

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

COMMUNITY AFFAIRS
Senator Simpson, Chair
Senator Brandes, Vice Chair

MEETING DATE: Tuesday, March 10, 2015
TIME: 1:30 —3:30 p.m.
PLACE: 301 Senate Office Building

MEMBERS: Senator Simpson, Chair; Senator Brandes, Vice Chair; Senators Abruzzo, Bradley, Dean, Diaz de la Portilla, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 766 Hukill (Identical H 649, Compare H 979, S 1178)	Surveillance by a Drone; Prohibiting a person, a state agency, or a political subdivision from using a drone to capture an image of privately owned real property or of the owner, tenant, or occupant of such property with the intent to conduct surveillance without his or her written consent if a reasonable expectation of privacy exists; specifying when a reasonable expectation of privacy may be presumed, etc. CA 03/10/2015 Favorable JU AP	Favorable Yeas 7 Nays 0
2	SB 924 Hays (Similar H 839)	Property Prepared for a Tax-exempt Use; Consolidating and revising provisions relating to obtaining an ad valorem exemption for property owned by an exempt organization, including the requirement that the owner of an exempt organization take affirmative steps to demonstrate an exempt use; authorizing the property appraiser to serve a notice of tax lien on exempt property that is not in actual exempt use after a certain time; providing that the provisions authorizing the tax lien do not apply to a house of public worship, etc. CA 03/10/2015 Fav/CS FT AP	Fav/CS Yeas 7 Nays 0
3	SB 782 Montford (Identical H 423)	County Officers; Providing that the salaries of a clerk of circuit court, county comptroller, sheriff, supervisor of elections, property appraiser, tax collector, and district school superintendent may not be decreased under specific circumstances as the county population increases, etc. CA 03/10/2015 Temporarily Postponed GO FP	Temporarily Postponed

COMMITTEE MEETING EXPANDED AGENDA

Community Affairs

Tuesday, March 10, 2015, 1:30 —3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 780 Smith (Identical H 919)	Special Assessment for Law Enforcement Services; Authorizing a municipality to levy a special assessment to fund the costs of providing law enforcement services; requiring the property appraiser to list the special assessment on the notice of property taxes; specifying exceptions to the reduction of the ad valorem millage by more than a certain percentage; providing for construction, etc. CA 03/10/2015 Favorable FT FP	Favorable Yeas 7 Nays 0
5	SJR 810 Garcia (Similar HJR 521)	Miami-Dade County Home Rule Charter; Proposing an amendment to the State Constitution to authorize amendments or revisions to the Miami-Dade County Home Rule Charter by a special law approved by the electors of Miami-Dade County; restricting the filing of a bill proposing such a special law; providing that the charter may impose fixed term limits on county commissioners; conforming historical references to reflect the current name of Miami-Dade County, etc. CA 03/10/2015 Unfavorable JU RC	Unfavorable Yeas 3 Nays 4
6	SB 242 Brandes (Identical H 1309, Compare H 1279, CS/S 216)	Publicly Funded Retirement Plans; Requiring that actuarial reports for certain retirement plans include mortality tables; revising information to be included in a defined benefit system or plan's annual report to the Department of Management Services; providing a declaration of important state interest, etc. GO 02/17/2015 Favorable CA 03/10/2015 Fav/CS AP	Fav/CS Yeas 6 Nays 0
7	SB 562 Simpson (Identical H 579)	Growth Management; Requiring plan amendments proposing a development that qualifies as a development of regional impact to be subject to the state coordinated review process; providing that new proposed developments are subject to the state coordinated review process and not the development of regional impact review process, etc. CA 03/10/2015 Favorable TR RC	Favorable Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Community Affairs

Tuesday, March 10, 2015, 1:30 —3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SB 956 Simpson (Identical H 257)	Freight Logistics Zones; Authorizing a county or two or more contiguous counties to designate a geographic area or areas within its jurisdiction as a freight logistics zone; requiring the adoption of a strategic plan which must include certain information; providing that certain projects within freight logistics zones may be eligible for priority in state funding and certain incentive programs; providing evaluation criteria for freight logistics zones, etc. CA 03/10/2015 Favorable ATD FP	Favorable Yeas 7 Nays 0
9	SB 484 Simpson (Identical H 873)	Regional Planning Councils; Requiring the state land planning agency to identify parties that may enter into mediation relating to the compatibility of developments with military installations; requiring electric utilities to notify the county, rather than the regional planning council, of its current plans to site electric substations; authorizing local governments to enter into agreements to create regional planning entities; revising the requirements for the statewide emergency shelter plan to include the general location and square footage of special needs shelters by county rather than by regional planning council region, etc. CA 03/10/2015 Fav/CS ATD AP	Fav/CS Yeas 7 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 766

INTRODUCER: Senator Hukill

SUBJECT: Surveillance by a Drone

DATE: March 9, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stearns	Yeatman	CA	Favorable
2.			JU	
3.			AP	

I. Summary:

SB 766 prohibits a person, state agency or political subdivision from using a drone to record an image of privately owned or occupied real property or of the owner, tenant, or occupant of such property with the intent to conduct surveillance on the individual or property. The bill authorizes compensatory damages, injunctive relief, attorney's fees and punitive damages.

II. Present Situation:

History of Drones

Drones, sometimes referred to as unmanned aerial vehicles or unmanned aerial systems, are often thought of as a relatively new invention used exclusively by the military in distant countries. However, the Federal Aviation Administration (FAA) authorized drones as far back as 1990 for a broad array of domestic uses by governmental actors including firefighting, disaster relief, search and rescue, law enforcement, border patrol, and scientific research.¹ In recent years, drones have been increasingly utilized by members of the public (in addition to governmental actors), most often for recreational purposes but also on occasion for technically-illegal commercial uses.² One prominent drone manufacturer estimates that more than 500,000 personal drones have been sold in the United States alone.³

As drones have become more commonplace and drone technologies have improved, their universe of potential commercial uses has broadened. Drones are increasingly being used by

¹ *Fact Sheet – Unmanned Aircraft Systems*, Federal Aviation Administration, February 15, 2015, available at http://www.faa.gov/news/fact_sheets/news_story.cfm?newsid=18297.

² *Dudes with Drones*, David Rose, The Atlantic, November 2014, available at <http://www.theatlantic.com/magazine/print/2014/11/dudes-with-drones/380783/>.

³ *Id.*

commercial photographers and filmmakers,⁴ Google and Amazon have made significant investments in development of drone parcel delivery systems,⁵ Lady Gaga appeared in a “wearable drone,”⁶ and TGI Fridays used drones in a promotion involving a “Togethermas Mistletoe Drone.”⁷

As touched upon earlier, some of these uses of drones may be more legal than others due to the federal regulatory system governing the commercial operation of drones. Commercial operation of a drone is prohibited unless the drone operator has received prior approval from the FAA through one of three certificate programs:⁸

- Section 333 exemption and a Certificate of Waiver or Authorization (COA). This certificate may be used for commercial operations in low-risk, controlled environments.
- Special Airworthiness Certificate – Experimental Category. This certificate is for experimentation and research on new drone designs. “For-hire” operations are prohibited under this certificate.
- Special Airworthiness Certificate – Restricted Category. For a special purpose or a type certificate for production of the drone.

All public (governmental) drone operators must go through the Public COA process.⁹ Model aircraft operators do not need permission from the FAA to fly.¹⁰ While the number of authorized commercial operators is still small (24), the FAA continues to grant more regulatory exemptions, including one recent exemption for “flare stack inspections.”¹¹ Those numbers will increase exponentially soon, as the FAA is nearing completion of an initial rule related to the use of small (under 55 pounds) drones, pursuant to the FAA Modernization and Reform Act of 2012.¹² The rule would allow “routine use of certain small unmanned aircraft systems,” clearing the way for much wider commercial utilization of drones by the private sector.¹³ The draft rule for small drones was released on February 15, 2015, opening a 60-day period for public comment prior to finalization of the rule.¹⁴

⁴ *Id.*

⁵ *Inside Google’s Secret Drone-Delivery Program*, Alexis Madrigal, The Atlantic, August 2014, available at <http://www.theatlantic.com/technology/print/2014/08/inside-googles-secret-drone-delivery-program/379306/>.

⁶ *Dudes with Drones*.

⁷ *TGI Fridays’ Drone Delivers Bloody ‘Mistletoe Mischief,’* Karma Allen, December 9, 2014, CNBC, available at <http://www.cnn.com/id/102250262#>. While the mistletoe drone stunt was successful at garnering attention, it probably was not the type the restaurant chain was seeking. The drone made headlines after taking off part of a photographer’s nose and slicing her chin.

⁸ *Civil Operations (Non-Governmental)*, Federal Aviation Administration, February 9, 2015, available at http://www.faa.gov/uas/civil_operations/.

⁹ *Unmanned Aircraft Systems – Frequently Asked Questions*, Federal Aviation Administration, March 2, 2015, available at <http://www.faa.gov/uas/faq/>.

¹⁰ *Model Aircraft Operations*, Federal Aviation Administration, February 10, 2015, available at http://www.faa.gov/uas/model_aircraft/.

¹¹ *FAA Grants Eight More UAS Exemptions*.

¹² *Presidential Memorandum: Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights, and Civil Liberties in Domestic Use of Unmanned Aircraft Systems*, The White House – Office of the Press Secretary, February 15, 2015, available at <http://www.whitehouse.gov/the-press-office/2015/02/15/presidential-memorandum-promoting-economic-competitiveness-while-safegua/>.

¹³ *Press Release – DOT and FAA Propose New Rules for Small Unmanned Aircraft Systems*, Federal Aviation Administration, February 15, 2015, available at http://www.faa.gov/news/press_releases/news_story.cfm?newsId=18295.

¹⁴ *Id.*

While drones have already been put to a wide array of uses, their potential uses are practically boundless. Researchers in France have found that drones are very useful for monitoring birds without disturbing them and have “a lot of potential to revolutionize bird censuses.”¹⁵ Developers at Google believe that, at best, drones could be the foundation of a new “access society” that relies on principles similar to the burgeoning “sharing economy” that underpins companies such as Uber and Airbnb, rather than today’s “ownership society,” and at worst, they represent a much faster, cheaper and safer option for shipping packages.¹⁶ One successful drone developer believes that, within five years, drones will be able to respond to speech commands and may even be able to walk your dog, while another predicts that they will be so ubiquitous that in developed countries there will be one drone per person.¹⁷ As a result, *Business Insider* predicts that the drone industry will generate \$10 billion in new spending over the next decade.¹⁸

Privacy Issues Related to Drones

Drones present so many potential uses because of their great diversity. They come in all shapes and sizes, from the 6.5 inch, 19 gram AeroVironment’s Nano Hummingbird to massive drones with wingspans up to 150 feet and weights over 30,000 pounds.¹⁹ Some drones are powered by batteries with lifespans of a few minutes, while others are designed to stay aloft for days at a time.²⁰ Some drones are built to last, while others are built to decompose.²¹ Some drones are designed to fly like an airplane, some use rotors similar to a helicopter, while others have the ability to enter “perch and stare” mode.²² Perhaps even more relevant to a discussion of their potential privacy implications, drones can be equipped with a wide array of sensory equipment, including high-magnification lenses, infrared, ultraviolet and see-through imaging devices, acoustical eavesdropping devices, laser optical microphones, and face and body recognition software.²³

This incredible variety of designs and equipment means that drones present very real dangers to individual privacy. Because of their ability to stay aloft for long durations, drones could track a person’s every move, if not indefinitely, then at least over a period of days. While larger drones may be more useful for following a person in more rural areas, smaller drones work better in urban areas. A drone could be trained to watch a specific piece of property for a period of time, or could have its facial recognition software programmed so that it automatically focused on a single person in a crowd. One drone could watch a building (or look inside the building), while

¹⁵ *Birds Are Mostly Cool with Drones*, Nicholas St. Fleur, The Atlantic, February 2015, available at <http://www.theatlantic.com/technology/print/2015/02/drones-might-not-disrupt-birds-after-all/385338/>.

¹⁶ *Inside Google’s Secret Drone-Delivery Program*.

¹⁷ *The Drone Dudes*.

¹⁸ *FAA Drone Regulations Deal Blow to Amazon*, Matt Schiavenza, The Atlantic, February 2015, available at <http://www.theatlantic.com/business/print/2015/02/faa-drone-regulations-deal-blow-to-amazon/285529/>.

¹⁹ *Beyond the Fourth Amendment: Limiting Drone Surveillance Through the Constitutional Right to Informational Privacy*, Jonathan Olivito, Ohio State L.J., Vol 74, 670 (2013).

²⁰ *Id.*

²¹ *A Drone for the Environment*, Shirley Li, The Atlantic, November 2014, available at <http://www.theatlantic.com/technology/print/2014/11/a-drone-for-the-environment/382776/>.

²² *Beyond the Fourth Amendment* at 677.

²³ *Id.*

another listens to conversations taking place inside. Or one drone outfitted with the proper equipment could perform all three tasks at once.

The prospect of constant monitoring, whether performed by a government entity or some private actor (perhaps a potential employer, insurance company, private detective, etc.), may have a chilling effect on associational and expressive freedoms enjoyed by the American populace. Some commentators argue that such constitutional rights, in addition to an “assumed” (but not decided) constitutional right to privacy, are not adequately protected by currently existing laws. A discussion of those laws (both statutory and common) and their possible shortcomings as applied to privacy in the context of drones, is presented below.

Nuisance Law

At common law, property ownership “extended to the periphery of the universe.”²⁴ However, the Supreme Court abrogated the common law in 1946 when it held that flights over property only constitute a taking if they are “so low and so frequent as to be a direct and immediate interference with the enjoyment and use of the land.”²⁵ Due to the relatively high altitude and relatively quiet operation of drones, it is unlikely that isolated use of a drone would support a nuisance claim.²⁶ However, if a property owner were regularly subjected to the interference of the enjoyment of his land by a low-flying drone, then that owner may be able to maintain a nuisance claim.²⁷

Trespass Law

A claim of trespass may be supported against an aircraft if the aircraft flies so low as to interfere substantially with the owner’s use and enjoyment of the land.²⁸ Again, drones typically fly an altitude that would prevent this common law doctrine from applying.

Intrusion Upon Seclusion

The tort of intrusion upon seclusion must be supported by two findings:

1. That a person intentionally intrudes, physically or otherwise, upon the solitude or seclusion of another or his private affairs or concerns, and
2. The intrusion would be highly offensive to a reasonable person.

The key to successfully alleging an intrusion upon seclusion is that the victim had a “reasonable expectation of privacy.”²⁹ As will be discussed more fully in relation to the inadequacy of Fourth Amendment protections, it is very difficult for a person to maintain that they had a reasonable expectation of privacy outside of their private home or car. The fact that the intrusion must be

²⁴ *Drones and Laws of General Applicability*, Michael Berry and Nabihah Syed, The Volokh Conspiracy, The Washington Post, September 25, 2014, available at <http://www.washingtonpost.com/news/volokh-conspiracy/wp/2014/09/25/drones-and-laws-of-general-applicability/>.

²⁵ *United States v. Causby*, 328 US 256, 266 (1946).

²⁶ *Beyond the Fourth Amendment* at 680.

²⁷ *Drones and Laws of General Applicability*.

²⁸ *Id.*

²⁹ *Id.*

“highly offensive to the reasonable person” narrows the scope of protection provided by this common law further.³⁰

Publication of Private Facts

To commit the tort of publication of private facts, a person must publish or broadcast private information about someone else and the disclosure of that information would be highly offensive to the reasonable person and the information is not a matter of legitimate public concern.³¹ Again, the scope of protection is limited by the fact that the disclosure must be highly offensive to the reasonable person. Also significant, the private information must be actually published to trigger the tort. Should the person collecting the information through the drone never actually widely disseminate any of the information, the victim may be prevented from asserting an injury under this doctrine.

State Wiretap and Peeping Tom Statutes

State wiretap statutes restrict people from using drones to intentionally intercept audio communications while “Peeping Tom” statutes prohibit the filming, photographing or observation of others. Importantly though, both protections are qualified by the requirement that the victims have a reasonable expectation of privacy.³²

Fourth Amendment Jurisprudence

The Fourth Amendment to the United States Constitution protects against “unreasonable searches and seizures” by the government. The amendment provides some protection against drone surveillance directed at a private home, particularly when the drone uses a sense-enhancing technology, however recent Supreme Court decisions have greatly circumscribed those protections.³³ Furthermore, the Fourth Amendment provides almost no protection against drone surveillance conducted in public places, which effectively is anywhere outside of a home.³⁴

In *California v. Ciraolo*, 476 U.S. 207 (1986), the U.S. Supreme Court held that it was not a violation of the Fourth Amendment for a police department to fly in a plane 1,000 feet over a person’s backyard (which was surrounded by a six-foot fence and a second ten-foot fence) in order to observe that person’s property. The court held that to be the case because the backyard was visible from a “public vantage point,” in this case, a plane flying 1,000 feet above the backyard.

In *Dow Chemical Co. v. United States*, 476 U.S. 227 (1986), the Supreme Court extended its holding in *Ciraolo*, holding that it was not a violation of the Fourth Amendment prohibition on searches and seizures for the Environmental Protection Agency to charter a private plane equipped with a camera with a magnification capability of 240x to take aerial photographs of a chemical manufacturing plant to which it had been denied access by the landowner.

³⁰ *Beyond the Fourth Amendment* at 680.

³¹ *Drones and Laws of General Applicability*.

³² *Id.*

³³ *Beyond the Fourth Amendment* at 682.

³⁴ *Id.*

Finally, in *Florida v. Riley*, 488 U.S. 445 (1989), a police department used a helicopter to fly 400 feet above a private greenhouse that was missing two panels on the roof. A deputy on board the helicopter looked through the uncovered portion of the roof and saw marijuana growing in the greenhouse. The U.S. Supreme Court held this was not a violation of the Fourth Amendment because the defendant did not have a reasonable expectation of privacy in the portion of his greenhouse that was partially exposed to aerial observation.

In summary, the Fourth Amendment may only protect a private landowner from drone surveillance if that person is within a portion of his or her home that is not observable from the air. Once that person is out in a public (or private) area that does not provide that person with a reasonable expectation of privacy, the government likely could observe that person via a drone without violating the Fourth Amendment. The Fourth Amendment does not provide any protection against actions taken by private actors, unless those actions were pursuant to governmental direction.³⁵

Section 934.50, Florida Statutes – Searches and Seizure Using a Drone

The Freedom from Unwarranted Surveillance Act, passed in 2013, prohibits a law enforcement agency from using a drone to gather evidence or other information, subject to certain exceptions. The law does not restrict the use of drones to engage in surveillance by private actors.

III. Effect of Proposed Changes:

Section 1 amends s. 934.50, F.S., to prohibit a person, state agency or political subdivision from using a drone equipped with an imaging device to record an image of privately owned or occupied real property or of the owner, tenant, or occupant of such property with the intent to conduct surveillance on the property or person. The surveillance must be in violation of the person's reasonable expectation of privacy and without his or her written consent. The bill provides that for purposes of this law, a person is presumed to have a reasonable expectation of privacy if the person is not observable by a person at ground level, regardless of whether the person is observable by a drone in the air. The bill reaches many if not all of the potential modes of information capture by a drone by providing expansive definitions for the terms "image" and "imaging device."

The bill provides that an owner, tenant, or occupant of real property may receive compensatory damages and seek an injunction against future surveillance. A prevailing party is entitled to recover reasonable attorney fees under the bill. The bill also authorizes punitive damages and provides that the remedies provided in this section are cumulative to other existing remedies.

Section 2 provides an effective date of July 1, 2015.

³⁵ *When the Fourth Amendment Applies*, Findlaw available at <http://criminal.findlaw.com/criminal-rights/when-the-fourth-amendment-applies.html>.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

The language used by the bill to describe the parties that could bring an action under this section may not include all potential plaintiffs. The bill only protects the “owner, tenant, or occupant” of private property. The term occupant may be construed as requiring some period of sustained presence at a specific property. As such, it may not include social guests (invitees) or others (licensees) that visit private property for relatively short periods of time.

VII. Related Issues:

According to the Department of Revenue (DOR) staff analysis, the bill as drafted could affect land surveying and mapping activities currently regulated by ch. 472, F.S. The DOR suggests adding an exception to the prohibitions enacted by the bill for aerial photography used by land surveyors and mappers or a narrower exception for property appraisers who use aerial photography for use in the assessment of property. Alternatively, if the sponsor defined “surveillance” within the bill, aerial photography as used by property appraisers could be excluded from the definition.

VIII. Statutes Affected:

This bill substantially amends section 934.50 of the Florida Statutes.

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Hukill

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1 A bill to be entitled
2 An act relating to surveillance by a drone; amending
3 s. 934.50, F.S.; defining terms; prohibiting a person,
4 a state agency, or a political subdivision from using
5 a drone to capture an image of privately owned real
6 property or of the owner, tenant, or occupant of such
7 property with the intent to conduct surveillance
8 without his or her written consent if a reasonable
9 expectation of privacy exists; specifying when a
10 reasonable expectation of privacy may be presumed;
11 providing that an owner, tenant, or occupant may
12 initiate a civil action for compensatory damages or
13 seek injunctive relief against a person, a state
14 agency, or a political subdivision that violates the
15 act; providing for the recovery of attorney fees and
16 punitive damages; specifying that remedies provided by
17 the act are cumulative to other remedies; providing an
18 effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Section 934.50, Florida Statutes, is amended to
23 read:

24 934.50 Searches and seizure using a drone.—

25 (1) SHORT TITLE.—This act may be cited as the "Freedom from
26 Unwarranted Surveillance Act."

27 (2) DEFINITIONS.—As used in this act, the term:

28 (a) "Drone" means a powered, aerial vehicle that:

29 1. Does not carry a human operator;

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30 2. Uses aerodynamic forces to provide vehicle lift;

31 3. Can fly autonomously or be piloted remotely;

32 4. Can be expendable or recoverable; and

33 5. Can carry a lethal or nonlethal payload.

34 (b) "Image" means a record of thermal, infrared,
35 ultraviolet, visible light, or other electromagnetic waves;
36 sound waves; odors; or other physical phenomena which captures
37 conditions existing on or about real property or an individual
38 located on that property.

39 (c) "Imaging device" means a mechanical, digital, or
40 electronic viewing device; still camera; camcorder; motion
41 picture camera; or any other instrument, equipment, or format
42 capable of recording, storing, or transmitting an image.

43 (d) ~~(b)~~ "Law enforcement agency" means a lawfully
44 established state or local public agency that is responsible for
45 the prevention and detection of crime, local government code
46 enforcement, and the enforcement of penal, traffic, regulatory,
47 game, or controlled substance laws.

48 (3) PROHIBITED USE OF DRONES.—

49 (a) A law enforcement agency may not use a drone to gather
50 evidence or other information.

51 (b) A person, a state agency, or a political subdivision as
52 defined in s. 11.45 may not use a drone equipped with an imaging
53 device to record an image of privately owned or occupied real
54 property or of the owner, tenant, or occupant of such property
55 with the intent to conduct surveillance on the individual or
56 property captured in the image in violation of such person's
57 reasonable expectation of privacy without his or her written
58 consent. For purposes of this section, a person is presumed to

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59 have a reasonable expectation of privacy on his or her privately
60 owned or occupied real property if he or she is not observable
61 by persons located at ground level in a place where they have a
62 legal right to be, regardless of whether he or she is observable
63 from the air with the use of a drone.

64 (4) EXCEPTIONS.—This act does not prohibit the use of a
65 drone:

66 (a) To counter a high risk of a terrorist attack by a
67 specific individual or organization if the United States
68 Secretary of Homeland Security determines that credible
69 intelligence indicates that there is such a risk.

70 (b) If the law enforcement agency first obtains a search
71 warrant signed by a judge authorizing the use of a drone.

72 (c) If the law enforcement agency possesses reasonable
73 suspicion that, under particular circumstances, swift action is
74 needed to prevent imminent danger to life or serious damage to
75 property, to forestall the imminent escape of a suspect or the
76 destruction of evidence, or to achieve purposes including, but
77 not limited to, facilitating the search for a missing person.

78 (5) REMEDIES FOR VIOLATION.—

79 (a) An aggrieved party may initiate a civil action against
80 a law enforcement agency to obtain all appropriate relief in
81 order to prevent or remedy a violation of this act.

82 (b) The owner, tenant, or occupant of privately owned or
83 occupied real property may initiate a civil action for
84 compensatory damages for violations of this section and may seek
85 injunctive relief to prevent future violations of this section
86 against a person, state agency, or political subdivision that
87 violates paragraph (3) (b). In such action, the prevailing party

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88 is entitled to recover reasonable attorney fees from the
89 nonprevailing party based on the actual and reasonable time
90 expended by his or her attorney billed at an appropriate hourly
91 rate and, in cases in which the payment of such a fee is
92 contingent on the outcome, without a multiplier, unless the
93 action is tried to verdict, in which case a multiplier of up to
94 twice the actual value of the time expended may be awarded in
95 the discretion of the trial court.

96 (c) Punitive damages under this section may be sought
97 against a person subject to other requirements and limitations
98 of law, including, but not limited to, part II of chapter 768
99 and case law.

100 (d) The remedies provided by this section are cumulative to
101 other existing remedies.

102 (6) PROHIBITION ON USE OF EVIDENCE.—Evidence obtained or
103 collected in violation of this act is not admissible as evidence
104 in a criminal prosecution in any court of law in this state.

105 Section 2. This act shall take effect July 1, 2015.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3 / 10 / 2015

Meeting Date

Topic _____ Bill Number 766
(if applicable)

Name BRIAN PITTS Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH Phone 727-897-9291
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City State Zip

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

MAR. 10, 2015
Meeting Date

SB 766
Bill Number (if applicable)

Topic ~~USE OF DRONES~~ DRONES LEGISLATION & NEWS GATHERING Amendment Barcode (if applicable)

Name DEAN RIDINGS

Job Title PRESIDENT & CEO

Address 336 E. COLLEGE AVENUE, SUITE 301
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Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA PRESS ASSOCIATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Finance and Tax, *Chair*
Communications, Energy, and Public Utilities,
Vice Chair
Appropriations
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Banking and Insurance
Fiscal Policy

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR DOROTHY L. HUKILL
8th District

February 16, 2015

The Honorable Wilton Simpson
315 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399

Re: Senate Bill 766 – Surveillance by Drone

Dear Chairman Simpson:

Senate Bill 766, relating to Surveillance by a Drone has been referred to the Community Affairs Committee. I am requesting your consideration on placing SB 766 on your next agenda. Should you need any additional information please do not hesitate to contact my office.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Dorothy L. Hukill".

Dorothy L. Hukill, District 8

cc: Tom Yeatman, Staff Director of the Community Affairs Committee
Ann Whittaker, Administrative Assistant of the Community Affairs Committee

REPLY TO:

- 209 Dunlawton Avenue, Unit 17, Port Orange, Florida 32127 (386) 304-7630 FAX: (888) 263-3818
- Ocala City Hall, 110 SE Watula Avenue, 3rd Floor, Ocala, Florida 34471 (352) 694-0160

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: CS/SB 924

INTRODUCER: Community Affairs Committee and Senator Hays

SUBJECT: Property Prepared for a Tax-exempt Use

DATE: March 10, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	White	Yeatman	CA	Fav/CS
2.			FT	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 924 expands the exemption from ad valorem taxation in s. 196.196, F.S., to all property owned by an exempt organization that is taking “affirmative steps” to prepare property to be used for an educational, literary, scientific, religious or charitable purpose.

II. Present Situation:

Property Tax Assessments

Article VII, section 4 of the Florida Constitution requires that all property be assessed at just value for ad valorem tax purposes. Just value has been interpreted by the courts to mean fair market value, or what a willing buyer would pay a willing seller for the property in an arm’s length transaction.¹ Section 193.011, F.S., requires property appraisers to consider eight factors in determining the property’s just valuation.²

Article VII, section 4 of the Florida Constitution provides exceptions to this requirement for agricultural land, land producing high water recharge to Florida's aquifers, and land used exclusively for noncommercial recreational purposes, all of which may be assessed solely on the basis of their character or use. Tangible personal property that is held as inventory may be

¹ See *Walter v. Shuler*, 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So. 2d 1163 (Fla. 1976); *Southern Bell Tel. & Tel. Co. v. Dade County*, 275 So. 2d 4 (Fla. 1973).

² See s. 193.011(1)-(8), F.S.

assessed at a specified percentage of its value or may be totally exempted.³ The State Constitution also limits the amount by which the assessed value may increase in a given year for certain classes of property.⁴

Property Entitled to Charitable, Religious, Scientific, or Literary Exemptions

In determining whether the use of a property qualifies the property for an ad valorem tax exemption under s. 196.196, F.S., the property appraiser must consider the nature and extent of the charitable or other qualifying activity compared to other activities performed by the organization owning the property, and the availability of the property for use by other charitable or other qualifying entities.⁵ Only the portions of the property used predominantly for the charitable or other qualified purposes may be exempt from ad valorem taxation. If the property owned by an exempt entity is used exclusively for exempt purposes, it shall be totally exempt from ad valorem taxation.

Property used for religious purposes may be exempt if the entity has taken affirmative steps to prepare the property for use as a house of worship. The term "affirmative steps" is defined by statute to mean:

- Environmental or land use permitting activities,
- Creation of architectural or schematic drawings,
- Land clearing or site preparation,
- Construction or renovation activities, or
- Other similar activities that demonstrate a commitment to a religious use.⁶

In 2009, the Legislature amended s. 196.196, F.S., to provide that property owned by an exempt organization that is qualified as charitable under s. 501(c)(3) of the Internal Revenue Code, is considered to be used for a charitable purpose if the organization has taken "affirmative steps" to prepare the property to provide affordable housing to persons or families meeting the income restrictions for extremely-low, very-low, low, and moderate income families.⁷ The 2009 amendment also provided penalties for properties granted a charitable exemption under this subsection that are transferred for purposes other than affordable housing, or if the property is not actually used as affordable housing, within 5 years after the exemption is granted.

Charitable Organizations

Under s. 501(c)(3) of the Internal Revenue Code, an organization may only be tax-exempt if it is organized and operated for exempt purposes, including charitable and religious purposes. None of the organization's earnings may benefit any private shareholder or individual, and the organization may not attempt to influence legislation as a substantial part of its activities. Charitable purposes include relief of the poor, the distressed or the underprivileged, the advancement of religion, and lessening the burdens of government.

³ Section 196.185, F.S.

⁴ See FLA. CONST. art. VII, s. 4(d) & (g); FLA. CONST. art. VII, s. 3 and 6 permit a number of additional tax exemptions.

⁵ Section 196.196(1)(a)-(b), F.S.

⁶ Section 196.196(3), F.S.

⁷ Chapter 2009-96, Laws of Fla. (2009 SB 360).

Section 196.012(7), F.S., defines a charitable purpose as a function or service which is of such a community service that its discountenance could legally result in the allocation of public funds for the continuance of the function or the service.

Determining Profit vs. Non-Profit Status of an Entity

Section 196.195, F.S., outlines the statutory criteria that a property appraiser must consider in determining whether an applicant for a religious, literary, scientific, or charitable exemption is a nonprofit or profit-making venture. A religious, literary, scientific, or charitable exemption may not be granted until the property appraiser, or value adjustment board on appeal, has determined the applicant to be nonprofit.⁸

When applying for an exemption under s. 196.195, F.S., an applicant is required to provide the property appraiser with “such fiscal and other records showing in reasonable detail the financial condition, record of operations, and exempt and nonexempt uses of the property . . . for the immediately preceding fiscal year.”⁹ Based on the information provided by the applicant, the property appraiser must use the specified statutory criteria outlined in s. 196.195(2), F.S., to determine whether the applicant is a nonprofit or profit-making venture or if the property is used for a profit-making purpose.¹⁰ The applicant must show that “no part of the subject property, or the proceeds of the sale, lease, or other disposition thereof, will inure to the benefit of its members, directors, or officers or any person or firm operating for profit or for a nonexempt purpose.”¹¹

After calculating the assessed value of the property, the appraiser subtracts the value of any applicable exemptions to determine the property’s taxable value. The taxable value multiplied by the millage rate equals the property’s yearly tax bill.

Affirmative Steps

The exemption for some charitable, religious, and educational property also applies before the property is actually being used for an exempt purpose, but only while the property owner is taking “affirmative steps” to prepare the property for the exempt use. This treatment is provided to educational property,¹² the portion of religious property where a public house of worship is being constructed,¹³ and charitable property on which affordable housing for low-income residents is being constructed.¹⁴

The term "affirmative steps" is defined by law to mean:

- Environmental or land use permitting activities,
- Creation of architectural or schematic drawings,

⁸ Section 196.195(4), F.S.

⁹ Section 196.195(1), F.S.

¹⁰ Section 196.195(2)(a)-(e), F.S.

