

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 Committee on Community Affairs

BILL: SB 484

INTRODUCER: Senator Simpson

SUBJECT: Regional Planning Councils

DATE: March 9, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stearns	Yeatman	CA	Pre-meeting
2.			ATD	
3.			AP	

I. Summary:

SB 484 eliminates the 11 Regional Planning Councils (RPCs) and reassigns their duties, where appropriate, to other state agencies or subdivisions. RPCs do not preempt local government land use authority and have no regulatory powers. Specifically, the development of regional impact program is assigned to the Department of Economic Opportunity and the bill deletes the strategic regional policy plan. RPCs will no longer review and comment on local government comprehensive plan amendments. Hurricane shelter deficits will be measured by the county rather than by regional planning council region.

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 areawide 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 areawide 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

¹ Sections 186.501-186.513, F.S.

² Section 186.502(a), F.S.

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.

- 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 implementation of 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; the Regional Business Plan for Tampa Bay, created under the leadership of the Tampa Bay Regional Planning Council; and the 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 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

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.*

⁸ Memo from Ronald Book.

⁹ *Id.*

¹⁰ *Id.*

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 regionwide transportation systems.¹⁶
- 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

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.

¹⁷ Section 186.505(24), F.S.

¹⁸ Section 186.505(26), F.S.

¹⁹ Section 186.507(1), F.S.

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 amends s. 163.3175(9), F.S., to require the state land planning agency to identify parties that may enter into mediation relating to the compatibility of developments with military installations. Deletes the condition that the mediation be conducted pursuant to s. 186.509, F.S.

Section 2 amends s. 186.0201, F.S., to require electric utilities to notify the county of its current plans to site electric substations.

Section 3 repeals the Florida Regional Planning Council Act, embodied in ss. 186.501, 186.502, 186.503, 186.504, 186.505, 186.506, 186.507, 186.508, 186.509, 186.511, and 186.513, F.S.

Section 4 amends s. 186.515, F.S., to authorize local governments to enter into agreements to create regional planning entities.

Section 5 amends s. 215.559(1)(b), F.S., to require the Division of Emergency Management to give priority funding to projects in counties that have shelter deficits rather than regional planning council regions.

Section 6 amends s. 252.385(2)(b) and (3), F.S., to revise the requirements for the statewide emergency shelter plan to include the general location and square footage of special needs shelters by county rather than by regional planning council region. This section also requires that state funds be maximized and targeted to counties with hurricane evacuation shelter deficits rather than regional planning council regions.

Section 7 amends s. 369.307(3), F.S., to require the St. Johns River Water Management District to adopt policies to protect the Wekiva River protection Area.

Section 8 amends s. 369.324(1) and (4), F.S., to require the St. Johns River Water Management District to provide staff support to the Wekiva River Basin Commission. This section also requires that the district serve as a clearinghouse of baseline or specialized studies.

Section 9 amends s. 380.05(3), (4), (7), (8), and (12), F.S., to authorize local governments to recommend to the state land planning agency areas of critical state concern.

Section 10 amends s. 380.06, F.S., to require developers filing an application for development approval to arrange a preapplication conference with the state land planning agency. This section also requires the state land planning agency to provide the developer with information about the development-of-regional-impact process; develop by rule certain procedures; review applications for sufficiency; and prepare and submit reports on the regional impact of a proposed

²⁰ Section 163.3184, F.S.

²¹ Section 380.06, F.S.

development. This section also authorizes the state land planning agency to assess and collect fees of conducting the review process.

Section 11 amends s. 380.061(3)(a) and (5), F.S., to require the state land planning agency to review requests for conversions from a proposed project under the Florida Quality Projects program to a proposed development of regional impact.

Section 12 amends s. 380.065(1) and (5), F.S., to require the state land planning agency to review developments of regional impact upon revocation of certification.

Section 13 amends s. 403.7225(3) and (6), F.S., to require counties to make arrangements with the Department of Environmental Protection to perform the local hazardous waste management assessment program under certain circumstances.

Section 14 amends s. 403.723(2), F.S., to require the Department of Environmental Protection to designate sites at which regional hazardous waste storage or treatment facilities could be constructed.

Section 15 amends s. 1013.372(1) and (2), F.S., providing that if a county does not have a hurricane evacuation shelter deficit, educational facilities within the county are not required to incorporate the public shelter criteria. This section also requires the Division of Emergency Management to identify the general location and square footage of existing shelters by county rather than by regional planning council region.

Section 16 amends s. 1013.74(4), F.S., to require university campus buildings in certain counties rather than regional planning council regions to be constructed in accordance with hurricane evacuation public shelter standards.

Section 17 amends s. 68.082(1)(f), F.S., to conform to the elimination of RPCs.

