ECONOMIC DEVELOPMENT & TOURISM SUBCOMMITTEE

MEETING PACKET

Wednesday, March 25, 2015
10:00 AM – 11:00 AM
12 HOB

Steve Crisafulli
Speaker

Frank Artiles
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Economic Development & Tourism Subcommittee

Start Date and Time:	Wednesday, March 25, 2015 10:00 am
End Date and Time:	Wednesday, March 25, 2015 11:00 am
Location:	12 HOB
Duration:	1.00 hrs

Consideration of the following proposed committee substitute(s):

PCS for HB 1043 -- An Act Relating to Housing Authorities
PCS for HB 933 -- An Act Relating to Growth Management

Pursuant to rule 7.12, the filing deadline for amendments to bills on the agenda by a member who is not a member of the committee or subcommittee considering the bill is 6:00 p.m., Tuesday, March 24, 2015.

By request of the Chair, all Subcommittee members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Tuesday, March 24, 2015.

NOTICE FINALIZED on 03/23/2015 16:25 by Lawhon.Amanda

PCS for HB 1043

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 1043 An Act Relating to Housing Authorities
SPONSOR(S): Economic Development & Tourism Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Economic Development & Tourism Subcommittee		Collins QC	Duncan pkd

SUMMARY ANALYSIS

Current law provides for the creation of city, county, and regional housing authorities pursuant to part I, chapter 421, F.S., the Housing Authorities Law. Regional housing authorities are created by the merging of two or more contiguous county housing authorities. However, no such process is authorized by law which would allow a city housing authority and a county housing authority to merge.

The bill creates a process by which a city and county housing authority, two city housing authorities and a county housing authority, or three city housing authorities may merge to form a consolidated housing authority. The bill also establishes provisions relating to a consolidated housing authority's area of operation; and the appointment, powers, and duties of commissioners. Housing authorities that merge to form a consolidated housing authority must be located within the same county.

The bill has no impact on state or local funds.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

State Government and Public Housing

Florida law provides that the role of state government in housing and urban development required by part I of ch. 421, F.S., (Housing Authorities Law), ch. 422, F.S., (Housing Cooperation Law), and ch. 423, F.S., (Tax Exemption of Housing Authorities) is the responsibility of the Department of Economic Opportunity (DEO).[1] Florida law recognizes that there is a shortage of safe or sanitary dwelling accommodations available at rents which persons of low income can afford. Providing accommodations, including the acquisition by a housing authority of property to be used for or in connection with housing projects, are deemed exclusively public uses and purposes for which public money may be spent and private properties acquired and are governmental functions of public concern.[2] DEO does not monitor, evaluate, or have oversight of housing authorities to ensure that housing authorities are in compliance with federal law.

Local and Regional Housing Authorities

Florida law authorizes the creation of city, county and regional housing authorities.[3] Of the 106 housing authorities in Florida,[4] 91 are special districts.[5] A city's governing body may, by resolution, make a determination that there is a need for a housing authority. The determination of the need for a city housing authority may be initiated by the city's governing body or upon the filing of a petition signed by 25 city residents requesting the governing body to make such determination.[6] The mayor, with the approval of the governing body, appoints no fewer than five and no more than seven persons as commissioners of the authority.[7] The powers of each housing authority are vested in the commissioners and action may be taken upon a majority vote of the commissioners.[8]

The creation and powers of county housing authorities are similar to the creation and powers of city housing authorities. However, in counties, petitions must be signed by 25 county residents and the Governor appoints the commissioners.[9] A county housing authority's area of operation includes all of the county except that portion which lies within the territorial boundaries of any city as defined in the Housing Authorities Law. A regional housing authority may be created by two or more contiguous counties if a regional entity would be a more economically or administratively efficient unit. In the case of regional housing authorities, the Governor also appoints the commissioners.[10] The powers of a regional housing authority are analogous to those of a city or county housing authority.

No commissioner or employee of an authority may acquire any interest in any housing project or in any property included or planned to be included in any project, nor in any contract or proposed contract for materials or services to be furnished or used in connection with any housing project. If a commissioner or employee of a housing authority owns or controls an interest, direct or indirect, in any property

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[1] Section 421.001, F.S.
[2] Section 421.02, F.S.
[3] *See* ss. 421.04, 421.27, and 421.28, F.S.
[4] U.S. Department of Housing and Urban Development, Public & Indian Housing, Florida, *available at* http://www.hud.gov/offices/pih/pha/contacts/states/fl.cfm (last accessed Mar. 19, 2015).
[5] Department of Economic Opportunity, Division of Community Development, Special District Information Program, *available at*, http://dca.deo.myflorida.com/fhcd/sdip/OfficialListdeo/report.cfm (last accessed Mar. 19, 2015).
[6] Section 421.04, F.S.
[7] Section 421.05, F.S.
[8] *Id.*
[9] Section 421.27, F.S.
[10] *See* s. 421.28, F.S.