¹¹ Section 196.195(3), F.S.

¹² Section 196.198, F.S.

¹³ Section 196.196(3), F.S.

¹⁴ Section 196.196(5), F.S.

- Land clearing or site preparation,
- Construction or renovation activities, or
- Other similar activities that demonstrate a commitment to an [exempt] use.¹⁵

The affirmative steps provision applicable to affordable housing has two limitations. If the owner 1) transfers the property for a purpose other than providing affordable housing, or 2) is not actually using the property to provide affordable housing within 5 years, the owner owes the tax that was avoided by claiming affirmative steps treatment, plus a penalty equal to 50 percent of the taxes owed and interest of 15 percent, per year.¹⁶ If the owner fails to pay the required amounts within 30 days, the property appraiser must file liens on the owner's other properties.¹⁷ The property owner may avoid the 5-year limitation by demonstrating that he or she is continuing affirmative steps.¹⁸

III. Effect of Proposed Changes:

Section 1 creates s. 196.1955, F.S., to consolidate the current affirmative steps provisions into a single statute and extends the affirmative steps treatment to all property owned by an exempt organization and being prepared for an exempt educational, literary, scientific, religious, or charitable use. The bill defines "affirmative steps" as it is defined in current law.

The bill provides that if property is not in actual use for an exempt purpose within 5 years, the property owner must pay back taxes owed plus 15 percent interest. A tax lien can be placed on the property to collect these taxes if the property owner discontinues taking affirmative steps. The tax lien does not apply to property that an exempt organization is preparing for use as a house of public worship. Public worship is defined as religious worship services and activities incidental to religious worship services, including educational activities, parking, recreation, partaking of meals, and fellowship.

Sections 2 and 3 delete the current affirmative steps provisions in ss. 196.196 and 196.198, F.S.

Section 4 provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, section 18(b) of the Florida Constitution states that "[e]xcept upon approval of each house of the legislature by two-thirds of the membership, the legislature may not enact, amend or repeal any general law if the anticipated effect of doing so would be to reduce the authority that the municipalities or counties have to raise revenues in the aggregate, as such authority exists on February 1, 1989."

¹⁵ Sections 196.196(3), 196.196(5), and 196.198, F.S.

¹⁶ Section 196.196(5)(b)1., F.S.

¹⁷ Section 196.196(5)(b), F.S.

¹⁸ Section 196.196(5)(b)4., F.S.

Article VII, section 18(d) of the Florida Constitution provides an exemption from the mandates provision for laws having an insignificant fiscal impact. Therefore, the bill may be exempt.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference reviewed substantially similar legislation last year and determined that SB 626 (2014) would have reduced local property taxes by \$1.2 million annually, beginning in Fiscal Year 2015-2016.

B. Private Sector Impact:

Exempt organizations that own real property and take affirmative steps to prepare that property for an exempt purpose will receive an exemption from ad valorem taxation.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 196.196 and 196.198.

This bill creates section 196.1955 of the Florida Statutes.

IX. Additional Information:

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

CS by Community Affairs on March 10, 2015:

Changes a word to make it permissive for a property appraiser to serve a tax lien against a property that is not in an exempt use within 5 years, instead of mandatory.

- B. **Amendments:**

None.



328510

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/10/2015	.	
	.	
	.	
	.	

The Committee on Community Affairs (Bradley) recommended the following:

Senate Amendment

Delete line 46
and insert:
property appraiser making such determination may serve upon

By Senator Hays

11-00667A-15

2015924__

1 A bill to be entitled
2 An act relating to property prepared for a tax-exempt
3 use; creating s. 196.1955, F.S.; consolidating and
4 revising provisions relating to obtaining an ad
5 valorem exemption for property owned by an exempt
6 organization, including the requirement that the owner
7 of an exempt organization take affirmative steps to
8 demonstrate an exempt use; authorizing the property
9 appraiser to serve a notice of tax lien on exempt
10 property that is not in actual exempt use after a
11 certain time; providing that the lien attaches to any
12 property owned by the organization identified in the
13 notice of lien; providing that the provisions
14 authorizing the tax lien do not apply to a house of
15 public worship; defining the term "public worship";
16 amending s. 196.196, F.S.; deleting provisions
17 relating to the exemption as it applies to public
18 worship and affordable housing and provisions that
19 have been moved to s. 196.1955, F.S.; amending s.
20 196.198, F.S.; deleting provisions relating to
21 property owned by an educational institution and used
22 for an educational purpose that is included in s.
23 196.1955, F.S.; providing an effective date.

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

26
27 Section 1. Section 196.1955, Florida Statutes, is created
28 to read:

29 196.1955 Preparing property for educational, literary,

11-00667A-15

2015924__

30 scientific, religious, or charitable use.-

31 (1) Property owned by an exempt organization is used for an
32 exempt purpose if the owner has taken affirmative steps to
33 prepare the property for an exempt educational, literary,
34 scientific, religious, or charitable use and no portion of the
35 property is being used for a nonexempt purpose. The term
36 "affirmative steps" means environmental or land use permitting
37 activities, creation of architectural plans or schematic
38 drawings, land clearing or site preparation, construction or
39 renovation activities, or other similar activities that
40 demonstrate a commitment to prepare the property for an exempt
41 use.

42 (2) (a) If property owned by an organization granted an
43 exemption under this section is transferred for a purpose other
44 than an exempt use or is not in actual exempt use within 5 years
45 after the date the organization is granted an exemption, the
46 property appraiser making such determination shall serve upon
47 the organization that received the exemption a notice of intent
48 to record in the public records of the county a notice of tax
49 lien against any property owned by that organization in the
50 county, and such property must be identified in the notice of
51 tax lien. The organization owning such property is subject to
52 the taxes otherwise due and owing as a result of the failure to
53 use the property in an exempt manner plus 15 percent interest
54 per annum.

55 1. The lien, when filed, attaches to any property
56 identified in the notice of tax lien owned by the organization
57 that received the exemption. If the organization no longer owns
58 property in the county but owns property in any other county in

11-00667A-15

2015924__

59 the state, the property appraiser shall record in each such
60 county a notice of tax lien identifying the property owned by
61 the organization in each respective county, which shall become a
62 lien against the identified property.

63 2. Before such lien may be filed, the organization so
64 notified must be given 30 days to pay the taxes and interest.

65 3. If an exemption is improperly granted as a result of a
66 clerical mistake or an omission by the property appraiser, the
67 organization improperly receiving the exemption may not be
68 assessed interest.

69 4. The 5-year limitation specified in this subsection may
70 be extended by the property appraiser if the holder of the
71 exemption continues to take affirmative steps to develop the
72 property for the purposes specified in this subsection.

73 (b) This subsection does not apply to property being
74 prepared for use as a house of public worship. The term "public
75 worship" means religious worship services and those activities
76 that are incidental to religious worship services, such as
77 educational activities, parking, recreation, partaking of meals
78 and fellowship.

79 Section 2. Subsections (3), (4), and (5) of section
80 196.196, Florida Statutes, are amended to read:

81 196.196 Determining whether property is entitled to
82 charitable, religious, scientific, or literary exemption.—

83 ~~(3) Property owned by an exempt organization is used for a~~
84 ~~religious purpose if the institution has taken affirmative steps~~
85 ~~to prepare the property for use as a house of public worship.~~
86 ~~The term "affirmative steps" means environmental or land use~~
87 ~~permitting activities, creation of architectural plans or~~

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88 ~~schematic drawings, land clearing or site preparation,~~
89 ~~construction or renovation activities, or other similar~~
90 ~~activities that demonstrate a commitment of the property to a~~
91 ~~religious use as a house of public worship. For purposes of this~~
92 ~~subsection, the term "public worship" means religious worship~~
93 ~~services and those other activities that are incidental to~~
94 ~~religious worship services, such as educational activities,~~
95 ~~parking, recreation, partaking of meals, and fellowship.~~

96 (3)~~(4)~~ Except as otherwise provided in this section herein,
97 property claimed as exempt for literary, scientific, religious,
98 or charitable purposes which is used for profitmaking purposes
99 is ~~shall be~~ subject to ad valorem taxation. Use of property for
100 functions not requiring a business or occupational license
101 conducted by the organization at its primary residence, the
102 revenue of which is used wholly for exempt purposes, is ~~shall~~
103 ~~not be~~ considered profitmaking ~~profit-making~~. In this connection
104 the playing of bingo on such property is ~~shall~~ not ~~be~~ considered
105 as using such property in such a manner as would impair its
106 exempt status.

107 ~~(5)(a) Property owned by an exempt organization qualified~~
108 ~~as charitable under s. 501(c)(3) of the Internal Revenue Code is~~
109 ~~used for a charitable purpose if the organization has taken~~
110 ~~affirmative steps to prepare the property to provide affordable~~
111 ~~housing to persons or families that meet the extremely low-~~
112 ~~income, very-low-income, low-income, or moderate-income limits,~~
113 ~~as specified in s. 420.0004. The term "affirmative steps" means~~
114 ~~environmental or land use permitting activities, creation of~~
115 ~~architectural plans or schematic drawings, land clearing or site~~
116 ~~preparation, construction or renovation activities, or other~~

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117 ~~similar activities that demonstrate a commitment of the property~~
118 ~~to providing affordable housing.~~

119 ~~(b)1. If property owned by an organization granted an~~
120 ~~exemption under this subsection is transferred for a purpose~~
121 ~~other than directly providing affordable homeownership or rental~~
122 ~~housing to persons or families who meet the extremely low-~~
123 ~~income, very-low-income, low-income, or moderate-income limits,~~
124 ~~as specified in s. 420.0004, or is not in actual use to provide~~
125 ~~such affordable housing within 5 years after the date the~~
126 ~~organization is granted the exemption, the property appraiser~~
127 ~~making such determination shall serve upon the organization that~~
128 ~~illegally or improperly received the exemption a notice of~~
129 ~~intent to record in the public records of the county a notice of~~
130 ~~tax lien against any property owned by that organization in the~~
131 ~~county, and such property shall be identified in the notice of~~
132 ~~tax lien. The organization owning such property is subject to~~
133 ~~the taxes otherwise due and owing as a result of the failure to~~
134 ~~use the property to provide affordable housing plus 15 percent~~
135 ~~interest per annum and a penalty of 50 percent of the taxes~~
136 ~~owed.~~

137 ~~2. Such lien, when filed, attaches to any property~~
138 ~~identified in the notice of tax lien owned by the organization~~
139 ~~that illegally or improperly received the exemption. If such~~
140 ~~organization no longer owns property in the county but owns~~
141 ~~property in any other county in the state, the property~~
142 ~~appraiser shall record in each such other county a notice of tax~~
143 ~~lien identifying the property owned by such organization in such~~
144 ~~county which shall become a lien against the identified~~
145 ~~property. Before any such lien may be filed, the organization so~~

11-00667A-15

2015924__

146 notified ~~must be given 30 days to pay the taxes, penalties, and~~
147 ~~interest.~~

148 ~~3. If an exemption is improperly granted as a result of a~~
149 ~~clerical mistake or an omission by the property appraiser, the~~
150 ~~organization improperly receiving the exemption shall not be~~
151 ~~assessed a penalty or interest.~~

152 ~~4. The 5-year limitation specified in this subsection may~~
153 ~~be extended if the holder of the exemption continues to take~~
154 ~~affirmative steps to develop the property for the purposes~~
155 ~~specified in this subsection.~~

156 Section 3. Section 196.198, Florida Statutes, is amended to
157 read:

158 196.198 Educational property exemption.—

159 (1) Educational institutions within this state and their
160 property used by them or by any other exempt entity or
161 educational institution exclusively for educational purposes are
162 exempt from taxation.

163 (a) Sheltered workshops providing rehabilitation and
164 retraining of individuals who have disabilities and exempted by
165 a certificate under s. (d) of the federal Fair Labor Standards
166 Act of 1938, as amended, are declared wholly educational in
167 purpose and are exempt from certification, accreditation, and
168 membership requirements set forth in s. 196.012.

169 (b) Those portions of property of college fraternities and
170 sororities certified by the president of the college or
171 university to the appropriate property appraiser as being
172 essential to the educational process are exempt from ad valorem
173 taxation.

174 (c) The use of property by public fairs and expositions

11-00667A-15

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175 chartered by chapter 616 is presumed to be an educational use of
176 such property and is exempt from ad valorem taxation to the
177 extent of such use.

178 (2) Property used exclusively for educational purposes
179 shall be deemed owned by an educational institution if the
180 entity owning 100 percent of the educational institution is
181 owned by the identical persons who own the property, or if the
182 entity owning 100 percent of the educational institution and the
183 entity owning the property are owned by the identical natural
184 persons.

185 (a) Land, buildings, and other improvements to real
186 property used exclusively for educational purposes shall be
187 deemed owned by an educational institution if the entity owning
188 100 percent of the land is a nonprofit entity and the land is
189 used, under a ground lease or other contractual arrangement, by
190 an educational institution that owns the buildings and other
191 improvements to the real property, is a nonprofit entity under
192 s. 501(c)(3) of the Internal Revenue Code, and provides
193 education limited to students in prekindergarten through grade
194 8.

195 (b) If legal title to property is held by a governmental
196 agency that leases the property to a lessee, the property shall
197 be deemed to be owned by the governmental agency and used
198 exclusively for educational purposes if the governmental agency
199 continues to use such property exclusively for educational
200 purposes pursuant to a sublease or other contractual agreement
201 with that lessee.

202 (c) If the title to land is held by the trustee of an
203 irrevocable inter vivos trust and if the trust grantor owns 100

11-00667A-15

2015924__

204 percent of the entity that owns an educational institution that
205 is using the land exclusively for educational purposes, the land
206 is deemed to be property owned by the educational institution
207 for purposes of this exemption. ~~Property owned by an educational~~
208 ~~institution shall be deemed to be used for an educational~~
209 ~~purpose if the institution has taken affirmative steps to~~
210 ~~prepare the property for educational use. The term "affirmative~~
211 ~~steps" means environmental or land use permitting activities,~~
212 ~~creation of architectural plans or schematic drawings, land~~
213 ~~clearing or site preparation, construction or renovation~~
214 ~~activities, or other similar activities that demonstrate~~
215 ~~commitment of the property to an educational use.~~

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

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/10/2015

Meeting Date

Topic _____

Bill Number 924

(if applicable)

Name BRIAN PITTS

Amendment Barcode _____

(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG FLORIDA 33705

E-mail JUSTICE2JESUS@YAHOO.COM

City

State

Zip

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/10/15

Meeting Date

924

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Loren Levy

Job Title General Counsel, Property Appraisers' Assn of Fla

Address 1828 Riggs Rd

Phone 850-219-0220

Street

Tallahassee FL 32308

City

State

Zip

Email levylawfirm@comcast.net

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/10/15
Meeting Date

Bill Number (if applicable)

Topic SB 924

Amendment Barcode (if applicable)

Name ROGER A. SUGGS

Job Title CLAY COUNTY PROPERTY APPRAISER

Address 923 LIVE OAK LANE

Phone 904-813-4024

FLEMING ISLAND FL 32003
City State Zip

Email rsuggs@ccpa0.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Clay County

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

10 MAR 15
Meeting Date

SB-924
Bill Number (if applicable)

Topic CHARITABLE PROP. TAX EXEMPTION Amendment Barcode (if applicable)

Name CAREY BAKER

Job Title LAKE CO PROPERTY APPRAISER

Address 2302 SANDRIDGE CIR Phone 352 406-2329

Street

EVETIS
City

FL
State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL ASSN OF PROPERTY APPRAISERS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Subcommittee on General Government, *Chair*
Governmental Oversight and Accountability, *Vice Chair*
Appropriations
Environmental Preservation and Conservation
Ethics and Elections
Fiscal Policy

JOINT COMMITTEE:

Joint Select Committee on Collective Bargaining, *Alternating Chair*

SENATOR ALAN HAYS

11th District

MEMORANDUM

To: Senator Wilton Simpson, Chair
Community Affairs Committee
CC: Tom Yeatman, Staff Director
Ann Whittaker, Committee Administrative Assistant

From: Senator D. Alan Hays

Subject: Request to agenda SB 924 – Property Prepares for a Tax-exempt Use

Date: February 26, 2015

I respectfully request that you agenda the above referenced bill at your earliest convenience. If you have any questions regarding this legislation, I welcome the opportunity to meet with you one-on-one to discuss it in further detail. Thank you so much for your consideration of this request.

Sincerely,

A handwritten signature in cursive script that reads "D. Alan Hays, DMD".

D. Alan Hays, DMD
State Senator, District 11

REPLY TO:

- 871 South Central Avenue, Umatilla, Florida 32784-9290 (352) 742-6441
- 320 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5011
- 1104 Main Street, The Villages, Florida 32159 (352) 360-6739 FAX: (352) 360-6748
- 685 West Montrose Street, Suite 210, Clermont, Florida 34711 (352) 241-9344 FAX: (888) 263-3677

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 782

INTRODUCER: Senator Montford

SUBJECT: County Officers

DATE: March 10, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	White	Yeatman	CA	Pre-meeting
2.	_____	_____	GO	_____
3.	_____	_____	FP	_____

I. Summary:

SB 782 provides that the salaries of county constitutional officers and school district officials will not decrease under specific circumstances related to an increase in county population. When a county's population increases, such that the county falls into a new population group, the bill would prevent a salary decrease, while still allowing the group rate associated with the new population group to be used for purposes of the salary computation.

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

II. Present Situation:

Salaries of Elected County Constitutional Officers and School District Officials

From the time of the State Constitution of 1885 until 1973, the compensation of Florida's county constitutional officers had been determined by a host of local laws, special laws, and general laws of local application. After decades of frequent and sporadic legislative action, the Legislature deemed necessary the enactment of a uniform salary law to replace the previous local law method of determining compensation.¹ Thus, the Legislature repealed all local or special laws, or general laws of local application, that related to compensation of county officials;² provided that any such laws are prohibited;³ and authorized a salary compensation formula for determining compensation.⁴ In doing so, the Legislature created a uniform system of compensation for county officers having substantially equal duties and responsibilities, with salary schedules based on countywide populations.

¹ The original method was described as "haphazard, preferential, inequitable, and probably unconstitutional." See s. 145.011(2), F.S.

² Sections 145.131 and 145.132, F.S.

³ Section 145.16, F.S.

⁴ Chapter 73-173, Laws of Fla.

The current methodology for calculating compensation for elected county officers and school district officials, while based on population, also involves five other components. County governments and school district officials are tasked with making their own calculations of these salaries, and the Florida Legislature's Office of Economic and Demographic Research (EDR) also reports its computations.⁵ Pursuant to s. 145.19(2), F.S., elected county and school officers' salaries are adjusted annually, but no effective date of these annual changes is specified in general law. Florida's county governments operate on a fiscal year that ranges from October 1 to September 30, while Florida's school districts operate on the July 1 to June 30 state fiscal year. Florida's Attorney General opined that salary increases are effective October 1 for the elected county officers and July 1 for the elected school district officials.⁶

Supplemental compensation for elected county officials, that is not the sole and exclusive compensation provided in ch. 145, F.S., is a misdemeanor of the first degree.⁷ If, after paying office personnel and expenses, a county officer has insufficient revenue from the income of their office to pay his or her total annual salary, the board of county commissioners is obligated to pay any deficiency from the general revenue fund.⁸

Components of the Salary Formula

The current salary formula methodology specifies six components used for the salary computation:

- Population figures, based on the latest official population census counts, or intercensal estimates for the years between decennial censuses;
- Base salary and group rate components for the separate officers;⁹
- An initial factor component that is currently set in law as a constant numerical value;¹⁰ and
- The annual factor and cumulative annual factor, which are certified by The Florida Department of Management Services (DMS).¹¹

“Population” as used for the salary determination means the latest annual determination of population of local governments produced by the EDR. The EDR provides the population determination to the Governor's Office in accordance with s. 186.901, F.S.¹² For the years between decennial censuses, the University of Florida's Bureau of Economic and Business Research generates annual population estimates for local governments, in accordance with a contract administered by the EDR.

⁵ The Florida Legislature's Office of Economic and Demographic Research, *Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2014-15* (Sep. 2014).

⁶ Op. Att'y Gen. Fla. 79-87 (1979).

⁷ Section 145.17, F.S.

⁸ Section 145.141, F.S.

⁹ Sections 145.031, 145.051, 145.071, 145.09, 145.10, and 145.11, F.S., for elected county officers. Sections 1001.395, and 1001.47, F.S., for elected school district officials.

¹⁰ Section 145.19(1)(c), F.S.

¹¹ Section 145.19(2), F.S.

¹² Section 145.021(1), F.S.

“Salary” means the total annual compensation, payable under the schedules set forth in ch. 145, F.S., to be paid to an officer as personal income.¹³

“Initial Factor” means a factor of 1.292. This numerical value is the product, rounded to the nearest thousandth, of an earlier cost-of-living increase factor authorized by ch. 73-173, L.O.F., and intended by the Legislature to be preserved in adjustments to salaries made prior to the enactment of ch. 76-80, L.O.F., multiplied by the annual increase factor authorized by ch. 79-327, L.O.F.¹⁴

“Annual Factor” means 1 plus the lesser of either:¹⁵

- the average percentage increase in the salaries of state career service employees for the current fiscal year as determined by the DMS or as provided in the General Appropriations Act; or
- 7 percent.

“Cumulative Annual Factor” means the product of all annual factors certified under this act prior to the fiscal year for which salaries are being calculated.¹⁶

Salary Computation Methodology

The salary computation to obtain “the adjusted salary rate” involves three steps.¹⁷ First, county government and school district officials determine the relevant population group number for the elected officer based on the countywide population.¹⁸ Two sets of countywide population ranges are used to determine the salaries of the elected officers. One set applies to the clerk of circuit court, county comptroller, tax collector, property appraiser, supervisor of elections, sheriff, and school superintendent. The second set applies only to county commissioners and school board members. Each population range has an assigned population group number. Step 2 of the salary computation involves the determination of the relevant base salary and group rate that corresponds to the population group number determined in the first step. In step 3, county government and school district officials calculate the salaries of elected county officers using the following formula:

$$\text{Salary} = [\text{Base Salary} + (\text{Population Above Group Minimum} \times \text{Group Rate})] \times \text{Initial Factor} \times \text{Certified Annual Factor} \times \text{Certified Cumulative Annual Factor}.$$

Relationship Between County Population, Group Rate, and Adjusted Salary Rate

As indicated by Table 1 below, when a county grows in population such that it would enter into a higher population group number, the base salary number goes up, while the group rate multiplier goes down. The use of the new, smaller group rate creates the peculiar possibility for a county officer of a county that has just barely crossed the threshold of a new population group to receive

¹³ Section 145.021(2), F.S.

¹⁴ See, Section 145.19(1)(c), F.S.

¹⁵ Section 145.19(1)(a), F.S.

¹⁶ Section 145.19(1)(b), F.S.

¹⁷ EDR, *Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2014-15* (Sep. 2014).

¹⁸ *Id.* at 8.

a smaller salary than if the population of the county had not grown. For example, in 2013, the population of Jackson County was estimated at 50,166, just over the 50,000 threshold, placing it within population group II.¹⁹ As a result, for fiscal year 2014-2015, the salaries of the Clerk of Circuit Court, the Property Appraiser, and the Tax Collector declined by \$2,966 to \$103,915, a change of -2.8 percent.²⁰ For that same year, the salary of the Supervisor of Elections declined by \$2,860 to \$86,152; the salary of the Sheriff declined by \$2,942 to \$112,854; and the salary of the School Superintendent declined by \$2,966 to \$103,915. If the population of a county decreases, such that the county falls into a new smaller population group with a higher group rate, the salaries of county officers and school district officials might still increase significantly, as happened in Jackson County for fiscal year 2011-2012.

Table 1. Population Groups for Clerks of Court, Property Appraisers, and Tax Collectors²¹

Pop. Group	Min. Pop.	Max. Pop.	Base Salary	Group Rate
I	0	49,999	\$21,250	0.07875
II	50,000	99,999	\$24,400	0.06300
III	100,000	199,999	\$27,550	0.02625
IV	200,000	399,999	\$30,175	0.01575
V	400,000	999,999	\$33,325	0.00525
VI	1,000,000	-	\$36,475	0.00400

Additional Compensation Tied to Completion of Certificate Programs

Upon successful completion of a certification program, certain county constitutional officers are eligible to receive a special qualification salary of up to \$2,000 added to their formula-based salary.²² Relevant state agencies offer certification programs for clerks of circuit court, sheriffs, supervisors of elections, property appraisers, tax collectors, and elected school superintendents.²³ The officer is required to complete a course of continuing education to remain certified.²⁴ An officer who becomes certified receives a pro rata share of the special qualification salary based on the remaining period of the year. Any special qualification salary is added after the calculation of the formula-based salary.

In addition to the special qualification salary for elected school superintendents, the Department of Education (DOE) provides a leadership development and performance compensation program, which consists of two phases.²⁵ Upon successful completion of both phases and demonstrated successful performance, the DOE issues the school superintendent a Chief Executive Officer Leadership Development Certificate and pays an annual performance salary incentive in an

¹⁹ *Id.* at 7.

²⁰ EDR, *Salaries of Elected County Constitutional Officers and School District Officials by County*, available at <http://edr.state.fl.us/Content/local-government/data/data-a-to-z/countysalaryhistory.pdf> (last visited Mar. 3, 2015).

^{21,21} Reproduced from ss. 145.051(1), 145.10(1), and 145.11(1), F.S.

²² Section 145.19(2), F.S.

²³ Sections 145.051(2), 145.071(2), 145.09(3), 145.10(2), 145.11(2), and 1001.47(4), F.S.

²⁴ *Id.* The following state agencies prescribe the courses of continuing education: the Supreme Court for clerks of circuit court; the Department of Law Enforcement for sheriffs; the Department of State’s Division of Elections for supervisors of elections; the Department of Revenue for property appraisers and tax collectors; and the Department of Education for elected school superintendents.

²⁵ Section 1001.47(5)(a), F.S.

amount between \$3,000 and \$7,500, based upon the performance evaluation.²⁶ For elected school superintendents, current law also provides that a district school board may approve, by majority vote, a salary in excess of the formula-based amount.²⁷

Applicability of Salary Computation Method

Notwithstanding the Legislature's stated intent for uniformity, county officers may voluntarily reduce their salary below that established by law.²⁸ Additionally, the formula-based salaries of supervisors of elections are based upon a five-day workweek; however, if a supervisor does not keep his or her office open five days per week then the salary is prorated accordingly.²⁹

Furthermore, the adoption of a county home rule charter provides the county's electors with a mechanism to alter the status of constitutional officers, such that their salaries are not subject to being set by the Legislature. Specifically, the statutory salary provisions do not apply to officials whose salaries are not subject to being set by the Legislature due to the provisions of a county home rule charter, as well as officials of counties that have a chartered consolidated form of government as provided in ch. 67-1320, L.O.F.³⁰

III. Effect of Proposed Changes:

The bill provides that the salaries of elected county officers and school district officials may not decrease due to a population increase that puts the county into a new population group. Once in a new population group, as the population increases, salaries are adjusted by the group rate that applies to the new population group.

Section 1 amends s. 145.051, F.S., to prevent clerks of court and county comptrollers from experiencing the type of salary decrease discussed above.

Section 2 amends s. 145.071, F.S., to prevent sheriffs from experiencing the type of salary decrease discussed above.

Section 3 amends s. 145.09, F.S., to prevent supervisors of elections from experiencing the type of salary decrease discussed above.

Section 4 amends s. 145.10, F.S., to prevent property appraisers from experiencing the type of salary decrease discussed above.

Section 5 amends s. 145.11, F.S., to prevent tax collectors from experiencing the type of salary decrease discussed above.

²⁶ Section 1001.47(5)(b), F.S.

²⁷ Section 1001.47(1), F.S.

²⁸ See Chapters 2009-3 and 2009-59, Laws of Fla. (district school board members and elected school superintendents); Chapter 2011-158, Laws of Fla. (county commissioners, clerks of circuit court, county comptrollers, sheriffs, supervisors of elections, property appraisers, and tax collectors).

²⁹ Section 145.09(2), F.S.

³⁰ Section 145.012, F.S.

Section 6 amends s. 1001.47, F.S., to prevent district school superintendents from experiencing the type of salary decrease discussed above.

Section 7 conforms a cross-reference within s. 1001.50, F.S.

Section 8 provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Elected county officers and school district officials would not experience salary decreases due to any population growth that puts a county into a new population group.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Since portions of the bill restate current law, specifically requiring use of the lower group rate associated with a new, larger population group, while other portions of the bill also prohibit any salary decrease, it is unclear how the computation methodology in s. 145.19(2), F.S., would be used, if at all, under the circumstances contemplated by the bill. One possible interpretation is that, if under the computation methodology the officer's salary would decrease, the computation methodology is suspended, with the officer receiving last year's same salary until either the population or the annual factors increase enough to offset the effect of the decreased group rate.

For clarification, the phrase “may not be decreased” could be qualified with the language “may not be decreased to an amount less than the adjusted salary rate from the prior year, as calculated pursuant s. 145.19(2), F.S.”

The term “current salary” used throughout could be better defined, to clarify whether reference is made to the base salary (e.g. s. 145.051(1), F.S.) or the “adjusted salary rate” pursuant to s. 145.19(2), F.S.

If the population of a county decreases, such that the county falls into a new smaller population group with a higher group rate, the salaries of county officers and school district officials might still increase significantly, as happened in Jackson County for fiscal year 2011-2012.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 145.051, 145.071, 145.09, 145.10, 145.11, 1001.47, and 1001.50.

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

By Senator Montford

3-00926-15

2015782__

1 A bill to be entitled
2 An act relating to county officers; amending ss.
3 145.051, 145.071, 145.09, 145.10, 145.11, and 1001.47,
4 F.S.; providing that the salaries of a clerk of
5 circuit court, county comptroller, sheriff, supervisor
6 of elections, property appraiser, tax collector, and
7 district school superintendent may not be decreased
8 under specific circumstances as the county population
9 increases; amending s. 1001.50, F.S.; conforming a
10 cross-reference; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Present subsection (3) of section 145.051,
15 Florida Statutes, is renumbered as subsection (4), and a new
16 subsection (3) is added to that section, to read:

17 145.051 Clerk of circuit court; county comptroller.-

18 (3) Notwithstanding any other provision of this section,
19 the current salary of a clerk of the circuit court or a county
20 comptroller may not be decreased because the county falls into a
21 new population group as a result of an increase in the county
22 population. Once in a new population group, as the population
23 increases, the salary for such clerk or comptroller shall be
24 adjusted by the group rate that applies to the new population
25 group.

26 Section 2. Present subsection (3) of section 145.071,
27 Florida Statutes, is renumbered as subsection (4), and a new
28 subsection (3) is added to that section, to read:

29 145.071 Sheriff.-

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30 (3) Notwithstanding any other provision of this section,
31 the current salary of a sheriff may not be decreased because the
32 county falls into a new population group as a result of an
33 increase in the county population. Once in a new population
34 group, as the population increases, the salary for such sheriff
35 shall be adjusted by the group rate that applies to the new
36 population group.

37 Section 3. Present subsections (3) and (4) of section
38 145.09, Florida Statutes, are renumbered as subsections (4) and
39 (5), respectively, and a new subsection (3) is added to that
40 section, to read:

41 145.09 Supervisor of elections.—

42 (3) Notwithstanding any other provision of this section,
43 the existing salary of a supervisor of elections may not be
44 decreased because the county falls into a new population group
45 as a result of an increase in the county population. Once in a
46 new population group, as the population increases, the salary
47 for such supervisor of elections shall be adjusted by the group
48 rate that applies to the new population group.

49 Section 4. Present subsection (3) of section 145.10,
50 Florida Statutes, is renumbered as subsection (4), and a new
51 subsection (3) is added to that section, to read:

52 145.10 Property appraiser.—

53 (3) Notwithstanding any other provision of this section,
54 the current salary of a property appraiser may not be decreased
55 because the county falls into a new population group as a result
56 of an increase in the county population. Once in a new
57 population group, as the population increases, the salary for
58 such property appraiser shall be adjusted by the group rate that

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2015782__

59 applies to the new population group.

60 Section 5. Present subsection (3) of section 145.11,
61 Florida Statutes, is renumbered as subsection (4), and a new
62 subsection (3) is added to that section, to read:

63 145.11 Tax collector.—

64 (3) Notwithstanding any other provision of this section,
65 the current salary of a tax collector may not be decreased
66 because the county falls into a new population group as a result
67 of an increase in the county population. Once in a new
68 population group, as the population increases, the salary for
69 such tax collector shall be adjusted by the group rate that
70 applies to the new population group.