Section 18 amends s. 120.52(1)(a), F.S., to conform to the elimination of RPCs.

Section 19 amends s. 120.65(9), F.S., to conform to the elimination of RPCs.

Section 20 amends s. 163.3177(6)(h), F.S., to conform to the elimination of RPCs by reassigning their duties, where appropriate, to other state agencies or subdivisions.

Section 21 amends s. 163.3178(5), F.S., to delete the requirement that a dispute resolution process conform to the requirements of s. 186.509, F.S.

Section 22 amends s. 163.31.84(1)(c) and (3)(b), F.S., to conform to the elimination of RPCs.

Section 23 amends s. 163.3245(2), F.S., to conform to the elimination of RPCs by reassigning their duties, where appropriate, to other state agencies or subdivisions.

Section 24 amends s. 163.3246(11), F.S., to conform to the elimination of RPCs by reassigning their duties, where appropriate, to other state agencies or subdivisions.

- Section 25** amends s. 163.3248(4), F.S., to conform to the elimination of RPCs.
- Section 26** amends s. 163.568(2)(i), F.S., to conform to the elimination of RPCs.
- Section 27** amends s. 164.1031(2), F.S., to conform to the elimination of RPCs.
- Section 28** amends s. 186.006(7), F.S., to conform to the elimination of RPCs.
- Section 29** amends s. 186.007(7) and (8), F.S., to conform to the elimination of RPCs.
- Section 30** amends s. 186.008(1), F.S., to conform to the elimination of RPCs.
- Section 31** amends s. 186.803, F.S., to conform to the elimination of RPCs.
- Section 32** amends s. 187.201(20)(b), F.S., to conform to the elimination of RPCs.
- Section 33** amends s. 218.32(1)(c) and (2), F.S., to conform to the elimination of RPCs.
- Section 34** amends s. 253.7828, F.S., to conform to the elimination of RPCs.
- Section 35** amends s. 258.501(7)(a), F.S., to conform to the elimination of RPCs.
- Section 36** amends s. 260.0142(1) and (3), F.S., to conform to the elimination of RPCs.
- Section 37** amends s. 260.018, F.S., to conform to the elimination of RPCs.
- Section 38** amends s. 288.0656(6)(a), F.S., to conform to the elimination of RPCs.
- Section 39** amends s. 288.975(2), (4)(c), (8), and (9), F.S., to conform to the elimination of RPCs.
- Section 40** amends s. 320.08058(26)(b), F.S., to conform to the elimination of RPCs.
- Section 41** amends s. 335.188(3)(b), F.S. to conform to the elimination of RPCs.
- Section 42** amends s. 339.155(4), F.S., to conform to the elimination of RPCs.
- Section 43** amends s. 339.175(6)(g), F.S., to conform to the elimination of RPCs.
- Section 44** amends s. 399.285(6), F.S., to conform to the elimination of RPCs.
- Section 45** amends s. 339.63(3) and (4), F.S., to conform to the elimination of RPCs.
- Section 46** amends s. 339.64(1)(a) and (3), F.S., to conform to the elimination of RPCs.
- Section 47** amends s. 341.041(1), F.S., to conform to the elimination of RPCs.

- Section 48** amends s. 343.1004(1)(b), F.S., to conform to the elimination of RPCs.
- Section 49** amends s. 343.1006, F.S., to conform to the elimination of RPCs.
- Section 50** amends s. 343.1010, F.S., to conform to the elimination of RPCs.
- Section 51** amends s. 343.54(3)(m), F.S., to conform to the elimination of RPCs.
- Section 52** amends s. 373.309(1)(e), F.S., to conform to the elimination of RPCs.
- Section 53** amends s. 373.415(1) and (2), F.S., to conform to the elimination of RPCs.
- Section 54** amends s. 377.703(2)(k), F.S., to conform to the elimination of RPCs.
- Section 55** amends s. 378.411(3), F.S., to conform to the elimination of RPCs.
- Section 56** amends s. 380.045(2), F.S., to conform to the elimination of RPCs.
- Section 57** amends s. 380.055(3), F.S., to conform to the elimination of RPCs.
- Section 58** amends s. 380.07(2), F.S., to conform to the elimination of RPCs.
- Section 59** amends s. 380.507(3), F.S., to conform to the elimination of RPCs.
- Section 60** amends s. 403.0752(6), F.S., to conform to the elimination of RPCs.
- Section 61** amends s. 403.50663, F.S., to conform to the elimination of RPCs.
- Section 62** amends s. 403.507(2)(a), F.S., to conform to the elimination of RPCs.
- Section 63** amends s. 403.508(3)(a) and (4)(a), F.S., to conform to the elimination of RPCs.
- Section 64** amends s. 403.5115(5), (6)(a), and (7)(a), F.S., to conform to the elimination of RPCs.
- Section 65** amends s. 403.518(2)(c), F.S., to conform to the elimination of RPCs.
- Section 66** amends s. 403.526(2)(a), F.S., to conform to the elimination of RPCs.
- Section 67** amends s. 403.527(2)(a) and (3)(a), F.S., to conform to the elimination of RPCs.
- Section 68** amends s. 403.5272, F.S., to conform to the elimination of RPCs.
- Section 69** amends s. 403.5363(4), (5)(a), and (6)(a), F.S., to conform to the elimination of RPCs.

