, ch. 93-286; s. 9, ch. 94-236; s. 15, ch. 95-310; s. 7, ch. 2002-294.

163.387 Redevelopment trust fund.--

(1)(a) After approval of a community redevelopment plan, there may be established for each community redevelopment agency created under s. 163.356 a redevelopment trust fund. Funds allocated to and deposited into this fund shall be used by the agency to finance or refinance any community redevelopment it undertakes pursuant to the approved community redevelopment plan. No community redevelopment agency may receive or spend any increment revenues pursuant to this section unless and until the governing body has, by ordinance, created the trust fund and provided for the funding of the redevelopment trust fund until the time certain set forth in the community redevelopment plan as required by s. 163.362(10). Such ordinance may be adopted only after the governing body has approved a community redevelopment plan. The annual funding of the redevelopment trust fund shall be in an amount not less than that increment in the income, proceeds, revenues, and funds of each taxing authority derived from or held in connection with the undertaking and carrying out of community redevelopment under this part. Such increment shall be determined annually and shall be that amount equal to 95 percent of the difference between:

1. The amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of a community redevelopment area; and
2. The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in the community redevelopment area as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of the ordinance providing for the funding of the trust fund.

However, the governing body of any county as defined in s. 125.011(1) may, in the ordinance providing for the funding of a trust fund established with respect to any community redevelopment area created on or after July 1, 1994, determine that the amount to be funded by each taxing authority annually shall be less than 95 percent of the difference between subparagraphs 1. and 2., but in no event shall such amount be less than 50 percent of such difference.

(b)1. For any governing body that has not authorized by June 5, 2006, a study to consider whether a finding of necessity resolution pursuant to s. 163.355 should be adopted, has not adopted a finding of necessity resolution pursuant to s. 163.355 by March 31, 2007, has not adopted a community redevelopment plan by June 7, 2007, and was not authorized to exercise community redevelopment powers pursuant to a delegation of authority under s. 163.410 by a county that has adopted a home rule charter, the amount of tax increment to be contributed by any taxing authority shall be limited as follows:

- a. If a taxing authority imposes a millage rate that exceeds the millage rate imposed by the governing body that created the trust fund, the amount of tax increment to be contributed by the taxing authority imposing the higher millage rate shall be calculated using the millage rate imposed by the governing body that created the trust fund. Nothing shall prohibit any taxing authority from voluntarily contributing a tax increment at a higher rate for a period of time as specified by interlocal agreement between the taxing authority and the community redevelopment agency.
- b. At any time more than 24 years after the fiscal year in which a taxing authority made its first contribution to a redevelopment trust fund, by resolution effective no sooner than the next fiscal year and adopted by majority vote of the taxing authority's governing body at a public hearing held not less than 30 or more than 45 days after written notice by registered mail to the community redevelopment agency and published in a newspaper of general circulation in the redevelopment area, the taxing authority may limit the amount of increment contributed by the taxing authority to the redevelopment trust fund to the amount of increment the taxing authority was obligated to contribute to the redevelopment trust fund in the fiscal year immediately preceding the adoption of such resolution, plus any increase in the increment after the adoption of the resolution

computed using the taxable values of any area which is subject to an area reinvestment agreement. As used in this subparagraph, the term "area reinvestment agreement" means an agreement between the community redevelopment agency and a private party, with or without additional parties, which provides that the increment computed for a specific area shall be reinvested in services or public or private projects, or both, including debt service, supporting one or more projects consistent with the community redevelopment plan that is identified in the agreement to be constructed within that area. Any such reinvestment agreement must specify the estimated total amount of public investment necessary to provide the projects or services, or both, including any applicable debt service. The contribution to the redevelopment trust fund of the increase in the increment of any area that is subject to an area reinvestment agreement following the passage of a resolution as provided in this sub-subparagraph shall cease when the amount specified in the area reinvestment agreement as necessary to provide the projects or services, or both, including any applicable debt service, has been invested.

2. For any community redevelopment agency that was not created pursuant to a delegation of authority under s. 163.410 by a county that has adopted a home rule charter and that modifies its adopted community redevelopment plan after October 1, 2006, in a manner that expands the boundaries of the redevelopment area, the amount of increment to be contributed by any taxing authority with respect to the expanded area shall be limited as set forth in sub-subparagraphs 1.a. and b.

(2)(a) Except for the purpose of funding the trust fund pursuant to subsection (3), upon the adoption of an ordinance providing for funding of the redevelopment trust fund as provided in this section, each taxing authority shall, by January 1 of each year, appropriate to the trust fund for so long as any indebtedness pledging increment revenues to the payment thereof is outstanding (but not to exceed 30 years) a sum that is no less than the increment as defined and determined in subsection (1) or paragraph (3)(b) accruing to such taxing authority. If the community redevelopment plan is amended or modified pursuant to s. 163.361(1), each such taxing authority shall make the annual appropriation for a period not to exceed 30 years after the date the governing body amends the plan but no later than 60 years after the fiscal year in which the plan was initially approved or adopted. However, for any agency created on or after July 1, 2002, each taxing authority shall make the annual appropriation for a period not to exceed 40 years after the fiscal year in which the initial community redevelopment plan is approved or adopted.

(b) Any taxing authority that does not pay the increment revenues to the trust fund by January 1 shall pay to the trust fund an amount equal to 5 percent of the amount of the increment revenues and shall pay interest on the amount of the unpaid increment revenues equal to 1 percent for each month the increment is outstanding, provided the agency may waive such penalty payments in whole or in part.

(c) The following public bodies or taxing authorities are exempt from paragraph (a):

1. A special district that levies ad valorem taxes on taxable real property in more than one county.
2. A special district for which the sole available source of revenue the district has the authority to levy is ad valorem taxes at the time an ordinance is adopted under this section. However, revenues or aid that may be dispensed or appropriated to a district as defined in s. 388.011 at the discretion of an entity other than such district shall not be deemed available.
3. A library district, except a library district in a jurisdiction where the community redevelopment agency had validated bonds as of April 30, 1984.
4. A neighborhood improvement district created under the Safe Neighborhoods Act.
5. A metropolitan transportation authority.

6. A water management district created under s. 373.069.

(d)1. A local governing body that creates a community redevelopment agency under s. 163.356 may exempt from paragraph (a) a special district that levies ad valorem taxes within that community redevelopment area. The local governing body may grant the exemption either in its sole discretion or in response to the request of the special district. The local governing body must establish procedures by which a special district may submit a written request to be exempted from paragraph (a).

2. In deciding whether to deny or grant a special district's request for exemption from paragraph (a), the local governing body must consider:

a. Any additional revenue sources of the community redevelopment agency which could be used in lieu of the special district's tax increment.

b. The fiscal and operational impact on the community redevelopment agency.

c. The fiscal and operational impact on the special district.

d. The benefit to the specific purpose for which the special district was created. The benefit to the special district must be based on specific projects contained in the approved community redevelopment plan for the designated community redevelopment area.

e. The impact of the exemption on incurred debt and whether such exemption will impair any outstanding bonds that have pledged tax increment revenues to the repayment of the bonds.

f. The benefit of the activities of the special district to the approved community redevelopment plan.

g. The benefit of the activities of the special district to the area of operation of the local governing body that created the community redevelopment agency.

3. The local governing body must hold a public hearing on a special district's request for exemption after public notice of the hearing is published in a newspaper having a general circulation in the county or municipality that created the community redevelopment area. The notice must describe the time, date, place, and purpose of the hearing and must identify generally the community redevelopment area covered by the plan and the impact of the plan on the special district that requested the exemption.

4. If a local governing body grants an exemption to a special district under this paragraph, the local governing body and the special district must enter into an interlocal agreement that establishes the conditions of the exemption, including, but not limited to, the period of time for which the exemption is granted.

5. If a local governing body denies a request for exemption by a special district, the local governing body shall provide the special district with a written analysis specifying the rationale for such denial. This written analysis must include, but is not limited to, the following information:

a. A separate, detailed examination of each consideration listed in subparagraph 2.

b. Specific examples of how the approved community redevelopment plan will benefit, and has already benefited, the purpose for which the special district was created.

6. The decision to either deny or grant an exemption must be made by the local governing body within 120 days after the date the written request was submitted to the local governing body

pursuant to the procedures established by such local governing body.

(3)(a) Notwithstanding the provisions of subsection (2), the obligation of the governing body which established the community redevelopment agency to fund the redevelopment trust fund annually shall continue until all loans, advances, and indebtedness, if any, and interest thereon, of a community redevelopment agency incurred as a result of redevelopment in a community redevelopment area have been paid.

(b) Alternate provisions contained in an interlocal agreement between a taxing authority and the governing body that created the community redevelopment agency may supersede the provisions of this section with respect to that taxing authority. The community redevelopment agency may be an additional party to any such agreement.

(4) The revenue bonds and notes of every issue under this part are payable solely out of revenues pledged to and received by a community redevelopment agency and deposited to its redevelopment trust fund. The lien created by such bonds or notes shall not attach until the increment revenues referred to herein are deposited in the redevelopment trust fund at the times, and to the extent that, such increment revenues accrue. The holders of such bonds or notes have no right to require the imposition of any tax or the establishment of any rate of taxation in order to obtain the amounts necessary to pay and retire such bonds or notes.

(5) Revenue bonds issued under the provisions of this part shall not be deemed to constitute a debt, liability, or obligation of the public body or the state or any political subdivision thereof, or a pledge of the faith and credit of the public body or the state or any political subdivision thereof, but shall be payable solely from the revenues provided therefor. All such revenue bonds shall contain on the face thereof a statement to the effect that the agency shall not be obligated to pay the same or the interest thereon except from the revenues of the community redevelopment agency held for that purpose and that neither the faith and credit nor the taxing power of the governing body or of the state or of any political subdivision thereof is pledged to the payment of the principal of, or the interest on, such bonds.

(6) Moneys in the redevelopment trust fund may be expended from time to time for undertakings of a community redevelopment agency as described in the community redevelopment plan for the following purposes, including, but not limited to:

(a) Administrative and overhead expenses necessary or incidental to the implementation of a community redevelopment plan adopted by the agency.

(b) Expenses of redevelopment planning, surveys, and financial analysis, including the reimbursement of the governing body or the community redevelopment agency for such expenses incurred before the redevelopment plan was approved and adopted.

(c) The acquisition of real property in the redevelopment area.

(d) The clearance and preparation of any redevelopment area for redevelopment and relocation of site occupants within or outside the community redevelopment area as provided in s. 163.370.

(e) The repayment of principal and interest or any redemption premium for loans, advances, bonds, bond anticipation notes, and any other form of indebtedness.

(f) All expenses incidental to or connected with the issuance, sale, redemption, retirement, or purchase of bonds, bond anticipation notes, or other form of indebtedness, including funding of any reserve, redemption, or other fund or account provided for in the ordinance or resolution authorizing such bonds, notes, or other form of indebtedness.

(g) The development of affordable housing within the community redevelopment area.

(h) The development of community policing innovations.

(7) On the last day of the fiscal year of the community redevelopment agency, any money which remains in the trust fund after the payment of expenses pursuant to subsection (6) for such year shall be:

(a) Returned to each taxing authority which paid the increment in the proportion that the amount of the payment of such taxing authority bears to the total amount paid into the trust fund by all taxing authorities for that year;

(b) Used to reduce the amount of any indebtedness to which increment revenues are pledged;

(c) Deposited into an escrow account for the purpose of later reducing any indebtedness to which increment revenues are pledged; or

(d) Appropriated to a specific redevelopment project pursuant to an approved community redevelopment plan which project will be completed within 3 years from the date of such appropriation.

(8) Each community redevelopment agency shall provide for an audit of the trust fund each fiscal year and a report of such audit to be prepared by an independent certified public accountant or firm. Such report shall describe the amount and source of deposits into, and the amount and purpose of withdrawals from, the trust fund during such fiscal year and the amount of principal and interest paid during such year on any indebtedness to which increment revenues are pledged and the remaining amount of such indebtedness. The agency shall provide by registered mail a copy of the report to each taxing authority.

History.--s. 11, ch. 77-391; s. 78, ch. 79-400; s. 9, ch. 83-231; s. 15, ch. 84-356; s. 27, ch. 87-224; s. 35, ch. 91-45; s. 4, ch. 93-286; s. 10, ch. 94-236; s. 1, ch. 94-344; s. 10, ch. 98-314; s. 8, ch. 2002-18; s. 8, ch. 2002-294; s. 7, ch. 2006-307.

163.390 Bonds as legal investments.--All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by a county or municipality pursuant to this part or by any community redevelopment agency vested with community redevelopment powers. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize all persons, political subdivisions, and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

History.--s. 13, ch. 69-305; s. 12, ch. 77-391; s. 16, ch. 84-356.

163.395 Property exempt from taxes and from levy and sale by virtue of an execution.--

(1) All property of any county, municipality, or community redevelopment agency, including funds, owned or held by it for the purposes of this part are exempt from levy and sale by virtue of an execution; and no execution or other judicial process may issue against the same, nor shall judgment against the county, municipality, or community redevelopment agency be a charge or lien upon such property. However, the provisions of this section do not apply to or limit the right of obligees to pursue any remedies for the enforcement of any pledge or lien given pursuant to this part by the county or municipality on its rents, fees, grants, or revenues from community

redevelopment.

(2) The property of the county, municipality, or community redevelopment agency acquired or held for the purposes of this part is declared to be public property used for essential public and governmental purposes, and such property is exempt from all taxes of the municipality, the county, or the state or any political subdivision thereof. However, such tax exemption will terminate when the county, municipality, or community redevelopment agency sells, leases, or otherwise disposes of such property in a community redevelopment area to a purchaser or lessee which is not a public body entitled to tax exemption with respect to such property.

History.--s. 14, ch. 69-305; s. 13, ch. 77-391; s. 17, ch. 84-356.

163.400 Cooperation by public bodies.--

(1) For the purpose of aiding in the planning, undertaking, or carrying out of community redevelopment and related activities authorized by this part, any public body may, upon such terms, with or without consideration, as it may determine:

(a) Dedicate, sell, convey, or lease any of its interest in any property or grant easements, licenses, or other rights or privileges therein to a county or municipality.

(b) Incur the entire expense of any public improvements made by such public body in exercising the powers granted in this section.

(c) Do any and all things necessary to aid or cooperate in the planning or carrying out of a community redevelopment plan and related activities.

(d) Lend, grant, or contribute funds to a county or municipality; borrow money; and apply for and accept advances, loans, grants, contributions, or any other form of financial assistance from the Federal Government, the state, the county, another public body, or any other source.

(e) Enter into agreements, which may extend over any period, notwithstanding any provision or rule of law to the contrary, with the Federal Government, a county, a municipality, or another public body respecting action to be taken pursuant to any of the powers granted by this part, including the furnishing of funds or other assistance in connection with community redevelopment and related activities.

(f) Cause public buildings and public facilities, including parks, playgrounds, recreational, community, educational, water, sewer, or drainage facilities, or any other works which it is otherwise empowered to undertake to be furnished; furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or replan streets, roads, sidewalks, ways, or other places; plan or replan or zone or rezone any part of the public body or make exceptions from building regulations; and cause administrative and other services to be furnished to the county or municipality.

If at any time title to or possession of any property in a community redevelopment area is held by any public body or governmental agency, other than the county or municipality, but including any agency or instrumentality of the United States, which is authorized by law to engage in the undertaking, carrying out, or administration of community redevelopment and related activities, the provisions of the agreements referred to in this section shall inure to the benefit of and may be enforced by such public body or governmental agency. As used in this subsection, the term "county or municipality" also includes a community redevelopment agency.

(2) Any sale, conveyance, lease, or agreement provided for in this section may be made by a public body without appraisal, public notice, advertisement, or public bidding.

(3) For the purpose of aiding in the planning, undertaking, or carrying out of any community

redevelopment and related activities of a community redevelopment agency or a housing authority hereunder, any county or municipality may, in addition to its other powers and upon such terms, with or without consideration, as it determines, do and perform any or all of the actions or things which, by the provisions of subsection (1), a public body is authorized to do or perform, including the furnishing of financial and other assistance.

(4) For the purposes of this section, or for the purpose of aiding in the planning, undertaking, or carrying out of community redevelopment and related activities of a county or municipality, such county or municipality may, in addition to any authority to issue bonds pursuant to s. 163.385, issue and sell its general obligation bonds. Any bonds issued by the county or municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by the applicable laws of this state for the issuance and authorization of general obligation bonds by such county or municipality. Nothing in this section shall limit or otherwise adversely affect any other section of this part.

History.--s. 15, ch. 69-305; s. 14, ch. 77-391; s. 79, ch. 79-400; s. 18, ch. 84-356.

163.405 Title of purchaser.--Any instrument executed by any county, municipality, or community redevelopment agency and purporting to convey any right, title, or interest in any property under this part shall be conclusively presumed to have been executed in compliance with the provisions of this part insofar as title or other interest of any bona fide purchasers, lessees, or transferees of such property is concerned.

History.--s. 16, ch. 69-305; s. 15, ch. 77-391.

163.410 Exercise of powers in counties with home rule charters.--In any county which has adopted a home rule charter, the powers conferred by this part shall be exercised exclusively by the governing body of such county. However, the governing body of any such county which has adopted a home rule charter may, in its discretion, by resolution delegate the exercise of the powers conferred upon the county by this part within the boundaries of a municipality to the governing body of such a municipality. Such a delegation to a municipality shall confer only such powers upon a municipality as shall be specifically enumerated in the delegating resolution. Any power not specifically delegated shall be reserved exclusively to the governing body of the county. This section does not affect any community redevelopment agency created by a municipality prior to the adoption of a county home rule charter. Unless otherwise provided by an existing ordinance, resolution, or interlocal agreement between any such county and a municipality, the governing body of the county that has adopted a home rule charter shall grant in whole or in part or deny any request from a municipality for a delegation of powers or a change in an existing delegation of powers within 120 days after the receipt of all required documentation, or such request shall be deemed granted unless this period is extended by mutual consent in writing by the municipality and county. Within 30 days after receipt of the request, the county shall notify the municipality by registered mail whether the request is complete or if additional information is required. Any request by the county for additional documentation shall specify the deficiencies in the submitted documentation, if any. The county shall notify the municipality by registered mail within 30 days after receiving the additional information whether such additional documentation is complete. If the meeting of the county commission at which the request for a delegation of powers or a change in an existing delegation of powers is unable to be held due to events beyond the control of the county, the request shall be acted upon at the next regularly scheduled meeting of the county commission without regard to the 120-day limitation. If the county does not act upon the request at the next regularly scheduled meeting, the request shall be deemed granted.

History.--s. 17, ch. 69-305; s. 1, ch. 83-29; s. 9, ch. 2002-294; s. 8, ch. 2006-307.

163.415 Exercise of powers in counties without home rule charters.--The powers conferred by this part upon counties not having adopted a home rule charter shall not be exercised within the boundaries of a municipality within said county unless the governing body of the municipality expresses its consent by resolution. Such a resolution consenting to the exercise of the powers

conferred upon counties by this part shall specifically enumerate the powers to be exercised by the county within the boundaries of the municipality. Any power not specifically enumerated in such a resolution of consent shall be exercised exclusively by the municipality within its boundaries.

History.--s. 18, ch. 69-305.

163.430 Powers supplemental to existing community redevelopment powers.--The powers conferred upon counties or municipalities by this part shall be supplemental to any community redevelopment powers now being exercised by any county or municipality in accordance with the provisions of any population act, special act, or under the provisions of the home rule charter for Dade County, or under the provision of the charter of the consolidated City of Jacksonville.

History.--s. 21, ch. 69-305.

163.445 Assistance to community redevelopment by state agencies.--State agencies may provide technical and advisory assistance, upon request, to municipalities, counties, and community redevelopment agencies for community redevelopment as defined in this part. Such assistance may include, but need not be limited to, preparation of workable programs, relocation planning, special statistical and other studies and compilations, technical evaluations and information, training activities, professional services, surveys, reports, documents, and any other similar service functions. If sufficient funds and personnel are available, these services shall be provided without charge.

History.--s. 25, ch. 69-305; s. 16, ch. 77-391; s. 19, ch. 84-356.

163.450 Municipal and county participation in neighborhood development programs under Pub. L. No. 90-448.--Nothing contained herein shall be construed to prevent a county or municipality which is engaging in community redevelopment activities hereunder from participating in the neighborhood development program under the Housing and Urban Development Act of 1968 (Pub. L. No. 90-448) or in any amendments subsequent thereto.

History.--s. 26, ch. 69-305; s. 19, ch. 85-80.

163.455 Community-Based Development Organization Assistance Act; short title.--Chapter 2000-351, Laws of Florida, may be cited as the "Community-Based Development Organization Assistance Act."

History.--s. 1, ch. 2000-351.

163.456 Legislative findings and intent.--

(1) The Legislature finds that:

(a) Significant declines and consistently depressed appraised values make it impossible for business enterprises, including community-based development organizations, to generate sufficient revenues from business or real estate ventures in low-income neighborhoods to fund the redevelopment costs and other administrative expenses needed to foster new developments in these hard-to-develop areas.

(b) This deterioration contributes to the decline of neighborhoods in both rural and urban areas, causes a reduction of the value of property comprising the tax base of local communities, and eventually requires the expenditure of disproportionate amounts of public funds for health, social services, and police protection to prevent the development of slums and the social and economic disruption found in slum communities.

(c) The available means of eliminating or reducing these deteriorating economic conditions and encouraging local resident participation and support is to provide support assistance and resource investment to community-based development organizations. The Legislature also finds that community-based development organizations can contribute to the creation of jobs in response to federal welfare reform and state WAGES Program legislation, and economic development activities related to urban and rural economic initiatives.

(2) The intent of this legislation is to provide community-based development organizations with the necessary administrative and operating funds to retain project staff to plan, implement, and manage job-generating and community revitalization developments in distressed neighborhoods. This assistance will strengthen the community-based development organizations, assist local governments to enhance and expand revitalization efforts, and contribute to expanding the base of commerce, business, and affordable housing that will serve persons with very low incomes or low incomes, or WAGES recipients, using a bottom-up approach.

History.--s. 2, ch. 2000-351.

163.457 Eligibility for assistance.--Community-based development organizations that meet the following requirements shall be eligible for assistance.

(1) The community-based development organization must be a nonprofit corporation under state law and s. 501(c)(3) of the United States Internal Revenue Code.

(2) A majority of the board members of the community-based development organization must be elected by those members of the corporation who are stakeholders, comprising a mix of service area residents, area business property owners, area employees, and low-income residents. The board of a community-based development organization shall include low-income residents.

(3) The community-based development organization must maintain a service area in which economic and housing development projects are located and must further meet one or more of the following criteria:

(a) The area has been designated pursuant to s. 163.355 as a slum area or a blighted area, as defined in s. 163.340, or is located completely within the boundaries of a slum area or a blighted area.

(b) The area is a community development block grant program area in which community development block grant funds are currently being spent or have been spent during the last 3 years as certified by the local government in which the service area is located.

(c) The area is a neighborhood housing service district.

(d) The area is contained within a state enterprise zone designated on or after July 1, 1995, in accordance with s. 290.0065.

(e) The area is contained in federal empowerment zones and enterprise communities.

History.--s. 3, ch. 2000-351.

163.458 Three-tiered plan.--The Department of Community Affairs is authorized to award core administrative and operating grants. Administrative and operating grants shall be used for staff salaries and administrative expenses for eligible community-based development organizations selected through a competitive three-tiered process for the purpose of housing and economic development projects. The department shall adopt by rule a set of criteria for three-tiered funding that shall ensure equitable geographic distribution of the funding throughout the state. This three-

tiered plan shall include emerging, intermediate, and mature community-based development organizations recognizing the varying needs of the three tiers. Funding shall be provided for core administrative and operating grants for all levels of community-based development organizations. Priority shall be given to those organizations that demonstrate community-based productivity and high performance as evidenced by past projects developed with stakeholder input that have responded to neighborhood needs, and have current projects located in high-poverty neighborhoods, and to emerging community-based development corporations that demonstrate a positive need identified by stakeholders. Persons, equipment, supplies, and other resources funded in whole or in part by grant funds shall be utilized to further the purposes of this act, and may be utilized to further the goals and objectives of the Front Porch Florida Initiative. Each community-based development organization shall be eligible to apply for a grant of up to \$50,000 per year for a period of 5 years.

History.--s. 4, ch. 2000-351; s. 27, ch. 2001-60.

163.459 Eligible activities.--Activities eligible for assistance pursuant to this act include, but are not limited to:

- (1) Preparing grant and loan applications, proposals, fundraising letters, and other documents essential to securing additional administrative or project funds to further the purposes of this act.
- (2) Monitoring and administering grants and loans, providing technical assistance to businesses, and any other administrative tasks essential to maintaining funding eligibility or meeting contractual obligations.
- (3) Developing local programs and home ownership housing projects to encourage the participation of financial institutions, insurance companies, attorneys, architects, engineers, planners, law enforcement officers, developers, and other professional firms and individuals providing services beneficial to redevelopment efforts.
- (4) Providing technical, accounting, and financial assistance and information to businesses and entrepreneurs interested in locating, expanding, or operating in the service area.
- (5) Coordinating with state, federal, and local governments and other nonprofit organizations to ensure that activities meet local plans and ordinances and to avoid duplication of tasks.
- (6) Assisting service area residents in identifying and determining eligibility for state, federal, and local housing programs, including rehabilitation, weatherization, home ownership, rental assistance, or public housing programs.
- (7) Developing, selling, owning, and managing subsidized affordable housing designed for persons with very low incomes or low incomes, or for WAGES recipients, or developing, selling, owning, and managing subsidized affordable industrial parks providing jobs to such persons.
- (8) Obtaining technical assistance to build capacity to support community-based development organization projects.

History.--s. 5, ch. 2000-351.

163.460 Application requirements.--A community-based development organization applying for a core administrative and operating grant pursuant to this act must submit a proposal to the Department of Community Affairs that includes:

- (1) A map and narrative description of the service areas for the community-based development organization.

- (2) A copy of the documents creating the community-based development organization.
- (3) A listing of the membership of the board of the community-based development organization, including individual members' terms of office and the number of low-income residents on the board.
- (4) The organization's annual revitalization plan that describes the expenditure of the funds, including goals, objectives, and expected results, and has a clear relationship to the local municipality's comprehensive plan.
- (5) Other supporting information that may be required by the Department of Community Affairs to determine the organization's capacity and productivity.
- (6) A description of the location, financing plan, and potential impact of the business enterprises on residential, commercial, or industrial development, that shows a clear relationship to the organization's annual revitalization plan and demonstrates how the proposed expenditures are directly related to the scope of work for the proposed projects in the annual revitalization plan.

History.--s. 6, ch. 2000-351.

163.461 Reporting and evaluation requirements.--Community-based development organizations that receive funds under this act shall provide the following information to the Department of Community Affairs annually:

- (1) A listing of business firms and individuals assisted by the community-based development organization during the reporting period.
- (2) A listing of the type, source, purpose, and amount of each individual grant, loan, or donation received by the community-based development organization during the reporting period.
- (3) The number of paid and voluntary positions within the community-based development organization.
- (4) A listing of the salaries and administrative and operating expenses of the community-based development organization.
- (5) An identification and explanation of changes in the boundaries of the target area.
- (6) The amount of earned income from projects, programs, and development activities.
- (7) The number and description of projects in predevelopment phase, projects under construction, ongoing service programs, construction projects completed, and projects at sell-out or lease-up and property management phase, and a written explanation of the reasons that caused any projects not to be completed for the projected development phase.
- (8) The impact of the projects, as a result of receiving funding under this act, on residents in the target area, and the relationship of this impact to expected outcomes listed in the organization's annual revitalization plan.
- (9) The number of housing units rehabilitated or constructed at various stages of development, predevelopment phase, construction phase, completion and sell-out or lease-up phase, and condominium or property management phase by the community-based development organization within the service area during the reporting period.
- (10) The number of housing units, number of projects, and number of persons served by prior

projects developed by the organization, the amounts of project financing leverage with state funds for each prior and current project, and the incremental amounts of local and state real estate tax and sales tax revenue generated directly by the projects and programs annually.

(11) The number of jobs, both permanent and temporary, received by individuals who were directly assisted by the community-based development organization through assistance to the business such as a loan or other credit assistance.

(12) An identification and explanation of changes in the boundaries of the service area.

(13) The impact of completed projects on residents in the target area and the relationship of this impact to expected outcomes listed in the organization's annual revitalization plan.

(14) Such other information as the Department of Community Affairs requires.

History.--s. 7, ch. 2000-351.

163.462 Rulemaking authority.--The Department of Community Affairs shall adopt rules for the administration of this act.

History.--s. 8, ch. 2000-351.

163.463 Applicability of ch. 2002-294.--

(1) Amendments to this part, as provided by this act, do not apply to any ordinance or resolution authorizing the issuance of any bond, note, or other form of indebtedness to which are pledged increment revenues pursuant to a community development plan, or amendment or modification thereto, as approved or adopted before July 1, 2002.

(2) Amendments to this part, as provided by this act, shall not apply to any ordinance, resolution, interlocal agreement, or written agreement effective before July 1, 2002, that provides for the delegation of community redevelopment powers.

(3) The amendments to ss. 163.340, 163.355, 163.361, and 163.362 by this act do not apply to or affect, directly or indirectly, any community development agency created before July 1, 2002, unless the community redevelopment area is expanded on or after July 1, 2002, in which case only the amendments to ss. 163.340 and 163.355 by this act shall apply only to such expanded area.

(4) The amendments to ss. 163.340, 163.355, 163.361, and 163.362 by this act do not apply to or affect, directly or indirectly, any municipality that has authorized a finding of necessity study by May 1, 2002, or has adopted its finding of necessity on or before August 1, 2002, and has adopted its community redevelopment plan on or before December 31, 2002.

(5) The amendments to ss. 163.340, 163.355, 163.361, and 163.362 by this act do not apply to or affect, directly or indirectly, any municipality that has submitted before August 1, 2002, its finding of necessity, or application for approval of a community redevelopment plan, or an application to amend an existing community redevelopment plan to a county that has adopted a home rule charter.

(6) The amendments to ss. 163.355, 163.362, 163.385, and 163.387 by this act do not apply to or affect, directly or indirectly, any county as defined in s. 125.011(1) or any municipality located therein.

History.--s. 10, ch. 2002-294.

PART IV**NEIGHBORHOOD IMPROVEMENT DISTRICTS**

- 163.501 Short title.
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- 163.503 Safe neighborhoods; definitions.
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163.526 Neighborhood Councils and local government designated agency; powers and duties.

163.501 Short title.--This part may be cited as the "Safe Neighborhoods Act."

History.--s. 55, ch. 87-243; s. 1, ch. 91-86.

163.502 Safe neighborhoods; legislative findings and purpose.--

(1) The Legislature hereby finds and declares that among the many causes of deterioration in the business and residential neighborhoods of the state are the following: proliferation of crime, automobile traffic flow strangled by outmoded street patterns, unsuitable topography, faulty lot layouts, fragmentation of land uses and parking areas necessitating frequent automobile movement, lack of separation of pedestrian areas from automobile traffic, lack of separation of vehicle traffic lanes and railroad traffic, and excessive noise levels from automobile traffic.

(2) The Legislature further finds and declares that safe neighborhoods are the product of planning and implementation of appropriate environmental design concepts, comprehensive crime prevention programs, land use recommendations, and beautification techniques.

(3) The Legislature further finds and declares that the provisions of this part and the powers granted to local governments, property owners' associations, special dependent districts, and community redevelopment neighborhood improvement districts are desirable to guide and accomplish the coordinated, balanced, and harmonious development of safe neighborhoods; to promote the health, safety, and general welfare of these areas and their inhabitants, visitors, property owners, and workers; to establish, maintain, and preserve property values and preserve and foster the development of attractive neighborhood and business environments; to prevent overcrowding and congestion; to improve or redirect automobile traffic and provide pedestrian safety; to reduce crime rates and the opportunities for the commission of crime; and to provide improvements in neighborhoods so they are defensible against crime.

(4) It is the intent of the Legislature to assist local governments in implementing plans that employ crime prevention through community policing innovations, environmental design, environmental security, and defensible space techniques to establish safe neighborhoods. The Legislature, therefore, declares that the development, redevelopment, preservation, and revitalization of neighborhoods in this state, and all the purposes of this part, are public purposes for which public money may be borrowed, expended, loaned, and granted.

History.--s. 56, ch. 87-243; s. 2, ch. 91-86; s. 11, ch. 98-314.

163.503 Safe neighborhoods; definitions.--

(1) "Safe neighborhood improvement district," "district," or "neighborhood improvement district" means a district located in an area in which more than 75 percent of the land is used for residential purposes, or in an area in which more than 75 percent of the land is used for commercial, office, business, or industrial purposes, excluding the land area used for public facilities, and where there is a plan to reduce crime through the implementation of crime prevention through environmental design, environmental security, or defensible space techniques, or through community policing innovations. Nothing in this section shall preclude the inclusion of public land in a neighborhood improvement district although the amount of land used for public facilities is excluded from the land use acreage calculations.

