

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: PCS/CS/SB 484 (559290)

INTRODUCER: Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Community Affairs Committee; and Senator Simpson

SUBJECT: Regional Planning Councils

DATE: April 6, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Stearns</u>	<u>Yeatman</u>	<u>CA</u>	<u>Fav/CS</u>
2.	<u>Gusky</u>	<u>Miller</u>	<u>ATD</u>	<u>Recommended: Fav/CS</u>
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 484 designates ten Regional Planning Councils (RPCs) and their borders. The Withlacoochee Regional Planning Council is dissolved and the five counties currently within the boundaries of that council are incorporated into three existing councils. The bill deletes several of the RPCs' statutory duties and requirements because they are already completed, unnecessary or duplicative.

The fiscal impact of the bill is indeterminate.

The bill provides an effective date of July, 1, 2015.

II. Present Situation:

The Florida Legislature passed the Florida Regional Planning Council Act in 1980.¹ The Legislature found that "the problems of growth and development often transcend the boundaries of individual units of local general-purpose government"² and that "there is a need for regional planning agencies to assist local governments to resolve their common problems, engage in area

¹ Sections 186.501-186.513, F.S.

² Section 186.502(a), F.S.

wide comprehensive and functional planning, administer certain federal and state grants-in-aid, and provide a regional focus in regard to multiple programs undertaken on an area wide basis.”³

Today, the state is divided into 11 RPCs, each functioning as an association of that district’s constituent local governments. Two-thirds of the Board of Governors of each RPC is composed of local elected officials, and the remaining third are gubernatorial appointees. Generally, the primary functions of RPCs fall into the following three major categories:⁴

- Economic development/job creation,
- Emergency preparedness planning, training and exercise, and
- Land development and growth related activities.

Economic Development and Job Creation

Section 186.502(5), F.S., provides that RPCs have “a duty to assist local governments with activities designed to promote and facilitate economic development in the geographic area covered by the council.” RPCs carry out this duty in a number of ways. For example, each RPC is a designated Economic Development District by the U.S. Economic Development Administration. As part of this function, they engage in grant writing and administration, which result in economic development and infrastructure funds being awarded to the state that would not otherwise have been received. RPCs administer federal revolving loan funds, including those for Brownfields, many of which result in job creation.⁵ They conduct regional economic impact analysis modeling to help local governments and economic development organizations make decisions regarding incentives for new or expanding economic development projects.

RPCs also play a vital role in implementing the Florida Strategic Plan for Economic Development. In addition to providing the Comprehensive Economic Development Strategies used by the plan, RPCs held public forums at which extensive public input was received.⁶ Several of the councils partnered with other organizations in their respective areas to create “regional prosperity plans,” including the:

- Seven50 plan, created in part by the South Florida Regional Planning Council and the Treasure Coast Regional Planning Council;
- Regional Business Plan for Tampa Bay, created under the leadership of the Tampa Bay Regional Planning Council; and
- Innovate Northeast Florida initiative, created in partnership with the Northeast Florida Regional Planning Council.⁷

Emergency Preparedness Planning, Training and Exercise

Section 186.505(11), F.S., states that RPCs have the duty “[t]o cooperate, in the exercise of [their] planning functions, with federal and state agencies in planning for emergency

³ Section 186.502(b), F.S.

⁴ Memo from Ronald Book, the Executive Director of the Florida Regional Councils Association, on file with the Community Affairs Committee.

⁵ *Id.*

⁶ *Florida Strategic Plan for Economic Development*, Florida Department of Economic Opportunity, available at www.floridajobs.org/Business/FL5yrPlan/FL_5yrEcoPlan.pdf.

⁷ *Id.*

management as defined in s. 252.34.” RPCs fulfill this duty by serving as the state’s Local Emergency Planning Committees.⁸ Regional evacuation studies have historically been conducted by RPCs under contract with the Florida Department of Emergency Management.⁹ These studies provide the data and information necessary for County Emergency Management Departments to develop operational evacuation plans. These efforts, building off regional evacuation studies conducted by the RPCs in 2007 and 2010, were recognized by the American Planning Association in 2012 with its National Planning Excellence Award for Best Practices in Hazard Mitigation and Disaster Planning.¹⁰

In 1988, the state’s 11 RPCs were designated as the Local Emergency Planning Committees required by federal law to implement hazardous materials emergency planning. As part of their duties in this role, the RPCs:

- Engage in public outreach.
- Provide technical assistance to local governments.
- Engage in hazards analysis/planning.
- Conduct training exercises.