included or planned to be included in any housing project, he or she must immediately disclose such interest in writing to the authority. Failure to disclose such interest constitutes misconduct in office.[11]

Housing authorities have the power to:[12]

- Sue and be sued.
- Acquire, lease, and operate housing projects.
- Provide for the construction, reconstruction, improvement, alteration, or repair of any housing project.
- Lease or rent any dwellings, houses, accommodations, lands, buildings, structures, or facilities embraced in any housing project.
- Own, hold, and improve real or personal property.
- Acquire by the exercise of the power of eminent domain any real property.
- Invest any funds held in reserves or sinking funds.
- Organize for the purpose of creating a for-profit or not-for-profit corporation, limited liability company, or other similar business entity pursuant to all applicable laws of the state in which the housing authority may hold an ownership interest or participate in its governance in order to develop, acquire, lease, construct, rehabilitate, manage, or operate multifamily or single-family residential projects. These projects may include nonresidential uses and may use public and private funds to serve individuals or families who meet the applicable income requirements of the state or federal program involved.

A housing authority has the right to acquire by the exercise of the power of eminent domain any real property which it may deem necessary for its purposes. Property already devoted to a public use may be acquired in like manner, provided that no real property belonging to the city, the county, the state or any political subdivision may be acquired without its consent.[13]

A housing authority is authorized to borrow money or accept grants or other financial assistance from the Federal Government for or in aid of any housing projects within its area of operation. A housing authority is also empowered to take over or lease or manage any housing project or undertaking constructed or owned by the Federal Government. In addition, an authority is authorized "to do any and all things necessary or desirable to secure the financial aid or cooperation of the Federal Government in the undertaking, construction, maintenance or operation of any housing project by such authority."[14]

Effect of Proposed Changes

The bill creates a process by which a city and county housing authority, two city housing authorities and a county housing authority, or three city housing authorities may merge to form a consolidated housing authority.

Creation

The bill authorizes housing authority commissioners from at least two, but no more than three city or county housing authorities of neighboring areas of operation within the same county to merge. Such authorities must declare by identical resolution, after a dedicated public hearing and two consecutive meetings where the resolution is heard, that there is a need for the merger and that the merger serves the best interest of tenants and communities.

[11] Section 421.06, F.S.
[12] Section 421.08, F.S.
[13] Section 421.12, F.S. *See* chapters 73 and ch. 74, F.S.
[14] Section 421.21, F.S.

Following the creation of the consolidated housing authority, each housing authority which participated in the merger will cease to exist except for the purpose of winding up its affairs and executing a deed to the consolidated housing authority if:

- all obliges of the merged housing authorities and parties to the contracts, bonds, notes, and other obligations agree to the substitution of the consolidated housing authority; and
- the commissioners of the merged housing authorities adopt a resolution consenting to the transfer of all of the rights, contracts, obligations, and property, real and personal, to the consolidated housing authority.

When any real property of a merged housing authority vests in a consolidated housing authority, the merged housing authority must execute a deed of property to the consolidated housing authority which will then file the deed with the county in which the property is located.

In any suit, action, or proceeding involving the validity or enforcement of or relating to any contract of the consolidated housing authority, the authority must be conclusively deemed to have become created, established, and authorized to transact business and exercise its powers upon proof of the adoption of a resolution by the commissioners of each of the merged housing authorities creating the consolidated housing authority.

Area of Operation

The area of operation of a consolidated housing authority includes the combined areas of operation of the merged housing authorities.

Governing bodies of counties or municipalities located within the area of operation of a consolidated housing authority must take into consideration, when determining whether dwelling accommodations are unsafe or insanitary, the safety and sanitation of the dwellings, the light and airspace available to residents, the degree of overcrowding, the size and arrangement of the rooms, and the extent to which conditions exist in buildings which endanger life or property by fire or other causes.

In connection with the issuance of bonds or the incurring of other obligations, a consolidated housing authority may covenant as to limitations on its right to adopt resolutions relating to the increase of its area of operations.

No governing body of a county of municipality is permitted to adopt any resolution unless a public hearing has first been held.

Commissioners

When two housing authorities merge to form a consolidated housing authority:

- three commissioners are appointed by the Governor, all of whom must be qualified electors in the area of operation of the newly consolidated housing authority;
- one commissioner is appointed by the mayor of the municipality in which a merged city housing authority is located; and
- one commissioner is appointed by either the mayor of the municipality in which a second merged city housing authority is located; or the chairman of the commission of the county in which a merged county authority is located.

When three housing authorities merge to form a consolidated housing authority:

- four commissioners are appointed by the Governor, all of whom must be qualified electors in the area of operation of the newly consolidated housing authority;

- two commissioners are appointed by the mayors of each of the municipalities in which two of the merged city housing authorities are located; and
- one commissioner is appointed by either the mayor of the municipality in which a third merged city housing authority is located; or the chairman of the commission of the county in which the merged county housing authority is located.