(2) "Association" means a property owners' association which is incorporated for the purpose of creating and operating a neighborhood improvement district.

(3) "Department" means the Department of Legal Affairs.

(4) "Board" means the board of directors of a neighborhood improvement district, which may be the governing body of a municipality or county or the officers of a property owners' association or the board of directors of a special neighborhood improvement district or community redevelopment neighborhood improvement district.

(5) "Environmental security" means an urban planning and design process which integrates crime prevention with neighborhood design and community development.

(6) "Crime prevention through environmental design" means the planned use of environmental design concepts such as natural access control, natural surveillance, and territorial reinforcement in a neighborhood or community setting which is designed to reduce criminal opportunity and foster positive social interaction among the legitimate users of that setting.

(7) "Defensible space" means an architectural perspective on crime prevention through physical design of the environment to create the ability to monitor and control the environment along individual perceived zones of territorial influence that result in a proprietary interest and a felt responsibility.

(8) "Enterprise zone" means an area designated pursuant to s. 290.0065.

(9) "Community policing innovation" means techniques or strategies as defined by s. 163.340.

History.--s. 57, ch. 87-243; s. 24, ch. 88-381; s. 3, ch. 91-86; s. 61, ch. 94-136; s. 12, ch. 98-314.

163.5035 Safe neighborhood improvement districts; compliance with special district provisions.--Any special district created pursuant to this part shall comply with all applicable provisions contained in chapter 189. In cases where a provision contained in this part conflicts with a provision in chapter 189, the provision in chapter 189 shall prevail.

History.--s. 4, ch. 91-86.

163.504 Safe neighborhood improvement districts; planning funds.--

(1) The governing body of any municipality or county may authorize the formation of safe neighborhood improvement districts through the adoption of a planning ordinance which specifies that such districts may be created by one or more of the methods established in ss. 163.506, 163.508, 163.511, and 163.512. No district may overlap the jurisdictional boundaries of a municipality and the unincorporated area of a county, except by interlocal agreement.

(2) If the governing body of a municipality or county elects to create a safe neighborhood improvement district, it shall be eligible to request a grant from the Safe Neighborhoods Program, created pursuant to s. 163.517 and administered by the Department of Legal Affairs, to prepare a safe neighborhood improvement plan for the district.

(3) Municipalities and counties may implement the provisions of this section without planning funds from the Department of Legal Affairs. However, nothing in this section shall be construed to exempt any district from the requirements of providing a safe neighborhood improvement plan pursuant to s. 163.516.

History.--s. 58, ch. 87-243; s. 25, ch. 88-381; s. 5, ch. 91-86; s. 10, ch. 93-120.

163.5055 Registration of district establishment; notice of dissolution.--

(1)(a) Each neighborhood improvement district authorized and established under this part shall within 30 days thereof register with both the Department of Community Affairs and the

Department of Legal Affairs by providing these departments with the district's name, location, size, and type, and such other information as the departments may require.

(b) Each local governing body which authorizes the dissolution of a district shall notify both the Department of Community Affairs and the Department of Legal Affairs within 30 days after the dissolution of the district.

(2) This section shall apply to all neighborhood improvement districts established on or after July 1, 1987.

History.--s. 6, ch. 91-86.

163.506 Local government neighborhood improvement districts; creation; advisory council; dissolution.--

(1) After a local planning ordinance has been adopted authorizing the creation of local government neighborhood improvement districts, the local governing body of a municipality or county may create local government neighborhood improvement districts by the enactment of a separate ordinance for each district, which ordinance:

(a) Specifies the boundaries, size, and name of the district.

(b) Authorizes the district to receive a planning grant from the department.

(c) Authorizes the local government neighborhood improvement district to levy an ad valorem tax on real and personal property of up to 2 mills annually.

(d) Authorizes the use of special assessments to support planning and implementation of district improvements pursuant to the provisions of s. 163.514(16), including community policing innovations.

(e) Designates the local governing body as the board of directors of the district.

(f) Establishes an advisory council to the board of directors comprised of property owners or residents of the district.

(g) May prohibit the use of any district power authorized by s. 163.514.

(h) Requires the district to notify the Department of Legal Affairs and the Department of Community Affairs in writing of its establishment within 30 days thereof pursuant to s. 163.5055.

(2) The advisory council shall perform such duties as may be prescribed by the governing body and shall submit within the time period specified by the governing body, acting as the board of directors, a report on the district's activities and a proposed budget to accomplish its objectives. In formulating a plan for services or improvements the advisory board shall consult in public session with the appropriate staff or consultants of the local governing body responsible for the district's plan.

(3) As an alternative to designating the local governing body as the board of directors, a majority of the local governing body of a city or county may appoint a board of three to seven directors for the district who shall be residents of the proposed area and who are subject to ad valorem taxation in the residential neighborhood improvement district or who are property owners in a commercial neighborhood improvement district. The directors shall be appointed for staggered terms of 3 years. The initial appointments shall be as follows: one director for a 1-year term; one director for a 2-year term; and one director for a 3-year term. If more than three directors are to be

appointed, the additional members shall initially be appointed for 3-year terms. Vacancies shall be filled for the unexpired portion of a term in the same manner as the initial appointments were made. Each director shall hold office until his or her successor is appointed and qualified unless the director ceases to be qualified or is removed from office. Upon appointment and qualification and in January of each year, the directors shall organize by electing from their number a chair and a secretary.

(4) A district may be dissolved by the governing body by rescinding the ordinance creating the district. The governing body shall consider rescinding the ordinance if presented with a petition containing the signatures of 60 percent of the residents of a district.

History.--s. 59, ch. 87-243; s. 26, ch. 88-381; s. 7, ch. 91-86; s. 907, ch. 95-147; s. 13, ch. 98-314.

163.508 Property owners' association neighborhood improvement districts; creation; powers and duties; duration.--

(1) After a local planning ordinance has been adopted authorizing the creation of property owners' association neighborhood improvement districts, the local governing body of a municipality or county may create property owners' association neighborhood improvement districts by the enactment of a separate ordinance for each district, which ordinance:

(a) Establishes that an incorporated property owners' association representing 75 percent of all owners of property within a proposed district meeting the requirements of this section has petitioned the governing body of the municipality or county for creation of a district for the area encompassed by the property owned by members of the association.

(b) Specifies the boundaries, size, and name of the district.

(c) Authorizes the governing body through mutual agreement with the property owners' association to:

1. Request a matching grant from the state's Safe Neighborhoods Program to prepare the first year's safe neighborhood improvement plan. The provider of the local match for the state grant shall be mutually agreed upon between the governing body and the property owners' association. The governing body may agree to provide the match as a no-interest-bearing loan to be paid back from assessments imposed by the association on its members or shareholders.

2. Provide staff and other technical assistance to the property owners' association on a mutually agreed-upon basis, contractual or otherwise.

3. Prepare the first year's safe neighborhood improvement plan, which shall comply with and be consistent with the governing body's adopted comprehensive plan.

(d) Provides for an audit of the property owners' association.

(e) Designates the officers of the incorporated property owners' association as the board of directors of the district.

(f) May prohibit the use of any district power authorized by s. 163.514.

(g) Requires the district to notify the Department of Legal Affairs and the Department of Community Affairs in writing of its establishment within 30 days thereof pursuant to s. 163.5055.

(2) In order to qualify for the creation of a neighborhood improvement district, the property owners shall form an association in compliance with this section, or use an existing property

owners' association in compliance with this section, which shall be a corporation, for profit or not for profit, and of which not less than 75 percent of all property owners within the proposed area have consented in writing to become members or shareholders. Upon such consent by 75 percent of the property owners in the proposed district, all consenting property owners and their successors shall become members of the association and shall be bound by the provisions of the articles of incorporation, the bylaws of the association, the covenants, the deed restrictions, the indentures, and any other properly promulgated restrictions. The association shall have no member or shareholder who is not a bona fide owner of property within the proposed district. Upon receipt of its certificate of incorporation, the property owners' association shall notify the clerk of the city or county court, whichever is appropriate, in writing, of such incorporation and shall list the names and addresses of the officers of the association.

(3) Any incorporated property owners' association operating pursuant to this part shall have the power:

(a) To negotiate with the governing body of a municipality or county for closing, privatizing, or modifying the rights-of-way, and appurtenances thereto, within the district.

(b) To utilize various legal instruments such as covenants, deed restrictions, and indentures to preserve and maintain the integrity of property, land, and rights-of-way owned and conveyed to it within the district.

(c) To make and collect assessments against all property within the boundaries of the district pursuant to the provisions of s. 163.514(16) and to lease, maintain, repair, and reconstruct any privatized street, land, or common area within the district upon dedication thereof to the association.

(d) Without the joinder of any property owner, to modify, move, or create any easement for ingress and egress or for the purpose of utilities, if such easement constitutes part of or crosses district property. However, this shall not authorize the association to modify or move any easement which is created in whole or in part for the use or benefit of anyone other than association members, or which crosses the property of anyone other than association members, without the consent or approval of such person as required by law or by the instrument creating the easement. Nothing in this paragraph shall affect the rights of ingress or egress of any member of the association.

(4) A property owners' association neighborhood improvement district shall continue in perpetuity as long as the property owners' association created pursuant to this section exists under the applicable laws of the state.

History.--s. 60, ch. 87-243; s. 27, ch. 88-381; s. 8, ch. 91-86; s. 11, ch. 93-120.

163.511 Special neighborhood improvement districts; creation; referendum; board of directors; duration; extension.--

(1) After a local planning ordinance has been adopted authorizing the creation of special neighborhood improvement districts, the governing body of a municipality or county may declare the need for and create special residential or business neighborhood improvement districts by the enactment of a separate ordinance for each district, which ordinance:

(a) Conditions the implementation of the ordinance on the approval of a referendum as provided in subsection (2).

(b) Authorizes the special neighborhood improvement district to levy an ad valorem tax on real and personal property of up to 2 mills annually.

- (c) Authorizes the use of special assessments to support planning and implementation of district improvements pursuant to the provisions of s. 163.514(16), including community policing innovations.
 - (d) Specifies the boundaries, size, and name of the district.
 - (e) Authorizes the district to receive a planning grant from the department.
 - (f) Provides for the appointment of a 3-member board of directors for the district.
 - (g) May authorize a special neighborhood improvement district to exercise the power of eminent domain pursuant to chapters 73 and 74. Any property identified for eminent domain by the district shall be subject to the approval of the local governing body before eminent domain procedures are exercised.
 - (h) May prohibit the use of any district power authorized by s. 163.514.
 - (i) Requires the district to notify the Department of Legal Affairs and the Department of Community Affairs in writing of its establishment within 30 days thereof pursuant to s. 163.5055.
 - (j) May authorize a special neighborhood improvement district to develop and implement community policing innovations in consultation with the local law enforcement agency having jurisdiction within the district boundaries.
- (2) A referendum to implement a special residential or business neighborhood improvement district shall be held within 120 days after the occurrence of one of the following:
- (a) The governing body of the municipality or county declares, by the enactment of a separate ordinance pursuant to subsection (1), that there is a need for a special residential or business neighborhood improvement district to function within a proposed area; or
 - (b) A petition containing the signatures of 40 percent of the electors of a proposed special residential neighborhood improvement district area or 20 percent of the property owners of a proposed special business neighborhood improvement district area is presented to the county commission of a county, if the proposed area is located in the unincorporated area of the county, or to the governing body of a municipality, if the proposed area is located within the incorporated limits of the municipality. The petition shall define the proposed area and shall state that it is for the purpose of calling a referendum to determine whether a special residential or business neighborhood improvement district should be created in such proposed area.
- (3)(a) The referendum to implement a special residential neighborhood improvement district ordinance shall be held as prescribed in this subsection.
- (b) Within 45 days from the date the governing body of the municipality or county, whichever is appropriate, enacts an ordinance pursuant to subsection (1), or is presented with a petition pursuant to paragraph (2)(b), so that the boundaries of the proposed improvement district are defined, the city clerk or the supervisor of elections, whichever is appropriate, shall certify such ordinance or petition and compile a list of the names and last known addresses of the electors in the proposed special residential neighborhood improvement district from the list of registered voters of the county as of the last day of the month preceding that in which the ordinance was enacted or the petition was presented, and the same shall constitute the registration list for the purposes of the referendum required under this subsection, except as otherwise provided in this subsection.
 - (c) Within 45 days from compilation of the voter registration list pursuant to paragraph (b), the

city clerk or the supervisor of elections shall notify each such elector of the general provisions of this section, including the taxing authority and the date of the upcoming referendum. Notification shall be by United States mail and, in addition thereto, by publication one time in a newspaper of general circulation in the county or municipality in which the district is located.

(d) Any resident of the district whose name does not appear on the list compiled pursuant to paragraph (b) may register to vote as provided by law. The registration list shall remain open for 75 days after enactment of the ordinance defining the special neighborhood improvement district or after presentation of the petition calling for creation of the district.

(e)1. Within 15 days after the closing of registration, the city clerk or the supervisor of elections shall send a ballot to each elector at his or her last known mailing address by first-class United States mail. The ballot shall include:

a. A description of the general provisions of this section applicable to special residential neighborhood improvement districts; and

b. Immediately following said information, the following:

"Do you favor the creation of the _____ Special Residential Neighborhood Improvement District and approve the levy of up to 2 mills of ad valorem taxes by such proposed district?

____ Yes, for the Special Residential Neighborhood Improvement District.

____ No, against the Special Residential Neighborhood Improvement District."

2. Ballots shall be returned by United States mail, or by personal delivery.

(f) All ballots received within 120 days after enactment of the ordinance or presentation of the petition defining the district shall be tabulated by the city clerk or the supervisor of elections, who shall certify the results thereof to the city council or county commission no later than 5 days after said 120-day period.

(g) The electors shall be deemed to have approved of the provisions of this section at such time as the city clerk or the supervisor of elections certifies to the governing body of the municipality or county that approval has been given by a majority of the electors voting in the referendum.

(4)(a) The referendum to implement a special business neighborhood improvement district ordinance shall be held as prescribed in this subsection.

(b) Within 45 days from the date the governing body of the municipality or county, whichever is appropriate, enacts an ordinance pursuant to subsection (1), or is presented with a petition pursuant to paragraph (2)(b), so that the boundaries of the proposed improvement district are defined, the city clerk or the supervisor of elections, whichever is appropriate, shall certify such ordinance or petition and compile a list of the names and last known addresses of the freeholders in the proposed special business neighborhood improvement district from the tax assessment roll of the county applicable as of the thirty-first day of December in the year preceding the year in which the ordinance was enacted or the petition was presented, and the same shall constitute the registration list for the purposes of the freeholders' referendum required under this subsection, except as otherwise provided in this subsection.

(c) Within 45 days from compilation of the freeholders' registration list pursuant to paragraph (b),

the city clerk or the supervisor of elections shall notify each such freeholder of the general provisions of this section, including the taxing authority and the date of the upcoming referendum, and the method provided for submitting corrections to the registration list should the status of the freeholder have changed since the compilation of the tax rolls. Notification shall be by United States mail and, in addition thereto, by publication one time in a newspaper of general circulation in the county or municipality in which the district is located.

(d) Any freeholder whose name does not appear on the tax rolls compiled pursuant to paragraph (b) may register to vote with the city clerk or the supervisor of elections. The registration list shall remain open for 75 days after enactment of the ordinance defining the special business neighborhood improvement district or after presentation of the petition calling for creation of the district.

(e)1. Within 15 days after the closing of the registration list, the city clerk or the supervisor of elections shall send a ballot to each registered freeholder at his or her last known mailing address by first-class United States mail. The ballot shall include:

- a. A description of the general provisions of this section applicable to special business neighborhood improvement districts;
- b. The assessed value of the freeholder's property;
- c. The percent of the freeholder's interest in such property; and
- d. Immediately following said information, the following:

"Do you favor the creation of the _____ Special Business Neighborhood Improvement District and approve the levy of up to 2 mills of ad valorem taxes by such proposed district?

_____ Yes, for the Special Business Neighborhood Improvement District.

_____ No, against the Special Business Neighborhood Improvement District."

2. Ballots shall be returned by United States mail or by personal delivery.

(f) All ballots received within 120 days after enactment of the ordinance or presentation of the petition defining the district shall be tabulated by the city clerk or the supervisor of elections, who shall certify the results thereof to the city council or county commission no later than 5 days after said 120-day period.

(g) The freeholders shall be deemed to have approved of the provisions of this section at such time as the city clerk or the supervisor of elections certifies to the governing body of the municipality or county that approval has been given by freeholders representing in excess of 50 percent of the assessed value of the property within the special business neighborhood improvement district.

(5)(a) The city clerk or the supervisor of elections, whichever is appropriate, shall enclose with each ballot sent pursuant to this section two envelopes: a secrecy envelope, into which the elector or freeholder shall enclose the marked ballot; and a mailing envelope, into which the elector or freeholder shall then place the secrecy envelope, which shall be addressed to the city clerk or the supervisor of elections. The back side of the mailing envelope shall bear a certificate in substantially the following form:

Note: Please Read Instructions Carefully Before
Marking Ballot and Completing Voter's Certificate.

VOTER'S CERTIFICATE

I, _____, am a duly qualified and registered (voter or freeholder, whichever is appropriate) of the proposed (name) (Special Residential or Business, whichever is appropriate) Neighborhood Improvement District; and I am entitled to vote this ballot. I do solemnly swear or affirm that I have not and will not vote more than one ballot in this election. I understand that failure to sign this certificate and have my signature witnessed will invalidate my ballot.

(Voter's Signature)

Note: Your Signature Must Be Witnessed By One Witness 18 Years of Age or Older as provided in the Instruction Sheet.

I swear or affirm that the elector signed this Voter's Certificate in my presence.

(Signature of Witness)

(Address)

(City/State)

(b) The certificate shall be arranged on the back of the mailing envelope so that the lines for the signatures of the elector or freeholder and the attesting witness are across the seal of the envelope; however, no statement shall appear on the envelope which indicates that a signature of the elector, freeholder, or witness must cross the seal of the envelope. The elector or freeholder and the attesting witness shall execute the certificate on the envelope.

(6) The city clerk or the supervisor of elections shall enclose with each ballot sent to an elector or freeholder pursuant to this section separate printed instructions in substantially the following form:

READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

1. VERY IMPORTANT. In order to ensure that your ballot will be counted, it should be completed and returned as soon as possible so that it can reach the city clerk or the supervisor of elections no later than 7 p.m. on the (final day of the 120-day period given here).
2. Mark your ballot in secret as instructed on the ballot.
3. Place your marked ballot in the enclosed secrecy envelope.
4. Insert the secrecy envelope into the enclosed mailing envelope, which is addressed to the city clerk or the supervisor of elections.
5. Seal the mailing envelope and completely fill out the Voter's Certificate on the back of the mailing envelope.

6. VERY IMPORTANT. Sign your name on the line provided for "(Voter's Signature)."

7. VERY IMPORTANT. In order for your ballot to be counted, it must include the signature and address of a witness 18 years of age or older affixed to the Voter's Certificate.

8. Mail, deliver, or have delivered the completed mailing envelope. Be sure there is sufficient postage if mailed.

(7) The business and affairs of a special neighborhood improvement district shall be conducted and administered by a board of three directors who shall be residents of the proposed area and who are subject to ad valorem taxation in the district. Upon their appointment and qualification and in January of each year, the directors shall organize by electing from their number a chair and a secretary, and may also employ staff and legal representatives as deemed appropriate, who shall serve at the pleasure of the board and may receive such compensation as shall be fixed by the board. The secretary shall keep a record of the proceedings of the district and shall be custodian of all books and records of the district. The directors shall not receive any compensation for their services, nor may they be employed by the district.

(8) Within 30 days of the approval of the creation of a special neighborhood improvement district, if the district is in a municipality, a majority of the governing body of the municipality, or if the district is in the unincorporated area of the county, a majority of the county commission, shall appoint the three directors provided for herein for staggered terms of 3 years. The initial appointments shall be as follows: one for a 1-year term, one for a 2-year term, and one for a 3-year term. Each director shall hold office until his or her successor is appointed and qualified unless the director ceases to be qualified to act as a director or is removed from office. Vacancies on the board shall be filled for the unexpired portion of a term in the same manner as the initial appointments were made.

(9) Reappointment of the directors shall be accomplished in the same manner as the original appointments by the governing body of the municipality or county 2 months prior to the reappointment date.

(10) The governing body of a municipality or county may remove a director for inefficiency, neglect of duty, or misconduct in office only after a hearing and only if he or she has been given a copy of the charges at least 10 days prior to such hearing and has had an opportunity to be heard in person or by counsel. A vacancy so created shall be filled as provided herein.

(11) The district may employ a manager, who shall be a person of recognized ability and experience, to serve at the pleasure of the district. The manager may employ such employees as may be necessary for the proper administration of the duties and functions of the district. However, the district shall approve such positions and fix compensation for such employees. The district may contract for the services of attorneys, engineers, consultants, and agents for any lawful purpose of the district.

(12) The directors shall be subject to the code of ethics for public officers and employees as set forth in part III of chapter 112 and to the requirements of the public records law and public meetings law in chapters 119 and 286, respectively.

(13) Any special neighborhood improvement district created pursuant to this part shall cease to exist at the end of the tenth fiscal year of operation. Such a district may continue in operation for subsequent 10-year periods if the continuation of the district is approved at a referendum conducted pursuant to this part. Said referendum shall be held upon one of the occurrences specified in subsection (2). Should the district cease to exist, all property owned by the district shall become property of the municipality or county in which the district is located.

(14) In the event the district is dissolved, the property owners in the district shall make alternate

arrangements acceptable to the debtholders and local governments pertaining to payment of debts.

History.--s. 61, ch. 87-243; s. 28, ch. 88-381; s. 9, ch. 91-86; s. 908, ch. 95-147; s. 10, ch. 96-57; s. 14, ch. 98-314; s. 29, ch. 2003-415.

163.512 Community redevelopment neighborhood improvement districts; creation; advisory council; dissolution.--

(1) Upon the recommendation of the community redevelopment agency and after a local planning ordinance has been adopted authorizing the creation of community redevelopment neighborhood improvement districts, the local governing body of a municipality or county may create community redevelopment neighborhood improvement districts by the enactment of a separate ordinance for each district, which ordinance:

- (a) Specifies the boundaries, size, and name of the district.
- (b) Authorizes the district to receive a planning grant from the department.
- (c) Authorizes the use of the community redevelopment trust fund created pursuant to s. 163.387 for the purposes of implementing the safe neighborhood improvement plan and furthering crime prevention through community policing innovations, environmental design, environmental security, and defensible space techniques, if expenditures from the community redevelopment trust fund are consistent with the community redevelopment plan created pursuant to s. 163.360.
- (d) Designates the community redevelopment board of commissioners established pursuant to s. 163.356 or s. 163.357 as the board of directors for the district.
- (e) Establishes an advisory council to the board of directors comprised of property owners or residents of the district.
- (f) May prohibit the use of any district power authorized by s. 163.514.
- (g) Requires that the safe neighborhood improvement plan be consistent with the community redevelopment plan created pursuant to s. 163.360, and permits the safe neighborhood improvement plan to be included in the community redevelopment plan as an optional element.
- (h) Requires that the boundaries of the community redevelopment district be contained in whole within the community redevelopment area established pursuant to ss. 163.355 and 163.356.
- (i) Requires the district to notify the Department of Legal Affairs and the Department of Community Affairs in writing of its establishment within 30 days thereof pursuant to s. 163.5055.

(2) The advisory council shall perform such duties as may be prescribed by the community redevelopment board established pursuant to s. 163.356 and shall submit within the time period specified by the board of directors a report on the district's activities and a proposed budget to accomplish its objectives. In formulating a plan for services or improvements, the advisory council shall consult in public session with the appropriate staff or consultants of the community redevelopment board responsible for the district's plan.

(3) A district may be dissolved by the local governing body by rescinding the ordinance creating the district. The governing body shall consider rescinding the ordinance if presented with a petition containing the signatures of 60 percent of the residents of a district.

History.--s. 10, ch. 91-86; s. 15, ch. 98-314.

163.513 Crime prevention through community policing innovations, environmental design, environmental security, and defensible space functions of neighborhood improvement districts.--All boards of local governments, property owners' associations, special neighborhood improvement districts, and community redevelopment neighborhood improvement districts created pursuant to this part shall:

(1) Collect data on the types, frequency, severity, and location of criminal activity occurring in the district, including determination, from surveys and other research techniques, of the level of crime as perceived by neighborhood residents and comparison of the types of crime in the district on a per capita, citywide, and countywide basis.

(2) Provide an analysis of crimes related to land use and environmental and physical conditions of the district, giving particular attention to factors which support or create opportunities for crime, which impede natural surveillance, which encourage free circulation through the district, or which hinder the defense of social territories perceived by residents as under control. Any factor used to define or describe the conditions of the physical environment can serve as the basis of a crime-to-environment relationship. These factors include streets, alleys, sidewalks, residential blocks, position of dwellings on a block, single vs. multifamily dwellings, abandoned houses, parking areas and parking lots, informal pathways, functional areas of the environment, traffic flow patterns, and the existence of barriers such as fences, walls, gullies, and thick vegetation.

(3) Determine, from surveys and other data collection techniques, areas within the district where modification or closing of, or restriction of access to, certain streets in a manner consistent with crime prevention through community policing innovations, environmental design, environmental security, and defensible space principles would assist crime prevention and enhance neighborhood security for property owners and residents.

(4) Formulate and maintain on a current basis for each district short-range and long-range projects and plans which the crime-to-environment analysis, including surveys and citizen participation, has determined are applicable and utilize crime prevention through community policing innovations, environmental design, environmental security, and defensible space strategies and tactics which will improve the attractiveness and security of the district by reducing criminal activity, will stabilize neighborhoods and enhance property values within the district, will promote proper use and informal control of residential streets within the district, will improve public facilities and amenities and provide for territorial control of streets and areas within the district by legitimate users, and will increase the probability that persons who commit crimes in the district will be apprehended.

(5) Prepare and initiate actions deemed most suitable for implementing safe neighborhood improvement plans, including modifications to existing street patterns and removal, razing, renovation, reconstruction, remodeling, relocation, and improvement of existing structures and facilities, and addition of new structures and facilities, and coordination with other agencies providing relevant informational, educational, and crime prevention services. The preparation of actions for implementation shall utilize crime prevention through community policing innovations, environmental design, environmental security, and defensible space strategies and tactics.

(6) Participate in the implementation and execution of safe neighborhood improvement plans, including any establishment, acquisition, construction, ownership, financing, leasing, licensing, operation, and management of publicly owned or leased facilities deemed beneficial in effecting such implementation for the public purposes stipulated in s. 163.502. However, this subsection shall not give the board, association, or district any power or control over any city or county property unless and until assigned to it by the city or county governing body. This subsection shall not be construed to give neighborhood improvement districts the power to restrict access to or prohibit the use of public facilities for lawful purposes.

(7) Ensure that all capital improvements within the district are consistent with the capital improvement elements of the applicable local government comprehensive plans.

History.--s. 62, ch. 87-243; s. 11, ch. 91-86; s. 16, ch. 98-314.

163.514 Powers of neighborhood improvement districts.--Unless prohibited by ordinance, the board of any district shall be empowered to:

- (1) Enter into contracts and agreements and sue and be sued as a body corporate.
- (2) Have and use a corporate seal.
- (3) Acquire, own, convey, or otherwise dispose of, lease as lessor or lessee, construct, maintain, improve, enlarge, raze, relocate, operate, and manage property and facilities of whatever type to which it holds title and grant and acquire licenses, easements, and options with respect thereto.
- (4) Accept grants and donations of any type of property, labor, or other thing of value from any public or private source.
- (5) Have exclusive control of funds legally available to it, subject to limitations imposed by law or by any agreement validly entered into by it.
- (6) Cooperate and contract with other governmental agencies or other public bodies.
- (7) Contract for services of planning consultants, experts on crime prevention through community policing innovations, environmental design, environmental security, or defensible space, or other experts in areas pertaining to the operations of the board of directors or the district.
- (8) Contract with the county or municipal government for planning assistance, and for increased levels of law enforcement protection and security, including additional personnel.
- (9) Promote and advertise the commercial advantages of the district so as to attract new businesses and encourage the expansion of existing businesses.
- (10) Promote and advertise the district to the public and engage in cooperative advertising programs with businesses located in the district.
- (11) Improve street lighting, parks, streets, drainage, utilities, swales, and open areas, and provide safe access to mass transportation facilities in the district.
- (12) Undertake innovative approaches to securing neighborhoods from crime, such as crime prevention through community policing innovations, environmental design, environmental security, and defensible space.
- (13) Privatize, close, vacate, plan, or replan streets, roads, sidewalks, and alleys, subject to the concurrence of the local governing body and, if required, the state Department of Transportation.
- (14) Prepare, adopt, implement, and modify a safe neighborhood improvement plan for the district.
- (15) Identify areas with blighted influences, including, but not limited to, areas where unlawful urban dumping or graffiti are prevalent, and develop programs for eradication thereof.
- (16)(a) Subject to referendum approval, make and collect special assessments pursuant to ss. 197.3632 and 197.3635 to pay for improvements to the district and for reasonable expenses of operating the district, including the payment of expenses included in the district's budget, subject to an affirmative vote by a majority of the registered voters residing in the district. Such assessments shall not exceed \$500 for each individual parcel of land per year. Notwithstanding the

provisions of s. 101.6102, the referendum to approve the special assessment shall be by mail ballot.

(b) In order to implement this subsection, the city clerk or the supervisor of elections, whichever is appropriate, shall compile a list of the names and last known addresses of the electors in the neighborhood improvement district from the list of registered voters of the county as of the last day of the preceding month. The same shall constitute the registration list for the purposes of a referendum. Within 45 days after compilation of the voter registration list, the city clerk or the supervisor of elections shall notify each elector of the general provisions of this section, including the taxing authority and the date of the upcoming referendum. Notification shall be by United States mail and, in addition thereto, by publication one time in a newspaper of general circulation in the county or municipality in which the district is located.

(c) Any resident of the district whose name does not appear on the list compiled pursuant to paragraph (b) may register to vote as provided by law. The registration list shall remain open for 75 days after the notification required in paragraph (b).

(d) Within 15 days after the closing of registration, the city clerk or the supervisor of elections shall send a ballot to each elector at his or her last known mailing address by first-class United States mail. The ballot shall include:

1. A description of the general provisions of this section applicable to the neighborhood improvement district; and

2. Immediately following said information, the following:

"Do you favor the imposition of a special assessment of not greater than \$500 for each individual parcel of land per year to pay for the expenses of operating the neighborhood improvement district?

_____ Yes, for the special assessment.

_____ No, against the special assessment."

(e) Ballots shall be returned by United States mail or by personal delivery.

(f) All ballots received within 60 days after the closing of registration shall be tabulated by the city clerk or the supervisor of elections, who shall certify the results thereof to the city governing body or county commission no later than 5 days after said 60-day period.

(17) Exercise all lawful powers incidental to the effective and expedient exercise of the foregoing powers.

History.--s. 63, ch. 87-243; s. 29, ch. 88-381; s. 12, ch. 91-86; s. 909, ch. 95-147; s. 17, ch. 98-314.

163.5151 Fiscal management; budget preparation.--

(1) Subject to agreement with the local governing body, all funds of the districts created pursuant to this part shall be received, held, and secured in the same manner as other public funds by the appropriate fiscal officers of the municipality in which the district is located, or the county if the district is located in the unincorporated portion of the county. The funds of the district shall be maintained under a separate account, shall be used for purposes authorized by this part, and shall

be disbursed only by direction of or with approval of the district pursuant to requisitions signed by the manager or other designated chief fiscal officer of the district and countersigned by at least one other member of the board.

(2) The district bylaws shall provide for maintenance of minutes and other official records of its proceedings and actions; for preparation and adoption of an annual budget for each ensuing fiscal year; for internal supervision and control of its accounts, which function the appropriate city or county fiscal officers may perform for the district at its request; and for an external audit at least annually by an independent certified public accountant who has no personal interest, direct or indirect, in the fiscal affairs of the district. A copy of the external audit shall be filed with the city clerk or the clerk of the court, whichever is appropriate, within 90 days after the end of each fiscal year. The bylaws shall specify the means by which each of these functions is to be performed and, as to those functions assigned to district personnel, the manner and schedule of performance.

(3) Each special neighborhood improvement district shall establish its budget pursuant to the provisions of chapter 200. Prior to adoption of the final budget and setting of the millage rate to be levied by the board, the board shall submit a tentative budget and proposed millage rate of the district to the governing body of the municipality in which the district is located, or to the county if the district is located in the unincorporated portion of the county, for approval or disapproval. Such governing body shall have the power to modify the budget or millage submitted by the board. Subsequent to approval, the board shall adopt its final budget and millage rate in accordance with the requirements of chapter 200.

