

Transportation & Economic Development Appropriations Subcommittee

Meeting Packet

**April 7, 2015
8:45 a.m. – 10:00 a.m.
Reed Hall**



The Florida House of Representatives

Appropriations Committee

Transportation & Economic Development Appropriations Subcommittee

Steve Crisafulli
Speaker

Clay Ingram
Chair


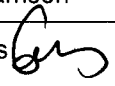
April 7, 2015

AGENDA
8:45 AM – 10:00 AM
Reed Hall

- I. Call to Order/Roll Call**
- II. Consideration of Bills**
 - HB 109 Federal Write-In Absentee Ballot by Broxson
 - CS/CS/HB 231 Transportation by Criminal Justice Subcommittee, Highway & Waterway Safety Subcommittee, Passidomo, Fitzenhagen
 - CS/HB 933 Growth Management by Economic Development & Tourism Subcommittee, La Rosa
- III. Closing Remarks/Adjourn**

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 109 Federal Write-In Absentee Ballot
SPONSOR(S): Broxson and others
TIED BILLS: IDEN./SIM. **BILLS:** SB 184

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Government Operations Subcommittee	11 Y, 0 N	Toliver	Williamson
2) Transportation & Economic Development Appropriations Subcommittee		Cobb 	Davis 
3) State Affairs Committee			

SUMMARY ANALYSIS

Absent uniformed services voters and overseas voters may vote via three different types of ballots: state absentee ballots, state write-in absentee ballots, or federal write-in absentee ballots.

Federal write-in absentee ballots (FWABs) are available to absent uniformed services voters and overseas voters who apply for, but do not receive, a state absentee ballot. FWABs can be used to vote in any general election for federal office, and in state or local elections involving two or more candidates. Approximately 2,268 voters used FWABs in Florida in the 2012 general election, which was approximately 2.6 percent of the total absentee ballots cast by uniformed services and overseas voters.

The bill expands the permitted uses of FWABs to include uncontested races, merit retention races, and ballot measures. Additionally, the bill delays the canvassing of FWABs to 10 days after the presidential preference primary or general election.

The bill does not appear to have a fiscal impact on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Federal Write-in Absentee Ballots

The federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) requires each state to permit absent uniformed services and overseas voters who apply for, but do not receive, a state absentee ballot to use a federal write-in absentee ballot (FWAB) to vote in any general election for federal office.¹ Florida law expands the use of a FWAB to include state or local elections involving two or more candidates.² Therefore, FWABs are not permitted for an uncontested race, a merit retention race (in which there is only one candidate), or a ballot measure (in which there are no candidates).³

Absent uniformed services and overseas voters may obtain a FWAB through the Federal Voting Assistance Program (FVAP).⁴ The FVAP provides assistance for absent uniformed services and overseas voters. The FVAP's website provides a step-by-step guide for voters to either request an absentee ballot or fill out a FWAB. The website includes information regarding how and where to mail the FWAB once completed.

In an election for federal office, the voter completes the FWAB by writing the name of the candidate in boxes designated for President/Vice President, U.S. Senator, and U.S. Representative. In an election for state or local office, the voter completes the section designated as "addendum" for non-federal races by writing the title of each office and the name of the candidate for whom the voter is voting.⁵

Except for primary, special primary, or nonpartisan elections, the voter may write the name of a political party as opposed to the name of the candidate. In federal, state, and local elections, a voter's designation of a political party must be counted as a vote for the candidate of that party if there is a party candidate in the race.⁶

For races with joint candidacy, such as President/Vice President or Governor/Lieutenant Governor, a vote for one or both candidates on the same ticket constitutes a vote for the joint candidacy.⁷ If a candidate in the election is affiliated with a political party whose name includes the word "Independent," "Independence," or a similar term, a voter's designation on the FWAB of "No Party Affiliation" or "Independent," or any other minor variation, misspelling, or abbreviation thereof is considered a designation for the candidate, except for a write-in candidate who qualified to run with no party affiliation. If more than one candidate qualifies with no party affiliation, the voter's designation does not count for any candidate unless there is a valid, additional designation of the candidate's name.⁸

In determining the validity of a FWAB, any abbreviation, misspelling, or other minor variation in the form of the name of an office, the name of a candidate, or the name of a political party must be disregarded.⁹

An absent uniformed services or overseas voter who submits a FWAB and later receives an official absentee ballot may still submit the official absentee ballot. A voter in this situation should make every

¹ 52 U.S.C. § 20302 (2014).

² FLA. STAT. § 101.6952(2) (2014).

³ The FWAB permits the use of ballot measures, but Florida law currently precludes the use of a FWAB to vote on a ballot measure.

⁴ Federal Voting Assistance Program, available at: <http://www.fvap.gov/> (last viewed January 27, 2015).

⁵ FLA. STAT. § 101.6952(2)(b) (2014).

⁶ *Id.*

⁷ FLA. STAT. § 101.6952(2)(c) (2014).

⁸ FLA. STAT. § 101.6952(2)(d) (2014).

⁹ FLA. STAT. § 101.6952(2)(e) (2014).

reasonable effort to inform the local supervisor of elections that he or she has submitted more than one ballot.¹⁰ If both an official absentee ballot and a FWAB are received by 7 p.m. on election day, the FWAB is invalid and the official absentee ballot is canvassed.¹¹

Absent voters must mail FWABs to the supervisor of elections of the county where they reside. FWABs may not be canvassed before 7 p.m. on the day of the election.¹² FWABs not received by 7 p.m. on the day of the election will not be counted.¹³

FWABs must be submitted and processed in the same manner provided by law for state absentee ballots for the state in which the voter is voting. A FWAB is not valid if the voter is an overseas voter (*not* an absent uniformed services voter) who submits the ballot from any location within the United States. A FWAB is not counted if the application for an absentee ballot is received by the state election official after a certain deadline.¹⁴ An application for an absentee ballot must be timely received in order for a FWAB to count.¹⁵

Approximately 2,268 voters submitted FWABs in Florida in the 2012 general election, which is approximately 2.6 percent of the total absentee ballots cast by uniformed services and overseas voters.¹⁶

State Absentee Ballots

The UOCAVA requires each state to permit absent uniformed services voters and overseas voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for federal office.¹⁷ Florida law also permits the use of state absentee ballots for all state and local elections involving two or more candidates.¹⁸ Any voter may obtain an absentee ballot by submitting a request to his or her supervisor of elections in person, by phone, or in writing (online or by mail, fax, or e-mail).¹⁹ Absent uniformed services and overseas voters may receive their state absentee ballots by forwardable mail, e-mail, or fax machine transmission.²⁰ The voter may designate in the absentee ballot request the preferred method of transmission.²¹ The ballot must be delivered by mail if the voter does not designate the method of transmission.²²

State absentee ballots for uniformed services and overseas voters may only be returned by mail, by fax, in person, or through someone else on behalf of the voter.²³ To be accepted and counted, the ballots must be received by the supervisor of elections by 7 p.m. on election day.²⁴ For state absentee ballots returned by absent uniformed services and overseas voters in a presidential preference primary or general election, the ballot is counted if it is postmarked or dated no later than the date of the election, and it is received by the supervisor of elections no later than 10 days after the date of the election.²⁵

¹⁰ FLA. STAT. § 101.6952(3)(a) (2014); 52 U.S.C. § 20303(b) (2014).

¹¹ FLA. STAT. § 101.6952(3)(b) (2014).

¹² *Id.*

¹³ *Id.*

¹⁴ 52 U.S.C. § 20303(b)(2) (2014). The deadline is the later of the state's deadline or 30 days before the general election.

¹⁵ 52 U.S.C. § 20303(a)(1) (2014).

¹⁶ U.S. Election Assistance Commission, *2012 Uniformed and Overseas Citizens Absentee Voting Act Report*, July 2013, available at: http://www.eac.gov/research/uocava_studies.aspx (last viewed January 27, 2015).

¹⁷ 52 U.S.C. § 20302(a)(1) (2014).

¹⁸ FLA. STAT. § 101.6952(2)(a) (2014).

¹⁹ FLA. STAT. § 101.62(1)(a)-(b) (2014).

²⁰ FLA. STAT. § 101.62(4)(c)(2) (2014).

²¹ *Id.*

²² *Id.*

²³ FLA. ADMIN. CODE R. 1S-2.030(4) (2014).

²⁴ FLA. STAT. § 101.67(2) (2014).

²⁵ FLA. STAT. § 101.6952(5) (2014).

As of 2014, more than 450,000 U.S. Department of Defense employees are stationed overseas.²⁶ Approximately 57,285 uniformed services voters used state absentee ballots in Florida in the 2012 general election.²⁷

State Write-in Absentee Ballots

An overseas voter also may request, no earlier than 180 days before a general election, a state write-in absentee ballot (SWAB) from his or her supervisor of elections. The voter must state that due to military duty or “other contingencies” that preclude normal delivery, the voter cannot vote a state absentee ballot during the normal absentee voting period. SWABs must be made available to voters 90 to 180 days prior to a general election.²⁸ The SWAB must contain all offices (federal, state, and local) for which the voter would otherwise be entitled to vote.²⁹ On the SWAB, the voter may indicate the name of the candidate or a political party, in which case the ballot is counted for the candidate of that political party, if there is a party candidate on the ballot.³⁰ Any abbreviation, misspelling, or other minor variation in the form of a candidate or a political party must be disregarded in determining the validity of the ballot if there is a clear indication on the ballot that the voter has made a definite choice.³¹ For the retention of justices of the Supreme Court and judges of a district court of appeal, the supervisor must print the names of the incumbent justices and judges scheduled to be on the ballot for retention in the election on the SWAB.³²

Department of State Rulemaking Authority

The Department of State (DOS) generally is authorized to adopt rules to obtain and maintain uniformity in the interpretation and implementation of the election laws.³³ Section 102.166(4)(b), F.S., requires DOS to adopt rules for FWABs and specifies the minimum issues the rules must address. DOS has adopted a rule providing the standards for determining a voter’s choice on a FWAB.³⁴

Effect of Proposed Changes

The bill expands the permitted uses of FWABs to include uncontested races, merit retention races,³⁵ and ballot measures.

For uncontested races, a voter indicates the uncontested race in the first blank of the FWAB. In the second blank, the voter indicates the candidate’s name or political party.

For ballot measures, a voter indicates in the first blank the ballot measure and, in the second blank, indicates a yes or no vote. The bill requires that any abbreviation, misspelling, or other minor variation in the form of the ballot measure be disregarded in determining the validity of the ballot. The bill does not explicitly specify what methods a voter can use to indicate which ballot measure he or she intends to vote (i.e., “Ballot Measure 1,” “Tax Measure,” etc.).

A vote cast in a judicial merit retention election is treated in the same manner as a vote cast for a ballot measure. In the second blank of the FWAB, the voter may only indicate “yes” or “no.” The bill does not explicitly specify what methods a voter would use to indicate which judicial officer he or she intends to vote for or against (i.e., “Florida Supreme Court Justice,” “John Smith,” “Supreme Court Justice/John Smith,” etc.). It appears that DOS has sufficient rulemaking authority to address these issues.

²⁶ U.S. Dept. of Defense website, available at: <http://www.defense.gov/about/> (last viewed January 27, 2015).

²⁷ U.S. Election Assistance Commission, *2012 Uniformed and Overseas Citizens Absentee Voting Act Report*, July 2013, available at: http://www.eac.gov/research/uocava_studies.aspx (last viewed January 28, 2015).

²⁸ FLA. STAT. § 101.6951(1) (2014). The SWAB form is established by FLA. ADMIN. CODE R. 1S-2.028 (2003).

²⁹ FLA. STAT. § 101.6951(4) (2014).

³⁰ FLA. STAT. § 101.6951(2) (2014).

³¹ FLA. STAT. § 101.6951(3) (2014).

³² FLA. ADMIN. CODE R. 1S-2.028 (2003).

³³ FLA. STAT. § 97.012(1) (2014).

³⁴ See FLA. ADMIN. CODE R. 1S-2.051 (2013).

³⁵ See FLA. CONST. art. V, § 10.

The bill requires that a FWAB from an overseas voter for use in a presidential preference primary or a general election cannot be canvassed until 10 days after the election. The bill specifies that if an official state absentee ballot is received before 10 days after the election, then the FWAB will be invalid and the state absentee ballot will be counted in its stead.

The bill expands DOS's required rulemaking regarding the FWAB to include changes made by the bill.

The bill makes various editorial changes.

B. SECTION DIRECTORY:

Section 1: amends s. 101.6952, F.S., relating to absentee ballots for absent uniformed services voters and overseas voters.

Section 2: amends s. 102.166, F.S., revising minimum requirements for DOS rules.

Section 3: provides an effective date of July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill is exempt from the mandate requirements because it is amending the elections laws.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill expands existing rulemaking to include changes made by the bill. Specifically, it directs DOS to include "ballot measures" within its rules concerning the interpretation of a voter's choice on a FWAB.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to the federal write-in absentee
 3 ballot; amending s. 101.6952, F.S.; authorizing absent
 4 uniformed services voters and overseas voters to use
 5 the federal write-in absentee ballot in any state or
 6 local election; authorizing an elector to vote on any
 7 ballot measure in an election using the federal write-
 8 in absentee ballot under certain circumstances;
 9 specifying that a vote cast in a judicial merit
 10 retention election is treated in the same manner as a
 11 vote on certain ballot measures; allowing for
 12 abbreviations, misspellings, and other minor
 13 variations in the name of a ballot measure;
 14 prohibiting the supervisor of elections from
 15 canvassing federal write-in absentee ballots from
 16 overseas voters in certain elections until a specified
 17 period after the date of the election; making
 18 technical changes; amending s. 102.166, F.S.; revising
 19 minimum requirements for Department of State rules
 20 used to determine what constitutes a valid vote on a
 21 federal write-in absentee ballot; providing an
 22 effective date.

23
 24 Be It Enacted by the Legislature of the State of Florida:

25
 26 Section 1. Subsection (2), paragraph (b) of subsection

27 (3), and subsection (5) of section 101.6952, Florida Statutes,
 28 is amended to read:

29 101.6952 Absentee ballots for absent uniformed services
 30 and overseas voters.—

31 (2)(a) An absent uniformed services voter or an overseas
 32 voter who makes timely application for but does not receive an
 33 official absentee ballot may use the federal write-in absentee
 34 ballot to vote in any federal, election ~~and any state,~~ or local
 35 election ~~involving two or more candidates.~~

36 (b)1. In an election for federal office, an elector may
 37 designate a candidate by writing the name of a candidate on the
 38 ballot. Except for a primary or special primary election, the
 39 elector may alternatively designate a candidate by writing the
 40 name of a political party on the ballot. A written designation
 41 of the political party shall be counted as a vote for the
 42 candidate of that party if there is such a party candidate in
 43 the race.

44 2. In ~~an election for~~ a state or local election ~~office,~~ an
 45 elector may vote in the section of the federal write-in absentee
 46 ballot designated for nonfederal races by writing on the ballot
 47 the title of each office and by writing on the ballot the name
 48 of the candidate for whom the elector is voting. Except for a
 49 primary, special primary, or nonpartisan election, the elector
 50 may alternatively designate a candidate by writing the name of a
 51 political party on the ballot. A written designation of the
 52 political party shall be counted as a vote for the candidate of

53 that party if there is such a party candidate in the race. In
 54 addition, the elector may vote on any ballot measure presented
 55 in such election by identifying the ballot measure on which he
 56 or she desires to vote and specifying his or her vote on the
 57 measure. For purposes of this section, a vote cast in a judicial
 58 merit retention election shall be treated in the same manner as
 59 a ballot measure in which the only allowable responses are "Yes"
 60 or "No."

61 (c) In the case of a joint candidacy, such as for the
 62 offices of President/Vice President or Governor/Lieutenant
 63 Governor, a valid vote for one or both qualified candidates on
 64 the same ticket shall constitute a vote for the joint candidacy.

65 (d) For purposes of this subsection and except when ~~where~~
 66 the context clearly indicates otherwise, such as when ~~where~~ a
 67 candidate in the election is affiliated with a political party
 68 whose name includes the word "Independent," "Independence," or a
 69 similar term, a voter designation of "No Party Affiliation" or
 70 "Independent," or any minor variation, misspelling, or
 71 abbreviation thereof, shall be considered a designation for the
 72 candidate, other than a write-in candidate, who qualified to run
 73 in the race with no party affiliation. If more than one
 74 candidate qualifies to run as a candidate with no party
 75 affiliation, the designation may ~~shall~~ not count for any
 76 candidate unless there is a valid, additional designation of the
 77 candidate's name.

78 (e) Any abbreviation, misspelling, or other minor

79 | variation in the form of the name of an office, the name of a
 80 | candidate, the ballot measure, or the name of a political party
 81 | must be disregarded in determining the validity of the ballot.

82 | (3)

83 | (b) A federal write-in absentee ballot may not be
 84 | canvassed until 7 p.m. on the day of the election. A federal
 85 | write-in absentee ballot from an overseas voter in a
 86 | presidential preference primary or general election may not be
 87 | canvassed until the conclusion of the 10-day period specified in
 88 | subsection (5). Each federal write-in absentee ballot received
 89 | by 7 p.m. on the day of the election shall be canvassed pursuant
 90 | to ss. 101.5614(5) and 101.68, unless the elector's official
 91 | absentee ballot is received by 7 p.m. on election day. Each
 92 | federal write-in absentee ballot from an overseas voter in a
 93 | presidential preference primary or general election received by
 94 | 10 days after the date of the election shall be canvassed
 95 | pursuant to ss. 101.5614(5) and 101.68, unless the overseas
 96 | voter's official absentee ballot is received by 10 days after
 97 | the date of the election. If the elector's official absentee
 98 | ballot is received by 7 p.m. on election day, or, for an
 99 | overseas voter in a presidential preference primary or general
 100 | election, no later than 10 days after the date of the election,
 101 | the federal write-in absentee ballot is invalid and the official
 102 | absentee ballot shall be canvassed. The time shall be regulated
 103 | by the customary time in standard use in the county seat of the
 104 | locality.

105 (5) An absentee ballot from an overseas voter in any
 106 presidential preference primary or general election which is
 107 postmarked or dated no later than the date of the election and
 108 is received by the supervisor of elections of the county in
 109 which the overseas voter is registered no later than 10 days
 110 after the date of the election shall be counted as long as the
 111 absentee ballot is otherwise proper.

112 Section 2. Subsection (4) of section 102.166, Florida
 113 Statutes, is amended to read:

114 102.166 Manual recounts of overvotes and undervotes.—

115 (4)(a) A vote for a candidate or ballot measure shall be
 116 counted if there is a clear indication on the ballot that the
 117 voter has made a definite choice.

118 (b) The Department of State shall adopt specific rules for
 119 the federal write-in absentee ballot and for each certified
 120 voting system prescribing what constitutes a "clear indication
 121 on the ballot that the voter has made a definite choice." The
 122 rules shall be consistent, to the extent practicable, and may
 123 not:

124 1. Exclusively provide that the voter must properly mark
 125 or designate his or her choice on the ballot; or

126 2. Contain a catch-all provision that fails to identify
 127 specific standards, such as "any other mark or indication
 128 clearly indicating that the voter has made a definite choice."

129 (c) The rule for the federal write-in absentee ballot must
 130 address, at a minimum, the following issues:

131 1. The appropriate lines or spaces for designating a
 132 candidate choice and, for state and local races, the office or
 133 ballot measure to be voted, including the proximity of each to
 134 the other and the effect of intervening blank lines.

135 2. The sufficiency of designating a candidate's first or
 136 last name when no other candidate in the race has the same or a
 137 similar name.

138 3. The sufficiency of designating a candidate's first or
 139 last name when an opposing candidate has the same or a similar
 140 name, notwithstanding generational suffixes and titles such as
 141 "Jr.," "Sr.," or "III." The rule should contemplate the
 142 sufficiency of additional first names and first initials, middle
 143 names and middle initials, generational suffixes and titles,
 144 nicknames, and, in general elections, the name or abbreviation
 145 of a political party.

146 4. Candidate designations containing both a qualified
 147 candidate's name and a political party, including those in which
 148 ~~where~~ the party designated is the candidate's party, is not the
 149 candidate's party, has an opposing candidate in the race, or
 150 does not have an opposing candidate in the race.

151 5. Situations where the abbreviation or name of a
 152 candidate is the same as the abbreviation or name of a political
 153 party to which the candidate does not belong, including those in
 154 which ~~where~~ the party designated has another candidate in the
 155 race or does not have a candidate in the race.

156 6. The use of marks, symbols, or language, such as arrows,

157 quotation marks, or the word "same" or "ditto," to indicate that
 158 the same political party designation applies to all listed
 159 offices or the elector's approval or disapproval of all listed
 160 ballot measures.

161 7. Situations in which ~~where~~ an elector designates the
 162 name of a qualified candidate for an incorrect office.

163 8. Situations in which ~~where~~ an elector designates an
 164 otherwise correct office name that includes an incorrect
 165 district number.

166 Section 3. This act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 231 Transportation

SPONSOR(S): Criminal Justice Subcommittee; Highway & Waterway Safety Subcommittee; Passidomo; Fitzenhagen and others

TIED BILLS: None **IDEN./SIM. BILLS:** SB 908

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee	8 Y, 4 N, As CS	Whittaker	Smith
2) Criminal Justice Subcommittee	12 Y, 0 N, As CS	Cunningham	Cunningham
3) Transportation & Economic Development Appropriations Subcommittee		Cobb <i>PC</i>	Davis <i>GD</i>
4) Economic Affairs Committee			

SUMMARY ANALYSIS

The bill amends and creates various sections of Florida Statutes designed to protect bicyclists and vulnerable users of a roadway.

Specifically, the bill:

- Defines “bodily injury,” and “vulnerable user of a public roadway or vulnerable user;”
- Requires a vehicle to pass at a safe distance of not less than three feet between any part of or attachment to the vehicle, any thing extending from the vehicle, and any trailer or other thing being towed by the vehicle and a vulnerable user;
- Allows a driver to drive on the left side of a roadway in a no passing zone when the driver is required to do so when passing a vulnerable user in order to provide at least three feet between the vehicle and the vulnerable user;
- Prohibits a person operating a vehicle who overtakes and passes a vulnerable user of a public roadway proceeding in the same direction from making a right or left turn at an intersection or into a private road or driveway unless the turn can be made at a safe distance from the vulnerable user with reasonable safety and will not impede the travel of the vulnerable user;
- Makes it a first degree misdemeanor for a person to harass, taunt, or maliciously throw an object at or in the direction of a person riding a bicycle;
- Requires a fine of no more than \$2,000 to be imposed, in addition to any other penalty, if a traffic violation contributed to the bodily injury of a vulnerable user;
- Makes it a first degree misdemeanor for a person to commit a noncriminal traffic infraction that causes serious bodily injury or death and, within 5 years of such violation, commit another noncriminal traffic infraction that causes serious bodily injury or death;
- Requires a person cited for specified traffic infractions that contributed to the bodily injury of a vulnerable user to appear before a judge for a hearing;
- Requires a law enforcement officer to note on certain traffic citations if the violation contributed to the bodily injury of a vulnerable user; and
- Provides severability.

The bill has an indeterminate fiscal impact on state and local governments’ revenues and expenditures. The bill may also increase the need for jail beds because it creates two first degree misdemeanor offenses. See fiscal section for additional detail.

The bill is effective July 1, 2015.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0231e.TEDAS

DATE: 4/6/2015

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Protecting Bicyclists

In Florida, bicyclists are considered vehicle operators, and are required to obey the same rules of the road as other vehicle operators, including obeying traffic signs, signals, and lane markings.

In 2013, Florida crash reports show that 7,467 pedestrians, 7,905 motorcyclists, 6,520 bicyclists, and 432 other non-motorists were injured in traffic crashes.¹

In recent years, Colorado, Louisiana, Mississippi and Vermont specifically passed measures to protect bicyclists from aggressive and deviant motorist behavior. All included language restricting throwing an object at bicyclists or taunting or harassing them. Louisiana law, for example, states: "It shall be unlawful to harass, taunt, or maliciously throw objects at or in the direction of any person riding a bicycle. Any person who violates this section shall be fined not less than two hundred dollars or imprisoned for not more than thirty days." Mississippi law contains similar language. Colorado and Vermont also extended such protections to pedestrians.²

In 2014, the Florida Legislature passed legislation³ that ranked a "leaving the scene of an accident" offense one level higher in the offense severity ranking chart⁴ if the victim of the offense was a vulnerable road user.⁵ The bill defined a "vulnerable road user" as:

- A pedestrian, including a person actually engaged in work upon a highway, work upon utility facilities along a highway, or the provision of emergency services within the right-of-way;
- A person operating a bicycle, motorcycle, scooter, or moped lawfully on the roadway;
- A person riding an animal; or
- A person lawfully operating on a public right-of-way, crosswalk, or shoulder of the roadway:
 - A farm tractor or similar vehicle designed primarily for farm use;
 - A skateboard, roller skates, or in-line skates;
 - A horse-drawn carriage;
 - An electric personal assistive mobility device; or
 - A wheelchair.⁶

Definitions

The bill creates definitions for the terms "bodily injury" and "vulnerable user or vulnerable user of a public roadway." These definitions apply to all of ch. 316, F.S.

