Interoffice Memorandum

November 30, 2021

TO: Mayor Jerry L. Demings
-AND-
County Commissioners (BCC)

FROM: Alberto A. Vargas, MArch., Manager, Planning Division

THROUGH: Jon V. Weiss, P.E., Director
Planning, Environmental, and Development Services Department

SUBJECT: 2021-2 Out-of-Cycle Regular Cycle Staff-Initiated Text Amendment 2021-2-C-FLUE-1 (Small Scale Amendments)
Board of County Commissioners (BCC) Adoption Public Hearing

The 2021-2 Out-of-Cycle Regular Cycle Staff-Initiated Text Amendment is scheduled for a BCC adoption public hearing on November 30, 2021. This amendment was heard by the Planning and Zoning Commission/Local Planning Agency at an adoption hearing on November 18, 2021. The report will also be available under the Amendment Cycle section of the County's Comprehensive Planning webpage:

http://www.orangecountyfl.net/PlanningDevelopment/ComprehensivePlanning.aspx.

The 2021-2 ***Out-of-Cycle Regular Cycle-State-Expedited*** Review amendment scheduled for consideration on November 30 entails one staff-initiated text amendment. The text amendment includes changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

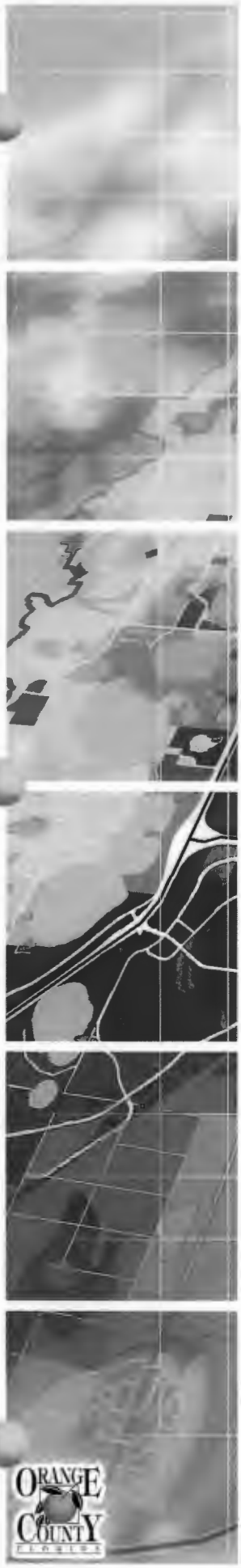
The 2021-2 ***Out-of-Cycle Regular Cycle-State-Expedited*** Review Amendment was heard by the PZC/LPA at a transmittal public hearing on August 19, 2021, and by the BCC at a transmittal public hearing on September 14, 2021. This amendment has been reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On November 4, 2021, DEO issued a comment letter, which did not contain any concerns about the amendment undergoing the State-Expedited Review process. Pursuant to 163.3184, F.S., the proposed amendment must be adopted within 180 days of the comment letter. The Regular Cycle Amendment undergoing the State-Expedited Review process will become effective 31 days after DEO notifies the County that the plan amendment package is complete. This amendment is expected to become effective in December 2021, provided no challenges are brought forth for the amendment.

Any questions concerning this document should be directed to Alberto A. Vargas, MArch, Manager, Planning Division, at (407) 836-5802 or Alberto.Vargas@ocfl.net or Greg Golgowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or Gregory.Golgowski@ocfl.net.

AAV/sw

Enc: 2021-2 Out-of-Cycle Regular Cycle Comprehensive Plan Amendment – BCC Adoption Staff Report

c: Christopher R. Testerman, AICP, Deputy County Administrator
Joel Prinsell, Deputy County Attorney
Roberta Alfonso, Assistant County Attorney
Whitney Evers, Assistant County Attorney
Eric Raasch, AICP, Planning Administrator, Planning Division
Gregory Golgowski, AICP, Chief Planner, Planning Division
Olan D. Hill, AICP, Assistant Manager, Planning Division
Read File



ORANGE COUNTY

PLANNING DIVISION

2021-2 OUT-OF-CYCLE REGULAR CYCLE AMENDMENT 2021-2-C-FLUE-1

2010 - 2030 COMPREHENSIVE PLAN

BOARD OF COUNTY COMMISSIONERS

NOVEMBER 30, 2021
ADOPTION PUBLIC HEARING

PREPARED BY:
ORANGE COUNTY PLANNING, ENVIRONMENTAL AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION

Amendment Number	Sponsor	Project Planner	Rezoner	Staff Rec	LPA Rec
2021-2-C-FLUE-1	Planning Division n amendment	Jennifer DuBois	N/A	Adopt	