All commissioners appointed by a mayor, or county commission chairman must be qualified electors within the area of operation of the merged housing authority in which they are appointed from.

Three of the commissioners appointed by the Governor are designated to serve one, two, and three year terms respectively. The remaining commissioners are designated to serve for terms of four years each. Thereafter, all appointed commissioners serve four year terms.

The commissioners of a consolidated housing authority must elect a chairman and have the authority to hire employees and select officers.

Powers and Duties

A consolidated housing authority and its commissioners are granted the same functions, rights, powers, duties, privileges and immunities provided for housing authorities created for counties or municipalities. The commissioners of a consolidated housing authority also have the authority to select any appropriate corporate name.

The bill also amends ss. 421.32 and 421.321, F.S., making conforming changes.

B. SECTION DIRECTORY:

Section 1: Creates s. 421.281, F.S., relating to the creation of consolidated housing authorities.

Section 2: Amends s. 421.32, F.S., conforming a cross-reference.

Section 3: Amends s. 421.321, F.S., conforming a cross-reference.

Section 4: 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:

Not applicable. The bill does not appear to require counties or municipalities to spend funds or take any action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

A bill to be entitled

An act relating to housing authorities; creating s. 421.281, F.S.; providing for the creation of consolidated housing authorities under certain conditions; providing requirements; providing the area of operation of a consolidated housing authority; providing duties of a governing body of a county or municipality included in the area of operation; providing public hearing requirements; providing for the appointment of commissioners; providing powers and duties of a consolidated housing authority and its commissioners; amending s. 421.32, F.S.; authorizing a consolidated housing authority to borrow money, accept grants, and exercise its other powers for certain purposes; amending s. 421.321, F.S.; authorizing a consolidated housing authority to execute mortgages encumbering real property for certain purposes; providing an effective date.

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

Section 1. Section 421.281, Florida Statutes, is created to read:

421.281 Consolidated housing authorities.—

(1) CREATION.—

(a) If the commissioners of at least two, but no more than

three, municipal or municipal and county housing authorities of neighboring areas of operation within the same county that are not under federal receivership declare by identical resolution, after a public hearing and two consecutive meetings at which such resolution is heard, that there is a need for merging their authorities which serves the best interest of their respective tenants and communities, one housing authority shall be created for all of such authorities to exercise powers and other functions herein prescribed in such areas of operation through a public body corporate and politic to be known as a consolidated housing authority.

(b) After the consolidation, each housing authority created by s. 421.04 or s. 421.27 for each of the areas shall cease to exist except for the purpose of winding up its affairs and executing a deed to the consolidated housing authority as hereafter provided, if:

1. All obligees of such housing authorities and parties to the contracts, bonds, notes, and other obligations of such housing authorities agree to the substitution of the consolidated housing authority; and

2. The commissioners of such housing authorities adopt a resolution consenting to the transfer of all of the rights, contracts, obligations, and property, real and personal, to the consolidated housing authority.

(c) When any real property of a housing authority vests in a consolidated housing authority as provided in subsection (2),

the housing authority shall execute a deed of such property to the consolidated housing authority which thereupon shall file such deed with the recorder of deeds of the county where such real property is located.

(d) In any suit, action, or proceeding involving the validity or enforcement of or relating to any contract of the consolidated housing authority, the consolidated housing authority shall be conclusively deemed to have become created, established, and authorized to transact business and exercise its powers hereunder upon proof of the adoption of a resolution by the commissioners of each of the authorities creating the consolidated housing authority.

(2) AREA OF OPERATION.—

(a) The area of operation of a consolidated housing authority shall include the combined areas of operation of the housing authorities which merged to form the consolidated housing authority.

(b) In determining whether dwelling accommodations are unsafe or insanitary under this section, the governing body of a county or municipality included in the area of operation of the consolidated housing authority shall take into consideration the safety and sanitation of the dwellings, the light and airspace available to the inhabitants of such dwellings, the degree of overcrowding, the size and arrangement of the rooms, and the extent to which conditions exist in such buildings which endanger life or property by fire or other causes.

(c) In connection with the issuance of bonds or the incurring of other obligations, a consolidated housing authority may covenant as to limitations on its right to adopt resolutions relating to the increase of its area of operation.

(d) A governing body of a county or municipality may not adopt any resolution authorized by this section unless a public hearing has first been held. The clerk of such county or municipality shall give notice of the time, place, and purpose of the public hearing at least 10 days before the day on which the hearing is to be held, in a newspaper published in such county and in a newspaper published in the county in which such municipality is located, or, if there is no newspaper published in such locations, then in a newspaper published in the state and having a general circulation in such locations. Upon the date fixed for such public hearing, an opportunity to be heard shall be granted to all residents of such county or municipality and to all other interested persons.

(3) COMMISSIONERS.—

(a) If a consolidated housing authority consisting of two merged housing authorities is created as provided in this section, five commissioners shall be appointed in the following manner:

1. Three commissioners who are qualified electors within the area of operation of the consolidated housing authority, appointed by the Governor.