"Bodily injury" is defined as:

- A cut, abrasion, bruise, burn, or disfigurement;
- Physical pain;
- Illness;

¹ Florida Department of Highway Safety and Motor Vehicles, *Traffic Crash Facts Annual Report 2013*, <http://www.flhsmv.gov/html/safety.html> (last visited March 26, 2015).

² National Conference of State Legislatures, *Bicycle and Pedestrian Safety*, <http://www.ncsl.org/research/transportation/bicycle-and-pedestrian-safety.aspx> (last visited March 26, 2015).

³ Ch. 2014-225, Laws of Florida.

⁴ Criminal offenses are ranked in the "offense severity ranking chart" from level one (least severe) to level ten (most severe) and are assigned points based on the severity of the offense. A defendant's sentence is calculated based on points assigned for factors including: the offense for which the defendant is being sentenced; injury to the victim; additional offenses that the defendant committed at the time of the primary offense; the defendant's prior record and other aggravating factors. The points are added in order to determine the "lowest permissible sentence" for the offense. See ss. 921.0022 and 921.0024, F.S.

⁵ s. 316.027(2)(f), F.S.

⁶ s. 316.027 (1)(b), F.S.

- Impairment of the function of a bodily member, organ, or mental faculty; or
- Any other injury to the body, no matter how temporary.

“Vulnerable user of a public roadway” or “vulnerable user” is defined as:

- A pedestrian, including a person actually engaged in work upon a highway, work upon utility facilities along a highway, or the provision of emergency services within the right-of-way;
- A person operating, or who is a passenger on, a bicycle, motorcycle, scooter, or moped lawfully on the roadway;
- A person riding an animal; or
- A person lawfully operating on a public roadway, crosswalk, or shoulder of the roadway:
 - A farm tractor or similar vehicle designed primarily for farm use;
 - A horse-drawn carriage;
 - An electric personal assistive mobility device; or
 - A wheelchair.

Overtaking and Passing

Section 316.083, F.S., requires a driver of a vehicle overtaking a bicycle (or other non-motorized vehicle) to pass at a safe distance of no less than three feet between the vehicle and the bicycle. A violation is a noncriminal traffic infraction punishable as a moving violation.⁷

Effect of the Bill

The bill expands the requirements of s. 316.083, F.S., to apply to motor vehicles overtaking a vulnerable user of a public roadway. The bill requires a vehicle to pass at a safe distance of not less than three feet between any part of or attachment to the vehicle, any thing extending from the vehicle, and any trailer or other thing being towed by the vehicle and the vulnerable user.

Violations remain a noncriminal traffic infraction. However, if the violation contributed to the bodily injury of a vulnerable user, the bill requires the law enforcement officer issuing the citation to make a note of such on the citation.

No Passing Zones

Section 316.0875, F.S., prohibits a driver from driving on the left side of a roadway in a no passing zone.⁸ This prohibition does not apply when an obstruction exists making it necessary to drive to the left of the center of the highway, nor to the driver of a vehicle turning left into or from an alley, private road or driveway.⁹ A violation is a noncriminal traffic infraction, punishable as a moving violation.¹⁰

Effect of the Bill

As noted above, s. 316.0875, F.S., prohibits a driver from driving on the left side of a roadway in a no passing zone. The bill specifies that this prohibition does not apply when the driver of a motor vehicle is required to cross pavement striping indicating a no-passing zone when passing a vulnerable user in order to provide at least three feet between the vehicle and the vulnerable user.

Careless Driving

Section 316.1925, F.S., requires a person operating a vehicle upon the streets or highways within the state to drive in a careful and prudent manner, having regard for the width, grade, curves, corners,

⁷ s. 316.083(3), F.S.

⁸ Section 316.0875, F.S., authorizes the Department of Transportation and local authorities to determine those portions of any highway under their respective jurisdiction where overtaking and passing or driving to the left of the roadway would be especially hazardous. The statute also authorizes these entities to, by appropriate signs or markings on the roadway, indicate the beginning and end of such zones.

⁹ s. 316.0875(3), F.S.

¹⁰ s. 316.0875(4), F.S.

traffic, and all other attendant circumstances, so as not to endanger the life, limb, or property of any person. A person's failure to do so is careless driving, citable as a moving violation.¹¹

Effect of the Bill

The bill requires a law enforcement officer issuing a careless driving citation to make a note on the citation if the violation contributed to the bodily injury of a vulnerable user.

Newly-Created Sections

Turning when Passing a Vulnerable User

The bill creates s. 316.0833, F.S., which prohibits a person operating a vehicle who overtakes and passes a vulnerable user of a public roadway proceeding in the same direction from making a right or left turn at an intersection or into a private road or driveway unless the turn can be made at a safe distance from the vulnerable user with reasonable safety and will not impede the travel of the vulnerable user. A violation of this provision constitutes a moving violation. If the violation contributed to the bodily injury of a vulnerable user, the law enforcement officer issuing the citation must make a note of such on the citation.

Harassing or Taunting a Person Riding a Bicycle

The bill creates s. 316.1921, F.S., which makes it unlawful to harass, taunt, or maliciously throw an object at or in the direction of a person riding a bicycle. A violation is a first degree misdemeanor, punishable by a fine of at least \$250 or 30 day imprisonment or both.

Infractions Contributing to Bodily Injury of a Vulnerable User

The bill creates s. 318.142, F.S., which requires a fine of no more than \$2,000 to be imposed, in addition to any other penalty, if a violation of ss. 316.083, 316.0833, or 316.1925, F.S., contributed to the bodily injury of a vulnerable user.

Noncriminal Traffic Infractions Causing Serious Bodily Injury or Death

The bill creates s. 316.0275, F.S., to make it a first degree misdemeanor¹² for a person to commit a noncriminal traffic infraction that causes serious bodily¹³ injury or death and, within 5 years of such violation, commit another noncriminal traffic infraction that causes serious bodily injury or death. A person who violates this provision must also have their driver license revoked.

Mandatory Hearing

Section 318.19, F.S., requires persons cited for the following to appear before a judge for a hearing:

- Any infraction which results in a crash that causes the death of another;
- Any infraction which results in a crash that causes "serious bodily injury" of another;
- Any infraction of s. 316.172(1)(b), F.S. (requiring traffic to stop for a school bus);
- Any infraction of s. 316.520(1) or (2), F.S. (relating to loads on vehicles); or
- Any infraction of ss. 316.183(2), 316.187, or 316.189, F.S. (all relating to speed zones), of exceeding the speed limit by 30 miles per hour or more.

Effect of the Bill

The bill requires a person cited for any of the following traffic infractions that contributed to the bodily injury of a vulnerable user to appear before a judge for a hearing:

- Any infraction of s. 316.083, F.S. (overtaking or passing);
- Any infraction of s. 316.0833, F.S. (turning when passing a vulnerable user); or
- Any violation of s. 316.1925, F.S. (careless driving).

¹¹ s. 316.1925(2), F.S.

¹² A first degree misdemeanor is punishable by up to one year in county jail and a \$1,000 fine. ss. 775.082 and 775.083, F.S.

¹³ The bill defines "serious bodily injury" as an injury to a person, excluding the at fault driver, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

B. SECTION DIRECTORY:

Section 1. Amends s. 316.003, F.S., relating to definitions.

Section 2. Creates s. 316.0275, F.S., relating to noncriminal traffic infractions leading to serious bodily injury or death; reclassification.

Section 3. Amends s. 316.083, F.S., relating to overtaking and passing a vehicle.

Section 4. Creates s. 316.0833, F.S., relating to turning when passing vulnerable user.

Section 5. Amends s. 316.0875, F.S., relating to no-passing zones.

Section 6. Creates s. 316.1921, F.S., relating to harassing, taunting, or throwing object at person riding a bicycle.

Section 7. Amends s. 316.1925, F.S., relating to careless driving.

Section 8. Creates s. 318.142, F.S., relating to infractions contributing to bodily injury of a vulnerable user of a public roadway.

Section 9. Amends s. 318.19, F.S., relating to infractions requiring a mandatory hearing.

Section 10. Amends s. 322.26, F.S., relating to mandatory revocation of license by department,

Section 11. Providing severability.

Section 12. Provides an effective date of July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Indeterminate. See fiscal comments.

2. Expenditures:

See fiscal comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Indeterminate. See fiscal comments.

2. Expenditures:

Indeterminate. See fiscal comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

To the extent citations are issued for turning when passing a vulnerable user of a public road or if a traffic violation contributes to bodily injury of a vulnerable user, the bill may have a positive fiscal impact to state and local governments' revenues. The amount of these revenues cannot be quantified. Payments of reinstatement fees for revoked licenses will also have a positive impact to state revenues.

The DHSMV estimates approximately 626 nonrecurring programming hours, and associated costs of \$46,000, will be required to update current driver license issuance systems to comply with the new provisions. These expenses will be absorbed within existing departmental resources.

The bill creates two first degree misdemeanors. The bill makes it a first degree misdemeanor for a person committing a noncriminal traffic infraction which causes serious bodily injury or death to a person, twice within five years. This provision will have an indeterminate, negative impact on local jail beds. Similarly, the bill also makes a first degree misdemeanor for harassing or taunting a bicyclist. This provision would also have an indeterminate, negative impact on local jail beds.

The bill requires a person cited for certain traffic infractions (overtaking or passing, turning when passing or careless driving) that contribute to the bodily injury of a vulnerable user to appear for a judicial hearing. This will have an indeterminate impact on the workload of the judiciary.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 11, 2015, the Highway & Waterway Safety Subcommittee adopted one amendment to HB 231 and reported the bill favorably as a committee substitute. The amendment:

- Specified that in addition to any other penalty imposed, if a traffic violation contributed to the bodily injury of a vulnerable user, a fine of not more than \$2,000 shall be imposed.
- Removes the requirement for traffic education courses to include instruction on traffic laws relating to the rights and safety of vulnerable users.
- Removes the requirement for driver license and commercial driver license examinations to include testing of an applicant's knowledge of traffic laws relating to the rights and safety of vulnerable users.

On March 24, 2015, the Criminal Justice Subcommittee adopted a strike-all amendment and one amendment to the strike-all amendment and reported the bill favorably as a committee substitute. The amendments, collectively:

- Corrected references to a “vulnerable user of a public right-of-way” to a “vulnerable user of a public roadway;”
- Removed “skateboard, roller skates, or in-line skaters” from the definition of “vulnerable users;”
- Prohibited a person overtaking and passing a vulnerable user of a public roadway from making a right or left turn at an intersection unless the turn can be made at a safe distance;
- Removed the provision relating to substandard lane widths; and
- Made it a first degree misdemeanor for a person to commit a noncriminal traffic infraction that causes serious bodily injury or death and, within 5 years of such violation, commit another noncriminal traffic infraction that causes serious bodily injury or death.

This analysis is drafted to the committee substitute as passed by the Criminal Justice Subcommittee.

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A bill to be entitled
 An act relating to transportation; amending s.
 316.003, F.S.; providing definitions; creating s.
 316.0275, F.S.; providing criminal penalties for
 certain noncriminal traffic infractions that cause
 serious bodily injury or death to a person; amending
 s. 316.083, F.S.; revising provisions relating to the
 passing of a vehicle; creating s. 316.0833, F.S.;
 prohibiting passing and turning in front of a
 vulnerable user in an unsafe manner; providing
 penalties; amending s. 316.0875, F.S.; revising
 exceptions to provisions for designated no-passing
 zones; creating s. 316.1921, F.S.; prohibiting
 harassing, taunting, or throwing object at person
 riding a bicycle; providing penalties; amending s.
 316.1925, F.S.; revising provisions relating to
 careless driving; creating s. 318.142, F.S.; providing
 penalties for specified infractions contributing to
 bodily injury of a vulnerable user; amending s.
 318.19, F.S.; requiring a hearing for specified
 offenses; amending s. 322.26, F.S.; providing
 mandatory revocation of license for a conviction under
 specified provisions; providing severability;
 providing an effective date.

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

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Section 1. Subsections (94) and (95) are added to section 316.003, Florida Statutes, to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(94) BODILY INJURY.—

(a) A cut, abrasion, bruise, burn, or disfigurement;

(b) Physical pain;

(c) Illness;

(d) Impairment of the function of a bodily member, organ, or mental faculty; or

(e) Any other injury to the body, no matter how temporary.

(95) VULNERABLE USER OF A PUBLIC ROADWAY OR VULNERABLE USER.—

(a) A pedestrian, including a person actually engaged in work upon a highway, work upon utility facilities along a highway, or the provision of emergency services within the right-of-way;

(b) A person operating, or who is a passenger on, a bicycle, motorcycle, scooter, or moped lawfully on the roadway;

(c) A person riding an animal; or

(d) A person lawfully operating on a public roadway, crosswalk, or shoulder of the roadway:

1. A farm tractor or similar vehicle designed primarily

53 | for farm use;

54 | 2. A horse-drawn carriage;

55 | 3. An electric personal assistive mobility device; or

56 | 4. A wheelchair.

57 | Section 2. Section 316.0275, Florida Statutes, is created
58 | to read:

59 | 316.0275 Noncriminal traffic infractions leading to
60 | serious bodily injury or death; reclassification.-

61 | (1) Notwithstanding any other provision of law, if an
62 | individual commits a noncriminal traffic infraction under this
63 | chapter which causes serious bodily injury or death to a person
64 | and, within 5 years after that violation, commits another
65 | noncriminal traffic infraction under this chapter which causes
66 | serious bodily injury or death to a person, the second such
67 | violation shall be reclassified as a misdemeanor of the first
68 | degree, punishable as provided in s. 775.082 or s. 775.083, and
69 | the individual's driver license shall be revoked pursuant to s.
70 | 322.26(10).

71 | (2) As used in this section, the term "serious bodily
72 | injury" means an injury to a person, excluding the at-fault
73 | driver, which consists of a physical condition that creates a
74 | substantial risk of death, serious personal disfigurement, or
75 | protracted loss or impairment of the function of any bodily
76 | member or organ.

77 | Section 3. Section 316.083, Florida Statutes, is amended
78 | to read:

79 316.083 Overtaking and passing a vehicle.—The following
 80 provisions ~~rules shall~~ govern the overtaking and passing of
 81 vehicles proceeding in the same direction, ~~subject to those~~
 82 ~~limitations, exceptions, and special rules hereinafter stated:~~

83 (1) The driver of a vehicle overtaking another vehicle
 84 proceeding in the same direction shall give an appropriate
 85 signal as provided for in s. 316.156, shall pass to the left
 86 thereof at a safe distance, and shall not again drive to the
 87 right side of the roadway until safely clear of the overtaken
 88 vehicle.

89 (2) The driver of a motor vehicle overtaking a person
 90 operating a bicycle or other vulnerable user of a public roadway
 91 ~~nonmotorized vehicle~~ must pass the person operating the bicycle
 92 or other vulnerable user ~~nonmotorized vehicle~~ at a safe distance
 93 of not less than 3 feet between any part of or attachment to the
 94 motor vehicle, any thing extending from the motor vehicle, and
 95 any trailer or other thing being towed by the motor vehicle and
 96 the bicycle, the person operating the bicycle, or other
 97 vulnerable user ~~nonmotorized vehicle~~.

98 ~~(3)~~(2) Except when overtaking and passing on the right is
 99 permitted, the driver of an overtaken vehicle shall give way to
 100 the right in favor of the overtaking vehicle, on audible signal
 101 or upon the visible blinking of the headlamps of the overtaking
 102 vehicle if such overtaking is being attempted at nighttime, and
 103 shall not increase the speed of his or her vehicle until
 104 completely passed by the overtaking vehicle.

105 ~~(4)(3)~~ A violation of this section is a noncriminal
 106 traffic infraction, punishable as a moving violation as provided
 107 in chapter 318. If a violation of this section contributed to
 108 the bodily injury of a vulnerable user of a public roadway, the
 109 law enforcement officer issuing the citation for the violation
 110 shall note such information on the citation.

111 Section 4. Section 316.0833, Florida Statutes, is created
 112 to read:

113 316.0833 Turning when passing vulnerable user.-

114 (1) A person operating a vehicle who overtakes and passes
 115 a vulnerable user of a public roadway proceeding in the same
 116 direction may not make a right or left turn at an intersection
 117 or into a private road or driveway unless the turn can be made
 118 at a safe distance from the vulnerable user with reasonable
 119 safety and will not impede the travel of the vulnerable user.

120 (2) A violation of subsection (1) is a noncriminal traffic
 121 infraction, punishable as a moving violation as provided in
 122 chapter 318. If a violation of subsection (1) contributed to the
 123 bodily injury of a vulnerable user of a public roadway, the law
 124 enforcement officer issuing the citation for the violation shall
 125 note such information on the citation.

126 Section 5. Subsection (3) of section 316.0875, Florida
 127 Statutes, is amended to read:

128 316.0875 No-passing zones.-

129 (3) This section does not apply:

130 (a) When an obstruction exists making it necessary to

131 | drive to the left of the center of the highway; ~~nor~~

132 | **(b)** To the driver of a vehicle turning left into or from
 133 | an alley, private road, or driveway; or

134 | **(c)** When the driver of a motor vehicle is required to
 135 | cross pavement striping indicating a no-passing zone when
 136 | passing a vulnerable user of a public roadway in order to
 137 | provide at least 3 feet between the motor vehicle and the
 138 | vulnerable user.

139 | Section 6. Section 316.1921, Florida Statutes, is created
 140 | to read:

141 | 316.1921 Harassing, taunting, or throwing object at person
 142 | riding a bicycle.—It is unlawful to harass, taunt, or
 143 | maliciously throw an object at or in the direction of a person
 144 | riding a bicycle. A person who violates this section commits a
 145 | misdemeanor of the first degree, punishable by a fine of at
 146 | least \$250 or by imprisonment of not more than 30 days, or both.

147 | Section 7. Section 316.1925, Florida Statutes, is amended
 148 | to read:

149 | 316.1925 Careless driving.—

150 | (1) A ~~Any~~ person operating a vehicle upon the streets or
 151 | highways within the state shall drive the same in a careful and
 152 | prudent manner, having regard for the width, grade, curves,
 153 | corners, traffic, and all other attendant circumstances, so as
 154 | not to endanger the life, limb, or property of any person. A
 155 | person who fails ~~Failure~~ to drive in such manner commits ~~shall~~
 156 | ~~constitute~~ careless driving and ~~a violation of this section.~~

157 ~~(2) Any person who violates this section shall be cited~~
 158 for a moving violation, punishable as provided in chapter 318.

159 (2) If a violation under this section contributed to the
 160 bodily injury of a vulnerable user of a public roadway, the law
 161 enforcement officer issuing the citation for the violation shall
 162 note such information on the citation.

163 Section 8. Section 318.142, Florida Statutes, is created
 164 to read:

165 318.142 Infractions contributing to bodily injury of a
 166 vulnerable user of a public roadway.—In addition to any other
 167 penalty imposed for a violation under s. 316.083, s. 316.0833,
 168 or s. 316.1925, if the violation contributed to the bodily
 169 injury of a vulnerable user of a public roadway as defined in s.
 170 316.003, the designated official shall impose a fine of not more
 171 than \$2,000.

172 Section 9. Section 318.19, Florida Statutes, is amended to
 173 read:

174 318.19 Infractions requiring a mandatory hearing.—Any
 175 person cited for the infractions listed in this section shall
 176 not have the provisions of s. 318.14(2), (4), and (9) available
 177 to him or her but must appear before the designated official at
 178 the time and location of the scheduled hearing:

179 (1) Any infraction which results in a crash that causes
 180 the death of another;

181 (2) Any infraction which results in a crash that causes
 182 "serious bodily injury" of another as defined in s. 316.1933(1);

- 183 (3) Any infraction of s. 316.172(1)(b);
 184 (4) Any infraction of s. 316.520(1) or (2); ~~or~~
 185 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
 186 316.189 of exceeding the speed limit by 30 m.p.h. or more; or
 187 (6) Any infraction of s. 316.083, s. 316.0833, or s.
 188 316.1925 which contributes to bodily injury of a vulnerable user
 189 of a public roadway as defined in s. 316.003.

190 Section 10. Subsection (10) is added to section 322.26,
 191 Florida Statutes, to read:

192 322.26 Mandatory revocation of license by department.—The
 193 department shall forthwith revoke the license or driving
 194 privilege of any person upon receiving a record of such person's
 195 conviction of any of the following offenses:


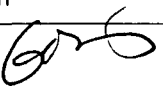
196 (10) A violation under s. 316.0275.

197 Section 11. If any provision of this act or its
 198 application to any person or circumstance is held invalid, the
 199 invalidity does not affect other provisions or applications of
 200 this act which can be given effect without the invalid provision
 201 or application, and, to this end, the provisions of this act are
 202 severable.

203 Section 12. This act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 933 Growth Management
SPONSOR(S): Economic Development & Tourism Subcommittee; La Rosa and others
TIED BILLS: IDEN./SIM. BILLS: SB 832

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Economic Development & Tourism Subcommittee	8 Y, 3 N, As CS	Lukis	Duncan
2) Transportation & Economic Development Appropriations Subcommittee		Proctor 	Davis 
3) State Affairs Committee			

SUMMARY ANALYSIS

The bill amends numerous areas of the state's growth management laws. The topics covered in the bill include as follows:

Developments of Regional Impact ("DRI") - The bill requires a comprehensive plan amendment related to a development that qualifies as a DRI, to be reviewed under the State Coordinated Review Process. The bill provides that new developments will not be subject to DRI review.

Regional Planning Councils ("RPCs") - The bill designates 10 RPCs and their borders. The bill replaces the Governor's power to set RPC boundaries with the ability to recommend boundary changes to the Legislature. The bill deletes several of the RPCs' statutory responsibilities.

Sector Plans - The bill allows a conservation easement to be based on aerial photographs without need for a survey. The bill provides that an applicant may utilize recorded conservation easements as compensatory mitigation for permitting purposes.

The bill requires an applicant for a detailed specific area plan to transmit copies of the application to the reviewing agencies for comment. Any comments from such agencies must be submitted to the appropriate agencies within 30 days after the applicant's transmittal of the application. The bill provides that a water management district may issue to an applicant, upon request, a consumptive use permit in certain circumstances.

Concurrency and Impact Fees - The bill provides that if a local government applies concurrency to transportation or public education facilities and also imposes mobility fees or impact fees for such facilities then any required proportionate share payment must not exceed 125 percent of the applicable mobility fee or impact fee.

Vegetation Removal from Right-of-Way - The bill removes the authority of local governments to impose fees on developers for the removal of vegetation within the right-of-way limits of road improvements for which the developer completed or contributed proportionate share pursuant to local transportation concurrency requirements. Local governments can opt out of this provision by majority vote.

Private Property Rights - The bill requires local governments to include "a property rights element that protects private property rights" as part of the local government's comprehensive plan.

Connected-City Corridors - The bill creates a 10-year pilot project for connected-city corridor plan amendments. The bill names Pasco County as a pilot community that may adopt connected-city corridor plan amendments.

Constrained Agricultural Parcels - The bill allows an owner of a "constrained agricultural parcel" to apply for an amendment to the local government comprehensive plan.

The Property Assessed Clean Energy ("PACE") Program - The bill expands the definition of "qualifying improvement" within the PACE program to include stabilization and other repairs to property damaged by subsidence. The bill adds subsidence to the list of factors that define a "blighted area" for purposes of the Community Redevelopment Act.

The bill appropriates \$2.5 million in non-recurring general revenue to the RPCs and may have an indeterminate negative fiscal impact on the Department of Economic Opportunity for the review of comprehensive plan amendments filed for a "constrained agricultural parcel".

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Developments of Regional Impact

Present Situation

Development of Regional Impact Background

Section 380.06, F.S., defines a Development of Regional Impact ("DRI") as "any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county." Given their size, DRIs must go through a special approval process.

The Legislature initially created the DRI program in 1972 as an interim program intended to be replaced by comprehensive planning and permitting programs.¹ However, despite that intension and the significant expansion of growth management laws since that time, the DRI program has remained intact.