Florida is recognized as having the leading hazardous materials planning process in the nation.¹¹

Land Development and Growth Management

Section 186.502(4), F.S., recognizes Florida’s RPCs as the state’s “only multipurpose regional entity that is in a position to plan for and coordinate intergovernmental solutions to growth-related problems on greater-than-local issues, provide technical assistance to local governments, and meet other needs of the communities in each region.” As part of their duties, RPCs are directed to:

- Act in an advisory capacity to the constituent local governments in regional, metropolitan, county, and municipal planning matters.¹²
- Conduct studies of the resources of the region.¹³
- Provide technical assistance to local governments on growth management matters.¹⁴
- Perform a coordinating function among other regional entities relating to preparation and assurance of regular review of the strategic regional policy plan, with the entities to be coordinated determined by the topics addressed in the strategic regional policy plan.¹⁵
- Coordinate land development and transportation policies in a manner that fosters region wide transportation systems.¹⁶

⁸ Memo from Ronald Book.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² Section 186.505(10), F.S.

¹³ Section 186.505(16), F.S.

¹⁴ Section 186.505(20), F.S.

¹⁵ Section 185.505(21), F.S.

¹⁶ Section 186.505(23), F.S.

- Review plans of independent transportation authorities and metropolitan planning organizations to identify inconsistencies between those agencies' plans and applicable local government plans.¹⁷
- Provide consulting services to a private developer or landowner for a project.¹⁸

Section 186.507, F.S., directs RPCs to develop a strategic regional policy plan. The plan is required to “contain regional goals and policies that shall address affordable housing, economic development, emergency preparedness, natural resources of regional significance, and regional transportation” and are required to “identify and address significant regional resources and facilities.”¹⁹

RPCs play a role in the review and analysis of local government comprehensive plans and amendments to such plans,²⁰ as well as proposed developments of regional impact.²¹

III. Effect of Proposed Changes:

Section 1 deletes s. 163.3175(9), F.S., requiring a local government and certain other parties to enter into mediation if the local government does not address the compatibility of lands adjacent to military installations in its future land use plans. All local governments adjacent to military installations have already completed this task.

Section 2 amends s. 163.3246(11), F.S., to delete requirements related to an application for development approval filed by a developer proposing a project that would have been subject to review pursuant to s. 380.06, F.S., if the local government with jurisdiction over the project had not been certified to review such projects pursuant to s. 163.3246, F.S. Current law requires the developer to notify the RPC of submitting such an application to the local government. The RPC is required to coordinate with the developer and the local government to ensure that all concurrency and environmental permit requirements are met. The bill deletes these requirements because certification program participants are few and these provisions have had little effect, according to the Florida Regional Council Association (FRCA).

Section 3 amends s. 163.3248(4), F.S., to remove a statutory reference to regional planning councils related to rural land stewardship areas. The reference is unnecessary because the action it purports to authorize can be performed with or without the reference.

Section 4 amends s. 186.505(22), F.S., to delete the duty of RPCs to establish and conduct a cross-acceptance negotiation process with local governments. According to FRCA, no council has ever been requested to perform this duty.

Section 5 creates s. 186.512, F.S., to designate 10 RPCs and their constituent counties. The Withlacoochee Regional Planning Council is dissolved and the five counties currently within the boundaries of that council are incorporated into three existing councils:

¹⁷ Section 186.505(24), F.S.

¹⁸ Section 186.505(26), F.S.

¹⁹ Section 186.507(1), F.S.

²⁰ Section 163.3184, F.S.

²¹ Section 380.06, F.S.

- Levy and Marion counties – North Central Florida Regional Planning Council;
- Sumter County – East Central Florida Regional Planning Council; and
- Citrus and Hernando counties – Tampa Bay Regional Planning Council.

The section also provides that beginning January 1, 2016, the Governor may review and update the district boundaries of the regional planning councils.

Section 6 amends s. 186.513, F.S., to delete the requirement that RPCs make a joint report and recommendations to the appropriate legislative committees. However, the RPCs must still make individual reports to the state land planning agency.

Section 7 amends s. 253.7828, F.S., to delete the specific mandate that RPCs, among other state agencies, recognize the special character of the Cross Florida Greenways State Recreation and Conservation Area. This mandate is unnecessary, according to the FRCA.

Section 8 amends s. 339.135(4), F.S., to delete language related to the 2014-2015 transportation work program that was set to expire on July 1, 2015.

Section 9 amends s. 339.155(4), F.S., to delete the requirement that RPCs review urbanized area transportation plans and any other planning products stipulated in s. 339.175, F.S., and provide written recommendations. It also deletes the requirement that RPCs directly assist local governments that are not part of a metropolitan area transportation planning process in the development of the transportation element of their comprehensive plans. These duties can be performed without the statutory reference, making it unnecessary.

Section 10 amends s. 380.06(18), F.S., to delete the requirement that an RPC notify a local government if it does not receive a biennial report from a developer related to a development of regional impact.