2. One commissioner who is a qualified elector within one

of the areas of operation merged to form the consolidated housing authority, appointed by the mayor of the municipality in which the merged area of operation is located or appointed by the chair of the commission of the county in which the merged area of operation is located, if the merged area of operation is not located within the boundaries of a municipality.

3. One commissioner who is a qualified elector within the other area of operation merged to form the consolidated housing authority, appointed by the mayor of the municipality in which the merged area of operation is located.

(b) If a consolidated housing authority consisting of three merged housing authorities is created as provided in this section, seven commissioners shall be appointed in the following manner:

1. Four commissioners who are qualified electors within the area of operation of the consolidated housing authority, appointed by the Governor.

2. One commissioner who is a qualified elector within one of the areas of operation merged to form the consolidated housing authority, appointed by the mayor of the municipality in which the merged area of operation is located or appointed by the chair of the commission of the county in which the merged area of operation is located, if the merged area of operation is not located within the boundaries of a municipality.

3. One commissioner who is a qualified elector within the other area of operation merged to form the consolidated housing

authority, appointed by the mayor of the municipality in which the merged area of operation is located.

4. One commissioner who is a qualified elector within the third area of operation merged to form the consolidated housing authority, appointed by the mayor of the municipality in which the merged area of operation is located.

(c) Three of the commissioners appointed by the Governor shall serve for terms of 1, 2, and 3 years, respectively. The remaining commissioners shall serve for terms of 4 years each beginning on the date of their appointment. Thereafter, the commissioners of a consolidated housing authority shall serve 4-year terms, except that all vacancies shall be filled for the unexpired terms. Each commissioner shall hold office until a successor has been appointed and has qualified, except as otherwise provided in this section.

(d) A certificate of appointment of any commissioner of a consolidated housing authority shall be filed with the county clerk of the county in which the commissioner resides. Such certificate shall be conclusive evidence of the due and proper appointment of such commissioner.

(e) The commissioners appointed pursuant to this section constitute the consolidated housing authority, and the powers of such authority shall be vested in such commissioners in office from time to time.

(f) The commissioners of a consolidated housing authority shall elect a chair from among the commissioners and shall have

the power to select or employ such other officers and employees as the consolidated housing authority may require. A majority of the commissioners of a consolidated housing authority shall constitute a quorum for conducting business and exercising its powers and for all other purposes.

(4) POWERS AND DUTIES.—

(a) Except as otherwise provided in this section, a consolidated housing authority and the commissioners of such authority shall, within the area of operation of such authority, have the same functions, rights, powers, duties, privileges, and immunities provided for housing authorities created for counties or municipalities and the commissioners of such housing authorities in the same manner as though all the provisions of law applicable to housing authorities created for counties or municipalities were applicable to consolidated housing authorities. For purposes of this section, the term "mayor" has the same meaning as the term "Governor" and the term "clerk" has the same meaning as the term "county or municipal clerk," unless a different meaning clearly appears from the context. The Governor may appoint any person as commissioner of a consolidated housing authority who resides in the area of operation of the consolidated housing authority and any commissioner of a consolidated housing authority may be removed or suspended in the same manner and for the same reason as other officers appointed by the Governor.

(b) The commissioners of a consolidated housing authority

may select an appropriate corporate name.

Section 2. Section 421.32, Florida Statutes, is amended to read:

421.32 Rural housing projects.—County housing authorities, consolidated housing authorities, and regional housing authorities are specifically empowered and authorized to borrow money, accept grants, and exercise their other powers to provide housing for farmers of low income and domestic farm labor as defined in s. 514 of the Federal Housing Act of 1949. In connection with such projects, any such housing authority may enter into such leases or purchase agreements, accept such conveyances and rent or sell dwellings forming part of such projects to or for farmers of low income, as such housing authority deems necessary in order to assure the achievement of the objectives of this law. Such leases, agreements or conveyances may include such covenants as the housing authority deems appropriate regarding such dwellings and the tracts of land described in any such instrument, which covenants shall be deemed to run with the land where the housing authority deems it necessary and the parties to such instrument so stipulate. In providing housing for farmers of low income, county housing authorities and regional housing authorities shall not be subject to the limitations provided in ss. 421.08(3) and 421.10(3). Nothing contained in this section shall be construed as limiting any other powers of any housing authority.

Section 3. Section 421.321, Florida Statutes, is amended

to read:

421.321 Execution of mortgages.—County housing authorities, consolidated housing authorities, and regional housing authorities organized under this chapter are authorized to execute mortgages encumbering real property as security for loans made for providing facilities for domestic farm labor pursuant to s. 514 of the Federal Housing Act of 1949.

Section 4. This act shall take effect July 1, 2015.