DRI Review

Florida law requires all developments that meet the DRI thresholds and standards provided by statute and rules adopted by the Administration Commission to undergo DRI review, unless an exemption applies.² The developments that are exempt from DRI review include the following:

- particular types of developments for which the Legislature has provided an exemption (e.g., hospitals are exempt from DRI review);
- developments that are located within a "dense urban land area"; and
- developments that are located in a planning area receiving a legislative exemption such as a sector plan or a rural land stewardship area.³

The types of developments required to undergo DRI review may include attraction and recreation facilities, office developments, retail and service developments, mixed-use developments, residential developments, schools, or recreational vehicle developments. Over the years, the Legislature has enacted new exemptions and increased the thresholds that projects must surpass in order to trigger DRI review.⁴

The review process is a joint effort between Florida's 11 Regional Planning Councils ("RPCs"), the Department of Economic Opportunity ("DEO" or "department"), other state agencies, and local governments.⁵

A DRI review begins by a developer contacting the appropriate RPC to arrange a pre-application conference.⁶ The developer or the RPC may request other affected state and regional agencies participate in the conference to identify issues raised by the proposed project and the level of

¹ The Florida Senate, Committee on Community Affairs, Interim Report 2012-114, September 2011, citing: Thomas G. Pelham, *A Historical Perspective for Evaluating Florida's Evolving Growth Management Process*, in Growth Management in Florida: Planning for Paradise, 8 (Timothy S. Chapin, Charles E. Connerly, and Harrison T. Higgins eds. 2005).

² Section 380.06(24),(28), (29), F.S.

³ *Id.*

⁴ The Florida Senate, Committee on Community Affairs, Interim Report 2012-114, at 2. September 2011.

⁵ See s. 380.06, F.S.

⁶ Section 380.06(6)-(9), F.S.

information that the agency will require in the application to assess those issues.⁷ At the pre-application conference, the RPC provides the developer with information about the DRI process and uses the pre-application conference to identify issues and to coordinate the appropriate state and local agency requirements.⁸

The RPC and developer may reach an agreement regarding assumptions and methodology to be used in the application for development approval.⁹ If an agreement is reached, the reviewing agencies may not later object to the agreed upon assumptions and methodologies unless the project changes or subsequent information makes the assumptions or methodologies no longer relevant.¹⁰

Upon completion of the pre-application conference with all parties, the developer files an application for development approval with the local government, the RPC, and the state land planning agency.¹¹ The RPC reviews the application for sufficiency and may request additional information (no more than twice) if the application is deemed insufficient.¹²

Once the RPC determines the application is sufficient or the developer declines to provide additional information, the local government must hold a public hearing on the application for development within 90 days.¹³ Within 50 days after receiving notice of the public hearing, the RPC is required to prepare and submit to the local government a report and recommendations on the regional impact of the proposed development.¹⁴ The RPC is required to identify regional issues specifically examining the following:

- whether the development will have a favorable or unfavorable impact on state or regional resources or facilities identified in the applicable state (state comprehensive plan) or regional (strategic regional policy plan) plans;
- whether the development will significantly impact adjacent jurisdictions; and
- in reviewing the first two issues, whether the development will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment.¹⁵

If the proposed project will have impacts within the purview of other state agencies, those agencies will also prepare reports and recommendations on the issues raised by the project and within their statutorily-prescribed jurisdiction.¹⁶ These reports become part of the RPC's report, but the RPC may attach dissenting views.¹⁷ When water management district and Department of Environmental Protection permits have been issued pursuant to Ch. 373, F.S., or Ch. 403, F.S., the RPC may comment on the regional implications of the permits but may not offer conflicting recommendations.¹⁸ Finally, the state land planning agency also reviews DRIs for compliance with state laws and to identify regional and state impacts and to make recommendations to local governments for approving, not approving, or suggesting mitigation conditions.¹⁹

⁷ Section 380.06(7)-(8), F.S.

⁸ Section 380.06(7), F.S.

⁹ Section 380.06(8), F.S.

¹⁰ *Id.*

¹¹ Section 380.06(7)-(10), F.S.

¹² Section 380.06(10), F.S.

¹³ Section 380.06(11), F.S.

¹⁴ Section 380.06(12), F.S.

¹⁵ *Id.*

¹⁶ Section 380.06(9),(12), F.S.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

At the local public hearing on the proposed DRI, concurrent comprehensive plan amendments associated with the proposed DRI must be heard as well.²⁰ When considering whether the development is approved, denied, or approved subject to conditions, restrictions, or limitations, the local government considers the following:

- whether the development is consistent with its comprehensive plan and land development regulations;
- whether the development is consistent with the report and recommendations of the RPC; and
- whether the development is consistent with the state comprehensive plan.²¹

Within 30 days of the public hearing on the application for development approval, the local government must decide whether to issue a development order or not.²² Within 45 days after a development order is or is not rendered, the owner or developer of the property or the state land planning agency may appeal the order to the Governor and Cabinet, sitting as the Florida Land and Water Adjudicatory Commission. An “aggrieved or adversely affected party” may appeal and challenge the consistency of a development order with the local comprehensive plan.²³

Completion of this entire process can take one to two years and require the expenditure of significant resources, both on the part of private developers and state agencies, resulting in costs totaling in the millions of dollars.

Comprehensive Plans and the Comprehensive Plan Amendment Process

Completion of the DRI process does not give a developer final authority to build. Rather, the permitting local government almost always must also approve an amendment to its local comprehensive plan prior to construction, and the developer must still obtain all requisite permits.²⁴

In 1985, the Florida Legislature passed the landmark Growth Management Act, which required every city and county to create and implement a comprehensive plan to guide future development.²⁵ A locality’s comprehensive plan lays out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments. A development that does not conform to the comprehensive plan may not be approved by a local government unless the local government amends its comprehensive plan first.²⁶

State law requires a proposed comprehensive plan amendment to receive three public hearings, the first held by the local planning board.²⁷ The local commission (city or county) must then hold an initial public hearing regarding the proposed amendment and subsequently transmit it to several statutorily identified reviewing agencies.²⁸ These are the same agencies that are required to review proposed DRIs, including the DEO, the relevant RPC, and adjacent local governments that request to participate.

Similar to the DRI process, the state agencies review the proposed amendment for impacts related to their statutory purview.²⁹ The RPC reviews the amendment specifically for “extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region” as well as adverse effects on regional resources or facilities. Upon receipt of the reports from the various agencies the local government holds a second public hearing at which the governing body

²⁰ Section 380.06(10)-(11), F.S.

²¹ *Id.*

²² Section 380.06(15), F.S.

²³ *Id.*

²⁴ *See s.* 163.3167, F.S.

²⁵ Chapter 85-55, L.O.F.

²⁶ *See s.* 163.3163, F.S.

²⁷ Sections 163.3184 and 163.3181, F.S.

²⁸ Section 163.3184, F.S.

²⁹ Section 163.3184(3), (4), F.S.

votes to approve the amendment or not.³⁰ If the amendment receives a favorable vote it is transmitted to the DEO for final review.³¹ The DEO then has either 31 days or 45 days (depending on the review process to which the amendment is subject) to determine whether the proposed comprehensive plan amendment is in compliance with all relevant agency rules and laws.³²

The Expedited State Review Process vs. the State Coordinated Review Process

In 2011, the Florida Legislature bifurcated the process for approving comprehensive plan amendments.³³ Most plan amendments were placed into the Expedited State Review Process, while plan amendments relating to large-scale developments were placed into the State Coordinated Review Process.³⁴ The two processes operate in much the same way; however, the State Coordinated Review Process provides a longer review period and requires all agency comments to be coordinated by the DEO, rather than communicated directly to the permitting local government by each individual reviewing agency.³⁵

The Intergovernmental Coordination Element of a Comprehensive Plan

Florida law requires every local government to adopt an Intergovernmental Coordination Element ("ICE") into its comprehensive plan.³⁶ The ICE is required to demonstrate consideration of the effects of the local plan upon the development of adjacent jurisdictions.³⁷ Further, it must describe joint processes for collaborative planning and decision-making with regard to the location and extension of public facilities subject to concurrency and the siting of facilities with countywide significance, among other things.³⁸

The statutory ICE provisions contain another requirement that is key to effective implementation of interlocal coordination in comprehensive planning and growth management: that all local governments establish interlocal agreements covering certain topics. The interlocal agreement must do the following:

- establish joint processes to facilitate coordination;
- ensure that the local government addresses through coordination mechanisms the impacts of development proposed in the comprehensive plan upon development in adjacent jurisdictions; and
- ensure coordination in establishing level of service standards for public facilities with any state, regional, or local entity having operational and maintenance responsibility for such facilities.³⁹

Effect of Proposed Changes

The bill amends s. 163.3184, F.S., to require a comprehensive plan amendment related to a development that qualifies as a development of regional impact pursuant to s. 380.06, F.S., to be reviewed under the State Coordinated Review Process.

The bill amends s. 380.06, F.S., to provide that new developments will not be subject to the DRI review requirements provided by s. 380.06, F.S. However, already existing developments of regional impact will continue to be governed by s. 380.06, F.S.

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ Section 17, Ch. 2011-139, L.O.F.

³⁴ *Id.*

³⁵ Section 163.3184(3), (4), F.S.

³⁶ Section 163.3177(5)(h), F.S.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

This portion of the bill has an effective date of July 1, 2015.

Sector Plans

Present Situation

Sector planning is a process by which one or more local governments engage in long-term planning for large areas of at least 15,000 acres.⁴⁰ The purpose of sector planning is to promote and encourage long-term planning for conservation, development, and agriculture, to facilitate protection of regionally significant resources, and to avoid duplication of effort in terms of the level of data and analysis required for a DRI.⁴¹

Sector planning is an available alternative to the DRI process,⁴² and state law expressly permits sector plans to have a planning period longer than the generally applicable planning period of a local government comprehensive plan.⁴³

The sector planning process encompasses two levels: adoption in the local government's comprehensive plan of a long-term master plan and subsequent adoption by local development order of two or more detailed specific area plans ("DSAP") that implement the master plan.⁴⁴ Both levels require review and approval by affected local governments, and appropriate regional and state authorities.⁴⁵

A long-term master plan must include maps, illustrations, data, and analysis to address the following:

- a framework map that, at a minimum, generally depicts conservation land use, identifies allowed uses in the planning area, specifies maximum and minimum densities and intensities of use, and provides the general framework for the development pattern;
- a general identification of the water supplies needed and available sources of water, including water resource development and water supply development projects, and water conservation measures needed to meet the projected demand of the future land uses in the long-term master plan;
- a general identification of the transportation facilities to serve the future land uses in the long-term master plan;
- a general identification of other regionally significant public facilities necessary to support the future land uses;
- a general identification of regionally significant natural resources within the planning area and policies setting forth the procedures for protection or conservation of specific resources consistent with the overall conservation and development strategy for the planning area;
- general principles and guidelines addressing, among other things, future land uses, the use of lands identified for permanent preservation through recordation of conservation easements, achieving a healthy environment, limiting urban sprawl, and providing housing types; and
- identification of general procedures and policies to facilitate intergovernmental coordination to address extrajurisdictional impacts from the future land uses.⁴⁶

Upon approval of the long-term master plan, the Metropolitan Planning Organization long-range transportation plan must be consistent with the long-term master plan, and the water supply projects

⁴⁰ Section 163.3245(1), F.S.

⁴¹ *Id.*

⁴² Section 380.06(24), F.S.

⁴³ Section 163.3245(3)(a), F.S.

⁴⁴ Section 163.3245(3), F.S.

⁴⁵ Section 163.3245, F.S.

⁴⁶ Section 163.3245(3)(a), F.S.

must be incorporated into the regional water supply plan.⁴⁷ In addition, the applicant may request a consumptive use permit for the long-term planning period.⁴⁸

The DSAPs must be consistent with the long-term master plan and generally must include conditions and commitments that provide for the following:

- development or conservation of an area of at least 1,000 acres;
- detailed identification and analysis of the maximum and minimum densities and intensities of use and the distribution, extent, and location of future land uses;
- detailed identification of plans to address water needs of development in the DSAP;
- detailed identification of the transportation facilities to serve the future land uses in the DSAP;
- detailed identification of other regionally significant public facilities;
- detailed identification of public facilities necessary to serve development in the DSAP;
- detailed analysis and identification of specific measures to ensure the protection, restoration and management of lands within the boundary of the DSAP identified for permanent preservation through recordation of conservation easements;
- detailed principles and guidelines addressing, among other things, the future land uses, achieving a healthy environment, limiting urban sprawl, providing a range of housing types, protecting wildlife and natural areas, and advancing the efficient use of resources; and
- identification of specific procedures to facilitate intergovernmental coordination to address extrajurisdictional impacts from the DSAP.⁴⁹

A DSAP establishes a buildout date until which the approved development is not subject to downzoning, unit density reduction, or intensity reduction.⁵⁰ However, a local government can override such requirement if the local government demonstrates that implementation of the plan is not continuing in good faith, that substantial changes in the conditions underlying the approval of the DSAP have occurred, that the DSAP was based on inaccurate information provided by the applicant, or if certain action is essential to the public health, safety, or welfare.⁵¹ The applicant may also apply to create such a build-out date at the master plan stage by using the DRI master plan development order process.⁵²

A landowner, developer, or the state land planning agency may appeal a local government development order implementing a DSAP to the Florida Land and Water Adjudicatory Commission.⁵³

Effect of Proposed Changes

The bill provides that specific provisions of the sector planning statute, s. 163.3245, F.S., supersede generally applicable portions of Ch. 163, F.S., on the same subjects.

The bill allows a conservation easement created pursuant to s. 163.3245(3)(b)7., F.S., to be based on "rectified aerial photographs without need for a survey." The bill also provides that such easements may include in certain circumstances a right of adjustment authorizing the grantor to modify portions of the area affected by a conservation easement and substitute other lands in their place.

⁴⁷ Section 163.3245(4), F.S.

⁴⁸ *Id.*

⁴⁹ Section 163.3245(3)(b), F.S.

⁵⁰ Section 163.3245(5)(d), F.S.

⁵¹ *Id.*

⁵² Section 163.3245(6), F.S.

⁵³ Section 163.3245(3)(e), F.S.

The bill requires an applicant for a DSAP to transmit copies of the application to the reviewing agencies specified in s. 163.3184(1)(c), F.S., or their successor agencies, for review and comment as to whether the DSAP is consistent with the comprehensive plan and long-term master plan. Any comments from such agencies must be submitted in writing to the local government with jurisdiction and to the state land planning agency within 30 days after the applicant's transmittal of the application.

The bill provides that an applicant may utilize recorded conservation easements as compensatory mitigation for permitting purposes pursuant to Chs. 373 or 379, F.S.

The bill specifies that a landowner in an area governed by a sector plan may establish new "agricultural or silvicultural" uses to the landowner's land that are consistent with the sector plan.

The bill provides that a water management district may issue to an applicant, upon request, a consumptive use permit for a period of time commensurate with an approved master development order if the following applies:

- the master development order was issued by a county prior to January 1, 2015, under s. 380.06(21), F.S.;
- at the time of issuance, the county was designated as a rural area of opportunity under s. 288.0656, F.S.;
- at the time of issuance the county was not located in an area encompassed by a regional water supply plan as set forth in s. 373.709(1), F.S.; and
- at the time of issuance the county was not located within the basin area management plan of a first order magnitude spring.

In reviewing such a consumptive use permit application, the water management district must apply the permitting criteria specified in s. 373.223, F.S., based on the projected population and approved densities and intensities of use and their distribution in the master development order. However, the water management district may phase in the water allocation over the duration of the permit to correspond to actual projected needs.

The bill specifies that a local government in its exclusive discretion may require information from an applicant beyond the minimum criteria established in the state statute.

This portion of the bill has an effective date of July 1, 2015.

Regional Planning Councils

Present Situation

Overview of Regional Planning Councils

The Florida Legislature passed the Florida Regional Planning Council Act in 1980.⁵⁴ In doing so, the Legislature found that "the problems of growth and development often transcend the boundaries of individual units of local general-purpose government"⁵⁵ 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."⁵⁶

Today, the state is divided into 11 Regional Planning Councils ("RPCs"), each functioning as an association of that district's constituent local governments. Two-thirds of the Board of Governors of

⁵⁴ Sections 186.501-186.513, F.S.

⁵⁵ Section 186.502(a), F.S.

⁵⁶ Section 186.502(b), F.S.

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:

- economic development/job creation;
- emergency preparedness planning, training and exercise; and
- land development and growth related activities.⁵⁷

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 United States Economic Development Administration. As part of this function, the RPCs 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 also administer federal revolving loan funds, including those for Brownfields.⁵⁸ In addition, RPCs 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 played a vital role in the 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.⁵⁹ 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.⁶⁰

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.⁶¹ As part of their duties in this role, the RPCs perform the following tasks:

- engage in public outreach;
- provide technical assistance to local governments;
- engage in hazards analysis/planning; and
- conduct training exercises.

Florida is recognized as having the leading hazardous materials planning process in the nation.⁶²

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

⁵⁷ Memo from Ronald Book, the Executive Director of the Florida Regional Councils Association, at 1-2. Memo on file with the Economic Development and Tourism Subcommittee.

⁵⁸ *Id.*

⁵⁹ *Florida Strategic Plan for Economic Development*, Florida Department of Economic Opportunity, available at www.floridajobs.org/Business/FL5yrPlan/FL_5yrEcoPlan.pdf.

⁶⁰ *Id.*

⁶¹ Memo from Ronald Book at 1-2.

⁶² *Id.*

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 do the following:

- act in an advisory capacity to the constituent local governments in regional, metropolitan, county, and municipal planning matters;⁶³
- conduct studies of the resources of the region;⁶⁴
- provide technical assistance to local governments on growth management matters;⁶⁵
- 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;⁶⁶
- coordinate land development and transportation policies in a manner that fosters region-wide transportation systems;⁶⁷
- review plans of independent transportation authorities and metropolitan planning organizations to identify inconsistencies between those agencies’ plans and applicable local government plans;⁶⁸ and
- provide consulting services to private developers or landowners for certain projects.⁶⁹

In addition, s. 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.”⁷⁰

RPCs also play a role in the review and analysis of local government comprehensive plans and amendments to such plans,⁷¹ as well as proposed developments of regional impact.⁷²

Effect of Proposed Changes

The bill deletes s. 163.3175(9), F.S., which requires 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.

The bill 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.

⁶³ Section 186.505(10), F.S.

⁶⁴ Section 186.505(16), F.S.

⁶⁵ Section 186.505(20), F.S.

⁶⁶ Section 185.505(21), F.S.

⁶⁷ Section 186.505(23), F.S.

⁶⁸ Section 186.505(24), F.S.

⁶⁹ Section 186.505(26), F.S.

⁷⁰ Section 186.507(1), F.S.

⁷¹ Section 163.3184, F.S.

⁷² Section 380.06, F.S.

The bill 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.

The bill amends s. 186.504(4), F.S., to remove the Department of Transportation, Department of Environmental Protection, Department of Economic Opportunity, Water Management Districts, Metropolitan Planning Organizations, and Regional Water Supply Authorities as ex officio nonvoting members to each RPC.

The bill 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.

The bill amends s. 186.506, F.S., to remove the Governor's power to make and amend the boundaries of the RPCs. Authorizes the Governor's power to recommend changes to RPC boundaries to the Legislature.

The bill creates s. 186.512, F.S., to designate 10 RPCs and their constituent counties. However, counties may opt out from RPC jurisdiction by a majority vote of the county's governing body.

The bill 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.

The bill 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.

The bill 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.

The bill 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.

The bill 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.

The bill 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 also provides that it is the legislative intent that local governments hold such a meeting, rather than local governments or RPCs.

The bill deletes s. 403.507(2)(a)5., F.S., which requires that an RPC prepare a report regarding the impacts of a proposed electrical power plant and its consistency with the strategic regional policy plan.

The bill 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.

The bill 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.

The bill deletes s. 403.526(2)(a)6., F.S., which requires 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.

The bill 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.

The bill 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 also alters the statute to state that it is the legislative intent that local government holds such a meeting, rather than local governments or RPCs.

The bill deletes s. 403.7264(4), F.S., which requires 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.

The bill deletes s. 403.941(2)(a)6., F.S., which requires 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.

The bill 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.

The bill 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.

The bill 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.

The bill repeals s. 186.0201, F.S., which requires electric utilities to provide RPCs with advisory reports on their plans for electric utility substation development over the next five years.

The bill repeals s. 260.018, F.S., which requires all local governments, state agencies and RPCs to recognize the special character of the state's greenways and trails.

The bill provides an appropriation of \$2.5 million in nonrecurring funds from the General Revenue Fund for the 2015-2016 fiscal year to the RPCs to carry out various duties. Seventy-five percent of the appropriation is to be divided equally among the RPCs and 25 percent is to be allocated according to population.

Concurrency and Impact Fees

Present Situation

Concurrency

Concurrency requires public facilities and services to be available "concurrent" with the impacts of new development. Under Florida law, concurrency for sanitary sewer, solid waste, drainage, and potable water is required,⁷³ and concurrency for transportation, schools, and parks and recreation is optional.⁷⁴ However, if a municipality or county decides to implement concurrency for one of the optional facilities, it must do so according to state law.⁷⁵

⁷³ S. 163.3180(1), F.S.

⁷⁴ S. 163.3180, F.S.

⁷⁵ S. 163.3180(1), F.S.

Transportation Concurrency

A municipality or county that implements transportation concurrency must define what constitutes an adequate level of service (“LOS”) for its transportation system, adopt a plan and improvement program to achieve and maintain adequate LOS, and measure whether the service needs of a new development exceed existing capacity of the transportation system.⁷⁶ Unless and until LOS standards are met, a municipality or county may not issue a development permit without an applicable exception.⁷⁷

If adequate capacity is not available, the municipality or county may require the developer to contribute his or her “proportionate share” to the development. Proportionate share is a tool municipalities and counties may use to require developers to contribute to or build facilities necessary to offset a new development’s impacts to ensure LOS is met.⁷⁸ The state provides specific formulas municipalities and counties must use when calculating proportionate share and specify criteria for when developers have satisfied proportionate share.⁷⁹ A municipality or county may not require a developer to pay or construct transportation facilities where the developer’s costs exceed the developer’s proportionate share of the improvements necessary to mitigate the development’s impact.⁸⁰

Further, a developer that contributes proportionate share must receive a credit on a dollar-for-dollar basis for impact fees, mobility fees, and other transportation concurrency mitigation requirements paid or payable in the future for a project.⁸¹ The credit is reduced by up to 20 percent depending on the project’s percentage share of traffic or as specified by local ordinance.⁸²

Public Education Facilities Concurrency

Local governments that apply concurrency to public education facilities must include principles, guidelines, standards, and strategies, including adopted levels of service, in their comprehensive plans and interlocal agreements.⁸³ Further, all local government provisions included in comprehensive plans regarding school concurrency within a county must be consistent with each other.⁸⁴

Public school LOS standards must be included and adopted into the capital improvements element of the local comprehensive plan and must apply districtwide to all schools of the same type.⁸⁵ Types of schools may include elementary, middle, and high schools as well as special purpose facilities such as magnet schools.⁸⁶

Local governments are encouraged, if they elect to adopt school concurrency, to apply school concurrency to development on a districtwide basis so that a concurrency determination for a specific development will be based upon the availability of school capacity districtwide.⁸⁷ However, if a local government elects to apply school concurrency on a less than districtwide basis, it has the burden to demonstrate that the utilization of school capacity is maximized to the greatest extent possible in the comprehensive plan and amendment.⁸⁸

⁷⁶ S. 163.3180(5), F.S.

⁷⁷ Section 163.3180(5)(h)1.b., F.S. exempts public transit facilities from concurrency.

⁷⁸ Section 163.3180(5)(h), F.S.

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ Section 163.3180(5)(h), F.S.

⁸² *Id.*

⁸³ Section 163.3180(6)(a), F.S.

⁸⁴ *Id.*

⁸⁵ Section 163.3180(6)(c), F.S.

⁸⁶ *Id.*

⁸⁷ Section 163.3180(6)(f), F.S.

⁸⁸ *Id.*

When establishing concurrency requirements for public schools, a local government must enter into an interlocal agreement that meets the following requirements:

- establishes the mechanisms for coordinating the development, adoption, and amendment of each local government's school concurrency related provisions of the comprehensive plan with each other;
- specifies uniform, districtwide LOS standards for public schools of the same type and the process for modifying the adopted level-of-service standards;
- defines the geographic application of school concurrency;
- establishes a uniform districtwide procedure for implementing school concurrency which provides for the evaluation of development applications for compliance with school concurrency requirements, 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 the monitoring and evaluation of the school concurrency system; and
- establishes a process and uniform methodology for determining proportionate-share mitigation.⁸⁹

Appropriate mitigation options include the following:

- contribution of land;
- the construction, expansion, or payment for land acquisition or construction of a public school facility;
- the construction of a charter school; or
- the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits.⁹⁰

Such options must include execution by the applicant and the local government of a 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.⁹¹ Further, if the interlocal agreement and the local government comprehensive plan authorize a proportionate-share mitigation, the local government shall credit such a contribution 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.⁹²

Impact Fees

Local governments and certain special districts may use their constitutional or statutory home rule powers to enact "impact fees."⁹³ Impact fees are total or partial payments charged to cover the cost of additional infrastructure necessary as a result of new development. As local governments tailor impact fees to meet the infrastructure needs of new growth, impact fee calculations vary from jurisdiction to jurisdiction and from fee to fee. Impact fees also vary extensively depending on local costs, capacity needs, resources, and a local government's determination to charge the full cost of a fee's earmarked purposes.