71 Section 6. Present subsections (5) and (6) of section
72 1001.47, Florida Statutes, are renumbered as subsections (6) and
73 (7), respectively, and a new subsection (5) is added to that
74 section, to read:

75 1001.47 District school superintendent; salary.—

76 (5) Notwithstanding any other provision of this section,
77 the current salary of a district school superintendent may not
78 be decreased because the county falls into a new population
79 group as a result of an increase in the county population. Once
80 in a new population group, as the population increases, the
81 salary for such district school superintendent shall be adjusted
82 by the group rate that applies to the new population group.

83 Section 7. Present subsection (4) of section 1001.50,
84 Florida Statutes, is amended to read:

85 1001.50 Superintendents employed under Art. IX of the State
86 Constitution.—

87 (4) A district school superintendent employed under the

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2015782__

88 terms of this section may participate in the courses of
89 continuing professional education provided in the special
90 qualification certification program pursuant to s. 1001.47(4)
91 and the leadership development and performance compensation
92 program pursuant to s. 1001.47(6) ~~1001.47(5)~~, as established by
93 the department. Upon successful completion of the certification
94 requirements for one or both of these programs, the district
95 school board may use such certification or certifications as a
96 factor in determining the amount of compensation to be paid.

97 Section 8. This act shall take effect July 1, 2015.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-10-15

Meeting Date

SB782

Bill Number (if applicable)

Topic County Officers

Amendment Barcode (if applicable)

Name ~~Sgt.~~ Tim Webster

Job Title Sergeant

Address FSA

Phone _____

Street

Email _____

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Sheriff's Assoc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Agriculture, *Chair*
Appropriations Subcommittee on Education, *Vice Chair*
Appropriations
Banking and Insurance
Education Pre-K - 12
Rules

SENATOR BILL MONTFORD

3rd District

February 20, 2015

Senator Wilton Simpson,
Chair
Senate Committee on Community Affairs
315 Knott Building
Tallahassee, Florida 32399-1100

Dear Senator Simpson:

I respectfully request that SB 782, a bill relating to County Officers, be scheduled for a hearing before the Senate Community Affairs Committee.

Your assistance and favorable consideration of my request is greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Bill Montford".

William "Bill" Montford
Senate District 3

WM/md

Cc: Tom Yeatman, Staff Director

REPLY TO:

- 214 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5003
- 20 East Washington Street, Suite D, Quincy, Florida 32351 (850) 627-9100

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 780

INTRODUCER: Senator Smith

SUBJECT: Special Assessment for Law Enforcement Services

DATE: March 10, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	White	Yeatman	CA	Favorable
2.			FT	
3.			FP	

I. Summary:

SB 780 grants municipalities explicit authorization to levy special assessments for law enforcement services so long as the municipality (1) adopts an ordinance that apportions the costs among parcels proportionately and (2) reduces the municipal ad valorem taxes for the first year in which the municipality levies the special assessment.

II. Present Situation:

Ad Valorem Taxes

Article VII, s. 9 of the Florida Constitution provides that counties, cities, and special districts may levy ad valorem taxes as provided by law and subject to the following millage limitations:

- Ten mills for county purposes.
- Ten mills for municipal purposes.
- Ten mills for school purposes.
- A millage rate fixed by law for a county furnishing municipal services.
- A millage authorized by law and approved by the voters for special districts.
- A millage of not more than 1 mill for water management purposes in all areas of the state except the northwest portion of the state which is limited to 1/20th of 1 mill (.05).¹

The statutory authority for local governments and schools to assess millage is provided in s. 200.001, F.S. The statutory authority and the maximum rate at which water management districts may assess millage is provided in s. 373.503, F.S.²

¹ FLA. CONST. art. VII, s. 9.

² See ss. 200.001 and 373.503, F.S., for more information.

Municipal Millages

County government millages are composed of four categories of millage rates:³

1. General millage is the non-voted millage rate set by the municipality's governing body.
2. Debt service millage is the rate necessary to raise taxes for debt service as authorized by a vote of the electors pursuant to Art. VII, s. 12 of the Florida Constitution.
3. Voted millage is the rate set by the municipality's governing body as authorized by a vote of the electors pursuant to Art. VII, s. 9(b) of the Florida Constitution.
4. Dependent special district millage is set by the municipality's governing body pursuant to s. 200.001(5), F.S., and added to the municipal millage to which the district is dependent and included as municipal millage for the purpose of the ten-mill cap.

Method of Fixing Millage

Locally-elected governing boards prepare a tentative budget for operating expenses following certification of the tax rolls by the property appraiser. The millage rate is then set based on the amount of revenue which needs to be raised in order to cover those expenses. The millage rate proposed by each taxing authority must be based on not less than 95 percent of the taxable value according to the certified tax rolls. The Department of Revenue is responsible for ensuring that millage rates are in compliance with the maximum millage rate requirements set forth by law as well as the constitutional millage caps. A public hearing on the proposed millage rate and tentative budget must be held within 65 to 80 days of the certification of the rolls, and a final budget and millage rate must be announced prior to end of said hearing.⁴

Special Assessments⁵

Special assessments are a revenue source that may be used by local governments to fund certain services and maintain capital facilities. Unlike taxes, these assessments are directly linked to a particular service or benefit. Examples of special assessments include fees for garbage disposal, sewer improvements, fire protection, and rescue services.⁶ Counties and municipalities have the authority to levy special assessments based on their home rule powers. Special districts derive their authority to levy these assessments through general law or special act.

As established in Florida case law, an assessment must meet two requirements in order to be classified as a valid special assessment:

1. The assessment must directly benefit the property; and
2. The assessment must be apportioned fairly and reasonably amongst the beneficiaries of the service.⁷

³ The following information was obtained from The Florida Legislature's Office of Economic and Demographic Research, 2014 LOCAL GOVERNMENT FINANCIAL INFORMATION HANDBOOK, 4 (Dec. 2014), *referencing* s. 200.001(1), F.S.

⁴ Section 200.065, F.S.

⁵ The following information was obtained from The Florida Legislature's Office of Economic and Demographic Research, 2014 LOCAL GOVERNMENT FINANCIAL INFORMATION HANDBOOK, 15 (Dec. 2014).

⁶ See *Harris v. Wilson*, 693 So. 2d 945 (Fla. 1997); *City of Hallandale v. Meekins*, 237 So. 2d 578 (Fla. 2d DCA 1977); *South Trail Fire Control Dist., Sarasota County v. State*, 273 So. 2d 380 (Fla. 1973); and *Sarasota County v. Sarasota Church of Christ*, 641 So. 2d 900 (Fla. 2d DCA 1994).

⁷ *City of Boca Raton v. State*, 595 So. 2d 25, 29 (Fla. 1992).

These special assessments are generally collected on the annual ad valorem tax bills, characterized as a “non-ad valorem assessment” under the statutory procedures in ch. 197, F.S.⁸ Section 197.3632(1)(d), F.S., defines a non-ad valorem assessment as “those assessments that are not based upon millage and which can become a lien against a homestead as permitted in s. 4, Art. X of the State Constitution.”⁹

Supplemental Method of Making Local Improvements

Independent of a municipality’s authority to impose special assessments under its home rule powers, ch. 170, F. S., provides a supplemental and alternative method for making municipal improvements. Specifically, s. 170.201(1), F.S., provides that:

The governing body of a municipality may levy and collect special assessments to fund capital improvements and municipal services including, but not limited to, fire protection, emergency medical services, garbage disposal, sewer improvement, street improvement and parking facilities. The governing body of a municipality may apportion costs of such special assessment on:

- a) The front or square footage of each parcel of land; or
- b) An alternative methodology, so long as the amount of the assessment for each parcel of land is not in excess of the proportional benefits as compared to other assessments on other parcels of land.

Although subsection (1) of s. 170.201, F.S., does not explicitly list law enforcement services, the language “including, but not limited to” provides that this is not an exclusive list.

Chapter 125, F.S., allows counties to establish municipal service taxing or benefit units (MSTUs) for any part or all of the county’s unincorporated area in order to provide a number of county or municipal services. Such services can be funded, in whole or in part, from special assessments.¹⁰ To the extent not inconsistent with general or special law, counties may also create special districts to include both incorporated and unincorporated areas, upon the approval of the affected municipality’s governing body, which may be provided municipal services and facilities from funds derived from service charges, special assessments, or taxes within the district only.¹¹

Special Assessments for Law Enforcement Services

In 1998, the Attorney General’s Office issued Opinion 98-57, stating that “the imposition of special assessments to fund general law enforcement would not appear to be permissible in light of the” Florida Supreme Court decision, *Lake County v. Water Oak Management*.¹² In *Lake County*, the Fifth District Court of Appeal struck down a special assessment for fire protection

⁸ Nabors, Giblin and Nickerson, *Primer on Home Rule & Local Government Revenue Sources*, at 35 (June 2008).

⁹ Article X, section 4(a) of the Florida Constitution, provides, in pertinent part that “[t]here shall be exempt from forced sale under process of any court, and no judgment, decree, or execution shall be a lien thereon, except for the payment of taxes and assessments thereon . . .”

¹⁰ Section 125.01(1)(q)-(r), F.S.

¹¹ Section 125.01(5), F.S.

¹² Op. Atty. Gen. Fla. 98-57 (Sept. 18, 1998) *citing* 695 So. 2d 667 (Fla. 1997).

services provided by the county on the grounds that there was no special benefit to the properties on which the fire protection special assessment was imposed.

On appeal, the Florida Supreme Court stated that the “test is not whether the services confer a ‘unique’ benefit or are different in type or degree . . . rather the test is whether there is a logical relationship between services provided and the benefit to real property.”¹³ In support of a previous 1969 Supreme Court decision, the court held that “fire protection services do, at a minimum, specifically benefit real property by providing for lower insurance premiums and enhancing the value of the property.”¹⁴ The Court further stated that the assessment still must meet the second prong of the test and be properly apportioned to the benefit received. Absent the proper apportionment, the assessment becomes an unauthorized tax.

In conclusion the court held that:

Clearly, services such as general law enforcement activities, the provision of courts, and indigent health care are, like fire protection services, functions required for an organized society. However, unlike fire protection services, those services provide no direct, special benefit to real property.¹⁵

In 2005, the First District Court of Appeal held that special assessments for law enforcement services in a MSTU that benefited leaseholds were a valid special assessment.¹⁶ In that case, the leaseholds subject to the special assessment were located on an island with “unique tourist and crowd control needs requiring specialized law enforcement services to protect the value of the leasehold property.” For these reasons, the court held that the “unique nature and needs of the subject leaseholds” made the special assessments valid.

Based on these court decisions and the 1998 Attorney General Opinion, it would appear that, absent a unique condition of the properties benefited, a municipality currently does not have the authority to levy assessments for general law enforcement services even if the assessment provides a special benefit to the property.

III. Effect of Proposed Changes:

Section 1 creates s. 166.212, F.S., to allow a municipality to levy a special assessment to fund the costs of providing law enforcement services. The municipality must have an apportionment methodology and reduce its ad valorem millage.

As pertains to the apportionment methodology, the municipality must adopt an ordinance levying the law enforcement services assessment, which apportions the cost of law enforcement services among the parcels of real property in the municipality in reasonable proportion to the benefit each parcel receives. The apportionment is considered using the following factors:

- The size of structures on the parcel;
- The location and use of the parcel;

¹³ *Lake County* 695 So. 2d at 669.

¹⁴ *Id.* citing *Fire Dist. No. 1 v. Jenkins*, 221 So. 2d 740, 741 (Fla. 1969).

¹⁵ *Id.* at 670.

¹⁶ *Quietwater Entertainment, Inc. v. Escambia County*, 890 So. 2d 525 (Fla. 1st DCA 2005).

- The projected amount of time that the municipal law enforcement agency will spend protecting the property, grouped by neighborhood, zone, or category of use;
- The value of the property (this factor may not be a sole or major factor); and
- Any other factor that reasonably may be used to determine the benefit of law enforcement services to a parcel of property.

As pertains to the reduction in ad valorem millage, the municipality must reduce its ad valorem millage as follows:

- In the first year the municipality levies the special assessment, reduce the ad valorem millage by the millage that would be required to collect revenue equal to the revenue that is forecast to be collected from the special assessment.
- When preparing notice of proposed property taxes¹⁷ in the first year of the assessment, the governing body of the municipality calculates the rolled-back millage rate¹⁸ and determines the preliminary proposed millage rate as if there were no law enforcement services assessment. The preliminary proposed millage rate shall then be reduced by the amount of the law enforcement services assessment.
- After the first year of the assessment, the municipality's governing body will calculate the millage rate and rolled-back rate for the notice of proposed property taxes, based on the adopted millage rate from the previous year.
- However, excluding millage approved by a vote of the electors and millage pledged to repay bonds, a municipality is not required to reduce its millage:
 - By more than 75 percent; or
 - By more than 50 percent, if the resolution imposing the special assessment is approved by a two-thirds vote of the governing body of the municipality.

The bill requires the property appraiser to list the special assessment on the notice of property taxes. The bill provides authorization for the Department of Revenue to adopt rules and forms necessary to administer this section. The authorization provided in this Act shall be construed to be general law authorizing a municipality to levy taxes under Art. VII, ss. 1 and 9 of the Florida Constitution.

Section 2 provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹⁷ Pursuant to s. 200.069, F.S.

¹⁸ Pursuant to s. 200.065(5), F.S.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

Municipalities will be permitted to levy special assessments for law enforcement services so long as they meet the provisions of this bill.

B. Private Sector Impact:

Individuals that reside in municipalities that levy special assessments for law enforcement services as provided in this bill may be required to pay such special assessments for the law enforcement services they receive.

C. Government Sector Impact:

See Tax/Fee Issues above.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The Department of Revenue notes that complications may arise because the bill provides no deadline for a municipality to pass its resolution to levy the law enforcement service assessment.¹⁹ If a municipality passed a resolution during the later stages of the TRIM process, the collection of the assessment and adjustment to the millage rate could be problematic. Instead, a specific deadline could be established²⁰ for a taxing authority to pass a non-ad valorem resolution to levy this assessment. Because the DOR would need to promulgate new forms and make changes to the eTRIM system's programming before municipalities could implement the assessment and change in millage rate, "implementing any law enforcement assessments in 2015 would be difficult." Additionally, the DOR raises the point that no consequences are provided for if the taxing authority does not calculate the rolled-back rate by reducing the amount of law enforcement services.

VIII. Statutes Affected:

This bill creates section 166.212 of the Florida Statutes.

¹⁹ DOR, *2015 Legislative Bill Analysis of SB 780* at 6 (Mar. 3, 2015).

²⁰ DOR suggests April 1 for the deadline. *Id.*

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Smith

31-01021-15

2015780__

1 A bill to be entitled
2 An act relating to a special assessment for law
3 enforcement services; creating s. 166.212, F.S.;
4 authorizing a municipality to levy a special
5 assessment to fund the costs of providing law
6 enforcement services; requiring a municipality to
7 adopt an ordinance and reduce its ad valorem millage
8 to levy the special assessment; providing a
9 methodology for the apportionment of the special
10 assessment and the reduction of the ad valorem
11 millage; requiring the property appraiser to list the
12 special assessment on the notice of property taxes;
13 specifying exceptions to the reduction of the ad
14 valorem millage by more than a certain percentage;
15 authorizing the Department of Revenue to adopt rules
16 and forms; providing for construction; providing an
17 effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Section 166.212, Florida Statutes, is created to
22 read:

23 166.212 Law enforcement services special assessment.-

24 (1) GENERAL.-The governing body of a municipality may levy
25 a law enforcement services special assessment to fund all or a
26 portion of its costs of providing law enforcement services, if
27 the governing body:

28 (a) Adopts an ordinance levying the law enforcement
29 services special assessment, which apportions the cost of law

31-01021-15

2015780__

30 enforcement services among the parcels of real property in the
31 municipality in reasonable proportion to the benefit received by
32 each parcel; and

33 (b) Reduces its ad valorem millage pursuant to subsection
34 (3).

35 (2) APPORTIONMENT METHODOLOGY.—The methodology used to
36 determine the benefit that a parcel of real property derives
37 from law enforcement services may be based on the following:

38 (a) The square footage of structures on the parcel.

39 (b) The location of the parcel.

40 (c) The use of the parcel.

41 (d) The projected amount of time that the municipal law
42 enforcement agency will spend serving and protecting the parcel,
43 grouped by neighborhood, zone, or category of use, which may
44 include the projected amount of time that will be spent
45 responding to calls for law enforcement services and the
46 projected amount of time that law enforcement officers will
47 spend patrolling or regulating traffic on the streets that
48 provide access to the parcel.

49 (e) The value of the real property that is served or
50 protected, including the value of each structure on the parcel
51 and the structure's contents. However, this factor may not be
52 used as the sole factor or as a major factor in determining the
53 benefit of law enforcement services to a parcel of real
54 property.

55 (f) Any other factor that may reasonably be used to
56 determine the benefit of law enforcement services to a parcel of
57 real property.

58 (3) REDUCTION IN AD VALOREM MILLAGE.—

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59 (a) In the first year that the special assessment is
60 levied, the governing body of the municipality must reduce its
61 ad valorem millage, calculated as if there were no law
62 enforcement services assessment, by the millage that would be
63 required to collect revenue equal to the revenue that is
64 forecast to be collected from the special assessment.

65 (b) When preparing the notice of proposed property taxes
66 pursuant to s. 200.069 in the first year of the assessment, the
67 governing body of the municipality shall calculate the rolled-
68 back millage rate pursuant to s. 200.065(5) and shall determine
69 the preliminary proposed millage rate as if there were no law
70 enforcement services assessment. The governing body shall then
71 adopt the proposed law enforcement services assessment and
72 determine the equivalent millage rate pursuant to paragraph (a).
73 The preliminary proposed millage rate shall then be reduced by
74 the amount of the law enforcement services assessment equivalent
75 millage rate and the resulting millage rate shall then be
76 reported to the property appraiser, together with the amount of
77 the law enforcement services assessment, pursuant to the notice
78 requirements of ss. 200.065 and 200.069. The property appraiser
79 shall list the law enforcement services assessment on the notice
80 of proposed property taxes below the line in the columns
81 reserved for non-ad valorem assessments. After the first year of
82 the assessment, the millage rate and rolled-back rate for the
83 notice of proposed property taxes shall be calculated pursuant
84 to s. 200.065(5) and shall be based on the adopted millage rate
85 from the previous year.

86 (c) Notwithstanding paragraph (a), the governing body of a
87 municipality is not required to reduce its millage, excluding

31-01021-15

2015780__

88 millage approved by a vote of the electors and millage pledged
89 to repay bonds, by more than 75 percent, or by more than 50
90 percent if the ordinance levying the law enforcement services
91 assessment is approved by a two-thirds vote of the governing
92 body of the municipality.

93 (4) RULES AND FORMS.—The Department of Revenue may adopt
94 rules and forms necessary to administer this section.

95 (5) CONSTRUCTION.—The levy of a law enforcement services
96 special assessment pursuant to this section shall be construed
97 as being authorized by general law in accordance with ss. 1 and
98 9, Art. VII of the State Constitution.

99 Section 2. This act shall take effect July 1, 2015.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3 11 2015

Meeting Date

Topic _____

Bill Number 780
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH
Street

Phone 727-897-9291

SAINT PETERSBURG FLORIDA 33705
City *State* *Zip*

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

3/10/15

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

780

Meeting Date

Bill Number (if applicable)

Topic LAW Enforcement Services Assessment Amendment Barcode (if applicable)

Name David Sigerson

Job Title

Address 1121 S. Military Tr

Phone 954 336 3544

Street

Downfield Beh FL 33442

City

State

Zip

Email dsigerson@lch.com

Speaking: [X] For [] Against [] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing City of Margate

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

03-09-2015

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

780

Meeting Date

Bill Number (if applicable)

Topic Law Enforcement Assessment

Amendment Barcode (if applicable)

Name Dave Eridis

Job Title hobbyist

Address ~~205 S. Adams St~~ 205 S. Adams St

Phone 850-591-7550

Tallahassee FL 32301

City State Zip

Email dave@eridisconsultants.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing City of North Lauderdale

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3.10.15

Meeting Date

780

Bill Number (if applicable)

Topic Special Assessments

Amendment Barcode (if applicable)

Name Ken Kopczynski Cop-CHEN-ski

Job Title Lobbyist

Address 300 East Brevard St

Phone 222-3329

Street

Tallah FL 32301

City

State

Zip

Email ken@flpba.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLn PBA Inc

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/10/15
Meeting Date

780
Bill Number (if applicable)

Topic Special Assessment for Law Enforcement Services

Amendment Barcode (if applicable)

Name Lisa Henning

Job Title _____

Address 242 Office Plaza Drive
Street

Phone 850-766-8808

Tallahassee FL 32301
City State Zip

Email poplegislative@aol.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Fraternnal Order of Police

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/10/15
Meeting Date

780
Bill Number (if applicable)

Topic Special Assessment for Law Enforcement Amendment Barcode (if applicable)

Name Amber Hughes

Job Title Legislative Advocate

Address PO Box 1757

Phone 701-3621

Tall FL 32301
City State Zip

Email ahughes@flcities.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.



The Florida Senate

Committee Agenda Request

To: Senator Wilton Simpson, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: February 16, 2015

I respectfully request that **Senate Bill #780**, relating to Special Assessment of Law Enforcement Services, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "Christopher L. Smith", written over a horizontal line.

Senator Christopher L. Smith
Florida Senate, District 31

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SJR 810

INTRODUCER: Senator Garcia

SUBJECT: Miami-Dade County Home Rule Charter

DATE: March 10, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	White	Yeatman	CA	Unfavorable
2.	_____	_____	JU	_____
3.	_____	_____	RC	_____

I. Summary:

SJR 810 proposes to amend the State Constitution to authorize amendments or revisions to the home rule charter of Miami-Dade County by a special law approved by a vote of the electors in that county, and provides requirements for a bill proposing such a special law. This joint resolution also authorizes the Miami-Dade charter to provide for fixed term limits for Miami-Dade County Commissioners.

This joint resolution will require approval by a three-fifths vote of the membership of each house of the Legislature for passage.

This joint resolution amends Art. VIII, s. 6 of the Florida Constitution.

II. Present Situation:

Counties

Article VIII, s. 1 of the Florida Constitution requires the state to be divided into political subdivisions known as counties which shall provide state services at the local level. There are two types of counties that are recognized under the Florida Constitution: non-charter counties and charter counties.¹

Non-Charter Counties

Non-charter county governments only have such powers of self-government as are provided by general or special law.² In addition, non-charter counties may enact ordinances not inconsistent

¹ See FLA. CONST. art. VIII, s. 1(f)-(g).

² FLA. CONST. art. VIII, s. 1(f).

with general or special law.³ A county ordinance in a non-charter county that is in conflict with a municipal ordinance is not effective within the municipality to the extent of such conflict.⁴

Charter Counties

Although a non-charter county can be established through general law, a charter county can only be adopted, amended or related through a special election by the vote of the electors in that county. Charter counties have greater powers of self-government than non-charter counties. Counties operating under a charter have all powers of self-government not inconsistent with general law or with special law approved by the vote of the electorate.⁵ In a charter county, the charter must provide which prevails in the event of a conflict between county and municipal ordinances.⁶ Special acts that do not require referendum approval do not apply to charter counties.

Miami-Dade Home Rule Charter⁷

In 1955, the Legislature authorized the voters of Dade County to enact the first home rule charter in Florida, under an amendment to Art. VIII, s. 11 of the 1885 Florida Constitution.

Article VIII, s. 6(e) of the Florida Constitution, states that the provisions of the Metropolitan Dade (or Miami-Dade) County Home Rule Charter adopted by the electors of Miami-Dade County pursuant to Art. VIII, s. 11 of the Constitution of 1885 are valid and any subsequent amendments to the charter, authorized by Art. VIII, s. 11 of the Constitution of 1885, are authorized.⁸

Unique Powers

Article VIII, s. 11 of the Constitution of 1885 granted the electors of Miami-Dade County the authority to adopt a home rule charter government in Miami-Dade County of which the Board of County Commissioners of Miami-Dade County is the governing body. In contrast to charter governments created pursuant to Art. VIII, s. 1(g) of the State Constitution, Miami-Dade County is granted unique powers that include:

- Merging, consolidating, abolishing and changing the boundaries of municipal, county or district governments whose jurisdictions lie wholly within Miami-Dade County;
- Providing a method for establishing new municipal corporations, special taxing units, and other governmental units in Miami-Dade County;

³ *Id.*

⁴ *Id.*

⁵ FLA. CONST. art. VIII, s. 1(g).

⁶ *Id.*

⁷ Section 125.011(1), F.S., defines the term “county” to mean: any county operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the Constitution of 1885, as preserved by Art. VIII, s. 6(e) of the Constitution of 1968, which county, by resolution of its board of county commissioners, elects to exercise the powers herein conferred. Use of the word “county” within the above provisions shall include “board of county commissioners” of such county. The constitutional sections that are contained in s. 125.011(1), F.S., refer to Key West/Monroe County, Miami-Dade County and Hillsborough County, respectively.

⁸ FLA. CONST. art. VIII, s. 6(e).

- Providing an exclusive method for municipal corporations to make, amend, or repeal their own charters, which, once adopted, cannot be changed or repealed by the Legislature;
- Abolishing the offices of sheriff, tax collector, property appraiser, supervisor of elections and clerk of the circuit court and providing for the consolidation and transfer of their functions; and
- Changing the name of the county.

In addition, even though Art. VIII, s. 11(5) of the Florida Constitution of 1885 does not limit or restrict the power of the Legislature to enact general laws that apply to Miami-Dade County and any one or more other counties in Florida or to any municipality in Miami-Dade County and one or more other municipalities in Florida, Miami-Dade County ordinances control in the event of conflict with a special or general law only applicable to Miami-Dade County. Hence, the Legislature is prevented by Art. VIII, s. 11(5) of the Florida Constitution of 1885, as amended, from enacting special laws that apply only to Miami-Dade County, even if such a special act were approved by referendum.

Special Provisions

Miami-Dade County Home Rule Charter (Charter) was officially adopted on May 21, 1957. The Charter authorizes the Board of County Commissioners to create new municipalities; change municipal boundaries; and to establish, merge, and abolish special purpose districts. The Charter also abolishes the constitutional office of the Sheriff and authorizes the Board of County Commissioners to “[e]xercise all powers and privileges granted to municipalities, counties and county officers by the Constitution and laws of the state.”⁹

Court Interpretations

Florida courts have consistently invalidated the applicability of special acts passed by the Legislature that attempt to supersede the home rule powers of Miami-Dade County. The Florida Supreme Court has held that the constitutional provisions granting home rule authority to Miami-Dade County transferred to the county “the powers formerly vested in the state legislature with respect to the affairs, property and government of Dade County and all the municipalities within its territorial limits.”¹⁰

In the case of *Chase v. Cowart*,¹¹ the Florida Supreme Court was asked to determine whether the Miami-Dade County Budget Commission had been abolished by the electors of Miami-Dade County through the enactment of its home rule charter. The budget commission was originally established by the Florida Legislature with authority over the fiscal affairs of county boards and county officers of Miami-Dade County and whose jurisdiction fell entirely within Miami-Dade County.

In deciding the issue, the Court weighed the meaning of subsections (5), (6), (7), and (9), s. 11, Art. VIII of the Florida Constitution of 1885, as amended, which preserve to the Legislature the

⁹ Article 1, s. 1.01(21), *Miami-Dade County Home Rule Charter*.

¹⁰ *State v. Dade County*, 142 So. 2d 79, 85 (Fla. 1961) (citing *Chase v. Cowart*, 102 So. 2d 147 (Fla. 1958)).

¹¹ *Chase*, 102 So. 2d 147.

authority to enact general laws that apply to Miami-Dade County and any other counties. The Court also analyzed subsection (1)(c), s. 11, Art. VIII, of the Florida Constitution of 1885, which provides an express grant of power authorizing the voters of Miami-Dade County to adopt a charter, the provisions of which may abolish any board or governmental unit, whose jurisdiction lies wholly within Miami-Dade County, whether created by the Constitution, the Legislature or otherwise.

After conducting its analysis, the Court held that the electors of Miami-Dade County, through the enactment of its home rule charter, abolished the budget commission. The court reasoned that the limitations of subsections (5) and (9) do not prohibit the abolishment of the budget commission because the charter provision allowing abolishment of the commission comes within the exception to the limitations of subsections (5) and (9) that states “except as expressly authorized herein.” Specifically stating that s. 11(1)(c) is:

clearly an express grant of power which authorizes the voters of Dade County to adopt a charter, the provisions of which may abolish any board or governmental unit, whose jurisdiction lies wholly in Miami-Dade County, whether created by the Constitution or by the Legislature or otherwise. We think it crystal clear that the words ‘except as expressly authorized’ or ‘provided’ as found in subsections (5) and (9) relates directly to the specific grants of power contained in the various sub-subsections of subsection (1).¹²

The Court further stated that its reasoning did not weigh on the analysis of whether the law creating the budget commission was a general law, general law of local application, or a special act.

In *City of Sweetwater v. Dade County*,¹³ the Third District Court of Appeal held that general law provisions governing the annexation of land into municipalities did not apply within Miami-Dade County since municipal boundary change is “one of the areas of autonomy conferred on Dade County” by its Home Rule Charter.¹⁴ In reaching this holding, the appellate court upheld the trial court’s ruling, which relied on the autonomy granted to Miami-Dade County under Art. VIII, s. 11(1) of the Florida Constitution of 1885, as amended:

Subsections 1(a) through (i) of the Home Rule Charter Amendment constitute those organic areas of autonomy and authority in local affairs conferred upon Dade County by the Florida Constitution and may not be diminished and curtailed by general laws of the State enacted after 1956.¹⁵

Based on this information the Third District Court of Appeal determined “that the method provided by the Home Rule Charter... is effective and exclusive, notwithstanding the existence from time to time of a general state law which makes provision for some other method.”¹⁶

¹² *Id.* at 152-53.

¹³ *City of Sweetwater v. Dade County*, 343 So. 2d 953 (Fla. 3rd DCA 1977).

¹⁴ *Id.* at 954.

¹⁵ *Id.* (citations omitted).

¹⁶ *Id.*

III. Effect of Proposed Changes:

The joint resolution will allow the Miami-Dade County Home Rule Charter to be amended or revised by a special law approved by the electors of Miami-Dade County, notwithstanding Art. VIII, s. 11 of the Florida Constitution of 1885. If such amendments or revisions are approved by the electors of Miami-Dade County, they will become an amendment or revision of the charter by the electors of Miami-Dade County. A bill proposing such a special law must be filed by a member of the Miami-Dade County legislative delegation, and such filing must be approved by a majority of the members of the Miami-Dade County legislative delegation in each house of the Legislature.

The joint resolution also authorizes the Miami-Dade County charter to provide for fixed term limits of Miami-Dade County Board of County Commissioners.

The joint resolution conforms references in the Florida Constitution to reflect the county's current name, which is Miami-Dade County, not Dade County.

An effective date for the amendment is not specified, but the amendment would be submitted to the electorate at the next general election or at an earlier special election specifically authorized for that purpose. Therefore, the amendment, if approved by the electors at the 2016 General Election, will take effect on January 3, 2017.¹⁷

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Article XI, section 1 of the Florida Constitution, authorizes the Legislature to propose amendments to the Florida Constitution by joint resolution approved by a three-fifths vote of the membership of each house. The amendment must be placed before the electorate at the next general election held more than 90 days after the proposal has been filed with the Secretary of State or at a special election held for that purpose.

Article XI, section 5(a) of the Florida Constitution, and s. 101.161(1), F.S., require constitutional amendments submitted to the electors to be printed in clear and

¹⁷ FLA. CONST. art. XI, s. 5(e).

unambiguous language on the ballot. In determining whether a ballot title and summary are in compliance with the accuracy requirement, Florida courts utilize a two-prong test, asking “first, whether the ballot title and summary ‘fairly inform the voter of the chief purpose of the amendment,’ and second, ‘whether the language of the title and summary, as written, misleads the public.’”¹⁸

Article XI, section 5(d) of the Florida Constitution, requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county where a newspaper is published. The amendment or revision must be published once in the tenth week and again in the sixth week immediately preceding the week the election is held. The Division of Elections within the Department of State estimates that the costs for advertising the proposed constitutional amendment will be approximately \$135 per word.¹⁹

Article XI, section 5(e) of the Florida Constitution, requires approval by 60 percent of voters for a constitutional amendment to take effect. The amendment, if approved, becomes effective after the next general election or at an earlier special election specifically authorized by law for that purpose.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Upon voter approval, this joint resolution will allow Miami-Dade County home rule charter amendments or revisions to be made by special law approved by a vote of the electors. A bill proposing such a special law must be approved at a meeting of the local legislative delegation and filed by a member of that delegation. This joint resolution will also authorize the Miami-Dade County charter to provide term limits for its county commissioners.