PCS for HB 933

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 933 An Act Relating to Growth Management
SPONSOR(S): Economic Development & Tourism Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Economic Development & Tourism Subcommittee		Lukis AL	Duncan pedd

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 the DRI review requirements provided by s. 380.06, F.S. However, already existing DRIs will continue to be governed by s. 380.06, F.S.

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 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 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 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 proportionate share pursuant to transportation concurrency. 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 amends s. 163.3246, F.S., to describe and 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 longer than normal planning period.

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 has not been scored by the Revenue Estimating Conference; however, the bill appropriates $2.5 million in non-recurring funding from the General Revenue Fund to the RPCs.

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 meet such thresholds and standard 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 RPC with jurisdiction over the developer's proposed development to arrange a pre-application conference.[6] The developer or the RPC may request other

[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.

affected state and regional agencies participate in the conference to identify issues raised by the proposed project and the level of 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]

An agreement may be reached between the RPC and the developer 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]

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[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

Every local government is required to have adopted an Intergovernmental Coordination Element ("ICE") into its comprehensive plan.[36] This element is required to demonstrate consideration of the effects of the local plan upon the development of adjacent jurisdictions.[37] 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.

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

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[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.*

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 development of regional impact.[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.

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[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 country 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 a private developer or landowner for a project.[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 because certification program participants are few and these provisions have had little effect, according to the Florida Regional Council Association ("FRCA").

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[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. 186.505(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. This mandate is unnecessary, according to the FRCA.

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. These duties can be performed without the statutory reference, making it unnecessary.

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 hold the meeting.

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. According to the FRCA, the statutory mandate is duplicative and unnecessary.

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, because the requirement is duplicative and unnecessary.

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. 403.5272(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 hold the meeting.

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. According to FRCA, the DEP has never asked for this assistance and the statutory direction is unnecessary.

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. 403.9411(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. According to FRCA, this provision has never been utilized and a community residential home and a local government could utilize the RPC for dispute resolution regardless of whether this statutory provision exists.

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. According to FRCA, this provision has never been utilized and is unnecessary to allow the department to utilize the RPC for dispute resolution services.

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, because this statute does not appear to be necessary.

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.

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

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]

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 (i.e., if LOS is not met), 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 level-of-service 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

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[73] S. 163.3180(1), F.S.
[74] S. 163.3180, F.S.
[75] S. 163.3180(1), F.S.
[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.*

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]

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 level-of-service 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

[87] Section 163.3180(6)(f), F.S.
[88] *Id.*
[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.

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 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.

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

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

[94] Section 163.31801, F.S.
[95] *Id.*
[96] Section 163.31801(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).

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 (i.e., if LOS is not met), 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.[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.

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

Private Property Rights Element of Comprehensive Plan

Present Situation

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

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;
- 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

[109] Section 163.3167(2), F.S.
[110] Section 163.3177(1), F.S.
[111] Section 163.3167(1), F.S.
[112] Section 163.3177(1)-(5), F.S.
[113] Section 163.3177(1), F.S.
[114] *Id.*

- 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.

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

Connected-City Corridors

Present Situation

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]

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[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.

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 (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 review as a DRI.

Effect of Proposed Changes

The bill amends s. 163.3246, F.S., to describe and 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 longer than normal planning period and need not demonstrate need on any basis.

Pasco County is required 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.

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[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.

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.

This portion of the bill is effective upon becoming law.

Constrained Agricultural Parcels

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 operation[128] 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 ("DACS"), 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]

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[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.

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:

- 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

[132] Section 163.3162(4), F.S.
[133] *Id.*

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.

This portion of the bill has an effective date of upon becoming law.

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 2011[140] 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

[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.

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]

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
- 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

[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.
[144] Section 163.355(2), F.S.

- 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]

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., declaring 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

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[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.*
[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.*

- 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.

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

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 and optional 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 provides an appropriation of $2.5 million in nonrecurring funding from the General Revenue Fund to RPCs for the 2015-2016 fiscal year.

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 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

A bill to be entitled

An act relating to growth management; amending s. 163.3164, F.S.; defining the term "constrained agricultural parcel"; amending s. 163.3162, F.S.; authorizing specified landowners to apply for an amendment to a local government comprehensive plan; requiring the local government and the owner of land to agree in writing to a schedule and to negotiate a consensus on the consistency of uses, densities, and intensities within a specified period; establishing a presumption that the amendment is not urban sprawl under certain conditions; requiring the local government to transmit the amendment to the state land planning agency for review; transferring the amendment to the state land planning agency under certain circumstances; limiting the authority of the local government to establish specified prohibitions on the constrained agricultural parcel under certain circumstances; exempting specified property; amending s. 163.3180, F.S.; limiting the amount of mobility and impact fees; amending s. 163.3184, F.S.; requiring plan amendments proposing a development that qualifies as a development of regional impact to be subject to the state coordinated review process; amending s. 380.06, F.S.; providing that new proposed developments are subject to the state coordinated review process