The Legislature has found that impact fees are an important source of revenue for local governments to use in funding the infrastructure necessitated by growth.⁹⁴ However, due to the growth of impact fee

⁸⁹ Section 163.3180(6)(i), F.S.

⁹⁰ Section 163.3180(6)(h), F.S.

⁹¹ *Id.*

⁹² *Id.*

⁹³ *See s.* 163.31801, F.S.

⁹⁴ Section 163.31801, F.S.

collections and local governments' reliance on impact fees, the Legislature imposes minimum standards local governments must comply with when adopting impact fees.⁹⁵

At minimum, a county, municipality, or special district that adopts an impact fee must abide by the following statutory requirements:

- require that the calculation of the impact fee be based on the most recent and localized data;
- provide for accounting and reporting of impact fee collections and expenditures;
- limit administrative charges for the collection of impact fees to actual costs; and
- require that notice be provided no less than 90 days before the effective date of an ordinance or resolution imposing a new or increased impact fee.⁹⁶

In addition to the Legislature's requirements, Florida courts have held that impact fees must meet the "dual rational nexus test."⁹⁷ That is, there must be (1) a reasonable connection between the need for infrastructure improvements and the population growth generated by new development; and (2) a reasonable connection between the expenditure of fees collected and the benefit to the development from those expenditures.⁹⁸

Fifty-eight Florida jurisdictions had impact fees in place as of the 2012 National Impact Fee Survey.⁹⁹

Effect of Proposed Changes

The bill provides that if a local government applies concurrency to transportation facilities or public education facilities and also imposes mobility fees or impact fees for transportation or public education then any proportionate share payment or mitigation payment required under s. 163.3180(5)(h), F.S., or s. 163.3180(6)(h), F.S., shall not exceed one hundred twenty-five percent of the applicable mobility fee or impact fee.

Vegetation in the Right-of-Way

Present Situation

Transportation Concurrency

A municipality or county that implements transportation concurrency must define what constitutes an adequate level of service ("LOS") for its transportation system, adopt a plan and improvement program to achieve and maintain adequate LOS, and measure whether the service needs of a new development exceed existing capacity of the transportation system.¹⁰⁰ Unless and until LOS standards are met, a municipality or county may not issue a development permit without an applicable exception.¹⁰¹

If adequate capacity is not available, the municipality or county may require the developer to contribute his or her (or its) "proportionate share" to the development. Proportionate share is a tool municipalities and counties may use to require developers to contribute to or build facilities necessary to offset a new

⁹⁵ *Id.*

⁹⁶ Section 163.3180(3), F.S.

⁹⁷ See *Hollywood, Inc. v. Broward County*, 431 So. 2d 606, 611-12 (Fla. 4th DCA 1983); *St. Johns County v. N.E. Fla. Builders Assoc.*, 583 So. 2d 635 (Fla. 1991).

⁹⁸ *Id.*

⁹⁹ The 2012 National Impact Fee Survey is available at www.impactfees.com/publications%20pdf/2012_survey.pdf (last visited Feb. 15, 2015).

¹⁰⁰ S. 163.3180(5), F.S.

¹⁰¹ Section 163.3180(5)(h)1.b., F.S. exempts public transit facilities from concurrency.

development's impacts to ensure LOS is met.¹⁰² The state provides specific formulas municipalities and counties must use when calculating proportionate share and specify criteria for when developers have satisfied proportionate share.¹⁰³ A municipality or county may not require a developer to pay or construct transportation facilities where the developer's costs exceed the developer's proportionate share of the improvements necessary to mitigate the development's impact.¹⁰⁴

Vegetation Removal Fees

Various municipalities and counties have enacted ordinances that require, under certain circumstances, for developers and landowners to pay fees to the local government for removing vegetation from the developer or landowner's land. Often times such charges stem from "tree ordinances."¹⁰⁵ The ordinances vary throughout the state; however, many require a landowner or developer seeking to remove "protected trees" to acquire a permit and pay a fee per "tree-inch" removed.¹⁰⁶ Protected trees often gain such distinction based on their age, size, or specimen.¹⁰⁷

In Florida, at least 21 counties require a developer or landowner to acquire a permit and pay tree fees for removing protected trees.¹⁰⁸

Effect of Proposed Changes

The bill removes the authority of municipalities and counties to impose fees on developers "for the removal of vegetation within the right-of-way limits of road improvements for which the developer completed or contributed funding for as required for transportation concurrency for a development project."

The bill does not affect a municipality or county's ability to require any tree removal permits or tree removal plans. In addition, the word "fee" does not include any costs associated with applying for a tree removal permit or preparing a tree removal plan. The bill is also "not intended to affect a local government's ability to establish and enforce landscaping requirements." Lastly, each municipality or county may, by majority vote of its governing body, exempt itself from this provision of the bill.

Private Property Rights Element of Comprehensive Plan

Present Situation

Florida law requires every incorporated municipality and county to maintain a comprehensive plan.¹⁰⁹ Every comprehensive plan must provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements.¹¹⁰ To accomplish such directive, Florida law provides that every incorporated municipality and county has the following powers and responsibilities:

- to plan for future development and growth;

¹⁰² Section 163.3180(5)(h), F.S.

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ See OPPAGA Research Memorandum, "Availability of Local Tax, License, and Fee Information," December 16, 2013, at Exhibit B – On file with House Economic Development and Tourism Subcommittee staff.

¹⁰⁶ See e.g., St. Johns County Code of Ordinances, Sec 4.01.05.

¹⁰⁷ Trees may be protected based on age, size, or specimen. Zoning and Planning Deskbook, Second Edition by Douglas W. Kmiec and Katherine Kmiec Turner, Part A, Chapter 5 (2014).

¹⁰⁸ See chart on file with House staff that illustrates which Florida counties charge tree removal fees and require tree removal permits. Staff last updated the chart on February 10, 2015.

¹⁰⁹ Section 163.3167(2), F.S.

¹¹⁰ Section 163.3177(1), F.S.

- to adopt and amend comprehensive plans, or elements or portions thereof, to guide their future development and growth;
- to implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations or elements thereof; and
- to establish, support, and maintain administrative instruments and procedures to carry out the provisions and purposes of this act.¹¹¹

Every comprehensive plan includes required and optional elements. The required elements of a comprehensive plan include the following:

- a future land use element;
- a housing element;
- a sanitary sewer, solid waste, stormwater management, potable water and natural groundwater aquifer recharge element;
- a coastal management (for governments identified in s. 380.21, F.S.);
- a capital improvements element; and
- a transportation element.¹¹²

Optional elements of a comprehensive plan may include economic development elements, a public school facilities element, historical elements, and public safety elements. However, once adopted, optional elements have the same legal status as required elements.¹¹³ Accordingly, all development actions must be consistent with any adopted optional element.¹¹⁴

Effect of Proposed Changes

The bill requires local governments to include “a property rights element that protects private property rights” as part of the local government’s comprehensive plan.

The property rights element must set forth the principles, guidelines, standards, and strategies to guide the local government’s decisions and program implementation with respect to the following objectives:

- consideration of the impact to private property rights of all proposed development orders, plan amendments, ordinances, and other government decisions;
- encouragement of economic development;
- use of alternative, innovative solutions to provide equal or better protection than the comprehensive plan; and
- consideration of the degree of harm created by noncompliance with the provisions of the comprehensive plan.

The bill also provides that each county and each municipality within the county must, within one year after adopting its property rights element, adopt land development regulations consistent with such element.

Connected-City Corridors

Present Situation

¹¹¹ Section 163.3167(1), F.S.

¹¹² Section 163.3177(1)-(5), F.S.

¹¹³ Section 163.3177(1), F.S.

¹¹⁴ *Id.*

Comprehensive Plan Amendment Process

State law requires a proposed comprehensive plan amendment to receive three public hearings, the first of which is held by the local planning board.¹¹⁵ The local commission (city or county) must then hold its “initial” public hearing (the second overall hearing) regarding the proposed amendment and subsequently transmit it to several statutorily identified reviewing agencies.¹¹⁶

The state agencies review the proposed amendment for impacts related to their statutory purview. The regional planning council with jurisdiction reviews the amendment specifically for “extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region” as well as adverse effects on regional resources or facilities.¹¹⁷ Upon receipt of the reports from the various agencies, the local government holds a second public hearing at which the governing body votes to approve the amendment or not. If the amendment receives a favorable vote it is transmitted to the Department of Economic Opportunity (“DEO”) for final review.¹¹⁸ The DEO then has either 31 days or 45 days (depending on the review process to which the amendment is subject) to determine whether the proposed comprehensive plan amendment is in compliance with all relevant agency rules and laws.¹¹⁹

Special Districts

Special districts are local units of special purpose government, within limited geographical areas, which are used to manage, own, operate, maintain, and finance basic capital infrastructure, facilities, and services. Special districts have existed in Florida since 1845 when the Legislature authorized five commissioners to drain the “Alachua Savannah” also known as Paynes Prairie. The project was financed by special assessments made on landowners based on the number of acres owned and the benefit derived. Since that time, special districts have been used by local governments to provide a broad range of government services. All special districts must comply with the requirements of the Uniform Special District Accountability Act of 1989, which the Legislature enacted to reform and consolidate laws relating to special districts. Chapter 189, F.S., applies to the formation, governance, administration, supervision, merger and dissolution of special districts unless otherwise expressly provided in law.¹²⁰ The Act includes an extensive statement of legislative intent emphasizing improved accountability to state and local governments, better communication and coordination in monitoring required reporting of special districts, and improved uniformity in special district elections and non-ad valorem assessments. The statement also specifies the elements required in the charter of each new district.¹²¹

Special districts serve a limited purpose, function as an administrative unit separate and apart from the county or city in which they may be located, and are often referred to as a local unit of special purpose. Special districts may be created by general law (an act of the Legislature), by special act (a law enacted by the Legislature at the request of a local government and affecting only that local government), by local ordinance, or by rule of the Governor and Cabinet.

The Special District Information Program within the DEO serves as the clearinghouse for special district information, and maintains a list of special districts categorized by function which can include community development districts (575), community redevelopment districts (213), downtown development districts (14), drainage and water control districts (86), economic development districts

¹¹⁵ Section 163.3174(4)(a), F.S.

¹¹⁶ Section 163.3184, F.S.

¹¹⁷ Section 163.3184(3)(b)3.a., F.S.

¹¹⁸ Section 163.3184, F.S.

¹¹⁹ *Id.*

¹²⁰ For example, the creation of community development districts and their charters is exclusively controlled by ch. 190, F.S. Section 190.004, F.S.

¹²¹ Section 189.402(2), F.S.

(11), fire control and rescue districts (65), mosquito control districts (18), and soil and water conservation districts (62).¹²² There are a total of 1,634 special districts in Florida.

Community Development Districts

Community Development Districts (“CDDs”) are a type of special district controlled by Ch. 190, F.S. The purpose of a CDD is to provide an “alternative method to manage and finance basic services for community development.”¹²³ Counties and cities may create community development districts of less than 1,000 acres.¹²⁴ CDDs larger than 1,000 acres can only be created by the Governor and the Cabinet, sitting as the Florida Land and Water Adjudicatory Commission.¹²⁵ Chapter 190 provides that CDDs must comply with many of the same requirements that apply to other special districts.

Development of Regional Impact Background

As noted above, a development of regional impact (“DRI”) is defined in s. 380.06, F.S., as “any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county.” Section 380.06, F.S., provides for both state and regional review of local land use decisions involving DRIs. Regional planning councils coordinate the review process with local, regional, state and federal agencies and recommend conditions of approval or denial to local governments. DRIs are also reviewed by the Department of Economic Opportunity for compliance with state law and to identify the regional and state impacts of large-scale developments. Local DRI development orders may be appealed by the owner, the developer, or the state land planning agency to the Governor and Cabinet, sitting as the Florida Land and Water Adjudicatory Commission.¹²⁶ Section 380.06(24), F.S., exempts numerous types of projects from DRI review.

Effect of Proposed Changes

The bill amends s. 163.3246, F.S., to create a 10-year pilot project for connected-city corridor plan amendments. The bill names Pasco County as a pilot community that may adopt connected-city corridor plan amendments. Such amendments may be based on a planning period longer than the generally applicable planning period of a local government comprehensive plan.

The bill requires Pasco County to submit an annual or biennial monitoring report to the Department of Economic Opportunity. If Pasco County adopts a long-term transportation network plan and financial feasibility plan, then projects within the connected-city corridor are deemed to have satisfied all concurrency and transportation mitigation requirements. Projects located within the connected-city corridor are exempt from DRI review requirements.

The bill directs the Office of Program Policy Analysis and Government Accountability (“OPPAGA”) to submit a report to the Governor and Legislature by December 1, 2024, regarding the pilot project.

The bill amends s. 190.005, F.S., to provide that the exclusive method of establishing a community development district of 2,000 acres or less within a connected-city corridor is by adoption of an ordinance by the county commission. The bill also exempts community development districts within both a connected-city corridor and the jurisdiction of more than one city from a requirement that the petition establishing the district be filed with the Florida Land and Water Adjudicatory Commission.

Constrained Agricultural Parcels

¹²² Information relating to special districts and their functions can be found in the SDIP online publication “Florida Special District Handbook Online” which can be found at <http://www.floridaspecialdistricts.org/handbook/> (last visited March 12, 2015).

¹²³ Section 190.002(3), F.S.

¹²⁴ Section 190.005(2), F.S.

¹²⁵ Section 190.005(1), F.S.

¹²⁶ Section 380.07(2), F.S.

Present Situation

In 2003, the Legislature passed the Agricultural Lands and Practices Act ("Act"),¹²⁷ which is codified in s. 163.3162, F.S. The Act prohibits counties from adopting or enforcing any duplicative ordinance, resolution, regulation, rule, or policy that limits activity of a bona fide farm or farm operation¹²⁸ on agricultural land if such activity is already regulated through or by any of the following:

- best management practices ("BMPs");
- interim measures, or regulations adopted as rules under Ch. 120, F.S., by the Department of Environmental Protection ("DEP"), the Department of Agriculture and Consumer Services ("DACCS"), or a water management district ("WMD") as part of a statewide or regional program; or
- the United States Department of Agriculture, the United States Army Corps of Engineers, or the United States Environmental Protection Agency.¹²⁹

In addition, the Act allows an owner of a parcel of land defined as an "agricultural enclave" under s. 163.3164, F.S., to apply for an amendment to the local government comprehensive plan pursuant to s. 163.3184, F.S.¹³⁰

Section 163.3164, F.S., defines "agricultural enclave" as an unincorporated, undeveloped parcel that complies with the following requirements:

- is owned by a single person or entity;
- has been in continuous use for bona fide agricultural purposes, as defined by s. 193.461, F.S., for a period of 5 years prior to the date of any comprehensive plan amendment application;
- is surrounded on at least 75 percent of its perimeter by property that has existing or planned development for industrial, commercial, or residential purposes;
- has public services, including water, wastewater, transportation, schools, and recreation facilities, available or planned for; and
- does not exceed 1,280 acres (with certain exceptions).¹³¹

Further, such amendment is presumed not to be urban sprawl as defined in s. 163.3164, F.S., if it includes land uses and intensities of use that are consistent with the uses and intensities of use of surrounding areas.¹³² This presumption may be rebutted by clear and convincing evidence.¹³³

Effect of Proposed Changes

The bill adds a new subsection (5) to s. 163.3162, F.S., to allow an owner of a "constrained agricultural parcel" to apply for an amendment to the local government comprehensive plan.

The bill defines "constrained agricultural parcel" as an undeveloped parcel of a county, which meets the following requirements:

¹²⁷ CS/CS/SB 1660, Ch. 2003-162, L.O.F.

¹²⁸ Bona fide farm or farm operation is defined in s. 193.461.F.S., as good faith commercial agricultural use of the land based on the length of time the land has been so used, whether the use has been continuous, indication that an effort has been made to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, and size as it relates to the specific agricultural use, among other things.

¹²⁹ Section 163.3162(3), F.S.

¹³⁰ Section 163.3162(4), F.S.

¹³¹ Section 163.3164(4), F.S.

¹³² Section 163.3162(4), F.S.

¹³³ *Id.*

- owned by a single person or entity or by affiliated or related entities;
- at least 75 percent of the parcel has been in continuous use for a bona fide agricultural purpose as defined in s. 193.461, F.S., for a period of three years before the date of any comprehensive plan amendment application;
- has at least 1 mile of its boundary adjacent to existing or approved but unbuilt industrial, commercial, or residential development;
- has at least 1 mile of its boundary adjacent to lands that have been designated in the local government's comprehensive plan, zoning map, or future land use map as land that cannot be developed for industrial, commercial, or residential development except at an agricultural density; and
- does not exceed 6,400 acres.

The local government and the owner of the constrained agricultural parcel that is the subject of an application for an amendment have 30 days after the local government's receipt of a complete application to agree in writing to a schedule for information submittal, public hearings, negotiations, and final action on the amendment.

The local government and the owner of the constrained agricultural parcel have 180 days after the date the local government receives a complete application to negotiate in good faith to reach consensus as to whether the uses, densities, and intensities included in the amendment are consistent with the most prevalent surrounding uses, densities, and intensities within a 3-mile radius of the constrained agricultural parcel (excluding certain adjacent lands). If an amendment includes uses, densities, and intensities that are so consistent, the amendment is presumed not to be urban sprawl as defined in s. 163.3164, F.S. This presumption may be rebutted by clear and convincing evidence.

Regardless of whether the local government and the owner reach a consensus, the bill provides that the local government must transmit the amendment to the state land planning agency for review. If the local government fails to transmit the amendment within 180 days after receipt of a complete application, the amendment must immediately transfer to the state land planning agency for such review. An amendment transmitted to the state land planning agency is presumed not to be urban sprawl as defined in s. 163.3164, F.S. Again, such presumption may be rebutted by clear and convincing evidence.

Notwithstanding a comprehensive plan, a local government may not impose a development condition that prohibits uses, densities, and intensities that are consistent with the most prevalent surrounding uses, densities, and intensities of lands within a 3-mile radius of the constrained agricultural parcel, (excluding certain lands). If a local government imposes such development conditions, the owner may apply to the circuit court for appropriate relief pursuant to s. 70.001, F.S. The imposition of such conditions is presumed to impose an inordinate burden that may be rebutted by clear and convincing evidence. However, the bill provides that this section does not apply to comprehensive plan provisions, development conditions, or land development regulations enacted to address compatibility of uses with military operations or installations.

The bill does not preempt or replace any protection currently existing for any property located within the boundaries of the Wekiva Study Area as defined in s. 369.316, F.S., or the Everglades Protection Area as defined in s. 373.4592(2), F.S.

Property Assessed Clean Energy Program

Present Situation

The Property Assessed Clean Energy Model

The Property Assessed Clean Energy (“PACE”) program encourages property owners to reduce energy usage and increase the energy efficiency of their property.¹³⁴ Specifically, the PACE model allows property owners to voluntarily make certain energy-efficiency related “qualified improvements” to their property with financial assistance from the local government in which the property lies.¹³⁵ To be repaid for such financial assistance, the local government may charge the property owner through a non-ad valorem special assessment, which is attached to the property and recorded.¹³⁶ Therefore, if the property is sold prior to the end of the repayment period, the new owner takes over the remaining special assessment payments as part of the property’s annual tax bill.¹³⁷

A “qualifying improvement,” which must be affixed to a building or facility that is part of the property,¹³⁸ includes the following:

- any energy conservation and efficiency improvement, which is a measure to reduce consumption through conservation or a more efficient use of electricity, natural gas, propane, or other forms of energy on the property;
- a renewable energy improvement, which is the installation of any system in which the electrical, mechanical, or thermal energy is produced from a method that uses certain fuels or energy sources; and
- certain wind resistance improvements.¹³⁹

The Florida PACE Funding Agency, created in 2011¹⁴⁰ through an interlocal agreement between Flagler County and the City of Kissimmee, encourages local governments to join its statewide, uniform PACE program rather than pursue varying local efforts that would lack the economies of scale a statewide program can provide. The agency provides a means to validate and provide certainty as to the nature of the non-ad valorem assessments and the impact or reaction from mortgage lenders doing business in Florida, as well as the ability to issue bonds on an as-needed basis to underwrite energy efficiency, renewable energy and wind resistance improvements.¹⁴¹

Community Redevelopment Act

Part III of ch. 163, F.S., the Community Redevelopment Act of 1969 (“Act”), authorizes a county or municipality to create community redevelopment areas (“CRAs”) as a means of redeveloping slums or blighted areas. CRAs are not permitted to levy or collect taxes; however, the local governing body is permitted to establish a community redevelopment trust fund utilizing revenues derived from tax increment financing.¹⁴²

Further, counties and municipalities are prohibited from exercising the powers conferred by the Act until after the governing body has adopted a resolution finding the following:

- 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,¹⁴³ and

¹³⁴ Section 163.08(1)(a), F.S.

¹³⁵ Section 163.08, F.S.

¹³⁶ Section 163.08(4), (8), (14), F.S.

¹³⁷ *Id.*

¹³⁸ Section 163.08(10), F.S.

¹³⁹ Section 163.08(2)(b), F.S.

¹⁴⁰ Section 163.08(5), F.S., allows a local government to “enter into a partnership with one or more local governments for the purpose of providing and financing qualifying improvements.” Such improvements include various energy conservation and renewable energy projects including, but not limited to, storm shutter installation, solar energy conversion, efficient lighting installation, and installation of energy-efficient heating, cooling, or ventilation systems.

¹⁴¹ Florida PACE Funding Agency, *How It Works*, can be found at: <http://floridapace.gov/how-it-works/> (last accessed Mar. 18, 2015)

¹⁴² Section 163.387, F.S.

¹⁴³ Section 163.355(1), F.S.

- 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.¹⁴⁴

Section 163.340(8), F.S., defines “blighted area” as an area in which there are a substantial number of deteriorated, or deteriorating structures and in which two or more of the following factors are present:

- predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;
- 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;
- faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- unsanitary or unsafe conditions;
- deterioration of site or other improvements;
- inadequate and outdated building density patterns;
- falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality;
- tax or special assessment delinquency exceeding the fair value of the land;
- residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality;
- incidence of crime in the area higher than in the remainder of the county or municipality;
- fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality;
- 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;
- diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; or
- governmentally owned property with adverse environmental conditions caused by a public or private entity.

Subsidence and Sinkholes

Florida law defines a sinkhole as “a landform created by subsidence of soil, sediment, or rock as underlying strata are dissolved by groundwater.”¹⁴⁵ Sinkholes are a common feature in Florida’s landscape, due to erosional processes associated with the chemical weathering and dissolution of carbonate rocks below Florida’s surface such as limestone, dolomite, and gypsum.¹⁴⁶ Over geologic periods of time, persistent erosion created extensive underground voids and drainage systems throughout Florida.¹⁴⁷ A sinkhole forms when sediments overlying such a void collapse. Because “groundwater that feeds springs is recharged . . . through direct conduits such as sinkholes,” the Florida Legislature has expressed a desire to promote good stewardship, effective planning strategies, and best management practices with respect to sinkholes and the springs they recharge, which may be “threatened by actual and potential flow reductions and declining water quality.”¹⁴⁸

¹⁴⁴ Section 163.355(2), F.S.

¹⁴⁵ Section 627.706(2)(h), F.S.

¹⁴⁶ Florida Department of Environmental Protection, *Sinkholes*, can be found at: <http://www.dep.state.fl.us/geology/geologictopics/sinkhole.htm> (last accessed Mar. 18, 2015)

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

The two primary repair methods for sinkhole remediation are grouting and underpinning.¹⁴⁹ Under the grouting procedure, a grout mixture (either cement-based or a chemical resin that expands into foam) is injected into the ground to stabilize the subsurface soils to minimize further subsidence damage by increasing the density of the soils beneath the building as well as sealing the top of the limestone surface to minimize future raveling.¹⁵⁰ Underpinning consists of steel piers drilled or pushed into the ground to stabilize the building's foundation. One end of the steel pipe connects to the foundation of the structure with the other end resting on solid limestone.¹⁵¹ Underpinning repairs, when performed, are usually combined with grouting. Professional engineers do not typically recommend underpinning unless there is damage involving significant differential settlement or significant structural damage.¹⁵²

Effect of Proposed Changes

The bill amends s. 163.08, F.S., to allow supplemental authority for financing stabilization or other repairs to real property damaged by ground subsidence, including sinkhole activity. The bill establishes a finding of a compelling state interest in providing local government assistance to enable property owners to voluntarily finance qualifying improvements to real property damaged by subsidence.