Section 11 amends s. 403.50663(2) and (3), F.S., to delete the statutory option that an RPC hold an informational public meeting if a local government elects not to do so. The bill amends the statute to state that it is the legislative intent that local governments hold such a meeting, rather than local governments or RPCs hold the meeting.

Section 12 deletes s. 403.507(2)(a)5., F.S., requiring that an RPC prepare a report regarding the impacts of a proposed electrical power plant and its consistency with the strategic regional policy plan. According to the FRCA, the statutory mandate is duplicative and unnecessary.

Section 13 amends s. 403.508(3)(a) and (4)(a), F.S., to delete the requirement that RPCs participate in land use and certification hearings regarding a proposed power plant facility. Several other state agencies remain required to participate.

Section 14 amends s. 403.5115(5), F.S., to delete the requirement that an RPC publish a notice of an informational public hearing. Local governments holding a hearing are still required to publish a notice of the hearing.

Section 15 deletes s. 403.526(2)(a)6., F.S., requiring that RPCs prepare a report on the impacts of a proposed electrical transmission line or corridor and its consistency with the strategic regional policy plan, because the requirement is duplicative and unnecessary.

Section 16 amends s. 403.527(2)(a) and (3)(a), F.S., to delete the requirement that RPCs participate in land use and certification hearings regarding a proposed electrical transmission line or corridor. A number of state agencies remain required to participate.

Section 17 amends s. 403.527(2) and (3), F.S., to delete the option that an RPC hold an informational public meeting if a local government elects not to do so. The bill amends the statute to state that it is the legislative intent that local government holds such a meeting, rather than local governments or RPCs hold the meeting.

Section 18 deletes s. 403.7264(4), F.S., requiring RPCs to assist the Department of Environmental Protection (DEP) in site selection, public awareness and program coordination related to amnesty days for purging small quantities of hazardous wastes. According to FRCA, the DEP has never asked for this assistance and the statutory direction is unnecessary.

Section 19 deletes s. 403.941(2)(a)6., F.S., requiring RPCs to present a report on the impacts of a proposed natural gas transmission pipeline or corridor and the pipeline or corridor's consistency with the strategic regional policy plan because the requirement is duplicative and unnecessary.

Section 20 amends s. 403.941(4)(a) and (6), F.S., to delete the requirement that RPCs participate in a certification hearing regarding siting of natural gas transmission pipeline corridors.

Section 21 amends s. 419.001(6), F.S., to delete statutory authorization for a community residential home and a local government to utilize dispute resolution procedures provided by an RPC. According to FRCA, this provision has never been utilized and a community residential home and a local government could utilize the RPC for dispute resolution regardless of whether this statutory provision exists.

Section 22 amends s. 985.682(4), F.S., to delete statutory authorization for the Department of Juvenile Justice and local governments to utilize dispute resolution procedures provided by an RPC. According to FRCA, this provision has never been utilized and is unnecessary to allow the department to utilize the RPC for dispute resolution services.

Section 23 repeals s. 186.0201, F.S., requiring electric utilities to provide RPCs with advisory reports on their plans for electric utility substation development over the next five years.

Section 24 repeals s. 260.018, F.S., requiring all local governments, state agencies and RPCs to recognize the special character of the state's greenways and trails, because this statute does not appear to be necessary.

Section 26 provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Under PCS/CS.SB 484, deleting duplicative statutory duties assigned to Regional Planning Councils (RPCs) may have a positive, but indeterminate, fiscal impact to the private sector.

C. Government Sector Impact:

Dissolving the Withlacoochee Regional Planning Council and deleting duplicative statutory duties assigned to RPCs may have a positive, but indeterminate, fiscal impact to state and local governments.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 163.3175, 163.3246, 163.3248, 186.505, 186.513, 253.7828, 339.135, 339.155, 380.06, 403.50663, 403.507, 403.508, 403.5115, 403.526, 403.527, 403.5272, 403.7264, 403.941, 403.9411, 419.001, and 985.682.

This bill creates section 186.512 of the Florida Statutes.

This bill repeals the following sections of the Florida Statutes: 186.0201 and 260.018,

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS/CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on April 2, 2015:

The committee substitute:

- Restores the Governor’s power to make future changes to the boundaries of the RPCs and provides that beginning January 1, 2016, the Governor may review and update the district boundaries of the RPCs.
- Removes the appropriation provided to the RPCs for Fiscal Year 2015-2016 from the bill.

CS by Community Affairs on March 10, 2015:

- Removes the Governor’s power to make the boundaries of the RPCs and gives that power to the Legislature. Gives the Governor the power to make recommendations to the Legislature regarding their boundaries.
- Designates 10 RPCs and their borders.
- Deletes several unnecessary or duplicative statutory duties of RPCs.
- Appropriates \$2.5 million in nonrecurring funds from the General Revenue Fund to RPCs for the completion of certain critical duties.

- B. **Amendments:**

None.