(4) At the option of the county property appraiser for the county within which the neighborhood improvement district is located, the assessments levied by the district shall be collected in the same manner as all ad valorem taxes if so requested by the local governing body pursuant to s. 197.363.

History.--s. 64, ch. 87-243; s. 30, ch. 88-381; s. 13, ch. 91-86.

163.516 Safe neighborhood improvement plans.--

(1) A safe neighborhood improvement plan is mandated for all neighborhood improvement districts. The plan shall contain at least the following elements:

- (a) Demographics of the district.
- (b) Crime activity data and analysis.
- (c) Land use, zoning, housing, and traffic analysis.
- (d) Determination of the problems of the crime-to-environment relationship and the stability of the neighborhood improvement district.
- (e) Statement of the district's goal and objectives.
- (f) Assessment of crime prevention through community policing innovations, environmental design, environmental security, and defensible space strategies and tactics that will be applied to the crime-to-environment relationship problems.
- (g) Cost estimates and the methods of financing.
- (h) Outline of program participants and their functions and responsibilities.
- (i) Schedule for executing program activities.

- (j) Evaluation guidelines.
- (2) Every safe neighborhood improvement plan shall show, by diagram and by general explanation:
- (a) Such property as is intended for use as public parks, recreation areas, streets, public utilities, and public improvements of any nature.
 - (b) Specific identification of any publicly funded capital improvement projects to be undertaken within the district.
 - (c) Adequate assurances that the improvements will be carried out pursuant to the plan.
 - (d) Provision for the retention of controls and the establishment of any restrictions or covenants running with land sold or leased for private use for such periods of time and under such conditions as the governing body of the municipality in which the district is located, or the county if the district is located in the unincorporated portion of the county, deems necessary to effectuate the purposes of this part.
 - (e) Projected costs of improvements, including the amount to be expended on publicly funded capital improvement projects in the district and any indebtedness of the district, the county, or the municipality proposed to be incurred if such indebtedness is to be repaid with district revenues.
 - (f) Promotion of advertising programs to be undertaken by the district or in conjunction with businesses in the district.
 - (g) Suggested physical improvements necessary for the safety of residents in or visitors to the district.
 - (h) Law enforcement and security plans for the district.
- (3) The safe neighborhood improvement plan shall:
- (a) Be consistent with the adopted comprehensive plan for the county or municipality pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act. No district plan shall be implemented unless the local governing body has determined said plan is consistent.
 - (b) Be sufficiently complete to indicate such land acquisition, demolition and removal of structures, street modifications, redevelopment, and rehabilitation as may be proposed to be carried out in the district.
 - (c) Provide some method for and measurement of the reduction of crime within the district.
- (4) The county, municipality, or district may prepare or cause to be prepared a safe neighborhood improvement plan, or any person or agency, public or private, may submit such a plan to a district. Prior to its consideration of a safe neighborhood improvement plan, the district shall submit such plan to the local governing body for review and written approval as to its consistency with the local government comprehensive plan. The district must be notified of approval or disapproval within 60 days after receipt of the plan for review, and a revised version of the plan may be submitted to satisfy any inconsistencies. The district may not proceed with the safe neighborhood improvement plan until final approval is given by the local governing body.
- (5) Prior to adoption of the safe neighborhood improvement plan, the board shall hold a public hearing on the plan after public notice thereof by publication in a newspaper of general circulation in the county or municipality in which the district is located. The notice shall describe the time,

date, place, and purpose of the hearing; identify the boundaries of the district; and outline the general scope of the plan.

(6) The board, after the public hearing, may approve the safe neighborhood improvement plan if it finds:

(a) The plan has been approved as consistent with the local comprehensive plan by the local governing body; and

(b) The plan will improve the promotion, appearance, safety, security, and public amenities of the neighborhood improvement district as stipulated in s. 163.502.

(7) If, at any time after approval of the safe neighborhood improvement plan, it becomes desirable to amend or modify the plan, the board may do so. Prior to any such amendment or modification, the board shall obtain written approval of the local governing body concerning conformity to the local government comprehensive plan and hold a public hearing on the proposed amendment or modification after public notice thereof by publication in a newspaper of general circulation in the county or municipality in which the district is located. The notice shall describe the time, place, and purpose of the hearing and generally describe the proposed amendment or modification.

(8) Pursuant to ss. 163.3184, 163.3187, and 163.3189, the governing body of a municipality or county shall hold two public hearings to consider the board-adopted safe neighborhood improvement plan as an amendment or modification to the municipality's or county's adopted local comprehensive plan.

(9) A safe neighborhood improvement plan for each district shall be prepared and adopted by the municipality or county prior to the levy and expenditure of any of the proceeds of any tax assessment or fee authorized to such districts other than for the preparation of the safe community or business improvement plan.

History.--s. 65, ch. 87-243; s. 14, ch. 91-86; s. 14, ch. 92-129; s. 18, ch. 98-314.

163.517 Safe Neighborhoods Program.--

(1) The Safe Neighborhoods Program is hereby created. The purpose of the program shall be to provide planning grants and technical assistance on a 100-percent matching basis to the neighborhood improvement districts authorized by this part. Planning grants shall be awarded to eligible applicants, pursuant to the process described in subsections (2) and (3), as follows:

(a) Property owners' association neighborhood improvement districts may receive up to \$20,000.

(b) Local government neighborhood improvement districts may receive up to \$100,000.

(c) Special neighborhood improvement districts may receive up to \$50,000.

(d) Community redevelopment neighborhood improvement districts may receive up to \$50,000.

(2) Applications for planning grants from the Safe Neighborhoods Program shall be considered when the following criteria are met:

(a) Verification that the local governing body has passed an ordinance creating neighborhood improvement districts.

(b) Verification of commitment to provide matching funds for purposes of planning for

neighborhood improvement districts. A local match may include in-kind services such as office space and supplies. The fair market value of such in-kind services must be documented.

(3) All applications determined to be eligible for consideration shall be reviewed, evaluated, and rank ordered based on the following criteria:

(a) Evidence of commitment from neighborhood organizations, homeowners, property owners, business or merchant's associations, or concerned individuals to participate in the activities of their neighborhood improvement districts.

(b) Need of the community for neighborhood improvement districts for purposes of reducing crime, including the degree to which crime data indicates an escalation of criminal activities which impact area physical and economic conditions, identification of environmental factors which support criminal activities, previous crime prevention plans and efforts which impact the physical environment, excessive traffic counts for residential roads, and crime rates in enterprise zones and in business and commercial areas.

(c) Need of the community for state planning funds to successfully implement neighborhood improvement districts, including consideration of the community's existing planning, law enforcement, and other appropriate local services and resources.

(4) Population distribution of Florida's cities and counties shall be considered in order to give communities of all sizes an opportunity to benefit from the matching funds provided by the Safe Neighborhoods Program for the establishment of neighborhood improvement districts. No more than one neighborhood improvement district within the boundaries of a local government shall be awarded a planning grant in any given funding cycle.

(5) Each neighborhood improvement district which receives funds under this section shall submit an audit to the department. Such audits shall be submitted no less than one time per year. Neighborhood improvement districts must submit an audit to the department at least 30 days prior to making application for additional planning grants. A local government audit performed in accordance with the provisions of chapter 218, covering the period of the grant, may be submitted to satisfy this requirement.

(6) The department shall promulgate rules to carry out this section.

History.--s. 66, ch. 87-243; s. 36, ch. 91-45; s. 15, ch. 91-86; s. 9, ch. 93-120.

163.519 Duties of Department of Legal Affairs.--The Department of Legal Affairs shall:

(1) Develop program design and criteria for funding neighborhood improvement districts.

(2) Carry out the development, promulgation, and revision of rules required for the operation of the Safe Neighborhoods Program, the capital improvements provisions contained in s. 163.521, and any other duties assigned to the department by this part.

(3) Develop application and review procedures.

(4) Provide advice and technical assistance to local government units, property owners' associations, and boards of directors for special neighborhood improvement districts and community redevelopment neighborhood improvement districts in their efforts to promote the goals of the Safe Neighborhoods Act and to apply for planning grants.

(5) Review and evaluate applications for planning and technical assistance.

- (6) Provide for contract management, including the review of contract closeout reports for accountability and conformance with state law and the required administrative procedures.
- (7) Evaluate program performance in light of state objectives and future trends and opportunities and prepare recommendations for the Legislature.
- (8) Act as the repository of crime prevention through community policing innovations; environmental design strategies, principles, and tactics; environmental security plans and procedures; defensible space techniques; and safe neighborhood improvement plans.
- (9) Utilize staff to provide crime prevention through community policing innovations, environmental design, environmental security, and defensible space training.
- (10) Provide for consultant contracts for statewide training on safe neighborhood development for planners, engineers, local officials, property owners' associations, and boards of directors of special neighborhood improvement districts.
- (11) Review and approve or disapprove safe neighborhood improvement plans prior to the adoption by the local governing body of any safe neighborhood improvement plan created pursuant to s. 163.516. Plans shall be submitted to the department for review and approval or disapproval. All such reviews shall:
 - (a) Ensure that appropriate plan elements are based on crime prevention through community policing innovations, environmental design, environmental security, or defensible space.
 - (b) Ensure that appropriate plan elements are consistent with crime prevention through community policing innovations, environmental design, environmental security, and defensible space functions of neighborhood improvement districts as listed in s. 163.513.
 - (c) Be completed within 60 days after receipt by the department with a detailed explanation of any deficiencies. The district shall submit the required modifications within 60 days after notification of the deficiencies, unless there is compelling evidence that an extension should be granted. After that time the department may withhold any payments to the neighborhood improvement district until compliance is made and may withhold submission to the Legislature of any capital improvement requests made pursuant to s. 163.521.
- (12) Submit an annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders and appropriate committee chairpersons of each house prior to March 1 of each year which contains:
 - (a) A listing of neighborhood improvement districts created within the state, and their location.
 - (b) A listing of districts which received funds from the Safe Neighborhoods Program.
 - (c) A status report noting each district's progress in completing and implementing safe neighborhood improvement plans.

History.--s. 68, ch. 87-243; s. 17, ch. 91-86; s. 12, ch. 93-120; s. 19, ch. 98-314.

163.521 Neighborhood improvement district inside enterprise zone; funding.--The local governing body of any municipality or county in which the boundaries of an enterprise zone include a neighborhood improvement district in whole or in part, prior to October 1 of each year, may request the Department of Legal Affairs to submit within its budget request to the Legislature provisions to fund capital improvements. A request may be made for 100 percent of the capital improvement costs for 25 percent of the area of the enterprise zone which overlaps the district.

The local governing body may also request a 100-percent matching grant for capital improvement costs for the remaining 75 percent of the area of the enterprise zone which overlaps the district. Local governments must demonstrate the capacity to implement the project within 2 years after the date of the appropriation. Funds appropriated under this provision may not be expended until after completion and approval of the safe neighborhood improvement plan pursuant to ss. 163.516 and 163.519(11). Capital improvements contained within the request submitted by the local governing body must be specifically related to crime prevention through community policing innovations, environmental design, environmental security, and defensible space and must be reviewed by the department for compliance with the principles of crime prevention through community policing innovations, environmental design, environmental security, and defensible space. The department shall rank order all requests received for capital improvements funding based on the necessity of the improvements to the overall implementation of the safe neighborhood plan; the degree to which the improvements help the plan achieve crime prevention through community policing innovations, environmental design, environmental security, and defensible space objectives; the effect of the improvements on residents of low or moderate income; and the fiscal inability of local government to perform the improvements without state assistance.

History.--s. 69, ch. 87-243; s. 31, ch. 88-381; s. 18, ch. 91-86; s. 20, ch. 98-314.

163.5215 Effect.--The provisions of this part shall not be construed to modify, limit, expand, or supersede any existing laws relating to the closing or abandonment of public roads, the denial of access to areas for public ingress or egress, or the use of public facilities.

History.--s. 19, ch. 91-86.

163.522 State redevelopment programs.--

(1) Any county or municipality which has nominated an area as an enterprise zone pursuant to s. 290.0055 which has been so designated pursuant to s. 290.0065 is directed to give consideration to the creation of a neighborhood improvement district within said area.

(2) Any county or municipality which has authorized the creation of a community redevelopment area pursuant to part III of this chapter is directed to give consideration to the creation of a neighborhood improvement district within said area.

History.--s. 70, ch. 87-243; s. 20, ch. 91-86; s. 62, ch. 94-136.

163.523 Safe neighborhood districts; cooperation and involvement of community organizations.--To the extent possible, local governments may cooperate and seek the involvement of community organizations such as churches, chambers of commerce, community development corporations, civic associations, neighborhood housing services, urban leagues, and other not-for-profit organizations in the creation of safe neighborhood improvement districts under this part. Any neighborhood improvement district may enter into agreements with any of such community organizations to undertake any of the activities authorized under this part, except the preparation of safe neighborhood improvement plans. To this end, the district may compensate any such organization for the value of its service. However, such compensation shall not exceed 1 percent of the total annual budget of the district. The community organization may also contract with the district to provide maintenance services for projects implemented in the district. The fee for such services shall not exceed 2 percent of the total budget for the district's project for which services are to be rendered. All service agreements made with community organizations shall have a renewable term of no longer than 3 years. A district may receive funds from such organizations in connection with the performance of any of the functions authorized in this part.

History.--s. 32, ch. 88-381.

163.524 Neighborhood Preservation and Enhancement Program; participation; creation of Neighborhood Preservation and Enhancement Districts; creation of Neighborhood Councils and Neighborhood Enhancement Plans.--

(1) The governing body of any municipality or county may authorize its participation in the Neighborhood Preservation and Enhancement Program through the adoption of a local ordinance. After a local ordinance has been adopted authorizing the participation of the local government in the Neighborhood Preservation and Enhancement Program, the local government shall notify the residents within the boundaries of the local government about the program. The local government shall designate or create an agency that shall be responsible for the enforcement of Neighborhood Enhancement Plans. This agency may be the local code enforcement board, county sheriff, municipal police department, or any other agency the local government feels will provide adequate enforcement of the adopted Neighborhood Enhancement Plans.

(2) Neighborhood Preservation and Enhancement Districts shall be created as follows:

(a) Residents of a particular neighborhood may initiate the creation of a district in their area by notifying the local government planning agency. The planning agency shall assist those residents to define the boundaries and size of the district; or

(b) The municipality or county may initiate the creation of a district by identifying those areas which are in need of enhancement and approaching the residents of the identified neighborhood to encourage the formation of a Neighborhood Preservation and Enhancement District. The identified neighborhood and the municipality or county shall define the district's boundaries and size.

(3) After the boundaries and size of the Neighborhood Preservation and Enhancement District have been defined, the local government shall pass an ordinance authorizing the creation of the Neighborhood Preservation and Enhancement District. The ordinance shall contain a finding that the boundaries of the Neighborhood Preservation and Enhancement District meet the provisions of s. 163.340(7) or (8)(a)-(n) or do not contain properties that are protected by deed restrictions. Such ordinance may be amended or repealed in the same manner as other local ordinances.

(4) The residents within the Neighborhood Preservation and Enhancement District shall create a Neighborhood Council. The Neighborhood Council shall consist of five members who reside in the district chosen by residents of the district in an election at a noticed public meeting, subject to approval by the local governing body. The five members shall choose among themselves a president, vice president, secretary, and other officers as needed.

(5) The Neighborhood Council and local government planning agency shall be eligible to receive grants from the Safe Neighborhoods Program as provided in s. 163.517.

(6) The Neighborhood Council and the local government planning agency shall prepare a Neighborhood Enhancement Plan. The Neighborhood Enhancement Plan shall consist of at least the following elements:

(a) Boundaries and size of the district.

(b) Total population and number of households in the district.

(c) Land use zoning and housing in the district.

(d) Statement of goals and objectives of the district.

(e) Strategies and policies to enhance the district.

- (f) Minimum standards for property maintenance, building codes, and community aesthetics.
- (g) Strategies to implement and evaluate the plan.
- (7) The Neighborhood Enhancement Plan shall be consistent with the intent of the adopted comprehensive plan for the county or municipality.
- (8) The Neighborhood Enhancement Plan shall not regulate any activity that is subject to regulation under chapter 378, and it shall not contain any requirements that are inconsistent with, or more stringent than, requirements established by any state agency or water management district.
- (9) The Neighborhood Enhancement Plan shall be adopted by ordinance by the local governing body. The standards and requirements of the Neighborhood Enhancement Plan shall be reasonable considering the existing character of the community and local economic conditions.
- (10) Prior to the adoption of the Neighborhood Enhancement Plan, the local government planning agency and Neighborhood Council shall hold a joint public hearing on the plan after public notice by the local government by publication in a newspaper of general circulation in the county or municipality in which the district is located. The notice shall describe the time, date, place, and purpose of the hearing; identify the boundaries of the district; and outline the general scope of the plan as required by law.
- (11) If at any time after approval of the Neighborhood Enhancement Plan, it becomes desirable to amend or modify the plan, the local governing body may do so. Prior to any such amendment or modification, the local government planning agency and the Neighborhood Council shall hold a joint public hearing on the proposed amendment or modification after public notice by the local government by publication in a newspaper of general circulation in the county or municipality in which the district is located. The notice shall describe the time, place, and purpose of the hearing and shall generally describe the proposed amendment or modification.
- (12) Nothing in this section shall supersede or conflict with s. 823.14.

History.--s. 1, ch. 95-289; s. 12, ch. 2004-5.

163.526 Neighborhood Councils and local government designated agency; powers and duties.--

- (1) The Neighborhood Councils shall have all of the following powers and duties:
 - (a) All those specified in ss. 163.514 and 163.5151.
 - (b) To record all complaints of alleged violations of the standards and codes specified within the Neighborhood Enhancement Plan brought by any resident of the district.
 - (c) To identify plan violations and problem areas.
 - (d) If the alleged complaint or problem is found to be valid, to notify that property owner of noncompliance with the plan.
 - (e) If the property owner does not adequately respond to the notification of the plan violation within a reasonable amount of time, to negotiate informally with the property owner to reach an agreement to bring the property owner into compliance with the plan.
 - (f) If the negotiation process fails to remedy the alleged violation of the plan, to report the alleged violation to the designated agency of the local government.

(g) If after 30 days the council is dissatisfied with the response of the designated agency of the local government, to request written notification from the designated agency of the steps taken to remedy the alleged violation.

(h) If the council is still dissatisfied 30 days after receipt of written notification, to request an audience before the local governing body to resolve its differences with the designated agency.

(i) To hold public meetings at least once quarterly to: solicit and listen to suggestions and complaints regarding alleged violations of the Neighborhood Enhancement Plan; discuss alleged violations and issues of concern in the neighborhood; and listen and respond to complaints regarding the activity or inactivity of the Neighborhood Council. At least three members must be present at the public meeting to constitute a quorum. No resident or property owner in the district shall be prohibited from addressing the council.

(2) The designated agency of the local government shall have all of the following powers and duties:

(a) Upon receipt of an alleged plan violation from the Neighborhood Council, the designated agency of the local government shall provide the Neighborhood Council with written acknowledgment of receipt of the alleged violation.

(b) The designated agency of the local government shall notify the property owner that the owner may be in violation of the requirements and standards of the Neighborhood Enhancement Plan. The designated agency is entitled to exercise all the powers under chapter 162 to enforce any alleged plan violation.

(c) The designated agency shall, at the request of the Neighborhood Council, provide written notification of the steps taken to remedy the alleged violation.

(3) If requested, the local governing body shall, pursuant to this section, grant the Neighborhood Council an audience to resolve the council's differences or dissatisfaction with the designated agency.

History.--s. 2, ch. 95-289.

PART V

REGIONAL TRANSPORTATION AUTHORITIES

163.565 Short title.

163.566 Definitions.

163.567 Regional transportation authorities.

163.568 Purposes and powers.

163.569 Exemption from regulation.

163.570 Special region taxation.

163.571 Issuance of bonds.

163.572 Expansion of area.

163.565 Short title.--This part shall be known and may be cited as the "Regional Transportation Authority Law."

History.--s. 1, ch. 71-373; s. 1, ch. 73-278.

163.566 Definitions.--As used in this part, and unless the context clearly indicates otherwise:

- (1) "Authority" means a body politic and corporate created pursuant to this part.
- (2) "Member" means the municipality, county, or political subdivision which, in combination with another member or members, comprises the authority.
- (3) "Board of directors," hereinafter referred to as the board, means the governing body of the authority.
- (4) "Director" means a person appointed to the board by a member. No person who serves without salary as a director or in any other appointed position of the authority shall be in violation of s. 99.012 by reason of holding such office.
- (5) "Regional transportation area" means that area the boundaries of which are identical to the boundaries of the political subdivisions or other legal entities which constitute the authority.
- (6) "Municipality" means any city with a population of over 50,000 within the regional transportation area.
- (7) "County" means any county within the regional transportation area.
- (8) "Public transportation" means transportation of passengers by means, without limitation, of a street railway, elevated railway or guideway, subway, motor vehicle, motor bus, or any bus or other means of conveyance operating as a common carrier within the regional transportation area, including charter service therein.
- (9) "Public transportation system" means, without limitation, a combination of real and personal property, structures, improvements, buildings, equipment, plants, vehicle parking or other facilities, and rights-of-way, or any combination thereof, used or useful for the purposes of public transportation.
- (10) "Operator" means any person engaged in, or intending to engage in, the business of providing public transportation, but does not include a person engaged primarily in the transportation of children to or from school or a person or entity furnishing transportation solely for his or her or its employees or customers.
- (11) "Transportation facility" or "transportation facilities" means the property or property rights, both real and personal, of a type used for the establishment of public transportation systems which have heretofore been, or may hereafter be, established by public bodies for the transportation of people and property from place to place.
- (12) "Population" means the population as determined under the provisions of s. 186.901.

History.--s. 2, ch. 71-373; s. 1, ch. 73-278; s. 1, ch. 77-174; s. 28, ch. 87-224; s. 33, ch. 91-107; s. 910, ch. 95-147.

163.567 Regional transportation authorities.--

(1) Any two or more contiguous counties, municipalities, other political subdivisions, or combinations thereof in this state are authorized and empowered to convene a charter committee for the purpose of developing a charter under which a regional transportation authority, hereinafter referred to as "authority," may be constituted, composed, and operated as delineated in this part. However, no county, municipality, or other political subdivision may be a member in more than one authority created under this part.

(2) Upon the decision by such governing bodies to convene the committee, each shall appoint one representative for the first 100,000 population or fraction thereof over 50,000, plus one additional representative for each additional 100,000 population to the charter committee, except that the population of any participating municipality shall be subtracted from the county's population in determining county representation. The committee shall meet for the purpose of preparing the authority's charter. The charter, in addition to the purposes and powers provided in s. 163.568, shall contain:

(a) The formula for representation and voting of the members based on population, but in no event shall the Governor's appointees have less than one vote each.

(b) Any limitations on the authority's powers of eminent domain beyond those limitations contained in s. 163.568 and deemed necessary for the authority's purposes.

(c) The duration of the authority and the method by which it may be terminated or withdrawn from by any participating member prior to the stated date of termination, if any.

(d) The manner in which the authority members will provide from their treasuries the financial support for the authority.

(e) A method or formula for equitably providing for and allocating and financing the capital and operating costs, including payments to reserve funds authorized by law and payments of principal and interest on obligations.

(f) The manner in which strict budgeting and accountability of all funds shall be provided for and the manner in which reports, including an annual independent audit, of all receipts and disbursements shall be prepared and presented to each participating member.

(g) Any other necessary and proper matters agreed upon by the charter committee.

(3) The charter and all subsequent amendments thereto shall be duly executed by the governing bodies of all members and shall be filed with the Department of State, at which time the authority shall be activated and legally constituted.

(4) When the charter is filed with the Department of State, the Governor shall be notified that such action has been taken, and the Governor shall within 20 days appoint two members to the authority. Within 25 days from the filing of the charter, each member shall appoint its director or directors, and the first meeting of the authority shall be held.

(5) In addition to other funding as prescribed in this part, any member joining the authority shall agree to provide the authority with funds to be used only for planning and administration for a period not to exceed 5 years from such time as the authority was formally constituted. These total funds shall not exceed \$300,000 per annum, and the cost shall be duly apportioned among the members by a ratio based on population. Any member may, of its own accord, pay more than its apportioned share of the funds.

(6) After the authority has been in existence for a period of not less than 12 months, municipalities having less than 50,000 population may be admitted as fully participating members if agreed upon by at least a three-fourths vote of all the members of the board of directors.

(7) Subsequent to the activation of the authority, contiguous counties, municipalities, or other political subdivisions not participating initially may become members of the authority with the same benefits as the initial members, upon approval by a majority vote of the board.

(8) The board of directors of the authority shall consist of at least one director representing each member, and two directors appointed by the Governor. In no event shall the board be composed of less than five directors, including the two appointed by the Governor. Each member shall initially appoint one director for a 3-year term. Of those members appointing more than one director, the remaining directors shall be appointed initially for a term of 2 years. Thereafter, all directors shall be appointed for 3-year terms.

(9) Each director shall hold office until his or her successor has been appointed and qualified. A vacancy occurring during a term shall be filled only for the balance of the unexpired term. The first directors shall be selected as provided above. An appointment to fill a vacancy shall be made within 20 days after the occurrence of the vacancy or before expiration of the term, whichever is applicable. If no appointment is made within the prescribed time by the appointing member, the board, by a majority vote, shall appoint an eligible person to the board with like effect as if the appointment were made by the member. However, if the board does not appoint an eligible person within 10 days, the appointment shall then be made by the Governor within 10 days thereafter. Any director shall be eligible for reappointment.

(10) The board shall elect one of its directors as chair and one as vice chair to serve for 1 year in that capacity or until their successors are elected. A majority of the directors shall constitute a quorum. A vacancy on the board shall not impair its right to exercise all of its powers and perform all of its duties. Any vacancy not filled within the period prescribed by this section shall be filled by appointment of the board. Upon the effective date of his or her appointment, or as soon thereafter as practicable, each director shall enter upon his or her duties.

(11) A director of the board may be removed from office by the Governor or by the appointing member for misconduct, malfeasance, misfeasance, or neglect of duty in office. Any vacancy so created shall be filled as provided above.

(12) The authority may employ an executive administrator, who shall be a person of recognized ability and experience, to serve at the pleasure of the authority. The executive administrator may employ such employees as may be necessary for the proper administration of the duties and functions of the authority and may determine the qualifications of such persons; however, the board shall approve such positions and fix compensation for employees. The authority may contract for the services of attorneys, engineers, consultants, and agents for any purpose of the authority, including engineering, architectural design, management, feasibility, transportation planning, and other studies concerning the design of facilities and the acquisition, construction, extension, operation, maintenance, regulation, consolidation, and financing of transportation systems in the area.

(13) Directors of the board shall be entitled to receive their travel and other necessary expenses incurred in connection with the business of the authority, as provided in s. 112.061, but they shall receive no salaries or other compensation.

History.--s. 3, ch. 71-373; s. 1, ch. 73-278; s. 911, ch. 95-147.

163.568 Purposes and powers.--

(1) The authority created and established by this part is granted the authority to purchase, own, or operate, or provide for the operation of, transportation facilities; to contract for transit services; to exercise power of eminent domain limited to right-of-way and contiguous transportation facility acquisition and subject to any further limitations set forth in the authority charter; to conduct studies; and to contract with other governmental agencies, private companies

and individuals. However, no public transportation system shall be purchased, owned, or operated that would be in the continued business of competing with existing private charter transportation companies for charter business, nor shall a new system be implemented where an existing transportation system of the same mode is operating a comparable service without first purchasing said existing system through negotiation.

(2) The authority is granted the authority to exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of the aforesaid purposes, including, but not limited to, the following rights and powers:

(a) To sue and be sued, implead and be impleaded, complain and defend in all courts.

(b) To adopt, use, and alter at will a corporate seal.

(c) To acquire, purchase, hold, lease as a lessee, and use any franchise or property, real, personal, or mixed, tangible or intangible, or any interest therein, necessary or desirable for carrying out the purposes of the authority, and to sell, lease as lessor, transfer and dispose of any property or interest therein acquired by it.

(d) To fix, alter, charge, and establish rates, fares, and other charges for the services and facilities within the area, which rates, fees, and charges shall be equitable and just.

(e) To acquire and operate, or provide for the operation of, local transportation systems, public or private, within the area, the acquisition of such system to be by negotiation and agreement between the authority and the owner of the system to be acquired.

(f) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business.

(g) To enter into management contracts with any person or persons for the management of a public transportation system owned or controlled by the authority for such period or periods of time, and under such compensation and other terms and conditions, as shall be deemed advisable by the authority.

(h) Without limitation, to borrow money and issue evidence of indebtedness and to accept gifts or grants or loans of money or other property and to enter into contracts, leases, or other transactions with any federal agency, the state, any agency of the state, or any other public body of the state.

(i) To develop transportation plans, and to coordinate its planning and programs with those of appropriate municipal, county, and state agencies and other political subdivisions of the state. All transportation plans are subject to review and approval by the Department of Transportation and by the regional planning agency, if any, for consistency with programs or planning for the area and region.

(j) To do all acts and things necessary or convenient for the conduct of its business and the general welfare of the authority in order to carry out the powers granted to it by this part or any other law.

(k) To prescribe and promulgate necessary rules and regulations consistent with the provisions of this part and the requirements of chapter 120.

History.--s. 4, ch. 71-373; s. 1, ch. 73-278.

163.569 Exemption from regulation.--The public transportation systems and facilities operating

in and under the authority of this part shall be exempt from any of the regulatory provisions of chapter 350.

History.--s. 5, ch. 71-373; s. 1, ch. 73-278; s. 20, ch. 85-80.

163.570 Special region taxation.--

(1) Any regional transportation authority created hereunder shall be deemed a special tax district and shall be authorized to levy an ad valorem tax based on full valuation of real property not to exceed 3 mills on the taxable real property in the areas affected by such authority, with the approval of the county commission or equivalent governing body of such area, at a rate sufficient to produce an amount that may be necessary for effectuating the purposes of this part, if such millage level is approved by a majority of the members of such authority and by referendum. Property taxes determined and levied under this section shall be certified by the authority to the appropriate auditor and extended, assessed, and collected in like manner as provided by general law for such political subdivisions. The proceeds under this section shall be remitted by the tax collector to the treasurer of the authority who shall credit them to the funds of the authority for use in effectuating the purposes of this part. At any time after making a tax levy under this section and certifying the same to the corresponding governing body represented by the membership on the authority, the authority may issue tax anticipation notes of indebtedness in anticipation of the collection of such taxes.

(2) No tax authorized by this part shall be levied unless the same shall be approved by a majority of the electors of each county, municipality, or other political subdivision, voting in elections to be held within the geographical area of the special tax district. A tax shall be authorized only in such political subdivisions as are approved by electors from within the counties or municipalities or other political subdivisions who are members of the regional authority.

History.--s. 6, ch. 71-373; s. 1, ch. 73-278.

163.571 Issuance of bonds.--Any transportation authority created hereunder may issue bonds to carry out the authorized powers or purposes of this part. In the creation of bonded indebtedness the procedure therefor shall be in conformity with the constitution and laws of the state.

History.--s. 7, ch. 71-373; s. 1, ch. 73-278.

163.572 Expansion of area.--Upon a resolution adopted by the governing body of any adjoining county, municipality, or other political subdivision, the authority may, subject to the provisions of s. 163.567(1), by a majority vote of its membership, include such territory in its regional transportation area.

History.--s. 8, ch. 71-373; s. 1, ch. 73-278.

PART VI

COLLABORATIVE CLIENT INFORMATION SYSTEMS

163.61 "Agency" defined.

163.62 Collaborative client information system; establishment.

163.63 Steering committee; security policy information sharing agreements.

163.64 Sharing of client information.

163.65 Agencies receiving government funding encouraged to participate.

163.61 "Agency" defined.--For the purposes of ss. 163.61-163.65, the word "agency" has the meaning ascribed in s. 119.011.

History.--s. 43, ch. 97-286.

163.62 Collaborative client information system; establishment.--Notwithstanding any general or special law to the contrary, the agencies of one or more local governments may establish a collaborative client information system. State agencies and private agencies may participate in the collaborative information system. Data related to the following areas may be included in the collaborative information system, although the system is not limited to only these types of information: criminal justice, juvenile justice, education, employment training, health, and human services.

History.--s. 44, ch. 97-286.

163.63 Steering committee; security policy information sharing agreements.--

(1) The counties involved in the creation and administration of a collaborative client information system shall form a steering committee, consisting of representatives of all agencies and organizations participating in the system, to govern the organization and administration of the collaborative system. Each steering committee shall determine its procedures for governance of the organization, participation in the collaborative information system, and administration of the data in the system. Each steering committee also must develop a security policy to be followed by all agencies participating in the collaborative system to ensure the integrity of the data in the collaborative information system and to guarantee the privacy, to the extent possible, of all clients served by an agency that participates in the collaborative system.