Each constitutional amendment is required to be published in a newspaper of general circulation in each county, once in the sixth week and once in the tenth week preceding the general election.²⁰ Costs for advertising vary depending upon the length of the amendment. The Division of Elections, within the Department of State, estimates that the costs for advertising the proposed constitutional amendment will be approximately \$135 per word.

¹⁸ *Roberts v. Doyle*, 43 So. 3d 654, 659 (Fla. 2010), citing *Florida Dep’t of State v. Slough*, 992 So. 2d 142, 147 (Fla. 2008).

¹⁹ Phone conversation with Department of State staff (Feb. 24, 2015).

²⁰ FLA. CONST. art. XI, s. 5(d).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This joint resolution substantially amends Article VIII, section 6 of the Florida Constitution.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Garcia

38-00741-15

2015810__

Senate Joint Resolution

A joint resolution proposing an amendment to Section 6 of Article VIII of the State Constitution to authorize amendments or revisions to the Miami-Dade County Home Rule Charter by a special law approved by the electors of Miami-Dade County; restricting the filing of a bill proposing such a special law; providing that the charter may impose fixed term limits on county commissioners; conforming historical references to reflect the current name of Miami-Dade County.

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

That the following amendment to Section 6 of Article VIII of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VIII

LOCAL GOVERNMENT

SECTION 6. Schedule to Article VIII.—

(a) This article shall replace all of Article VIII of the Constitution of 1885, as amended, except those sections expressly retained and made a part of this article by reference.

(b) COUNTIES; COUNTY SEATS; MUNICIPALITIES; DISTRICTS. The status of the following items as they exist on the date this article becomes effective is recognized and shall be continued until changed in accordance with law: the counties of the state; their status with respect to the legality of the sale of

38-00741-15

2015810__

30 intoxicating liquors, wines and beers; the method of selection
31 of county officers; the performance of municipal functions by
32 county officers; the county seats; and the municipalities and
33 special districts of the state, their powers, jurisdiction and
34 government.

35 (c) OFFICERS TO CONTINUE IN OFFICE. Every person holding
36 office when this article becomes effective shall continue in
37 office for the remainder of the term if that office is not
38 abolished. If the office is abolished the incumbent shall be
39 paid adequate compensation, to be fixed by law, for the loss of
40 emoluments for the remainder of the term.

41 (d) ORDINANCES. Local laws relating only to unincorporated
42 areas of a county on the effective date of this article may be
43 amended or repealed by county ordinance.

44 (e) CONSOLIDATION AND HOME RULE. Article VIII, Sections 9,
45 10, 11 and 24, of the Constitution of 1885, as amended, shall
46 remain in full force and effect as to each county affected, as
47 if this article had not been adopted, until that county shall
48 expressly adopt a charter or home rule plan pursuant to this
49 article. All provisions of the Miami-Dade ~~Metropolitan Dade~~
50 County Home Rule Charter, heretofore or hereafter adopted by the
51 electors of Miami-Dade ~~Dade~~ County pursuant to Article VIII,
52 Section 11, of the Constitution of 1885, as amended, shall be
53 valid, and any amendments to such charter shall be valid;
54 provided that the said provisions of such charter and the said
55 amendments thereto are authorized under said Article VIII,
56 Section 11, of the Constitution of 1885, as amended. However,
57 notwithstanding Article VIII, Section 11, of the Constitution of
58 1885, as amended, or any limitations under this subsection, the

38-00741-15

2015810__

59 Miami-Dade County Home Rule Charter may be amended or revised by
 60 special law approved by the electors of Miami-Dade County and,
 61 if approved, becomes an amendment or revision of the charter by
 62 the electors of Miami-Dade County. A bill proposing a special
 63 law to amend or revise the Miami-Dade County Home Rule Charter
 64 may be filed only by a member of the Miami-Dade County
 65 legislative delegation, and such filing must be approved by a
 66 majority of the members of the Miami-Dade County legislative
 67 delegation in each house of the Legislature. The Miami-Dade
 68 County Home Rule Charter may provide for fixed term limits of
 69 Miami-Dade County Board of County Commissioners.

70 (f) MIAMI-DADE ~~DADE~~ COUNTY; POWERS CONFERRED UPON
 71 MUNICIPALITIES. To the extent not inconsistent with the powers
 72 of existing municipalities or general law, the Metropolitan
 73 Government of Miami-Dade ~~Dade~~ County may exercise all the powers
 74 conferred now or hereafter by general law upon municipalities.

75 (g) DELETION OF OBSOLETE SCHEDULE ITEMS. The Legislature
 76 shall have power, by joint resolution, to delete from this
 77 article any subsection of this Section 6, including this
 78 subsection, when all events to which the subsection to be
 79 deleted is or could become applicable have occurred. A
 80 legislative determination of fact made as a basis for
 81 application of this subsection shall be subject to judicial
 82 review.

83 BE IT FURTHER RESOLVED that the following statement be
 84 placed on the ballot:

85 CONSTITUTIONAL AMENDMENT

86 ARTICLE VIII, SECTION 6

87 AUTHORIZING REVISIONS TO MIAMI-DADE COUNTY HOME RULE

38-00741-15

2015810__

88 CHARTER BY SPECIAL LAW APPROVED BY REFERENDUM.—This proposed
89 amendment authorizes revisions or amendments to the Miami-Dade
90 County Home Rule Charter by a special law approved by the
91 electors of Miami-Dade County and requires that a bill proposing
92 such a special law be approved by the local legislative
93 delegation and filed by a member thereof.

94 It also provides that the charter may impose fixed term
95 limits for county commissioners and conforms historical
96 references to reflect the county's current name.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/10/2015

Meeting Date

Topic _____

Bill Number 810

(if applicable)

Name BRIAN PITTS

Amendment Barcode _____

(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG FLORIDA 33705

E-mail JUSTICE2JESUS@YAHOO.COM

City

State

Zip

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

3-10-15

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

810

Meeting Date

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name JESS MCCARDY

Job Title ASS'T COUNTY ATTY

Address 111 NW 1ST ST 2810

Phone 305-979-7110

MIAMI 33128

Email JMM2@MIAMI-DADE.GOV

City State Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing MIAMI-DADE COUNTY

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
State Senator René García
38th District

Please reply to:

District Office:

1490 West 68 Street
Suite # 201
Hialeah, FL. 33014
Phone# (305) 364-3100

February 17, 2015

The Honorable Wilton Simpson
Chair, Community Affairs Committee
315 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman Simpson:

This letter should serve as a request to have my bill *SJR 810: Miami-Dade County Home Rule Charter* heard at the next possible committee meeting. If there is any other information needed please do not hesitate to contact me. Thank you.

Sincerely,



State Senator René García
District 38
RG:JT

CC: Tom Yeatman, Staff Director

Chair: Appropriations Subcommittee on Health & Human Services
Committees: Appropriations, Children, Families, and Elderly Affairs, Health Policy, Agriculture, Education Pre-K – 12, Joint Legislative Budget Committee and Communications, Energy and Public Utilities.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: CS/SB 242

INTRODUCER: Community Affairs Committee and Senator Brandes

SUBJECT: Publicly Funded Retirement Plans

DATE: March 10, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Peacock	McVaney	GO	Favorable
2.	White	Yeatman	CA	Fav/CS
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 242 requires local government pension plans, in conducting the actuarial valuations of their pension plans, to use mortality table methodologies consistent with the methodologies used in either of the two most recently published actuarial valuation report of the Florida Retirement System (FRS). In most instances, the mortality tables used will recognize longer lifetimes for annuitants and result in higher annual contributions required to be paid into the pension funds in the near term.

Similarly, the bill revises the mortality tables to be used in the actuarial disclosures in financial statements submitted to the Department of Management Services. This modification does not impact the actuarial funding of the various pension plans but does provide some information that may be useful when comparing local pension plans and the Florida Retirement System.

To the extent the use of the updated mortality tables results in increases to the normal costs or unfunded liabilities of local government pension plans, this bill will result in higher contributions being paid into the local government pension plans in the near term.

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

II. Present Situation:

Florida Local Retirement Systems and Plans

The Division of Retirement of the Department of Management Services (DMS) reports¹ that as of September 30, 2014, there are 491 defined benefit plans sponsored by 249 local governments in Florida. The vast majority of the plans, 486, are local government defined benefit systems that provide benefits to 87,097 retirees, with 97,677 active employees, and total plan assets of \$30.5 billion.² The average annual pension in these local defined benefit plans is \$25,252, and the average annual required contribution rate as a percentage of payroll is 31.96 percent. The total unfunded actuarial accrued liability for all the defined benefit plans as of September 30, 2014, was \$10.5 billion.

Actuarial Soundness of Retirement Plans

The Florida Constitution requires public pension plans in the State of Florida to be concurrently funded on a sound actuarial basis.³ The Florida Protection of Public Employee Retirement Benefits Act (Act)⁴ establishes the minimum standards for the operation and funding of public employee retirement systems and plans in the State of Florida. The Act states the legislative intent to “prohibit the use of any procedure, methodology, or assumptions the effect of which is to transfer to future taxpayers any portion of the costs which may reasonably have been expected to be paid by the current taxpayers.”⁵

Under current law, total contributions to a public sector retirement plan must be sufficient to fund the normal cost of the retirement plan and to amortize the unfunded actuarial liability over a period not to exceed 40 years.⁶ If an unfunded liability arises from a plan amendment, changes in actuarial assumptions, changes in funding methods or actuarial gains or losses, the liability must be amortized within 30 years.⁷ The laws establishing the municipal police⁸ and firefighter⁹ pension plans have similar provisions.

Enrolled actuaries prepare and certify actuarial reports for each retirement plan subject to the Act, at regular intervals of at least three years.¹⁰ The actuarial reports must include at least the following information:¹¹

- Adequacy of employer and employee contributions;

¹ Division of Management Services, *Florida Local Government Retirement Systems*, 2014 Annual Report, available online at: http://www.dms.myflorida.com/workforce_operations/retirement/local_retirement_plans/local_retirement_section/local_government_annual_reports (last visited on February 12, 2015).

² The other 6 plans are school board early retirement programs that provide benefits to 1,686 retirees, with active plan membership of 4,506, and total plan assets of \$64.8 million.

³ FLA. CONST. art. X, s. 14 (1976).

⁴ Part VII of Ch. 112, F.S., implements Article X, Section 14, of the Florida Constitution.

⁵ Section 112.61, F.S.

⁶ Section 112.64(2), F.S.

⁷ Section 112.64(4), F.S.

⁸ Section 185.07, F.S.

⁹ Section 175.091, F.S.

¹⁰ Section 112.63, F.S.

¹¹ Section 112.63(a)-(f), F.S.

- A plan to amortize any unfunded liability and a description of actions taken to reduce the unfunded liability;
- A description and explanation of actuarial assumptions;
- A schedule illustrating the amortization of unfunded liabilities, if any;
- A comparative review illustrating the actual salary increases granted and the rate of investment return realized over the 3-year period preceding the actuarial report with the assumptions used in both the preceding and current actuarial reports;
- A disclosure of the present value of the plan's accrued vested, nonvested, and total benefits, as adopted by the Financial Accounting Standards Board, using the Florida Retirement System's assumed rate of return; and
- A statement by the enrolled actuary that the report is complete and accurate and that the techniques and assumptions used are reasonable and meet the requirements of state law.

The actuarial reports are submitted to the DMS, which reviews each report to determine whether the actuarial valuation is complete, accurate, and based on reasonable assumptions.¹²

Mortality Tables, Generally

Because mortality assumptions control the expected length of time for annuity payments, they are a critical component in determining the liabilities of a defined benefit plan.¹³ Defined benefit accounting standards do not dictate mortality assumptions, leaving sponsors to decide which assumptions they use for financial statement reporting. However, the Pension Protection Act of 2006 (PPA) gives the IRS authority to prescribe mortality rates used in the calculation of funding liabilities. In this way, the RP-2000 Mortality Tables have been implemented pursuant to section 430(h)(3) of the Internal Revenue Code (IRC).

The RP-2000 was published by the Society of Actuaries (SOA) in the year 2000.¹⁴ In 2009, the SOA started the process of creating updated mortality tables for pension plans. Some sponsors have already started using the interim Scale BB improvement actors, which were released in 2012. In February 2014, the SOA released the RP-2014 tables and MP-2014 improvement scales. Although the IRS has not publicly indicated when it will review funding of mortality assumptions, as required every 10 years by PPA, analysts within the industry suggest the new RP-2014 tables may be “in use as early as 2016 for both funding requirements and lump-sum conversions.”¹⁵ For accounting purposes, adoption of the new mortality tables will be at the discretion of the plan sponsor.

¹² Section 112.63(4)(a), F.S.

¹³ Russell Research, *How Will the New RP-2014 Mortality Tables Affect my DB Plan Strategy*, available at <http://www.russell.com/documents/institutional-investors/research/how-will-the-new-rp-2014-mortality-tables-affect-my-db-strategy.pdf> (last visited March 23, 2015).

¹⁴ RP-2000 Mortality Tables are available at <https://www.soa.org/research/experience-study/pension/research-rp-2000-mortality-tables.aspx> (last visited on February 23, 2015).

¹⁵ Russell Research, *How Will the New RP-2014 Mortality Tables Affect my DB Plan Strategy*, available at <http://www.russell.com/documents/institutional-investors/research/how-will-the-new-rp-2014-mortality-tables-affect-my-db-strategy.pdf> (last visited March 23, 2015).

Mortality Tables used by FRS

The FRS uses different mortality tables for its general employee and special risk classes for non-disability retirement. The 2014 FRS Valuation used the RP-2000 mortality table with Scale BB improvement actors. Non-disability retirements have a separate mortality basis for Special Risk Class members compared to all other membership classes. Disability retirements have a common mortality basis for all classes. The disability requirement for FRS members is total and permanent from all forms of employment as certified by two licensed physicians.

Mortality Tables used by Local Government Retirement Plans

In determining the actuarially required contributions for a local government pension plan, the pension plan’s board of trustees, with guidance from its professional advisors, chooses a mortality table to be applied in the valuation report.¹⁶ The table below shows the various mortality tables used by local government retirement plans and the frequency of use among the plans.

Mortality Table	Number of local government plans using this table
1983 Group Annuity Mortality (GAM 83)	20
1994 Group Annuity Mortality (GAM 94)	10
1994 Group Annuity Mortality with Scale AA (GAR 94)	7
Uninsured Population 1994 (UP 94)	4
Retirement Plans 2000 (RP 2000)	437
Internal Revenue Service Prescribed	8
Other	3
Total	489

Mortality Tables, as Additional Disclosures

In addition to the valuation report, s. 112.664, F.S., requires certain actuarial disclosures used to determine required funding for all publicly-funded defined benefit retirement plans, other than FRS. Amongst other provisions, these additional actuarial disclosures mandate the use of the “RP-2000 Combined Healthy Participant Mortality Tables, by gender, with generational projection by Scale AA.”¹⁷

The additional reporting requirements must be provided to DMS annually, within 60 days after receipt of the certified actuarial report submitted after the close of the plan year that ends after June 30, 2014, and thereafter in each year in which an actuarial valuation of the plan is done. Plans that fail to submit timely the required information within 60 days after receipt of the plan’s actuarial report will be deemed to be in noncompliance. DMS may notify the Department of Revenue (DOR) and Department of Financial Services (DFS) of the noncompliance, and DOR and DFS must withhold funds payable to the plan sponsor, which are not pledged towards bond debt service.

¹⁶ Dep’t of Management Services, *2015 Legislative Bill Analysis: SB 242*, at 2 (Jan. 20, 2015).

¹⁷ Section 112.664(1)(a), F.S.

III. Effect of Proposed Changes:

Section 1 amends s. 112.63, F.S., to require the actuarial valuations of local government pension plans to use mortality table methodology consistent with either of the two most recently published actuarial valuation reports of the FRS. For the 2014 Actuarial Valuation of the Florida Retirement System, the RP-2000 mortality table with Scale BB was used.

While the FRS uses RP-2000 mortality table with Scale BB, additional adjustments are made based on gender, membership class, and varying mixes of white collar and blue collar work. For example, different mortality bases are used for non-disability retirements in the Special Risk Class compared to the mortality bases used for non-disability retirements in other membership classes. At first glance, one would assume that the mortality assumptions used for FRS Special Risk Class would be an acceptable assumption to use for the police and firefighter pension plans. However, the FRS Special Risk Class has a broader membership than those local pension plans.¹⁸ This broader membership base may result in a different mix of white collar and blue collar jobs. The bill specifies that the mortality tables must include the projection scale for mortality improvement; appropriate risk and collar adjustments must be made based on plan demographics; and the tables must be used for assumptions for preretirement and postretirement mortality.

Section 2 amends s. 112.664, F.S., to revise the information included in a defined benefit retirement system or plan's annual report to DMS to include financial statements that use mortality table methodology consistent with either of the two most recently published actuarial valuation report of the FRS. In general, this change will require local plans to use Scale BB rather than Scale AA with the RP-2000 mortality table.

Section 3 provides that the Legislature determines that the bill fulfills an important state interest as related to publicly funded retirement plans.

Section 4 provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

To the extent this bill requires a local government to expend funds to comply with its terms, the provisions of section 18(a) of Article VII of the State Constitution may apply. If those provisions do apply, in order for the law to be binding upon the cities and counties, the Legislature must find that the law fulfills an important state interest, and one of the following relevant exceptions must apply:

- The expenditure is required to comply with a law that applies to all persons similarly situated; or

¹⁸ Section 121.0515, F.S., defines membership in the FRS Special Risk Class also to include correctional officers, certain emergency medical technicians and paramedics, certain nurses and other health professionals, certain forensic laboratory technicians, and certain employees of a medical examiner's office.

- The law must be approved by two-thirds of the membership of each house of the Legislature.

The new mortality tables will require actuarial valuations of local government pension plans to recognize longer lifetimes for annuitants, with the anticipated result being that higher annual contributions will be paid into the pension funds in the near term. However, whether the actuary recognizes this increase now or in the future, the plan sponsor will eventually be required to pay out the same annuity amounts. Use of the new mortality tables just helps actuaries of local government pension plans pin a more accurate price tag to future annuity payments.

Since this bill requires all public sector pension plans to use similar mortality methodologies, it appears the bill applies to all persons similarly situated (state, municipalities and special districts sponsoring pension plans). The bill also contains a finding that the bill fulfills an important state interest (section 3). Thus, it appears the bill is binding upon cities and counties that sponsor retirement plans.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Local governments' pension plan board of trustees, and professional advisors, will be required to use the FRS mortality tables in their actuarial valuations, which may result in different contribution requirements from prior plans' valuation reports.¹⁹

VI. Technical Deficiencies:

None.

¹⁹ Dep't of Management Services, *2015 Legislative Bill Analysis: SB 242*, at 5 (Jan. 20, 2015).

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 112.63 and 112.664.

Additional Information:

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

CS by Community Affairs on March 10, 2015:

Actuarial reports and annual financial statements must include mortality tables from either of the two most recent FRS reports, instead of just the most recently published one. The mortality tables must specifically include the projection scale for mortality improvement; appropriate risk and collar adjustments must be made based on plan demographics; and the tables must be used for assumptions for preretirement and postretirement mortality.

- B. **Amendments:**

None.



869738

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/10/2015	.	
	.	
	.	
	.	

The Committee on Community Affairs (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 42 - 77

and insert:

(f) The mortality tables used in either of the two most recently published actuarial valuation reports of the Florida Retirement System, including the projection scale for mortality improvement. Appropriate risk and collar adjustments must be made based on plan demographics. The tables must be used for assumptions for preretirement and postretirement mortality.



869738

11 (g) ~~(f)~~ A statement by the enrolled actuary that the report
12 is complete and accurate and that in his or her opinion the
13 techniques and assumptions used are reasonable and meet the
14 requirements and intent of this act.

15

16 The actuarial cost methods utilized for establishing the amount
17 of the annual actuarial normal cost to support the promised
18 benefits shall only be those methods approved in the Employee
19 Retirement Income Security Act of 1974 and as permitted under
20 regulations prescribed by the Secretary of the Treasury.

21 Section 2. Subsection (1) of section 112.664, Florida
22 Statutes, is amended to read:

23 112.664 Reporting standards for defined benefit retirement
24 plans or systems.—

25 (1) In addition to the other reporting requirements of this
26 part, within 60 days after receipt of the certified actuarial
27 report submitted after the close of the plan year that ends on
28 or after June 30, 2014, and thereafter in each year required
29 under s. 112.63(2), each defined benefit retirement system or
30 plan, excluding the Florida Retirement System, shall prepare and
31 electronically report the following information to the
32 Department of Management Services in a format prescribed by the
33 department:

34 (a) Annual financial statements that comply ~~are in~~
35 ~~compliance~~ with the requirements of the Governmental Accounting
36 Standards Government Accounting and Standard Board's Statement
37 No. 67, titled "Financial Reporting for Pension Plans," and
38 Statement No. 68, titled "Accounting and Financial Reporting for
39 Pensions," using mortality tables used in either of the two most



869738

40 recently published actuarial valuation reports of the Florida
41 Retirement System, including the projection scale for mortality
42 improvement. Appropriate risk and collar adjustments must be
43 made based on plan demographics. The tables must be used for
44 assumptions for preretirement and postretirement mortality RP-
45 2000 Combined Healthy Participant Mortality Tables, by gender,
46 with generational projection by Scale AA.

47
48 ===== T I T L E A M E N D M E N T =====

49 And the title is amended as follows:

50 Delete line 5

51 and insert:

52 tables; specifying requirements; amending s. 112.664,

53 F.S.; revising

By Senator Brandes

22-00288-15

2015242__

1 A bill to be entitled
2 An act relating to publicly funded retirement plans;
3 amending s. 112.63, F.S.; requiring that actuarial
4 reports for certain retirement plans include mortality
5 tables; amending s. 112.664, F.S.; revising
6 information to be included in a defined benefit system
7 or plan's annual report to the Department of
8 Management Services; providing a declaration of
9 important state interest; providing an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Subsection (1) of section 112.63, Florida
14 Statutes, is amended to read:

15 112.63 Actuarial reports and statements of actuarial
16 impact; review.—

17 (1) Each retirement system or plan subject to the
18 provisions of this act shall have regularly scheduled actuarial
19 reports prepared and certified by an enrolled actuary. The
20 actuarial report shall consist of, but is ~~shall~~ not ~~be~~ limited
21 to, the following:

22 (a) Adequacy of employer and employee contribution rates in
23 meeting levels of employee benefits provided in the system and
24 changes, if any, needed in such rates to achieve or preserve a
25 level of funding deemed adequate to enable payment through the
26 indefinite future of the benefit amounts prescribed by the
27 system, which shall include a valuation of present assets, based
28 on statement value, and prospective assets and liabilities of
29 the system and the extent of unfunded accrued liabilities, if

22-00288-15

2015242__

30 any.

31 (b) A plan to amortize any unfunded liability pursuant to
32 s. 112.64 and a description of actions taken to reduce the
33 unfunded liability.

34 (c) A description and explanation of actuarial assumptions.

35 (d) A schedule illustrating the amortization of unfunded
36 liabilities, if any.

37 (e) A comparative review illustrating the actual salary
38 increases granted and the rate of investment return realized
39 over the 3-year period preceding the actuarial report with the
40 assumptions used in both the preceding and current actuarial
41 reports.

42 (f) Mortality tables that use mortality methodology
43 consistent with the most recently published actuarial valuation
44 report of the Florida Retirement System.

45 (g) ~~(f)~~ A statement by the enrolled actuary that the report
46 is complete and accurate and that in his or her opinion the
47 techniques and assumptions used are reasonable and meet the
48 requirements and intent of this act.

49
50 The actuarial cost methods utilized for establishing the amount
51 of the annual actuarial normal cost to support the promised
52 benefits shall only be those methods approved in the Employee
53 Retirement Income Security Act of 1974 and as permitted under
54 regulations prescribed by the Secretary of the Treasury.

55 Section 2. Subsection (1) of section 112.664, Florida
56 Statutes, is amended to read:

57 112.664 Reporting standards for defined benefit retirement
58 plans or systems.—

22-00288-15

2015242__

59 (1) In addition to the other reporting requirements of this
60 part, within 60 days after receipt of the certified actuarial
61 report submitted after the close of the plan year that ends on
62 or after June 30, 2014, and thereafter in each year required
63 under s. 112.63(2), each defined benefit retirement system or
64 plan, excluding the Florida Retirement System, shall prepare and
65 electronically report the following information to the
66 Department of Management Services in a format prescribed by the
67 department:

68 (a) Annual financial statements that comply ~~are in~~
69 ~~compliance~~ with the requirements of the Governmental Accounting
70 Standards Government Accounting and Standard Board's Statement
71 No. 67, titled Financial Reporting for Pension Plans, and
72 Statement No. 68, titled Accounting and Financial Reporting for
73 Pensions, using mortality tables that use mortality methodology
74 consistent with the most recently published actuarial valuation
75 report of the Florida Retirement System RP-2000 Combined Healthy
76 Participant Mortality Tables, by gender, with generational
77 projection by Scale AA.

78 (b) Annual financial statements similar to those required
79 under paragraph (a), but which use an assumed rate of return on
80 investments and an assumed discount rate that are equal to 200
81 basis points less than the plan's assumed rate of return.

82 (c) Information indicating the number of months or years
83 for which the current market value of assets are adequate to
84 sustain the payment of expected retirement benefits as
85 determined in the plan's latest valuation and under the
86 financial statements prepared pursuant to paragraphs (a) and
87 (b).

22-00288-15

2015242__

88 (d) Information indicating the recommended contributions to
89 the plan based on the plan's latest valuation, and the
90 contributions necessary to fund the plan based on financial
91 statements prepared pursuant to paragraphs (a) and (b), stated
92 as an annual dollar value and a percentage of valuation payroll.

93 Section 3. The Legislature finds that a proper and
94 legitimate state purpose is served when employees and retirees
95 of the state and its political subdivisions, and the dependents,
96 survivors, and beneficiaries of such employees and retirees, are
97 extended the basic protections afforded by governmental
98 retirement systems that provide fair and adequate benefits and
99 that are managed, administered, and funded in an actuarially
100 sound manner as required by s. 14, Article X of the State
101 Constitution and part VII of chapter 112, Florida Statutes.
102 Therefore, the Legislature determines and declares that this act
103 fulfills an important state interest.

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

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/10/15
Meeting Date

SB 242
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Kraig Conn

Job Title _____

Address 301 S. Bromo
Street

Phone _____

T-11 FL 32301
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.



The Florida Senate

Committee Agenda Request

To: Senator Wilton Simpson, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: February 17, 2015

I respectfully request that **Senate Bill #242**, relating to **Publicly Funded Retirement Plans**, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "Jeff Brandes", written over a horizontal line.

Senator Jeff Brandes
Florida Senate, District 22

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 562

INTRODUCER: Senator Simpson

SUBJECT: Growth Management

DATE: March 9, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stearns	Yeatman	CA	Favorable
2.			TR	
3.			RC	

I. Summary:

SB 562 removes the state mandate that new developments surpassing certain thresholds and standards be subjected to the development of regional impact review process. The bill shifts comprehensive plan amendments related to such developments from the Expedited State Review Process to the State Coordinated Review Process.

II. Present Situation:

Development of Regional Impact Background

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 (RPCs) 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 (DEO) 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.¹ Section 380.06(24), F.S., exempts numerous types of projects from review as a DRI.

The DRI program was initially created in 1972 as an interim program intended to be replaced by comprehensive planning and permitting programs. Comprehensive planning was first required by law in 1975, however the Growth Management Act of 1985 is considered the watershed moment that brought truly modern planning requirements into force. In recognition of this fact, the

¹ Section 380.07(2), F.S.

Environmental Land Management Study Committee (ELMS III) in 1992 recommended that the DRI program be eliminated and relegated to an enhanced version of the Intergovernmental Coordination Element (ICE) in their local plans.² After much controversy, this recommendation never fully came to fruition and the DRI program continued in its previous form. The Legislature has enacted a number of exemptions to the DRI program since that time, but never fully removed it as originally intended.

DRI Review

All developments that meet the DRI thresholds and standards provided by statute³ and rules adopted by the Administration Commission⁴ are required to undergo DRI review, unless the Legislature has provided an exemption for that particular type of project, the development is located within a “dense urban land area,”⁵ or the development is located in a planning area receiving a legislative exemption such as a sector plan or a rural land stewardship area. The types of developments required to undergo DRI review upon meeting the specified thresholds and standards include attraction and recreation facilities, office developments, retail and service developments, mixed-use developments, residential developments, schools, and recreational vehicle developments.⁶ Over the years, the Legislature has enacted new exemptions and increased the thresholds that projects must surpass in order to trigger DRI review.

Florida’s 11 RPCs coordinate the multi-agency review of proposed DRIs. A DRI review is begun by a developer contacting the RPC with jurisdiction over a proposed development to arrange a pre-application conference.⁷ The developer or the RPC may request other affected state and regional agencies participate in the conference to identify issues raised by the proposed project and the level of information that the agency will require in the application to assess those issues. 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.

An agreement may also be reached between the RPC and the developer regarding assumptions and methodology to be used in the application for development approval. 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.

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. The RPC reviews the application for sufficiency and may request additional information (no more than twice) if the application is deemed insufficient.⁸

² See Richard G. Rubino and Earl M. Starnes, *Lessons Learned? The History of Planning in Florida*. Tallahassee, FL: Sentry Press, 2008. ISBN 978-1-889574-31-8.

³ Section 380.0651, F.S.

⁴ Rule 28-24, F.A.C.

⁵ The criteria for qualification as a dense urban land area are contained in s. 380.06(29), F.S. Currently, eight counties and 243 cities qualify as dense urban land areas that are exempt from the DRI program.

⁶ Section 380.0651, F.S.

⁷ Section 380.06(7), F.S.

⁸ Section 380.06(10), F.S.

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.⁹ 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.¹⁰ The RPC is required to identify regional issues specifically examining the extent to which:

- 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;
- 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.¹¹

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. These reports become part of the RPC's report, but the RPC may attach dissenting views.¹² 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.¹³ 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.¹⁴

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

- The development is consistent with its comprehensive plan and land development regulations;
- The development is consistent with the report and recommendations of the RPC; and
- The development is consistent with the state comprehensive plan.¹⁵

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. 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

⁹ Section 380.06(11), F.S.

¹⁰ Section 380.06(12), F.S.

¹¹ Section 380.06(12)(a), F.S.

¹² Section 380.06(12)(b), F.S.

¹³ *Id.*

¹⁴ See Senate Interim Report 2012-114, *The Development of Regional Impact Process*, Sep. 2011.

¹⁵ Section 380.06(13), F.S. DRIs located in areas of critical state concern (ACSC) must also comply with the land development regulations in s. 380.05, F.S.

and Water Adjudicatory Commission.¹⁶ An “aggrieved or adversely affected party” may appeal and challenge the consistency of a development order with the local comprehensive plan.¹⁷

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.

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. 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. 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.

State law requires a proposed comprehensive plan amendment to receive three public hearings, the first held by the local planning board.¹⁸ 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.¹⁹ 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.²⁰

Similar to the DRI process, the state agencies review the proposed amendment for impacts related to their statutory purview. 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.²¹ 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 DEO for final review.²² 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.²³

¹⁶ Section 380.07(2), F.S.

¹⁷ Section 163.3215, F.S.

¹⁸ Section 163.3174(4)(a), F.S.

¹⁹ Section 163.3184, F.S.

²⁰ *Id.*

²¹ Section 163.3184(3)(b)3.a., F.S.

²² Section 163.3184, F.S.

²³ *Id.*

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

In 2011, the Florida Legislature bifurcated the process for approving comprehensive plan amendments. Most plan amendments were placed into the Expedited State Review Process, while plan amendments related to large-scale developments were placed into the State Coordinated Review Process. 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

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.²⁴ This element is required to demonstrate consideration of the effects of the local plan upon the development of adjacent jurisdictions.²⁵ 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.²⁶

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.²⁷ The interlocal agreement must:²⁸

- 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.

III. Effect of Proposed Changes:

Section 1 amends s. 163.3184, F.S., to require a comprehensive plan amendment related to a development that qualifies as development of regional impact pursuant to s. 380.06, F.S., to be reviewed under the State Coordinated Review Process.

Section 2 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.

²⁴ Section 163.3177(6), F.S.

²⁵ Section 163.3177(6)(h)1., F.S.

²⁶ Section 163.3177(6)(h)2., F.S.

²⁷ Section 163.3177(6)(h)3., F.S.

²⁸ *Id.*

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This bill will prevent future developments from being required by state law to undergo the DRI review process, which could reduce costs for those types of developments that would otherwise have qualified as a DRI.

C. Government Sector Impact:

This bill will reduce the number of duplicative reviews that state agencies must perform with relation to the same developments. This could result in cost savings for those state agencies.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 163.3184 and 380.06.