The bill expands the definition of "qualifying improvement" within the PACE program to include stabilization and other repairs to property damaged by subsidence. The bill also provides that a subsidence-related qualifying improvement is deemed affixed to a building or facility and requires that a disclosure statement must be provided to a prospective purchaser of a property which details such qualifying improvements.

The bill amends s. 163.335, F.S., and declares the following:

- properties damaged by sinkhole activity which are not adequately repaired or stabilized may negatively affect the market valuation of surrounding properties, resulting in the loss of property tax revenues to local communities; and
- where a substantial number or percentage of properties damaged by sinkhole activity which have not been adequately repaired or stabilized could be revitalized and redeveloped in a manner that will vastly improve the economic and social conditions of the community.

The bill amends s. 163.340, F.S., adding subsidence to the list of factors that define a "blighted area" for purposes of the Community Redevelopment Act. The definition is expanded to include land that has a "substantial number or percentage of properties" that have been damaged by subsidence and have not been sufficiently repaired or stabilized.

The bill amends s. 163.359, F.S., providing that a CRA established based upon the presence of a substantial number or percentage of properties damaged by subsidence and not adequately repaired or stabilized may not pay attorney fees or a public adjuster fee in connection with subsidence loss. The CRA may also not pay such fees to a homeowner, claimant, or insurer.

The bill amends s. 163.370, F.S., providing that communities and municipalities and community redevelopment agencies in blighted areas where the community development plan contains provisions relating to the stabilization or repair of property damaged by subsidence may be self-insured, enter risk management programs, or purchase liability insurance.

¹⁴⁹ Citizens Property Insurance Corporation, *Sinkhole Repairs: Underpinning and Grouting*, can be found at: <https://www.citizensfla.com/shared/sinkhole/documents/GroutVersusUnderpinning.pdf> (last accessed Mar. 18, 2015)

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

¹⁵² *Id.*

B. SECTION DIRECTORY:

- Section 1: Amends s. 163.3164, F.S., relating to the Community Planning Act.
- Section 2: Creates s. 163.3162(5), F.S., relating to agricultural lands and practices.
- Section 3: Creates s. 163.3180(1)(c), F.S., relating to concurrency.
- Section 4: Amends s. 163.3184(2)(c), F.S., relating to the process for adoption of comprehensive plans or plan amendments.
- Section 5: Creates s. 380.06(30), F.S., relating to developments of regional impact.
- Section 6: Amends s. 163.3175(9), F.S., relating to legislative findings on compatibility of development with military installations; exchange of information between local governments and military installations.
- Section 7: Amends subsections (3) and (9), renumbers subsection (13) as subsection (14), and adds new subsections (13) and (15) of s. 163.3245, F.S., relating to sector plans.
- Section 8: Creates s. 373.236(8), F.S., relating to duration of permits; and compliance reports.
- Section 9: Amends s. 163.3246(11), of s. 163.3246, F.S., relating to local government comprehensive planning certification programs.
- Section 10: Amends s. 163.3248(4), F.S., relating to rural land stewardship areas.
- Section 11: Amends s. 186.504, F.S., relating to regional planning councils.
- Section 12: Amends s. 186.505(22), F.S., relating to regional planning councils; powers and duties.
- Section 13: Amends s. 186.506(4), F.S., relating to the Executive Office of the Governor; power and duties.
- Section 14: Creates s. 186.512, F.S., relating to regional planning council identification; and opt-out provisions.
- Section 15: Amends s. 186.513, F.S., relating to regional planning council reports.
- Section 16: Amends s. 120.52(1)(a), F.S., relating to definitions under the Administrative Procedure Act.
- Section 17: Amends s. 218.32(1)(c), F.S., relating to annual financial reports; local governmental entities.
- Section 18: Amends s. 253.7828, F.S., relating to impairment of use or conservation by agencies prohibited.
- Section 19: Amends s. 339.135(4)(j), F.S., relating to work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.
- Section 20: Amends s. 339.155(4)(b), F.S., relating to transportation planning.
- Section 21: Amends s. 380.06(18), F.S., relating to developments of regional impact.

- Section 22: Amends s. 403.50663(2) and (3), F.S., relating to informational public meetings.
- Section 23: Amends s. 403.507(2)(a), F.S., relating to preliminary statements of issues, reports, project analyses, and studies.
- Section 24: Amends s. 403.508(3)(a) and (4)(a), F.S., relating to land use and certification hearings, parties, and participants.
- Section 25: Amends s. 403.5115(5), F.S., relating to public notice.
- Section 26: Amends s. 403.526(2)(a), F.S., relating to preliminary statements of issues, reports, and project analyses; and studies.
- Section 27: Amends s. 403.527(2)(a) and (3)(a), F.S., relating to certification hearing, parties, and participants.
- Section 28: Amends s. 403.5272(2) and (3), F.S., relating to informational public hearings.
- Section 29: Amends s. 403.7264(4), F.S., relating to amnesty days for purging small quantities of hazardous wastes.
- Section 30: Amends s. 403.941(2)(a), F.S., relating to preliminary statements of issues, reports, and studies.
- Section 31: Amends s. 403.9411(4)(a), F.S., relating to notice; proceedings; parties, and participants.
- Section 32: Amends s. 419.001(6), F.S., relating to site selection of community residential homes.
- Section 33: Amends s. 985.682(4), F.S., relating to siting of facilities; criteria.
- Section 34: Repeals s. 186.0201, F.S., relating to electric substation planning under the State and Regional Planning Act.
- Section 35: Repeals s. 260.018, F.S., relating to agency recognition under the Florida Greenways and Trails Act.
- Section 36: Appropriates \$2.5 million in nonrecurring funds from the General Revenue Fund to regional planning councils.
- Section 37: Amends s. 163.08(1), (2), (10), and (14), F.S., relating to supplemental authority for improvements to real property.
- Section 38: Amends s. 163.335, F.S., relating to insurance for subsidence.
- Section 39: Amends s. 163.340(8), F.S., relating definitions under the Community Redevelopment Act.
- Section 40: Amends s. 163.350, F.S., relating to workable programs.
- Section 41: Creates s. 163.359, F.S., relating to attorney fees.
- Section 42: Amends s. 163.360(8), F.S., relating to community redevelopment plans.
- Section 43: Amends s. 163.370, F.S., relating to community redevelopment agencies.

- Section 44: Creates s. 163.3246(14), F.S., relating to local government comprehensive planning programs.
- Section 45: Amends s. 190.005(2), F.S., relating to the establishment of community development districts.
- Section 46: Amends s. 163.3167(9), F.S., relating to scope of the Community Planning Act.
- Section 47: Creates s. 163.3177(6)(i), F.S., relating to required elements of comprehensive plans; studies and surveys.
- Section 48: Creates an unnumbered section of law relating to the removal of vegetation within right-of-way limits of road improvements.
- Section 49: Provides an effective date of July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill may have an indeterminate negative fiscal impact by adding a new subsection (5) to s. 163.3162, F.S., to allow an owner of a "constrained agricultural parcel" to apply for an amendment to the local government comprehensive plan. If the local government fails to transmit the amendment within 180 days after receipt of a complete application, the amendment shall immediately transfer to the state land planning agency for review. It is unknown at this time how many properties meet the definition of a "constrained agricultural parcel", or how many properties that conform to that definition will apply for an amendment to the local government comprehensive plan and ultimately be transferred to DEO for review.

The bill provides an appropriation of \$2.5 million in nonrecurring funding from the General Revenue Fund to Regional Planning Councils for the 2015-2016 fiscal year.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill may have an indeterminate negative impact on revenues if a local government applies concurrency to transportation facilities or public education facilities and also imposes mobility fees or impact fees for transportation or public education then any proportionate share payment or mitigation payment may not exceed one hundred twenty-five percent of the applicable mobility fee or impact fee.

The bill may have an indeterminate negative impact on revenues. The bill provides that a municipality or county that applies transportation concurrency may not require a developer to pay a fee to remove vegetation within the right-of-way limits of road improvements for which the developer completed or contributed funding as required for transportation concurrency as part of a development project. A municipality or county may by majority vote of its governing body however, may exempt itself from this portion of the bill.

2. Expenditures:

The bill may have an indeterminate negative fiscal impact by adding a new subsection (5) to s. 163.3162, F.S., to allow an owner of a "constrained agricultural parcel" to apply for an amendment to the local government comprehensive plan. Local governments have 30 days after receipt of a complete application to agree in writing to a schedule for information submittal, public hearings, negotiations, and final action on the amendment. It is unknown at this time how many properties meet the definition of a "constrained agricultural parcel", or how many properties that conform to that definition will apply for an amendment to the local government comprehensive plan.

The bill may have an indeterminate negative fiscal impact by creating s. 163.3177(6)(i), F.S., requiring county and municipal comprehensive plans to include a property rights element setting the principles, guidelines, standards, and strategies to guide the local government's decisions and program implementation, and that within one year after adopting a property rights element, adopt land development regulations consistent with s. 163.3177(6)(i), F.S.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to growth management; amending s.
 3 163.3164, F.S.; defining the term "constrained
 4 agricultural parcel"; amending s. 163.3162, F.S.;
 5 authorizing specified landowners to apply for an
 6 amendment to a local government comprehensive plan;
 7 requiring the local government and the owner of land
 8 to agree in writing to a schedule and to negotiate a
 9 consensus on the consistency of uses, densities, and
 10 intensities within a specified period; establishing a
 11 presumption that the amendment is not urban sprawl
 12 under certain conditions; requiring the local
 13 government to transmit the amendment to the state land
 14 planning agency for review; transferring the amendment
 15 to the state land planning agency under certain
 16 circumstances; limiting the authority of the local
 17 government to establish specified prohibitions on the
 18 constrained agricultural parcel under certain
 19 circumstances; exempting specified property; amending
 20 s. 163.3180, F.S.; limiting the amount of mobility and
 21 impact fees; amending s. 163.3184, F.S.; requiring
 22 plan amendments proposing a development that qualifies
 23 as a development of regional impact to be subject to
 24 the state coordinated review process; amending s.
 25 380.06, F.S.; providing that new proposed developments
 26 are subject to the state coordinated review process

27 | and not the development of regional impact review
 28 | process; amending s. 163.3175, F.S.; deleting obsolete
 29 | provisions; amending s. 163.3245, F.S.; authorizing
 30 | certain conservation easements granted and recorded as
 31 | part of a detailed specific area plan to be modified
 32 | or substituted for other lands; providing criteria for
 33 | substituting such lands; requiring applicants to
 34 | provide copies of detailed specified area plans to
 35 | identified agencies; authorizing specific agencies to
 36 | allow an applicant to use previously recorded
 37 | conservation easements to offset impacts to wetlands
 38 | or uplands for permitting purposes; authorizing an
 39 | applicant to request that a consumptive use permit be
 40 | issued for the same period as an approved master
 41 | development order; providing construction; amending s.
 42 | 373.236, F.S.; authorizing a water management district
 43 | to issue a consumptive use permit for the length of an
 44 | approved master development order under certain
 45 | circumstances; specifying the criteria to be applied
 46 | by the water management district in issuing such
 47 | permit; providing construction; amending s. 163.3246,
 48 | F.S.; removing restrictions on certain review
 49 | exemptions; amending s. 163.3248, F.S.; removing the
 50 | requirement that regional planning councils provide
 51 | assistance in developing a plan for a rural land
 52 | stewardship area; amending s. 186.504, F.S.;

53 conforming provisions to changes made by the act;
 54 amending s. 186.505, F.S.; removing the power of
 55 regional planning councils to establish and conduct
 56 cross-acceptance negotiation processes; amending s.
 57 186.506, F.S.; removing the Governor's authority to
 58 revise regional planning council district boundaries;
 59 creating s. 186.512, F.S.; subdividing the state into
 60 specified geographic regions for the purpose of
 61 regional comprehensive planning; authorizing a county
 62 to opt out of membership in a regional planning
 63 council; amending s. 186.513, F.S.; deleting the
 64 requirement that regional planning councils make joint
 65 reports and recommendations; amending ss. 120.52,
 66 218.32, and 253.7828, F.S.; conforming provisions to
 67 changes made by the act; amending s. 339.135, F.S.;
 68 deleting obsolete provisions; amending s. 339.155,
 69 F.S.; removing certain duties of regional planning
 70 councils; amending s. 380.06, F.S.; removing the
 71 requirement that developers submit biennial reports to
 72 regional planning agencies; amending s. 403.50663,
 73 F.S.; removing requirements relating to certain
 74 informational public meetings; amending s. 403.507,
 75 F.S.; removing the requirement that regional planning
 76 councils prepare reports addressing the impact of
 77 proposed electrical power plants; amending s. 403.508,
 78 F.S.; removing the requirement that regional planning

79 | councils participate in certain proceedings; amending
 80 | s. 403.5115, F.S.; conforming provisions to changes
 81 | made by the act; amending s. 403.526, F.S.; removing
 82 | the requirement that regional planning councils
 83 | prepare reports addressing the impact of proposed
 84 | transmission lines or corridors; amending s. 403.527,
 85 | F.S.; removing the requirement that regional planning
 86 | councils participate in certain proceedings; amending
 87 | s. 403.5272, F.S.; conforming provisions to changes
 88 | made by the act; amending s. 403.7264, F.S.; removing
 89 | the requirement that regional planning councils assist
 90 | with amnesty days for purging small quantities of
 91 | hazardous wastes; amending s. 403.941, F.S.; removing
 92 | the requirement that regional planning councils
 93 | prepare reports addressing the impact of proposed
 94 | natural gas transmission pipelines or corridors;
 95 | amending s. 403.9411, F.S.; removing the requirement
 96 | that regional planning councils participate in certain
 97 | proceedings; amending ss. 419.001 and 985.682, F.S.;
 98 | removing provisions relating to the use of a certain
 99 | dispute resolution process; repealing s. 186.0201,
 100 | F.S., relating to electric substation planning;
 101 | repealing s. 260.018, F.S., relating to agency
 102 | recognition of certain publicly owned lands and
 103 | waters; providing an appropriation; amending s.
 104 | 163.08, F.S.; declaring a compelling state interest in

105 enabling property owners to voluntarily finance
 106 certain improvements to real property damaged by
 107 ground subsidence, including sinkhole activity, with
 108 local government assistance; expanding the definition
 109 of the term "qualifying improvement" to include
 110 stabilization or other repairs to real property
 111 damaged by ground subsidence; providing that
 112 stabilization or other repairs to real property
 113 damaged by ground subsidence are qualifying
 114 improvements considered affixed to a building or
 115 facility; revising the form of a specified written
 116 disclosure statement to include an assessment for a
 117 qualifying improvement relating to stabilization or
 118 repair of real property damaged by ground subsidence;
 119 amending s. 163.335, F.S.; providing legislative
 120 findings regarding ground subsidence; amending s.
 121 163.340, F.S.; expanding the definition of the term
 122 "blighted area" to include a substantial number or
 123 percentage of properties damaged by ground subsidence
 124 that are not adequately repaired or stabilized;
 125 amending s. 163.350, F.S.; authorizing counties and
 126 municipalities to include in a workable program
 127 provisions to stabilize or repair property damaged by
 128 ground subsidence; creating s. 163.359, F.S.;

129 prohibiting certain community redevelopment agencies
 130 from paying attorney fees or public adjuster fees;

131 amending s. 163.360, F.S.; authorizing a county or
 132 municipality to purchase lands in a community
 133 redevelopment area that are blighted by ground
 134 subsidence; amending s. 163.370, F.S.; authorizing
 135 counties and municipalities to enter into specified
 136 insurance programs to protect against certain claims
 137 or judgments regarding property damaged by ground
 138 subsidence; specifying the types of insurance
 139 community redevelopment agencies may purchase;
 140 amending s. 163.3246, F.S.; providing legislative
 141 intent; designating Pasco County as a pilot community;
 142 requiring the state land planning agency to provide a
 143 written certification to Pasco County within a certain
 144 timeframe; providing requirements for certain plan
 145 amendments; requiring the Office of Program Policy
 146 Analysis and Government Accountability to submit a
 147 report and recommendations to the Governor and the
 148 Legislature by a certain date; providing requirements
 149 for the report; amending s. 190.005, F.S.; requiring
 150 community development districts up to a certain size
 151 located within a connected-city corridor to be
 152 established pursuant to an ordinance; amending s.
 153 163.3167, F.S.; requiring local governments to address
 154 the protection of private property rights in their
 155 comprehensive plans; amending s. 163.3177, F.S.;
 156 requiring the comprehensive plan to include a property

157 | rights element that addresses certain objectives;
 158 | requiring counties and municipalities to adopt land
 159 | development regulations consistent with the property
 160 | rights element; prohibiting a municipality or county
 161 | from requiring a developer to pay a fee to remove
 162 | vegetation under certain circumstances; providing
 163 | construction; defining the term "fee"; providing for
 164 | exemption; providing an effective date.

165 |

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

167 |

168 | Section 1. Subsections (11) through (51) of section
 169 | 163.3164, Florida Statutes, are renumbered as subsections (12)
 170 | through (52), respectively, and a new subsection (11) is added
 171 | to that section to read:

172 | 163.3164 Community Planning Act; definitions.—As used in
 173 | this act:

174 | (11) "Constrained agricultural parcel" means an
 175 | undeveloped parcel of a county:

176 | (a) That is owned by a single person or entity or by
 177 | affiliated or related entities;

178 | (b) At least 75 percent of which has been in continuous
 179 | use for a bona fide agricultural purpose as defined in s.
 180 | 193.461 for 3 years before the date of any comprehensive plan
 181 | amendment application;

182 | (c) That has at least 1 mile of its boundary adjacent to

183 existing or approved but unbuilt industrial, commercial, or
 184 residential development;

185 (d) That has at least 1 mile of its boundary adjacent to
 186 lands that have been designated in the local government's
 187 comprehensive plan, zoning map, or future land use map as land
 188 that cannot be developed for industrial, commercial, or
 189 residential development except at an agricultural density; and

190 (e) That does not exceed 6,400 acres.

191
 192 Multiple parcels of land shall be considered a constrained
 193 agricultural parcel if such parcels are owned by a single person
 194 or entity or by affiliated or related entities; the largest
 195 parcel independently meets the criteria of paragraphs (b)-(d);
 196 any additional parcels are located contiguous to or within 3,500
 197 linear feet of the largest parcel; and the aggregated parcels do
 198 not exceed 6,400 acres.

199 Section 2. Subsection (5) is added to section 163.3162,
 200 Florida Statutes, to read:

201 163.3162 Agricultural Lands and Practices.-

202 (5) FUTURE PLANNING OF ACTIVE AGRICULTURAL LANDS ADJACENT
 203 TO DEVELOPMENT.-The owner of a constrained agricultural parcel
 204 may apply for an amendment to the local government comprehensive
 205 plan pursuant to s. 163.3184.

206 (a) The local government and the owner of the constrained
 207 agricultural parcel that is the subject of an application for an
 208 amendment have 30 days after the local government's receipt of a

209 complete application to agree in writing to a schedule for
 210 information submittal, public hearings, negotiations, and final
 211 action on the amendment. Such schedule may be altered only with
 212 the written consent of the local government and the owner.

213 Compliance with the schedule in the written agreement
 214 constitutes good faith negotiations.

215 (b) The local government and the owner of the constrained
 216 agricultural parcel have 180 days after the date the local
 217 government receives a complete application to negotiate in good
 218 faith to reach consensus as to whether the uses, densities, and
 219 intensities included in the amendment are consistent with the
 220 most prevalent surrounding uses, densities, and intensities
 221 within a 3-mile radius of the constrained agricultural parcel,
 222 excluding the adjacent lands described in s. 163.3164(11)(d),
 223 whether such surrounding uses, densities, and intensities are
 224 developed or are approved but not yet developed.

225 (c) If an amendment includes uses, densities, and
 226 intensities that are consistent with the most prevalent
 227 surrounding uses, densities, and intensities within a 3-mile
 228 radius of the constrained agricultural parcel, excluding the
 229 adjacent lands described in s. 163.3164(11)(d), whether such
 230 surrounding uses, densities, and intensities are developed or
 231 are approved but not yet developed, the amendment is presumed
 232 not to constitute urban sprawl as defined in s. 163.3164. This
 233 presumption may be rebutted by clear and convincing evidence.

234 (d) Regardless of whether the local government and the

235 | owner reach a consensus, the local government shall transmit the
 236 | amendment to the state land planning agency for review pursuant
 237 | to s. 163.3184 upon the conclusion of the good faith
 238 | negotiations. If the local government fails to transmit the
 239 | amendment within 180 days after receipt of a complete
 240 | application, the amendment shall immediately transfer to the
 241 | state land planning agency for such review. An amendment
 242 | transmitted to the state land planning agency is presumed not to
 243 | constitute urban sprawl as defined in s. 163.3164. This
 244 | presumption may be rebutted by clear and convincing evidence.

245 | (e) Notwithstanding a comprehensive plan, a local
 246 | government may not impose a development condition that prohibits
 247 | uses, densities, and intensities that are consistent with the
 248 | most prevalent surrounding uses, densities, and intensities of
 249 | lands within a 3-mile radius of the constrained agricultural
 250 | parcel, excluding the adjacent lands described in s.
 251 | 163.3164(11)(d), whether such surrounding uses, densities, and
 252 | intensities are developed or are approved but not yet developed.
 253 | If a local government imposes such development conditions, the
 254 | owner may apply to the circuit court for appropriate relief
 255 | pursuant to s. 70.001. The imposition of such conditions is
 256 | presumed to impose an inordinate burden that may be rebutted by
 257 | clear and convincing evidence. This subsection does not apply to
 258 | comprehensive plan provisions, development conditions, or land
 259 | development regulations enacted to address compatibility of uses
 260 | with military operations or installations.

261 (f) A plan amendment submitted under this subsection is
 262 not entitled to the rebuttable presumption in the negotiation
 263 and amendment process if the owner fails to negotiate in good
 264 faith.

265 (g) This subsection does not preempt or replace any
 266 protection currently existing for any property located within
 267 the boundaries of:

- 268 1. The Wekiva Study Area as defined in s. 369.316; or
- 269 2. The Everglades Protection Area as defined in s.
- 270 373.4592(2).

271 Section 3. Paragraph (c) is added to subsection (1) of
 272 section 163.3180, Florida Statutes, to read:

273 163.3180 Concurrency.—

274 (1) Sanitary sewer, solid waste, drainage, and potable
 275 water are the only public facilities and services subject to the
 276 concurrency requirement on a statewide basis. Additional public
 277 facilities and services may not be made subject to concurrency
 278 on a statewide basis without approval by the Legislature;
 279 however, any local government may extend the concurrency
 280 requirement so that it applies to additional public facilities
 281 within its jurisdiction.

282 (c) If a local government applies concurrency to
 283 transportation facilities or public education facilities and
 284 also imposes mobility fees or impact fees for transportation or
 285 public education, any proportionate share payment or mitigation
 286 payment required under paragraph (5) (h) or paragraph (6) (h) must

287 | not exceed 125 percent of the applicable mobility fee or impact
 288 | fee.

289 | Section 4. Paragraph (c) of subsection (2) of section
 290 | 163.3184, Florida Statutes, is amended to read:

291 | 163.3184 Process for adoption of comprehensive plan or
 292 | plan amendment.—

293 | (2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—

294 | (c) Plan amendments that are in an area of critical state
 295 | concern designated pursuant to s. 380.05; propose a rural land
 296 | stewardship area pursuant to s. 163.3248; propose a sector plan
 297 | pursuant to s. 163.3245; update a comprehensive plan based on an
 298 | evaluation and appraisal pursuant to s. 163.3191; propose a
 299 | development that qualifies as a development of regional impact
 300 | pursuant to s. 380.06 ~~380.06(24)(*)~~; or are new plans for newly
 301 | incorporated municipalities adopted pursuant to s. 163.3167
 302 | shall follow the state coordinated review process in subsection
 303 | (4).

304 | Section 5. Subsection (30) is added to section 380.06,
 305 | Florida Statutes, to read:

306 | 380.06 Developments of regional impact.—

307 | (30) NEW PROPOSED DEVELOPMENTS.—A new proposed development
 308 | otherwise subject to the review requirements of this section
 309 | shall be approved by a local government pursuant to s.
 310 | 163.3184(4) in lieu of proceeding in accordance with this
 311 | section.