(2) Before sharing confidential information with other members of the information collaborative, each member of the steering committee shall sign an agreement specifying, at a minimum, the following information:

- (a) What information each agency will share with the collaborative;
- (b) How the information will be shared;
- (c) How clients will be notified that an agency participates in the collaborative;
- (d) Who in each agency will have access to the information;
- (e) The purposes to be served by sharing the information;
- (f) Assurances from each agency that it will maintain the confidentiality of the information as required by law; and
- (g) Other information decided upon by members of the information cooperative.

History.--s. 45, ch. 97-286.

163.64 Sharing of client information.--Notwithstanding any law to the contrary, an agency that participates in the creation or administration of a collaborative client information system may share client information, including confidential client information, with other members of the collaborative system as long as the restrictions governing the confidential information are observed by any other agency granted access to the confidential information. An agency that participates in

a collaborative information system is not required to have a release signed by its affected clients before sharing confidential information with other members of the collaborative system.

History.--s. 46, ch. 97-286.

163.65 Agencies receiving government funding encouraged to participate.--An agency that receives moneys from a federal, state, or local agency is encouraged to participate in any collaborative client information system that is available within the service area of the agency.

History.--s. 47, ch. 97-286.

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PART 1. GENERAL PROVISIONS

Sec. 655.101. Short title.

This Chapter shall be known and may be cited as the Concurrency Management System.

(Ord. 90-1251-571, § 1)

Sec. 655.102. Purpose and declaration of public policy.

The purpose of this Chapter is to ensure the availability of public facilities and the adequacy of those facilities at adopted levels of service concurrent with the impacts of development. This purpose is implemented by means of a Concurrency Management System (CMS) which measures the potential impact of a proposed development on the adopted minimum levels of service, as established in the 2010 Comprehensive Plan, when an application for a final development order or final development permit is submitted. The CMS shall ensure that the adopted level of service standards shall not be degraded by the issuance of a final development order or final development permit.

The Council declares as a matter of public policy that the concurrency requirements of the Local Government Comprehensive Planning and Land Development Regulation Act, F.S. Ch. 163, Pt. II, are a public necessity and are important in the protection and enhancement of the quality of life in the City of Jacksonville, as well as Duval County and the State of Florida.

(Ord. 90-1251-571, § 1)

Sec. 655.103. Legislative findings and intent.

The Council finds and determines that:

- (a) The requirements and standards of this ordinance are necessary for the health, safety and welfare of the citizens of the City of Jacksonville and the protection of the environment and natural resources of the City of Jacksonville.
- (b) It is the intent of the Council to implement the goals, objectives, and policies adopted in the 2010 Comprehensive Plan.
- (c) It is the intent of the Council that necessary public facilities and services be available concurrent with the impacts of development.
- (d) It is the intent of the Council that final development orders and permits be issued in a manner which does not result in a reduction of any levels of service below the adopted level of service standards in the 2010 Comprehensive Plan.
- (e) It is the intent of the Council to adhere to and implement the Schedule of Capital Improvements in the 2010 Comprehensive Plan and other capital improvements as necessary to maintain the adopted level of service standards in the 2010 Comprehensive Plan
- (f) It is the intent of the Council to adopt a reasonable concurrency management system in furtherance of the public benefit while at the same time ensuring that all property owners have a reasonable, beneficial, and economic use of their property and that no property is taken without just compensation.

(g) Not all development or development activity impacts are significant enough to cause the deterioration of the levels of service adopted in the 2010 Comprehensive Plan. It is therefore, further found, that the establishment of *ade minimis* developmental impact which will not cause an unacceptable degradation of levels of service is consistent with the goals, objectives and policies of the 2010 Comprehensive Plan. The application of this methodology by the establishment and recognition of certain types of *de minimis* development is found to be substantially related to the preservation of individual property rights in accordance with the state comprehensive plan.

(Ord. 90-1251-571, § 1)

Sec. 655.104. Jurisdiction and applicability.

The regulations herein set forth shall apply to all lands within the City, except within the Second, Third, Fourth and Fifth Urban Services District. No development order or development permit shall be issued unless in accordance with the provisions of this Chapter. In order to develop land, the requirements of this Chapter shall be met and the procedures set forth herein shall be followed.

(Ord. 90-1251-571, § 1)

Sec. 655.105. Definitions.

In this Chapter, unless the context otherwise requires:

(a) *Capacity* means a maximum and quantifiable ability for a public facility to provide service to its users, calculated relative to a level of service infrastructure standard. It includes the following:

(1) *Existing capacity* means used capacity plus capacity not used but available at the present time.

(2) *Projected capacity* means existing capacity plus future capacity expected after improvement of the facility.

(3) *Threshold capacity* means a level of capacity over which a warning signal will indicate that the facility will soon reach its existing capacity.

(4) *Available capacity* means that portion of existing capacity not yet used or committed for use.

(5) *Free capacity* means the amount of available capacity that can be offered to an applicant for a Conditional Capacity Availability Statement (CCAS) or Concurrency Reservation Certificate (CRC) which will not be depleted by pending applications.

(6) *Improvement capacity* means added capacity potential expected by a capital improvement, but not including existing capacity, if any.

(7) *Committed improvement capacity* means the increase in capacity associated with a capital improvement meeting the requirements set forth in Section 655.112 as of the date of the acceptance of the application for a CCAS or CRC by the Concurrency Management System Office (CMSO), less any reserve priority capacity.

(b) *Capital improvement* means a permanent addition, construction or fixture to real property or structures thereon which has a useful life of more than five years and an estimated purchase or construction cost of more than \$25,000.

(c) *Capital improvement element* means that element of the 2010 Comprehensive Plan adopted pursuant to Chapter 650, Ordinance Code and F.S. Ch. 163, Pt. II, which evaluates the need for public facilities as identified in the other 2010 Comprehensive Plan elements and as defined in the applicable definitions for each type of public facility, which estimates the cost of improvements for which the local government has fiscal responsibility, which analyzes the fiscal capability of the local government to finance and construct improvements, which adopts financial policies to guide the funding of improvements, and which schedules the funding and construction of improvements in a manner necessary to ensure that capital improvements are provided when required based on needs identified in the other adopted 2010 Comprehensive Plan elements.

(d) *Commenced* means that point in the evolution of a project when a reasonable amount of funds have been expended for development, when judged in relation to the intensity or type of development, by the developer can be demonstrated, or that point at which actual physical construction of the project begins in concert with the provision of necessary support infrastructure, when judged in relation to the intensity or type of development, whether such infrastructural improvements are off-site or on-site.

(e) *Comprehensive plan* or *plan* means the City of Jacksonville's 2010 Comprehensive Plan adopted pursuant to Ordinance 90-794-380 on September 11, 1990 by the City Council, with an effective date of September 21, 1990, as such plan may be amended from time to time.

(f) *Concurrency* means that the necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur.

(g) *Concurrency management system automated data base* means the data collection, processing and analysis performed by the City to determine impacts on the adopted level of service standards for potable water, sanitary sewer, solid waste, drainage, recreation, traffic circulation and mass transit.

(h) *Concurrency Management System (CMS)* means the procedures and/or processes utilized by the City to assure that final development orders and final development permits are not issued unless the necessary facilities to support the development are available concurrent with the impacts of the development. These procedures and/or processes are specified in the *Concurrency Management System Handbook for Jacksonville, Florida*.

(i) *Concurrency Reservation Certificate (CRC)* means the official document issued by the City through the CMSO upon finding that an application for the certificate in reference to a specific final development order or final development permit for a particular development will not result in the reduction of the adopted level of service standards for impacted potable water, sanitary sewer, recreation, drainage, solid waste, traffic circulation and mass transit facilities and services, as set forth in the 2010 Comprehensive Plan.

(j) *Conditional Capacity Availability Statement (CCAS)* means the official document issued by the City through the CMSO which precedes the review of an application for a CRC and which constitutes the issuance of reserve capacity or a statement of those conditions which must be fulfilled prior to the issuance of reserve capacity as to the public facilities listed in Section 655.112.

(k) *Development* means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of a structure or land, or the dividing of land into three or more parcels according to a plat of record. The following activities or uses shall be taken to involve development:

- (1) A reconstruction, alteration of the size or material change in the external

appearance of a structure or land.

(2) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure, or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.

(3) Alteration of a shore or bank of a river or stream, lake, pond or canal, including any coastal construction defined in F.S. § 161.021.

(4) Commencement of drilling, except to obtain soil samples, mining or excavation on a parcel of land.

(5) Demolition of a structure.

(6) Clearing of land as an adjunct of construction.

(7) Deposit of refuse, solid or liquid waste or fill on a parcel of land.

The following operations or uses shall not be taken to involve *development* as defined herein:

(1) Work by a transportation or public works agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.

(2) Work by any utility and other persons engaged in the distribution or transmission of utilities, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.

(3) Work involving the maintenance, renewal, improvement or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.

(4) The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to the enjoyment of the dwelling.

(5) The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products, raising livestock, or for other agricultural purposes.

(6) A change in the ownership or form of ownership of any parcel or structure.

(7) The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land or other rights in land.

(8) A change in use of land or structure from a use within a class specified in an ordinance to another use in the same class.

Development includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of this subsection.

(l) *Developer* means any person, or his authorized agent, including a governmental agency, who undertakes the development of land as described in subsection (k) of this Section.

(m) *Development order* means any order issued by the City granting, denying or granting with conditions an application for approval of a development project or activity

The term *development order* encompasses the following:

(1) *Development permit* means an official document issued by the City which authorizes land alteration or the commencement of construction without the need for any further applications or approvals. Development permits include: all types of construction permits, such as plumbing, electrical, foundation, mechanical, etc., in addition to the building permit itself, grading, site clearing and demolition permits, septic tank permits, tree removal permits and sign permits.

(2) *Preliminary development permit* means an official document issued by the City which authorizes certain types of preliminary development which either would not have an impact on levels of service or would occur at a stage in the development process when the proposed project has not been precisely defined and where the density, intensity and type or use of the ultimate development is not known. A CRC is not required prior to the issuance of a preliminary development permit, which term shall include, but not be limited to: a site clearing permit, a demolition permit, a tree removal or relocation permit, a swimming pool permit, a septic tank permit, a sign permit, a fence permit, and an awning permit.

(3) *Final development permit* means an official document issued by the City which authorizes the commencement of construction which would be expected to have an impact on levels of service or would occur at a stage in the development process when the proposed project has been precisely defined and where the density, intensity and type or use of the ultimate development is known. A CRC is required prior to the issuance of a final development permit, which term shall include, but not be limited to: a building permit, for any new building, addition, or accessory building, new mobile home move on, or trailer, park and camps, and converting use not found to be *de minimis* by the CMSO; a building permit for any nonresidential alterations and repairs, foundation only, or other type of improvement not found to be *de minimis*.

(4) *Preliminary development order* means a preliminary approval given by the City which does not authorize actual construction, alterations to land or structures or other development. A preliminary development order may authorize a change in the allowable use of land or a building, and may include conceptual approvals where a series of approvals are required before authorization to commence land alteration or construction may be given by the City. A CRC is not required prior to the issuance of a preliminary development order, which term shall include, but not be limited to: an order granting an administrative appeal, an amendment to the Future Land Use Map series of the 2010 Comprehensive Plan, an amendment to the 2010 Comprehensive Plan which affects land use or development standards, approval of preliminary sketch plans under Section 654.107, Ordinance Code, approval of site plans under Section 656.404, Ordinance Code, an order granting a zoning variance or exception, a rezoning and a written determination of consistency with the 2010 Comprehensive Plan.

(5) *Final development order* means a final approval given by the City for a development project which has been precisely defined in terms of the intensity and use of the project. The final development order authorizes the project, whereas the preliminary development order or permit authorizes specific components of the project, such as building construction, parking lot installation, landscaping, etc. A CRC is required prior to the issuance of a final development order, which term shall include, but not be limited to: approval of final construction plans for required improvements under Chapter 654, Ordinance Code, final plat approval under Chapter 654, Ordinance Code, approval of final construction and/or engineering plans under Chapter 320, Ordinance Code, and a local development order approving a Development of Regional Impact or

Florida Quality Development.

(n) *Letter of substantial completion* means a letter issued by the Public Works Department indicating that a building, structure, or development has reached a degree of completion which warrants the appropriate withdrawal of existing capacity within the CMS.

(o) *Level of Service (LOS)* means an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility or service.

(p) *Memorandum of agreement* means an informal agreement entered into by the developer and the Director of Planning and Development setting forth the terms which will serve as the basis of a future formal development agreement entered into pursuant to Part 2, Chapter 655.

(q) *Reserved.*

(r) *Public facilities or services* means those facilities and services specified in the 2010 Comprehensive Plan, as required by F.S. § 163.3177, for which level of service standards have been adopted: traffic circulation, potable water, sanitary sewer, solid waste, drainage, recreation, and mass transit.

(s) *Lot* includes the words *plot* or *parcel*. A lot or plot is a parcel of land of at least sufficient size to meet the minimum requirements of the Zoning Code as to use, lot coverage and area and to provide the yards required by the Zoning Code. A lot is also defined as a single unit in a subdivision.

(t) *Reserve capacity* means that capacity demanded by the impacts of CRC or CCAS applications on a "first come-first served" basis for:

(1) A proposed development for which an application for a CRC or CCAS has been accepted and is under review in accordance with Section 655.111(b) or (c); or

(2) A proposed development granted a CCAS or a CRC, provided the final development order or permit for which the CCAS or CRC was required is applied for within the time periods set forth in Section 655.111(b)(5) or (c)(3); or

(3) A proposed development wherein the City has granted a CRC and issued the final development order or final development permit for which the CRC was required, provided the development proceeds without substantial deviation from the terms of the final development order or final development permit to the point of obtaining a letter of substantial completion; or

(4) A proposed development denied or conditionally approved a CCAS or denied a CRC, provided the applicant (i) gives written notice of its intent to negotiate as to modifications in the application within ten days after notification by CMSO or (ii) executes a Memorandum of Agreement, expressing his intent to enter into a development agreement pursuant to Part 2, Chapter 655, Ordinance Code, and F.S. § 163.3202, or appeals the decision within 30 days from the date of denial notification by the CMSO.

(5) A proposed development denied or conditionally approved a CCAS or denied a CRC, after appeal, provided the applicant executes a Memorandum of Agreement within 30 days from the date of notification of denial of the appeal.

(6) In the instance of a CCAS, the reserve capacity shall apply on a "first come-first served" basis only as to those public facilities for which there is free capacity on the date of acceptance of the application.

(u) *Reserve priority capacity* means those capacities demanded by Developments of Regional Impact (DRI), Florida Quality Developments (FQD) or development capacities negotiated in a development agreement pursuant to Part 2, Chapter 655, Ordinance Code, and F.S. § 163.3202.

(v) *Reviewing divisions* mean those specific divisions within the City agencies and departments affected by the provisions of this CMS which have the responsibility to develop and utilize methods and procedures to assess a proposed development's impact on public facilities and which must approve or deny the proposed development based on the ability of each public facility to absorb such impacts without decreasing the established level of service for that facility.

(w) *Substantial deviation* means any proposed change from a final development order or final development permit for which a VPAC or CRC is required and which meets the criteria set forth in Section 655.113(a).

(x) *Vested capacity* means the quantifiable impacts on public facilities by development authorized pursuant to finalized building permits approved for proposed developments which have been issued VPACs.

(y) *Vested Property Affirmation Certificate (VPAC)* means the official document issued by the City through the CMSO which waives all concurrency requirements for a final development permit or final development order issued prior to the effective date of the 2010 Comprehensive Plan or prior to the effective date of this ordinance for a development which has commenced prior to either of those dates, provided such development does not substantially deviate, under the criteria set forth in Section 655.113, from the terms of the original development permit or development order, and further provided that such development continues in good faith toward completion.

(z) *Vested Property Annual Status Report* means the complete and detailed report required to be submitted to the Concurrency Management System Office by the holder of a VPAC on each anniversary of a development's VPAC issuance which demonstrates and documents the development's progress and continuance in good faith according to its original development permit or order.

(Ord. 90-1251-571, § 1; Ord. 92-131-128, § 1)

Sec. 655.106. Concurrency Management System Office (CMSO).

There is hereby established a Concurrency Management System Office for the City of Jacksonville located in the Planning and Development Department.

(a) *Functions and responsibilities.* The CMSO shall perform the following functions:

(1) It shall provide to the public, upon request, information on existing capacities and levels of service for traffic circulation, potable water, sanitary sewer, solid waste, drainage, recreation and mass transit. Such information shall include existing facility and service capacities, planned and committed facility and service capacity increases or extensions, and existing and committed service demands.

(2) It shall be responsible for organizing, coordinating and scheduling CMSO administrative decision and vested rights appeals pursuant to Section 655.114.

(3) It shall coordinate the refinement and update of CMS procedures and systems on an annual basis, at minimum. In this capacity, the CMSO shall serve as the liaison among reviewing divisions and the Director of Planning and Development and the Office of the Mayor. The main objectives of the CMSO in this capacity shall be to define and clarify policy, to facilitate the effective

exchange of data among all governmental agencies and departments and to ensure the integrity of the entire CMS process by continually monitoring automated information and recordkeeping systems.

(4) It shall, through active public education efforts, work toward the establishment of the CMS as an integral component of the local development process in an expeditious and efficient way.

(5) It shall review the record of CCASs and CRCs kept by the Concurrency Management System Automated Data Base to determine the impacts, if any, on approved final development orders and final development permits as a result of amendments, whether actual or proposed, to level of service standards, capital improvement program funds, budgets, contracts and development agreements.

(6) It shall maintain records of all CCASs and CRCs as input into the Concurrency Management System Automated Data Base and shall develop and maintain procedures to monitor cumulative concurrency capacity reservations for reviewing divisions and to maintain system security.

(7) It shall issue an annual capacity statement on April 25, 1991, and on the same date annually thereafter indicating capacity information for each public facility or service, with the exception of traffic circulation. Traffic circulation capacity statements or reports shall be compiled and distributed quarterly. The quarterly and annual statements shall include the following for each component of the level of service:

- (i) Existing capacity.
- (ii) Reserve capacity.
- (iii) Vested capacity.
- (iv) Capacity used since previous statement.
- (v) Available capacity.
- (vi) Whether the facility or service is operating at or above the threshold capacity.

(b) *Administration.* It shall be the responsibility of the Planning and Development Department to enforce the provisions of this Chapter. The Director of Planning and Development shall have the duty and authority to interpret the provisions of the CMS and to promulgate the rulings, regulations and procedures found necessary for the implementation of the CMS. In addition, the Director of Planning and Development is specifically delegated the authority to enter into memorandums of agreement on behalf of the City in order to carry out the provisions of Section 655.111(b)(5)(iv). Where a Memorandum of Agreement has been executed by the Director and the developer, and the developer has submitted an application for a development agreement which has been determined to be sufficient and accepted by the CMSO and has commenced negotiations with the City, the CMSO may extend reserve capacity by one or more periods of up to 30 days each, provided the negotiations are continuing in good faith. Where it is alleged there is error in any decision of the Director of Planning and Development, an appeal may be made pursuant to the provisions of Section 655.114.

(c) *Aggregation Standard.* Two or more developments represented by their owners or developers to be separate developments shall be aggregated and treated as a single development under Chapter 655, Ordinance Code, when they are determined to be part of a unified plan of development and are physically proximate to one another.

(1) A "unified plan of development" exists if the criteria of two of the following subparagraphs are met:

(i) The same person has retained or shared control of the developments;
The same person has ownership or a "significant legal or equitable interest" as defined herein below;

There is common management of the developments controlling the form of physical development or disposition of parcels of the development.

(ii) There is a "reasonable closeness in time," as defined herein below, between the completion of 80 percent or less of one development and the submission to a governmental agency of a master plan or series of plans or drawings for the other development which is indicative of a common development effort.

(iii) A master plan or series of plans or drawings exists covering the developments sought to be aggregated which have been submitted to the City, the St. Johns River Water Management District, the Florida Department of Environmental Protection, or the Division of Florida Land Sales, Condominiums, and Mobile Homes for authorization to commence development. The existence or implementation of a utility's master utility plan required by the Public Service Commission or the City or a master drainage plan shall not be the sole determinant of the existence of a master plan.

(iv) The voluntary sharing of infrastructure that is indicative of a common development effort or is designated specifically to accommodate the developments sought to be aggregated, except that which was implemented because it was required by the City, the St. Johns River Water Management District, the Florida Department of Environmental Protection, the Division of Florida Land Sales, Condominiums, and Mobile Homes or the Public Service Commission.

(v) There is a common advertising scheme or promotional plan in effect for the developments sought to be aggregated.

(2) "Physically proximate" means that any portion of two or more developments is located:

(i) No more than one-fourth mile apart in areas designated as urbanized areas.

(ii) No more than one-half mile apart in areas that are not designated as urbanized areas. Notwithstanding anything in this Section to the contrary, two or more developments, will be considered physically proximate when they are separated by property contiguous to the developments that are owned or controlled by the same person or entity who owns or controls a significant legal or equitable interest in those developments sought to be aggregated, so long as the distance between the developments does not exceed two miles.

(3) "Reasonable closeness in time" means that which occurs within five years.

(4) "Significant legal or equitable interest" means that the same person has an interest or an option to obtain an interest of more than 25 percent in each development for the following types of interests:

1. A fee simple estate;
2. A leasehold estate of more than 30 years duration;
3. A life estate;

4. Mineral rights in mining developments; or
5. Similar equitable, beneficial or real property interests in the development.

(Ord. 90-1251-571, § 1; Ord. 92-131-128, § 2; Ord. 93-120-111, § 2)

Sec. 655.107. Levels of service.

The adopted level of service standards for public facilities and services, as stated in the 2010 Comprehensive Plan, are hereby adopted and incorporated by reference into this Chapter.

(Ord. 90-1251-571, § 1)

Sec. 655.108. Exemptions; completed structures; de minimis development.

Not all development or development activity impacts are significant enough to cause a deterioration in the levels of service as adopted in the 2010 Comprehensive Plan.

(a) The following development shall be exempt from CMS review:

(1) A change in use of a structure completed as of April 25, 1991, without addition of square footage, from a lawful use within a presently applicable zoning district to a similar permitted use within the same zoning district.

(2) A development with a vehicular trip generation rate of ten or less average daily trips (ADT) according to the latest revised edition of the ITE Trip Generation Manual.

(3) All public facilities necessary to ensure the protection of the health, safety and general welfare of the citizens of the City of Jacksonville, including all public facility construction projects included in the Capital Improvement Program and Capital Improvement Element of the 2010 Comprehensive Plan which are required to ensure compliance with all adopted levels of service, shall be exempt from concurrency reviews.

(b) An applicant for any final development order or final development permit for such a development shall be required to file an application for a CRC pursuant to Section 655.111 hereof. The CMSO shall process the application for a CRC in an expeditious manner and shall stamp the building permit with a stamp indicating "*De Minimis* Approved." Such a building permit shall be exempt from any further concurrency review.

(Ord. 90-1251-571, § 1; Ord. 92-131-128, § 3)

Sec. 655.109. Exemptions; vested rights; permits or approvals conferring vested rights; common law vested rights.

(a) *Requirements for vested rights.* The provisions of this Chapter shall not affect the validity of any lawfully issued and effective final development orders or final development permits which were issued prior to April 25, 1991, provided that such development activity as is authorized by the order or permit has commenced prior to April 25, 1991, and is continuing in good faith towards completion. A proposed development shall be vested for purposes of this Chapter and therefore exempt from the CMS requirements of this Chapter if it has received one of the following:

- (1) A valid and effective building permit or any other type of construction permit issued prior to April 25, 1991, including any renewals thereof which are permissible under Chapter 320, Ordinance Code;
- (2) As to the construction of single-family dwellings, approval of final construction plans for required improvements under Chapter 654, Ordinance Code, given prior to April 25, 1991;
- (3) As to the construction of all other improvements or development, approval of final construction and/or engineering plans under Chapter 320, Ordinance Code, given prior to April 25, 1991, provided such construction and/or engineering plans specifically indicate the density, intensity and use of the ultimate development proposed to be built according to such approved plans.

For the purposes of this Chapter, it is determined that development has commenced and is continuing in good faith for the permits or approvals specified in subsections (a)(1)(2) and (3) of this Section upon the issuance of such permit or approval. Verification of the issuance of such approvals or permits shall be made by the CMSO, and an owner or developer of property shall not be required to obtain a CRC, but shall be required to comply with the procedures set forth in Section 655.110 in order to obtain aVPAC.

(b) *Other approvals.* Nothing contained in this Chapter shall limit or modify the rights of any person to complete any development that has been authorized as or vested as a Development of Regional Impact (DRI), or a Florida Quality Development (FQD) pursuant to F.S. Ch. 380, prior to the effective date of this Chapter, unless the development order authorizing such development contains provisions wherein the development is required to meet concurrency requirements or other local zoning, subdivision or growth management laws adopted subsequent to the development order; provided, however, that verification of the issuance of the development order shall be made by the CMSO. An owner or developer of property which is subject to a DRI or FQD shall be required to comply with the procedures set forth in Section 655.110 in order to obtain a VPAC, but shall not be required to pay the application fee which would otherwise be charged for filing an application for a VPAC.

(c) *Requirements for common law vested rights.* Nothing in this Chapter shall be construed to abrogate validly existing vested rights. However, it shall be the duty and responsibility of the person alleging vested rights to demonstrate affirmatively the legal requisites to establish such vested rights. The City shall recognize validly existing vested rights by the issuance of a VPAC, even if such rights are inconsistent with the 2010 Comprehensive Plan or the requirements of this Chapter, upon a determination by the CMSO that the person alleging vested rights:

- (1) Has acted in good faith and in reasonable reliance;
- (2) Upon a valid, unexpired act or omission of the government;
- (3) Has made such a substantial change in position or has incurred;

Such extensive obligations and expenses that it would be highly inequitable or unjust to destroy the rights he has acquired or has commenced development and is continuing in good faith.

The following shall not be considered development expenditures or obligations in and of themselves: expenditures for legal or other professional services which are not related to the design or construction of improvements, taxes paid, or expenditures related to the acquisition of land. Furthermore, the mere existence of a particular zoning classification or a development permit or development order issued prior to the effective date of this Chapter shall not be determined to vest rights under this subsection (c) of this Section.

(d) Planned Unit Developments (PUDs) may be deemed vested where development has commenced and is continuing in good faith. For the purposes of this Chapter, it is determined that the adoption of an ordinance approving a Planned Unit Development (PUD) pursuant to Section 656.340, Ordinance Code, prior to April 25, 1991, may constitute substantial competent

evidence which is sufficient to demonstrate that the requirements of subsections (c)(1), (2) and (3) of this Section have been met, provided the applicant also demonstrates, by substantial competent evidence, to the satisfaction of the Director of Planning and Development that development pursuant to the PUD ordinance has commenced and is continuing in good faith in accordance with the written description of the intended plan of development, site plan and conditions approved as part of the ordinance creating the PUD.

(Ord. 90-1251-571, § 1; Ord. 92-131-128, § 4)

Sec. 655.110. Procedures for obtaining Vested Property Affirmation Certificate (VPAC); deviations; annual report; transferability; revocation.

(a) *Application procedures for obtaining Vested Property Affirmation Certificate (VPAC).* The following procedures shall be followed with respect to applying for a VPAC:

(1) An application for a determination of vested rights shall be submitted to the CMSO of the Planning and Development Department on the form provided. The application for the VPAC shall contain information sufficient to permit a determination by the CMSO pursuant to the criteria set forth in Section 655.109. Detailed site maps and a complete legal description of the subject property shall be submitted with the application. Only applications which are fully complete shall be accepted by the CMSO.

(2) The CMSO shall review the VPAC application for compliance with the criteria set forth in Section 655.109, and shall prepare a written decision within 30 days after the application has been accepted approving or denying the VPAC application. In the preparation of its decision, the CMSO may consult with the Office of General Counsel. Other City departments shall provide technical or other information and assistance at the request of the CMSO. If the application is approved, the CMSO shall issue the VPAC with the written decision.

(b) *Deviations not permitted.* All development subject to a VPAC shall be consistent with the terms of the original development order or development permit upon which the VPAC is based. Any proposed change from the original development order or development permit, except for a deviation required by governmental action, if determined to be a substantial deviation from such prior development order or development permit by the CMSO pursuant to the criteria set forth in Section 655.113, shall cause the proposed change to be subject to all of the goals, objectives and policies of the 2010 Comprehensive Plan and the requirements of this Chapter.

(c) *VPAC annual status report.* Each holder of a VPAC whose development is not yet complete shall submit a complete report to the CMSO on the form provided on each anniversary of the VPAC issuance. The purpose of the report is to provide information required by the CMSO in order to accurately monitor the progress of all development within the City. The CMSO shall mail a report form to each holder of a VPAC at least 30 days prior to the anniversary date of the VPAC issuance, with a written request to complete and return the form. Failure to submit the report by the anniversary date of the VPAC issuance anniversary date may result in the revocation of the VPAC by the CMSO.

(d) *Transferability.* A VPAC is transferrable to a successor owner upon providing written notice to the CMSO and evidence of conveyance of the land subject to the VPAC.

(e) *Revocation.* A VPAC shall remain valid and in force unless and until it is revoked by the CMSO. Notwithstanding anything in this Chapter to the contrary, a VPAC may be revoked by the CMSO upon a showing by the City of a peril to the public health, safety or general welfare of the residents of the City which was unknown at the time of approval or upon sufficient evidence that a development receiving a VPAC is not continuing in good faith. Prior to any revocation of a VPAC, the CMSO shall provide written notice of an intention to revoke the VPAC to the person (s) issued the VPAC and any person(s) having a title interest of record in the land subject to the

VPAC, which notice shall include the basis for the revocation. The notice recipient shall have a period of 45 days from the date of receipt of such notice within which to eliminate the condition which is the basis for the revocation. A notice recipient may receive from the CMSO one or more extensions of the 45 day time period based upon a showing of good cause. If the notice recipient does not eliminate such condition within such time period, the CMSO may then revoke the VPAC and provide written notice of revocation to the notice recipient of the VPAC. Where it is alleged there is error in any revocation an appeal may be made pursuant to the provisions of Section 655.114.

(f) *Continuing in good faith.* For purposes of this Chapter, in making a determination as to whether a development is continuing in good faith, the following criteria shall be considered:

(1) A development shall be deemed to be continuing in good faith if there has been diligently pursued, on a regular and continuous basis, design, engineering or permitting activity necessary to the progress of the development subject to VPAC.

(2) A development shall be deemed to be continuing in good faith if development has been undertaken and diligently pursued on a regular and continuous basis which furthers the progress of the development as permitted subject to the VPAC.

(3) The criteria referenced in subsections (f)(1) and (2) of this Section shall not preclude the CMSO from making a determination that development is continuing in good faith based upon facts and circumstances of a particular development.

(Ord. 90-1251-571, § 1; Ord. 92-131-128, § 5)

Sec. 655.111. Concurrency Reservation Certificate application process and review procedures.

(a) *Concurrency Reservation Certificate--when required.* The latest point at which concurrency is determined is the final development order. A Concurrency Reservation Certificate (CRC) or Conditional Capacity Availability Statement (CCAS) shall be required prior to the issuance of all final development permits and final development orders, other than permits for *de minimis* development or vested development as provided in Section 655.108 and Section 655.109, but not for preliminary development orders or preliminary development permits. No final development order or final development permit shall be issued or granted by any board, commission, department or agency of the City of Jacksonville without a CRC, unless in accordance with the provisions of this Chapter.

(b) *Conditional Capacity Availability Statement (CCAS) application procedures and review process.* An applicant may make an application for a CCAS. An applicant for a CCAS shall file a completed application with the CMSO on the form provided by that office. The applicant shall provide all the information requested on the application, to the extent applicable. The application shall be accepted by the CMSO only if the application is completed in full and submitted with all supplementary information required. Prior to filing the application, the applicant is encouraged to meet with the CMSO staff or the staff of any reviewing division to discuss the application. Upon the payment of the application fee to the Tax Collector, copies of the application shall be transmitted immediately to each reviewing division. The acceptance of an application for a CCAS shall constitute the issuance of reserve capacity as to those public facilities for which there is free capacity on the date of acceptance of the application. Each reviewing division shall review the application for compliance with level of service standards according to the methodologies and criteria set forth in the *Concurrency Management System Handbook for Jacksonville, Florida*.

(1) Reviews shall be performed as follows:

(i) Transportation Planning Division, Planning and Development Department:

traffic circulation and mass transit;

(ii) JEA: potable water and sanitary sewer;

(iii) Solid Waste Division, Public Utilities Department: solid waste;

(iv) Engineering Division, Public Works Department: drainage;

(v) Park Development Division, Parks, Recreation, Entertainment, and Conservation Department: recreation.