and not the development of regional impact review process; amending s. 163.3175, F.S.; deleting obsolete provisions; amending s. 163.3245, F.S.; authorizing certain conservation easements granted and recorded as part of a detailed specific area plan to be modified or substituted for other lands; providing criteria for substituting such lands; requiring applicants to provide copies of detailed specified area plans to identified agencies; authorizing specific agencies to allow an applicant to use previously recorded conservation easements to offset impacts to wetlands or uplands for permitting purposes; authorizing an applicant to request that a consumptive use permit be issued for the same period as an approved master development order; providing construction; amending s. 373.236, F.S.; authorizing a water management district to issue a consumptive use permit for the length of an approved master development order under certain circumstances; specifying the criteria to be applied by the water management district in issuing such permit; providing construction; amending s. 163.3246, F.S.; removing restrictions on certain review exemptions; amending s. 163.3248, F.S.; removing the requirement that regional planning councils provide assistance in developing a plan for a rural land stewardship area; amending s. 186.504, F.S.;

conforming provisions to changes made by the act; amending s. 186.505, F.S.; removing the power of regional planning councils to establish and conduct cross-acceptance negotiation processes; amending s. 186.506, F.S.; removing the Governor's authority to revise regional planning council district boundaries; creating s. 186.512, F.S.; subdividing the state into specified geographic regions for the purpose of regional comprehensive planning; authorizing a county to opt out of membership in a regional planning council; amending s. 186.513, F.S.; deleting the requirement that regional planning councils make joint reports and recommendations; amending ss. 120.52, 218.32, and 253.7828, F.S.; conforming provisions to changes made by the act; amending s. 339.135, F.S.; deleting obsolete provisions; amending s. 339.155, F.S.; removing certain duties of regional planning councils; amending s. 380.06, F.S.; removing the requirement that developers submit biennial reports to regional planning agencies; amending s. 403.50663, F.S.; removing requirements relating to certain informational public meetings; amending s. 403.507, F.S.; removing the requirement that regional planning councils prepare reports addressing the impact of proposed electrical power plants; amending s. 403.508, F.S.; removing the requirement that regional planning

councils participate in certain proceedings; amending s. 403.5115, F.S.; conforming provisions to changes made by the act; amending s. 403.526, F.S.; removing the requirement that regional planning councils prepare reports addressing the impact of proposed transmission lines or corridors; amending s. 403.527, F.S.; removing the requirement that regional planning councils participate in certain proceedings; amending s. 403.5272, F.S.; conforming provisions to changes made by the act; amending s. 403.7264, F.S.; removing the requirement that regional planning councils assist with amnesty days for purging small quantities of hazardous wastes; amending s. 403.941, F.S.; removing the requirement that regional planning councils prepare reports addressing the impact of proposed natural gas transmission pipelines or corridors; amending s. 403.9411, F.S.; removing the requirement that regional planning councils participate in certain proceedings; amending ss. 419.001 and 985.682, F.S.; removing provisions relating to the use of a certain dispute resolution process; repealing s. 186.0201, F.S., relating to electric substation planning; repealing s. 260.018, F.S., relating to agency recognition of certain publicly owned lands and waters; providing an appropriation; amending s. 163.08, F.S.; declaring a compelling state interest in

enabling property owners to voluntarily finance certain improvements to real property damaged by ground subsidence, including sinkhole activity, with local government assistance; expanding the definition of the term "qualifying improvement" to include stabilization or other repairs to real property damaged by ground subsidence; providing that stabilization or other repairs to real property damaged by ground subsidence are qualifying improvements considered affixed to a building or facility; revising the form of a specified written disclosure statement to include an assessment for a qualifying improvement relating to stabilization or repair of real property damaged by ground subsidence; amending s. 163.335, F.S.; providing legislative findings regarding ground subsidence; amending s. 163.340, F.S.; expanding the definition of the term "blighted area" to include a substantial number or percentage of properties damaged by ground subsidence that are not adequately repaired or stabilized; amending s. 163.350, F.S.; authorizing counties and municipalities to include in a workable program provisions to stabilize or repair property damaged by ground subsidence; creating s. 163.359, F.S.; prohibiting certain community redevelopment agencies from paying attorney fees or public adjuster fees;

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

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

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

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

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

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

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

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

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

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

(d) That 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

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

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

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

163.3162 Agricultural Lands and Practices.—

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

(a) 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. Such schedule may be altered only with the written consent of the local government and the owner. Compliance with the schedule in the written agreement constitutes good faith negotiations.

(b) 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 the adjacent lands described in s. 163.3164(11)(d), whether such surrounding uses, densities, and intensities are developed or are approved but not yet developed.

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

(d) Regardless of whether the local government and the

owner reach a consensus, the local government shall transmit the amendment to the state land planning agency for review pursuant to s. 163.3184 upon the conclusion of the good faith negotiations. 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 such review. An amendment transmitted to the state land planning agency is presumed not to constitute urban sprawl as defined in s. 163.3164. This presumption may be rebutted by clear and convincing evidence.