312 | Section 6. Subsection (9) of section 163.3175, Florida

313 Statutes, is amended to read:

314 163.3175 Legislative findings on compatibility of
 315 development with military installations; exchange of information
 316 between local governments and military installations.-

317 ~~(9) If a local government, as required under s.~~
 318 ~~163.3177(6)(a), does not adopt criteria and address~~
 319 ~~compatibility of lands adjacent to or closely proximate to~~
 320 ~~existing military installations in its future land use plan~~
 321 ~~element by June 30, 2012, the local government, the military~~
 322 ~~installation, the state land planning agency, and other parties~~
 323 ~~as identified by the regional planning council, including, but~~
 324 ~~not limited to, private landowner representatives, shall enter~~
 325 ~~into mediation conducted pursuant to s. 186.509. If the local~~
 326 ~~government comprehensive plan does not contain criteria~~
 327 ~~addressing compatibility by December 31, 2013, the agency may~~
 328 ~~notify the Administration Commission. The Administration~~
 329 ~~Commission may impose sanctions pursuant to s. 163.3184(8). Any~~
 330 ~~local government that amended its comprehensive plan to address~~
 331 ~~military installation compatibility requirements after 2004 and~~
 332 ~~was found to be in compliance is deemed to be in compliance with~~
 333 ~~this subsection until the local government conducts its~~
 334 ~~evaluation and appraisal review pursuant to s. 163.3191 and~~
 335 ~~determines that amendments are necessary to meet updated general~~
 336 ~~law requirements.~~

337 Section 7. Subsections (3) and (9) of section 163.3245,
 338 Florida Statutes, are amended, subsection (13) is renumbered as

339 subsection (14), and new subsections (13) and (15) are added to
 340 that section, to read:

341 163.3245 Sector plans.—

342 (3) Sector planning encompasses two levels: adoption
 343 pursuant to s. 163.3184 of a long-term master plan for the
 344 entire planning area as part of the comprehensive plan, and
 345 adoption by local development order of two or more detailed
 346 specific area plans that implement the long-term master plan and
 347 within which s. 380.06 is waived.

348 (a) In addition to the other requirements of this chapter,
 349 except for those that are inconsistent with or superseded by the
 350 planning standards of this paragraph, a long-term master plan
 351 pursuant to this section must include maps, illustrations, and
 352 text supported by data and analysis to address the following:

353 1. A framework map that, at a minimum, generally depicts
 354 areas of urban, agricultural, rural, and conservation land use;
 355 identifies allowed uses in various parts of the planning area;
 356 specifies maximum and minimum densities and intensities of use;
 357 and provides the general framework for the development pattern
 358 in developed areas with graphic illustrations based on a
 359 hierarchy of places and functional place-making components.

360 2. A general identification of the water supplies needed
 361 and available sources of water, including water resource
 362 development and water supply development projects, and water
 363 conservation measures needed to meet the projected demand of the
 364 future land uses in the long-term master plan.

365 | 3. A general identification of the transportation
 366 | facilities to serve the future land uses in the long-term master
 367 | plan, including guidelines to be used to establish each modal
 368 | component intended to optimize mobility.

369 | 4. A general identification of other regionally
 370 | significant public facilities necessary to support the future
 371 | land uses, which may include central utilities provided onsite
 372 | within the planning area, and policies setting forth the
 373 | procedures to be used to mitigate the impacts of future land
 374 | uses on public facilities.

375 | 5. A general identification of regionally significant
 376 | natural resources within the planning area based on the best
 377 | available data and policies setting forth the procedures for
 378 | protection or conservation of specific resources consistent with
 379 | the overall conservation and development strategy for the
 380 | planning area.

381 | 6. General principles and guidelines addressing the urban
 382 | form and the interrelationships of future land uses; the
 383 | protection and, as appropriate, restoration and management of
 384 | lands identified for permanent preservation through recordation
 385 | of conservation easements consistent with s. 704.06, which shall
 386 | be phased or staged in coordination with detailed specific area
 387 | plans to reflect phased or staged development within the
 388 | planning area; achieving a more clean, healthy environment;
 389 | limiting urban sprawl; providing a range of housing types;
 390 | protecting wildlife and natural areas; advancing the efficient

391 use of land and other resources; creating quality communities of
 392 a design that promotes travel by multiple transportation modes;
 393 and enhancing the prospects for the creation of jobs.

394 7. Identification of general procedures and policies to
 395 facilitate intergovernmental coordination to address
 396 extrajurisdictional impacts from the future land uses.

397

398 A long-term master plan adopted pursuant to this section may be
 399 based upon a planning period longer than the generally
 400 applicable planning period of the local comprehensive plan,
 401 shall specify the projected population within the planning area
 402 during the chosen planning period, and may include a phasing or
 403 staging schedule that allocates a portion of the local
 404 government's future growth to the planning area through the
 405 planning period. A long-term master plan adopted pursuant to
 406 this section is not required to demonstrate need based upon
 407 projected population growth or on any other basis.

408 (b) In addition to the other requirements of this chapter,
 409 except for those that are inconsistent with or superseded by the
 410 planning standards of this paragraph, the detailed specific area
 411 plans shall be consistent with the long-term master plan and
 412 must include conditions and commitments that provide for:

413 1. Development or conservation of an area of at least
 414 1,000 acres consistent with the long-term master plan. The local
 415 government may approve detailed specific area plans of less than
 416 1,000 acres based on local circumstances if it is determined

417 that the detailed specific area plan furthers the purposes of
 418 this part and part I of chapter 380.

419 2. Detailed identification and analysis of the maximum and
 420 minimum densities and intensities of use and the distribution,
 421 extent, and location of future land uses.

422 3. Detailed identification of water resource development
 423 and water supply development projects and related infrastructure
 424 and water conservation measures to address water needs of
 425 development in the detailed specific area plan.

426 4. Detailed identification of the transportation
 427 facilities to serve the future land uses in the detailed
 428 specific area plan.

429 5. Detailed identification of other regionally significant
 430 public facilities, including public facilities outside the
 431 jurisdiction of the host local government, impacts of future
 432 land uses on those facilities, and required improvements
 433 consistent with the long-term master plan.

434 6. Public facilities necessary to serve development in the
 435 detailed specific area plan, including developer contributions
 436 in a 5-year capital improvement schedule of the affected local
 437 government.

438 7. Detailed analysis and identification of specific
 439 measures to ensure the protection and, as appropriate,
 440 restoration and management of lands within the boundary of the
 441 detailed specific area plan identified for permanent
 442 preservation through recordation of conservation easements

443 consistent with s. 704.06, which easements shall be effective
 444 before or concurrent with the effective date of the detailed
 445 specific area plan and other important resources both within and
 446 outside the host jurisdiction. Any such conservation easement
 447 may be based on rectified aerial photographs without the need
 448 for a survey and may include a right of adjustment authorizing
 449 the grantor to modify portions of the area protected by a
 450 conservation easement and substitute other lands in their place
 451 if the lands to be substituted contain no less gross acreage
 452 than the lands to be removed; have equivalent values in the
 453 proportion and quality of wetlands, uplands, and wildlife
 454 habitat; and are contiguous to other lands protected by the
 455 conservation easement. Substitution shall be accomplished by
 456 recording an amendment to the conservation easement as accepted
 457 by the grantee.

458 8. Detailed principles and guidelines addressing the urban
 459 form and the interrelationships of future land uses; achieving a
 460 more clean, healthy environment; limiting urban sprawl;
 461 providing a range of housing types; protecting wildlife and
 462 natural areas; advancing the efficient use of land and other
 463 resources; creating quality communities of a design that
 464 promotes travel by multiple transportation modes; and enhancing
 465 the prospects for the creation of jobs.

466 9. Identification of specific procedures to facilitate
 467 intergovernmental coordination to address extrajurisdictional
 468 impacts from the detailed specific area plan.

469
 470 A detailed specific area plan adopted by local development order
 471 pursuant to this section may be based upon a planning period
 472 longer than the generally applicable planning period of the
 473 local comprehensive plan and shall specify the projected
 474 population within the specific planning area during the chosen
 475 planning period. A detailed specific area plan adopted pursuant
 476 to this section is not required to demonstrate need based upon
 477 projected population growth or on any other basis. All lands
 478 identified in the long-term master plan for permanent
 479 preservation shall be subject to a recorded conservation
 480 easement consistent with s. 704.06 before or concurrent with the
 481 effective date of the final detailed specific area plan to be
 482 approved within the planning area. Any such conservation
 483 easement may be based on rectified aerial photographs without
 484 the need for a survey and may include a right of adjustment
 485 authorizing the grantor to modify portions of the area protected
 486 by a conservation easement and substitute other lands in their
 487 place if the lands to be substituted contain no less gross
 488 acreage than the lands to be removed; have equivalent values in
 489 the proportion and quality of wetlands, uplands, and wildlife
 490 habitat; and are contiguous to other lands protected by the
 491 conservation easement. Substitution shall be accomplished by
 492 recording an amendment to the conservation easement as accepted
 493 by the grantee.

494 (c) In its review of a long-term master plan, the state

495 | land planning agency shall consult with the Department of
496 | Agriculture and Consumer Services, the Department of
497 | Environmental Protection, the Fish and Wildlife Conservation
498 | Commission, and the applicable water management district
499 | regarding the design of areas for protection and conservation of
500 | regionally significant natural resources and for the protection
501 | and, as appropriate, restoration and management of lands
502 | identified for permanent preservation.

503 | (d) In its review of a long-term master plan, the state
504 | land planning agency shall consult with the Department of
505 | Transportation, the applicable metropolitan planning
506 | organization, and any urban transit agency regarding the
507 | location, capacity, design, and phasing or staging of major
508 | transportation facilities in the planning area.

509 | (e) Whenever a local government issues a development order
510 | approving a detailed specific area plan, a copy of such order
511 | shall be rendered to the state land planning agency and the
512 | owner or developer of the property affected by such order, as
513 | prescribed by rules of the state land planning agency for a
514 | development order for a development of regional impact. Within
515 | 45 days after the order is rendered, the owner, the developer,
516 | or the state land planning agency may appeal the order to the
517 | Florida Land and Water Adjudicatory Commission by filing a
518 | petition alleging that the detailed specific area plan is not
519 | consistent with the comprehensive plan or with the long-term
520 | master plan adopted pursuant to this section. The appellant

521 shall furnish a copy of the petition to the opposing party, as
 522 the case may be, and to the local government that issued the
 523 order. The filing of the petition stays the effectiveness of the
 524 order until after completion of the appeal process. However, if
 525 a development order approving a detailed specific area plan has
 526 been challenged by an aggrieved or adversely affected party in a
 527 judicial proceeding pursuant to s. 163.3215, and a party to such
 528 proceeding serves notice to the state land planning agency, the
 529 state land planning agency shall dismiss its appeal to the
 530 commission and shall have the right to intervene in the pending
 531 judicial proceeding pursuant to s. 163.3215. Proceedings for
 532 administrative review of an order approving a detailed specific
 533 area plan shall be conducted consistent with s. 380.07(6). The
 534 commission shall issue a decision granting or denying permission
 535 to develop pursuant to the long-term master plan and the
 536 standards of this part and may attach conditions or restrictions
 537 to its decisions.

538 (f) The applicant for a detailed specific area plan shall
 539 transmit copies of the application to the reviewing agencies
 540 specified in s. 163.3184(1)(c), or their successor agencies, for
 541 review and comment as to whether the detailed specific area plan
 542 is consistent with the comprehensive plan and the long-term
 543 master plan. Any comments from the reviewing agencies shall be
 544 submitted in writing to the local government with jurisdiction
 545 and to the state land planning agency within 30 days after the
 546 applicant's transmittal of the application.

547 (g) ~~(f)~~ This subsection does not prevent preparation and
 548 approval of the sector plan and detailed specific area plan
 549 concurrently or in the same submission.

550 (h) If an applicant seeks to use wetland or upland
 551 preservation achieved by granting conservation easements as
 552 compensatory mitigation for permitting purposes under chapter
 553 373 or chapter 379, the Department of Environmental Protection,
 554 the Fish and Wildlife Conservation Commission, or the water
 555 management district may accept such mitigation using the
 556 criteria established in the uniform assessment method required
 557 by s. 373.414, or pursuant to chapter 379, as applicable,
 558 without considering the fact that a conservation easement
 559 encumbering the same real property was previously recorded
 560 pursuant to paragraph (b).

561 (9) The adoption of a long-term master plan or a detailed
 562 specific area plan pursuant to this section does not limit the
 563 right to continue existing agricultural or silvicultural uses or
 564 other natural resource-based operations or to establish similar
 565 new agricultural or silvicultural uses that are consistent with
 566 the plans approved pursuant to this section.

567 (13) An applicant with an approved master development
 568 order may request that the applicable water management district
 569 issue a consumptive use permit as set forth in s. 373.236(8) for
 570 the same period of time as the approved master development
 571 order.

572 (15) The more specific provisions of this section shall

573 | supersede the generally applicable provisions of this chapter
 574 | that otherwise would apply. This section does not preclude a
 575 | local government from requiring data and analysis beyond the
 576 | minimum criteria established in this section.

577 | Section 8. Subsection (8) is added to section 373.236,
 578 | Florida Statutes, to read:

579 | 373.236 Duration of permits; compliance reports.—

580 | (8) A water management district may issue to an applicant,
 581 | as set forth in s. 163.3245(13), a permit for the same period of
 582 | time as the applicant's approved master development order if the
 583 | master development order was issued before January 1, 2015,
 584 | under s. 380.06(21) by a county which, at the time the order was
 585 | issued, was designated as a rural area of opportunity under s.
 586 | 288.0656, was not located in an area encompassed by a regional
 587 | water supply plan as set forth in s. 373.709(1), and was not
 588 | located within the basin area management plan of a first-order
 589 | magnitude spring. In reviewing the permit application, the water
 590 | management district shall apply the permitting criteria in s.
 591 | 373.223 based on the projected population and approved densities
 592 | and intensities of use and their distribution in the master
 593 | development order. However, the district may phase in the water
 594 | allocation over the duration of the permit to correspond to
 595 | actual projected needs. This subsection does not supersede the
 596 | public interest test established in s. 373.223.

597 | Section 9. Subsection (11) of section 163.3246, Florida
 598 | Statutes, is amended to read:

599 | 163.3246 Local government comprehensive planning
 600 | certification program.—

601 | (11) If the local government of an area described in
 602 | subsection (10) does not request that the state land planning
 603 | agency review the developments of regional impact that are
 604 | proposed within the certified area, an application for approval
 605 | of a development order within the certified area shall be exempt
 606 | from review under s. 380.06, ~~subject to the following:~~

607 | ~~(a) Concurrent with filing an application for development~~
 608 | ~~approval with the local government, a developer proposing a~~
 609 | ~~project that would have been subject to review pursuant to s.~~
 610 | ~~380.06 shall notify in writing the regional planning council~~
 611 | ~~with jurisdiction.~~

612 | ~~(b) The regional planning council shall coordinate with~~
 613 | ~~the developer and the local government to ensure that all~~
 614 | ~~concurrency requirements as well as federal, state, and local~~
 615 | ~~environmental permit requirements are met.~~

616 | Section 10. Subsection (4) of section 163.3248, Florida
 617 | Statutes, is amended to read:

618 | 163.3248 Rural land stewardship areas.—

619 | (4) A local government or one or more property owners may
 620 | request assistance and participation in the development of a
 621 | plan for the rural land stewardship area from the state land
 622 | planning agency, the Department of Agriculture and Consumer
 623 | Services, the Fish and Wildlife Conservation Commission, the
 624 | Department of Environmental Protection, the appropriate water

625 management district, the Department of Transportation, ~~the~~
 626 ~~regional planning council~~, private land owners, and
 627 stakeholders.

628 Section 11. Section 186.504, Florida Statutes, is amended
 629 to read:

630 186.504 Regional planning councils; ~~creation~~; membership.-

631 ~~(1) A regional planning council shall be created in each~~
 632 ~~of the several comprehensive planning districts of the state.~~
 633 ~~Only one agency shall exercise the responsibilities granted~~
 634 ~~herein within the geographic boundaries of any one comprehensive~~
 635 ~~planning district.~~

636 (1)~~(2)~~ Membership on a ~~the~~ regional planning council shall
 637 be consistent with s. 186.512 and be as follows:

638 (a) Representatives appointed by each of the member
 639 counties in the geographic area covered by the regional planning
 640 council.

641 (b) Representatives from other member local general-
 642 purpose governments in the geographic area covered by the
 643 regional planning council.

644 (c) Representatives appointed by the Governor from the
 645 geographic area covered by the regional planning council,
 646 including an elected school board member from the geographic
 647 area covered by the regional planning council, to be nominated
 648 by the Florida School Board Association.

649 (2)~~(3)~~ Not less than two-thirds of the representatives
 650 serving as voting members on the governing bodies of such

651 regional planning councils shall be elected officials of local
 652 general-purpose governments chosen by the cities and counties of
 653 the applicable regional planning council ~~region~~, provided each
 654 county shall have at least one vote. The remaining one-third of
 655 the voting members on the governing board shall be appointed by
 656 the Governor, to include one elected school board member,
 657 subject to confirmation by the Senate, and shall reside within
 658 the applicable regional planning council ~~in the region~~. No two
 659 appointees of the Governor shall have their places of residence
 660 in the same county until each county within the regional
 661 planning council ~~region~~ is represented by a Governor's appointee
 662 to the governing board. ~~Nothing contained in~~ This section does
 663 not shall deny to local governing bodies or the Governor the
 664 option of appointing either locally elected officials or lay
 665 citizens provided at least two-thirds of the governing body of
 666 the regional planning council is composed of locally elected
 667 officials.

668 ~~(4) In addition to voting members appointed pursuant to~~
 669 ~~paragraph (2)(c), the Governor shall appoint the following ex~~
 670 ~~officio nonvoting members to each regional planning council:~~

671 ~~(a) A representative of the Department of Transportation.~~

672 ~~(b) A representative of the Department of Environmental~~
 673 ~~Protection.~~

674 ~~(c) A representative nominated by the Department of~~
 675 ~~Economic Opportunity.~~

676 ~~(d) A representative of the appropriate water management~~

677 ~~district or districts.~~

678

679 ~~The Governor may also appoint ex officio nonvoting members~~
 680 ~~representing appropriate metropolitan planning organizations and~~
 681 ~~regional water supply authorities.~~

682 ~~(3) (5) Nothing contained in This act does not shall be~~
 683 ~~construed to mandate municipal government membership or~~
 684 ~~participation in a regional planning council. However, each~~
 685 ~~county shall be a member of the regional planning council~~
 686 ~~created within the comprehensive planning district encompassing~~
 687 ~~the county.~~

688 ~~(6) The existing regional planning council in each of the~~
 689 ~~several comprehensive planning districts shall be designated as~~
 690 ~~the regional planning council specified under subsections (1)~~
 691 ~~(5), provided the council agrees to meet the membership criteria~~
 692 ~~specified therein and is a regional planning council organized~~
 693 ~~under either s. 163.01 or s. 163.02 or ss. 186.501-186.515.~~

694 Section 12. Subsection (22) of section 186.505, Florida
 695 Statutes, is amended to read:

696 186.505 Regional planning councils; powers and duties.--Any
 697 regional planning council created hereunder shall have the
 698 following powers:

699 ~~(22) To establish and conduct a cross-acceptance~~
 700 ~~negotiation process with local governments intended to resolve~~
 701 ~~inconsistencies between applicable local and regional plans,~~
 702 ~~with participation by local governments being voluntary.~~

703 Section 13. Subsection (4) of section 186.506, Florida
 704 Statutes, is amended to read:

705 186.506 Executive Office of the Governor; powers and
 706 duties.—The Executive Office of the Governor, or its designee,
 707 shall:

708 (4) Conduct an in-depth analysis of the current boundaries
 709 of comprehensive planning districts to ensure that the regional
 710 planning councils working within them together form a workable
 711 system for effective regional planning, and that each council
 712 can adequately perform the tasks assigned to it by law. The
 713 Executive Office of the Governor shall include in its study the
 714 preferences of local general-purpose governments; the effects of
 715 population migration, transportation networks, population
 716 increases and decreases, economic development centers, trade
 717 areas, natural resource systems, federal program requirements,
 718 designated air quality nonattainment areas, economic
 719 relationships among cities and counties, and media markets; and
 720 other data, projections, or studies that it determines to be of
 721 significance in establishing district boundaries. The Executive
 722 Office of the Governor may recommend to the Legislature ~~make~~
 723 such changes in the district boundaries of the regional planning
 724 councils as are found to be feasible and desirable, ~~shall~~
 725 ~~complete a review of existing boundaries by January 1, 1994, and~~
 726 ~~may revise and update the boundaries from time to time~~
 727 ~~thereafter.~~

728 Section 14. Section 186.512, Florida Statutes, is created

729 | to read:

730 | 186.512 Regional planning council identification; opt-out
 731 | provisions.-

732 | (1) The territorial area of the state is subdivided into
 733 | the following districts for the purpose of regional
 734 | comprehensive planning. The name and geographic area of each
 735 | respective district shall accord with the following:

736 | (a) West Florida Regional Planning Council: Bay, Escambia,
 737 | Holmes, Okaloosa, Santa Rosa, Walton, and Washington Counties.

738 | (b) Apalachee Regional Planning Council: Calhoun,
 739 | Franklin, Gadsden, Gulf, Jackson, Jefferson, Leon, Liberty, and
 740 | Wakulla Counties.

741 | (c) North Central Florida Regional Planning Council:
 742 | Alachua, Bradford, Columbia, Dixie, Gilchrist, Hamilton,
 743 | Lafayette, Levy, Madison, Marion, Suwannee, Taylor, and Union
 744 | Counties.

745 | (d) Northeast Florida Regional Planning Council: Baker,
 746 | Clay, Duval, Flagler, Nassau, Putnam, and St. Johns Counties.

747 | (e) East Central Florida Regional Planning Council:
 748 | Brevard, Lake, Orange, Osceola, Seminole, Sumter, and Volusia
 749 | Counties.

750 | (f) Central Florida Regional Planning Council: DeSoto,
 751 | Hardee, Highlands, Okeechobee, and Polk Counties.

752 | (g) Tampa Bay Regional Planning Council: Citrus, Hernando,
 753 | Hillsborough, Manatee, Pasco, and Pinellas Counties.

754 | (h) Southwest Florida Regional Planning Council:

755 Charlotte, Collier, Glades, Hendry, Lee, and Sarasota Counties.

756 (i) Treasure Coast Regional Planning Council: Indian
 757 River, Martin, Palm Beach, and St. Lucie Counties.

758 (j) South Florida Regional Planning Council: Broward,
 759 Miami-Dade, and Monroe Counties.

760 (2) A county, by majority vote of its board members at a
 761 duly called meeting, may opt out of membership in its respective
 762 regional planning council. A county that has opted out of
 763 membership in its respective regional planning council may again
 764 become a member of that regional planning council upon a
 765 majority vote of its board members at a duly called meeting.

766 Section 15. Section 186.513, Florida Statutes, is amended
 767 to read:

768 186.513 Reports.—Each regional planning council shall
 769 prepare and furnish an annual report on its activities to the
 770 state land planning agency as defined in s. 163.3164 and the
 771 local general-purpose governments within its boundaries and,
 772 upon payment as may be established by the council, to any
 773 interested person. ~~The regional planning councils shall make a~~
 774 ~~joint report and recommendations to appropriate legislative~~
 775 ~~committees.~~

776 Section 16. Paragraph (a) of subsection (1) of section
 777 120.52, Florida Statutes, is amended to read:

778 120.52 Definitions.—As used in this act:

779 (1) "Agency" means the following officers or governmental
 780 entities if acting pursuant to powers other than those derived

781 from the constitution:

782 (a) The Governor; each state officer and state department,
 783 and each departmental unit described in s. 20.04; the Board of
 784 Governors of the State University System; the Commission on
 785 Ethics; the Fish and Wildlife Conservation Commission; a
 786 regional water supply authority; a regional planning agency; a
 787 multicounty special district, but only if a majority of its
 788 governing board is comprised of nonelected persons; educational
 789 units; and each entity described in chapters 163, 373, 380, and
 790 582 and s. 186.512 ~~186.504~~.