ABBREVIATIONS INDEX:

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2021 SECOND REGULAR CYCLE
OUT-OF-CYCLE
STAFF-INITIATED TEXT AMENDMENT

AMENDMENTS TO THE 2010-2030 COMPREHENSIVE PLAN
BOARD OF COUNTY COMMISSIONERS ADOPTION BOOK

INTRODUCTION

This is the Board of County Commissioners (BCC) adoption public hearing staff report for the proposed Out-of-Cycle Second Regular Cycle Staff-Initiated Text Amendment (2021-2) to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). The adoption public hearing for this amendment was conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on November 18, 2021, and is scheduled before the BCC on November 30, 2021.

This Out-of-Cycle Regular Cycle Staff-Initiated Text Amendment scheduled for BCC consideration on November 30 was heard by the PZC/LPA at a transmittal public hearing on August 19, 2021, and by the BCC at a transmittal public hearing on September 11, 2021.

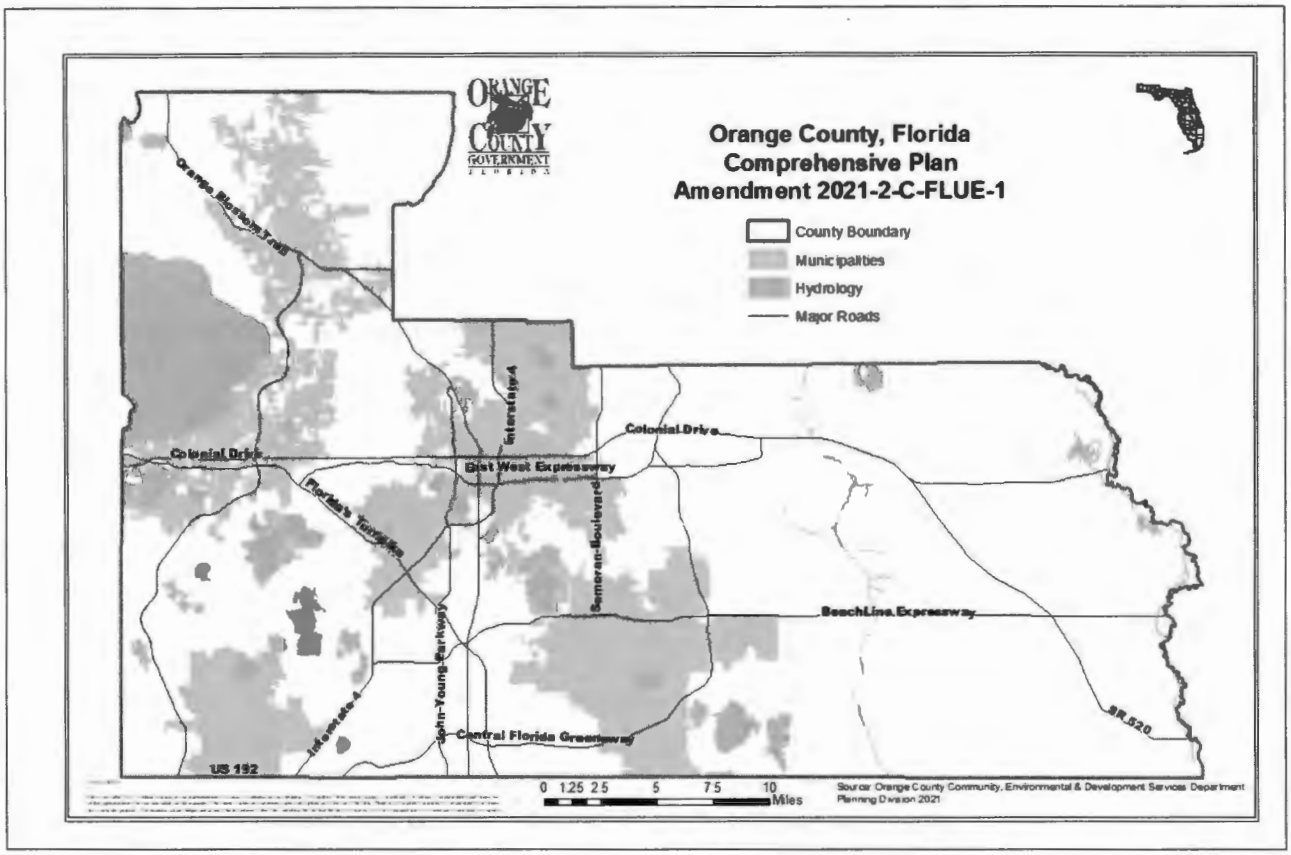
Please note the following modifications to this report:

KEY TO HIGHLIGHTED CHANGES	
Highlight	**When changes made**
Light Blue	Following the DEO transmittal public hearing (by staff)

The 2021-2 ***Out-of-Cycle Regular Cycle-State-Expedited*** Review amendment scheduled for consideration on November 30 is a staff-initiated text amendment. This amendment includes changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

The 2021-2 ***Out-of-Cycle Regular Cycle-State-Expedited*** Review Amendment has been reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On November 4, 2021, DEO issued a comment letter, which did not contain any concerns about the amendment undergoing the State-Expedited Review process. Pursuant to 163.3184, F.S., the proposed amendment must be adopted within 180 days of the comment letter. The Regular Cycle Amendment undergoing the State-Expedited Review process will become effective 31 days after DEO notifies the County that the plan amendment package is complete. This amendment is expected to become effective in December 2021, provided no challenges are brought forth for the amendment.

Any questions concerning this document should be directed to Alberto A. Vargas, MArch, Manager, Planning Division, at (407) 836-5802 or Alberto.Vargas@ocfl.net or Greg Golgowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or Gregory.Golgowski@ocfl.net.



The following meetings and hearings have been held for this proposal:		
Report/Public Hearing		**Outcome**
✓	Staff Report	Recommend Transmittal
✓	LPA Transmittal August 19, 2021	Recommend Transmittal (7-0)
✓	BCC Transmittal September 14, 2021	Transmit (7-0)
✓	State Comments	Comments received November 4, 2021
✓	LPA Adoption November 18, 2021	Adopt (7-0)
	BCC Adoption	November 30, 2021

Project/Legal Notice Information
Title: Amendment 2021-2-C-FLUE-1
Division: Planning
Request: Text amendment to Future Land Use Element Policy FLU8.8.2, delegating authority to the County Planning Division to assign a privately-initiated or staff-initiated Comprehensive Plan amendment application to the appropriate regular cycle or small scale development review category.
Revision: Policy FLU8.8.2

Staff Recommendation

This request involves a staff-initiated text amendment to Future Land Use Element Policy FLU8.8.2 in response to the passage of House Bill 487, signed into law on June 29, 2021, and effective as of July 1,

2021. Staff and the Local Planning Agency (LPA) have made a finding of consistency with the Comprehensive Plan, have determined that the plan amendment is in compliance, and recommend **ADOPTION** of Amendment 2021-2-C-FLUE-1.

A. Background

Introduced during the 2021 Legislative Session, House Bill 487: Growth Management was signed into law on June 29, 2021, and became effective July 1, 2021. Among the provisions of House Bill 487 (Chapter 2021-206, Laws of Florida), attached hereto as **Appendix "A"**, is the amendment of s. 163.3187, F.S., revising the acreage thresholds for the consideration and adoption of small scale comprehensive plan amendments. Specifically, s. 163.3187(1)(a), F.S. and s. 163.3187(3), F.S. were amended to read as follows:

> 163.3187 Process for adoption of small-scale comprehensive plan amendment.—
>
> (1) A small scale development amendment may be adopted under the following conditions:
>
> (a) The proposed amendment involves a use of 50 ~~10~~ acres or fewer and:
>
> (3) If the small scale development amendment involves a site within a rural area of opportunity as defined under s. 288.0656(2)(d) for the duration of such designation, the acreage ~~10-acre~~ limit listed in subsection (1) shall be increased by 100 percent ~~to 20 acres~~. The local government approving the small scale plan amendment shall certify to the state land planning agency 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.