(2) If a reviewing division determines that the information contained in the application is insufficient to review the application in accordance with the CMS methodologies and criteria, then the reviewing division, within five days of its receipt of the application from the CMSO, shall notify the CMSO of the application's insufficiencies. The CMSO shall immediately notify the applicant of such insufficiencies. The applicant shall then have ten days from the date of such notification to remedy the application's insufficiencies. This time period may be extended by the CMSO based upon a showing of good cause. Any notification by a reviewing division to the CMSO that the application is insufficient automatically tolls the applicable review period. Upon the reviewing division's receipt of the necessary information, the review period begins again at the point at which it was tolled. In the event the application's insufficiencies are not remedied within the time required, the applicant shall automatically lose all reserve capacity previously issued.

(3) Each reviewing division shall compare the proposed development's impact against free capacities, consider committed improvement capacities, determine the available capacity based upon the level of service standards adopted in the 2010 Comprehensive Plan, and, within 30 days after the date of acceptance of the application, issue to the CMSO a written approval, denial, or approval with conditions for its portion of the application. As to any public facilities for which there was not sufficient free capacity on the date of acceptance of payment for the application, the appropriate reviewing division's approval shall include any and all conditions which must be fulfilled prior to the issuance of the CRC.

(4) A final written decision shall be issued by the CMSO within 45 days from the date the application is accepted by that office.

(5) If the application is denied or is approved with conditions, the written notification shall:

(i) Identify the decision reached by each reviewing division and the reason for denial or approval with conditions by any reviewing division;

(ii) Outline the procedures required to be followed in order to appeal the decision;

(iii) Outline the procedures required to be followed in order to enter into a development agreement, binding executed contract or other negotiating process which, upon agreement by the City, would permit the approval of the application or amendment or deletion of the disputed conditions;

(iv) Notify the applicant that the application shall continue to constitute the issuance of reserve capacity as to the applicable public facilities for a period of: (i) 30 days after the date of the final written decision if the applicant gives written notice to the CMSO, within ten days of such decision, of the applicant's intent to negotiate within such 30-day period modifications to the application which, upon agreement by the CMSO, would permit the approval of the application or amendment or deletion of the disputed conditions, or (ii) 120 days after the date of the final written decision if the applicant, within 30 days of such decision, either executes a memorandum of agreement expressing the applicant's intent to enter into a development agreement pursuant to Part 2, Chapter 655, Ordinance Code,

and F.S. § 163.3202, within such 120-day period, or files an appeal on the form provided by the CMSO. If the memorandum of agreement is not executed or the appeal is not filed within the time frames set forth above, or if the applicant fails to negotiate modifications to the application or enter into a development agreement within the time frames set forth above, the application shall automatically lose its reserve capacity and shall be treated as any other new application in the event the applicant wishes to proceed with the proposed development at a later date.

An applicant whose application is denied is encouraged to meet with the staff of the reviewing division(s) which issued a denial. Opportunities may exist which may enable the application to be approved. Such opportunities or solutions may include a development agreement, a binding construction contract between the City and the applicant to provide the necessary improvements, development phasing, facility phasing, capital improvements programming, a change in the funding source of a capital improvement, a reduction in the scale or impact of the proposed development, or transportation management or restriction programs.

(6) Each CCAS shall expire automatically 120 days after the date of issuance unless the applicant applies for the final development order or development permit for which the CCAS was required within the 120-day period. An applicant may receive from the CMSO one or more extensions of up to 90 days based upon a showing of good cause. The CCAS shall automatically expire simultaneously with the denial of the final development order or final development permit for which the CCAS was required.

(7) A CCAS is transferrable to a successor owner upon providing written notice to the CMSO and evidence of conveyance of the land subject to the CCAS.

(8) Whenever the CMSO has denied an application for a CCAS, no further application shall be filed for a CCAS for a part or all of the same land for a period of six months from the date of such denial, unless subsequent to the date of such denial capacity sufficient to accommodate the proposed development has become available. Where the CMSO finds that compliance with the provisions set forth in this Section would cause unusual or extraordinary difficulties, it may grant a waiver so that substantial justice maybe done and the public interest secured, provided that the general welfare of the public is protected and that the proposed development is in keeping with the general spirit of these regulations. No waiver may be granted if it would have the effect of nullifying the intent and purpose of this Section.

(c) *Concurrency Reservation Certificate (CRC) application procedures and review process.* An applicant may make an application for a CRC. In the event the applicant has not previously obtained a CCAS, the applicant shall follow the procedures set forth in subsections (c)(1) through (3) of this Section. In the event the applicant has previously obtained a CCAS, the applicant shall follow the procedures set forth in subsections (c)(4) through (8) of this Section. All CRCs, whether or not preceded by a CCAS, are governed by the provisions in subsections (c)(8) through (13) of this Section.

(1) In the event the applicant has not previously obtained a CCAS, the applicant shall file a completed application for a CRC with the CMSO on the form provided by that office. The applicant shall provide all the information requested on the application, to the extent applicable. The application shall be accepted by the CMSO only if the application is completed in full and submitted with all supplementary information required. Prior to filing the application, the applicant is encouraged to meet with the CMSO staff or the staff of any reviewing division to discuss the application. Upon the payment of the application fee to the Tax Collector, copies of the application shall be transmitted immediately to each reviewing division. The acceptance of the fee by the Tax Collector for a CRC shall initiate the issuance of reserve capacity as to those public facilities for which there is free capacity on the date of acceptance of the application. Each reviewing division shall review the application for compliance with level of service standards

according to the methodologies and criteria set forth in the *Concurrency Management System Handbook for Jacksonville, Florida* . Reviews shall be performed in accordance with subsections (b)(1) and (2) of this Section.

(2) Each reviewing division shall compare the proposed development's impact against free capacities, consider allowable improvement capacities, determine the available capacity based upon the level of service standards adopted in the 2010 Comprehensive Plan, and, within 30 days after the date of acceptance of payment for the application, issue to the CMSO a written approval or denial for its portion of the application. In issuing a final written decision, the CMSO shall follow the procedures set forth in subsections (b)(4) and (5) of this Section as applicable to the approval or denial of an application.

(3) If the application is approved, the written notification of approval, together with a CRC, shall be issued to the applicant by the CMSO within the time period set forth in subsection (b)(4) of this Section. The CRC shall expire automatically 120 days after the date of issuance unless the applicant applies for the final development order or development permit for which the CRC was required within the 120-day period. An applicant may receive from the CMSO one or more extensions of up to 90 days based upon a showing of good cause. The CRC shall automatically expire simultaneously with (i) the denial or revocation of the final development order for which the CRC was required; or (ii) the expiration of the final development order or development permit to which it applies.

(4) In the event the applicant has previously obtained a CCAS and the CCAS has not expired, within ten days after filing an application for the final development order or development permit for which a CCAS has been issued the applicant shall notify the CMSO of such application on forms provided by the CMSO which notification, together with the CCAS, shall constitute a completed application for CRC. This completed CRC application shall be reviewed only by the reviewing divisions responsible for reviewing for those public facilities for which reserve capacity was not previously issued for compliance with level of service standards according to the methodologies and criteria set forth in the *Concurrency Management System Handbook for Jacksonville, Florida* . Reviews shall be performed in accordance with subsections (b)(1) and (2) of this Section.

(5) In the event the development proposed in the applicant's subsequent application for a final development order or development permit substantially deviates, under the criteria set forth in Section 655.112, from the development proposed in the application for CCAS, then the CMSO may transmit the application for CRC to other reviewing divisions for review or require the applicant to apply for a CRC in accordance with subsections (c)(1)--(3) of this Section.

(6) The JEA, the Streets and Drainage Division, Public Works Department and any other reviewing divisions as required pursuant to subsection (c)(5) of this Section shall compare the proposed development's impact as to the appropriate public facilities against free capacities, consider allowable improvement capacities, determine the available capacity based upon the level of service standards adopted in the 2010 Comprehensive Plan, and, within 30 days after the date of acceptance of payment for the application, issue to the CMSO a written approval or denial for that reviewing division's portion of the application.

(7) A final written decision shall be issued by the CMSO in accordance with the provisions set forth in subsections (b)(4) and (5) of this Section applicable to the denial or approval of an application; provided, however, that the remedies set forth in subsection (b)(5) of this Section are available to the applicant only as they relate to a denial of the application for CRC and not as they relate to the approval, denial or conditional approval of the previously issued CCAS.

(8) If the application is approved, the written notification of approval, together with a CRC, shall be issued to the applicant by the CMSO within the time period set forth in subsection (b)(4) of this Section. The CRC shall automatically expire simultaneously with (i) the denial or revocation of the final development order or development permit for which the CRC was required; or (ii) the expiration of the final development order or development permit to which it applies.

(9) The issuance of a CRC, whether or not preceded by the issuance of a CCAS, constitutes the issuance of reserve capacity as to all public facilities. At such time as a development which has been issued a CRC receives a letter of substantial completion, the reserve capacity issued to the development through the CRC shall (i) to the extent demanded by the completed development, be deemed used capacity and (ii) to the extent not demanded by the completed development, be deemed available capacity. If the CRC expires prior to a letter of substantial completion being issued to the development, then, upon expiration of the CRC, the reserve capacity issued through the CRC shall be deemed available capacity.

(10) All development subject to a CRC shall be consistent with the terms of the final development order or final development permit to which the CRC applies. Any proposed change from the development order or permit, except for a deviation required by governmental action, if determined to be a substantial deviation from such prior development order or permit by the CMSO pursuant to the criteria set forth in Section 655.113, shall cause the proposed change to be subject to concurrency review. Accordingly, any final development order or final development permit or amendment thereto required for a substantial deviation shall be subject to the provisions of Section 655.111.

(11) A CRC is transferrable to a successor owner upon providing written notice to the CMSO and evidence of conveyance of the land subject to the CCAS or CRC.

(12) Reserved.

(13) Whenever the CMSO has denied an application for a CRC, no further application shall be filed for a CRC for a part or all of the same land for a period of six months from the date of such denial, unless subsequent to the date of such denial capacity sufficient to accommodate the development has become available. Where the CMSO finds that compliance with the provisions set forth in this Section would create unusual or extraordinary difficulties, it may grant a waiver so that substantial justice may be done and the public interest secured, provided that the general welfare of the public is protected and that the proposed development is in keeping with the general spirit of these regulations. No waiver may be granted if it would have the effect of nullifying the intent and purpose of this Section.

(d) *Informal review process.* Informal, written concurrency reviews of a proposed development's potential impacts will be issued within ten days of the acceptance of an application by the CMSO for informal review. Such applications shall be filed in the same manner as for a formal review, pursuant to the provisions of Section 655.111(b), except that the applicant shall attach a signed and notarized affidavit affirming the applicant's understanding that a formal CRC must be approved prior to the issuance of any final development order or final development permit. An informal written concurrency review is for information purposes only, is not binding upon the City and does not entitle the applicant to receive any final development order or final development permit.

(Ord. 90-1251-571, § 1; Ord. 92-131-128, § 6; Ord. 93-120-111, § 3; Ord. 2005-1283-E, § 7)

Sec. 655.112. Minimum requirements for CCAS or CRC approval.

Minimum requirements for a CCAS or CRC approval for each of the following public facilities and services are as follows:

(a) For potable water, sanitary sewer and solid waste, one of the following must be met:

(1) The necessary facilities and services are in place at the time each reviewing division conducts its concurrency review for a proposed development;

(2) The necessary facilities and services to support the impacts of a proposed project will be in place when the impacts of that project occur; or

(3) The necessary facilities and services are under construction at the time a proposed development is reviewed by each reviewing division, and, if the necessary services and facilities are to be constructed by the developer, the construction is guaranteed to be completed in time to absorb the impacts of the proposed development under one of the following procedures implemented at the later of issuance of the final development order or, as to a platted subdivision, upon recording of the final plat:

(i) The developer has deposited with the City or placed in an account subject to control of the City a cashier's check in the full amount of the total sum of engineering and construction costs for the installation and completion of the required improvements, which amount shall be subject to the approval of the City Engineer. The developer shall be entitled to secure draws from the deposit or account as construction and the installation of facilities progresses in stages, but not more frequently than monthly. A draw from the cash deposit or account shall be made only within 30 days after the developer's engineer has certified to the City that the cost of improvements installed equals or exceeds the amount of the draw requested plus previous draws made and the City has inspected the improvements and authorized the draw. The City may reduce the dollar amount of a requested draw to the extent reasonably justifiable, based upon inspection of the improvements. If the developer fails to be in compliance with any of the terms and conditions of the plans and specifications for the improvements, no further draws shall be approved until such time as the developer is determined to be in compliance. The developer shall be entitled to receive interest earned on the deposit or account. The City, upon 30 days written notice to the developer, shall have the right to use all remaining funds for the completion of the improvements in the event of the failure of the developer to complete the improvements within the time required, including any extensions granted by the City.

(ii) The developer has furnished to the City his personal bond secured by an unconditional and irrevocable letter of credit issued by a state or national banking institution to the City in an amount equal to the total sum of engineering and construction costs for the installation and completion of the required improvements, which amount shall be subject to the approval of the City Engineer. The bond and letter of credit shall be in a form approved by the Office of General Counsel. During the process of construction, the City may reduce the dollar amount of the personal bond and letter of credit on the basis of work completed. The City, after 30 days' written notice to the developer, shall have the right to use all funds remaining after previous draws on the letter of credit for the completion of the improvements in the event of default by the developer or failure of the developer to complete the improvements within the time required, including any extensions granted by the City.

(iii) The developer has furnished to the City a surety bond in a form and by a surety company approved by the Office of General Counsel guaranteeing that the work will be completed. The bond shall be in an amount equal to the total of the sum of engineering and construction costs, which amount shall be subject to the approval of the City Engineer. During the process of construction, the City may reduce the dollar amount of the bond on the basis of work completed. The City, after 30 days' written notice to the developer, shall have the right to bring action or suit on the surety bond for the completion of the improvements in the event of default by the developer or failure of the developer to complete the improvements within the time required, including extensions granted by the City; or

(4) The necessary public facilities and services are guaranteed in a development agreement executed pursuant to Part 2, Chapter 655, Ordinance Code and F.S. § 163.3202, or an agreement pursuant to F.S. Ch. 380, which guarantees that the necessary facilities and services will be in place when the impacts of development occur.

(b) For recreation, one of the following must be met:

(1) Compliance with subsections (a)(1), (2), (3) or (4) of this Section;

(2) The necessary public facilities and services are the subject of a binding executed contract which provides for the commencement of the actual construction of facilities, or the provision of services, within one year of the issuance of the development's CRC and, if to be constructed by the developer, guaranteed by a bond or cash provided by the developer or developers and/or others including the City, as required in subsections (a)(3)(i), (ii) or (iii) of this Chapter; or

(3) The necessary facilities and services are guaranteed in a development agreement which requires the commencement of the actual construction of facilities for the provision of services within one year of the issuance date of the CRC or its accompanying final development order or final development permit. A development agreement shall be executed pursuant to Part 2, Chapter 655, Ordinance Code and F.S. § 163.3202.

(c) For traffic circulation and mass transit, one of the following must be met:

(1) Compliance with subsections (a)(1), (2), (3) or (4) of this Section or Section 655.109(b)(2) or (3) hereinabove;

(2) In areas in which the City has committed to provide the necessary public facilities and services in accordance with its five-year schedule of capital improvements, the City will satisfy the concurrency requirement for traffic circulation and mass transit by following the requirements of Part 6, Chapter 122, Ordinance Code and Section 655.121 herein;

(3) The necessary public facilities and services are among the transportation projects included in the first three years of the adopted State of Florida, Department of Transportation, five-year work program; or

(4) The necessary public facilities and services are among the transportation projects included in the first year of the City's Capital Improvements Program subject to Section 655.121 herein.

(d) For drainage, one of the following must be met:

(1) Compliance with subsections (a)(1), (2), (3) or (4) of this Section; or

(2) The development shall retain the total volume of stormwater run-off on-site.

(e) The burden of demonstrating compliance with the requirements of this Section shall be on the applicant.

(Ord. 90-1251-571, § 1; Ord. 2005-952-E, § 1)

Sec. 655.113. Substantial deviations.

(a) Any proposed change from a final development order or final development permit for which a VPAC, CCAS or CRC was required shall be deemed a substantial deviation if the proposed change is a change in use or intensity which, either individually or cumulatively with other changes, will increase the development's impacts upon the public facilities and services listed in Section 655.112(a) through (d) by more than five percent of:

(1) In the instance of a VPAC, the total capacity applicable to the development as vested pursuant to the VPAC; or

(2) In the instance of a CCAS or CRC, the reserve capacity applicable to the development.

(b) Any review of a proposed change shall address only those issues raised by the proposed change.

(c) Development within a previously approved development may continue, as approved, during the review of the proposed change in those portions of the development which are not affected by the proposed change.

(Ord. 90-1251-571, § 1; Ord. 92-131-128, § 7)

Sec. 655.114. Appeals.

(a) An applicant may appeal any decision or technical determination made by the Director of Planning and Development, the CMSO, or any reviewing division pursuant to this Chapter to a hearing officer appointed in accordance with the provisions of subsection (f) of this Section. Appeals shall be made by filing a notice of appeal with the CMSO within 30 days of the issuance of the written decision being appealed. The notice of appeal shall contain:

(1) A clear and plain statement of the decision to be reviewed and the date of the decision; and

(2) The specific error alleged as the grounds of the appeal.

(b) A hearing on the appeal before the hearing officer shall be scheduled by the CMSO for a date no more than 60 days subsequent to the filing of a notice of appeal accompanied by a receipt from the Tax Collector evidencing payment of the required fee. The applicant shall be given at least 30 days written notice of the scheduled hearing date. At the request of either party, the hearing officer may extend or continue the date of the hearing beyond 60 days for good cause shown.

(c) The applicant, departmental and any other appropriate City staff, and public and witnesses with relevant testimony shall appear and may be heard at the hearing. Testimony shall be limited to matters directly relating to the standards set forth in this Chapter. To the maximum extent practicable, the hearing shall be informal. Reasonable cross-examination of witnesses shall be permitted, but questioning shall be confined as closely as possible to the scope of direct testimony.

(d) The appellant shall have the burden of proof to establish by a preponderance of the

evidence:

- (1) That there was an error in the decision or technical determination made by the Director of Planning and Development, the CMSO, or any of the reviewing divisions;
 - (2) That one or more of the requirements of Section 655.112 of this Chapter are satisfied, such that the necessary public facilities and services shall be available concurrent with the impacts of the development; or
 - (3) That the requirements of Section 655.109(a) or (c) have been met.
- (e) Within 30 days after the hearing, the hearing officer shall issue to the CMSO a written decision which shall affirm, reverse, modify or remand the decision of the CMSO for further consideration. In the event the decision of the hearing officer effects a denial of a CCAS or CRC, the applicant is entitled to the continuation of reserve capacity and opportunity to execute a notice of intent to negotiate a Memorandum of Agreement as provided in Section 655.111(b)(4)(iv).
- (f) In the event of an appeal by an applicant, the Office of General Counsel shall appoint, after consultation with the CMSO and the applicant, a hearing officer to hear the appeal. The hearing officer shall be a Circuit Court Mediator certified by the Supreme Court of Florida. Upon the appointment of a hearing officer in an appeal, the applicant and CMSO and reviewing division personnel are prohibited from communicating *ex parte* with the hearing officer regarding the appeal pending before him. The hearing officer shall be compensated as determined by the CMSO, which compensation shall be paid by the applicant prior to the date of the hearing as part of the fee for the appeal. Any person serving as a hearing officer and any firm with which he or she is associated is prohibited from acting as agent in any application or proceeding before any agency, board or commission of the City involving the property which was the subject of the appeal.
- (g) The Planning and Development Department shall be the custodian of all documents, including the application, the CMSO's decision and the record of the proceedings.

(Ord. 90-1251-571, § 1; Ord. 92-131-128, § 8; Ord. 95-25-19, § 1)

Sec. 655.115. Exhaustion of administrative remedies.

No person aggrieved by any requirement, decision or determination by the Director of Planning and Development, the CMSO or any reviewing division pursuant to this Chapter in applying the provisions of this Chapter to any application or request for the issuance of a final development order or final development permit may apply to the court for relief unless he has first exhausted all administrative remedies provided in Section 655.114.

(Ord. 90-1251-571, § 1; Ord. 92-131-128, § 9)

Sec. 655.116. Schedule of fees.

The following schedule of fees shall apply. The effective date and time of filing the application shall be upon receipt of the required fee by the Tax Collector.

- (a) Application for a CRC not preceded by a CCAS:
 - (1) Formal review:
 - (i) For residential, new building: \$15 per dwelling unit up to 500 units. \$6 per dwelling unit for any additional units over 500 units.
 - (ii) For nonresidential, new building: \$15 per 1,000 square feet up to

500,000 square feet enclosed or fraction thereof. \$6 per 1,000 square feet for each 1,000 square feet enclosed or fraction thereof over 500,000 square feet of enclosed space.

(iii) For nonresidential, addition: \$15 per 1,000 square feet up to 500,000 square feet enclosed or fraction thereof. \$6 per 1,000 square feet for each 1,000 square feet enclosed or fraction thereof over 500,000 square feet of enclosed space.

(iv) For nonresidential, alterations and/or repairs: \$15 per 1,000 square feet up to 500,000 square feet enclosed or fraction thereof. \$6 per 1,000 square feet for each 1,000 square feet enclosed or fraction thereof over 500,000 square feet of enclosed space.

(2) Informal review: \$100

(b) Application for a CRC preceded by a CCAS:

(1) For residential, new building: \$6 per dwelling unit up to 500 units. \$2.40 per dwelling unit for any additional units over 500 units.

(2) For nonresidential, new building: \$6 per 1,000 square feet up to 500,000 square feet enclosed or fraction thereof. \$2.40 per 1,000 square feet for each 1,000 square feet enclosed or fraction thereof over 500,000 square feet of enclosed space.

(3) For nonresidential, addition: \$6 per 1,000 square feet up to 500,000 square feet enclosed or fraction thereof. \$2.40 per 1,000 square feet for each 1,000 square feet enclosed or fraction thereof over 500,000 square feet of enclosed space.

(4) For nonresidential, alterations and/or repairs: \$6 per 1,000 square feet up to 500,000 square feet enclosed or fraction thereof. \$2.40 per 1,000 square feet for each 1,000 square feet enclosed or fraction thereof over 500,000 square feet of enclosed space.

(c) Application for CCAS:

(1) For residential, new building: \$9 per dwelling unit up to 500 dwelling units. \$3.60 per dwelling unit for each additional unit over 500 units.

(2) For nonresidential, new building: \$9 per 1,000 square feet up to 500,000 square feet enclosed or fraction thereof. \$3.60 per 1,000 square feet for each 1,000 square feet enclosed or fraction thereof over 500,000 square feet of enclosed space.

(3) For nonresidential, addition: \$9 per 1,000 square feet up to 500,000 square feet enclosed or fraction thereof. \$3.60 per 1,000 square feet for each 1,000 square feet enclosed or fraction thereof over 500,000 square feet of enclosed space.

(4) For nonresidential, alterations and/or repairs: \$9 per 1,000 square feet up to 500,000 square feet enclosed or fraction thereof. \$3.60 per 1,000 square feet for each 1,000 square feet enclosed or fraction thereof over 500,000 square feet of enclosed space.

(d) Application for VPAC:

(1) For residential development: \$5 per dwelling unit up to 1,000 dwelling units. \$2 per dwelling for any additional dwelling units over 1,000 units.

(2) For nonresidential development: \$5 per 1,000 square feet up to 1,000,000

square feet enclosed or fraction thereof. \$2 per 1,000 square feet for each 1,000 square feet enclosed or fraction thereof over 1,000,000 square feet of enclosed space.

(e) De minimis concurrency review: \$15

(f) Appeals of CMSO, Director of Planning and Development or reviewing division decision, plus hearing officer compensation to be determined by Office of General Counsel: \$1,000 for the appeal, \$1,000 deposit on hearing officer.

(g) Special traffic study: \$60 per hour or then current cost of consultant whichever is greater.

(h) Concurrency time extensions for CCAS or CRC certificates (maximum 90 day extensions): \$50

All agencies, independent authorities and departments of the City of Jacksonville, as well as all departments and agencies of the state and federal government, are exempt from the requirement to pay Concurrency Management System fees.

(Ord. 90-1251-571, § 1; Ord. 92-131-128, § 10; Ord. 93-120-111, § 4; Ord. 2004-1003-E, § 9)

Sec. 655.117. No taking construed.

Nothing in this Chapter shall be construed or applied to constitute a temporary or permanent taking of private property without just compensation without due process of law.

(Ord. 90-1251-571, § 1)

Sec. 655.118. Reserved.

Editor's note: The provisions of former § 655.118, relative to severability, were deleted as part of the Super Supplement to the Code. Former § 655.118 derived from Ord. 90-1251-571, § 1.

Sec. 655.119. Computation of time.

If any filing deadline set forth herein falls on a Saturday, Sunday or on a legal holiday, the deadline shall extend until the end of the next day that is neither a Saturday, Sunday or legal holiday.

(Ord. 90-1251-571, § 1)

Sec. 655.120. Enforcement.

(a) A person who shall violate provisions of this Chapter shall be deemed guilty of a class D offense.

(b) In addition to the penalties provided hereinabove for violations of this Chapter, any violation of this Chapter shall be subject to appropriate civil action in the court of competent jurisdiction.

(Ord. 90-1251-571, § 1)

Sec. 655.121. Timing of adding traffic capacity to the Concurrency Management System.

Potential traffic capacity expected by a capital improvement shall not be added to the

Concurrency Management System until the contract for such capital improvement is executed by the City and any other necessary parties to the contract. The Director of the Department of Public Works shall notify the Chief of the Transportation Planning Division within ten days of the execution of a contract for a capital improvement. Within five days of such notification, the Chief of the Transportation Planning Division shall add the potential traffic capacity expected by the capital improvement to the Concurrency Management System. Any application for a CCAS or CRC not preceded by a CCAS received on or after October 1, 2005 shall be subject to the Concurrency Management System as modified by this Section.

(Ord. 2005-952-E, § 1)

Sec. 655.122. Concurrency Management System Handbook.

The *Concurrency Management System Handbook for Jacksonville, Florida*, currently on file with the Planning and Development Department, the Council Secretary's Office, the Office of General Counsel and the Council Auditor's Office, as revised to incorporate a new Section XI (Fair Share Contributions for Roadway Improvements) dated November, 1999, a copy of which is on file in the Office of the Council Secretary, is hereby adopted as the official document containing the current procedures, methodologies and criteria to be used by the City in implementing this Chapter. These procedures, methodologies and criteria shall remain in effect unless and until revised by the Department. The Director of Planning and Development is hereby directed to establish administrative procedures for the review and update of this handbook on an annual basis, at minimum. Prior to revising or updating the handbook, the Director shall transmit a copy of the proposed changes to the Council Auditor's Office for review and written comment. The Council Auditor's Office shall have 30 days from the date of transmittal to respond to the proposed changes. The Director shall consider the comments of the Council Auditor's office prior to putting the amendments or revisions into final form. Any amendments or revisions to the handbook shall not become effective until 21 days after the Director has transmitted a copy of the handbook showing the proposed amendments or revisions to the Council Secretary's Office, the Office of General Counsel, Council Auditor's Office, the Council President and the appropriate Council committee.

(Ord. 90-1251-571, § 1; Ord. 92-131-128, § 11; Ord. 98-576-E, § 1)

Sec. 655.123. Reserved.

Editor's note: The provisions of former § 655.123, relative to the effective date of this Chapter, were deleted as part of the Super Supplement to the Code. Former § 655.123 derived from Ord. 90-1251-571, § 1.

Appendix I

Herlong Airport Title Search Information

BOLD CITY TITLE AND ABSTRACT CO.

415 E. Monroe Street
Jacksonville, Florida 32202
Telephone: (904) 353-4545
Facsimile: (904) 358-1853

File# 68019

Date: January 23, 2006

ATT: Larry Elkins, P.E.
The LPA Group, Incorporated
Deerwood Park Center, Bldg. 200, Suite 250
10151 Deerwood Park Blvd.
Jacksonville, Florida 32256

RE: PART OF SECTIONS 32, 33 AND 34, TOWNSHIP 2 SOUTH, RANGE 25 EAST AND PART OF SECTIONS 3, 4 AND 5, TOWNSHIP 3 SOUTH, RANGE 25 EAST, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS PARCEL 1 IN OFFICIAL RECORDS BOOK 2999, PAGE 676, EXCEPT OFFICIAL RECORDS BOOK 3223, PAGE 911. (HERLONG FIELD)

Dear Mr. Elkins;

We have searched the current public records of Duval County, Florida from April 18, 1985 to January 3, 2006 at 5:00 PM on the above referenced property and find the following:

- 1) **LAST GRANTEE OF RECORD:** JACKSONVILLE PORT AUTHORITY A/K/A JACKSONVILLE AIRPORT AUTHORITY
- 2) UNRECORDED LEASES
- 3) **OPEN MORTGAGES:** THAT CERTAIN MORTGAGE FROM ATC LEASING COMPANY TO AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO AND HELLER FINANCIAL, INC., IN THE AMOUNT OF \$57,850,000.00, DATED NOVEMBER 4, 1994 AND RECORDED JANUARY 23, 1995 AT 4:03 PM IN OFFICIAL RECORDS BOOK 8020, PAGE 213 AND THE TERMS AND PROVISIONS THEREOF.
FINANCING STATEMENT FROM ATC LEASING COMPANY, LLC TO AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, RECORDED IN OFFICIAL RECORDS BOOK 9451, PAGE 225.
- 4) **OPEN JUDGMENTS:** FINAL DECLARATORY JUDGMENT, SEA STAR LINE, LLC AND DISTRIBUTION & AUTO SERVICES, INC. -VS- JACKSONVILLE PORT AUTHORITY, IN THE AMOUNT OF \$ 132,652.96, DATED SEPTEMBER 5, 2002 AND RECORDED SEPTEMBER 10, 2002 AT 1:01 PM IN OFFICIAL RECORDS BOOK 10656, PAGE 1333.
- 5) EASEMENTS RECORDED IN OFFICIAL RECORDS BOOK 9559, PAGE 1230 AND OFFICIAL RECORDS BOOK 9559, PAGE 1234.
- 6) LEASE RECORDED IN OFFICIAL RECORDS BOOK 7974, PAGE 2111 AND ASSIGNED IN OFFICIAL RECORDS BOOK 7974, PAGE 2120.
- 7) **TAXES:** Paid up to and including 2005.

NOTE: 2005 RE# 9029-0000
ASSESSMENT: \$10,681,322.00
TAXES: Exempt

NOTE: 2005 RE# 9029-0100
ASSESSMENT: \$821,805.00
TAXES: Exempt

NOTE: 2005 RE# 9029-0200
ASSESSMENT: \$22,464.00
TAXES: Exempt

NOTE: 2005 RE# 9029-1000
ASSESSMENT: \$169,113.00
TAXES: Exempt

If we could be of further assistance, please do not hesitate to call.

Sincerely,



Herman L. Chandler
President

HLC/cpg

THE LIABILITY FOR THIS REPORT IS LIMITED TO \$1,000.00 PER FLORIDA STATUTE 627.7843.

Subconsultant Invoice Transmittal Form

MAIL INVOICES ALONG WITH TRANSMITTAL FORM TO:

THE LPA GROUP INCORPORATED
Attn: Accounts Payable
Post Office Box 5805
Columbia, SC 29250.