791

792 This definition does not include a municipality or legal entity
 793 created solely by a municipality; a legal entity or agency
 794 created in whole or in part pursuant to part II of chapter 361;
 795 a metropolitan planning organization created pursuant to s.
 796 339.175; a separate legal or administrative entity created
 797 pursuant to s. 339.175 of which a metropolitan planning
 798 organization is a member; an expressway authority pursuant to
 799 chapter 348 or any transportation authority or commission under
 800 chapter 343 or chapter 349; or a legal or administrative entity
 801 created by an interlocal agreement pursuant to s. 163.01(7),
 802 unless any party to such agreement is otherwise an agency as
 803 defined in this subsection.

804 Section 17. Paragraph (c) of subsection (1) of section
 805 218.32, Florida Statutes, is amended to read:

806 218.32 Annual financial reports; local governmental

807 entities.—

808 (1)

809 (c) Each regional planning council as set forth in s.
 810 186.512 ~~created under s. 186.504~~, each local government finance
 811 commission, board, or council, and each municipal power
 812 corporation created as a separate legal or administrative entity
 813 by interlocal agreement under s. 163.01(7) shall submit to the
 814 department a copy of its audit report and an annual financial
 815 report for the previous fiscal year in a format prescribed by
 816 the department.

817 Section 18. Section 253.7828, Florida Statutes, is amended
 818 to read:

819 253.7828 Impairment of use or conservation by agencies
 820 prohibited.—All agencies of the state, ~~regional planning~~
 821 ~~councils~~, water management districts, and local governments
 822 shall recognize the special character of the lands and waters
 823 designated by the state as the Cross Florida Greenways State
 824 Recreation and Conservation Area and shall not take any action
 825 that ~~which~~ will impair its use and conservation.

826 Section 19. Paragraph (j) of subsection (4) of section
 827 339.135, Florida Statutes, is amended to read:

828 339.135 Work program; legislative budget request;
 829 definitions; preparation, adoption, execution, and amendment.—

830 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

831 ~~(j) Notwithstanding paragraph (a) and for the 2014–2015~~
 832 ~~fiscal year only, the department may use up to \$15 million of~~

833 ~~appropriated funds to pay the costs of strategic and regionally~~
 834 ~~significant transportation projects. Funds may be used to~~
 835 ~~provide up to 75 percent of project costs for production ready~~
 836 ~~eligible projects. Preference shall be given to projects that~~
 837 ~~support the state's economic regions, or that have been~~
 838 ~~identified as regionally significant in accordance with s.~~
 839 ~~339.155(4)(c), (d), and (e), and that have an increased level of~~
 840 ~~nonstate match. This paragraph expires July 1, 2015.~~

841 Section 20. Paragraph (b) of subsection (4) of section
 842 339.155, Florida Statutes, is amended to read:

843 339.155 Transportation planning.-

844 (4) ADDITIONAL TRANSPORTATION PLANS.-

845 (b) Each regional planning council, as provided for in s.
 846 186.512 ~~186.504~~, or any successor agency thereto, shall develop,
 847 as an element of its strategic regional policy plan,
 848 transportation goals and policies. The transportation goals and
 849 policies must be prioritized to comply with the prevailing
 850 principles provided in subsection (1) and s. 334.046(1). The
 851 transportation goals and policies shall be consistent, to the
 852 maximum extent feasible, with the goals and policies of the
 853 metropolitan planning organization and the Florida
 854 Transportation Plan. The transportation goals and policies of
 855 the regional planning council will be advisory only and shall be
 856 submitted to the department and any affected metropolitan
 857 planning organization for their consideration and comments.
 858 Metropolitan planning organization plans and other local

859 transportation plans shall be developed consistent, to the
 860 maximum extent feasible, with the regional transportation goals
 861 and policies. ~~The regional planning council shall review~~
 862 ~~urbanized area transportation plans and any other planning~~
 863 ~~products stipulated in s. 339.175 and provide the department and~~
 864 ~~respective metropolitan planning organizations with written~~
 865 ~~recommendations, which the department and the metropolitan~~
 866 ~~planning organizations shall take under advisement. Further, the~~
 867 ~~regional planning councils shall directly assist local~~
 868 ~~governments that are not part of a metropolitan area~~
 869 ~~transportation planning process in the development of the~~
 870 ~~transportation element of their comprehensive plans as required~~
 871 ~~by s. 163.3177.~~

872 Section 21. Subsection (18) of section 380.06, Florida
 873 Statutes, is amended to read:

874 380.06 Developments of regional impact.-

875 (18) BIENNIAL REPORTS.-The developer shall submit a
 876 biennial report on the development of regional impact to the
 877 local government, ~~the regional planning agency,~~ the state land
 878 planning agency, and all affected permit agencies in alternate
 879 years on the date specified in the development order, unless the
 880 development order by its terms requires more frequent
 881 monitoring. If the report is not received, ~~the regional planning~~
 882 ~~agency or~~ the state land planning agency shall notify the local
 883 government. If the local government does not receive the report
 884 or receives notification that ~~the regional planning agency or~~

885 | the state land planning agency has not received the report, the
 886 | local government shall request in writing that the developer
 887 | submit the report within 30 days. The failure to submit the
 888 | report after 30 days shall result in the temporary suspension of
 889 | the development order by the local government. If no additional
 890 | development pursuant to the development order has occurred since
 891 | the submission of the previous report, ~~then~~ a letter from the
 892 | developer stating that no development has occurred shall satisfy
 893 | the requirement for a report. Development orders that require
 894 | annual reports may be amended to require biennial reports at the
 895 | option of the local government.

896 | Section 22. Subsections (2) and (3) of section 403.50663,
 897 | Florida Statutes, are amended to read:

898 | 403.50663 Informational public meetings.—

899 | (2) Informational public meetings shall be held solely at
 900 | the option of each local government ~~or regional planning council~~
 901 | ~~if a public meeting is not held by the local government.~~ It is
 902 | the legislative intent that local governments ~~or regional~~
 903 | ~~planning councils~~ attempt to hold such public meetings. Parties
 904 | to the proceedings under this act shall be encouraged to attend;
 905 | however, no party other than the applicant and the department
 906 | shall be required to attend such informational public meetings.

907 | (3) A local government ~~or regional planning council~~ that
 908 | intends to conduct an informational public meeting must provide
 909 | notice of the meeting to all parties not less than 5 days before
 910 | ~~prior to~~ the meeting and to the general public in accordance

911 with s. 403.5115(5). The expense for such notice is eligible for
 912 reimbursement under s. 403.518(2)(c)1.

913 Section 23. Paragraph (a) of subsection (2) of section
 914 403.507, Florida Statutes, is amended to read:

915 403.507 Preliminary statements of issues, reports, project
 916 analyses, and studies.—

917 (2)(a) No later than 100 days after the certification
 918 application has been determined complete, the following agencies
 919 shall prepare reports as provided below and shall submit them to
 920 the department and the applicant, unless a final order denying
 921 the determination of need has been issued under s. 403.519:

922 1. The Department of Economic Opportunity shall prepare a
 923 report containing recommendations which address the impact upon
 924 the public of the proposed electrical power plant, based on the
 925 degree to which the electrical power plant is consistent with
 926 the applicable portions of the state comprehensive plan,
 927 emergency management, and other such matters within its
 928 jurisdiction. The Department of Economic Opportunity may also
 929 comment on the consistency of the proposed electrical power
 930 plant with applicable strategic regional policy plans or local
 931 comprehensive plans and land development regulations.

932 2. The water management district shall prepare a report as
 933 to matters within its jurisdiction, including but not limited
 934 to, the impact of the proposed electrical power plant on water
 935 resources, regional water supply planning, and district-owned
 936 lands and works.

937 3. Each local government in whose jurisdiction the
 938 proposed electrical power plant is to be located shall prepare a
 939 report as to the consistency of the proposed electrical power
 940 plant with all applicable local ordinances, regulations,
 941 standards, or criteria that apply to the proposed electrical
 942 power plant, including any applicable local environmental
 943 regulations adopted pursuant to s. 403.182 or by other means.

944 4. The Fish and Wildlife Conservation Commission shall
 945 prepare a report as to matters within its jurisdiction.

946 ~~5. Each regional planning council shall prepare a report~~
 947 ~~containing recommendations that address the impact upon the~~
 948 ~~public of the proposed electrical power plant, based on the~~
 949 ~~degree to which the electrical power plant is consistent with~~
 950 ~~the applicable provisions of the strategic regional policy plan~~
 951 ~~adopted pursuant to chapter 186 and other matters within its~~
 952 ~~jurisdiction.~~

953 5.6. The Department of Transportation shall address the
 954 impact of the proposed electrical power plant on matters within
 955 its jurisdiction.

956 Section 24. Paragraph (a) of subsection (3) and paragraph
 957 (a) of subsection (4) of section 403.508, Florida Statutes, are
 958 amended to read:

959 403.508 Land use and certification hearings, parties,
 960 participants.—

961 (3)(a) Parties to the proceeding shall include:

962 1. The applicant.

963 2. The Public Service Commission.
 964 3. The Department of Economic Opportunity.
 965 4. The Fish and Wildlife Conservation Commission.
 966 5. The water management district.
 967 6. The department.
 968 ~~7. The regional planning council.~~
 969 7.8. The local government.
 970 8.9. The Department of Transportation.
 971 (4)(a) The order of presentation at the certification
 972 hearing, unless otherwise changed by the administrative law
 973 judge to ensure the orderly presentation of witnesses and
 974 evidence, shall be:
 975 1. The applicant.
 976 2. The department.
 977 3. State agencies.
 978 4. Regional agencies, including ~~regional planning councils~~
 979 ~~and~~ water management districts.
 980 5. Local governments.
 981 6. Other parties.
 982 Section 25. Subsection (5) of section 403.5115, Florida
 983 Statutes, is amended to read:
 984 403.5115 Public notice.—
 985 (5) A local government ~~or regional planning council~~ that
 986 proposes to conduct an informational public meeting pursuant to
 987 s. 403.50663 must publish notice of the meeting in a newspaper
 988 of general circulation within the county or counties in which

989 the proposed electrical power plant will be located no later
 990 than 7 days before ~~prior to~~ the meeting. A newspaper of general
 991 circulation shall be the newspaper that has the largest daily
 992 circulation in that county and has its principal office in that
 993 county. If the newspaper with the largest daily circulation has
 994 its principal office outside the county, the notices shall
 995 appear in both the newspaper having the largest circulation in
 996 that county and in a newspaper authorized to publish legal
 997 notices in that county.

998 Section 26. Paragraph (a) of subsection (2) of section
 999 403.526, Florida Statutes, is amended to read:

1000 403.526 Preliminary statements of issues, reports, and
 1001 project analyses; studies.—

1002 (2)(a) No later than 90 days after the filing of the
 1003 application, the following agencies shall prepare reports as
 1004 provided below, unless a final order denying the determination
 1005 of need has been issued under s. 403.537:

1006 1. The department shall prepare a report as to the impact
 1007 of each proposed transmission line or corridor as it relates to
 1008 matters within its jurisdiction.

1009 2. Each water management district in the jurisdiction of
 1010 which a proposed transmission line or corridor is to be located
 1011 shall prepare a report as to the impact on water resources and
 1012 other matters within its jurisdiction.

1013 3. The Department of Economic Opportunity shall prepare a
 1014 report containing recommendations which address the impact upon

1015 the public of the proposed transmission line or corridor, based
 1016 on the degree to which the proposed transmission line or
 1017 corridor is consistent with the applicable portions of the state
 1018 comprehensive plan, emergency management, and other matters
 1019 within its jurisdiction. The Department of Economic Opportunity
 1020 may also comment on the consistency of the proposed transmission
 1021 line or corridor with applicable strategic regional policy plans
 1022 or local comprehensive plans and land development regulations.

1023 4. The Fish and Wildlife Conservation Commission shall
 1024 prepare a report as to the impact of each proposed transmission
 1025 line or corridor on fish and wildlife resources and other
 1026 matters within its jurisdiction.

1027 5. Each local government shall prepare a report as to the
 1028 impact of each proposed transmission line or corridor on matters
 1029 within its jurisdiction, including the consistency of the
 1030 proposed transmission line or corridor with all applicable local
 1031 ordinances, regulations, standards, or criteria that apply to
 1032 the proposed transmission line or corridor, including local
 1033 comprehensive plans, zoning regulations, land development
 1034 regulations, and any applicable local environmental regulations
 1035 adopted pursuant to s. 403.182 or by other means. A change by
 1036 the responsible local government or local agency in local
 1037 comprehensive plans, zoning ordinances, or other regulations
 1038 made after the date required for the filing of the local
 1039 government's report required by this section is not applicable
 1040 to the certification of the proposed transmission line or

1041 | corridor unless the certification is denied or the application
 1042 | is withdrawn.

1043 | ~~6. Each regional planning council shall present a report~~
 1044 | ~~containing recommendations that address the impact upon the~~
 1045 | ~~public of the proposed transmission line or corridor based on~~
 1046 | ~~the degree to which the transmission line or corridor is~~
 1047 | ~~consistent with the applicable provisions of the strategic~~
 1048 | ~~regional policy plan adopted under chapter 186 and other impacts~~
 1049 | ~~of each proposed transmission line or corridor on matters within~~
 1050 | ~~its jurisdiction.~~

1051 | 6.7. The Department of Transportation shall prepare a
 1052 | report as to the impact of the proposed transmission line or
 1053 | corridor on state roads, railroads, airports, aeronautics,
 1054 | seaports, and other matters within its jurisdiction.

1055 | ~~7.8.~~ The commission shall prepare a report containing its
 1056 | determination under s. 403.537, and the report may include the
 1057 | comments from the commission with respect to any other subject
 1058 | within its jurisdiction.

1059 | ~~8.9.~~ Any other agency, if requested by the department,
 1060 | shall also perform studies or prepare reports as to subjects
 1061 | within the jurisdiction of the agency which may potentially be
 1062 | affected by the proposed transmission line.

1063 | Section 27. Paragraph (a) of subsection (2) and paragraph
 1064 | (a) of subsection (3) of section 403.527, Florida Statutes, are
 1065 | amended to read:

1066 | 403.527 Certification hearing, parties, participants.—

1067 (2) (a) Parties to the proceeding shall be:
 1068 1. The applicant.
 1069 2. The department.
 1070 3. The commission.
 1071 4. The Department of Economic Opportunity.
 1072 5. The Fish and Wildlife Conservation Commission.
 1073 6. The Department of Transportation.
 1074 7. Each water management district in the jurisdiction of
 1075 which the proposed transmission line or corridor is to be
 1076 located.
 1077 8. The local government.
 1078 ~~9. The regional planning council.~~
 1079 (3) (a) The order of presentation at the certification
 1080 hearing, unless otherwise changed by the administrative law
 1081 judge to ensure the orderly presentation of witnesses and
 1082 evidence, shall be:
 1083 1. The applicant.
 1084 2. The department.
 1085 3. State agencies.
 1086 4. Regional agencies, including ~~regional planning councils~~
 1087 ~~and~~ water management districts.
 1088 5. Local governments.
 1089 6. Other parties.
 1090 Section 28. Subsections (2) and (3) of section 403.5272,
 1091 Florida Statutes, are amended to read:
 1092 403.5272 Informational public meetings.—

1093 (2) Informational public meetings shall be held solely at
 1094 the option of each local government ~~or regional planning~~
 1095 ~~council~~. It is the legislative intent that local governments ~~or~~
 1096 ~~regional planning councils~~ attempt to hold such public meetings.
 1097 Parties to the proceedings under this act shall be encouraged to
 1098 attend; however, a party other than the applicant and the
 1099 department is not required to attend the informational public
 1100 meetings.

1101 (3) A local government ~~or regional planning council~~ that
 1102 intends to conduct an informational public meeting must provide
 1103 notice of the meeting, with notice sent to all parties listed in
 1104 s. 403.527(2)(a), not less than 15 days before the meeting and
 1105 to the general public in accordance with s. 403.5363(4).

1106 Section 29. Subsection (4) of section 403.7264, Florida
 1107 Statutes, is amended to read:

1108 403.7264 Amnesty days for purging small quantities of
 1109 hazardous wastes.—Amnesty days are authorized by the state for
 1110 the purpose of purging small quantities of hazardous waste, free
 1111 of charge, from the possession of homeowners, farmers, schools,
 1112 state agencies, and small businesses. These entities have no
 1113 appropriate economically feasible mechanism for disposing of
 1114 their hazardous wastes at the present time. In order to raise
 1115 public awareness on this issue, provide an educational process,
 1116 accommodate those entities which have a need to dispose of small
 1117 quantities of hazardous waste, and preserve the waters of the
 1118 state, amnesty days shall be carried out in the following

1119 manner:

1120 ~~(4) Regional planning councils shall assist the department~~
 1121 ~~in site selection, public awareness, and program coordination.~~
 1122 ~~However, the department shall retain full responsibility for the~~
 1123 ~~state amnesty days program.~~

1124 Section 30. Paragraph (a) of subsection (2) of section
 1125 403.941, Florida Statutes, is amended to read:

1126 403.941 Preliminary statements of issues, reports, and
 1127 studies.-

1128 (2)(a) The affected agencies shall prepare reports as
 1129 provided in this paragraph and shall submit them to the
 1130 department and the applicant within 60 days after the
 1131 application is determined sufficient:

1132 1. The department shall prepare a report as to the impact
 1133 of each proposed natural gas transmission pipeline or corridor
 1134 as it relates to matters within its jurisdiction.

1135 2. Each water management district in the jurisdiction of
 1136 which a proposed natural gas transmission pipeline or corridor
 1137 is to be located shall prepare a report as to the impact on
 1138 water resources and other matters within its jurisdiction.

1139 3. The Department of Economic Opportunity shall prepare a
 1140 report containing recommendations which address the impact upon
 1141 the public of the proposed natural gas transmission pipeline or
 1142 corridor, based on the degree to which the proposed natural gas
 1143 transmission pipeline or corridor is consistent with the
 1144 applicable portions of the state comprehensive plan and other

1145 matters within its jurisdiction. The Department of Economic
 1146 Opportunity may also comment on the consistency of the proposed
 1147 natural gas transmission pipeline or corridor with applicable
 1148 strategic regional policy plans or local comprehensive plans and
 1149 land development regulations.

1150 4. The Fish and Wildlife Conservation Commission shall
 1151 prepare a report as to the impact of each proposed natural gas
 1152 transmission pipeline or corridor on fish and wildlife resources
 1153 and other matters within its jurisdiction.

1154 5. Each local government in which the natural gas
 1155 transmission pipeline or natural gas transmission pipeline
 1156 corridor will be located shall prepare a report as to the impact
 1157 of each proposed natural gas transmission pipeline or corridor
 1158 on matters within its jurisdiction, including the consistency of
 1159 the proposed natural gas transmission pipeline or corridor with
 1160 all applicable local ordinances, regulations, standards, or
 1161 criteria that apply to the proposed natural gas transmission
 1162 pipeline or corridor, including local comprehensive plans,
 1163 zoning regulations, land development regulations, and any
 1164 applicable local environmental regulations adopted pursuant to
 1165 s. 403.182 or by other means. No change by the responsible local
 1166 government or local agency in local comprehensive plans, zoning
 1167 ordinances, or other regulations made after the date required
 1168 for the filing of the local government's report required by this
 1169 section shall be applicable to the certification of the proposed
 1170 natural gas transmission pipeline or corridor unless the

1171 certification is denied or the application is withdrawn.

1172 ~~6. Each regional planning council in which the natural gas~~
 1173 ~~transmission pipeline or natural gas transmission pipeline~~
 1174 ~~corridor will be located shall present a report containing~~
 1175 ~~recommendations that address the impact upon the public of the~~
 1176 ~~proposed natural gas transmission pipeline or corridor, based on~~
 1177 ~~the degree to which the natural gas transmission pipeline or~~
 1178 ~~corridor is consistent with the applicable provisions of the~~
 1179 ~~strategic regional policy plan adopted pursuant to chapter 186~~
 1180 ~~and other impacts of each proposed natural gas transmission~~
 1181 ~~pipeline or corridor on matters within its jurisdiction.~~

1182 6.7. The Department of Transportation shall prepare a
 1183 report on the effect of the natural gas transmission pipeline or
 1184 natural gas transmission pipeline corridor on matters within its
 1185 jurisdiction, including roadway crossings by the pipeline. The
 1186 report shall contain at a minimum:

1187 a. A report by the applicant to the department stating
 1188 that all requirements of the department's utilities
 1189 accommodation guide have been or will be met in regard to the
 1190 proposed pipeline or pipeline corridor; and

1191 b. A statement by the department as to the adequacy of the
 1192 report to the department by the applicant.

1193 7.8. The Department of State, Division of Historical
 1194 Resources, shall prepare a report on the impact of the natural
 1195 gas transmission pipeline or natural gas transmission pipeline
 1196 corridor on matters within its jurisdiction.

1197 ~~8.9.~~ The commission shall prepare a report addressing
 1198 matters within its jurisdiction. The commission's report shall
 1199 include its determination of need issued pursuant to s.
 1200 403.9422.

1201 Section 31. Paragraph (a) of subsection (4) and subsection
 1202 (6) of section 403.9411, Florida Statutes, are amended to read:

1203 403.9411 Notice; proceedings; parties and participants.—

1204 (4)(a) Parties to the proceeding shall be:

1205 1. The applicant.

1206 2. The department.

1207 3. The commission.

1208 4. The Department of Economic Opportunity.

1209 5. The Fish and Wildlife Conservation Commission.

1210 6. Each water management district in the jurisdiction of
 1211 which the proposed natural gas transmission pipeline or corridor
 1212 is to be located.

1213 7. The local government.

1214 ~~8. The regional planning council.~~

1215 8.9. The Department of Transportation.

1216 ~~9.10.~~ The Department of State, Division of Historical
 1217 Resources.

1218 (6) The order of presentation at the certification
 1219 hearing, unless otherwise changed by the administrative law
 1220 judge to ensure the orderly presentation of witnesses and
 1221 evidence, shall be:

1222 (a) The applicant.

1223 (b) The department.

1224 (c) State agencies.

1225 (d) Regional agencies, including ~~regional planning~~
1226 ~~councils and~~ water management districts.

1227 (e) Local governments.

1228 (f) Other parties.

1229 Section 32. Subsection (6) of section 419.001, Florida
1230 Statutes, is amended to read:

1231 419.001 Site selection of community residential homes.—

1232 (6) If agreed to by both the local government and the
1233 sponsoring agency, a conflict may be resolved through informal
1234 mediation. The local government shall arrange for the services
1235 of an independent mediator ~~or may utilize the dispute resolution~~
1236 ~~process established by a regional planning council pursuant to~~
1237 ~~s. 186.509~~. Mediation shall be concluded within 45 days after ~~of~~
1238 a request therefor. The resolution of any issue through the
1239 mediation process shall not alter any person's right to a
1240 judicial determination of any issue if that person is entitled
1241 to such a determination under statutory or common law.

1242 Section 33. Subsection (4) of section 985.682, Florida
1243 Statutes, is amended to read:

1244 985.682 Siting of facilities; criteria.—

1245 (4) When the department requests such a modification and
1246 it is denied by the local government, the local government or
1247 the department shall initiate a ~~the~~ dispute resolution process
1248 ~~established under s. 186.509~~ to reconcile differences on the

1249 siting of correctional facilities between the department, local
 1250 governments, and private citizens. ~~If the regional planning~~
 1251 ~~council has not established a dispute resolution process~~
 1252 ~~pursuant to s. 186.509,~~ The department shall establish, by rule,
 1253 procedures for dispute resolution. The dispute resolution
 1254 process shall require the parties to commence meetings to
 1255 reconcile their differences. If the parties fail to resolve
 1256 their differences within 30 days after the denial, the parties
 1257 shall engage in voluntary mediation or similar process. If the
 1258 parties fail to resolve their differences by mediation within 60
 1259 days after the denial, or if no action is taken on the
 1260 department's request within 90 days after the request, the
 1261 department must appeal the decision of the local government on
 1262 the requested modification of local plans, ordinances, or
 1263 regulations to the Governor and Cabinet. Any dispute resolution
 1264 process initiated under this section must conform to the time
 1265 limitations set forth herein. However, upon agreement of all
 1266 parties, the time limits may be extended, but in no event may
 1267 the dispute resolution process extend over 180 days.

1268 Section 34. Section 186.0201, Florida Statutes, is
 1269 repealed.

1270 Section 35. Section 260.018, Florida Statutes, is
 1271 repealed.

1272 Section 36. For the 2015-2016 fiscal year, the sum of \$2.5
 1273 million in nonrecurring funds from the General Revenue Fund is
 1274 appropriated to the regional planning councils, 75 percent of

1275 which must be divided equally among the councils and 25 percent
 1276 of which must be allocated according to population. The funds
 1277 must be used to implement chapter 163, Florida Statutes, and the
 1278 Florida Five-Year Strategic Plan for Economic Development, to
 1279 address problems of greater than local government concern, and
 1280 to provide technical assistance to local governments, economic
 1281 development organizations, and other stakeholders.