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Simpson

18-01016-15

2015562__

1 A bill to be entitled
2 An act relating to growth management; amending s.
3 163.3184, F.S.; requiring plan amendments proposing a
4 development that qualifies as a development of
5 regional impact to be subject to the state coordinated
6 review process; amending s. 380.06, F.S.; providing
7 that new proposed developments are subject to the
8 state coordinated review process and not the
9 development of regional impact review process;
10 providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Paragraph (c) of subsection (2) of section
15 163.3184, Florida Statutes, is amended to read:

16 163.3184 Process for adoption of comprehensive plan or plan
17 amendment.—

18 (2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—

19 (c) Plan amendments that are in an area of critical state
20 concern designated pursuant to s. 380.05; propose a rural land
21 stewardship area pursuant to s. 163.3248; propose a sector plan
22 pursuant to s. 163.3245; update a comprehensive plan based on an
23 evaluation and appraisal pursuant to s. 163.3191; propose a
24 development that qualifies as a development of regional impact
25 pursuant to s. 380.06 ~~s. 380.06(24)(x)~~; or are new plans for
26 newly incorporated municipalities adopted pursuant to s.
27 163.3167 shall follow the state coordinated review process in
28 subsection (4).

29 Section 2. Subsection (30) is added to section 380.06,

18-01016-15

2015562__

30 Florida Statutes, to read:

31 380.06 Developments of regional impact.—

32 (30) NEW PROPOSED DEVELOPMENTS.—A new proposed development
33 otherwise subject to the review requirements of this section
34 shall be approved by a local government pursuant to s.
35 163.3184(4) in lieu of proceeding in accordance with this
36 section.

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

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/10/15
Meeting Date

562
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Gary Hunter

Job Title Attorney

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Street

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City State Zip

Email garyh@hgslaw.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Association of Florida Community Developers

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/10/15
Meeting Date

562
Bill Number (if applicable)

Topic DR1

Amendment Barcode (if applicable)

Name ERIC POOLE

Job Title ASST. LEG DIR

Address 100 MANROE
Street

Phone 772-300

TALL FL
City State Zip

Email

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA ASSOC COUNTY

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/10/15

Meeting Date

562

Bill Number (if applicable)

Topic DRI's

Amendment Barcode (if applicable)

Name CHARLES PATTISON

Job Title POLICY DIRECTOR

Address 308 N. MONROE

Phone _____

Street

TALLAHASSEE

32301

Email _____

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing 1000 FRIENDS OF FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/10/15
Meeting Date

SB 562
Bill Number (if applicable)

Topic Growth Management

Amendment Barcode (if applicable)

Name David Cruz

Job Title Assistant General Counsel

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Phone 701-7676

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State

Zip

Email DCRUZ@FCCities.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3-10-15

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

sb 562

Bill Number (if applicable)

Topic DRI

Amendment Barcode (if applicable)

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Job Title Retired Environmental Scientist

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Phone (850) 322-7549

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City

State

Zip

Email amalie.datz@mac.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Environmental Caucus of FL

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3 110 12015

Meeting Date

Topic _____

Bill Number 562
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

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Street

Phone 727-897-9291

SAINT PETERSBURG FLORIDA 33705
City State Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 956

INTRODUCER: Senator Simpson

SUBJECT: Freight Logistics Zones

DATE: March 10, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	White	Yeatman	CA	Favorable
2.			ATD	
3.			FP	

I. Summary:

SB 956 allows a county or counties to designate a “freight logistics zone,” which is defined as a grouping of activities and infrastructure associated with freight transportation and related services within a defined area around an intermodal logistics center. The county or counties must adopt a strategic plan that includes a map depicting the geographic area or areas of the zone and identifies existing infrastructure and resources within or near the zone.

A project within a zone may be eligible for priority funding or incentives from state economic development programs under parts I, III, and V of ch. 288, F.S. Eligibility for priority status will be based on an evaluation of the project.

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

II. Present Situation:

The Florida Department of Transportation

The Florida Department of Transportation (FDOT) is pursuing a goal to develop a coordinated multi-modal transportation system for freight movement in Florida. The Office of Freight, Logistics, and Passenger Operations within FDOT emphasizes freight mobility through the development and implementation of a freight planning process that maximizes the use of the existing government- and privately-owned transportation resources.¹

¹ FDOT, Office of Freight Logistics and Passenger Operations, *available at* <http://www.dot.state.fl.us/multimodal/> (last visited Mar. 6, 2015).

Freight Mobility and Trade Plan

The Legislature, in 2012, emphasized the importance of freight mobility to the state's economic growth by directing the FDOT to develop a Freight Mobility and Trade Plan by July 1, 2013.² The plan will assist in making freight mobility investments that contribute to the economic growth of the state and enhance the integration of the transportation system between transportation modes throughout the state.³ The plan must propose transportation-related policies and investments that promote:

- The flow of trade through the state's seaports and airports and recapture cargo shipped through seaports and airports in other states;
- The development of intermodal logistic centers in the state;
- The development of manufacturing industries in the state; and
- The implementation of compressed natural gas, liquefied natural gas, and propane energy policies that reduce transportation costs for businesses and residents in the state.⁴

The FDOT must also emphasize freight issues and needs in all appropriate transportation plans.⁵

Intermodal Logistics Center Infrastructure Program

Additionally, in 2012, the Legislature created the Intermodal Logistics Center Infrastructure Program⁶ within the FDOT to provide funds for roads, rail facilities, or other means for the shipment of goods through a seaport.⁷ The FDOT must provide up to \$5 million annually for the program and must include projects the program proposes to fund in its tentative work program, which is developed to allocate state and federal funding for transportation related projects.⁸ In selecting a project for funding, the FDOT must consider a number of statutory criteria and consult with the Department of Economic Opportunity (DEO).⁹ The FDOT must fund up to 50 percent of project costs for selected projects.¹⁰

Strategic Intermodal System

Lastly, in 2012, the Legislature required the FDOT Secretary to designate a planned facility as part of the Strategic Intermodal System (SIS) upon the request of the facility.¹¹ A requesting facility must meet the criteria established by the FDOT; meet the definition of "intermodal

² Chapter 2012-174, s. 23, L.O.F.; s. 334.044(33), F.S.

³ Section 334.044(33), F.S.; *See also* Florida Logistics website, *available at* <http://www.freightmovesflorida.com/> (last visited Mar. 6, 2015).

⁴ *Id.* at (a).

⁵ *Id.* at (b).

⁶ Section 311.101(2), F.S., defines "intermodal logistics center" as a "facility or group of facilities serving as a point of intermodal transfer of freight in a specific area physically separated from a seaport where activities relating to transport, logistics, goods distribution, consolidation, or value-added activities are carried out and whose activities and services are designed to support or be supported by conveyance of shipping through one or more [of Florida's 17 seaports]."

⁷ Chapter 2012-174, s. 12, L.O.F.; s. 311.101(1), F.S.

⁸ *See* s. 339.135(4), F.S.

⁹ Section 311.101(3),(4), F.S.

¹⁰ *Id.* at (6).

¹¹ Chapter 2012-174, s. 58, L.O.F.; s. 339.63(5), F.S.

logistics center;”¹² and must have been designated in a local comprehensive plan or local government development order as an intermodal logistics center or equivalent planning term.¹³ Designation as part of the SIS makes the facility eligible to receive funding for transportation capacity improvements.¹⁴

Moving Ahead for Progress in the 21st Century Act (MAP-21)

At the federal level, in 2012, the Moving Ahead for Progress in the 21st Century Act recommended that states develop plans for the immediate and long-range planning activities and investments of the state with respect to freight.¹⁵ The act also provides up to 95 percent federal matching funds for certain projects that are identified in state freight plans and that improve the movement of freight.¹⁶

Economic Development Incentive Programs, Ch. 288, F.S.

Part I: General Provisions

Current law provides a number of economic development incentives in various forms, including tax refunds, tax credits, tax exemptions, cash grants, and infrastructure funding. The most frequently utilized incentives include the qualified target industry tax refund,¹⁷ quick action closing fund,¹⁸ brownfield redevelopment bonus refund,¹⁹ high impact performance incentive grant,²⁰ and quick response training.²¹ These incentives are administered by the DEO and are generally designed to promote job creation within certain target industries in Florida; accordingly, awards for these incentives are based on job creation, wage, and economic benefit (return on investment) projections for each entity that applies for the incentives. Additionally, recipient businesses are generally contractually required to meet specific milestones before incentive payments begin.

Part III: Foreign Trade Zones

Part III of ch. 288, F.S., authorizes any corporation or government agency to apply to the federal government to establish a foreign trade zone in or adjacent to a port of entry of the United States pursuant to the Foreign Trade Zones Act of 1934. A foreign trade zone is a designated location where U.S.-based companies can take advantage of special procedures that delay, avoid, or reduce duties, quotas, or certain ad valorem taxes on merchandise held in the zone.²² These

¹² *Supra* note 6.

¹³ Section 339.63(5), F.S.

¹⁴ *See* s. 339.61(1), F.S.

¹⁵ P.L. 112-141, s. 1118 (July 6, 2012).

¹⁶ *Id.* at s. 1116.

¹⁷ Section 288.106, F.S.

¹⁸ Section 288.1088, F.S.

¹⁹ Section 288.107, F.S.

²⁰ Section 288.108, F.S.

²¹ Section 288.047, F.S. For a general description of these programs and their award and performance history *see* DEO and Enterprise Florida, Inc., *2013 Annual Incentives Report* (Dec. 30, 2013) available at <http://www.floridajobs.org/business/EDP/EconomicDevelopmentIncentivesReport.pdf> (last visited Mar. 6, 2015).

²² U.S. International Trade Administration, U.S. Foreign Trade Zones, *What is a Foreign-Trade Zone?*, available at <http://enforcement.trade.gov/ftzpage/info/zone.html> (last visited Mar. 6, 2015).

advantages are designed to lower the costs of U.S.-based businesses that are engaged in international trade.²³

There are currently 22 foreign trade zones in Florida, each of which is managed by a local government entity.²⁴ Beyond the authority to establish and operate a zone in accordance with federal law, part III of ch. 288, F.S., does not contain any state-level economic development incentives specifically for projects located in a foreign trade zone.

Part V: Export Finance

Part V of ch. 288, F.S., creates the Florida Export Finance Corporation (FEFC), a not-for-profit corporation, to help small and medium-sized Florida businesses expand international trade and job opportunities for Florida's workforce. While the FEFC provides information and technical and consulting assistance to certain small and medium-sized Florida exporters, its primary service is through providing loan guarantees for exported goods. The FEFC will guarantee a loan to an exporter only after a commercial lender has denied an exporter's loan request. The maximum amount of guarantee the FEFC will provide is \$500,000 and may not exceed 90 percent of the value of the loan.²⁵

The FEFC is also a member of the city/state program of the Export-Import Bank of the United States and offers Florida exporters access to U.S. government export assistance programs offered by the Export-Import Bank and the Small Business Administration.²⁶

Beyond loan guarantees for small and medium-sized exporters and access to U.S. government export assistance programs, the FEFC does not provide any business incentives under part V of ch. 288, F.S.

III. Effect of Proposed Changes:

Section 1 creates s. 311.103, F.S., to provide for the designation of freight logistics zones in Florida. A "freight logistics zone" is defined as a grouping of activities and infrastructure associated with freight transportation and related services within a defined area around an intermodal logistics center as defined in s. 311.101(2), F.S.²⁷ A county, or two or more contiguous counties, is authorized to designate one or more geographic areas within its jurisdiction as a zone. The bill does not limit the size, number, or scope of the geographic areas that may be designated as zones.

A strategic plan adopted by the county or counties must accompany the designation and must include a map depicting the geographic area or areas to be included within the designation. The strategic plan must also identify:

- Existing or planned freight facilities or logistics clusters within the zone;

²³ Seminole County, Economic Development, *Foreign Trade Zones*, available at <http://www.seminolecountyfl.gov/ecodev/ftz.aspx> (last visited Mar. 6, 2015).

²⁴ U.S. International Trade Administration, U.S. Foreign Trade Zones, available at <http://ita-web.ita.doc.gov/FTZ/OFISLogin.nsf> (last visited Mar. 6, 2015).

²⁵ DEO and Enterprise Florida, Inc., *2013 Annual Incentives Report* at 72.

²⁶ *Id.* at 75.

²⁷ *Supra* note 6.

- Existing transportation infrastructure and workforce availability within or near the zone;
- Any public workforce training providers available for a business seeking to locate or expand within the zone;
- Any local, state, or federal freight movement plans within or near the zone; and
- Local government incentives to encourage new or expanding development or redevelopment within the zone.

Lastly, the strategic plan must include documentation that it is consistent with local government comprehensive plans and, if necessary, long-range transportation plans of a metropolitan planning organization.

A project within a zone that is consistent with the FDOT Freight and Mobility Trade Plan may be eligible for priority in state funding and incentive programs relating to zones, including applicable programs identified in parts I, III, and V of ch. 288, F.S. Current incentives under part I of ch. 288, F.S., do not provide a system of priority treatment to determine incentive awards. As explained in the Present Situation above, incentive awards are determined based on job creation, wage, and economic benefit calculations for each project. Additionally, neither foreign trade zones under part III of ch. 288, F.S., nor the FEFC under part V of ch. 288, F.S., provide state-level development incentives or funding beyond the loan guarantee program for exporters by the FEFC. The priority status of a project in a zone as provided in the bill, will likely be inapplicable for any federal government funding or incentives provided through foreign trade zones or the FEFC.

To determine funding or incentive program eligibility, a project within a zone will be evaluated based on the following criteria:

- The presence of an existing or planned intermodal logistics center within the zone.
- Whether the project serves a strategic state interest.
- Whether the project facilitates the cost-effective and efficient movement of goods.
- The extent to which the project contributes to economic activity.
- The extent to which the project efficiently interacts with and supports the transportation network.
- The amount of investment or commitments made by the owner or developer of the existing or proposed facility.
- The extent to which the county or counties have commitments with private sector businesses planning to locate operations with the zone.
- Demonstrated local financial support and commitment to the project.

It is unclear how the bill will be administered. For example, the bill does not indicate which state agency or department will evaluate projects to determine whether the project will receive priority for funding or incentives. Presumably, once a project in a zone meets eligibility requirements under any of the incentive or funding programs in parts I, III, and V of ch. 288, F.S., and also meets the criteria for evaluating projects described above, priority of that project over other projects not within a zone is authorized. However, once a pool of eligible projects within zones is identified, no process for prioritizing projects within the pool is provided in the bill.

Section 2 provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

Indeterminate.

B. Private Sector Impact:

A business located in a zone may be eligible for priority in state funding and incentives programs related to zones. With respect to programs under part I of ch. 288, F.S., a business may be required to meet the evaluation criteria established under the bill in addition to the particular funding or incentive program's requirements under part I of ch. 288, F.S.

Additionally, the FDOT indicated that projects within zones may be given priority consideration for funding during the development of the Five-Year Tentative Work Program.²⁸

The bill may also promote growth of the freight industry and related businesses.

C. Government Sector Impact:

Participating counties must develop a strategic plan adopted by the county which is consistent with the local government's comprehensive plan and consistent with the metropolitan planning organization's long-range transportation plan. Local government financial support and commitment, are to be identified in the required strategic plans.

The bill may further the development of a coordinated multi-modal transportation system for freight movement throughout Florida, thereby facilitating statewide economic development.

²⁸ FDOT, *Agency Legislative Bill Analysis for HB 257* (Jan. 14, 2015).

The Florida Department of Highway Safety and Motor Vehicles determined that there would be no impact to the agency.²⁹

The FDOT notes that the bill could result in adjustments to projects currently planned in the Five-Year Work Program, due to reprioritization of projects and advancement of logistics projects.³⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 311.103 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

²⁹ DHSMV, *Agency Legislative Bill Analysis for HB 257* (Feb. 4, 2015).

³⁰ FDOT, *Agency Legislative Bill Analysis for HB 257* (Jan. 14, 2015).

By Senator Simpson

18-00890-15

2015956__

1 A bill to be entitled
2 An act relating to freight logistics zones; creating
3 s. 311.103, F.S.; defining the term "freight logistics
4 zone"; authorizing a county or two or more contiguous
5 counties to designate a geographic area or areas
6 within its jurisdiction as a freight logistics zone;
7 requiring the adoption of a strategic plan which must
8 include certain information; providing that certain
9 projects within freight logistics zones may be
10 eligible for priority in state funding and certain
11 incentive programs; providing evaluation criteria for
12 freight logistics zones; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Section 311.103, Florida Statutes, is created to
17 read:

18 311.103 Designation of state freight logistics zones.—

19 (1) As used in this section, the term "freight logistics
20 zone" means a grouping of activities and infrastructure
21 associated with freight transportation and related services
22 within a defined area around an intermodal logistics center as
23 defined in s. 311.101(2).

24 (2) A county, or two or more contiguous counties, may
25 designate a geographic area or areas within its jurisdiction as
26 a freight logistics zone. The designation must be accompanied by
27 a strategic plan adopted by the county or counties. At a
28 minimum, the strategic plan must include, but is not limited to:

29 (a) A map depicting the geographic area or areas to be

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30 included within the designation.

31 (b) Identification of the existing or planned freight
32 facilities or logistics clusters located within the designated
33 zone.

34 (c) Identification of existing transportation
35 infrastructure, such as roads, rail, airports, and seaports,
36 within or in close proximity to the proposed freight logistics
37 zone.

38 (d) Identification of existing workforce availability
39 within or in close proximity to the proposed zone.

40 (e) Identification of any existing or planned local, state,
41 or federal workforce training capabilities available for a
42 business seeking to locate or expand within the proposed zone.

43 (f) Identification of any local, state, or federal plans,
44 including transportation, seaport, or airport plans, concerning
45 the movement of freight within or in close proximity to the
46 proposed zone.

47 (g) Identification of financial or other local government
48 incentives to encourage new development, expansion of existing
49 development, or redevelopment within the proposed zone.

50 (h) Documentation that the plan is consistent with
51 applicable local government comprehensive plans and adopted
52 long-range transportation plans of a metropolitan planning
53 organization, where applicable.

54 (3) Projects within freight logistics zones designated
55 pursuant to this section, which are consistent with the Freight
56 Mobility and Trade Plan developed in accordance with s.
57 334.044(33), may be eligible for priority in state funding and
58 incentive programs relating to freight logistics zones,

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2015956__

59 including applicable programs identified in parts I, III, and V
60 of chapter 288.

61 (4) When evaluating projects within a designated freight
62 logistics zone for purposes of determining funding or incentive
63 program eligibility under this section, consideration must be
64 given to:

65 (a) The presence of an existing or planned intermodal
66 logistics center within the freight logistics zone.

67 (b) Whether the project serves a strategic state interest.

68 (c) Whether the project facilitates the cost-effective and
69 efficient movement of goods.

70 (d) The extent to which the project contributes to economic
71 activity, including job creation, increased wages, and revenues.

72 (e) The extent to which the project efficiently interacts
73 with and supports the existing or planned transportation
74 network.

75 (f) The amount of investment or commitments made by the
76 owner or developer of the existing or proposed facility.

77 (g) The extent to which the county or counties have
78 commitments with private sector businesses planning to locate
79 operations within the freight logistics zone.

80 (h) Demonstrated local financial support and commitment to
81 the project, including in-kind contributions.

82 Section 2. This act shall take effect July 1, 2015.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/10/15
Meeting Date

5956
Bill Number (if applicable)

Topic FREIGHT ZONES

Amendment Barcode (if applicable)

Name MICHAEL RUBIN

Job Title VP GOVT. AFFAIRS

Address 502 E JEFFERSON ST

Phone 252 222-2028

Tall FL 32301
City State Zip

Email Mike.Rubin@flports.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA PORTS COUNCIL

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/10/15

Meeting Date

956

Bill Number (if applicable)

Topic Freight logistic zones

Amendment Barcode (if applicable)

Name Kathie Kelly

Job Title _____

Address _____
Street

Phone _____

City _____ State _____ Zip _____

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL Chamber of Commerce

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3 11 2015

Meeting Date

Topic _____ Bill Number 956 _____
(if applicable)

Name BRIAN PITTS _____ Amendment Barcode _____
(if applicable)

Job Title TRUSTEE _____

Address 1119 NEWTON AVNUE SOUTH _____ Phone 727-897-9291 _____

Street

SAINT PETERSBURG FLORIDA 33705
City State Zip

E-mail JUSTICE2JESUS@YAHOO.COM _____

Speaking: For Against Information

Representing JUSTICE-2-JESUS _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: CS/SB 484

INTRODUCER: Community Affairs Committee and Senator Simpson

SUBJECT: Regional Planning Councils

DATE: March 10, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stearns	Yeatman	CA	Fav/CS
2.			ATD	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 484 designates 10 Regional Planning Councils (RPCs) and their borders. The bill replaces the Governor's power to set the boundaries of the RPCs with the ability to recommend changes to the Legislature. The bill deletes several of the RPCs' statutory duties and requirements because they are already completed, unnecessary or duplicative. The bill appropriates \$2.5 million in non-recurring funding from the General Revenue Fund to the RPCs for completion of certain critical duties.

II. Present Situation:

The Florida Legislature passed the Florida Regional Planning Council Act in 1980.¹ The Legislature found that "the problems of growth and development often transcend the boundaries of individual units of local general-purpose government"² and that "there is a need for regional planning agencies to assist local governments to resolve their common problems, engage in areawide comprehensive and functional planning, administer certain federal and state grants-in-aid, and provide a regional focus in regard to multiple programs undertaken on an areawide basis."³

¹ Sections 186.501-186.513, F.S.

² Section 186.502(a), F.S.

³ Section 186.502(b), F.S.

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

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

Economic Development and Job Creation

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

RPCs also play a vital role in implementation of the Florida Strategic Plan for Economic Development. In addition to providing the Comprehensive Economic Development Strategies used by the plan, RPCs held public forums at which extensive public input was received.⁶ Several of the councils partnered with other organizations in their respective areas to create “regional prosperity plans,” including the Seven50 plan, created in part by the South Florida Regional Planning Council and the Treasure Coast Regional Planning Council; the Regional Business Plan for Tampa Bay, created under the leadership of the Tampa Bay Regional Planning Council; and the Innovate Northeast Florida initiative, created in partnership with the Northeast Florida Regional Planning Council.⁷

Emergency Preparedness Planning, Training and Exercise

Section 186.505(11), F.S., states that RPCs have the duty “[t]o cooperate, in the exercise of [their] planning functions, with federal and state agencies in planning for emergency management as defined in s. 252.34.” RPCs fulfill this duty by serving as the state's Local Emergency Planning Committees.⁸ Regional evacuation studies have historically been conducted by RPCs under contract with the Florida Department of Emergency Management.⁹ These studies provide the data and information necessary for County Emergency Management Departments to

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

⁵ *Id.*

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

⁷ *Id.*

⁸ Memo from Ronald Book.

⁹ *Id.*

develop operational evacuation plans. These efforts, building off regional evacuation studies conducted by the RPCs in 2007 and 2010, were recognized by the American Planning Association in 2012 with its National Planning Excellence Award for Best Practices in Hazard Mitigation and Disaster Planning.¹⁰

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

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

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

Land Development and Growth Management

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

- Act in an advisory capacity to the constituent local governments in regional, metropolitan, county, and municipal planning matters.¹²
- Conduct studies of the resources of the region.¹³
- Provide technical assistance to local governments on growth management matters.¹⁴
- Perform a coordinating function among other regional entities relating to preparation and assurance of regular review of the strategic regional policy plan, with the entities to be coordinated determined by the topics addressed in the strategic regional policy plan.¹⁵
- Coordinate land development and transportation policies in a manner that fosters regionwide transportation systems.¹⁶
- Review plans of independent transportation authorities and metropolitan planning organizations to identify inconsistencies between those agencies' plans and applicable local government plans.¹⁷
- Provide consulting services to a private developer or landowner for a project.¹⁸

Section 186.507, F.S., directs RPCs to develop a strategic regional policy plan. The plan is required to "contain regional goals and policies that shall address affordable housing, economic

¹⁰ *Id.*

¹¹ *Id.*

¹² Section 186.505(10), F.S.

¹³ Section 186.505(16), F.S.

¹⁴ Section 186.505(20), F.S.

¹⁵ Section 185.505(21), F.S.

¹⁶ Section 186.505(23), F.S.

¹⁷ Section 186.505(24), F.S.

¹⁸ Section 186.505(26), F.S.

development, emergency preparedness, natural resources of regional significance, and regional transportation” and are required to “identify and address significant regional resources and facilities.”¹⁹

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

III. Effect of Proposed Changes:

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

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

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

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

Section 5 amends s. 186.506, F.S., to remove the Governor’s power to make and amend the boundaries of the RPCs. Authorizes the Governor to recommend changes to their boundaries to the Legislature.

Section 6 creates s. 186.512, F.S., to designate 10 RPCs and their constituent counties.

Section 7 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.

¹⁹ Section 186.507(1), F.S.

²⁰ Section 163.3184, F.S.

²¹ Section 380.06, F.S.

Section 8 amends s. 253.7828, F.S., to delete the specific mandate that RPCs, among other state agencies, recognize the special character of the Cross Florida Greenways State Recreation and Conservation Area. This mandate is unnecessary, according to the FRCA.

Section 9 amends s. 339.135(4), F.S., to delete language related to the 2014-2015 transportation work program that was set to expire on July 1, 2015.

Section 10 amends s. 339.155(4), F.S., to delete the requirement that RPCs review urbanized area transportation plans and any other planning products stipulated in s. 339.175, F.S., and provide written recommendations. It also deletes the requirement that RPCs directly assist local governments that are not part of a metropolitan area transportation planning process in the development of the transportation element of their comprehensive plans. These duties can be performed without the statutory reference, making it unnecessary.

Section 11 amends s. 380.06(18), F.S., to delete the requirement that an RPC notify a local government if it does not receive a biennial report from a developer related to a development of regional impact.

Section 12 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. Alters the statute to state that it is the legislative intent that local governments hold such a meeting, rather than local governments or RPCs hold the meeting.

Section 13 deletes s. 403.507(2)(a)5., F.S., requiring that an RPC prepare a report regarding the impacts of a proposed electrical power plant and its consistency with the strategic regional policy plan. According to the FRCA, the statutory mandate is duplicative and unnecessary.

Section 14 amends s. 403.508(3)(a) and (4)(a), F.S., to delete the requirement that RPCs participate in land use and certification hearings regarding a proposed power plant facility. Several other state agencies remain required to participate.

Section 15 amends s. 403.5115(5), F.S., to delete the requirement that an RPC publish a notice of an informational public hearing. Local governments holding a hearing are still required to publish a notice of the hearing.

Section 16 deletes s. 403.526(2)(a)6., F.S., requiring that RPCs prepare a report on the impacts of a proposed electrical transmission line or corridor and its consistency with the strategic regional policy plan, because the requirement is duplicative and unnecessary.

Section 17 amends s. 403.527(2)(a) and (3)(a), F.S., to delete the requirement that RPCs participate in land use and certification hearings regarding a proposed electrical transmission line or corridor. A number of state agencies remain required to participate.

Section 18 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. 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.

Section 19 deletes s. 403.7264(4), F.S., requiring RPCs to assist the Department of Environmental Protection (DEP) in site selection, public awareness and program coordination related to amnesty days for purging small quantities of hazardous wastes. According to FRCA, the DEP has never asked for this assistance and the statutory direction is unnecessary.

Section 20 deletes s. 403.941(2)(a)6., F.S., requiring RPCs to present a report on the impacts of a proposed natural gas transmission pipeline or corridor and the pipeline or corridor's consistency with the strategic regional policy plan because the requirement is duplicative and unnecessary.

Section 21 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.

Section 22 amends s. 419.001(6), F.S., to delete statutory authorization for a community residential home and a local government to utilize dispute resolution procedures provided by an RPC. According to FRCA, this provision has never been utilized and a community residential home and a local government could utilize the RPC for dispute resolution regardless of whether this statutory provision exists.

Section 23 amends s. 985.682(4), F.S., to delete statutory authorization for the Department of Juvenile Justice and local governments to utilize dispute resolution procedures provided by an RPC. According to FRCA, this provision has never been utilized and is unnecessary to allow the department to utilize the RPC for dispute resolution services.

Section 24 repeals s. 186.0201, F.S., requiring electric utilities to provide RPCs with advisory reports on their plans for electric utility substation development over the next five years.

Section 25 repeals s. 260.018, F.S., requiring all local governments, state agencies and RPCs to recognize the special character of the state's greenways and trails, because this statute does not appear to be necessary.

Section 26 provides an 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.

Section 27 provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

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

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 163.3175, 163.3246, 163.3248, 186.505, 186.506, 186.513, 253.7828, 339.135, 339.155, 380.06, 403.50663, 403.507, 403.508, 403.5115, 403.526, 403.527, 403.5272, 403.7264, 403.941, 403.9411, 419.001 and 985.682.

This bill creates section 186.512 of the Florida Statutes.

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

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Committee Substitute by Community Affairs on March 10, 2015:

- Removes the Governor's power to make the boundaries of the RPCs and gives that power to the Legislature. Gives the Governor the power to make recommendations to the Legislature regarding their boundaries.
- Designates 10 RPCs and their borders.
- Deletes several unnecessary or duplicative statutory duties of RPCs.

- Appropriates \$2.5 million in non-recurring funds from the General Revenue Fund to RPCs for the completion of certain critical duties.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



361664

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/10/2015	.	
	.	
	.	
	.	

The Committee on Community Affairs (Simpson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. 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.~~



361664

11 ~~163.3177(6)(a), does not adopt criteria and address~~
12 ~~compatibility of lands adjacent to or closely proximate to~~
13 ~~existing military installations in its future land use plan~~
14 ~~element by June 30, 2012, the local government, the military~~
15 ~~installation, the state land planning agency, and other parties~~
16 ~~as identified by the regional planning council, including, but~~
17 ~~not limited to, private landowner representatives, shall enter~~
18 ~~into mediation conducted pursuant to s. 186.509. If the local~~
19 ~~government comprehensive plan does not contain criteria~~
20 ~~addressing compatibility by December 31, 2013, the agency may~~
21 ~~notify the Administration Commission. The Administration~~
22 ~~Commission may impose sanctions pursuant to s. 163.3184(8). Any~~
23 ~~local government that amended its comprehensive plan to address~~
24 ~~military installation compatibility requirements after 2004 and~~
25 ~~was found to be in compliance is deemed to be in compliance with~~
26 ~~this subsection until the local government conducts its~~
27 ~~evaluation and appraisal review pursuant to s. 163.3191 and~~
28 ~~determines that amendments are necessary to meet updated general~~
29 ~~law requirements.~~

30 Section 2. Subsection (11) of section 163.3246, Florida
31 Statutes, is amended to read:

32 163.3246 Local government comprehensive planning
33 certification program.—

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



361664

40 ~~(a) Concurrent with filing an application for development~~
41 ~~approval with the local government, a developer proposing a~~
42 ~~project that would have been subject to review pursuant to s.~~
43 ~~380.06 shall notify in writing the regional planning council~~
44 ~~with jurisdiction.~~

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

49 Section 3. Subsection (4) of section 163.3248, Florida
50 Statutes, is amended to read:

51 163.3248 Rural land stewardship areas.—

52 (4) A local government or one or more property owners may
53 request assistance and participation in the development of a
54 plan for the rural land stewardship area from the state land
55 planning agency, the Department of Agriculture and Consumer
56 Services, the Fish and Wildlife Conservation Commission, the
57 Department of Environmental Protection, the appropriate water
58 management district, the Department of Transportation, ~~the~~
59 ~~regional planning council~~, private land owners, and
60 stakeholders.

61 Section 4. Subsection (22) of section 186.505, Florida
62 Statutes, is amended to read:

63 186.505 Regional planning councils; powers and duties.—Any
64 regional planning council created hereunder shall have the
65 following powers:

66 ~~(22) To establish and conduct a cross-acceptance~~
67 ~~negotiation process with local governments intended to resolve~~
68 ~~inconsistencies between applicable local and regional plans,~~



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69 ~~with participation by local governments being voluntary.~~

70 Section 5. Subsection (4) of section 186.506, Florida
71 Statutes, is amended to read:

72 186.506 Executive Office of the Governor; powers and
73 duties.—The Executive Office of the Governor, or its designee,
74 shall:

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

95 Section 6. Section 186.512, Florida Statutes, is created to
96 read:

97 186.512 Designation of regional planning councils.—The



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98 territorial area of the state is subdivided into the following
99 districts for the purpose of regional comprehensive planning.
100 The name and geographic area of each respective district shall
101 accord with the following:

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

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

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

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

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

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

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

120 (8) Southwest Florida Regional Planning Council: Charlotte,
121 Collier, Glades, Hendry, Lee, and Sarasota Counties.