Due on the 20th of each month with copy of the invoice

TO BE COMPLETED BY SUBCONSULTANT:

INVOICE TRANSMITTAL NO. _____

Subconsultant Invoice # 69809

Invoice Date : 1/23/06

Check one of the following: Partial Billing

Final Billing

Period Covered by This Invoice for Work Performed:

From: _____

To: 1/27/06

Cumulative Billing from Prior Period: \$ _____

Out-of-Scope Work Performed: \$ _____

(must be approved before work commences)

Total Billing for This Invoice Period: \$ 1500.00

Total Billed by Subconsultant To-Date: \$ 1500.00

TO BE COMPLETED BY THE LPA GROUP INCORPORATED:

Subconsultant Name and Address: Bold City Title and Abstract Company
415 East Monroe Street, Jacksonville, Florida 32202

Project Description: Herlong Airport
Airport Master Plan Update

LPA Project #: PL502022 Date of Original Subconsultant Contract: _____

LPA Phase Code: _____

Subconsultant services (to be performed per contract): Professional Title Search Services

Subconsultant's Not-To-Exceed Limit per Contract: \$1,500.00

Billing Method: _____ Lump Sum _____ Rate Schedule _____ Cost Plus _____
Milestone _____ X Other (Describe) _____ NTE _____

LPA OFFICE USE ONLY

Reviewed: (Project Asst.)	_____	Approved: (Project Mgr.)	_____	Vendor ID :	_____
Date:	_____	Date:	_____	GL# :	_____

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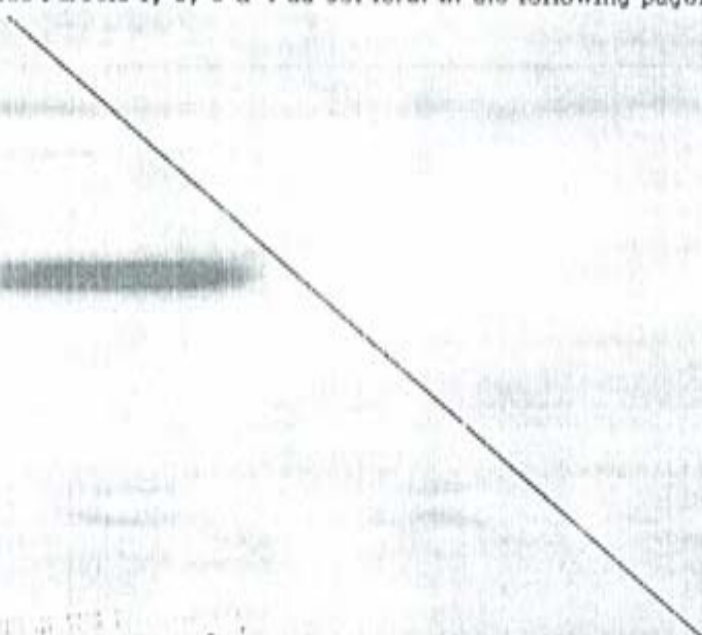
SPECIAL WARRANTY DEED

THIS DEED made this 25th day of April, 1969,

between the CITY OF JACKSONVILLE, FLORIDA, a municipal corporation organized and existing under the laws of the State of Florida, acting by and through its Mayor and Corporation Secretary, party of the first part, and the JACKSONVILLE PORT AUTHORITY, a body corporate and politic, whose Post Office Address is Post Office Box 3005, Jacksonville, Florida, party of the second part,

WITNESSETH: That the said party of the first part, pursuant to and under the provisions of Chapter 67-1533, Laws of Florida, has granted, bargained and sold unto the said party of the second part, its successors and assigns forever, the following described lands situate, lying and being in the County of Duval and the State of Florida, to-wit:

See Parcels 1, 2, 3 & 4 as set forth in the following pages



Coland L. Mullis

See back

1525 Ret -

PARCEL 1
(Herlong Field)

A part of Block 3, Section 34, Block 3, Section 33, Block 4, Section 32, Township 2 South, Range 25 East, and a part of Block 4, Section 5, Blocks 1, 2 and 4, and part of Block 3, Section 4, Township 3 South, Range 25 East, Jacksonville Heights, Plat Book 5, Page 93, current public records, also part of the Southeast one-quarter Section 33, Township 2 South, Range 25 East, and a part of the East one-half Section 5, and the Northwest one-quarter Section 3, Township 3 South, Range 25 East, all in Duval County, Florida, more particularly described as follows:

Begin at the intersection of the Southeasterly R/W line of Normandy Boulevard with the Westerly line of said Block 4, Section 32, Township 2 South, Range 25 East; thence South $0^{\circ} 37' 50''$ West, along the Westerly line of said Block 4, a distance of 695.95 feet to the Northwest corner of said East one-half of Section 5, Township 3 South, Range 25 East; thence South $0^{\circ} 15' 20''$ East, along the West line of said East one-half of said Section 5, a distance of 1983.38 feet to the Southwest corner of the North one-half of the Southwest one-quarter of the Northeast one-quarter of said Section 5; thence North $89^{\circ} 21' 10''$ East along the Northerly line of said North one-half of the Southwest one-quarter of the Northeast one-quarter of said Section 5, a distance of 1325.90 feet to the Northeast corner thereof; thence South $0^{\circ} 09' 15''$ East, along the West line of the East one-half of the East one-half of said Section 5, a distance of 3300.85 feet to the Southwest corner of Tract 13, Block 4, said Section 5; thence North $89^{\circ} 20'$ East, along the South line of said Section 5, a distance of 1320 feet to the Southeast corner of said Section 5; thence North $89^{\circ} 34' 30''$ East, along the South line of Section 4, Township 3 South, Range 25 East, a distance of 1650 feet to the Southeast corner of Tract 13, Block 3, said Section 4; thence North $0^{\circ} 03' 20''$ East, along the Easterly line of said Tract 13, a distance of 991.41 feet to an intersection with a Westerly prolongation of the South line of the North one-half of Tract 15, said Block 3; thence North $89^{\circ} 31' 50''$ East, along said Westerly prolongation and the said South line, a distance of 991.14 feet to an intersection with Easterly line of Tract 15, said Block 3; thence South $0^{\circ} 07' 20''$ West, along the Easterly line of Tracts 15 and 16, said Block 3, a distance of 992.19 feet to the Southeast corner of said Tract 16; thence North $89^{\circ} 34' 30''$ East, along the South line of said Section 4, a distance of 2653.2 feet to the Southeast corner of said Section 4; thence North $0^{\circ} 09' 20''$ East, along the Easterly line of said Section 4, a distance of 2651.23 feet to the Southwest corner of the Northwest one-quarter of Section 3, Township 3 South, Range 25 East; thence East along the South line of said Northwest one-quarter, a distance of 2654.68 feet to the Southeast corner thereof; thence

North 0° 05' 10" East, along the Easterly line of said Northwest one-quarter, a distance of 2648.05 feet to the Northeast corner thereof; thence South 89° 54' 50" West, along the North line of said Section 3, a distance of 993.94 feet to the Southeast corner of Tract 13, Block 3, Section 34, Township 2 South, Range 25 East; thence North 0° 37' 10" East, along the Easterly line of Tracts 13 and 4, said Block 3, a distance of 2676.29 feet to an intersection with the Southerly R/W line of Herlong Road; thence South 89° 25' 30" West, along said Southerly R/W line, a distance of 1654.97 feet to an intersection with the Westerly line of said Section 34, Township 2 South, Range 25 East; thence South 89° 32' 30" West, along the Southerly R/W line of Herlong Road, a distance of 3176.60 feet to an intersection with the Southeasterly R/W line of said Normandy Boulevard; thence South 67° 14' 30" West, along said Southeasterly R/W line, a distance of 5225.15 feet to the point of beginning.

Together with an avigation easement with tree cutting privileges over Tract 10, Block 2, Section 34, part of Block 3, Section 33, part of Blocks 1 and 4, Section 32, all in Township 2 South, Range 25 East, Jacksonville Heights, Plat Book 3, Page 93, current public records, also parts of Northeast one-quarter, and Northwest one-quarter of Section 33, Township 2 South, Range 25 East, and parts of Herlong Road and Normandy Boulevard, all in Duval County, Florida, more particularly described as follows:

Begin at the intersection of the Southerly R/W line of Herlong Road with the Easterly line of Tract 4, Block 3, said Section 34; thence South 89° 25' 30" West along said Southerly R/W line, a distance of 1654.97 feet; thence South 89° 32' 30" West along said Southerly R/W line, a distance of 3176.60 feet to the intersection with the Southeasterly R/W line of Normandy Boulevard; thence South 67° 14' 30" West along said Southeasterly R/W line, a distance of 5225.15 feet to an intersection with the Westerly line of said Block 4 said Section 32; thence North 0° 37' 50" East along said Westerly line, a distance of 108.95 feet to an intersection with the Northwesterly R/W line of Normandy Boulevard; thence North 67° 14' 30" East along said Northwesterly R/W line, a distance of 2150 feet more or less to an intersection with the Westerly line of Tract 2, Block 4, said Section 34; thence North 0° 37' 30" East along the Westerly line of Tracts 2 and 1, said Block 4 and the Westerly line of Tract 16, Block 1, said Section 32, a distance of 1732.82 feet more or less to the Northwest corner of said Tract 16; thence North 89° 11' 50" East, along the Northerly line of said Tract 16 and an Easterly prolongation thereof, a distance of 3300 feet more or less to an intersection with the Westerly line of the Northeast

one-quarter of said Section 33; thence Northerly along said Westerly line, a distance of 660 feet more or less to the Northwest corner of the Southwest one-quarter of the Northeast one-quarter of said Section 33; thence Easterly along the Northerly line of said Southwest one-quarter of the Northeast one-quarter, a distance of 990 feet more or less to the Northwest corner of the East one-half of the East one-half of said Southwest one-quarter of the Northeast one-quarter; thence Southerly along the Westerly line of said East one-half of the East one-half, a distance of 990 feet more or less, to an intersection with a Westerly prolongation of the Southerly line of the North one-half of the South one-half of the Southeast one-quarter of the Northeast one-quarter of said Section 33; thence Easterly along said Westerly prolongation and said Southerly line, a distance of 1650 feet more or less to an intersection with the Easterly line of said Section 33; thence Northerly along said Easterly line, a distance of 330 feet more or less to the Northwest corner of Tract 10, Block 2, said Section 34; thence Easterly along the Northerly line of said Tract 10, a distance of 660 feet more or less to the Northeast corner thereof; thence Southerly along the Easterly line of said Tract 10, a distance of 627 feet more or less to an intersection with the Northerly R/W line of Herlong Road; thence North 89° 25' 30" East along said Northerly R/W line, a distance of 990 feet more or less to an intersection with a Northerly prolongation of the Easterly line of Tract 4, Block 3, said Section 34; thence Southerly along said Northerly prolongation and said Easterly line, a distance of 66.01 feet to the point of beginning.

Subject, however, to the following leases:

1. Lease to Herlong Aviation, Inc., dated August 21, 1968, C. C. File 053-7-2.

ALSO:

1. Grazing rights to Joe H. Mobley & Sons, Inc. on month-to-month basis.
2. Grazing rights to Wrights Clay County Farms, Inc. on month-to-month basis.

ALSO:

Revocable permit to American Telephone & Telegraph Company, dated November 29, 1966.

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The property hereinabove described is conveyed subject to the rights of parties lawfully in possession thereof under existing leases and contracts and; subject to the rights of the general public to use any roads, streets or highways heretofore not officially closed, vacated and abandoned; subject to any restrictions as to use, covenants or contracts between the former government of the City of Jacksonville and the United States of America; and subject to the rights previously granted to any electric or telephone company for its distribution of transmission lines located on the hereinabove described properties.

This deed of conveyance is effective as of October 1, 1968.

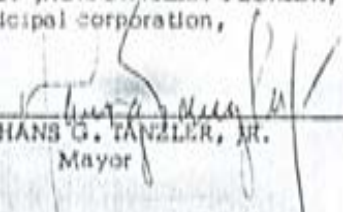
And the said party of the first part does hereby fully warrant the title to the said lands and will defend the same against the lawful claims of all persons whomsoever claiming by, through or under it.

IN WITNESS WHEREOF, the said City of Jacksonville, Florida, has hereunto caused its corporate name to be subscribed by its Mayor and its corporate seal to be hereupon impressed, duly attested by its Corporation Secretary, both thereunto duly authorized by law, and acting pursuant to Ordinance No. 69-142-154, this the day and year first above written.

ATTEST:


Corporation Secretary

CITY OF JACKSONVILLE, FLORIDA,
a municipal corporation,

By 
HANS G. TANZLER, JR.
Mayor

STATE OF FLORIDA
COUNTY OF DUVAL

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I, an officer authorized to take acknowledgments of deeds, do hereby certify that Hans G. Tannlor, Jr. and J. M. Ingram are personally known to me to be the Mayor and Corporation Secretary, respectively, of the City of Jacksonville, Florida, the municipal corporation described in the foregoing Deed, and that they this day each acknowledged before me that they executed said deed freely and voluntarily for and in the name of the City of Jacksonville, Florida, as its act and deed, for the purposes therein expressed, and the seal thereto affixed is the corporate seal of the said City of Jacksonville, Florida.

WITNESS my hand and official seal at Jacksonville, Duval County, Florida, this 25th day of April, 1969.



[Handwritten Signature]
Notary Public, State of Florida
at Large

My commission expires: Notary Public, State of Florida at Large
My Commission Expires Mar. 20, 1972
Bound by America - For 8 Cents a Year

69- 31470

JUN 23 4 30 PM '69

FILED AND FORWARDED IN PUBLIC
RECORDS OF DUVAL COUNTY, FLA.
L. Mary Ann Laughlin
CLERK OF COUNTY

3223 7 911

OFFICIAL RECORDS

WARRANTY DEED

THIS INDENTURE, made this 15th day of April 1971, between JACKSONVILLE PORT AUTHORITY, a body corporate and politic, of the County of Duval and State of Florida, party of the first part, and CITY OF JACKSONVILLE, a municipal corporation in Duval County, State of Florida, party of the second part,

WITNESSETH, that the said party of the first part, for and in consideration of the sum of One Dollar and other consideration, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, its successors and assigns forever, the following described land, situate, lying and being in the County of Duval, State of Florida, to-wit:

A part of Block 4 in Section 32, Township 2 South, Range 25 East, and a part of Section 5, Township 3 South, Range 25 East, all in Duval County, Florida, more particularly described as follows: From the intersection of the southeasterly right of way line of Normandy Boulevard for a 100' right of way and the westerly line of Block 4, Section 32, Township 2 South, Range 25 East, run south 0°37'50" west a distance of 108.95 feet to the point of beginning; thence continue south 0°37'50" west a distance of 587.00 feet to the northwest corner of the east 1/2 of Section 5, Township 3 South, Range 25 East; thence south 0°15'20" east along the west line of said east half of Section 5 a distance of 499.24 feet to a point; thence north 67°14'30" east a distance of 1297.69 feet to a point; thence north 22°45'30" west a distance of 1,000.00 feet to a point, said point being 100 feet from the aforementioned southeasterly right of way line of Normandy Boulevard for a 100 foot right of way; thence south 67°14'30" west along a line 100 feet southeasterly from and parallel to the aforementioned southeasterly right of way line of Normandy Boulevard for a 100 foot right of way, a distance of 873.60 feet to the point of beginning. Containing 24.975 acres.

Said conveyance is made with the following reservations and upon the following conditions:

(1) That the Jacksonville Port Authority reserves unto itself, its successors and assigns, for the use and benefit of the public a right of flight for the passage of aircraft in the airspace above the surface of the real property hereinafter described, together with the right to cause in said airspace such noise as may be inherent in the operation of aircraft, now known or hereafter used, for navigation of or flight in the said airspace, and for use of said airspace for landing on, taking off from or operating on the Herlong Airport,

(2) That the Grantee expressly agrees for itself, its successors and assigns to restrict the height of structures, objects of natural growth and other obstructions on the hereinafter described real property, to such a height so as not to penetrate an inclined plane beginning at 142 feet above mean sea level and extending upward and outward at a ratio of one foot to seven from the property line lying 670 feet from and parallel to the extended centerline of runway 7-25 and crossing the property to the northwest to a maximum height of 224 feet above mean sea level at the northernmost property line,

RETURN TO:
CORPORATION SECRETARY
CITY OF JACKSONVILLE, FLA.
3400 CITY HALL

DUVAL
COUNTY

STATE OF FLORIDA
DOCUMENTARY STAMP TAX
DEPT. OF REVENUE
00.30

DOCUMENTARY SUR TAX
00.55
FLORIDA
APR 15 1971
1018

P
6

OFFICIAL RECORDS

(3) That the Grantee expressly agrees for itself, its successors and assigns, to prevent any use of the hereinafter described real property which would interfere with or adversely affect the operation or maintenance of the Herlong Airport.

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party of the first part has caused this instrument to be executed in its name by its Chairman and caused its corporate seal attested by its Secretary to be hereto affixed, the day and year first above written.

ATTEST

[Handwritten signature]

JACKSONVILLE PORT AUTHORITY

By *[Handwritten signature]*

STATE OF FLORIDA,
COUNTY OF DUVAL.

Before me personally appeared William B. Mills and Dennis J. Lanahan respectively the Chairman and Secretary of Jacksonville Port Authority, a body corporate and politic, to me well known to be the individuals and officers described in and who executed the foregoing instrument and severally acknowledged the execution thereof to be their free act and deed as such officers thereunto duly authorized; and that the official seal of said corporation is duly affixed thereto, and the said conveyance is the act and deed of said corporation.

WITNESS my hand and official seal this 15th day of April, 1971, at Jacksonville, County and State aforesaid.

[Handwritten signature]
NOTARY PUBLIC, State of Florida
My commission expires: April 2, 1974



71- 27194
May 26 10 30 AM '71

[Small handwritten notes]

MEMORANDUM OF LEASE

NAME AND ADDRESS OF LANDLORD: JACKSONVILLE PORT AUTHORITY,
a body politic and corporate existing under the laws of Florida, as amended
("Landlord"), with an address of P.O. Box 3005, Jacksonville, Florida 32206.

67353
12.00

NAME AND ADDRESS OF TENANT: ATC Leasing Company, a Kentucky general
partnership ("Tenant"), successor by assignment from Jupiter Corp. Transportation
System, an Illinois corporation, with an address of 620 West Shipp Avenue, Louisville,
Kentucky 40208.

atc

DESCRIPTION OF LEASEHOLD ESTATE: The leasehold estate for the Lease
Term described below and any extensions thereof as created under the terms and
conditions of a Land Use and Lease Agreement dated November 7, 1989 (the "Lease")
between Landlord and Jupiter Corp. Transportation System, the original tenant under
the Lease.

DESCRIPTION OF LEASED PREMISES: The leased premises is approximately 3.6
acres with a 12,740 square foot industrial maintenance facility located thereon at
Herlong Airport, 9800-1 Normandy Boulevard, Jacksonville, Florida, and legally

THIS DOCUMENT PREPARED BY, AND
AFTER RECORDING PLEASE RETURN TO:

WILLIAM T. SHROYER, ESQ.
REINHART, BOERNER, VAN DUEREN,
NORRIS & REISELBACH, S.C.
100 NORTH WATER STREET
SUITE 2100
MILWAUKEE, WISCONSIN 53202-3186

Bk: 7974
Pg: 2111 - 2119
Doc# 94183237
Filed & Recorded
11/10/94
03:50:13 P.M.
HENRY M. COOK
CLERK CIRCUIT COURT
DUVAL COUNTY, FL
REC. \$ 42.00

described on Exhibit A attached hereto and incorporated herein (the "Leased Premises"). Under the terms of the Lease, Tenant has constructed certain leasehold improvements at Tenant's own cost which are the Tenant's property during the Lease term, or any extensions thereof.

TERM OF LEASE: The initial term of the Lease is for a period of five (5) years, commencing on the 1st day of January, 1990 and ending on December 31, 1994.

OPTION TO EXTEND THE LEASE TERM: Landlord has granted Tenant the right to extend the term of the Lease for four (4) successive additional terms of five (5) years each. Each option to renew shall be exercised no later than six (6) months before the expiration of the then-existing Lease term, and shall be exercised by Tenant's written notice to Landlord by registered or certified letter informing Landlord of Tenant's exercise of the option. Tenant has exercised its option to extend the term of the Lease for the first additional term of five (5) years, for the period January 1, 1995 through December 31, 1999.

RIGHT OF FIRST REFUSAL: Landlord has granted Tenant the right of first refusal to lease three (3) acres located adjacent to the Leased Premises and legally described on Exhibit B attached hereto and incorporated herein (the "Option Premises"). The right of first refusal is effective on November 7, 1989 and continues through the term of the Lease. Upon receiving a bona fide offer to lease all or any part of the Option Premises, Landlord shall notify Tenant in writing of the financial terms and the length of the lease term (together, the "Option Terms") contained in the offer. Tenant shall have thirty (30) days from Landlord's written notice within which to elect in writing

to lease the Option Premises under the Option Terms. If the offer is for more or less than included within the Option Premises, the Option Terms shall be proportionately adjusted on a per acre basis.

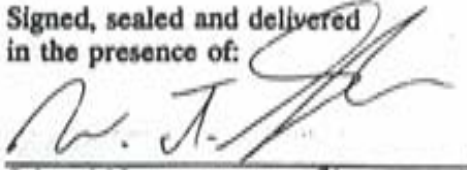
This Memorandum is not a complete summary of the unrecorded Lease. Reference should be made to the unrecorded Lease for the full terms and provisions thereof. In the event of a conflict between the provisions of this Memorandum and the provisions of the unrecorded Lease, the provisions of the Lease shall control.

IN WITNESS WHEREOF, Landlord and Tenant have executed this

Memorandum of Lease as of October 31, 1994.

TENANT:

Signed, sealed and delivered
in the presence of:




Printed Name: W. T. Shroyer



Printed Name: Deborah C. Tomczyk

ATC LEASING COMPANY, a Kentucky
general partnership

By: 
Printed Name: Donald A. Finks
Title: Asst. GC of Sun E. Corp. managing
general partner of ATC Leasing Company,
its managing general partner

LANDLORD:

Signed, sealed and delivered
in the presence of:

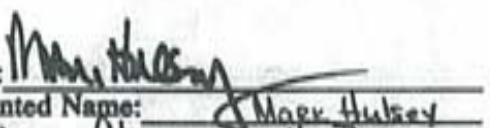


Printed Name: Chester Alkends



Printed Name: Sherron A. Smith

JACKSONVILLE PORT AUTHORITY, a
body politic and corporate existing under the
laws of Florida, as amended

By: 
Printed Name: Mark Hulkey
Title: Chairman of the Board

Acknowledgement for
ATC Leasing Company

STATE OF Illinois)
COUNTY OF Cook)

The foregoing instrument was acknowledged before me this 31st day of October, 1994, by Donald A. Franke as a general partner of ATC LEASING COMPANY, a Kentucky general partnership, on behalf of the general partnership.

*Assistant Secretary of Secon
T's Corp. managing general
partner of ATC Holding
Company, its managing
general partner*

Sharon Zaran Letchinger
Notary Public (Signature)

(AFFIX NOTARY SEAL)

Sharon Zaran Letchinger
(Printed Name)

(Title or Rank)

332-48-3668

(Serial Number, if any)

My Commission Expires



STATE OF FLORIDA)
)
COUNTY OF Duval)

The foregoing instrument was acknowledged before me this 25th day of October, 1994, by Mona Hulsey as Chairman ~~on the Board~~ of JACKSONVILLE PORT AUTHORITY, a body politic and corporate existing under the laws of Florida, as amended, on behalf of the body politic and corporate.

Yvonne D. Pooler
Notary Public (Signature)

(AFFIX NOTARY SEAL)



YVONNE D. POOLER
(Printed Name)

(Title or Rank)

(Serial Number, if any)

My Commission Expires: 6/28/98

EXHIBIT A**Legal Description of Real Estate**

**WORLD MARINE TRANSPORT
3.6 ACRE TRACT
JACKSONVILLE, FLORIDA**

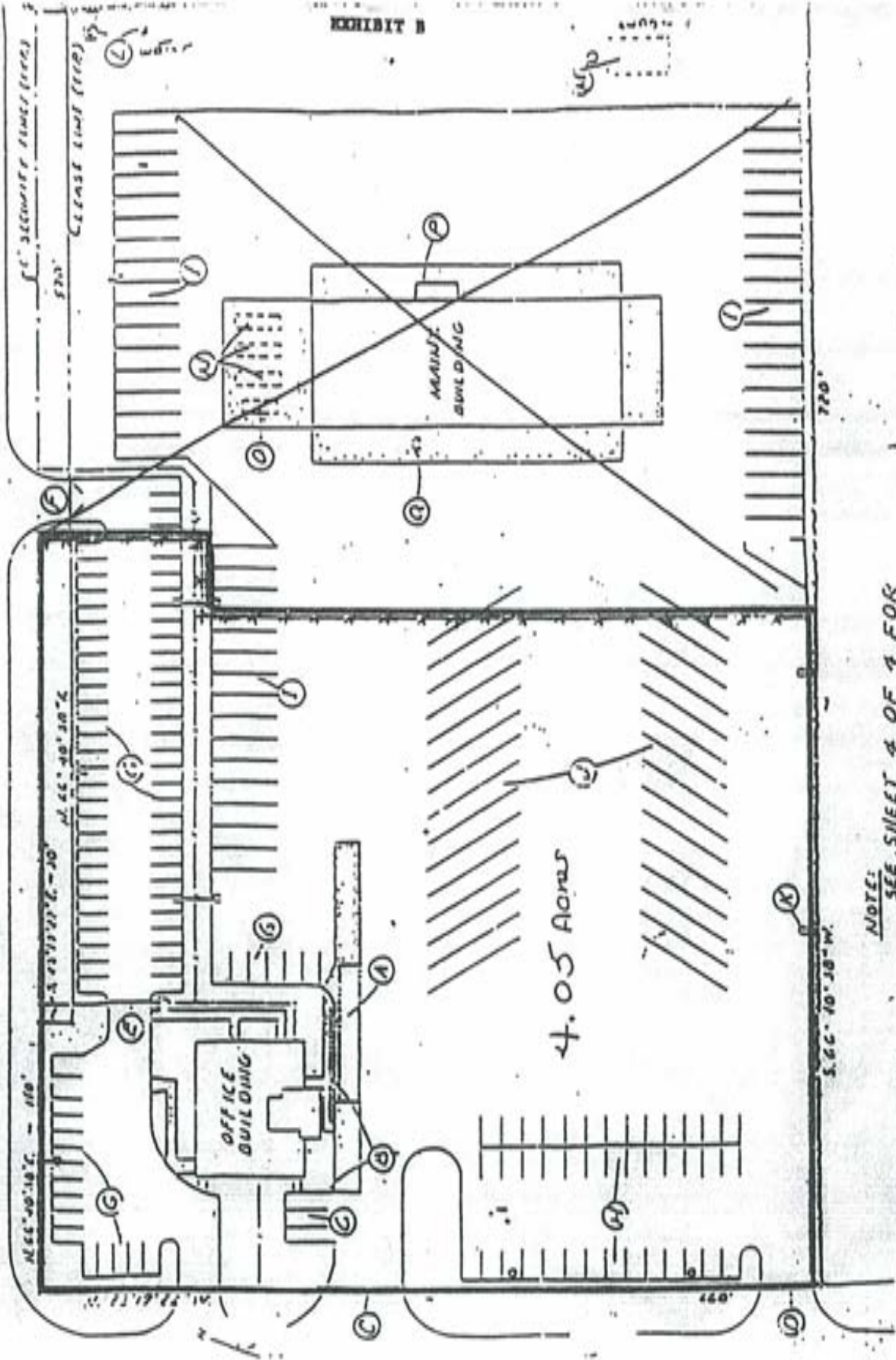
Part of Lot 12, 13, and 14, Block 4, Section 32, Township 2 South, Range 25 East, as shown on map of "Jacksonville Heights", as recorded in Plat Book 5, page 93 of the Current Public Records of Duval County, Florida, and being more particularly described as follows: Commence at the Southwest corner of said Section 32; thence South 0 degrees, 03 minutes, 24 seconds East a distance of 363.42 feet to the survey baseline as shown on the Department of Transportation Right of Way Map Section 72120-2506 of Normandy Boulevard; said survey baseline being 50 feet South of and parallel to the North Right of Way line and 150 feet North of and parallel to the South Right of Way line; said point also lying in a curve concave Southerly and having a radius of 17,190.45 feet and central angle of 03 degrees, 01 minutes, 56 seconds; thence North 65 degrees, 09 minutes, 40 seconds East, 909.66 feet a chord bearing and distance to the Point of Tangency of said curve; thence North 66 degrees, 40 minutes, 38 seconds East on said survey baseline a distance of 3303.09 feet; thence South 23 degrees, 19 minutes, 22 seconds East, 150.00 feet to a point on said Southerly Right of Way line of Normandy Boulevard and the Point of Beginning; thence North 66 degrees, 40 minutes, 38 seconds East on said Southerly Right of Way line 304.29 feet; thence South 23 degrees, 26 minutes, 20 seconds East, 457.68 feet; thence South 66 degrees, 27 minutes, 57 seconds West, 350.60 feet; thence North 23 degrees, 44 minutes, 06 seconds West, 366.03 feet; thence North 66 degrees, 46 minutes, 12 seconds East, 47.47 feet; thence North 22 degrees, 58 minutes, 49 seconds West, 93.02 feet to the Point of Beginning. Containing 3.60 acres more or less.

Location of Property:

The tract is located at Herlong Airport, 9800-1 Normandy Boulevard, Jacksonville, Florida.

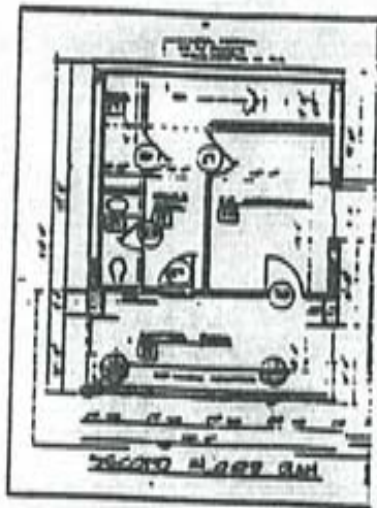
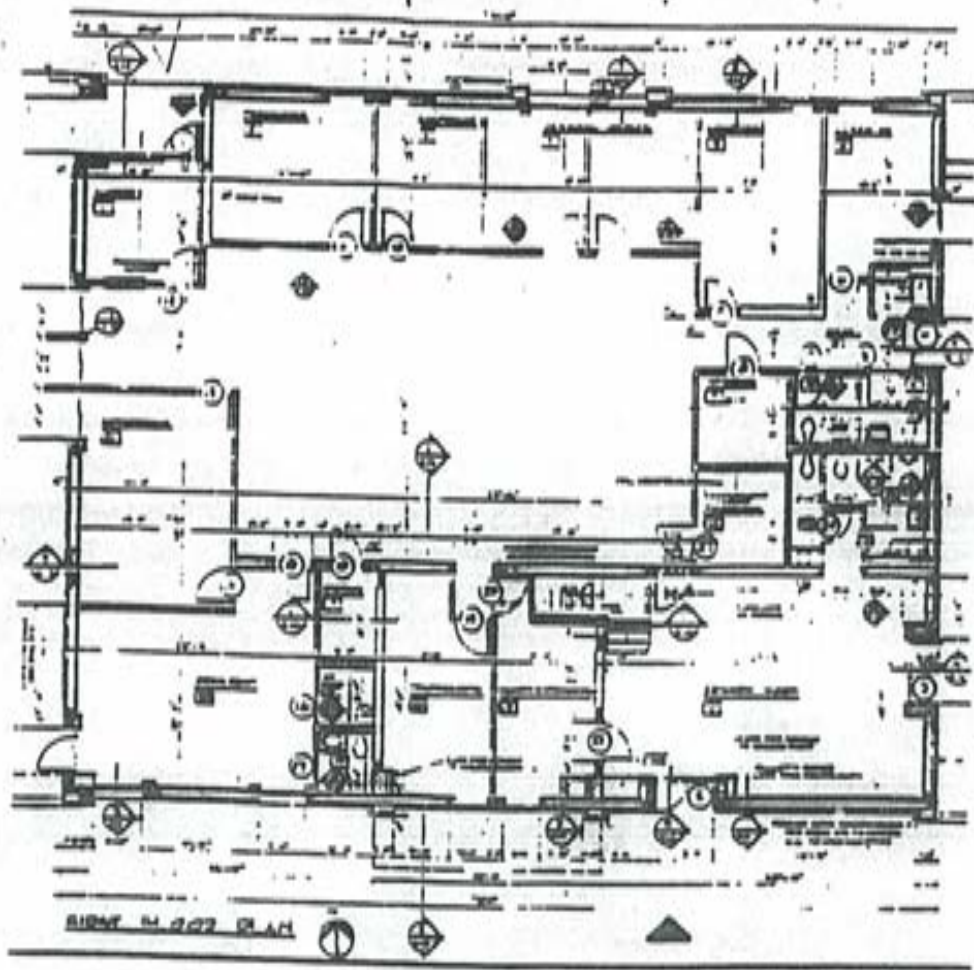
BLYD.

9800 NORMANDY



NOTE: SEE SHEET 4 OF 4 FOR DESCRIPTION SCHEDULE

SITE PLAN
CITY OF BLYDENHURST



Handwritten notes in the right margin, including the number "2-10-77" and other illegible scribbles.

Exhibit "A"
10000 20000 30000



ASSIGNMENT AND ASSUMPTION OF LEASE

THIS ASSIGNMENT AND ASSUMPTION OF LEASE AGREEMENT is made as of this 31st day of October, 1994, by and between Jupiter Corp. Transportation System, an Illinois corporation ("Assignor"), and Leasing Company, a Kentucky general partnership ("Assignee").

Bk: 7974
Pg: 2120 - 2124
Doc# 94183238
Filed & Recorded
11/10/94
03:50:13 P.M.
HENRY W. COOK
CLERK CIRCUIT COURT
DUVAL COUNTY, FL
REC. \$ 24.00

63553
2400

RECITALS:

A. Assignor has a leasehold interest in a certain parcel of real estate located at Herlong Airport, 9798 Normandy Boulevard, Jacksonville, Florida and more particularly described on Exhibit A attached hereto and by this reference made a part hereof, under a Land Use and Lease Agreement dated November 7, 1989 (the "Lease").