While Orange County presently has no designated rural areas of opportunity within its boundary, staff regularly receives and processes applications for small scale development amendments. Currently, staff considers any proposed amendment involving a use of 10 or fewer acres a small scale development amendment, with the exception of those having the potential for regional or state interest or otherwise necessitating review as a regular cycle (or large scale) amendment. Any amendment application deemed a regular cycle amendment is subject to the applicable expedited state review process established in s. 163.3184(3), F.S. or the state coordinated review process set forth in s. 163.3184(4), F.S. The County presently accepts privately-initiated regular cycle amendment applications—subject to transmittal and adoption hearings before the Local Planning Agency (LPA) and Board of County Commissioners (BCC), as well as evaluation by the Florida Department of Economic Opportunity (DEO) and other state and regional reviewing agencies—no more than twice per year, as established in **Future Land Use Element Policy FLU8.1.1.** Small scale development petitions, on the other hand, may be considered more frequently, as stated in **Policy FLU8.1.1**, and are subject only to adoption public hearings before the LPA and BCC.

With the provisions of House Bill 487 now effective, staff has sought guidance from DEO regarding the increased acreage thresholds for the consideration of small scale development amendments.

Informal comments received indicated that the statutory language is permissive as it applies to how local governments determine the acreage threshold for small scale amendments, i.e. the law allows, but does not require projects of 50 acres or fewer to be reviewed as small scale development amendments. The local government therefore has the authority to establish its own criteria for the processing and adoption of small scale development amendments. Pursuant to s. 163.3187(1), F.S. and DEO's guidance, Orange County intends to continue its practice of processing certain amendments involving a use of 10 acres or fewer as small scale development amendments and those of larger acreage as regular cycle amendments. Certain amendments involving a use of greater than 10 acres and no more than 50 acres may also be processed as small scale development amendments, with each proposal to be evaluated on a case-by-case basis and assigned to the appropriate review cycle. Similarly, any amendment of 10 acres or fewer may continue to be selected for processing in a regular cycle if that scale of review would be better suited to address the complexities of the proposal. Any amendment application deemed a regular cycle amendment will continue to be subject to the applicable expedited state review or state coordinated review process, as established in s. 163.3184, F.S. The Planning Division will have the authority to determine the appropriate review cycle for each proposed amendment, and County staff will develop publicly available guidance for making such determinations that is consistent with s. 163.3187(1), F.S.

In response to the newly-effective legislation, staff is proposing to incorporate the County's intended approach to the consideration of small scale development and regular cycle amendment petitions into **Future Land Use Element Policy FLU8.8.2**, included under **Future Land Use Element Objective OBJ FLU8.8**, which directs Orange County to follow consistent procedures in its administrative and notification processes. In conjunction with the revision of **Policy FLU8.8.2**—the subject of this requested text amendment—staff has crafted the following language for inclusion in the Comprehensive Plan Amendment application to provide written guidance to prospective applicants. The application, as amended, will continue to be posted on the Comprehensive Planning website to ensure accessibility to potential applicants and the general public.

> **B.2 Future Land Use Amendment Type** – Indicate by checking the appropriate box whether this Future Land Use Map (FLUM) Amendment is Regular Cycle or Small Scale.
>
> Per Sec. 163.3187(1), F.S. and interpretive guidance provided by the Florida Department of Economic Opportunity, Orange County may process certain amendments involving a use of 50 acres or fewer as a small scale development amendment. The following provides guidance for making that decision.
>
> Properties of less than ten gross acres in the aggregate are considered to be Small Scale amendments. Under certain circumstances, the Planning Manager or his/her designee may determine that a property of less than ten acres must be processed as a Regular Cycle amendment. Such circumstances include the potential generation of regional or state interest, the involvement of a Joint Planning Area Agreement amendment, a Developer's Agreement requirement, an expansion of the Urban Service Area, or other complications or concerns.

Properties of ten to 50 gross acres are considered to be Regular Cycle amendments, but may qualify for processing as Small Scale amendments, as the Planning Division—upon consultation with the applicable District Commissioner—determines. Such properties *may* include one or more of the following:

a. Previously-developed properties within the Urban Service Area that are proposed for redevelopment and are in areas targeted for growth based on existing or planned direct access to transit, services, and employment;

b. Properties proposed for the development of a significant number of County-certifiable affordable housing units at locations that score high on the County Access and Opportunity Model or are in areas targeted for growth based on existing or planned direct access to transit, services, and employment;

c. Properties for which the Preservation future land use designation is proposed;

d. Properties proposed for the creation of a vertical mix of uses within buildings in areas targeted for growth based on existing or planned direct access to transit, services, and employment;

e. Properties proposed for projects with clear economic benefits of Countywide significance that are time-sensitive; inside the Urban Service Area; within an area targeted for growth based on existing or planned direct access to transit, services, and employment; and have no other complications or concerns; or

f. Properties that are the subject of County-initiated amendments.