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

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

126 Section 7. Section 186.513, Florida Statutes, is amended to



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127 read:

128 186.513 Reports.—Each regional planning council shall
129 prepare and furnish an annual report on its activities to the
130 state land planning agency as defined in s. 163.3164 and the
131 local general-purpose governments within its boundaries and,
132 upon payment as may be established by the council, to any
133 interested person. ~~The regional planning councils shall make a~~
134 ~~joint report and recommendations to appropriate legislative~~
135 ~~committees.~~

136 Section 8. Section 253.7828, Florida Statutes, is amended
137 to read:

138 253.7828 Impairment of use or conservation by agencies
139 prohibited.—All agencies of the state, ~~regional planning~~
140 ~~councils,~~ water management districts, and local governments
141 shall recognize the special character of the lands and waters
142 designated by the state as the Cross Florida Greenways State
143 Recreation and Conservation Area and shall not take any action
144 which will impair its use and conservation.

145 Section 9. Paragraph (j) of subsection (4) of section
146 339.135, Florida Statutes, is amended to read:

147 339.135 Work program; legislative budget request;
148 definitions; preparation, adoption, execution, and amendment.—

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

150 ~~(j) Notwithstanding paragraph (a) and for the 2014-2015~~
151 ~~fiscal year only, the department may use up to \$15 million of~~
152 ~~appropriated funds to pay the costs of strategic and regionally~~
153 ~~significant transportation projects. Funds may be used to~~
154 ~~provide up to 75 percent of project costs for production-ready~~
155 ~~eligible projects. Preference shall be given to projects that~~



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156 ~~support the state's economic regions, or that have been~~
157 ~~identified as regionally significant in accordance with s.~~
158 ~~339.155(4)(c), (d), and (e), and that have an increased level of~~
159 ~~nonstate match. This paragraph expires July 1, 2015.~~

160 Section 10. Paragraph (b) of subsection (4) of section
161 339.155, Florida Statutes, is amended to read:

162 339.155 Transportation planning.—

163 (4) ADDITIONAL TRANSPORTATION PLANS.—

164 (b) Each regional planning council, as provided for in s.
165 186.504, or any successor agency thereto, shall develop, as an
166 element of its strategic regional policy plan, transportation
167 goals and policies. The transportation goals and policies must
168 be prioritized to comply with the prevailing principles provided
169 in subsection (1) and s. 334.046(1). The transportation goals
170 and policies shall be consistent, to the maximum extent
171 feasible, with the goals and policies of the metropolitan
172 planning organization and the Florida Transportation Plan. The
173 transportation goals and policies of the regional planning
174 council will be advisory only and shall be submitted to the
175 department and any affected metropolitan planning organization
176 for their consideration and comments. Metropolitan planning
177 organization plans and other local transportation plans shall be
178 developed consistent, to the maximum extent feasible, with the
179 regional transportation goals and policies. ~~The regional~~
180 ~~planning council shall review urbanized area transportation~~
181 ~~plans and any other planning products stipulated in s. 339.175~~
182 ~~and provide the department and respective metropolitan planning~~
183 ~~organizations with written recommendations, which the department~~
184 ~~and the metropolitan planning organizations shall take under~~



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185 ~~advisement. Further, the regional planning councils shall~~
186 ~~directly assist local governments that are not part of a~~
187 ~~metropolitan area transportation planning process in the~~
188 ~~development of the transportation element of their comprehensive~~
189 ~~plans as required by s. 163.3177.~~

190 Section 11. Subsection (18) of section 380.06, Florida
191 Statutes, is amended to read:

192 380.06 Developments of regional impact.—

193 (18) BIENNIAL REPORTS.—The developer shall submit a
194 biennial report on the development of regional impact to the
195 local government, the regional planning agency, the state land
196 planning agency, and all affected permit agencies in alternate
197 years on the date specified in the development order, unless the
198 development order by its terms requires more frequent
199 monitoring. If the report is not received, ~~the regional planning~~
200 ~~agency or~~ the state land planning agency shall notify the local
201 government. If the local government does not receive the report
202 or receives notification that ~~the regional planning agency or~~
203 the state land planning agency has not received the report, the
204 local government shall request in writing that the developer
205 submit the report within 30 days. The failure to submit the
206 report after 30 days shall result in the temporary suspension of
207 the development order by the local government. If no additional
208 development pursuant to the development order has occurred since
209 the submission of the previous report, then a letter from the
210 developer stating that no development has occurred shall satisfy
211 the requirement for a report. Development orders that require
212 annual reports may be amended to require biennial reports at the
213 option of the local government.



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214 Section 12. Subsections (2) and (3) of section 403.50663,
215 Florida Statutes, are amended to read:

216 403.50663 Informational public meetings.—

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

225 (3) A local government ~~or regional planning council~~ that
226 intends to conduct an informational public meeting must provide
227 notice of the meeting to all parties not less than 5 days prior
228 to the meeting and to the general public in accordance with s.
229 403.5115(5). The expense for such notice is eligible for
230 reimbursement under s. 403.518(2)(c)1.

231 Section 13. Paragraph (a) of subsection (2) of section
232 403.507, Florida Statutes, is amended to read:

233 403.507 Preliminary statements of issues, reports, project
234 analyses, and studies.—

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

240 1. The Department of Economic Opportunity shall prepare a
241 report containing recommendations which address the impact upon
242 the public of the proposed electrical power plant, based on the



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243 degree to which the electrical power plant is consistent with
244 the applicable portions of the state comprehensive plan,
245 emergency management, and other such matters within its
246 jurisdiction. The Department of Economic Opportunity may also
247 comment on the consistency of the proposed electrical power
248 plant with applicable strategic regional policy plans or local
249 comprehensive plans and land development regulations.

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

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

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

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

271 ~~5.6.~~ The Department of Transportation shall address the



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272 impact of the proposed electrical power plant on matters within
273 its jurisdiction.

274 Section 14. Paragraph (a) of subsection (3) and paragraph
275 (a) of subsection (4) of section 403.508, Florida Statutes, are
276 amended to read:

277 403.508 Land use and certification hearings, parties,
278 participants.-

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

- 280 1. The applicant.
- 281 2. The Public Service Commission.
- 282 3. The Department of Economic Opportunity.
- 283 4. The Fish and Wildlife Conservation Commission.
- 284 5. The water management district.
- 285 6. The department.
- 286 ~~7. The regional planning council.~~
- 287 ~~7.8.~~ The local government.
- 288 ~~8.9.~~ The Department of Transportation.

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

- 293 1. The applicant.
- 294 2. The department.
- 295 3. State agencies.
- 296 4. Regional agencies, including ~~regional planning councils~~
297 ~~and~~ water management districts.
- 298 5. Local governments.
- 299 6. Other parties.

300 Section 15. Subsection (5) of section 403.5115, Florida



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301 Statutes, is amended to read:

302 403.5115 Public notice.—

303 (5) A local government ~~or regional planning council~~ that
304 proposes to conduct an informational public meeting pursuant to
305 s. 403.50663 must publish notice of the meeting in a newspaper
306 of general circulation within the county or counties in which
307 the proposed electrical power plant will be located no later
308 than 7 days prior to the meeting. A newspaper of general
309 circulation shall be the newspaper that has the largest daily
310 circulation in that county and has its principal office in that
311 county. If the newspaper with the largest daily circulation has
312 its principal office outside the county, the notices shall
313 appear in both the newspaper having the largest circulation in
314 that county and in a newspaper authorized to publish legal
315 notices in that county.

316 Section 16. Paragraph (a) of subsection (2) of section
317 403.526, Florida Statutes, is amended to read:

318 403.526 Preliminary statements of issues, reports, and
319 project analyses; studies.—

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

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

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



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330 other matters within its jurisdiction.

331 3. The Department of Economic Opportunity shall prepare a
332 report containing recommendations which address the impact upon
333 the public of the proposed transmission line or corridor, based
334 on the degree to which the proposed transmission line or
335 corridor is consistent with the applicable portions of the state
336 comprehensive plan, emergency management, and other matters
337 within its jurisdiction. The Department of Economic Opportunity
338 may also comment on the consistency of the proposed transmission
339 line or corridor with applicable strategic regional policy plans
340 or local comprehensive plans and land development regulations.

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

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



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

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

369 ~~6.7.~~ The Department of Transportation shall prepare a
370 report as to the impact of the proposed transmission line or
371 corridor on state roads, railroads, airports, aeronautics,
372 seaports, and other matters within its jurisdiction.

373 ~~7.8.~~ The commission shall prepare a report containing its
374 determination under s. 403.537, and the report may include the
375 comments from the commission with respect to any other subject
376 within its jurisdiction.

377 ~~8.9.~~ Any other agency, if requested by the department,
378 shall also perform studies or prepare reports as to subjects
379 within the jurisdiction of the agency which may potentially be
380 affected by the proposed transmission line.

381 Section 17. Paragraph (a) of subsection (2) and paragraph
382 (a) of subsection (3) of section 403.527, Florida Statutes, are
383 amended to read:

384 403.527 Certification hearing, parties, participants.—

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

- 386 1. The applicant.
387 2. The department.



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388 3. The commission.
389 4. The Department of Economic Opportunity.
390 5. The Fish and Wildlife Conservation Commission.
391 6. The Department of Transportation.
392 7. Each water management district in the jurisdiction of
393 which the proposed transmission line or corridor is to be
394 located.
395 8. The local government.
396 ~~9. The regional planning council.~~
397 (3) (a) The order of presentation at the certification
398 hearing, unless otherwise changed by the administrative law
399 judge to ensure the orderly presentation of witnesses and
400 evidence, shall be:
401 1. The applicant.
402 2. The department.
403 3. State agencies.
404 4. Regional agencies, including ~~regional planning councils~~
405 ~~and~~ water management districts.
406 5. Local governments.
407 6. Other parties.
408 Section 18. Subsections (2) and (3) of section 403.5272,
409 Florida Statutes, are amended to read:
410 403.5272 Informational public meetings.—
411 (2) Informational public meetings shall be held solely at
412 the option of each local government ~~or regional planning~~
413 ~~council~~. It is the legislative intent that local governments ~~or~~
414 ~~regional planning councils~~ attempt to hold such public meetings.
415 Parties to the proceedings under this act shall be encouraged to
416 attend; however, a party other than the applicant and the



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417 department is not required to attend the informational public
418 meetings.

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

424 Section 19. Subsection (4) of section 403.7264, Florida
425 Statutes, is amended to read:

426 403.7264 Amnesty days for purging small quantities of
427 hazardous wastes.—Amnesty days are authorized by the state for
428 the purpose of purging small quantities of hazardous waste, free
429 of charge, from the possession of homeowners, farmers, schools,
430 state agencies, and small businesses. These entities have no
431 appropriate economically feasible mechanism for disposing of
432 their hazardous wastes at the present time. In order to raise
433 public awareness on this issue, provide an educational process,
434 accommodate those entities which have a need to dispose of small
435 quantities of hazardous waste, and preserve the waters of the
436 state, amnesty days shall be carried out in the following
437 manner:

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

442 Section 20. Paragraph (a) of subsection (2) of section
443 403.941, Florida Statutes, is amended to read:

444 403.941 Preliminary statements of issues, reports, and
445 studies.—



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

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

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

457 3. The Department of Economic Opportunity shall prepare a
458 report containing recommendations which address the impact upon
459 the public of the proposed natural gas transmission pipeline or
460 corridor, based on the degree to which the proposed natural gas
461 transmission pipeline or corridor is consistent with the
462 applicable portions of the state comprehensive plan and other
463 matters within its jurisdiction. The Department of Economic
464 Opportunity may also comment on the consistency of the proposed
465 natural gas transmission pipeline or corridor with applicable
466 strategic regional policy plans or local comprehensive plans and
467 land development regulations.

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

472 5. Each local government in which the natural gas
473 transmission pipeline or natural gas transmission pipeline
474 corridor will be located shall prepare a report as to the impact



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475 of each proposed natural gas transmission pipeline or corridor
476 on matters within its jurisdiction, including the consistency of
477 the proposed natural gas transmission pipeline or corridor with
478 all applicable local ordinances, regulations, standards, or
479 criteria that apply to the proposed natural gas transmission
480 pipeline or corridor, including local comprehensive plans,
481 zoning regulations, land development regulations, and any
482 applicable local environmental regulations adopted pursuant to
483 s. 403.182 or by other means. No change by the responsible local
484 government or local agency in local comprehensive plans, zoning
485 ordinances, or other regulations made after the date required
486 for the filing of the local government's report required by this
487 section shall be applicable to the certification of the proposed
488 natural gas transmission pipeline or corridor unless the
489 certification is denied or the application is withdrawn.

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

500 6.7. The Department of Transportation shall prepare a
501 report on the effect of the natural gas transmission pipeline or
502 natural gas transmission pipeline corridor on matters within its
503 jurisdiction, including roadway crossings by the pipeline. The



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504 report shall contain at a minimum:

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

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

511 ~~7.8.~~ The Department of State, Division of Historical
512 Resources, shall prepare a report on the impact of the natural
513 gas transmission pipeline or natural gas transmission pipeline
514 corridor on matters within its jurisdiction.

515 ~~8.9.~~ The commission shall prepare a report addressing
516 matters within its jurisdiction. The commission's report shall
517 include its determination of need issued pursuant to s.
518 403.9422.

519 Section 21. Paragraph (a) of subsection (4) and subsection
520 (6) of section 403.9411, Florida Statutes, are amended to read:

521 403.9411 Notice; proceedings; parties and participants.—

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

523 1. The applicant.

524 2. The department.

525 3. The commission.

526 4. The Department of Economic Opportunity.

527 5. The Fish and Wildlife Conservation Commission.

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

531 7. The local government.

532 ~~8. The regional planning council.~~



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533 ~~8.9.~~ The Department of Transportation.

534 ~~9.10.~~ The Department of State, Division of Historical
535 Resources.

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

540 (a) The applicant.

541 (b) The department.

542 (c) State agencies.

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

545 (e) Local governments.

546 (f) Other parties.

547 Section 22. Subsection (6) of section 419.001, Florida
548 Statutes, is amended to read:

549 419.001 Site selection of community residential homes.—

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

560 Section 23. Subsection (4) of section 985.682, Florida
561 Statutes, is amended to read:



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562 985.682 Siting of facilities; criteria.-

563 (4) When the department requests such a modification and it
564 is denied by the local government, the local government or the
565 department shall initiate the dispute resolution process
566 ~~established under s. 186.509~~ to reconcile differences on the
567 siting of correctional facilities between the department, local
568 governments, and private citizens. ~~If the regional planning~~
569 ~~council has not established a dispute resolution process~~
570 ~~pursuant to s. 186.509~~, The department shall establish, by rule,
571 procedures for dispute resolution. The dispute resolution
572 process shall require the parties to commence meetings to
573 reconcile their differences. If the parties fail to resolve
574 their differences within 30 days after the denial, the parties
575 shall engage in voluntary mediation or similar process. If the
576 parties fail to resolve their differences by mediation within 60
577 days after the denial, or if no action is taken on the
578 department's request within 90 days after the request, the
579 department must appeal the decision of the local government on
580 the requested modification of local plans, ordinances, or
581 regulations to the Governor and Cabinet. Any dispute resolution
582 process initiated under this section must conform to the time
583 limitations set forth herein. However, upon agreement of all
584 parties, the time limits may be extended, but in no event may
585 the dispute resolution process extend over 180 days.

586 Section 24. Section 186.0201, Florida Statutes, is
587 repealed.

588 Section 25. Section 260.018, Florida Statutes, is repealed.

589 Section 26. For the 2015-2016 fiscal year, the sum of \$2.5
590 million in nonrecurring funds from the General Revenue Fund is



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591 appropriated to the regional planning councils, 75 percent of
592 which must be divided equally among the councils and 25 percent
593 must be allocated according to population. The funds must be
594 used to implement the statutory requirements of chapter 163,
595 Florida Statutes, and the Florida Five-Year Strategic Plan for
596 Economic Development and to address problems of greater than
597 local government concern and provide technical assistance to
598 local governments, economic development organizations, and other
599 stakeholders.

600 Section 27. This act shall take effect July 1, 2015.

601
602 ===== T I T L E A M E N D M E N T =====

603 And the title is amended as follows:

604 Delete everything before the enacting clause
605 and insert:

606 A bill to be entitled

607 An act relating to regional planning councils;
608 amending s. 163.3175, F.S.; deleting obsolete
609 provisions; amending s. 163.3246, F.S.; removing
610 restrictions on certain exemptions; amending s.
611 163.3248, F.S.; removing the requirement that regional
612 planning councils provide assistance in developing a
613 plan for a rural land stewardship area; amending s.
614 186.505, F.S.; removing the power of regional planning
615 councils to establish and conduct cross-acceptance
616 negotiation processes; amending s. 186.506, F.S.;
617 removing the Governor's authority to revise regional
618 planning council district boundaries; creating s.
619 186.512, F.S.; subdividing the state into specified



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620 geographic regions for the purpose of regional
621 comprehensive planning; amending s. 186.513, F.S.;
622 deleting the requirement that regional planning
623 councils make joint reports and recommendations;
624 amending s. 253.7828, F.S.; conforming provisions to
625 changes made by the act; amending s. 339.135, F.S.;
626 deleting obsolete provisions; amending s. 339.155,
627 F.S.; removing certain duties of regional planning
628 councils; amending s. 380.06, F.S.; removing the
629 requirement that certain developers submit biennial
630 reports to regional planning agencies; amending s.
631 403.50663, F.S.; removing requirements relating to
632 certain informational public meetings; amending s.
633 403.507, F.S.; removing the requirement that regional
634 planning councils prepare reports addressing the
635 impact of proposed electrical power plants; amending
636 s. 403.508, F.S.; removing the requirement that
637 regional planning councils participate in certain
638 proceedings; amending s. 403.5115, F.S.; conforming
639 provisions to changes made by the act; amending s.
640 403.526, F.S.; removing the requirement that regional
641 planning councils prepare reports addressing the
642 impact of proposed transmission lines or corridors;
643 amending s. 403.527, F.S.; removing the requirement
644 that regional planning councils parties participate in
645 certain proceedings; amending s. 403.5272, F.S.;
646 conforming provisions to changes made by the act;
647 amending s. 403.7264, F.S.; removing the requirement
648 that regional planning councils assist with amnesty



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649 days for purging small quantities of hazardous wastes;
650 amending s. 403.941, F.S.; removing the requirement
651 that regional planning councils prepare reports
652 addressing the impact of proposed natural gas
653 transmission lines or corridors; amending s. 403.9411,
654 F.S.; removing the requirement that regional planning
655 councils participate in certain proceedings; amending
656 ss. 419.001 and 985.682, F.S.; removing provisions
657 relating to the use of a certain dispute resolution
658 process; repealing s. 186.0201, F.S., relating to
659 electric substation planning; repealing s. 260.018,
660 F.S., relating to agency recognition of certain
661 publicly owned lands and waters; providing an
662 appropriation; providing an effective date.

By Senator Simpson

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1 A bill to be entitled
2 An act relating to regional planning councils;
3 amending s. 163.3175, F.S.; requiring the state land
4 planning agency to identify parties that may enter
5 into mediation relating to the compatibility of
6 developments with military installations; amending s.
7 186.0201, F.S.; requiring electric utilities to notify
8 the county, rather than the regional planning council,
9 of its current plans to site electric substations;
10 repealing ss. 186.501, 186.502, 186.503, 186.504,
11 186.505, 186.506, 186.507, 186.508, 186.509, 186.511,
12 and 186.513, F.S., relating to the Florida Regional
13 Planning Council Act; amending s. 186.515, F.S.;
14 authorizing local governments to enter into agreements
15 to create regional planning entities; conforming
16 provisions to changes made by the act; amending s.
17 215.559, F.S.; requiring the Division of Emergency
18 Management to give priority funding to projects in
19 counties that have shelter deficits rather than
20 regional planning council regions; amending s.
21 252.385, F.S.; revising the requirements for the
22 statewide emergency shelter plan to include the
23 general location and square footage of special needs
24 shelters by county rather than by regional planning
25 council region; requiring state funds to be maximized
26 and targeted to counties with hurricane evacuation
27 shelter deficits rather than regional planning council
28 regions; amending s. 369.307, F.S.; requiring the St.
29 Johns River Water Management District to adopt

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30 policies to protect the Wekiva River Protection Area;
31 amending s. 369.324, F.S.; requiring the St. Johns
32 River Water Management District to provide staff
33 support to the Wekiva River Basin Commission;
34 requiring the district to serve as a clearinghouse of
35 baseline or specialized studies; amending s. 380.05,
36 F.S.; authorizing local governments to recommend areas
37 of critical state concern; amending s. 380.06, F.S.;
38 requiring developers filing an application for
39 development approval to arrange a preapplication
40 conference with the state land planning agency;
41 requiring the state land planning agency to provide
42 the developer with information about the development-
43 of-regional-impact process; requiring the state land
44 planning agency to develop by rule certain procedures;
45 requiring the state land planning agency to review
46 applications for sufficiency; requiring the state land
47 planning agency to prepare and submit reports on the
48 regional impact of a proposed development; authorizing
49 the state land planning agency to assess and collect
50 fees of conducting the review process; amending s.
51 380.061, F.S.; requiring the state land planning
52 agency to review requests for conversions from a
53 proposed project to a proposed development of regional
54 impact; amending s. 380.065, F.S.; requiring the state
55 land planning agency to review developments of
56 regional impact upon revocation of certification;
57 amending s. 403.7225, F.S.; requiring counties to make
58 arrangements with the Department of Environmental

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59 Protection to perform the local hazardous waste
60 management assessment program under certain
61 circumstances; amending s. 403.723, F.S.; requiring
62 the department to designate sites at which regional
63 hazardous waste storage or treatment facilities could
64 be constructed; amending s. 1013.372, F.S.; providing
65 that if a county does not have a hurricane evacuation
66 shelter deficit, educational facilities within the
67 county are not required to incorporate the public
68 shelter criteria; requiring the Division of Emergency
69 Management to identify the general location and square
70 footage of existing shelters by county rather than by
71 regional planning council region; amending s. 1013.74,
72 F.S.; requiring public hurricane evacuation shelters
73 in certain counties rather than regional planning
74 council regions to be constructed in accordance with
75 public shelter standards; counties amending ss.
76 68.082, 120.52, 120.65, 163.3177, 163.3178, 163.3184,
77 163.3245, 163.3246, 163.3248, 163.568, 164.1031,
78 186.006, 186.007, 186.008, 186.803, 187.201, 218.32,
79 253.7828, 258.501, 260.0142, 260.018, 288.0656,
80 288.975, 320.08058, 335.188, 339.155, 339.175,
81 339.285, 339.63, 339.64, 341.041, 343.1004, 343.1006,
82 343.1010, 343.54, 373.309, 373.415, 377.703, 378.411,
83 380.045, 380.055, 380.07, 380.507, 403.0752,
84 403.50663, 403.507, 403.508, 403.5115, 403.518,
85 403.526, 403.527, 403.5272, 403.5363, 403.5365,
86 403.537, 403.704, 403.7226, 403.941, 403.9411,
87 403.9422, 403.973, 408.033, 419.001, 420.609, 427.012,

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88 501.171, 985.682, 1013.30, F.S.; conforming provisions
89 to changes made by the act; repealing ss. 163.3164(40)
90 and 186.003(5), F.S., relating to the definition of
91 the term "regional planning agency"; repealing s.
92 343.1003(11)(c), F.S., relating to the Northeast
93 Florida Regional Council; repealing s. 369.303(1),
94 F.S., relating to the definition of the term
95 "council"; repealing s. 380.031(15), F.S., relating to
96 the definition of the term "regional planning agency";
97 repealing ss. 403.503(26) and 403.522(21), F.S.,
98 relating to the definition of the term "regional
99 planning council"; repealing s. 403.7264(4), F.S.,
100 relating to the role of regional planning councils in
101 amnesty days for purging small quantities of hazardous
102 waste; repealing s. 403.9403(22), F.S., relating to
103 the definition of the term "regional planning
104 council"; providing an effective date.

105
106 Be It Enacted by the Legislature of the State of Florida:

107
108 Section 1. Subsection (9) of section 163.3175, Florida
109 Statutes, is amended to read:

110 163.3175 Legislative findings on compatibility of
111 development with military installations; exchange of information
112 between local governments and military installations.—

113 (9) If a local government, as required under s.
114 163.3177(6)(a), does not adopt criteria and address
115 compatibility of lands adjacent to or closely proximate to
116 existing military installations in its future land use plan

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117 element by June 30, 2012, the local government, the military
118 installation, the state land planning agency, and other parties
119 as identified by the state land ~~regional~~ planning agency
120 ~~council~~, including, but not limited to, private landowner
121 representatives, shall enter into mediation ~~conducted pursuant~~
122 ~~to s. 186.509~~. If the local government comprehensive plan does
123 not contain criteria addressing compatibility by December 31,
124 2013, the agency may notify the Administration Commission. The
125 Administration Commission may impose sanctions pursuant to s.
126 163.3184(8). Any local government that amended its comprehensive
127 plan to address military installation compatibility requirements
128 after 2004 and was found to be in compliance is deemed to be in
129 compliance with this subsection until the local government
130 conducts its evaluation and appraisal review pursuant to s.
131 163.3191 and determines that amendments are necessary to meet
132 updated general law requirements.

133 Section 2. Section 186.0201, Florida Statutes, is amended
134 to read:

135 186.0201 Electric substation planning.—Electric utility
136 substations respond to development and, consequently, siting
137 locations cannot be precisely planned years in advance.
138 Nevertheless, on or before June 1 of every year after the
139 effective date of this act, the electric utilities with service
140 areas within each county ~~regional planning council~~ shall notify
141 the county ~~regional planning council~~ of the utilities' current
142 plans over a 5-year period to site electric substations within
143 the local governments contained within each county ~~region~~,
144 including an identification of whether each electric substation
145 planned within a general area is a distribution or transmission

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146 electric substation, a listing of the proposed substations' site
147 acreage needs and anticipated capacity, and maps showing general
148 locations of the planned electric substations. This information
149 is advisory, ~~shall be included in the regional planning~~
150 ~~council's annual report prepared pursuant to s. 186.513,~~ and
151 shall be supplied directly to local governments requesting the
152 information.

153 Section 3. Sections 186.501, 186.502, 186.503, 186.504,
154 186.505, 186.506, 186.507, 186.508, 186.509, 186.511, and
155 186.513, Florida Statutes, are repealed.

156 Section 4. Section 186.515, Florida Statutes, is amended to
157 read:

158 186.515 Creation of regional planning entities ~~councils~~
159 under chapter 163. Local governments may enter into agreements
160 to create regional planning entities pursuant to chapter 163.
161 ~~Nothing in ss. 186.501-186.507, 186.513, and 186.515 is intended~~
162 ~~to repeal or limit the provisions of chapter 163; however, the~~
163 ~~local general purpose governments serving as voting members of~~
164 ~~the governing body of a regional planning council created~~
165 ~~pursuant to ss. 186.501-186.507, 186.513, and 186.515 are not~~
166 ~~authorized to create a regional planning council pursuant to~~
167 ~~chapter 163 unless an agency, other than a regional planning~~
168 ~~council created pursuant to ss. 186.501-186.507, 186.513, and~~
169 ~~186.515, is designated to exercise the powers and duties in any~~
170 ~~one or more of ss. 163.3164 and 380.031(15); in which case, such~~
171 ~~a regional planning council is also without authority to~~
172 ~~exercise the powers and duties in s. 163.3164 or s. 380.031(15).~~

173 Section 5. Paragraph (b) of subsection (1) of section
174 215.559, Florida Statutes, is amended to read:

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175 215.559 Hurricane Loss Mitigation Program.—A Hurricane Loss
176 Mitigation Program is established in the Division of Emergency
177 Management.

178 (1) The Legislature shall annually appropriate \$10 million
179 of the moneys authorized for appropriation under s.
180 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the
181 division for the purposes set forth in this section. Of the
182 amount:

183 (b) Three million dollars in funds shall be used to
184 retrofit existing facilities used as public hurricane shelters.
185 Each year the division shall prioritize the use of these funds
186 for projects included in the annual report of the Shelter
187 Retrofit Report prepared in accordance with s. 252.385(3). The
188 division must give funding priority to projects in counties
189 ~~regional planning council regions~~ that have shelter deficits and
190 to projects that maximize the use of state funds.

191 Section 6. Paragraph (b) of subsection (2) and subsection
192 (3) of section 252.385, Florida Statutes, are amended to read:

193 252.385 Public shelter space.—

194 (2)

195 (b) By January 31 of each even-numbered year, the division
196 shall prepare and submit a statewide emergency shelter plan to
197 the Governor and Cabinet for approval, subject to the
198 requirements for approval in s. 1013.37(2). The plan shall
199 identify the general location and square footage of special
200 needs shelters, by county ~~regional planning council region~~,
201 during the next 5 years. The plan shall also include information
202 on the availability of shelters that accept pets. The Department
203 of Health shall assist the division in determining the estimated

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204 need for special needs shelter space and the adequacy of
205 facilities to meet the needs of persons with special needs based
206 on information from the registries of persons with special needs
207 and other information.

208 (3) The division shall annually provide to the President of
209 the Senate, the Speaker of the House of Representatives, and the
210 Governor a list of facilities recommended to be retrofitted
211 using state funds. State funds should be maximized and targeted
212 to counties ~~regional planning council regions~~ with hurricane
213 evacuation shelter deficits. Retrofitting facilities in regions
214 with public hurricane evacuation shelter deficits shall be given
215 first priority and should be completed by 2003. All recommended
216 facilities should be retrofitted by 2008. The owner or lessee of
217 a public hurricane evacuation shelter that is included on the
218 list of facilities recommended for retrofitting is not required
219 to perform any recommended improvements.

220 Section 7. Subsection (3) of section 369.307, Florida
221 Statutes, is amended to read:

222 369.307 Developments of regional impact in the Wekiva River
223 Protection Area; land acquisition.—

224 (3) The Wekiva River Protection Area is hereby declared to
225 be a natural resource of state and regional importance. The St.
226 Johns River Water Management District ~~East Central Florida~~
227 ~~Regional Planning Council~~ shall adopt policies that ~~as part of~~
228 ~~its strategic regional policy plan and regional issues list~~
229 ~~which~~ will protect the water quantity, water quality, hydrology,
230 wetlands, aquatic and wetland-dependent wildlife species,
231 habitat of species ~~designated pursuant to rules 39-27.003, 39-~~
232 ~~27.004, and 39-27.005, Florida Administrative Code, and native~~

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233 vegetation in the Wekiva River Protection Area. The water
234 management district council shall also cooperate with the
235 department in the department's implementation of the provisions
236 of s. 369.305.

237 Section 8. Subsections (1) and (4) of section 369.324,
238 Florida Statutes, are amended to read:

239 369.324 Wekiva River Basin Commission.—

240 (1) The Wekiva River Basin Commission is created to monitor
241 and ensure the implementation of the recommendations of the
242 Wekiva River Basin Coordinating Committee for the Wekiva Study
243 Area. The St. Johns River Water Management District ~~East-Central~~
244 ~~Florida Regional Planning Council~~ shall provide staff support to
245 the commission with funding assistance from the Department of
246 Economic Opportunity. The commission shall be comprised of a
247 total of 18 members appointed by the Governor, 9 of whom shall
248 be voting members and 9 shall be ad hoc nonvoting members. The
249 voting members shall include:

250 (a) One member of each of the Boards of County
251 Commissioners for Lake, Orange, and Seminole Counties.

252 (b) One municipal elected official to serve as a
253 representative of the municipalities located within the Wekiva
254 Study Area of Lake County.

255 (c) One municipal elected official to serve as a
256 representative of the municipalities located within the Wekiva
257 Study Area of Orange County.

258 (d) One municipal elected official to serve as a
259 representative of the municipalities located within the Wekiva
260 Study Area of Seminole County.

261 (e) One citizen representing an environmental or

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262 conservation organization, one citizen representing a local
263 property owner, a land developer, or an agricultural entity, and
264 one at-large citizen who shall serve as chair of the council.

265 (f) The ad hoc nonvoting members shall include one
266 representative from each of the following entities:

- 267 1. St. Johns River Management District.
- 268 2. Department of Economic Opportunity.
- 269 3. Department of Environmental Protection.
- 270 4. Department of Health.
- 271 5. Department of Agriculture and Consumer Services.
- 272 6. Fish and Wildlife Conservation Commission.
- 273 7. Department of Transportation.
- 274 8. MetroPlan Orlando.
- 275 9. Central Florida Expressway Authority.

276 (4) To assist the commission in its mission, the St. Johns
277 River Water Management District ~~East Central Florida Regional~~
278 ~~Planning Council~~, in coordination with the applicable regional
279 and state agencies, shall serve as a clearinghouse of baseline
280 or specialized studies through modeling and simulation,
281 including collecting and disseminating data on the demographics,
282 economics, and the environment of the Wekiva Study Area
283 including the changing conditions of the Wekiva River surface
284 and groundwater basin and associated influence on the Wekiva
285 River and the Wekiva Springs.