B. Assignor has agreed to transfer its interest in the Lease to Assignee pursuant to a certain Asset Purchase Agreement (the "Agreement") dated as of September 30, 1994, by and among Assignor, Assignee and others.

EC

C. Assignor desires to assign all of its right, title, and interest in and to the Lease to Assignee and Assignee desires to accept said assignment of the Lease and assume all of the future obligations and liabilities of Assignor under the Lease.

AGREEMENT

NOW, THEREFORE, in consideration of the premises and the mutual agreements contained herein and in the Agreement, the parties agree as follows:

1. Assignor hereby assigns, sets over and transfers to Assignee all of its right, title and interest in, to and under the Lease.

2. Assignee hereby accepts the foregoing assignment and transfer of the Lease and agrees to pay, perform, assume and discharge, as and when due, all liabilities, payments and obligations as are required to be paid, performed or discharged after the date hereof of the Assignor in the Lease.

3. The parties acknowledge that the indemnities set forth in Section 2.9 of the Agreement shall extend to this Assignment and Assumption of Lease Agreement.


4. This instrument shall be construed and enforced in accordance with the laws of the State of Illinois.

IN WITNESS WHEREOF, the undersigned have caused this Assignment and Assumption Agreement to be executed as of the day, month and year first above written.

ASSIGNOR:

Signed, sealed and delivered in the presence of:

JUPITER CORP. TRANSPORTATION SYSTEM, an Illinois corporation


Printed Name: JOSEPH E. DOYLE

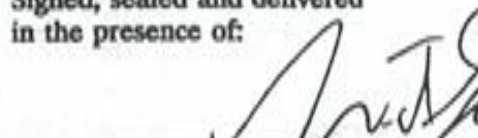
By: 
Printed Name: C. H. Jimison
Title: Chairman



Printed Name: Cherie Lubcke


ASSIGNEE:

Signed, sealed and delivered in the presence of:

ATC LEASING COMPANY, a Kentucky general partnership


Printed Name: W. T. Shroyer

By: 
Printed Name: DAVID A. FRARAS
Title: ATC LEASING COMPANY
managing general partner of ATC Leasing Company its managing general partner


Printed Name: Deborah C. Tomczyk

SZLA1089.DOC

THIS DOCUMENT PREPARED BY AND AFTER RECORDING RETURN TO:

WILLIAM T. SHROYER, ESQ.
REINHART, BOERNER, VAN DUREN
NORRIS & RESSLEBACH, S.C.
1000 NORTH WATER STREET, SUITE 2100
MILWAUKEE, WISCONSIN 53202

Acknowledgement for
Jupiter Corp. Transportation System

STATE OF Illinois)
COUNTY OF Cook)

The foregoing instrument was acknowledged before me this 31st day of
October, 1994, by C.H. Jamison as
Chairman of JUPITER CORP. TRANSPORTATION
SYSTEM, an Illinois corporation, on behalf of the corporation.

(AFFIX NOTARY SEAL)

Linda S. Mosley
Notary Public (Signature)

LINDA S. MOSLEY
(Printed Name)

Notary Public
(Title or Rank)

"OFFICIAL SEAL"
(Serial Number) LINDA S. MOSLEY
Notary Public, State of Illinois
My Commission Expires 10/18, 1998

Acknowledgement for
ATC Leasing Company

STATE OF ILLINOIS)
COUNTY OF COOK)

The foregoing instrument was acknowledged before me this 31st day of
October, 1994, by Donald A. Fralk as a general
partner of ATC LEASING COMPANY, a Kentucky general partnership, on behalf
of the general partnership.

*Assistant secretary of client's
corp, managing partner of ATC Holding
Company, its managing general partner*

Sharon Zaban Letchinger
Notary Public (Signature)

(AFFIX NOTARY SEAL)

Sharon Zaban Letchinger
(Printed Name)

(Title or Rank)

(Serial Number, if any)

My Commission Expires



EXHIBIT A**Legal Description of Real Estate**

**WORLD MARINE TRANSPORT
3.6 ACRE TRACT
JACKSONVILLE, FLORIDA**

Part of Lot 12, 13, and 14, Block 4, Section 32, Township 2 South, Range 25 East, as shown on map of "Jacksonville Heights", as recorded in Plat Book 5, page 93 of the Current Public Records of Duval County, Florida, and being more particularly described as follows: Commence at the Southwest corner of said Section 32; thence South 0 degrees, 03 minutes, 24 seconds East a distance of 363.42 feet to the survey baseline as shown on the Department of Transportation Right of Way Map Section 72120-2506 of Normandy Boulevard; said survey baseline being 50 feet South of and parallel to the North Right of Way line and 150 feet North of and parallel to the South Right of Way line; said point also lying in a curve concave Southerly and having a radius of 17,190.45 feet and central angle of 03 degrees, 01 minutes, 56 seconds; thence North 65 degrees, 09 minutes, 40 seconds East, 909.66 feet a chord bearing and distance to the Point of Tangency of said curve; thence North 66 degrees, 40 minutes, 38 seconds East on said survey baseline a distance of 3303.09 feet; thence South 23 degrees, 19 minutes, 22 seconds East, 150.00 feet to a point on said Southerly Right of Way line of Normandy Boulevard and the Point of Beginning; thence North 66 degrees, 40 minutes, 38 seconds East on said Southerly Right of Way line 304.29 feet; thence South 23 degrees, 26 minutes, 20 seconds East, 457.68 feet; thence South 66 degrees, 27 minutes, 57 seconds West, 350.60 feet; thence North 23 degrees, 44 minutes, 06 seconds West, 366.03 feet; thence North 66 degrees, 46 minutes, 12 seconds East, 47.47 feet; thence North 22 degrees, 58 minutes, 49 seconds West, 93.02 feet to the Point of Beginning. Containing 3.60 acres more or less.

Location of Property:

The tract is located at Herlong Airport, 9800-1 Normandy Boulevard, Jacksonville, Florida.

SPECIAL WARRANTY DEED

Return to: (enclose self-addressed stamped envelope)

Name: WILLIAM T. SHROYER, ESQ.
Address: REINHART, BOEHRER, VAN DUEREN,
NOFFNS & REIBELBACH, S.C.
1000 NORTH WATER STREET, SUITE 2100
MILWAUKEE, WISCONSIN 53202-3100

This Instrument Prepared by:

Address: RICHARD E. SPRODSKY, ESQ.
JENNER & BLOCK
ONE BISCAYNE TOWER
MIAMI, FLORIDA 33131

Property Appraisers Parcel Identification (Folio) Number(s):

Grantee(s) S.S. # (s): 01-1207319

Bk: 7974
Pg: 2106 - 2110
Doc# 94183236
Filed & Recorded
11/10/94
03:50:13 P.M.
HENRY W. COOK
CLERK CIRCUIT COURT
DUVAL COUNTY, FL
REC. \$ 24.00
DEED \$ 2,345.00

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

This Special Warranty Deed Made as of the 31st day of October, A.D. 1994 by JUPITER CORP. TRANSPORTATION SYSTEM, an Illinois corporation, whose post office address is 4314 - 39th Avenue, Kenosha, Wisconsin 53142, hereinafter called the grantor, to ATC LEASING COMPANY, a Kentucky general partnership, whose post office address is 620 Shipp Avenue, Louisville, Kentucky 42802, hereinafter called the grantee.

Witnesseth: That the grantor, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all of the improvements situated on that certain land situate in Duval County, State of Florida, viz:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT A

Together, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said improvements in fee simple; that the grantor has good right and lawful authority to sell and convey said improvements, and hereby warrants the title to said improvements and will defend the same against the lawful claims of all persons claiming by, through or under the said grantor, subject to the title exceptions set forth on Exhibit B attached hereto and made a part hereof.

In Witness Whereof, the said grantor has hereunto set its hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of:

JUPITER CORP. TRANSPORTATION SYSTEM,
an Illinois corporation

[Signature]
Printed Name: Laura L. Wolke

[Signature]
Printed Name: C. F. JAMISON

[Signature]
Printed Name: JOSEPH E. DOYLE

514 - 39th Avenue, Kenosha, Wisconsin 53142
Post Office Address

[Signature]
Printed Name: ROSEEN M. BLAIS

[Signature]
Printed Name: ELAINE KLINKOWITZ

[Signature]
Printed Name: ROBERT M. GREEN

514 - 39th Avenue, Kenosha, Wisconsin 53142
Post Office Address

6353
24.00
2,345.00

5

STATE OF ILLINOIS)
COUNTY OF COOK)

I hereby Certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared C.H. JAMISON, the CHAIRMAN President and ELAINE KLINKOWITZ, the Asst. Secretary of Jupiter Corp. Transportation System, an Illinois corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its CHAIRMAN President, sealed with its corporate seal and attested by its Asst. Secretary.

NOTARY RUBBER STAMP SEAL



Witness my hand and official seal in the County and State last aforesaid this 31st day of OCTOBER, A.D. 1994.

Colleen M. Blais
Notary Signature
COLLEEN M. BLAIS
Printed Notary Signature

EXHIBIT ALegal Description of Real Estate

**WORLD MARINE TRANSPORT
3.6 ACRE TRACT
JACKSONVILLE, FLORIDA**

Part of Lot 12, 13, and 14, Block 4, Section 32, Township 2 South, Range 25 East, as shown on map of "Jacksonville Heights", as recorded in Plat Book 5, page 93 of the Current Public Records of Duval County, Florida, and being more particularly described as follows: Commence at the Southwest corner of said Section 32; thence South 0 degrees, 03 minutes, 24 seconds East a distance of 363.42 feet to the survey baseline as shown on the Department of Transportation Right of Way Map Section 72120-2506 of Normandy Boulevard; said survey baseline being 50 feet South of and parallel to the North Right of Way line and 150 feet North of and parallel to the South Right of Way line; said point also lying in a curve concave Southerly and having a radius of 17,190.45 feet and central angle of 03 degrees, 01 minutes, 56 seconds; thence North 65 degrees, 09 minutes, 40 seconds East, 909.66 feet a chord bearing and distance to the Point of Tangency of said curve; thence North 66 degrees, 40 minutes, 38 seconds East on said survey baseline a distance of 3303.09 feet; thence South 23 degrees, 19 minutes, 22 seconds East, 150.00 feet to a point on said Southerly Right of Way line of Normandy Boulevard and the Point of Beginning; thence North 66 degrees, 40 minutes, 38 seconds East on said Southerly Right of Way line 304.29 feet; thence South 23 degrees, 26 minutes, 20 seconds East, 457.68 feet; thence South 66 degrees, 27 minutes, 57 seconds West, 350.60 feet; thence North 23 degrees, 44 minutes, 06 seconds West, 366.03 feet; thence North 66 degrees, 46 minutes, 12 seconds East, 47.47 feet; thence North 22 degrees, 58 minutes, 49 seconds West, 93.02 feet to the Point of Beginning. Containing 3.60 acres more or less.

Location of Property:

The tract is located at Herlong Airport, 9800-1 Normandy Boulevard, Jacksonville, Florida.

EXHIBIT B
Permitted Exceptions

(9800-1 Normandy Boulevard, Jacksonville, Florida)
(Page One of Two)

1. Special taxes or assessments, if any, payable with taxes levied or to be levied for the current and subsequent years, not yet due and payable.
2. Claim of Lien in favor of TECHNICAL MECHANICAL CORP. filed of record in Official Records Volume 7810, Page 1804, of the Public Records of Duval County, Florida.
3. Claim of Lien in favor of THE TECHNICAL MECHANICAL CORPORATION filed of record in Official Records Volume 7842, Page 1947, of the Public Records of Duval County, Florida.
4. Judgment in favor of W.R. JOHNSON ENTERPRISES, INC., a Florida corporation d/b/a JOHNSON/AMERICAN, and against JACKSONVILLE PORT AUTHORITY, CITY OF JACKSONVILLE, a political subdivision of the State of Florida, in the amount of \$98,179.57, plus costs and/or interest, dated June 2, 1992, and recorded in Official Records Volume 7344, page 1855, of the public records of Duval County, Florida.
5. Declaratory Judgment in favor of ALAMO RENT-A-CAR, INC., a Florida corporation, and against JACKSONVILLE PORT AUTHORITY, a Florida corporation, dated March 31, 1991, and recorded in Official Records Volume 7129, page 0253, of the public records of Duval County, Florida.
6. Interlocal Agreement made by and between THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION and THE JACKSONVILLE PORT AUTHORITY, dated March 29, 1993, recorded in Official Records Volume 3527, page 1092, of the current public records of Duval County, Florida.
7. Covenants, conditions and restrictions as contained in Instrument in Deed Book 1282, page 288, of the public records of Duval County, Florida. This document contains provisions (i) providing for an option to purchase, right of first refusal or the prior approval of a future purchaser or occupant.
8. Terms and conditions set forth in that certain Land Use and Lease Agreement dated November 7, 1989, by and between the Jacksonville Port Authority and Jupiter Corp. Transportation System, as assigned to ATC Leasing Company.

EXHIBIT B
Permitted Exceptions

(9800-1 Normandy Boulevard, Jacksonville, Florida)
(Page Two of Two)

9. Survey prepared by ARC Surveying & Mapping, Inc. dated October 6, 1994 under Job No. 94-09-14, which reveals the following:
 - (a) Rights of others, if any, relating to the underground utilities, manholes, catch basins and related drainage pipes as shown on the survey.
10. Terms and conditions set forth in that certain unrecorded consent dated October ____, 1994, by the Jacksonville Port Authority in favor of Jupiter Corp. Transportation System and ATC Leasing Company.
11. Interest of Jupiter Corp. Transportation System pursuant to that certain unrecorded consent dated October ____, 1994, by Jacksonville Port Authority in favor of Jupiter Corp. Transportation System and ATC Leasing Company.

DLF41017.PBR

FLORIDA

MORTGAGE, SECURITY AGREEMENT,
FINANCING STATEMENT AND
ASSIGNMENT OF LEASES AND RENTS

Filed & Recorded
01/23/95
04:03:52 P.M.
HENRY W. COOK
CLERK CIRCUIT COURT
DUNAL COUNTY, FL
REC. # 123.00
OTHER/NTS/NOTE \$ 1,172.50
INTANGIBLE TAX \$ 670.00

THIS MORTGAGE, SECURITY AGREEMENT, FINANCING STATEMENT AND ASSIGNMENT OF LEASES AND RENTS (this instrument as hereafter renewed, modified, extended or amended, is herein called "Mortgage") is given as of the 4th day of November, 1994, by ATC LEASING COMPANY, a Kentucky general partnership (hereinafter called "Mortgagor"), having its principal place of business at 4314 West 39th Avenue, Kenosha, Wisconsin 53144, to AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, a national banking association (hereinafter referred to as "ANB") as collateral agent for itself and one or more participants and co-lenders, including without limitation, Heller Financial, Inc. ("Heller") (ANB, as such collateral agent, will be hereinafter referred to as "Mortgagee"); with its chief executive offices located at One North LaSalle Street, Chicago, Illinois 60690.

WITNESSETH:

WHEREAS, Mortgagor has executed and delivered to Mortgagee that certain Loan and Security Agreement, dated of even date herewith (the "Loan Agreement") by and among ANB, Heller, Mortgagor, and the other borrowers listed on the signature pages of the Loan Agreement (which other borrowers are referred to herein collectively as the "Other Borrowers"), which Loan Agreement provides for, among other things, the extension of certain credit and other financial accommodations by Mortgagee to Mortgagor and the Other Borrowers in the maximum aggregate principal amount of Fifty Seven Million Eight Hundred Fifty Thousand and no/100 Dollars (\$57,850,000.00), as more particularly described in the Loan Agreement (all capitalized terms used herein, but not defined herein, shall have the meanings ascribed to such terms in the Loan Agreement); and

WHEREAS, the extension of credit and the financial accommodations to Mortgagor under the Loan Agreement as aforesaid are evidenced by, among other things: (i) the Real Property Term Notes, each dated of even date herewith (the "Real Property Term Notes"), (ii) the Overadvance Term Notes, each dated of even date

This instrument was prepared by:
Susan Elliott, Esq.
Jones, Day, Reavis & Pogue
77 West Wacker
Chicago, Illinois 60601-1692

This Mortgage, Security Agreement, Financing Statement and Assignment of Leases and Rents is part of a multi-state transaction in which the loan is secured by mortgages on property in Florida and other states. The value of the Florida property described herein is \$335,000.00 and the documentary stamp tax and the intangible tax are based on said amount pursuant to current Rules of the Florida Department of Revenue.

Return to →

62352
123 50

1172.50
670.00
IT

27

Mortgagee shall not be merged into any decree of foreclosure entered by the court, and Mortgagee may concurrently or subsequently seek to foreclose one or more mortgages, deeds of trust or deeds to secure debt which also secure said Obligations.

19. Notices. Except as otherwise expressly provided herein, any notice required or desired to be served, given or delivered hereunder shall be in writing, and shall be deemed to have been validly served, given or delivered (i) three (3) days after deposit in the United States mails, with proper postage prepaid, (ii) when sent after receipt of confirmation or answerback if sent by telecopy or other similar facsimile transmission, (iii) one (1) business day after deposit with a reputable overnight courier with all charges prepaid or (iv) when delivered, if hand-delivered by messenger, all of which shall be properly addressed to the party to be notified and sent to the address or number indicated as follows:

(i) If to Mortgagee at:

American National Bank and Trust
Company of Chicago
33 North LaSalle Street
Chicago, Illinois 60690
Attn: Michael J. Revord, Vice President
Telecopy: 312/648-5739
Confirmation: 312/661-5000

(ii) If to Mortgagor at:

ATC Leasing Company
3050 West Broadway
Louisville, Kentucky 40211
Attn: Charlie W. Johnson
Telecopy: 502/778-7915
Confirmation: _____

with copy to:

Jupiter Corp. Transportation System
4314 West 39th Avenue
Kenosha, Wisconsin 53144
Attn: Dennis M. Troha
Telecopy: 414/658-0383
Confirmation: _____

with copy to:

Reinhart, Boerner, Van Deuren, Norris &
Rieselbach, S.C.
1000 North Water Street, Suite 2100
P.O. Box 92900

Milwaukee, Wisconsin 53202-0900
Attn: Jerome M. Janzer, Esq.
Telecopy: 414/298-8097
Confirmation: _____

and with copy to:

Mulloy, Walz, Wettgerer, Fore and Schwartz
First Trust Centre
200 South Fifth Street, Suite 700N
Louisville, Kentucky 40202
Attn: F. Larkin Fore
Telecopy: 502/589-1637
Confirmation: _____

or to such other address or number as each party designates to the other in the manner herein prescribed.

20. Extension of Payments. Mortgagor agrees that, without affecting the liability of any person for payment of the Obligations secured hereby or affecting the lien of this Mortgage upon the Mortgaged Property or any part thereof (other than persons or property explicitly released as a result of the exercise by Mortgagee of its rights and privileges hereunder), Mortgagee may at any time and from time to time, on request of the Mortgagor, without notice to any person liable for payment of any Obligations secured hereby, but otherwise subject to the provisions of the Loan Documents, extend the time, or agree to alter or amend the terms of payment of such Obligations. Mortgagor further agrees that any part of the security herein described may be released with or without consideration without affecting the remainder of the Obligations or the remainder of the security.

21. Parties Not Partners. Nothing contained in this Mortgage shall constitute Mortgagor and Mortgagee as joint venturers or partners with one another or agents for one another or render either of them liable for and debts or obligations of the other.


22. Estoppel Letters. Mortgagor, upon ten (10) days' prior written notice, shall furnish Mortgagee with a written statement, duly acknowledged, setting forth the unpaid principal of, and interest on, Obligations, and stating to its best knowledge whether or not any off-sets or defenses exist against such principal and interest, and, if so, the particulars thereof, and any other matters requested by Mortgagee.

23. Governing Law. This Mortgage shall be governed by and construed in accordance with the applicable laws of the State of Illinois from time to time in effect except to the extent of the procedural and substantive matters relating only to the

IN WITNESS WHEREOF, this instrument is executed as of the day and year first above written by the person or persons identified below on behalf of Mortgagor (and said person or persons hereby represent that they possess full power and authority to execute this instrument).

Witnesses:


Printed Name: Deborah C. [unclear]



Printed Name: PAUL D. [unclear]

Mortgagor:

ATC LEASING COMPANY
a Kentucky general partnership

By: ATC Holdings Company, a
Kentucky general partnership
and its Managing General
Partner

By: Seven T's Corp., a Wisconsin
corporation and its Managing
General Partner

By: 
Dennis M. Troha,
President

Address: 4314 West 39th Avenue
Kenosha, Wisconsin 53144

STATE OF Illinois)
COUNTY OF Cook)

ss.

The foregoing instrument was acknowledged before me this 4th day of November, 1994, by Dennis Troha, the President of Seven T's Corp., the Managing General Partner of ATC holding Company which is the Managing General Partner of ATC LEASING COMPANY, a Kentucky general partnership, for the purposes set forth therein. He is personally known to me to be such President of such corporation ~~or has produced~~ (type of identification) ~~as identification and did (did not) take an oath.~~

Rebecca L. Foley
Notary Public
Print Name: Rebecca L. Foley

[NOTARIAL SEAL]

My Commission Expires:
8/23/98



Legal Description

PARCEL 1:

The fixtures, buildings and improvements located on the following described real property:

Part of Lot 12, 13, and 14, Block 4, Section 32, Township 2 South, Range 25 East, as shown on map of "Jacksonville Heights", as recorded in Plat Book 5, page 93 of the current public records of Duval County, Florida, and being more particularly described as follows:

Commence at the Southwest corner of said Section 32; thence South 0 degrees 03 minutes 24 seconds East a distance of 363.42 feet to the survey baseline as shown on the Department of Transportation Right of Way Map Section 72120-2506 of Normandy Boulevard; said survey baseline being 50 feet South of and parallel to the North Right of Way line and 150 feet North of and parallel to the South right of Way line; said point also lying in a curve concave Southerly and having a radius of 17,190.45 feet and central angle of 03 degrees, 01 minutes, 56 seconds; thence North 65 degrees, 09 minutes, 40 seconds East, 909.66 feet to a chord bearing and distance to the Point of Tangency of said curve; thence North 66 degrees, 40 minutes, 38 seconds East on said survey baseline a distance of 3303.09 feet; thence South 23 degrees, 19 minutes, 22 seconds East, 150.00 feet to a point on said Southerly Right of Way line of Normandy Boulevard and the Point of Beginning; thence North 66 degrees, 40 minutes, 38 seconds East on said Southerly right of Way line 304.29 feet; thence South 23 degrees, 26 minutes, 20 seconds East, 457.68 feet; thence South 66 degrees, 27 minutes, 57 seconds West, 350.60 feet; thence North 23 degrees, 44 minutes, 06 seconds West, 366.03 feet; thence North 66 degrees, 46 minutes, 12 seconds East, 47.47 feet; thence North 22 degrees, 58 minutes, 49 seconds West, 93.02 feet to the Point of Beginning.

Legal Description

PARCEL 2:

A leasehold estate for an initial term of 5 years, as extended, created by that certain Land Use and Lease Agreement dated November 7, 1989, by and between JACKSONVILLE PORT AUTHORITY, a body politic and corporate existing under the laws of the State of Florida ("Landlord"), and JUPITER CORP. TRANSPORTATION SYSTEM, an Illinois corporation ("Tenant"), as assigned from JUPITER CORP. TRANSPORTATION SYSTEM to ATC LEASING COMPANY, a Kentucky general partnership, by Assignment and Assumption of Lease dated as of October 31, 1994, all as evidenced by that certain Memorandum of Lease dated October 31, 1994, by and between JACKSONVILLE PORT AUTHORITY, and ATC LEASING COMPANY, and recorded in Official Records Volume 7974, page 2111, of the current public records of Duval County, Florida, as to the following described real property:

Part of Lot 12, 13, and 14, Block 4, Section 32, Township 2 South, Range 25 East, as shown on map of "Jacksonville Heights", as recorded in Plat Book 5, page 93 of the current public records of Duval County, Florida, and being more particularly described as follows:

Commence at the Southwest corner of said Section 32; thence South 0 degrees 03 minutes 24 seconds East a distance of 363.42 feet to the survey baseline as shown on the Department of Transportation Right of Way Map Section 72120-2506 of Normandy Boulevard; said survey baseline being 50 feet South of and parallel to the North Right of Way line and 150 feet North of and parallel to the South Right of Way line; said point also lying in a curve concave Southerly and having a radius of 17,190.45 feet and central angle of 03 degrees, 01 minutes, 56 seconds; thence North 65 degrees, 09 minutes, 40 seconds East, 989.66 feet to a chord bearing and distance to the Point of Tangency of said curve; thence North 66 degrees, 40 minutes, 38 seconds East on said survey baseline a distance of 3303.09 feet; thence South 23 degrees, 19 minutes, 22 seconds East, 150.00 feet to a point on said Southerly Right of Way line of Normandy Boulevard and the Point of Beginning; thence North 66 degrees, 40 minutes, 38 seconds East on said Southerly right of Way line 304.29 feet; thence South 23 degrees, 26 minutes, 20 seconds East, 457.68 feet; thence South 66 degrees, 27 minutes, 57 seconds West, 350.60 feet; thence North 23 degrees, 44 minutes, 06 seconds West, 366.03 feet; thence North 66 degrees, 46 minutes, 12 seconds East, 47.47 feet; thence North 22 degrees, 58 minutes, 49 seconds West, 93.02 feet to the Point of Beginning.

Permitted Liens to Title

1. Claim of Lien in favor of The Technical Mechanical Corp. filed of record in Official Records Volume 7810, Page 1804, of the current public records of Duval County, Florida.
2. Claim of Lien in Favor of The Technical Mechanical Corporation filed of record in Official Records Volume 7842, Page 1947, of the current public records of Duval County, Florida.
3. Judgment in favor of W. R. Johnson Enterprises, Inc., a Florida corporation d/b/a Johnson/American, and against Jacksonville Port Authority, City of Jacksonville, a political subdivision of the State of Florida, in the amount of \$98,179.57, plus costs and/or interest, dated June 2, 1992, and recorded in Official Records Volume 7344, Page 1855, of the current public records of Duval County, Florida.
4. Declaratory Judgment in favor of Alamo Rent-A-Car, Inc., a Florida corporation, and against Jacksonville Port Authority, a Florida corporation, dated March 31, 1991, and recorded in Official Records Volume 7129, Page 253, of the current public records of Duval County, Florida.
5. Any claim that any portion of said lands are sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands and lands accreted to such lands.
6. Taxes and assessments for the year 1994.
7. Interlocal Agreement made by and between The State of Florida Department of Transportation and The Jacksonville Port Authority, dated March 29, 1973, recorded in Official Records Volume 3527, Page 1092, of the current public records of Duval County, Florida.
8. Covenants, conditions and restrictions as contained in instrument recorded in Deed Book 1282, Page 288, of the public records of Duval County, Florida. This document contains provisions providing for an option to purchase, right of first refusal or the prior approval of a future purchaser or occupant.
9. Terms and conditions set forth in that certain Land Use and Lease Agreement dated November 7, 1989, by and between Jacksonville Port Authority and Jupiter Corp. Transportation System, as assigned to ATC Leasing Company.
10. Terms and conditions set forth in that certain unrecorded Consent dated October __, 1994, by and between Jacksonville

Port Authority, Jupiter Corp. Transportation System and ATC Leasing Company.

11. Interest of Jupiter Corp. Transportation System pursuant to that certain unrecorded Consent dated October ____, 1994, by and between Jacksonville Port Authority, Jupiter Corp. Transportation System and ATC Leasing Company.
12. Rights of others, if any, relating to the underground utilities, manholes, catch basins and related drainage pipes as shown on the survey.

This Financing Statement is presented to a filing officer for filing pursuant to the Uniform Commercial Code.

1. Debtor (Last Name First if an Individual) ATC Leasing Company LLC		1a. Date of Birth or FID#	
1b. Mailing Address 4314-39th Avenue		1c. City, State KENOSHA, WI	1d. Zip Code 53142
2. Additional Debtor or Trade Name (Last Name First if an Individual)		2a. Date of Birth or FID#	
2b. Mailing Address		2c. City, State	2d. Zip Code
3. Secured Party (Last Name First if an Individual) American National Bank and Trust Company of Chicago, as Collateral Agent			
3a. Mailing Address 120 South LaSalle Street		3b. City, State CHICAGO, IL	3c. Zip Code 60603
4. Assignee of Secured Party (Last Name First if an Individual)			
4a. Mailing Address		4b. City, State	4c. Zip Code
<p>5. This Financing Statement covers the following types or items or property (include description of real property on which located and owner of record when required. If more space is required, attach additional sheet(s)).</p> <p>All of the Debtor's now owned and hereafter acquired accounts, inventory, equipment and other tangible and intangible property, and all proceeds thereof, as more particularly described on Exhibit A hereto.</p> <p style="text-align: right;"><i>no date</i> <i>no amt</i></p>			
6. Check only if Applicable:		<input checked="" type="checkbox"/> Products of collateral are also covered.	<input checked="" type="checkbox"/> Proceeds of collateral are also covered. <input type="checkbox"/> Debtor is transmitting utility.
7. Check appropriate box: (One box must be marked)		<input type="checkbox"/> All documentary stamp taxes due and payable or to become due and payable pursuant to s. 301.22 F.S., have been paid. <input type="checkbox"/> Florida Documentary Stamp Tax is not required.	
8. In accordance with s. 679.403(2), F.S., this statement is filed without the Debtor's signature to perfect a security interest in collateral:		9. Number of additional sheets presented: _____	
<input type="checkbox"/> already subject to a security interest in another jurisdiction when it was brought into this state or debtor's location changed to this state. <input type="checkbox"/> which is proceeds of the original collateral described above in which a security interest was perfected. <input type="checkbox"/> as to which the filing has expired. Date filed _____ and previous UCC-1 file number _____ <input type="checkbox"/> acquired after a change of name, identity, or corporate structure of the debtor.		This Space for Use of Filing Officer Book 9451 Pg 225 4	
10. Signature(s) of Debtor(s) ATC Leasing Company LLC 		Bk: 9451 Pg: 225 - 228 Doc# 99264241 Filed & Recorded 10/28/99 08:14:29 A.M. HENRY W. COOK CLERK CIRCUIT COURT DUVAL COUNTY, FL REC. \$ 19.50	
11. Signature(s) of Secured Party or if Assigned, by Assignee(s) American National Bank and Trust Company of Chicago, as Collateral Agent:			
12. Return Copy to:			
Name	CSC The United States Corporation Company		
Address	P.O. Box 591		
Address	Wilmington, DE 19899		
City, State, Zip	(800) 927-9800		

EH30156/20 (1950)

EXHIBIT A
to
Financing Statement
(Fixtures)

Book 9451 Pg 226

DESCRIPTION OF COLLATERAL

All of Debtor's property, wherever located, whether now or hereafter existing, owned, licensed, leased (to the extent of Debtor's leasehold interest therein, excluding real property), consigned (to the extent of Debtor's ownership interest therein), arising or acquired including the Debtor's right, title and interest in and to the following property:

- (i) all accounts, which term shall include, without limitation, all present and future rights of Debtor to payment whether or not they have been earned for performance for goods sold or for services rendered which are not evidenced by instruments or chattel paper ("Accounts"); all contract rights (excluding rights under real property leases); all general intangibles, which term shall include, without limitation, all choses in action, causes of action and all other intangible personal property of Debtor of every kind and nature, including, without limitation, corporate or other business records, past, present and future trade secrets and other proprietary information, trademarks, trademark applications, trade names, service marks, business names, designs, logos, indicia, and/or other source and/or business identifiers and the goodwill of the business relating thereto and all registrations which have heretofore been or may hereafter be issued thereon throughout the world, copyrights (including, without limitation, copyrights for computer programs) and copyright registrations which have heretofore been or may hereafter be issued throughout the world and all tangible property embodying the copyrights, unpatented inventions (whether or not patentable), patent applications and patents, license agreements related to any of the foregoing and income therefrom, books, records, writings, computer tapes or disks, flow diagrams, specification sheets, source codes, object codes and other physical manifestations, embodiments or incorporations of the foregoing, the right to sue for all past, present and future infringements of any of the foregoing, and all common law and other rights throughout the world in and to all of the foregoing, goodwill, licenses, franchises, customer lists, tax refund claims, rights and claims against carriers and shippers, rights to indemnification, proceeds of insurance covering the lives of key employees on which Debtor is beneficiary, reversionary interests under machine lease and service contracts or other lease agreements, and any letter of credit, guarantee, security interest or other security held by or granted to Debtor to secure payment by a party obligated to Debtor on or under an Account; all tax refunds; all chattel paper; all interests in any partnership; all instruments; all notes; all letters of credit; all documents; and all documents of title;
- (ii) all inventory, which term shall include, without limitation, all goods, including, without limitation, goods in transit, goods which are held for sale or lease, goods furnished under any contract of service or held as raw materials, goods consisting of work in process or supplies, and all materials used or consumed in Debtor's business, and shall

include such property the sale, lease or other disposition of which has given rise to Accounts and which has been returned to or repossessed or stopped in transit by Debtor;

(iii) all equipment, which term shall include, without limitation, all of Debtor's machinery, equipment, furniture, furnishings, fixtures and all tangible personal property similar to any of the foregoing, together with tools, machine parts, and motor vehicles of every kind and description, including, without limitation, all tractors (other than (a) those tractors subject to conditional sales contracts between Debtor as seller and a third party as purchaser and (b) those tractors the acquisition of which is financed in whole on or subsequent to the date hereof by lenders other than Lenders and sold by Debtor to third parties pursuant to a conditional sales contract), trucks, trailers, headramps, automobiles, pick-up trucks, jeeps, hoists, truck saddles, tow bars, parts and tires, and all improvements, accessions and appurtenances thereto, and any proceeds, including insurance proceeds and condemnation awards;

(iv) all of Debtor's deposit accounts (general or special) with and credits and other claims against Secured Party, or any other financial institution with which Debtor maintains deposits;

(v) all of Debtor's now owned or hereafter acquired monies; and any and all other property and interests in property of Debtor now or hereafter coming into the actual possession, custody or control of Secured Party or any agent or affiliate of Secured Party in any way or for any purpose (whether for safekeeping, deposit, custody, pledge, transmission, collection or otherwise);

(vi) all Goods (as defined in the Uniform Commercial Code of the State of Illinois);

(vii) all insurance proceeds of or relating to any of the foregoing;

(viii) all insurance proceeds relating to any key man life insurance policy covering the life of any officer or director of Debtor;

(ix) all of Debtor's actions with respect to preferential transfers, fraudulent conveyances and other avoidance power claims and any recoveries of cash or proceeds of property representing recoveries under 11 U.S.C. §§ 544, 547, 548, 549, 550 or 553;

(x) all of Debtor's books and records relating to any of the foregoing; and

(xi) all accessions and additions to, substitutions for, and replacements, products and proceeds of any of the foregoing.