- Section 70** amends s. 403.5365(1)(d), F.S., to conform to the elimination of RPCs.
- Section 71** amends s. 403.537(1)(a) and (d), F.S., to conform to the elimination of RPCs.
- Section 72** amends s. 403.704(17), F.S., to conform to the elimination of RPCs.
- Section 73** amends s. 403.7226(1), F.S., to conform to the elimination of RPCs.
- Section 74** amends s. 403.941(2)(a), F.S., to conform to the elimination of RPCs.
- Section 75** amends s. 403.9411(4)(a) and (6), F.S., to conform to the elimination of RPCs.
- Section 76** amends s. 403.9422(1)(a), F.S., to conform to the elimination of RPCs.
- Section 77** amends s. 403.973(4), F.S., to conform to the elimination of RPCs.
- Section 78** amends s. 408.033(1)(b) and (d), F.S., to conform to the elimination of RPCs.
- Section 79** amends s. 419.001(6), F.S., to conform to the elimination of RPCs.
- Section 80** amends s. 420.609(1), F.S., to conform to the elimination of RPCs.
- Section 81** amends s. 427.012(8), F.S., to conform to the elimination of RPCs.
- Section 82** amends s. 501.171(1)(f), F.S., to conform to the elimination of RPCs.
- Section 83** amends s. 985.682(4), F.S., to conform to the elimination of RPCs by reassigning their duties, where appropriate, to other state agencies or subdivisions.
- Section 84** amends s. 1013.30(6), F.S., to conform to the elimination of RPCs.
- Section 85** repeals s. 163.3164(40), F.S.
- Section 86** repeals s. 186.003(5), F.S.
- Section 87** repeals s. 343.1003(11)(c), F.S.
- Section 88** repeals s. 369.303(1), F.S.
- Section 89** repeals s. 380.031(15), F.S.
- Section 90** repeals s. 403.503(26), F.S.
- Section 91** repeals s. 403.522(21), F.S.
- Section 92** repeals s. 403.7264(4), F.S.

Section 93 repeals s. 403.9403(22), F.S.

Section 94 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:

None.

C. Government Sector Impact:

The bill transfers requirements for analyzing developments of regional impact from RPCs to the DEO. According to the agency analysis, the department would need at least an additional 15 full-time equivalent positions and some OPS personnel at an approximate cost of \$1.5 million to handle these new duties. There may be additional costs borne by the department related to transference and storage of data from the RPCs.

Under current law, a certain amount of emergency evacuation shelters are required to be constructed in each RPC region. The bill changes the relevant area from the region to the county. School construction costs may rise in counties that have an emergency shelter deficit until the deficit is erased.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 163.3175, 186.0201, 186.501, 186.502, 186.503, 186.504, 186.505, 186.506, 186.507, 186.508, 186.509, 186.511, 186.513, 186.515, 215.559, 252.385, 369.307, 369.324, 380.05, 380.06, 380.061, 380.065, 403.7225, 403.723, 1013.372, 1013.74, 68.082, 120.52, 120.65, 163.3177, 163.3178, 163.3184, 163.3245, 163.3246, 163.3248, 163.568, 164.1031, 186.006, 186.007, 186.008, 186.803, 187.201, 218.32, 253.7828, 258.501, 260.0142, 260.018, 288.0656, 288.975, 320.08058, 335.188, 339.155, 339.175, 339.285, 339.63, 339.64, 341.041, 343.1004, 343.1006, 343.1010, 343.54, 373.309, 373.415, 377.703, 378.411, 380.045, 380.055, 380.07, 380.507, 403.0752, 403.50663, 403.507, 403.508, 403.5115, 403.518, 403.526, 403.527, 403.5272, 403.5363, 403.5365, 403.537, 403.704, 403.7226, 403.941, 403.9411, 403.9422, 403.973, 408.033, 419.001, 420.609, 427.012, 501.171, 985.682, 1013.30, 163.3164, 186.003, 343.1003, 369.303, 380.031, 403.503, 403.522, 403.7264, and 403.9403

IX. Additional Information:

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

None.

- B. **Amendments:**

None.