286 Section 9. Subsections (3), (4), (7), (8), and (12) of
287 section 380.05, Florida Statutes, are amended to read:

288 380.05 Areas of critical state concern.—

289 (3) Each local government ~~regional planning agency~~ may
290 recommend to the state land planning agency from time to time

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291 areas wholly or partially within its jurisdiction that meet the
292 criteria for areas of critical state concern as defined in this
293 section. ~~Each regional planning agency shall solicit from the~~
294 ~~local governments within its jurisdiction suggestions as to~~
295 ~~areas to be recommended. A local government in an area where~~
296 ~~there is no regional planning agency may recommend to the state~~
297 ~~land planning agency from time to time areas wholly or partially~~
298 ~~within its jurisdiction that meet the criteria for areas of~~
299 ~~critical state concern as defined in this section. If the state~~
300 land planning agency does not recommend to the commission as an
301 area of critical state concern an area substantially similar to
302 one that has been recommended, it shall respond in writing as to
303 its reasons therefor.

304 (4) Before ~~Prior to~~ submitting any recommendation to the
305 commission under subsection (1), the state land planning agency
306 shall give notice to any committee appointed pursuant to s.
307 380.045 and to all local governments ~~and regional planning~~
308 ~~agencies~~ that include within their boundaries any part of any
309 area of critical state concern proposed to be designated by the
310 rule, in addition to any notice otherwise required under chapter
311 120.

312 (7) The state land planning agency ~~and any applicable~~
313 ~~regional planning agency~~ shall, to the greatest extent possible,
314 provide technical assistance to local governments in the
315 preparation of the land development regulations and local
316 comprehensive plan for areas of critical state concern.

317 (8) If any local government fails to submit land
318 development regulations or a local comprehensive plan, or if the
319 regulations or plan or plan amendment submitted do not comply

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320 with the principles for guiding development set out in the rule
321 designating the area of critical state concern, within 120 days
322 after the adoption of the rule designating an area of critical
323 state concern, or within 120 days after the issuance of a
324 recommended order on the compliance of the plan or plan
325 amendment pursuant to s. 163.3184, or within 120 days after the
326 effective date of an order rejecting a proposed land development
327 regulation, the state land planning agency shall submit to the
328 commission recommended land development regulations and a local
329 comprehensive plan or portions thereof applicable to that local
330 government's portion of the area of critical state concern.
331 Within 45 days following receipt of the recommendation from the
332 agency, the commission shall either reject the recommendation as
333 tendered or adopt the recommendation with or without
334 modification, and by rule establish land development regulations
335 and a local comprehensive plan applicable to that local
336 government's portion of the area of critical state concern.
337 However, such rule is ~~shall~~ not ~~become~~ effective before ~~prior to~~
338 legislative review of an area of critical state concern pursuant
339 to paragraph (1)(c). In the rule, the commission shall specify
340 the extent to which its land development regulations, plans, or
341 plan amendments will supersede, or will be supplementary to,
342 local land development regulations and plans. Notice of any
343 proposed rule issued under this section shall be given to all
344 local governments and regional ~~planning~~ agencies in the area of
345 critical state concern, in addition to any other notice required
346 under chapter 120. The land development regulations and local
347 comprehensive plan adopted by the commission under this section
348 may include any type of regulation and plan that could have been

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349 adopted by the local government. Any land development
350 regulations or local comprehensive plan or plan amendments
351 adopted by the commission under this section shall be
352 administered by the local government as part of, or in the
353 absence of, the local land development regulations and local
354 comprehensive plan.

355 (12) Upon the request of a substantially interested person
356 pursuant to s. 120.54(7), a local government or regional
357 ~~planning~~ agency within the designated area, or the state land
358 planning agency, the commission may by rule remove, contract, or
359 expand any designated boundary. Boundary expansions are subject
360 to legislative review pursuant to paragraph (1)(c). A ~~No~~
361 boundary may not be modified without a specific finding by the
362 commission that such changes are consistent with necessary
363 resource protection. The total boundaries of an entire area of
364 critical state concern may ~~shall~~ not be removed by the
365 commission unless a minimum time of 1 year has elapsed from the
366 adoption of regulations and a local comprehensive plan pursuant
367 to subsection (1), subsection (6), subsection (8), or subsection
368 (10). Before totally removing such boundaries, the commission
369 shall make findings that the regulations and plans adopted
370 pursuant to subsection (1), subsection (6), subsection (8), or
371 subsection (10) are being effectively implemented by local
372 governments within the area of critical state concern to protect
373 the area and that adopted local government comprehensive plans
374 within the area have been conformed to principles for guiding
375 development for the area.

376 Section 10. Subsection (3), paragraph (b) of subsection
377 (6), subsection (7), paragraphs (a) and (d) of subsection (9),

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378 subsections (10) through (12), subsection (14), subsection (18),
379 paragraphs (a), (e), (f), (g), and (h) of subsection (19),
380 paragraph (b) of subsection (21), paragraphs (a), (b), and (d)
381 of subsection (23), paragraph (f) of subsection (24), paragraphs
382 (b), (e), (h), and (j) of subsection (25), and subsection (27)
383 of section 380.06, Florida Statutes, are amended to read:

384 380.06 Developments of regional impact.—

385 (3) VARIATION OF THRESHOLDS IN STATEWIDE GUIDELINES AND
386 STANDARDS.—The state land planning agency, ~~a regional planning~~
387 ~~agency,~~ or a local government may petition the Administration
388 Commission to increase or decrease the numerical thresholds of
389 any statewide guideline and standard. The state land planning
390 agency ~~or the regional planning agency~~ may petition for an
391 increase or decrease for a particular local government's
392 jurisdiction or a part of a particular jurisdiction. A local
393 government may petition for an increase or decrease within its
394 jurisdiction or a part of its jurisdiction. A number of requests
395 may be combined in a single petition.

396 (a) When a petition is filed, the state land planning
397 agency shall have no more than 180 days to prepare and submit to
398 the Administration Commission a report and recommendations on
399 the proposed variation. The report shall evaluate, and the
400 Administration Commission shall consider, the following
401 criteria:

402 1. Whether the local government has adopted and effectively
403 implemented a comprehensive plan that reflects and implements
404 the goals and objectives of an adopted state comprehensive plan.

405 ~~2. Any applicable policies in an adopted strategic regional~~
406 ~~policy plan.~~

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407 2.3. Whether the local government has adopted and
408 effectively implemented both a comprehensive set of land
409 development regulations, which regulations shall include a
410 planned unit development ordinance, and a capital improvements
411 plan that are consistent with the local government comprehensive
412 plan.

413 3.4. Whether the local government has adopted and
414 effectively implemented the authority and the fiscal mechanisms
415 for requiring developers to meet development order conditions.

416 4.5. Whether the local government has adopted and
417 effectively implemented and enforced satisfactory development
418 review procedures.

419 (b) ~~The affected regional planning agency, adjoining local~~
420 ~~governments, and~~ The local government shall be given a
421 reasonable opportunity to submit recommendations to the
422 Administration Commission regarding any such proposed
423 variations.

424 (c) The Administration Commission shall have authority to
425 increase or decrease a threshold in the statewide guidelines and
426 standards up to 50 percent above or below the statewide
427 presumptive threshold. The commission may from time to time
428 reconsider changed thresholds and make additional variations as
429 it deems necessary.

430 (d) The Administration Commission shall adopt rules setting
431 forth the procedures for submission and review of petitions
432 filed pursuant to this subsection.

433 (e) Variations to guidelines and standards adopted by the
434 Administration Commission under this subsection shall be
435 transmitted on or before March 1 to the President of the Senate

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436 and the Speaker of the House of Representatives for presentation
437 at the next regular session of the Legislature. Unless approved
438 as submitted by general law, the revisions shall not become
439 effective.

440 (6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT
441 PLAN AMENDMENTS.—

442 (b) Any local government comprehensive plan amendments
443 related to a proposed development of regional impact, including
444 any changes proposed under subsection (19), may be initiated by
445 a local planning agency or the developer and must be considered
446 by the local governing body at the same time as the application
447 for development approval using the procedures provided for local
448 plan amendment in s. 163.3184 and applicable local ordinances,
449 without regard to local limits on the frequency of consideration
450 of amendments to the local comprehensive plan. This paragraph
451 does not require favorable consideration of a plan amendment
452 solely because it is related to a development of regional
453 impact. The procedure for processing such comprehensive plan
454 amendments is as follows:

455 1. If a developer seeks a comprehensive plan amendment
456 related to a development of regional impact, the developer must
457 so notify in writing ~~the regional planning agency,~~ the
458 applicable local government, and the state land planning agency
459 no later than the date of preapplication conference or the
460 submission of the proposed change under subsection (19).

461 2. When filing the application for development approval or
462 the proposed change, the developer must include a written
463 request for comprehensive plan amendments that would be
464 necessitated by the development-of-regional-impact approvals

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465 sought. That request must include data and analysis upon which
466 the applicable local government can determine whether to
467 transmit the comprehensive plan amendment pursuant to s.
468 163.3184.

469 3. The local government must advertise a public hearing on
470 the transmittal within 30 days after filing the application for
471 development approval or the proposed change and must make a
472 determination on the transmittal within 60 days after the
473 initial filing unless that time is extended by the developer.

474 4. If the local government approves the transmittal,
475 procedures set forth in s. 163.3184 must be followed.

476 5. Notwithstanding subsection (11) or subsection (19), the
477 local government may not hold a public hearing on the
478 application for development approval or the proposed change or
479 on the comprehensive plan amendments sooner than 30 days after
480 reviewing agency comments are due to the local government
481 pursuant to s. 163.3184.

482 6. The local government must hear both the application for
483 development approval or the proposed change and the
484 comprehensive plan amendments at the same hearing. However, the
485 local government must take action separately on the application
486 for development approval or the proposed change and on the
487 comprehensive plan amendments.

488 7. Thereafter, the appeal process for the local government
489 development order must follow the provisions of s. 380.07, and
490 the compliance process for the comprehensive plan amendments
491 must follow the provisions of s. 163.3184.

492 (7) PREAPPLICATION PROCEDURES.—

493 (a) Before filing an application for development approval,

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494 the developer shall contact the state land ~~regional~~ planning
495 agency ~~having jurisdiction over the proposed development~~ to
496 arrange a preapplication conference. Upon the request of the
497 developer ~~or the regional planning agency~~, other affected state
498 and regional agencies shall participate in this conference and
499 shall identify the types of permits issued by the agencies, the
500 level of information required, and the permit issuance
501 procedures as applied to the proposed development. The levels of
502 service required in the transportation methodology shall be the
503 same levels of service used to evaluate concurrency in
504 accordance with s. 163.3180. The state land ~~regional~~ planning
505 agency shall provide the developer information about the
506 development-of-regional-impact process and the use of
507 preapplication conferences to identify issues, coordinate
508 appropriate state and local agency requirements, and otherwise
509 promote a proper and efficient review of the proposed
510 development. If an agreement is reached regarding assumptions
511 and methodology to be used in the application for development
512 approval, the reviewing agencies may not subsequently object to
513 those assumptions and methodologies unless subsequent changes to
514 the project or information obtained during the review make those
515 assumptions and methodologies inappropriate. The reviewing
516 agencies may make only recommendations or comments regarding a
517 proposed development which are consistent with the statutes,
518 rules, or adopted local government ordinances that are
519 applicable to developments in the jurisdiction where the
520 proposed development is located.

521 (b) The state land ~~regional~~ planning agency shall establish
522 by rule a procedure by which a developer may enter into binding

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523 written agreements with the state land ~~regional~~ planning agency
524 to eliminate questions from the application for development
525 approval when those questions are found to be unnecessary for
526 development-of-regional-impact review. It is the legislative
527 intent of this subsection to encourage reduction of paperwork,
528 to discourage unnecessary gathering of data, and to encourage
529 the coordination of the development-of-regional-impact review
530 process with federal, state, and local environmental reviews
531 when such reviews are required by law.

532 (c) If the application for development approval is not
533 submitted within 1 year after the date of the preapplication
534 conference, ~~the regional planning agency,~~ the local government
535 having jurisdiction, or the applicant may request that another
536 preapplication conference be held.

537 (9) CONCEPTUAL AGENCY REVIEW.—

538 (a)1. In order to facilitate the planning and preparation
539 of permit applications for projects that undergo development-of-
540 regional-impact review, and in order to coordinate the
541 information required to issue such permits, a developer may
542 elect to request conceptual agency review under this subsection
543 either concurrently with development-of-regional-impact review
544 and comprehensive plan amendments, if applicable, or subsequent
545 to a preapplication conference held pursuant to subsection (7).

546 2. "Conceptual agency review" means general review of the
547 proposed location, densities, intensity of use, character, and
548 major design features of a proposed development required to
549 undergo review under this section for the purpose of considering
550 whether these aspects of the proposed development comply with
551 the issuing agency's statutes and rules.

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552 3. Conceptual agency review is a licensing action subject
553 to chapter 120, and approval or denial constitutes final agency
554 action, except that the 90-day time period specified in s.
555 120.60(1) shall be tolled for the agency when the state land
556 ~~affected regional~~ planning agency requests information from the
557 developer pursuant to paragraph (10) (b). If proposed agency
558 action on the conceptual approval is the subject of a proceeding
559 under ss. 120.569 and 120.57, final agency action shall be
560 conclusive as to any issues actually raised and adjudicated in
561 the proceeding, and such issues may not be raised in any
562 subsequent proceeding under ss. 120.569 and 120.57 on the
563 proposed development by any parties to the prior proceeding.

564 4. A conceptual agency review approval shall be valid for
565 up to 10 years, unless otherwise provided in a state or regional
566 agency rule, and may be reviewed and reissued for additional
567 periods of time under procedures established by the agency.

568 (d) At the conclusion of the conceptual agency review, the
569 agency shall give notice of its proposed agency action as
570 required by s. 120.60(3) ~~and shall forward a copy of the notice~~
571 ~~to the appropriate regional planning council with a report~~
572 ~~setting out the agency's conclusions on potential development~~
573 ~~impacts and stating whether the agency intends to grant~~
574 ~~conceptual approval, with or without conditions, or to deny~~
575 ~~conceptual approval. If the agency intends to deny conceptual~~
576 ~~approval, the report shall state the reasons therefor. The~~
577 ~~agency may require the developer to publish notice of proposed~~
578 ~~agency action in accordance with s. 403.815.~~

579 (10) APPLICATION; SUFFICIENCY.—

580 (a) When an application for development approval is filed

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581 with a local government, the developer shall also send copies of
582 the application to the ~~appropriate regional planning agency and~~
583 ~~the~~ state land planning agency.

584 (b) If the state land ~~a regional~~ planning agency determines
585 that the application for development approval is insufficient
586 for the agency to discharge its responsibilities under
587 subsection (12), it shall provide in writing to the appropriate
588 local government and the applicant a statement of any additional
589 information desired within 30 days of the receipt of the
590 application by the state land ~~regional~~ planning agency. The
591 applicant may supply the information requested by the state land
592 ~~regional~~ planning agency and shall communicate its intention to
593 do so in writing to the appropriate local government and the
594 state land ~~regional~~ planning agency within 5 working days of the
595 receipt of the statement requesting such information, or the
596 applicant shall notify the appropriate local government ~~and the~~
597 ~~regional planning agency~~ in writing that the requested
598 information will not be supplied. Within 30 days after receipt
599 of such additional information, the state land ~~regional~~ planning
600 agency shall review it and may request only that information
601 needed to clarify the additional information or to answer new
602 questions raised by, or directly related to, the additional
603 information. The regional planning agency may request additional
604 information no more than twice, unless the developer waives this
605 limitation. If an applicant does not provide the information
606 requested by the state land ~~a regional~~ planning agency within
607 120 days of its request, or within a time agreed upon by the
608 applicant and the state land ~~regional~~ planning agency, the
609 application shall be considered withdrawn.

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610 (c) The state land ~~regional~~ planning agency shall notify
611 the local government that a public hearing date may be set when
612 the state land ~~regional~~ planning agency determines that the
613 application is sufficient or when it receives notification from
614 the developer that the additional requested information will not
615 be supplied, as provided for in paragraph (b).

616 (11) LOCAL NOTICE.—Upon receipt of the sufficiency
617 notification from the state land ~~regional~~ planning agency
618 required by paragraph (10)(c), the appropriate local government
619 shall give notice and hold a public hearing on the application
620 in the same manner as for a rezoning as provided under the
621 appropriate special or local law or ordinance, except that such
622 hearing proceedings shall be recorded by tape or a certified
623 court reporter and made available for transcription at the
624 expense of any interested party. When a development of regional
625 impact is proposed within the jurisdiction of more than one
626 local government, the local governments, at the request of the
627 developer, may hold a joint public hearing. The local government
628 shall comply with the following additional requirements:

629 (a) The notice of public hearing shall state that the
630 proposed development is undergoing a development-of-regional-
631 impact review.

632 (b) The notice shall be published at least 60 days in
633 advance of the hearing and shall specify where the information
634 and reports on the development-of-regional-impact application
635 may be reviewed.

636 (c) The notice shall be given to the state land planning
637 agency, ~~to the applicable regional planning agency,~~ to any state
638 or regional permitting agency participating in a conceptual

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639 agency review process under subsection (9), and to such other
640 persons as may have been designated by the state land planning
641 agency as entitled to receive such notices.

642 (d) A public hearing date shall be set by the appropriate
643 local government at the next scheduled meeting. The public
644 hearing shall be held no later than 90 days after issuance of
645 notice by the state land ~~regional~~ planning agency that a public
646 hearing may be set, unless an extension is requested by the
647 applicant.

648 (12) REGIONAL REPORTS.—

649 (a) Within 50 days after receipt of the notice of public
650 hearing required in paragraph (11)(c), the state land ~~regional~~
651 planning agency, ~~if one has been designated for the area~~
652 ~~including the local government~~, shall prepare and submit to the
653 local government a report and recommendations on the regional
654 impact of the proposed development. In preparing its report and
655 recommendations, the state land ~~regional~~ planning agency shall
656 identify regional issues based upon the following review
657 criteria and make recommendations to the local government on
658 these regional issues, specifically considering whether, and the
659 extent to which:

660 1. The development will have a favorable or unfavorable
661 impact on state or regional resources or facilities identified
662 in the applicable state plan ~~or regional plans~~. As used in this
663 subsection, the term "applicable state plan" means the state
664 comprehensive plan. ~~As used in this subsection, the term~~
665 ~~"applicable regional plan" means an adopted strategic regional~~
666 ~~policy plan.~~

667 2. The development will significantly impact adjacent

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668 jurisdictions. At the request of the appropriate local
669 government, the state land planning agency ~~regional planning~~
670 ~~agencies~~ may also review and comment upon issues that affect
671 only the requesting local government.

672 3. As one of the issues considered in the review in
673 subparagraphs 1. and 2., the development will favorably or
674 adversely affect the ability of people to find adequate housing
675 reasonably accessible to their places of employment if the state
676 land ~~regional~~ planning agency has adopted an affordable housing
677 policy as part of its applicable state ~~strategic regional policy~~
678 plan. The determination should take into account information on
679 factors that are relevant to the availability of reasonably
680 accessible adequate housing. Adequate housing means housing that
681 is available for occupancy and that is not substandard.

682 (b) The state land ~~regional~~ planning agency report must
683 contain recommendations that are consistent with the standards
684 required by the applicable state permitting agencies or the
685 water management district.

686 (c) At the request of the state land ~~regional~~ planning
687 agency, other appropriate agencies shall review the proposed
688 development and shall prepare reports and recommendations on
689 issues that are clearly within the jurisdiction of those
690 agencies. Such agency reports shall become part of the regional
691 ~~planning agency~~ report; however, the state land ~~regional~~
692 planning agency may attach dissenting views. When water
693 management district and Department of Environmental Protection
694 permits have been issued pursuant to chapter 373 or chapter 403,
695 the state land ~~regional~~ planning agency ~~council~~ may comment on
696 the regional implications of the permits but may not offer

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697 conflicting recommendations.

698 (d) The state land ~~regional~~ planning agency shall afford
699 the developer or any substantially affected party reasonable
700 opportunity to present evidence to the state land ~~regional~~
701 planning agency head or designee relating to the proposed
702 regional ~~agency~~ report and recommendations.

703 ~~(c) If the location of a proposed development involves land~~
704 ~~within the boundaries of multiple regional planning councils,~~
705 ~~the state land planning agency shall designate a lead regional~~
706 ~~planning council. The lead regional planning council shall~~
707 ~~prepare the regional report.~~

708 (14) CRITERIA OUTSIDE AREAS OF CRITICAL STATE CONCERN.—If
709 the development is not located in an area of critical state
710 concern, in considering whether the development shall be
711 approved, denied, or approved subject to conditions,
712 restrictions, or limitations, the local government shall
713 consider whether, and the extent to which:

714 (a) The development is consistent with the local
715 comprehensive plan and local land development regulations;

716 (b) The development is consistent with the report and
717 recommendations of the state land ~~regional~~ planning agency
718 submitted pursuant to subsection (12); and

719 (c) The development is consistent with the State
720 Comprehensive Plan. In consistency determinations the plan shall
721 be construed and applied in accordance with s. 187.101(3).

722 (18) BIENNIAL REPORTS.—The developer shall submit a
723 biennial report on the development of regional impact to the
724 local government, ~~the regional planning agency,~~ the state land
725 planning agency, and all affected permit agencies in alternate

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726 years on the date specified in the development order, unless the
727 development order by its terms requires more frequent
728 monitoring. If the report is not received, ~~the regional planning~~
729 ~~agency or~~ the state land planning agency shall notify the local
730 government. If the local government does not receive the report
731 or receives notification that the ~~regional planning agency or~~
732 the state land planning agency has not received the report, the
733 local government shall request in writing that the developer
734 submit the report within 30 days. The failure to submit the
735 report after 30 days shall result in the temporary suspension of
736 the development order by the local government. If no additional
737 development pursuant to the development order has occurred since
738 the submission of the previous report, then a letter from the
739 developer stating that no development has occurred shall satisfy
740 the requirement for a report. Development orders that require
741 annual reports may be amended to require biennial reports at the
742 option of the local government.

743 (19) SUBSTANTIAL DEVIATIONS.—

744 (a) Any proposed change to a previously approved
745 development which creates a reasonable likelihood of additional
746 regional impact, or any type of regional impact created by the
747 change not previously reviewed by the state land ~~regional~~
748 planning agency, shall constitute a substantial deviation and
749 shall cause the proposed change to be subject to further
750 development-of-regional-impact review. There are a variety of
751 reasons why a developer may wish to propose changes to an
752 approved development of regional impact, including changed
753 market conditions. The procedures set forth in this subsection
754 are for that purpose.

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755 (e)1. Except for a development order rendered pursuant to
756 subsection (22) or subsection (25), a proposed change to a
757 development order which individually or cumulatively with any
758 previous change is less than any numerical criterion contained
759 in subparagraphs (b)1.-10. and does not exceed any other
760 criterion, or which involves an extension of the buildout date
761 of a development, or any phase thereof, of less than 5 years is
762 not subject to the public hearing requirements of subparagraph
763 (f)3., and is not subject to a determination pursuant to
764 subparagraph (f)5. Notice of the proposed change shall be made
765 to the ~~regional planning council~~ and the state land planning
766 agency. Such notice must include a description of previous
767 individual changes made to the development, including changes
768 previously approved by the local government, and must include
769 appropriate amendments to the development order.

770 2. The following changes, individually or cumulatively with
771 any previous changes, are not substantial deviations:

772 a. Changes in the name of the project, developer, owner, or
773 monitoring official.

774 b. Changes to a setback which do not affect noise buffers,
775 environmental protection or mitigation areas, or archaeological
776 or historical resources.

777 c. Changes to minimum lot sizes.

778 d. Changes in the configuration of internal roads which do
779 not affect external access points.

780 e. Changes to the building design or orientation which stay
781 approximately within the approved area designated for such
782 building and parking lot, and which do not affect historical
783 buildings designated as significant by the Division of

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784 Historical Resources of the Department of State.

785 f. Changes to increase the acreage in the development, if
786 no development is proposed on the acreage to be added.

787 g. Changes to eliminate an approved land use, if there are
788 no additional regional impacts.

789 h. Changes required to conform to permits approved by any
790 federal, state, or regional permitting agency, if these changes
791 do not create additional regional impacts.

792 i. Any renovation or redevelopment of development within a
793 previously approved development of regional impact which does
794 not change land use or increase density or intensity of use.

795 j. Changes that modify boundaries and configuration of
796 areas described in subparagraph (b)11. due to science-based
797 refinement of such areas by survey, by habitat evaluation, by
798 other recognized assessment methodology, or by an environmental
799 assessment. In order for changes to qualify under this sub-
800 subparagraph, the survey, habitat evaluation, or assessment must
801 occur before the time that a conservation easement protecting
802 such lands is recorded and must not result in any net decrease
803 in the total acreage of the lands specifically set aside for
804 permanent preservation in the final development order.

805 k. Changes that do not increase the number of external peak
806 hour trips and do not reduce open space and conserved areas
807 within the project except as otherwise permitted by sub-
808 subparagraph j.

809 l. Any other change that the state land planning agency, ~~in~~
810 ~~consultation with the regional planning council,~~ agrees in
811 writing is similar in nature, impact, or character to the
812 changes enumerated in sub-subparagraphs a.-k. and that does not

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813 create the likelihood of any additional regional impact.

814

815 This subsection does not require the filing of a notice of
816 proposed change but requires an application to the local
817 government to amend the development order in accordance with the
818 local government's procedures for amendment of a development
819 order. In accordance with the local government's procedures,
820 including requirements for notice to the applicant and the
821 public, the local government shall ~~either~~ deny the application
822 for amendment or adopt an amendment to the development order
823 which approves the application with or without conditions.
824 Following adoption, the local government shall render to the
825 state land planning agency the amendment to the development
826 order. The state land planning agency may appeal, pursuant to s.
827 380.07(3), the amendment to the development order if the
828 amendment involves sub-subparagraph g., sub-subparagraph h.,
829 sub-subparagraph j., sub-subparagraph k., or sub-subparagraph l.
830 and if the agency believes that the change creates a reasonable
831 likelihood of new or additional regional impacts.

832 3. Except for the change authorized by sub-subparagraph
833 2.f., any addition of land not previously reviewed or any change
834 not specified in paragraph (b) or paragraph (c) shall be
835 presumed to create a substantial deviation. This presumption may
836 be rebutted by clear and convincing evidence.

837 4. Any submittal of a proposed change to a previously
838 approved development must include a description of individual
839 changes previously made to the development, including changes
840 previously approved by the local government. The local
841 government shall consider the previous and current proposed

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842 changes in deciding whether such changes cumulatively constitute
843 a substantial deviation requiring further development-of-
844 regional-impact review.

845 5. The following changes to an approved development of
846 regional impact shall be presumed to create a substantial
847 deviation. Such presumption may be rebutted by clear and
848 convincing evidence.

849 a. A change proposed for 15 percent or more of the acreage
850 to a land use not previously approved in the development order.
851 Changes of less than 15 percent are ~~shall be~~ presumed not to
852 create a substantial deviation.

853 b. Notwithstanding any provision of paragraph (b) to the
854 contrary, a proposed change consisting of simultaneous increases
855 and decreases of at least two of the uses within an authorized
856 multiuse development of regional impact which was originally
857 approved with three or more uses specified in s. 380.0651(3)(c)
858 and (d) and residential use.

859 6. If a local government agrees to a proposed change, a
860 change in the transportation proportionate share calculation and
861 mitigation plan in an adopted development order as a result of
862 recalculation of the proportionate share contribution meeting
863 the requirements of s. 163.3180(5)(h) in effect as of the date
864 of such change are ~~shall be~~ presumed not to create a substantial
865 deviation. For purposes of this subsection, the proposed change
866 in the proportionate share calculation or mitigation plan may
867 not be considered an additional regional transportation impact.

868 (f)1. The state land planning agency shall establish by
869 rule standard forms for submittal of proposed changes to a
870 previously approved development of regional impact which may

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871 require further development-of-regional-impact review. At a
872 minimum, the standard form shall require the developer to
873 provide the precise language that the developer proposes to
874 delete or add as an amendment to the development order.

875 2. The developer shall submit, simultaneously, to the local
876 government, ~~the regional planning agency,~~ and the state land
877 planning agency the request for approval of a proposed change.

878 3. No sooner than 30 days but no later than 45 days after
879 submittal by the developer to the local government, the state
880 land planning agency, ~~and the appropriate regional planning~~
881 ~~agency,~~ the local government shall give 15 days' notice and
882 schedule a public hearing to consider the change that the
883 developer asserts does not create a substantial deviation. This
884 public hearing shall be held within 60 days after submittal of
885 the proposed changes, unless that time is extended by the
886 developer.

887 4. The ~~appropriate regional planning agency or the state~~
888 land planning agency shall review the proposed change and, no
889 later than 45 days after submittal by the developer of the
890 proposed change, unless that time is extended by the developer,
891 and prior to the public hearing at which the proposed change is
892 to be considered, shall advise the local government in writing
893 whether it objects to the proposed change, shall specify the
894 reasons for its objection, if any, and shall provide a copy to
895 the developer.

896 5. At the public hearing, the local government shall
897 determine whether the proposed change requires further
898 development-of-regional-impact review. The provisions of
899 paragraphs (a) and (e), the thresholds set forth in paragraph

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900 (b), and the presumptions set forth in paragraphs (c) and (d)
901 and subparagraph (e)3. shall be applicable in determining
902 whether further development-of-regional-impact review is
903 required. The local government may also deny the proposed change
904 based on matters relating to local issues, such as if the land
905 on which the change is sought is plat restricted in a way that
906 would be incompatible with the proposed change, and the local
907 government does not wish to change the plat restriction as part
908 of the proposed change.

909 6. If the local government determines that the proposed
910 change does not require further development-of-regional-impact
911 review and is otherwise approved, or if the proposed change is
912 not subject to a hearing and determination pursuant to
913 subparagraphs 3. and 5. and is otherwise approved, the local
914 government shall issue an amendment to the development order
915 incorporating the approved change and conditions of approval
916 relating to the change. The requirement that a change be
917 otherwise approved shall not be construed to require additional
918 local review or approval if the change is allowed by applicable
919 local ordinances without further local review or approval. The
920 decision of the local government to approve, with or without
921 conditions, or to deny the proposed change that the developer
922 asserts does not require further review shall be subject to the
923 appeal provisions of s. 380.07. However, the state land planning
924 agency may not appeal the local government decision if it did
925 not comply with subparagraph 4. The state land planning agency
926 may not appeal a change to a development order made pursuant to
927 subparagraph (e)1. or subparagraph (e)2. for developments of
928 regional impact approved after January 1, 1980, unless the

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929 change would result in a significant impact to a regionally
930 significant archaeological, historical, or natural resource not
931 previously identified in the original development-of-regional-
932 impact review.

933 (g) If a proposed change requires further development-of-
934 regional-impact review pursuant to this section, the review
935 shall be conducted subject to the following additional
936 conditions:

937 1. The development-of-regional-impact review conducted by
938 the appropriate regional planning agency shall address only
939 those issues raised by the proposed change except as provided in
940 subparagraph 2.

941 2. The state land ~~regional~~ planning agency shall consider,
942 and the local government shall determine whether to approve,
943 approve with conditions, or deny the proposed change as it
944 relates to the entire development. If the local government
945 determines that the proposed change, as it relates to the entire
946 development, is unacceptable, the local government shall deny
947 the change.

948 3. If the local government determines that the proposed
949 change should be approved, any new conditions in the amendment
950 to the development order issued by the local government shall
951 address only those issues raised by the proposed change and
952 require mitigation only for the individual and cumulative
953 impacts of the proposed change.

954 4. Development within the previously approved development
955 of regional impact may continue, as approved, during the
956 development-of-regional-impact review in those portions of the
957 development which are not directly affected by the proposed

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958 change.

959 (h) When further development-of-regional-impact review is
960 required because a substantial deviation has been determined or
961 admitted by the developer, the amendment to the development
962 order issued by the local government shall be consistent with
963 the requirements of subsection (15) and shall be subject to the
964 hearing and appeal provisions of s. 380.07. The state land
965 planning agency ~~or the appropriate regional planning agency~~ need
966 not participate at the local hearing in order to appeal a local
967 government development order issued pursuant to this paragraph.

968 (21) COMPREHENSIVE APPLICATION; MASTER PLAN DEVELOPMENT
969 ORDER.—

970 (b) If a proposed development is planned for development
971 over an extended period of time, the developer may file an
972 application for master development approval of the project and
973 agree to present subsequent increments of the development for
974 preconstruction review. This agreement shall be entered into by
975 the developer, the state land ~~regional~~ planning agency, and the
976 appropriate local government having jurisdiction. The provisions
977 of subsection (9) do not apply to this subsection, except that a
978 developer may elect to utilize the review process established in
979 subsection (9) for review of the increments of a master plan.