Regular Cycle amendments will include those that are judged by the Planning Manager or his/her designee to have the potential for regional or state interest; involve a Joint Planning Area Agreement, Developer's Agreement, or Urban Service Area expansion; are located in the Rural Service Area or a Rural Settlement; or have other complications or concerns.

Consistent with the effective legislation and the direction provided by DEO, staff proposes the revisions to Policy FLU8.8.2 presented below, which—in addition to establishing the County's intended approach to processing proposed small scale development amendments and providing the Planning Division the authority to assign an application to the appropriate review cycle—makes stylistic and grammatical changes to the current policy. It is staff's position that these revisions meet the purpose and intent of the new legislation. Staff, therefore, recommends the BCC make a finding of **CONSISTENCY** with the Comprehensive Plan and **ADOPT** Amendment 2021-2-C-FLUE-1.

B. Policy Amendments

The following are the policy changes proposed by this amendment. The proposed changes are shown in ***underline***/~~***strikethrough***~~ format. Staff recommends transmittal of the amendment.

FLU8.8.2

A ~~R~~requests for a Future Land Use Map amendments ~~and~~ and/or a text amendments to the Comprehensive Plan shall be considered only upon the submittal of ~~an~~ a completed application ~~meeting~~ satisfying the County's application requirements. Prior to submittal of the application, the applicant ~~Proposed map and text amendments must be reviewed prior to submittal as part of~~ shall participate in a pre-application meeting with the appropriate County staff. ~~Staff shall have the authority to request additional information and documentation related to amendment applications.~~ (Added 6/94, Ord. 94-13, Policy 3.2.23-r, 3.2.23.1-r; Amended 6/14, Ord. 2014-12)

Per Sec. 163.3187(1), F.S., Orange County will continue its practice of processing amendments involving a use of 10 acres or fewer as small scale development amendments, subject to processing any such amendments as regular cycle amendments instead when circumstances warrant, and continue its practice of processing those of larger acreage, including those of up to 50 acres, as regular cycle amendments. However, upon consultation with the applicable District Commissioner, the Planning Division may determine that certain amendments involving a use of greater than 10 acres and no more than 50 acres may be processed instead as small scale development amendments when circumstances warrant. Except for amendments involving a use of greater than 10 acres and no more than 50 acres, the Planning Division shall have the authority to determine the appropriate review cycle for each proposed amendment and shall develop publicly available criteria for making such determinations that is consistent with Sec. 163.3187(1), F.S. For any application, the County staff shall have the authority to request pertinent additional information and/or documentation related to an application during the course of its review. (Added 6/14, Ord. 2014-12)

A. The County shall be entitled to charge a reasonable application fee ~~for Future Land Use Map and text amendments to the Comprehensive Plan~~. An application fee waiver policy shall be adopted by the County, with any such waivers request reviewed and approved by the Board of County Commissioners (BCC) on a case-by-case basis. (Added 6/14, Ord. 2014-12, Policy FLU8.8.2-r)

B. The ~~Orange~~ County staff may deem a submitted application that has not been transmitted to the ~~State Land Planning Agency~~ Department of Economic Opportunity (DEO) withdrawn if it remains inactive for two consecutive cycles. Consistent with Sec. 163.3184~~(3)~~(c)1, F.S., if the County has transmitted the amendment to the ~~Department of Economic Opportunity~~ DEO and the amendment is not adopted within 180 days after the County receives ~~State Land Planning Agency and other review agency~~ comments from the DEO and other reviewing agencies, the application will be considered withdrawn unless extended by agreement with notice to the ~~state land planning agency~~ DEO and any affected person that may have provided comments on the proposed amendment. The 180-day limitation does not apply to an amendments processed pursuant to Sec. 380.06, F.S. (Added 6/14, Ord. 2014-12, Policy FLU8.8.2-r)

Clean Version

FLU8.8.2

A request for a Future Land Use Map amendment and/or a text amendment to the Comprehensive Plan shall be considered only upon the submittal of a completed application satisfying the County's application requirements. Prior to submittal of the application, the applicant shall participate in a pre-

application meeting with the appropriate County staff. (Added 6/94, Ord. 94-13, Policy 3.2.23-r, 3.2.23.1-r; Amended 6/14, Ord. 2014-12)