CERTAIN OF THE ABOVE-DESCRIBED COLLATERAL MAY BE OR BECOME FIXTURES TO THE REAL PROPERTY DESCRIBED ON EXHIBIT B ATTACHED HERETO AND MADE A PART HEREOF. THIS FINANCING STATEMENT IS TO BE INDEXED IN THE REAL ESTATE RECORDS.

EXHIBIT B

Part of Lot 12, 13, and 14, Block 4, Section 32, Township 2 South, Range 25 East, as shown on map of "Jacksonville Heights", as recorded in Plat Book 5, page 93 of the Current Public Records of Duval County, Florida, and being more particularly described as follows: Commence at the Southwest corner of said Section 32; thence South 0 degrees, 03 minutes, 24 seconds East a distance of 363.42 feet to the survey baseline as shown on the Department of Transportation Right of Way Map Section 72120-2506 of Normandy Boulevard; said survey baseline being 50 feet South of and parallel to the North Right of Way line and 150 feet North of and parallel to the South Right of Way line; said point also lying in a curve concave Southerly and having a radius of 17,190.45 feet and central angle of 03 degrees, 01 minutes, 56 seconds; thence North 65 degrees, 09 minutes, 40 seconds East, 909.66 feet a chord bearing and distance to the Point of Tangency of said curve; thence North 66 degrees, 40 minutes, 38 seconds East on said survey baseline a distance of 3303.09 feet; thence South 23 degrees, 19 minutes, 22 seconds East, 150.00 feet to a point on said Southerly Right of Way line of Normandy Boulevard and the Point of Beginning; thence North 66 degrees, 40 minutes, 38 seconds East on said Southerly Right of Way line 304.29 feet; thence South 23 degrees, 26 minutes, 20 seconds East, 457.68 feet; thence South 66 degrees, 27 minutes, 57 seconds West, 350.60 feet; thence North 23 degrees, 44 minutes, 06 seconds West, 366.03 feet; thence North 66 degrees, 46 minutes, 12 seconds East, 47.47 feet; thence North 22 degrees, 58 minutes, 49 seconds West, 93.02 feet to the Point of Beginning. Containing 3.60 acres more or less.

9798 Normandy Boulevard
Jacksonville, Florida 32221

Prepared by:
Suzanne S. Howard
Assistant General Counsel
Office of General Counsel
117 West Duval Street, Suite 480
Jacksonville, Florida 32202



Return To:
Real Estate
21 W. Church St. - 00-9
Jacksonville, FL 32202

Doc# 2000049053
Book: 9559
Page: 1230 - 1233
Filed & Recorded
03/03/00 03:44:01 PM
HENRY W COOK
CLERK CIRCUIT COURT
DUVAL COUNTY
TRUST FUND \$ 2.50
DEED DOC STAMP \$ 6.70
RECORDING \$ 17.00

RE# 009029-0000

GRANT OF EASEMENT
(Lift Station and Ingress and Egress)

THIS INDENTURE, made this 3rd day of February, ²⁰⁰⁰~~1999~~, between JACKSONVILLE PORT AUTHORITY, a body politic and corporate created and existing under Chapter 63-1447, Laws of Florida, as amended, whose address is 2831 Talleyrand Avenue, Jacksonville, Florida 32206 ("Grantor"), and JEA, a body politic and corporate, whose address is 21 West Church Street, Jacksonville, Florida 32202 ("Grantee").

WITNESSETH: That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to it in hand paid by Grantee, the receipt of which is hereby acknowledged, has granted, bargained, sold, and conveyed to the Grantee, its successors and assigns forever, an unobstructed right of way and easement with the right, privilege, and authority to said Grantee, its successors and assigns, to construct, operate, maintain, improve, and/or repair facilities and associated equipment for a lift station for water and/or sewer on, along, over, through, across or under the land described in Exhibit "A" attached hereto and made a part hereof, and an unobstructed right of way and easement over, across, upon and through the land described in Exhibit "B" attached hereto and made a part hereof for access, ingress and egress to the land described in Exhibit "A".

TOGETHER with the right of said Grantee, its successors and assigns, for doing anything necessary or useful or convenient or removing at any time any and all of said improvements upon, over, under or in said lands, together also with the right and easements, privileges and appurtenances in and to said lands which may be required for the enjoyment of the rights herein granted.

IN WITNESS WHEREOF, the said Grantor has caused this instrument to be executed in its name by its authorized officers and caused its Corporate Seal attested by its Secretary to be hereto affixed the day and year above written

ATTEST:

JACKSONVILLE PORT AUTHORITY

Brenda L. Caraballo
Print name: Brenda L. Caraballo
Title: Exec. Assistant to President

By: K.R. Keatinge
Print Name: K.R. KEATINGE
Title: PRESIDENT & CEO

10

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 3rd day of February ~~2000~~ 2000 by R. R. KLAUER and the PRESIDENT respectively of the Jacksonville Port Authority, a body politic and corporate, on behalf of the Authority. Such persons did not take an oath and are personally known to me.

Margie V Cannon (x)
MARGIE V CANNON
[Print or type name]

NOTARY PUBLIC
My Commission Expires:



Margie V. Cannon
MY COMMISSION # 00632147 EXPIRES
June 18, 2001
WRITTEN THROUGH TRUST INSURANCE, INC.

SS11 FV6 \shared\SHOWARD\AGRIELEA.SSI\NPA-JEA.GED

FORM APPROVED
[Signature]
ARLENE L. CLINE

MAP SHOWING BOUNDARY SURVEY OF

BOOK NUMBER 9559 PAGE 1232

A PART OF TRACT 3, BLOCK 3, SECTION 33, TOWNSHIP 2 SOUTH, RANGE 25 EAST, JACKSONVILLE HEIGHTS SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 93 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE WESTERLY LINE OF BLOCK 4, SECTION 32, TOWNSHIP 2 SOUTH, RANGE 25 EAST, JACKSONVILLE HEIGHTS SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 93 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF NORMANDY BOULEVARD (STATE ROAD NO. 228), A RIGHT-OF-WAY OF VARYING WIDTH, AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION NO. 72120-2506, SHEET 13, DATED MAY 16, 1969 AND ON FILE OF RECORD IN THE DISTRICT 2 RIGHT-OF-WAY OFFICE IN LAKE CITY, FLORIDA, SAID POINT ALSO BEING THE NORTHWESTERLY CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 3223, PAGE 911 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA: THENCE NORTH 66°40'38" EAST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 4947.23 FEET THE POINT OF BEGINNING; THENCE CONTINUE NORTH 66°40'38" EAST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 40.04 FEET; THENCE SOUTH 21°37'27" EAST, DEPARTING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 62.10 FEET; THENCE SOUTH 68°23'06" WEST, A DISTANCE OF 39.95 FEET; THENCE NORTH 21°41'19" WEST, A DISTANCE OF 60.91 FEET TO THE POINT OF BEGINNING.

CONTAINING 2459 SQUARE FEET, MORE OR LESS.



- LEGEND
- SET 1/2" IRON PIPE 18 EAST LP 6661
 - ⊗ FOUND 1/2" IRON PIPE LP 6661
 - ⊙ SANITARY MANHOLE
 - ⊕ SANITARY VALVE
 - ⊠ SPRINKLER CONTROL BOX
 - ⊖ POWER POLE
 - ▭ CONCRETE
 - ▨ LANDSCAPED AREA
 - FENCE
 - R/W RIGHT-OF-WAY
 - O.R.V. OFFICIAL RECORDS VOLUME
 - P.D. PAGE
 - D.P. OVERHEAD POWER LINES

TRACT 3, BLOCK 3, SECTION 33, JACKSONVILLE HEIGHTS SUBDIVISION (PLAT BOOK 5, PAGE 93)

NOTES
 1) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE ABSTRACT.
 2) A BEARING OF N 66°40'38" E WAS ASSUMED ON THE SOUTHEASTERLY R/W LINE OF NORMANDY BOULEVARD AS SHOWN HEREON HOLDING MONUMENTATION FOUND IN PLACE SAID BEARING REFERS TO FLORIDA DEPARTMENT OF TRANSPORTATION R/W MAP SECTION 72120-2506, SHEET 13, DATED MAY 16, 1969.
 3) NO ATTEMPT WAS MADE TO UNCOVER ANY UNDERGROUND IMPROVEMENTS SHOULD ANY EXIST.

EXHIBIT A

Arnold J. Jones
 ARNOLD J. JONES
 FLORIDA REGISTERED LAND SURVEYOR NO. 4422
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

L.A. BRADLEY
LAND SURVEYORS

5274 RAMONA BLVD., JACKSONVILLE, FLORIDA 32205
 PHONE (904) 786-6400 FAX (904) 786-1479

LICENSED BUSINESS No. 6697

W.O. NO.: A-98-230A <small>4-REF 0-98-230</small>	SURVEY DATE: 08/14/98	DRAFTED BY: PF
CHECKED BY: RJ	CAD FILE: 98230A.DWG	FB 143 PG 59

A PART TRACTS 2,3,11,12,13,14, BLOCK 4, SECTION 32 AND A PART OF TRACTS 1,2,3,4,5,6,8, BLOCK 3, SECTION 33, ALL LYING AND BEING IN TOWNSHIP 2 SOUTH, RANGE 25 EAST, JACKSONVILLE HEIGHTS SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 93 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, AND A PART OF THE SOUTHEAST 1/4 OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 25 EAST, JACKSONVILLE, DUVAL COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE WESTERLY LINE OF BLOCK 4, SECTION 32, TOWNSHIP 2 SOUTH, RANGE 25 EAST, JACKSONVILLE HEIGHTS SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 93 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF NORMANDY BOULEVARD (STATE ROAD NO. 228), A RIGHT-OF-WAY OF VARYING WIDTH, AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION NO. 72120-2506, SHEET 13, DATED MAY 16, 1969 AND ON FILE OF RECORD IN THE DISTRICT 2 RIGHT-OF-WAY OFFICE IN LAKE CITY, FLORIDA, SAID POINT ALSO BEING THE NORTHWESTERLY CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 3223, PAGE 911 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, THENCE NORTH 66°40'38" EAST, ALONG THE NORTHERLY LINE OF SAID LANDS AND ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 873.60 FEET TO THE NORTHEASTERLY CORNER OF SAID LANDS AND THE POINT OF BEGINNING, THENCE CONTINUE NORTH 66°40'38" EAST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 4073.63 FEET; THENCE SOUTH 21°41'19" EAST, LEAVING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 60.91 FEET; THENCE NORTH 68°23'06" EAST, A DISTANCE OF 39.95 FEET; THENCE NORTH 21°37'27" WEST, A DISTANCE OF 62.10 FEET TO A POINT ON AFORESAID RIGHT-OF-WAY LINE, THENCE NORTH 66°40'38" EAST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 145.03 FEET TO THE POINT OF CURVATURE OF CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 112°04'00", SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 57°17'22" EAST AND A CHORD DISTANCE OF 82.94 FEET, THENCE SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE AN ARC DISTANCE OF 97.80 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING FOUR COURSES AND DISTANCES, (1) SOUTH 01°15'22" EAST, A DISTANCE OF 1.76 FEET; (2) NORTH 88°44'38" EAST, A DISTANCE OF 60.00 FEET; (3) NORTH 01°15'22" WEST, A DISTANCE OF 89.51 FEET; (4) NORTH 66°40'38" EAST, A DISTANCE OF 195.20 FEET TO THE INTERSECTION OF SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF NORMANDY BOULEVARD WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF HERLONG ROAD, A 120.00 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED; THENCE NORTH 88°54'38" EAST, DEPARTING SAID SOUTHEASTERLY RIGHT-OF-WAY LINE AND ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF HERLONG ROAD, A DISTANCE OF 790.29 FEET, THENCE SOUTH 18°50'34" EAST, DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 363.30 FEET; THENCE SOUTH 66°25'22" WEST, A DISTANCE OF 346.12 FEET, THENCE NORTH 23°55'32" WEST, A DISTANCE OF 459.37 FEET; THENCE SOUTH 66°48'43" WEST, A DISTANCE OF 779.26 FEET; THENCE SOUTH 18°26'10" EAST, A DISTANCE OF 300.75 FEET; THENCE SOUTH 65°33'32" WEST, A DISTANCE OF 101.70 FEET; THENCE NORTH 24°26'28" WEST, A DISTANCE OF 692.63 FEET TO A POINT ON A LINE PARALLEL WITH AND LYING 20.00 FEET SOUTHEASTERLY OF WHEN MEASURED AT RIGHT ANGLES TO SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF NORMANDY BOULEVARD, THENCE SOUTH 66°40'38" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 4003.90 FEET; THENCE NORTH 23°19'22" WEST, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 10.6 ACRES, MORE OR LESS

Doc# 2000049054
Book: 9559
Pages: 1234 - 1235
Filed & Recorded
03/03/00 03:44:01 PM
HENRY W COOK
CLERK CIRCUIT COURT
DUVAL COUNTY
TRUST FUND \$ 1.50
DEED DOC STAMP \$ 0.70
RECORDING \$ 9.00



Return To:
Real Estate
21 W. Church St. - CC-6
Jacksonville, FL 32202

GRANT OF EASEMENT

RE# 009029-0060

THIS INDENTURE, made this 3rd day of February, ²⁰⁰⁰ ~~1999~~, between the JACKSONVILLE PORT AUTHORITY, a body politic and corporate created and existing under Chapter 63-1447, Laws of Florida, as amended, whose address is 2831 Talleyrand Avenue, Jacksonville, Florida 32206 ("Grantor") and JEA, a body politic and corporate, whose mailing address is 21 West Church Street, Jacksonville, Florida 32202-3139 ("Grantee").

WITNESSETH: That Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration to it in hand paid by Grantee, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed to the Grantee, its successors and assigns forever, an unobstructed right of way and easement with the right, privilege and authority to said Grantee, its successors and assigns, to construct, operate, lay, maintain, improve and/or repair, either above or below the surface of the ground, facilities and associated equipment for sewer and water, either or all, on along, over, through, across or under the following described land situate in Jacksonville, Duval County, Florida, to wit:

See Exhibit "A" attached hereto and incorporated herein by this reference.

TOGETHER with the right unto Grantee, its successors and assigns, of ingress and egress, to and over said above described premises, and for doing anything necessary or useful or convenient or removing at any time any and all of said improvements upon over, under or in said lands, together also with the right and easements, privileges and appurtenances in and to said land which may be required for the enjoyment of the rights herein granted.

IN WITNESS WHEREOF, the said Grantor has caused this instrument to be executed in its name by its authorized officers and caused its Corporate Seal attested by its Secretary to be hereto affixed the day and year above written.

ATTEST:

JACKSONVILLE PORT AUTHORITY

Brenda L. Caraballo
Print name: Brenda L. Caraballo
Title: Exec Assistant to the President

By: K.R. Krauter
Print Name: K.R. KRAUTER
Title: PRESIDENT & CEO

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 3rd day of February, ²⁰⁰⁰ ~~1999~~, by K.R. Krauter and Marjorie V. Cannon, respectively of the Jacksonville Port Authority, a body politic and corporate, on behalf of the Authority. Such persons did not take an oath and are personally known to me.

Marjorie V. Cannon (x)
MARJORIE V. CANNON
[Print or type name]

NOTARY PUBLIC

My Commission Expires:



Marjorie V. Cannon

MY COMMISSION # CC632147 EXP 01/01/01

FORM APPROVED
[Signature]
ASSISTANT COUNSEL

EXHIBIT "A" (Page 1 of 1 Pages)

LEGAL DESCRIPTION

A PART TRACTS 2,3,11,12,13,14, BLOCK 4, SECTION 32 AND A PART OF TRACTS 1,2,3,4,5,6,8, BLOCK 3, SECTION 33, ALL LYING AND BEING IN TOWNSHIP 2 SOUTH, RANGE 25 EAST, JACKSONVILLE HEIGHTS SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 93 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, AND A PART OF THE SOUTHEAST 1/4 OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 25 EAST, JACKSONVILLE, DUVAL COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE WESTERLY LINE OF BLOCK 4, SECTION 32, TOWNSHIP 2 SOUTH, RANGE 25 EAST, JACKSONVILLE HEIGHTS SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 93 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF NORMANDY BOULEVARD (STATE ROAD NO. 228), A RIGHT-OF-WAY OF VARYING WIDTH, AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION NO. 72120-2506, SHEET 13, DATED MAY 16, 1969 AND ON FILE OF RECORD IN THE DISTRICT 2 RIGHT-OF-WAY OFFICE IN LAKE CITY, FLORIDA, SAID POINT ALSO BEING THE NORTHWESTERLY CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 3223, PAGE 911 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA. THENCE NORTH 66°40'38" EAST, ALONG THE NORTHERLY LINE OF SAID LANDS AND ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 873.60 FEET TO THE NORTHEASTERLY CORNER OF SAID LANDS AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 66°40'38" EAST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 4073.63 FEET; THENCE SOUTH 21°41'19" EAST, LEAVING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 60.91 FEET; THENCE NORTH 68°23'06" EAST, A DISTANCE OF 39.95 FEET; THENCE NORTH 21°37'27" WEST, A DISTANCE OF 62.10 FEET TO A POINT ON AFORESAID RIGHT-OF-WAY LINE, THENCE NORTH 66°40'38" EAST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 145.03 FEET TO THE POINT OF CURVATURE OF CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 112°04'00", SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 57°17'22" EAST AND A CHORD DISTANCE OF 82.94 FEET, THENCE SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE AN ARC DISTANCE OF 97.80 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING FOUR COURSES AND DISTANCES: (1) SOUTH 01°15'22" EAST, A DISTANCE OF 1.76 FEET; (2) NORTH 88°44'38" EAST, A DISTANCE OF 60.00 FEET; (3) NORTH 01°15'22" WEST, A DISTANCE OF 89.51 FEET; (4) NORTH 66°40'38" EAST, A DISTANCE OF 195.20 FEET TO THE INTERSECTION OF SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF NORMANDY BOULEVARD WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF HERLONG ROAD, A 120.00 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED, THENCE NORTH 88°54'38" EAST, DEPARTING SAID SOUTHEASTERLY RIGHT-OF-WAY LINE AND ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF HERLONG ROAD, A DISTANCE OF 790.29 FEET, THENCE SOUTH 18°50'34" EAST, DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 363.30 FEET; THENCE SOUTH 66°25'22" WEST, A DISTANCE OF 346.12 FEET; THENCE NORTH 23°55'32" WEST, A DISTANCE OF 459.37 FEET; THENCE SOUTH 66°48'43" WEST, A DISTANCE OF 779.26 FEET; THENCE SOUTH 18°26'10" EAST, A DISTANCE OF 500.75 FEET; THENCE SOUTH 65°33'32" WEST, A DISTANCE OF 101.70 FEET; THENCE NORTH 24°26'28" WEST, A DISTANCE OF 692.63 FEET TO A POINT ON A LINE PARALLEL WITH AND LYING 20.00 FEET SOUTHEASTERLY OF WHEN MEASURED AT RIGHT ANGLES TO SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF NORMANDY BOULEVARD, THENCE SOUTH 66°40'38" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 4003.90 FEET; THENCE NORTH 23°19'22" WEST, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 10.6 ACRES, MORE OR LESS

IN THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT, IN AND FOR
DUVAL COUNTY, FLORIDA

CASE NO: 01-04911-CA
DIVISION: CV-H

APS EAST COAST, INC., a corporation,
f/k/a Hobelmann Port Services, Inc.;
SEA STAR LINE, LLC, a limited liability
company; TRAILER BRIDGE, INC., a
corporation; HUAL NORTH AMERICA, INC.,
a corporation, and NPR, INC., a corporation,

Book 10656 Page 1333

Plaintiffs,

and

DISTRIBUTION & AUTO SERVICES, INC.,
a California corporation,

Intervening Plaintiff,

v.s.

JACKSONVILLE PORT AUTHORITY,
a body politic, organized and existing under
the laws of the State of Florida,

Defendant./

Doc# 2002P54372
Book 10656
Pages: 1333 - 1338
Filed & Recorded
09/10/2002 01:01:46 PM
JIM FULLER
CLERK CIRCUIT COURT
DUVAL COUNTY

date 9/5/02
132,652 96

FINAL DECLARATORY JUDGMENT

This case came on to be heard on Plaintiffs' Complaint for declaratory relief pursuant to Ch. 86, Fla. Stat. The case was tried before the Court, without a jury, on July 30, 2002. The Court received evidence, heard argument of counsel, considered the pleadings and all other matters properly of record.

Based upon the foregoing, the Court makes the following

FINDINGS OF FACT:

1. The Jacksonville Port Authority ("JPA") executed leases with the Plaintiffs,

as tenants, which provide for the "pass through" of ad valorem taxes to the tenants if any were assessed against the JPA. A substantial portion of the leased property is commonly known as "Blount Island."

2. Beginning in 1998, the Property Appraiser for Duval County pursuant to the Charter of the Consolidated City of Jacksonville assessed ad valorem taxes on real property owned by the JPA and leased to private entities. This assessment includes the property leased to Plaintiffs.

3. Distribution & Auto Services, Inc. ("DAS"), the intervening Plaintiff, was invoiced \$112,844.99 by the JPA pursuant to the pass-through provision in its lease. DAS paid the JPA \$112,844.99 pursuant to that invoice, constituting a reimbursement to the JPA of ad valorem taxes and sales taxes levied on the property DAS leased from the JPA. Sea Star Line, LLC ("Sea Star") was invoiced \$19,807.97 by the JPA pursuant to the pass-through provision in its lease. Sea Star paid the JPA \$19,807.97 pursuant to that invoice, constituting a reimbursement to the JPA of ad valorem taxes and sales taxes levied on the property Sea Star leased from the JPA. The remaining Plaintiffs have refused to pay any ad valorem taxes, including a sales tax assessment on such taxes, as submitted by the JPA under the leases.

CONCLUSIONS OF LAW:

1. This is an action for declaratory relief, pursuant to Ch. 86, Fla. Stat.; See also Menna v. Sun Country Homeowners Assoc., Inc., 604 So.2d 897 (Fla. 2nd DCA 1992) (It is proper for a tenant to seek declaratory relief to determine parties' rights regarding improper charges "passed through" to a tenant pursuant to a lease).

2. The Court has jurisdiction of the parties and the subject matter of this action.

3. A present and actual dispute exists as to whether Plaintiffs can be charged ad valorem taxes on property owned by the JPA.

4. In 1934, the citizens of the State of Florida adopted an amendment to the 1885 Constitution in the form of Article VIII, Section 9. The amendment permitted the consolidation of all governmental agencies within Duval County. Sections 9, 10, 11 and 24 of the Constitution of 1885 each permit consolidation within only the following counties: Duval County (sec. 9), Monroe County (sec. 10), Dade County (sec. 11) and Hillsborough County (sec. 24).

5. The 1885 Constitution was replaced in 1968. However, the 1968 Constitution did not amend or replace the 1934 Consolidation Amendment. Article VIII, Section 6(e) of the 1968 Constitution specifically readopted Article VIII, Section 9 of the 1885 Florida Constitution. Article VIII, Section 9 of the 1885 Constitution provides that the consolidated government "shall...be recognized as one of the legal political subdivisions of the state with the duties and obligations of a county and shall be entitled to all the powers, rights and privileges, including representation in the State Legislature, which would accrue to it if it were a county."

6. In 1967, the Legislature submitted a consolidated governmental charter to the voters of Duval County, who approved it. Section 1.01(b) of the City of Jacksonville Charter provides that "The consolidated government has and shall have jurisdiction as a chartered county government...[.]"

7. The City of Jacksonville had various departments and agencies, including the JPA, prior to consolidation. These departments and agencies were "consolidated" into a single body politic by virtue of the Consolidation Amendment. See Section 1.01(a) of the Charter.

8. The State of Florida and its 67 political subdivisions are immune from ad valorem taxes. See Dickinson v. City of Tallahassee, 325 So.2d 1 (Fla. 1975); Park-n-Shop, Inc. v. Sparkman, 99 So.2d 571 (Fla. 1958); Andrews v. Pal-Mar Water Control District Dept. of Revenue, 388 So.2d 4 (Fla 4th DCA 1980); Orange County Florida v. Florida Dept. of Revenue, 605 So.2d 1333 (Fla. 5th DCA 1992); Greater Orlando Aviation Authority v. Crotty, 775 So.2d 978 (Fla. 5th DCA 2000); Sun 'N Lake of Sebring Improvement District v. McIntyre, 800 So.2d 715 (Fla. 2d DCA 2001).

9. The Consolidated City of Jacksonville, as one of the 67 political subdivisions, expressly pursuant to the Florida Constitution, is immune from ad valorem taxes. In Advisory Opinion No. 93-05, Jacksonville's General Counsel's Office determined that real property owned by the Consolidated City of Jacksonville was immune from taxation to the same extent that the other 66 political subdivisions in Florida are immune.

10. The Duval County Property Appraiser has classified the "Property Use" of property owned by the JPA at Blount Island as that of the County. See Plaintiffs' exhibit 11. Of course, Duval County does not expressly own the Blount Island property. Duval County transferred ownership of Blount Island to the JPA in connection with the JPA enabling act (Chapter 63-147). Therefore, by classifying the "Property Use" as "County", the Property Appraiser implicitly recognizes that the JPA is an agency of the Consolidated Government. Consistent with Advisory Opinion No. 93-05, such property is immune from ad valorem taxation.

11. However, the Property Appraiser has assessed ad valorem taxes on property owned by the JPA that is leased to private for-profit businesses. This is improper because property owned by a county that is leased to private for-profit businesses is immune from

ad valorem taxation.

12. In addition to a political subdivision being immune from ad valorem taxes, so too are the agencies of a political subdivision. Therefore, the JPA, as an agency of the consolidated government, is immune from ad valorem taxes.

13. The JPA is an agency of the consolidated government because the Charter explicitly defines it as an "independent agency." See Section 18.07(d) of the Charter (emphasis added).

14. The JPA is an agency of the consolidated government because the JPA is required to use, and be bound by decisions of the General Counsel's Office. See Sections 7.104 and 7.201 of the Charter.¹

15. The JPA is an agency of the consolidated government because the JPA is subject to the budgetary and auditing control of the City Council. See Sections 14.01, 14.02, 5.09, 5.10 and 5.11 of the Charter; See Articles V (§§5 and 9) of Part B of the Charter, Related Laws.

Based upon the foregoing, it is

ORDERED AND ADJUDGED:

- (a) this Court has jurisdiction over the parties and subject matter of this action;
- (b) the express provisions found within the four corners of the Plaintiffs' lease

¹ In 1969, the General Counsel issued an opinion regarding the problems that existed prior to, and lead to the creation of, the consolidated government. One problem prior to consolidation was the constant disputes between government agents and officers which often lead to litigation, with taxpayers paying the bill. See Legal Division Advisory Opinion No. 69-64 ("Single Government"). The consolidated government rectified the problem by creating a General Counsel and requiring that agencies, like the JPA, use the General Counsel's Office and be bound by its opinions.

agreements are unenforceable in so far as the JPA seeks to pass on a charge for ad valorem taxes since 1998;

- (c) DAS is entitled to a refund of \$112,844.99 from the JPA, for which let execution issue;
- (d) Sea Star is entitled to a refund of \$19,807.97 from the JPA, for which let execution issue;
- (e) this Court retains jurisdiction pursuant to §86.011 to provide such other and supplemental relief as may be proper and necessary, upon further notice and hearing thereon.

DONE AND ORDERED in chambers in Jacksonville, Duval County, Florida this

5th day of Sept. 2002.



Circuit Court Judge

Copies to:
William G. Cooper, Esq.
Michael J. Goldsberry, Esq.
Lamar Winegeart, Esq.

BOLD CITY TITLE AND ABSTRACT CO.

Complete Title Services
415 East Monroe Street
Jacksonville, Florida 32202
Telephone: 353-4545

May 2, 1985

Louis E. Black, Assistant Counsel
City of Jacksonville
Office of General Counsel
1300 City Hall
Jacksonville, Florida 32202

RE: Official Records Book 2999 page 676 Parcel 1/
Exception recorded in Official Records Book 3223
page 911
BCT#30841-A (Herlong Airport)

Dear Mr. Black:

We have searched the current public records of Duval County, Florida to April 17, 1985 at 5:00 PM on the above referenced property and find the following:

Last Grantee of Record on Fee Title: JACKSONVILLE PORT AUTHORITY

Taxes paid to 1984. (RE#9029-000-Jax Port Authority)
(RE#9029-0100-General Aviation, Inc.)

Subject to:

- I. Any unrecorded leases, if any.
- II. Lease to Herlong Aviation, Inc. dated August 21, 1968 and assignment of lease dated October 10, 1966.
 - a. Financing Statement as recorded in Official Records Book 4294 page 666.
 - b.
 - 1) Final Judgement as recorded in Official Records Book 4236 page 806 and rerecorded in Official Records Book 4236 page 1195.
 - 2) Final Judgement as recorded in Official Records Book 4339 page 247.
 - 3) Final Judgement as recorded in Official Records Book 4384 page 116 and rerecorded in Official Records Book 4385 page 772.
 - 4) Final Judgement as recorded in Official Records Book 4396 page 86.
 - 5) Final Judgement as recorded in Official Records Book 4396 page 87.
 - 6) Final Judgement as recorded in Official Records Book 4396 page 1064.
 - 7) Final Judgement as recorded in Official Records Book 4398 page 829 and rerecorded in Official Records Book 4399 page 238.
 - 8) State of Florida, Department of Revenue, Warrant recorded in Official Records Book 4435 page 1005.
 - 9) Final Judgement as recorded in Official Records Book 4625 page 511.
 - 10) Federal Tax Lien as recorded in Official Records Book 5038 page 625.
 - c. Bankruptcy on Herlong Aviation, Inc., dated June 6, 1977 in 77-654.

(Continued on page #2)

BOLD CITY TITLE AND ABSTRACT CO.*Complete Title Services*

415 East Monroe Street

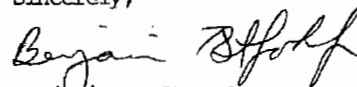
Jacksonville, Florida 32202

Telephone: 353-4545

- III. Mortgage as recorded in Official Records Book 3719 page 504
- IV. Deed of Release as recorded in Official Records Book 3139 page 178 and acknowledgement as recorded in Official Records Book 3178 page 604.
- V. Deed of Release as recorded in Official Records Book 3223 page 908.
- VI. Any interest of Clara Benson under Quit Claims Deed in Deeds Book 1659 page 138, and recorded in Official Records Book 167 page 266.
- VII. Grazing rights to Joe H. Mobley & Sons, Inc. on month-to-month basis.
- VIII. Grazing rights to Wrights Clay County Farms, Inc. on month-to-month basis.
- IX. Revocable permit to American Telephone & Telegraph Company, dated November 29, 1966.

If we could be of further assistance, please do not hesitate to call.

Sincerely,



Benjamin T. St. John, Jr.
Vice President

BTS:gr
Enclosures