(e) 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 the adjacent lands described in s. 163.3164(11)(d), whether such surrounding uses, densities, and intensities are developed or are approved but not yet developed. If a local government imposes such development conditions, the owner may apply to the circuit court for appropriate relief pursuant to s. 70.001. The imposition of such conditions is presumed to impose an inordinate burden that may be rebutted by clear and convincing evidence. This subsection does not apply to comprehensive plan provisions, development conditions, or land development regulations enacted to address compatibility of uses with military operations or installations.

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

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

1. The Wekiva Study Area as defined in s. 369.316; or

2. The Everglades Protection Area as defined in s. 373.4592(2).

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

163.3180 Concurrency.—

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

(c) 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, any proportionate share payment or mitigation payment required under paragraph (5)(h) or paragraph (6)(h) must

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

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

163.3184 Process for adoption of comprehensive plan or plan amendment.—

(2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—

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

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

380.06 Developments of regional impact.—

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

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

Statutes, is amended to read:

163.3175 Legislative findings on compatibility of development with military installations; exchange of information between local governments and military installations.—

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

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

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

163.3245 Sector plans.—

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

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

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

2. 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.

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

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

5. A general identification of regionally significant natural resources within the planning area based on the best available data 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) The applicant for a detailed specific area plan shall transmit copies of the application to the reviewing agencies specified in s. 163.3184(1)(c), or their successor agencies, for review and comment as to whether the detailed specific area plan is consistent with the comprehensive plan and the long-term master plan. Any comments from the reviewing agencies shall 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.

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

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

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

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

(15) The more specific provisions of this section shall

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

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

373.236 Duration of permits; compliance reports.—

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

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

163.3246 Local government comprehensive planning certification program.—

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

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

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

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

163.3248 Rural land stewardship areas.—

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

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

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

186.504 Regional planning councils; ~~creation;~~ membership.—

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

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

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

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

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

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

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

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

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

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

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

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

~~district or districts.~~

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

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

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

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

186.505 Regional planning councils; powers and duties.—Any regional planning council created hereunder shall have the following powers:

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

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

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

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

Section 14. Section 186.512, Florida Statutes, is created

to read:

186.512 Regional planning council identification; opt-out provisions.—

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

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

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

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

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

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

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

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

(h) Southwest Florida Regional Planning Council:

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

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

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

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

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

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

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

120.52 Definitions.—As used in this act:

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

from the constitution:

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

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

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

218.32 Annual financial reports; local governmental

entities.—

(1)

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

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

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

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

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

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

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

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

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

339.155 Transportation planning.—

(4) ADDITIONAL TRANSPORTATION PLANS.—

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

transportation plans shall be developed consistent, to the maximum extent feasible, with the regional transportation goals and policies. ~~The regional planning council shall review urbanized area transportation plans and any other planning products stipulated in s. 339.175 and provide the department and respective metropolitan planning organizations with written recommendations, which the department and the metropolitan planning organizations shall take under advisement. Further, the regional planning councils shall 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 as required by s. 163.3177.~~

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

380.06 Developments of regional impact.—

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

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

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

403.50663 Informational public meetings.—

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

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

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

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

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

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

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

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

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

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

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

5.~~6.~~ The Department of Transportation shall address the impact of the proposed electrical power plant on matters within its jurisdiction.

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

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

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

1. The applicant.

2. The Public Service Commission.

3. The Department of Economic Opportunity.

4. The Fish and Wildlife Conservation Commission.

5. The water management district.

6. The department.

~~7. The regional planning council.~~

7.~~8.~~ The local government.

8.~~9.~~ The Department of Transportation.

(4)(a) The order of presentation at the certification hearing, unless otherwise changed by the administrative law judge to ensure the orderly presentation of witnesses and evidence, shall be:

1. The applicant.

2. The department.

3. State agencies.

4. Regional agencies, including ~~regional planning councils and~~ water management districts.

5. Local governments.

6. Other parties.

Section 25. Subsection (5) of section 403.5115, Florida Statutes, is amended to read:

403.5115 Public notice.—

(5) A local government ~~or regional planning council~~ that proposes to conduct an informational public meeting pursuant to s. 403.50663 must publish notice of the meeting in a newspaper of general circulation within the county or counties in which

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

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

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

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

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

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

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

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

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

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

corridor unless the certification is denied or the application is withdrawn.

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

6.~~7.~~ The Department of Transportation shall prepare a report as to the impact of the proposed transmission line or corridor on state roads, railroads, airports, aeronautics, seaports, and other matters within its jurisdiction.

7.~~8.~~ The commission shall prepare a report containing its determination under s. 403.537, and the report may include the comments from the commission with respect to any other subject within its jurisdiction.

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

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

403.527 Certification hearing, parties, participants.—

(2)(a) Parties to the proceeding shall be:

1. The applicant.

2. The department.

3. The commission.

4. The Department of Economic Opportunity.

5. The Fish and Wildlife Conservation Commission.

6. The Department of Transportation.

7. Each water management district in the jurisdiction of which the proposed transmission line or corridor is to be located.