Per Sec. 163.3187(1), F.S., Orange County will continue its practice of processing amendments involving a use of 10 acres or fewer as small scale development amendments, subject to processing any such amendments as regular cycle amendments instead when circumstances warrant, and continue its practice of processing those of larger acreage, including those of up to 50 acres, as regular cycle amendments. However, upon consultation with the applicable District Commissioner, the Planning Division may determine that certain amendments involving a use of greater than 10 acres and no more than 50 acres may be processed instead as small scale development amendments when circumstances warrant. Except for amendments involving a use of greater than 10 acres and no more than 50 acres, the Planning Division shall have the authority to determine the appropriate review cycle for each proposed amendment and shall develop publicly available criteria for making such determinations that is consistent with Sec. 163.3187(1), F.S. For any application, the County staff shall have the authority to request pertinent additional information and/or documentation related to an application during the course of its review. (Added 6/14, Ord. 2014-12)

A. The County shall be entitled to charge a reasonable application fee. An application fee waiver policy shall be adopted by the County, with any such waiver request reviewed and approved by the Board of County Commissioners (BCC) on a case-by-case basis. (Added 6/14, Ord. 2014-12, PolicyFLU8.8.2-r)

B. The County staff may deem a submitted application that has not been transmitted to the Department of Economic Opportunity (DEO) withdrawn if it remains inactive for two consecutive cycles. Consistent with Sec. 163.3184(3)(c)1, F.S., if the County has transmitted the amendment to the DEO and the amendment is not adopted within 180 days after the County receives comments from the DEO and other reviewing agencies, the application will be considered withdrawn unless extended by agreement with notice to the DEO and any affected person that may have provided comments on the proposed amendment. The 180-day limitation does not apply to an amendment processed pursuant to Sec. 380.06, F.S. (Added 6/14, Ord. 2014-12, Policy FLU8.8.2-r)

Appendix "A"

CHAPTER 2021-206

House Bill No. 487

An act relating to growth management; amending s. 163.3167, F.S.; authorizing landowners with development orders existing before the incorporation of a municipality to elect to abandon such orders and develop the vested density and intensity contained therein under specified conditions; amending s. 163.01, F.S.; providing an exception to a prohibition against legal entities and their members exercising the power of eminent domain over or acquiring title to certain facilities or property; amending s. 163.3187, F.S.; revising the required acreage thresholds for adopting an amendment using a small scale development amendment; providing an effective date.

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

Section 1. Subsection (5) of section 163.3167, Florida Statutes, is amended to read:

163.3167 Scope of act.—

(5) 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. Any landowner with a development order existing before the incorporation of a municipality may elect to abandon the development order and develop the vested density and intensity contained therein pursuant to the municipality's comprehensive plan and land development regulations adopted pursuant to subsection (3) so long as the vested uses, density, and intensity are consistent with the municipality's comprehensive plan and all existing obligations in the development order regarding concurrency remain.

Section 2. Paragraph (g) of subsection (7) of section 163.01, Florida Statutes, is amended to read:

163.01 Florida Interlocal Cooperation Act of 1969.—

(7)

(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

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

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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, unless 10 or more years have elapsed since the date of the acquisition by eminent domain.

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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

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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 for the public health, safety, and welfare 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, whether the property is within or outside the jurisdiction of members of the entity. The exemption provided in this paragraph applies regardless of whether the separate legal entity enters into agreements with private firms or entities to manage, operate, or improve the utilities owned by the separate legal entity. 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.

Section 3. Paragraph (a) of subsection (1) and subsection (3) of section 163.3187, Florida Statutes, are amended to read:

163.3187 Process for adoption of small-scale comprehensive plan amendment.—

(1) A small scale development amendment may be adopted under the following conditions:

(a) The proposed amendment involves a use of 50 ~~10~~ acres or fewer and:

(3) If the small scale development amendment involves a site within a rural area of opportunity as defined under s. 288.0656(2)(d) for the duration of such designation, the acreage ~~10-acre~~ limit listed in subsection (1) shall be increased by 100 percent ~~to 20 acres~~. The local government approving the small scale plan amendment shall certify to the state land planning agency 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.

Section 4. This act shall take effect July 1, 2021.

Approved by the Governor June 29, 2021.

Filed in Office Secretary of State June 29, 2021.