1282 Section 37. Paragraph (c) of subsection (1) of section
 1283 163.08, Florida Statutes, is redesignated as paragraph (d), a
 1284 new paragraph (c) is added to that subsection, and paragraph (b)
 1285 of subsection (2) and subsections (10) and (14) of that section
 1286 are amended, to read:

1287 163.08 Supplemental authority for improvements to real
 1288 property.—

1289 (1)

1290 (c) The Legislature finds that real properties damaged by
 1291 ground subsidence, including, but not limited to, sinkhole
 1292 activity, that are not adequately repaired may negatively affect
 1293 the market value of surrounding properties, resulting in the
 1294 loss of property tax revenues to local communities. The
 1295 Legislature also finds that there is a compelling state interest
 1296 in providing local government assistance to enable property
 1297 owners to voluntarily finance qualifying improvements to real
 1298 property damaged by ground subsidence.

1299 (2) As used in this section, the term:

1300 (b) "Qualifying improvement" includes any:

1301 1. Energy conservation and efficiency improvement, which
 1302 is a measure to reduce consumption through conservation or a
 1303 more efficient use of electricity, natural gas, propane, or
 1304 other forms of energy on the property, including, but not
 1305 limited to, air sealing; installation of insulation;
 1306 installation of energy-efficient heating, cooling, or
 1307 ventilation systems; building modifications to increase the use
 1308 of daylight; replacement of windows; installation of energy
 1309 controls or energy recovery systems; installation of electric
 1310 vehicle charging equipment; and installation of efficient
 1311 lighting equipment.

1312 2. Renewable energy improvement, which is the installation
 1313 of any system in which the electrical, mechanical, or thermal
 1314 energy is produced from a method that uses one or more of the
 1315 following fuels or energy sources: hydrogen, solar energy,
 1316 geothermal energy, bioenergy, and wind energy.

1317 3. Wind resistance improvement, which includes, but is not
 1318 limited to:

- 1319 a. Improving the strength of the roof deck attachment;
- 1320 b. Creating a secondary water barrier to prevent water
- 1321 intrusion;
- 1322 c. Installing wind-resistant shingles;
- 1323 d. Installing gable-end bracing;
- 1324 e. Reinforcing roof-to-wall connections;
- 1325 f. Installing storm shutters; or
- 1326 g. Installing opening protections.

1327 4. Stabilization or other repairs to real property damaged
 1328 by ground subsidence.

1329 (10) A qualifying improvement shall be affixed to a
 1330 building or facility that is part of the real property and shall
 1331 constitute an improvement to the building or facility or a
 1332 fixture attached to the building or facility. For the purposes
 1333 of stabilization or other repairs to real property damaged by
 1334 ground subsidence, a qualifying improvement is deemed affixed to
 1335 a building or facility. An agreement between a local government
 1336 and a qualifying property owner may not cover wind-resistance
 1337 improvements in buildings or facilities under new construction
 1338 or construction for which a certificate of occupancy or similar
 1339 evidence of substantial completion of new construction or
 1340 improvement has not been issued.

1341 (14) At or before the time a purchaser executes a contract
 1342 for the sale and purchase of any real property for which a non-
 1343 ad valorem assessment has been levied under this section and has
 1344 an unpaid balance due, the seller shall give the prospective
 1345 purchaser a written disclosure statement in the following form,
 1346 which shall be set forth in the contract or in a separate
 1347 writing:

1348
 1349 QUALIFYING IMPROVEMENTS FOR ENERGY EFFICIENCY, RENEWABLE ENERGY,
 1350 ~~OR~~ WIND RESISTANCE, OR GROUND SUBSIDENCE STABILIZATION OR
 1351 REPAIR.—The real property being purchased is located within the
 1352 jurisdiction of a local government that has placed an assessment

1353 on the property pursuant to s. 163.08, Florida Statutes. The
 1354 assessment is for a qualifying improvement to the real property
 1355 relating to energy efficiency, renewable energy, ~~or~~ wind
 1356 resistance, or stabilization or repair of real property damaged
 1357 by ground subsidence and is not based on the value of the
 1358 property. You are encouraged to contact the county property
 1359 appraiser's office to learn more about this and other
 1360 assessments that may be provided by law.

1361 Section 38. Subsections (5), (6), and (7) of section
 1362 163.335, Florida Statutes, are renumbered as subsections (6),
 1363 (7), and (8), respectively, and a new subsection (5) is added to
 1364 that section to read:

1365 163.335 Findings and declarations of necessity.—

1366 (5) It is further found and declared that properties damaged
 1367 by ground subsidence that are inadequately repaired or stabilized
 1368 may negatively affect the market value of surrounding properties,
 1369 resulting in the loss of property tax revenues to local
 1370 communities, and that a substantial number or percentage of those
 1371 properties are deteriorating and economically distressed and
 1372 could, through the means provided by this part, be revitalized and
 1373 redeveloped in a manner that would vastly improve the economic and
 1374 social conditions of the community.

1375 Section 39. Subsection (8) of section 163.340, Florida
 1376 Statutes, is amended to read:

1377 163.340 Definitions.—The following terms, wherever used or
 1378 referred to in this part, have the following meanings:

1379 (8) "Blighted area" means an area where ~~in which~~ there are
 1380 a substantial number of deteriorated, or deteriorating
 1381 structures, where ~~in which~~ conditions, as indicated by
 1382 government-maintained statistics or other studies, endanger life
 1383 or property or are leading to economic distress ~~or endanger life~~
 1384 ~~or property~~, and where ~~in which~~ two or more of the following
 1385 factors are present:

1386 (a) Predominance of defective or inadequate street layout,
 1387 parking facilities, roadways, bridges, or public transportation
 1388 facilities.+

1389 (b) Aggregate assessed values of real property in the area
 1390 for ad valorem tax purposes have failed to show any appreciable
 1391 increase over the 5 years prior to the finding of such
 1392 conditions.+

1393 (c) Faulty lot layout in relation to size, adequacy,
 1394 accessibility, or usefulness.+

1395 (d) Unsanitary or unsafe conditions.+

1396 (e) Deterioration of site or other improvements.+

1397 (f) Inadequate and outdated building density patterns.+

1398 (g) Falling lease rates per square foot of office,
 1399 commercial, or industrial space compared to the remainder of the
 1400 county or municipality.+

1401 (h) Tax or special assessment delinquency exceeding the
 1402 fair value of the land.+

1403 (i) Residential and commercial vacancy rates higher in the
 1404 area than in the remainder of the county or municipality.+

1405 (j) Incidence of crime in the area higher than in the
 1406 remainder of the county or municipality.~~†~~

1407 (k) Fire and emergency medical service calls to the area
 1408 proportionately higher than in the remainder of the county or
 1409 municipality.~~†~~

1410 (l) A greater number of violations of the Florida Building
 1411 Code in the area than the number of violations recorded in the
 1412 remainder of the county or municipality.~~†~~

1413 (m) Diversity of ownership or defective or unusual
 1414 conditions of title which prevent the free alienability of land
 1415 within the deteriorated or hazardous area.~~† or~~

1416 (n) Governmentally owned property with adverse
 1417 environmental conditions caused by a public or private entity.

1418 (o) A substantial number or percentage of real properties
 1419 damaged by ground subsidence that have not been adequately
 1420 repaired or stabilized.

1421

1422 However, the term "blighted area" also means any area where ~~in~~
 1423 ~~which~~ at least one of the factors identified in paragraphs (a)
 1424 through (o) is ~~(n) are~~ present and all taxing authorities
 1425 subject to s. 163.387(2)(a) agree, either by interlocal
 1426 agreement ~~or agreements~~ with the agency or by resolution, that
 1427 the area is blighted. Such agreement or resolution must be
 1428 limited to a determination ~~shall only determine~~ that the area is
 1429 blighted. For purposes of qualifying for the tax credits
 1430 authorized in chapter 220, "blighted area" means an area as

1431 defined in this subsection.

1432 Section 40. Section 163.350, Florida Statutes, is amended
 1433 to read:

1434 163.350 Workable program.—Any county or municipality for
 1435 the purposes of this part may formulate for the county or
 1436 municipality a workable program for using ~~utilizing~~ appropriate
 1437 private and public resources to eliminate and prevent the
 1438 development or spread of slums and urban blight, to encourage
 1439 needed community rehabilitation, to provide for the
 1440 redevelopment of slum and blighted areas, to provide housing
 1441 affordable to residents of low or moderate income, including the
 1442 elderly, or to undertake such of the aforesaid activities or
 1443 other feasible county or municipal activities as may be suitably
 1444 employed to achieve the objectives of such workable program.
 1445 Such workable program may include provision for the prevention
 1446 of the spread of blight into areas of the county or municipality
 1447 which are free from blight through diligent enforcement of
 1448 housing, zoning, and occupancy controls and standards; the
 1449 rehabilitation or conservation of slum and blighted areas or
 1450 portions thereof by replanning, removing congestion, providing
 1451 parks, playgrounds, and other public improvements, encouraging
 1452 voluntary rehabilitation, and compelling the repair and
 1453 rehabilitation of deteriorated or deteriorating structures; the
 1454 development of affordable housing; the implementation of
 1455 community policing innovations; the stabilization or repair of
 1456 property damaged by ground subsidence; and the clearance and

1457 redevelopment of slum and blighted areas or portions thereof.

1458 Section 41. Section 163.359, Florida Statutes, is created
 1459 to read:

1460 163.359 Attorney fees.—A community redevelopment agency
 1461 established based on the presence of a substantial number or
 1462 percentage of real properties damaged by ground subsidence but
 1463 not adequately repaired or stabilized may not pay attorney fees
 1464 or public adjuster fees in connection with ground subsidence
 1465 losses and may not pay such fees to a homeowner, claimant, or
 1466 insured.

1467 Section 42. Subsection (8) of section 163.360, Florida
 1468 Statutes, is amended to read:

1469 163.360 Community redevelopment plans.—

1470 (8) If the community redevelopment area consists of an
 1471 area of open land to be acquired by the county or the
 1472 municipality, such area may not be so acquired unless:

1473 (a) In the event the area is to be developed in whole or
 1474 in part for residential uses, the governing body determines:

1475 1. That a shortage of housing of sound standards and
 1476 design which is decent, safe, affordable to residents of low or
 1477 moderate income, including the elderly, and sanitary exists in
 1478 the county or municipality;

1479 2. That the need for housing accommodations has increased
 1480 in the area;

1481 3. That the conditions of blight in the area, including
 1482 those caused by ground subsidence that have not been adequately

1483 | repaired or stabilized, or the shortage of decent, safe,
 1484 | affordable, and sanitary housing cause or contribute to an
 1485 | increase in and spread of disease and crime or constitute a
 1486 | menace to the public health, safety, morals, or welfare; and

1487 | 4. That the acquisition of the area for residential uses
 1488 | is an integral part of and is essential to the program of the
 1489 | county or municipality.

1490 | (b) In the event the area is to be developed in whole or
 1491 | in part for nonresidential uses, the governing body determines
 1492 | that:

1493 | 1. Such nonresidential uses are necessary and appropriate
 1494 | to facilitate the proper growth and development of the community
 1495 | in accordance with sound planning standards and local community
 1496 | objectives.

1497 | 2. Acquisition may require the exercise of governmental
 1498 | action, as provided in this part, because of:

1499 | a. Defective, or unusual conditions of, title or diversity
 1500 | of ownership which prevents the free alienability of such land;

1501 | b. Tax delinquency;

1502 | c. Improper subdivisions;

1503 | d. Outmoded street patterns;

1504 | e. Deterioration of site;

1505 | f. Economic disuse;

1506 | g. Unsuitable topography, including that caused by ground
 1507 | subsidence that has not been adequately repaired or stabilized,
 1508 | or faulty lot layouts;

1509 h. Lack of correlation of the area with other areas of a
 1510 county or municipality by streets and modern traffic
 1511 requirements; or

1512 i. Any combination of such factors or other conditions
 1513 which retard development of the area.

1514 3. Conditions of blight in the area contribute to an
 1515 increase in and spread of disease and crime or constitute a
 1516 menace to public health, safety, morals, or welfare.

1517 Section 43. Paragraph (e) of subsection (2) of section
 1518 163.370, Florida Statutes, is amended to read:

1519 163.370 Powers; counties and municipalities; community
 1520 redevelopment agencies.—

1521 (2) Every county and municipality shall have all the
 1522 powers necessary or convenient to carry out and effectuate the
 1523 purposes and provisions of this part, including the following
 1524 powers in addition to others herein granted:

1525 (e) Within the community redevelopment area:

1526 1. To enter into any building or property in any community
 1527 redevelopment area in order to make inspections, surveys,
 1528 appraisals, soundings, or test borings and to obtain an order
 1529 for this purpose from a court of competent jurisdiction in the
 1530 event entry is denied or resisted.

1531 2. To acquire by purchase, lease, option, gift, grant,
 1532 bequest, devise, or other voluntary method of acquisition any
 1533 personal or real property, together with any improvements
 1534 thereon.

1535 3. To hold, improve, clear, or prepare for redevelopment
 1536 any such property.

1537 4. To mortgage, pledge, hypothecate, or otherwise encumber
 1538 or dispose of any real property.

1539 5. To insure or provide for the insurance of any real or
 1540 personal property or operations of the county or municipality
 1541 against any risks or hazards, including the power to pay
 1542 premiums on any such insurance, and in blighted areas where the
 1543 community development plan contains provisions relating to the
 1544 stabilization or repair of property damaged by ground subsidence,
 1545 to be self-insured, to enter risk management programs, or to
 1546 purchase liability insurance for whatever coverage it may choose
 1547 or to have any combination thereof in anticipation of any claim,
 1548 judgment, or claims bill. When community redevelopment agencies
 1549 are subject to homogeneous risk, they may purchase insurance
 1550 jointly or may join together as self-insurers to provide other
 1551 means of insurance in accordance with s. 768.28(16).

1552 6. To enter into any contracts necessary to effectuate the
 1553 purposes of this part.

1554 7. To solicit requests for proposals for redevelopment of
 1555 parcels of real property contemplated by a community
 1556 redevelopment plan to be acquired for redevelopment purposes by
 1557 a community redevelopment agency and, as a result of such
 1558 requests for proposals, to advertise for the disposition of such
 1559 real property to private persons pursuant to s. 163.380 prior to
 1560 acquisition of such real property by the community redevelopment

1561 agency.

1562 Section 44. Subsection (14) is added to section 163.3246,
1563 Florida Statutes, to read:

1564 163.3246 Local government comprehensive planning
1565 certification program.—

1566 (14) It is the intent of the Legislature to encourage the
1567 creation of connected-city corridors that facilitate the growth
1568 of high-technology industry and innovation through partnerships
1569 that support research, marketing, the workforce, and
1570 entrepreneurship. It is the intent of the Legislature to provide
1571 for a locally controlled, comprehensive plan amendment process
1572 for such projects that are designed to achieve a cleaner,
1573 healthier environment; limit urban sprawl by promoting diverse
1574 but interconnected communities; provide a range of
1575 intergenerational housing types; protect wildlife and natural
1576 areas; ensure the efficient use of land and other resources;
1577 create quality communities of a design that promotes alternative
1578 transportation networks and travel by multiple transportation
1579 modes; and enhance the prospects for the creation of jobs. The
1580 Legislature finds and declares that this state's connected-city
1581 corridors require a reduced level of state and regional
1582 oversight because of their high degree of urbanization and the
1583 planning capabilities and resources of the local government.

1584 (a) Notwithstanding subsections (2), (4), (5), (6), and
1585 (7), Pasco County is named a pilot community and is considered
1586 certified for 10 years for connected-city corridor plan

1587 amendments. The state land planning agency shall provide a
 1588 written notice of certification to Pasco County by July 15,
 1589 2015, which shall be considered final agency action subject to
 1590 challenge under s. 120.569. The notice of certification must
 1591 include:

1592 1. The boundary of the connected-city corridor
 1593 certification area.

1594 2. A requirement that Pasco County submit an annual or
 1595 biennial monitoring report to the state land planning agency
 1596 according to the schedule provided in the written notice. The
 1597 monitoring report shall, at a minimum, include the number of
 1598 amendments to the comprehensive plan adopted by Pasco County,
 1599 the number of plan amendments challenged by an affected person,
 1600 and the disposition of such challenges.

1601 (b) A plan amendment adopted under this subsection may be
 1602 based on a planning period longer than the generally applicable
 1603 planning period of the Pasco County local comprehensive plan,
 1604 shall specify the projected population within the planning area
 1605 during the chosen planning period, may include a phasing or
 1606 staging schedule that allocates a portion of Pasco County's
 1607 future growth to the planning area through the planning period,
 1608 and may designate a priority zone or subarea within the
 1609 connected-city corridor for initial implementation of the plan.
 1610 A plan amendment adopted under this subsection is not required
 1611 to demonstrate need based on projected population growth or on
 1612 any other basis.

1613 (c) If Pasco County adopts a long-term transportation
 1614 network plan and financial feasibility plan, and subject to
 1615 compliance with the requirements of such a plan, the projects
 1616 within the connected-city corridor are deemed to have satisfied
 1617 all concurrency and other state agency or local government
 1618 transportation mitigation requirements except for site-specific
 1619 access management requirements.

1620 (d) If Pasco County does not request that the state land
 1621 planning agency review the developments of regional impact that
 1622 are proposed within the certified area, an application for
 1623 approval of a development order within the certified area is
 1624 exempt from review under s. 380.06.

1625 (e) The Office of Program Policy Analysis and Government
 1626 Accountability (OPPAGA) shall submit to the Governor, the
 1627 President of the Senate, and the Speaker of the House of
 1628 Representatives by December 1, 2024, a report and
 1629 recommendations for implementing a statewide program that
 1630 addresses the legislative findings in this subsection. In
 1631 consultation with the state land planning agency, OPPAGA shall
 1632 develop the report and recommendations with input from other
 1633 state and regional agencies, local governments, and interest
 1634 groups. OPPAGA shall also solicit citizen input in the
 1635 potentially affected areas and consult with the affected local
 1636 government and stakeholder groups. Additionally, OPPAGA shall
 1637 review local and state actions and correspondence relating to
 1638 the pilot program to identify issues of process and substance in

1639 | recommending changes to the pilot program. At a minimum, the
 1640 | report and recommendations must include:

1641 | 1. Identification of local governments other than the
 1642 | local government participating in the pilot program which should
 1643 | be certified. The report may also recommend that a local
 1644 | government is no longer appropriate for certification.

1645 | 2. Changes to the certification pilot program.

1646 | Section 45. Subsection (2) of section 190.005, Florida
 1647 | Statutes, is amended to read:

1648 | 190.005 Establishment of district.—

1649 | (2) The exclusive and uniform method for the establishment
 1650 | of a community development district of less than 1,000 acres in
 1651 | size or a community development district of up to 2,000 acres in
 1652 | size located within a connected-city corridor established
 1653 | pursuant to s. 163.3246(14) shall be pursuant to an ordinance

1654 | adopted by the county commission of the county having
 1655 | jurisdiction over the majority of land in the area in which the
 1656 | district is to be located granting a petition for the
 1657 | establishment of a community development district as follows:

1658 | (a) A petition for the establishment of a community
 1659 | development district shall be filed by the petitioner with the
 1660 | county commission. The petition shall contain the same
 1661 | information as required in paragraph (1)(a).

1662 | (b) A public hearing on the petition shall be conducted by
 1663 | the county commission in accordance with the requirements and
 1664 | procedures of paragraph (1)(d).

1665 (c) The county commission shall consider the record of the
 1666 public hearing and the factors set forth in paragraph (1)(e) in
 1667 making its determination to grant or deny a petition for the
 1668 establishment of a community development district.

1669 (d) The county commission shall not adopt any ordinance
 1670 which would expand, modify, or delete any provision of the
 1671 uniform community development district charter as set forth in
 1672 ss. 190.006-190.041. An ordinance establishing a community
 1673 development district shall only include the matters provided for
 1674 in paragraph (1)(f) unless the commission consents to any of the
 1675 optional powers under s. 190.012(2) at the request of the
 1676 petitioner.

1677 (e) If all of the land in the area for the proposed
 1678 district is within the territorial jurisdiction of a municipal
 1679 corporation, then the petition requesting establishment of a
 1680 community development district under this act shall be filed by
 1681 the petitioner with that particular municipal corporation. In
 1682 such event, the duties of the county, hereinabove described, in
 1683 action upon the petition shall be the duties of the municipal
 1684 corporation. If any of the land area of a proposed district is
 1685 within the land area of a municipality, the county commission
 1686 may not create the district without municipal approval. If all
 1687 of the land in the area for the proposed district, even if less
 1688 than 1,000 acres, is within the territorial jurisdiction of two
 1689 or more municipalities, except for a proposed district within a
 1690 connected-city corridor established pursuant to s. 163.3246(14),

1691 the petition shall be filed with the Florida Land and Water
 1692 Adjudicatory Commission and proceed in accordance with
 1693 subsection (1).

1694 (f) Notwithstanding any other provision of this
 1695 subsection, within 90 days after a petition for the
 1696 establishment of a community development district has been filed
 1697 pursuant to this subsection, the governing body of the county or
 1698 municipal corporation may transfer the petition to the Florida
 1699 Land and Water Adjudicatory Commission, which shall make the
 1700 determination to grant or deny the petition as provided in
 1701 subsection (1). A county or municipal corporation shall have no
 1702 right or power to grant or deny a petition that has been
 1703 transferred to the Florida Land and Water Adjudicatory
 1704 Commission.

1705 Section 46. Subsection (9) of section 163.3167, Florida
 1706 Statutes, is amended to read:

1707 163.3167 Scope of act.—

1708 (9) Each local government shall address in its
 1709 comprehensive plan, as enumerated in this chapter:7

1710 (a) The water supply sources necessary to meet and achieve
 1711 the existing and projected water use demand for the established
 1712 planning period, considering the applicable plan developed
 1713 pursuant to s. 373.709.

1714 (b) The protection of private property rights.

1715 Section 47. Paragraph (i) is added to subsection (6) of
 1716 section 163.3177, Florida Statutes, to read:

1717 163.3177 Required and optional elements of comprehensive
 1718 plan; studies and surveys.—

1719 (6) In addition to the requirements of subsections (1)-
 1720 (5), the comprehensive plan shall include the following
 1721 elements:

1722 (i)1. In recognition of the legitimate and often competing
 1723 public and private interests in land use regulations and other
 1724 government action, a property rights element that protects
 1725 private property rights. The property rights element shall set
 1726 forth the principles, guidelines, standards, and strategies to
 1727 guide the local government's decisions and program
 1728 implementation with respect to the following objectives:

1729 a. Consideration of the impact to private property rights
 1730 of all proposed development orders, plan amendments, ordinances,
 1731 and other government decisions.

1732 b. Encouragement of economic development.

1733 c. Use of alternative, innovative solutions to provide
 1734 equal or better protection than the comprehensive plan.

1735 d. Consideration of the degree of harm created by
 1736 noncompliance with the comprehensive plan.

1737 2. Each county and each municipality within the county
 1738 shall, within 1 year after adopting its property rights element,
 1739 adopt land development regulations consistent with this
 1740 paragraph.

1741 Section 48. (1) A municipality or county that applies
 1742 transportation concurrency may not require a developer to pay a

1743 | fee to remove vegetation within the right-of-way limits of road
 1744 | improvements for which the developer completed or contributed
 1745 | funding as required for transportation concurrency as part of a
 1746 | development project.

1747 | (2) This section does not affect the ability of a
 1748 | municipality or county to require tree removal permits or tree
 1749 | removal plans.

1750 | (3) As used in this section, the term "fee" does not
 1751 | include costs associated with applying for a tree removal permit
 1752 | or preparing a tree removal plan.

1753 | (4) This section does not affect a municipality's or
 1754 | county's ability to establish and enforce landscaping
 1755 | requirements.

1756 | (5) A municipality or county may, by majority vote of its
 1757 | governing body, exempt itself from this section.

1758 | Section 49. This act shall take effect July 1, 2015.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 933 (2015)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Transportation & Economic
2 Development Appropriations Subcommittee
3 Representative La Rosa offered the following:

4
5 **Amendment (with title amendment)**
6 Remove lines 1272-1281

7
8
9 -----
10 **T I T L E A M E N D M E N T**

11 Remove line 103 and insert:
12 waters; amending s.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 933 (2015)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Transportation & Economic
2 Development Appropriations Subcommittee
3 Representative La Rosa offered the following:

4
5 **Amendment (with title amendment)**

6 Remove lines 168-270
7
8

9 -----
10 **T I T L E A M E N D M E N T**

11 Remove lines 3-20 and insert:

12 163.3180, F.S.; limiting the amount of mobility and