8. The local government.

~~9. The regional planning council.~~

(3)(a) The order of presentation at the certification hearing, unless otherwise changed by the administrative law judge to ensure the orderly presentation of witnesses and evidence, shall be:

1. The applicant.

2. The department.

3. State agencies.

4. Regional agencies, including ~~regional planning councils and~~ water management districts.

5. Local governments.

6. Other parties.

Section 28. Subsections (2) and (3) of section 403.5272, Florida Statutes, are amended to read:

403.5272 Informational public meetings.—

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

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

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

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

manner:

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

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

403.941 Preliminary statements of issues, reports, and studies.—

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

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

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

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

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

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

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

certification is denied or the application is withdrawn.

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

6.~~7.~~ The Department of Transportation shall prepare a report on the effect of the natural gas transmission pipeline or natural gas transmission pipeline corridor on matters within its jurisdiction, including roadway crossings by the pipeline. The report shall contain at a minimum:

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

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

7.~~8.~~ The Department of State, Division of Historical Resources, shall prepare a report on the impact of the natural gas transmission pipeline or natural gas transmission pipeline corridor on matters within its jurisdiction.

8.~~9.~~ The commission shall prepare a report addressing matters within its jurisdiction. The commission's report shall include its determination of need issued pursuant to s. 403.9422.

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

403.9411 Notice; proceedings; parties and participants.—

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

1. The applicant.

2. The department.

3. The commission.

4. The Department of Economic Opportunity.

5. The Fish and Wildlife Conservation Commission.

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

7. The local government.

~~8. The regional planning council.~~

8.~~9.~~ The Department of Transportation.

9.~~10.~~ The Department of State, Division of Historical Resources.

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

(a) The applicant.

(b) The department.

(c) State agencies.

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

(e) Local governments.

(f) Other parties.

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

419.001 Site selection of community residential homes.—

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

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

985.682 Siting of facilities; criteria.—

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

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

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

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

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

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

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

163.08 Supplemental authority for improvements to real property.—

(1)

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

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

(b) "Qualifying improvement" includes any:

1. 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, including, but not limited to, air sealing; installation of insulation; installation of energy-efficient heating, cooling, or ventilation systems; building modifications to increase the use of daylight; replacement of windows; installation of energy controls or energy recovery systems; installation of electric vehicle charging equipment; and installation of efficient lighting equipment.

2. 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 one or more of the following fuels or energy sources: hydrogen, solar energy, geothermal energy, bioenergy, and wind energy.

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

a. Improving the strength of the roof deck attachment;

b. Creating a secondary water barrier to prevent water intrusion;

c. Installing wind-resistant shingles;

d. Installing gable-end bracing;

e. Reinforcing roof-to-wall connections;

f. Installing storm shutters; or

g. Installing opening protections.

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

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

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

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

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

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

163.335 Findings and declarations of necessity.—

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

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

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

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

(a) Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities.~~,~~

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

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

(d) Unsanitary or unsafe conditions.~~,~~

(e) Deterioration of site or other improvements.~~,~~

(f) Inadequate and outdated building density patterns.~~,~~

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

(h) Tax or special assessment delinquency exceeding the fair value of the land.~~,~~

(i) Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality.~~,~~

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

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

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

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

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

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

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

defined in this subsection.

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

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

redevelopment of slum and blighted areas or portions thereof.

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

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

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

163.360 Community redevelopment plans.—

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

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

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

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

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

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

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

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

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

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

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

b. Tax delinquency;

c. Improper subdivisions;

d. Outmoded street patterns;

e. Deterioration of site;

f. Economic disuse;

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

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

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

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

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

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

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

(e) Within the community redevelopment area:

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

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

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

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

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

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

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

agency.

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

163.3246 Local government comprehensive planning certification program.—

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

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

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

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

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

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

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

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

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

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

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

2. Changes to the certification pilot program.

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

190.005 Establishment of district.—

(2) The exclusive and uniform method for the establishment of a community development district of less than 1,000 acres in size or a community development district of up to 2,000 acres in size located within a connected-city corridor established pursuant to s. 163.3246(14) shall be pursuant to an ordinance adopted by the county commission of the county having jurisdiction over the majority of land in the area in which the district is to be located granting a petition for the establishment of a community development district as follows:

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

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

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

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

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

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

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

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

163.3167 Scope of act.—

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

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

(b) The protection of private property rights.

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

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

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

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

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

b. Encouragement of economic development.

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

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

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

Section 48. (1) 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.

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

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

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

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

Section 49. This act shall take effect July 1, 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	_____

Committee/Subcommittee hearing bill: Economic Development & Tourism Subcommittee

Representative Powell offered the following:

Amendment (with title amendment)

Remove lines 168-270

T I T L E A M E N D M E N T

Remove lines 3-4 and insert:

163.3162, F.S.;