980 1. Prior to adoption of the master plan development order,
981 the developer, the landowner, the state land ~~appropriate~~
982 ~~regional~~ planning agency, and the local government having
983 jurisdiction shall review the draft of the development order to
984 ensure that anticipated regional impacts have been adequately
985 addressed and that information requirements for subsequent
986 incremental application review are clearly defined. The

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987 development order for a master application shall specify the
988 information which must be submitted with an incremental
989 application and shall identify those issues which can result in
990 the denial of an incremental application.

991 2. The review of subsequent incremental applications shall
992 be limited to that information specifically required and those
993 issues specifically raised by the master development order,
994 unless substantial changes in the conditions underlying the
995 approval of the master plan development order are demonstrated
996 or the master development order is shown to have been based on
997 substantially inaccurate information.

998 (23) ADOPTION OF RULES BY STATE LAND PLANNING AGENCY.—

999 (a) The state land planning agency shall adopt rules to
1000 ensure uniform review of developments of regional impact by the
1001 state land planning agency ~~and regional planning agencies~~ under
1002 this section. These rules shall be adopted pursuant to chapter
1003 120 and shall include all forms, application content, and review
1004 guidelines necessary to implement development-of-regional-impact
1005 reviews. The state land planning agency, ~~in consultation with~~
1006 ~~the regional planning agencies,~~ may also designate types of
1007 development or areas suitable for development in which reduced
1008 information requirements for development-of-regional-impact
1009 review shall apply.

1010 (b) ~~Regional planning agencies shall be subject to rules~~
1011 ~~adopted by the state land planning agency. At the request of a~~
1012 ~~regional planning council,~~ The state land planning agency may
1013 adopt by rule different standards for a specific comprehensive
1014 planning district upon a finding that the statewide standard is
1015 inadequate to protect or promote the regional interest at issue.

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1016 If such a regional standard is adopted by the state land
1017 planning agency, the regional standard shall be applied to all
1018 pertinent development-of-regional-impact reviews conducted in
1019 that region until rescinded.

1020 (d) The state land planning agency ~~Regional planning~~
1021 ~~agencies~~ that performs ~~perform~~ development-of-regional-impact
1022 and Florida Quality Development review is ~~are~~ authorized to
1023 assess and collect fees to fund the costs, direct and indirect,
1024 of conducting the review process. The state land planning agency
1025 shall adopt rules to provide uniform criteria for the assessment
1026 and collection of such fees. The rules providing uniform
1027 criteria are ~~shall~~ not be subject to rule challenge under s.
1028 120.56(2) or to drawout proceedings under s. 120.54(3)(c)2.,
1029 but, once adopted, are ~~shall be~~ subject to an invalidity
1030 challenge under s. 120.56(3) by substantially affected persons.
1031 ~~Until the state land planning agency adopts a rule implementing~~
1032 ~~this paragraph, rules of the regional planning councils~~
1033 ~~currently in effect regarding fees shall remain in effect.~~ Fees
1034 may vary in relation to the type and size of a proposed project,
1035 but may ~~shall~~ not exceed \$75,000, unless the state land planning
1036 agency, ~~after reviewing any disputed expenses charged by the~~
1037 ~~regional planning agency,~~ determines that said expenses were
1038 reasonable and necessary for an adequate regional review of the
1039 impacts of a project.

1040 (24) STATUTORY EXEMPTIONS.—

1041 (f) Any increase in the seating capacity of an existing
1042 sports facility having a permanent seating capacity of at least
1043 50,000 spectators is exempt from this section, provided that
1044 such an increase does not increase permanent seating capacity by

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1045 more than 5 percent per year and not to exceed a total of 10
1046 percent in any 5-year period, and provided that the sports
1047 facility notifies the appropriate local government within which
1048 the facility is located of the increase at least 6 months before
1049 the initial use of the increased seating, in order to permit the
1050 appropriate local government to develop a traffic management
1051 plan for the traffic generated by the increase. Any traffic
1052 management plan shall be consistent with the local comprehensive
1053 plan, ~~the regional policy plan,~~ and the state comprehensive
1054 plan.

1055
1056 If a use is exempt from review as a development of regional
1057 impact under paragraphs (a)-(u), but will be part of a larger
1058 project that is subject to review as a development of regional
1059 impact, the impact of the exempt use must be included in the
1060 review of the larger project, unless such exempt use involves a
1061 development of regional impact that includes a landowner,
1062 tenant, or user that has entered into a funding agreement with
1063 the Department of Economic Opportunity under the Innovation
1064 Incentive Program and the agreement contemplates a state award
1065 of at least \$50 million.

1066 (25) AREAWIDE DEVELOPMENT OF REGIONAL IMPACT.—

1067 (b) A developer may petition for authorization to submit a
1068 proposed areawide development of regional impact for a defined
1069 planning area in accordance with the following requirements:

1070 1. A petition shall be submitted to the local government, ~~the regional planning agency,~~
1071 ~~the regional planning agency,~~ and the state land planning
1072 agency.

1073 2. A public hearing or joint public hearing shall be held

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1074 if required by paragraph (e), with appropriate notice, before
1075 the affected local government.

1076 3. The state land planning agency shall apply the following
1077 criteria for evaluating a petition:

1078 a. Whether the developer is financially capable of
1079 processing the application for development approval through
1080 final approval pursuant to this section.

1081 b. Whether the defined planning area and anticipated
1082 development therein appear to be of a character, magnitude, and
1083 location that a proposed areawide development plan would be in
1084 the public interest. Any public interest determination under
1085 this criterion is preliminary and not binding on the state land
1086 planning agency, ~~regional planning agency,~~ or local government.

1087 4. The state land planning agency shall develop and make
1088 available standard forms for petitions and applications for
1089 development approval for use under this subsection.

1090 (e) The local government shall schedule a public hearing
1091 within 60 days after receipt of the petition. The public hearing
1092 shall be advertised at least 30 days prior to the hearing. In
1093 addition to the public hearing notice by the local government,
1094 the petitioner, except when the petitioner is a local
1095 government, shall provide actual notice to each person owning
1096 land within the proposed areawide development plan at least 30
1097 days prior to the hearing. If the petitioner is a local
1098 government, or local governments pursuant to an interlocal
1099 agreement, notice of the public hearing shall be provided by the
1100 publication of an advertisement in a newspaper of general
1101 circulation that meets the requirements of this paragraph. The
1102 advertisement must be no less than one-quarter page in a

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1103 standard size or tabloid size newspaper, and the headline in the
1104 advertisement must be in type no smaller than 18 point. The
1105 advertisement shall not be published in that portion of the
1106 newspaper where legal notices and classified advertisements
1107 appear. The advertisement must be published in a newspaper of
1108 general paid circulation in the county and of general interest
1109 and readership in the community, not one of limited subject
1110 matter, pursuant to chapter 50. Whenever possible, the
1111 advertisement must appear in a newspaper that is published at
1112 least 5 days a week, unless the only newspaper in the community
1113 is published less than 5 days a week. The advertisement must be
1114 in substantially the form used to advertise amendments to
1115 comprehensive plans pursuant to s. 163.3184. The local
1116 government shall specifically notify in writing the ~~regional~~
1117 ~~planning agency and the~~ state land planning agency at least 30
1118 days prior to the public hearing. At the public hearing, all
1119 interested parties may testify and submit evidence regarding the
1120 petitioner's qualifications, the need for and benefits of an
1121 areawide development of regional impact, and such other issues
1122 relevant to a full consideration of the petition. If more than
1123 one local government has jurisdiction over the defined planning
1124 area in an areawide development plan, the local governments
1125 shall hold a joint public hearing. Such hearing shall address,
1126 at a minimum, the need to resolve conflicting ordinances or
1127 comprehensive plans, if any. The local government holding the
1128 joint hearing shall comply with the following additional
1129 requirements:

1130 1. The notice of the hearing shall be published at least 60
1131 days in advance of the hearing and shall specify where the

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1132 petition may be reviewed.

1133 2. The notice shall be given to the state land planning
1134 agency, ~~to the applicable regional planning agency,~~ and to such
1135 other persons as may have been designated by the state land
1136 planning agency as entitled to receive such notices.

1137 3. A public hearing date shall be set by the appropriate
1138 local government at the next scheduled meeting.

1139 (h) The petitioner, an owner of property within the defined
1140 planning area, ~~the appropriate regional planning agency by vote~~
1141 ~~at a regularly scheduled meeting,~~ or the state land planning
1142 agency may appeal the decision of the local government to the
1143 Florida Land and Water Adjudicatory Commission by filing a
1144 notice of appeal with the commission. The procedures established
1145 in s. 380.07 shall be followed for such an appeal.

1146 (j) In reviewing an application for a proposed areawide
1147 development of regional impact, the state land ~~regional~~ planning
1148 agency shall evaluate, and the local government shall consider,
1149 the following criteria, in addition to any other criteria set
1150 forth in this section:

1151 1. Whether the developer has demonstrated its legal,
1152 financial, and administrative ability to perform any commitments
1153 it has made in the application for a proposed areawide
1154 development of regional impact.

1155 2. Whether the developer has demonstrated that all property
1156 owners within the defined planning area consent or do not object
1157 to the proposed areawide development of regional impact.

1158 3. Whether the area and the anticipated development are
1159 consistent with the applicable local, regional, and state
1160 comprehensive plans, except as provided for in paragraph (k).

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1161 (27) RIGHTS, RESPONSIBILITIES, AND OBLIGATIONS UNDER A
1162 DEVELOPMENT ORDER.—If a developer or owner is in doubt as to his
1163 or her rights, responsibilities, and obligations under a
1164 development order and the development order does not clearly
1165 define his or her rights, responsibilities, and obligations, the
1166 developer or owner may request participation in resolving the
1167 dispute through a ~~the~~ dispute resolution process ~~outlined in s.~~
1168 ~~186.509~~. The Department of Economic Opportunity shall be
1169 notified by certified mail of any meeting held under the process
1170 provided for by this subsection at least 5 days before the
1171 meeting.

1172 Section 11. Paragraph (a) of subsection (3) and subsection
1173 (5) of section 380.061, Florida Statutes, are amended to read:

1174 380.061 The Florida Quality Developments program.—

1175 (3) (a) To be eligible for designation under this program,
1176 the developer shall comply with each of the following
1177 requirements if applicable to the site of a qualified
1178 development:

1179 1. Donate or enter into a binding commitment to donate the
1180 fee or a lesser interest sufficient to protect, in perpetuity,
1181 the natural attributes of the types of land listed below. In
1182 lieu of this requirement, the developer may enter into a binding
1183 commitment that runs with the land to set aside such areas on
1184 the property, in perpetuity, as open space to be retained in a
1185 natural condition or as otherwise permitted under this
1186 subparagraph. Under the requirements of this subparagraph, the
1187 developer may reserve the right to use such areas for passive
1188 recreation that is consistent with the purposes for which the
1189 land was preserved.

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1190 a. Those wetlands and water bodies throughout the state
1191 which would be delineated if the provisions of s. 373.4145(1)(b)
1192 were applied. The developer may use such areas for the purpose
1193 of site access, provided other routes of access are unavailable
1194 or impracticable; may use such areas for the purpose of
1195 stormwater or domestic sewage management and other necessary
1196 utilities if such uses are permitted pursuant to chapter 403; or
1197 may redesign or alter wetlands and water bodies within the
1198 jurisdiction of the Department of Environmental Protection which
1199 have been artificially created if the redesign or alteration is
1200 done so as to produce a more naturally functioning system.

1201 b. Active beach or primary and, where appropriate,
1202 secondary dunes, to maintain the integrity of the dune system
1203 and adequate public accessways to the beach. However, the
1204 developer may retain the right to construct and maintain
1205 elevated walkways over the dunes to provide access to the beach.

1206 c. Known archaeological sites determined to be of
1207 significance by the Division of Historical Resources of the
1208 Department of State.

1209 d. Areas known to be important to animal species designated
1210 as endangered or threatened by the United States Fish and
1211 Wildlife Service or by the Fish and Wildlife Conservation
1212 Commission, for reproduction, feeding, or nesting; for traveling
1213 between such areas used for reproduction, feeding, or nesting;
1214 or for escape from predation.

1215 e. Areas known to contain plant species designated as
1216 endangered by the Department of Agriculture and Consumer
1217 Services.

1218 2. Produce, or dispose of, no substances designated as

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1219 hazardous or toxic substances by the United States Environmental
1220 Protection Agency, the Department of Environmental Protection,
1221 or the Department of Agriculture and Consumer Services. This
1222 subparagraph does not apply to the production of these
1223 substances in nonsignificant amounts as would occur through
1224 household use or incidental use by businesses.

1225 3. Participate in a downtown reuse or redevelopment program
1226 to improve and rehabilitate a declining downtown area.

1227 4. Incorporate no dredge and fill activities in, and no
1228 stormwater discharge into, waters designated as Class II,
1229 aquatic preserves, or Outstanding Florida Waters, except as
1230 permitted pursuant to s. 403.813(1), and the developer
1231 demonstrates that those activities meet the standards under
1232 Class II waters, Outstanding Florida Waters, or aquatic
1233 preserves, as applicable.

1234 5. Include open space, recreation areas, Florida-friendly
1235 landscaping as defined in s. 373.185, and energy conservation
1236 and minimize impermeable surfaces as appropriate to the location
1237 and type of project.

1238 6. Provide for construction and maintenance of all onsite
1239 infrastructure necessary to support the project and enter into a
1240 binding commitment with the local government to provide an
1241 appropriate fair-share contribution toward the offsite impacts
1242 that the development will impose on publicly funded facilities
1243 and services, except offsite transportation, and condition or
1244 phase the commencement of development to ensure that public
1245 facilities and services, except offsite transportation, are
1246 available concurrent with the impacts of the development. For
1247 the purposes of offsite transportation impacts, the developer

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1248 must ~~shall~~ comply, at a minimum, with the standards of the state
1249 land planning agency's development-of-regional-impact
1250 transportation rule, ~~the approved strategic regional policy~~
1251 ~~plan, any applicable regional planning council transportation~~
1252 ~~rule,~~ and the approved local government comprehensive plan and
1253 land development regulations adopted pursuant to part II of
1254 chapter 163.

1255 7. Design and construct the development in a manner that is
1256 consistent with the adopted state plan, ~~the applicable strategic~~
1257 ~~regional policy plan,~~ and the applicable adopted local
1258 government comprehensive plan.

1259 (5) (a) Before filing an application for development
1260 designation, the developer shall contact the Department of
1261 Economic Opportunity to arrange one or more preapplication
1262 conferences with the other reviewing entities. Upon the request
1263 of the developer or any of the reviewing entities, other
1264 affected state or regional agencies shall participate in this
1265 conference. The department, in coordination with the local
1266 government with jurisdiction and ~~the regional planning council,~~
1267 shall provide the developer information about the Florida
1268 Quality Developments designation process and the use of
1269 preapplication conferences to identify issues, coordinate
1270 appropriate state, regional, and local agency requirements,
1271 fully address any concerns of the local government, ~~the regional~~
1272 ~~planning council,~~ and other reviewing agencies and the meeting
1273 of those concerns, if applicable, through development order
1274 conditions, and otherwise promote a proper, efficient, and
1275 timely review of the proposed Florida Quality Development. The
1276 department shall take the lead in coordinating the review

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1277 process.

1278 (b) The developer shall submit the application to the state
1279 land planning agency, ~~the appropriate regional planning agency,~~
1280 and the appropriate local government for review. The review
1281 shall be conducted under the time limits and procedures set
1282 forth in s. 120.60, except that the 90-day time limit shall
1283 cease to run when the state land planning agency and the local
1284 government have notified the applicant of their decision on
1285 whether the development should be designated under this program.

1286 (c) At any time before ~~prior to~~ the issuance of the Florida
1287 Quality Development development order, the developer of a
1288 proposed Florida Quality Development has ~~shall have~~ the right to
1289 withdraw the proposed project from consideration as a Florida
1290 Quality Development. The developer may elect to convert the
1291 proposed project to a proposed development of regional impact.
1292 The conversion shall be in the form of a letter to the reviewing
1293 entities stating the developer's intent to seek authorization
1294 for the development as a development of regional impact under s.
1295 380.06. If a proposed Florida Quality Development converts to a
1296 development of regional impact, the developer shall resubmit the
1297 appropriate application and the development shall be subject to
1298 all applicable procedures under s. 380.06, except that:

1299 1. A preapplication conference held under paragraph (a)
1300 satisfies the preapplication procedures requirement under s.
1301 380.06(7); and

1302 2. If requested in the withdrawal letter, a finding of
1303 completeness of the application under paragraph (a) and s.
1304 120.60 may be converted to a finding of sufficiency by the state
1305 land ~~regional~~ planning agency council if such a conversion is

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1306 approved by the state land ~~regional~~ planning agency ~~council~~.

1307
1308 The state land ~~regional~~ planning agency ~~council~~ shall have 30
1309 days to notify the developer if the request for conversion of
1310 completeness to sufficiency is granted or denied. If granted and
1311 the application is found sufficient, the state land ~~regional~~
1312 planning agency ~~council~~ shall notify the local government that a
1313 public hearing date may be set to consider the development for
1314 approval as a development of regional impact, and the
1315 development shall be subject to all applicable rules, standards,
1316 and procedures of s. 380.06. If the request for conversion of
1317 completeness to sufficiency is denied, the developer shall
1318 resubmit the appropriate application for review and the
1319 development shall be subject to all applicable procedures under
1320 s. 380.06, except as otherwise provided in this paragraph.

1321 (d) If the local government and state land planning agency
1322 agree that the project should be designated under this program,
1323 the state land planning agency shall issue a development order
1324 which incorporates the plan of development as set out in the
1325 application along with any agreed-upon modifications and
1326 conditions, based on recommendations by the local government ~~and~~
1327 ~~regional planning council~~, and a certification that the
1328 development is designated as one of Florida's Quality
1329 Developments. ~~In the event of conflicting recommendations, the~~
1330 ~~state land planning agency, after consultation with the local~~
1331 ~~government and the regional planning agency, shall resolve such~~
1332 ~~conflicts in the development order.~~ Upon designation, the
1333 development, as approved, is exempt from development-of-
1334 regional-impact review pursuant to s. 380.06.

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1335 (e) If the local government or state land planning agency,
1336 or both, recommends against designation, the development shall
1337 undergo development-of-regional-impact review pursuant to s.
1338 380.06, except as provided in subsection (6) of this section.

1339 Section 12. Subsections (1) and (5) of section 380.065,
1340 Florida Statutes, are amended to read:

1341 380.065 Certification of local government review of
1342 development.—

1343 (1) By petition to the Administration Commission, a local
1344 government may request certification to review developments of
1345 regional impact that are located within the jurisdiction in lieu
1346 of the regional review requirements set forth in s. 380.06. Such
1347 petitions may ~~shall~~ not be accepted by the commission until the
1348 state comprehensive plan has ~~and the strategic regional policy~~
1349 ~~plan have~~ been adopted pursuant to chapter 186. Once certified,
1350 the development-of-regional-impact provisions of s. 380.06 are
1351 ~~shall~~ not be applicable within such jurisdiction.

1352 (5) Upon revocation of certification, developments of
1353 regional impact shall be reviewed by the state land ~~regional~~
1354 ~~planning agency designated development-of-regional-impact review~~
1355 ~~responsibilities for the region in which the local government is~~
1356 ~~located,~~ pursuant to s. 380.06.

1357 Section 13. Subsections (3) and (6) of section 403.7225,
1358 Florida Statutes, are amended to read:

1359 403.7225 Local hazardous waste management assessments.—

1360 (3) Each county ~~or regional planning council~~ shall
1361 coordinate the local hazardous waste management assessments
1362 within its jurisdiction according to guidelines established
1363 under s. 403.7226. If a county declines to perform the local

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1364 hazardous waste management assessment, the county shall make
1365 arrangements with the department ~~its regional planning council~~
1366 to perform the assessment.

1367 (6) Unless performed by the county pursuant to subsection
1368 (3), the department ~~regional planning councils~~ shall upon
1369 successful arrangements with a county:

1370 (a) Perform local hazardous waste management assessments;
1371 and

1372 (b) Provide any technical expertise needed by the counties
1373 in developing the assessments.

1374 Section 14. Subsection (2) of section 403.723, Florida
1375 Statutes, is amended to read:

1376 403.723 Siting of hazardous waste facilities.—It is the
1377 intent of the Legislature to facilitate siting of proper
1378 hazardous waste storage facilities in each region and any
1379 additional storage, treatment, or disposal facilities as
1380 required. The Legislature recognizes the need for facilitating
1381 disposal of waste produced by small generators, reducing the
1382 volume of wastes generated in the state, reducing the toxicity
1383 of wastes generated in the state, and providing treatment and
1384 disposal facilities in the state.

1385 (2) After each county designates areas for storage
1386 facilities, the department ~~each regional planning council~~ shall
1387 designate one or more sites at which a regional hazardous waste
1388 storage or treatment facility could be constructed.

1389 Section 15. Subsections (1) and (2) of section 1013.372,
1390 Florida Statutes, are amended to read:

1391 1013.372 Education facilities as emergency shelters.—

1392 (1) The Department of Education shall, in consultation with

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1393 boards and county and state emergency management offices,
1394 include within the standards to be developed under this
1395 subsection public shelter design criteria to be incorporated
1396 into the Florida Building Code. The new criteria must be
1397 designed to ensure that appropriate new educational facilities
1398 can serve as public shelters for emergency management purposes.
1399 A facility, or an appropriate area within a facility, for which
1400 a design contract is entered into after the effective date of
1401 the inclusion of the public shelter criteria in the code must be
1402 built in compliance with the amended code unless the facility or
1403 a part of it is exempted from using the new shelter criteria due
1404 to its location, size, or other characteristics by the
1405 applicable board with the concurrence of the applicable local
1406 emergency management agency or the Division of Emergency
1407 Management. Any educational facility located or proposed to be
1408 located in an identified category 1, 2, or 3 evacuation zone is
1409 not subject to the requirements of this subsection. If the
1410 ~~regional planning council region in which the county is located~~
1411 does not have a hurricane evacuation shelter deficit, as
1412 determined by the Division of Emergency Management, educational
1413 facilities within the county ~~planning council region~~ are not
1414 required to incorporate the public shelter criteria.

1415 (2) By January 31 of each even-numbered year, the Division
1416 of Emergency Management shall prepare and submit a statewide
1417 emergency shelter plan to the Governor and the Cabinet for
1418 approval. The plan must identify the general location and square
1419 footage of existing shelters, by county ~~regional planning~~
1420 ~~council region~~, and the general location and square footage of
1421 needed shelters, by county ~~regional planning council region~~,

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1422 during the next 5 years. The plan must identify the types of
1423 public facilities that should be constructed to comply with
1424 emergency-shelter criteria and must recommend an appropriate and
1425 available source of funding for the additional cost of
1426 constructing emergency shelters within these public facilities.
1427 After the approval of the plan, a board may not be required to
1428 build more emergency-shelter space than identified as needed in
1429 the plan, and decisions pertaining to exemptions pursuant to
1430 subsection (1) must be guided by the plan.

1431 Section 16. Subsection (4) of section 1013.74, Florida
1432 Statutes, is amended to read:

1433 1013.74 University authorization for fixed capital outlay
1434 projects.—

1435 (4) The university board of trustees shall, in consultation
1436 with local and state emergency management agencies, assess
1437 existing facilities to identify the extent to which each campus
1438 has public hurricane evacuation shelter space. The board shall
1439 submit to the Governor and the Legislature by August 1 of each
1440 year a 5-year capital improvements program that identifies new
1441 or retrofitted facilities that will incorporate enhanced
1442 hurricane resistance standards and that can be used as public
1443 hurricane evacuation shelters. Enhanced hurricane resistance
1444 standards include fixed passive protection for window and door
1445 applications to provide mitigation protection, security
1446 protection with egress, and energy efficiencies that meet
1447 standards required in the 130-mile-per-hour wind zone areas. The
1448 board must also submit proposed facility retrofit projects to
1449 the Division of Emergency Management for assessment and
1450 inclusion in the annual report prepared in accordance with s.

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1451 252.385(3). Until a county ~~regional planning council~~ region in
1452 which a campus is located has sufficient public hurricane
1453 evacuation shelter space, any campus building for which a design
1454 contract is entered into subsequent to July 1, 2001, and which
1455 has been identified by the board, with the concurrence of the
1456 local emergency management agency or the Division of Emergency
1457 Management, to be appropriate for use as a public hurricane
1458 evacuation shelter, must be constructed in accordance with
1459 public shelter standards.

1460 Section 17. Paragraph (f) of subsection (1) of section
1461 68.082, Florida Statutes, is amended to read:

1462 68.082 False claims against the state; definitions;
1463 liability.—

1464 (1) As used in this section, the term:

1465 (f) "State" means the government of the state or any
1466 department, division, bureau, commission, regional ~~planning~~
1467 agency, board, district, authority, agency, or other
1468 instrumentality of the state.

1469 Section 18. Paragraph (a) of subsection (1) of section
1470 120.52, Florida Statutes, is amended to read:

1471 120.52 Definitions.—As used in this act:

1472 (1) "Agency" means the following officers or governmental
1473 entities if acting pursuant to powers other than those derived
1474 from the constitution:

1475 (a) The Governor; each state officer and state department,
1476 and each departmental unit described in s. 20.04; the Board of
1477 Governors of the State University System; the Commission on
1478 Ethics; the Fish and Wildlife Conservation Commission; a
1479 regional water supply authority; ~~a regional planning agency;~~ a

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1480 multicounty special district, but only if a majority of its
 1481 governing board is comprised of nonelected persons; educational
 1482 units; and each entity described in chapters 163, 373, 380, and
 1483 582 ~~and s. 186.504.~~

1484
 1485 This definition does not include a municipality or legal entity
 1486 created solely by a municipality; a legal entity or agency
 1487 created in whole or in part pursuant to part II of chapter 361;
 1488 a metropolitan planning organization created pursuant to s.
 1489 339.175; a separate legal or administrative entity created
 1490 pursuant to s. 339.175 of which a metropolitan planning
 1491 organization is a member; an expressway authority pursuant to
 1492 chapter 348 or any transportation authority or commission under
 1493 chapter 343 or chapter 349; or a legal or administrative entity
 1494 created by an interlocal agreement pursuant to s. 163.01(7),
 1495 unless any party to such agreement is otherwise an agency as
 1496 defined in this subsection.

1497 Section 19. Subsection (9) of section 120.65, Florida
 1498 Statutes, is amended to read:

1499 120.65 Administrative law judges.—

1500 (9) The division shall be reimbursed for administrative law
 1501 judge services and travel expenses by the following entities:
 1502 water management districts, ~~regional planning councils,~~ school
 1503 districts, community colleges, the Division of Florida Colleges,
 1504 state universities, the Board of Governors of the State
 1505 University System, the State Board of Education, the Florida
 1506 School for the Deaf and the Blind, and the Commission for
 1507 Independent Education. These entities shall contract with the
 1508 division to establish a contract rate for services and

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1509 provisions for reimbursement of administrative law judge travel
1510 expenses and video teleconferencing expenses attributable to
1511 hearings conducted on behalf of these entities. The contract
1512 rate must be based on a total-cost-recovery methodology.

1513 Section 20. Paragraph (h) of subsection (6) of section
1514 163.3177, Florida Statutes, is amended to read:

1515 163.3177 Required and optional elements of comprehensive
1516 plan; studies and surveys.—

1517 (6) In addition to the requirements of subsections (1)-(5),
1518 the comprehensive plan shall include the following elements:

1519 (h)1. An intergovernmental coordination element showing
1520 relationships and stating principles and guidelines to be used
1521 in coordinating the adopted comprehensive plan with the plans of
1522 school boards, regional water supply authorities, and other
1523 units of local government providing services but not having
1524 regulatory authority over the use of land, with the
1525 comprehensive plans of adjacent municipalities, the county,
1526 adjacent counties, or the region, with the state comprehensive
1527 plan and with the applicable regional water supply plan approved
1528 pursuant to s. 373.709, as the case may require and as such
1529 adopted plans or plans in preparation may exist. This element of
1530 the local comprehensive plan must demonstrate consideration of
1531 the particular effects of the local plan, when adopted, upon the
1532 development of adjacent municipalities, the county, adjacent
1533 counties, or the region, or upon the state comprehensive plan,
1534 as the case may require.

1535 a. The intergovernmental coordination element must provide
1536 procedures for identifying and implementing joint planning
1537 areas, especially for the purpose of annexation, municipal

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1538 incorporation, and joint infrastructure service areas.

1539 b. The intergovernmental coordination element shall provide
1540 for a dispute resolution process, ~~as established pursuant to s.~~
1541 ~~186.509~~, for bringing intergovernmental disputes to closure in a
1542 timely manner.

1543 c. The intergovernmental coordination element shall provide
1544 for interlocal agreements as established pursuant to s.
1545 333.03(1)(b).

1546 2. The intergovernmental coordination element shall also
1547 state principles and guidelines to be used in coordinating the
1548 adopted comprehensive plan with the plans of school boards and
1549 other units of local government providing facilities and
1550 services but not having regulatory authority over the use of
1551 land. In addition, the intergovernmental coordination element
1552 must describe joint processes for collaborative planning and
1553 decisionmaking on population projections and public school
1554 siting, the location and extension of public facilities subject
1555 to concurrency, and siting facilities with countywide
1556 significance, including locally unwanted land uses whose nature
1557 and identity are established in an agreement.

1558 3. Within 1 year after adopting their intergovernmental
1559 coordination elements, each county, all the municipalities
1560 within that county, the district school board, and any unit of
1561 local government service providers in that county shall
1562 establish by interlocal or other formal agreement executed by
1563 all affected entities, the joint processes described in this
1564 subparagraph consistent with their adopted intergovernmental
1565 coordination elements. The agreement must:

1566 a. Ensure that the local government addresses through

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1567 coordination mechanisms the impacts of development proposed in
1568 the local comprehensive plan upon development in adjacent
1569 municipalities, the county, adjacent counties, the region, and
1570 the state. The area of concern for municipalities shall include
1571 adjacent municipalities, the county, and counties adjacent to
1572 the municipality. The area of concern for counties shall include
1573 all municipalities within the county, adjacent counties, and
1574 adjacent municipalities.

1575 b. Ensure coordination in establishing level of service
1576 standards for public facilities with any state, regional, or
1577 local entity having operational and maintenance responsibility
1578 for such facilities.

1579 Section 21. Subsection (5) of section 163.3178, Florida
1580 Statutes, is amended to read:

1581 163.3178 Coastal management.—

1582 (5) A ~~The appropriate~~ dispute resolution process ~~provided~~
1583 ~~under s. 186.509~~ must be used to reconcile inconsistencies
1584 between port master plans and local comprehensive plans. In
1585 recognition of the state's commitment to deepwater ports, the
1586 state comprehensive plan must include goals, objectives, and
1587 policies that establish a statewide strategy for enhancement of
1588 existing deepwater ports, ensuring that priority is given to
1589 water-dependent land uses. As an incentive for promoting plan
1590 consistency, port facilities as defined in s. 315.02(6) on lands
1591 owned or controlled by a deepwater port as defined in s.
1592 311.09(1), as of the effective date of this act are ~~shall not be~~
1593 subject to development-of-regional-impact review provided the
1594 port either successfully completes an alternative comprehensive
1595 development agreement with a local government pursuant to ss.

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1596 163.3220-163.3243 or successfully enters into a development
 1597 agreement with the state land planning agency and applicable
 1598 local government pursuant to s. 380.032 or, where the port is a
 1599 department of a local government, successfully enters into a
 1600 development agreement with the state land planning agency
 1601 pursuant to s. 380.032. Port facilities as defined in s.
 1602 315.02(6) on lands not owned or controlled by a deepwater port
 1603 as defined in s. 311.09(1) as of the effective date of this act
 1604 are ~~shall~~ not ~~be~~ subject to development-of-regional-impact
 1605 review provided the port successfully enters into a development
 1606 agreement with the state land planning agency and applicable
 1607 local government pursuant to s. 380.032 or, where the port is a
 1608 department of a local government, successfully enters into a
 1609 development agreement with the state land planning agency
 1610 pursuant to s. 380.032.

1611 Section 22. Paragraph (c) of subsection (1) and paragraph
 1612 (b) of subsection (3) of section 163.3184, Florida Statutes, are
 1613 amended to read:

1614 163.3184 Process for adoption of comprehensive plan or plan
 1615 amendment.—

1616 (1) DEFINITIONS.—As used in this section, the term:

1617 (c) "Reviewing agencies" means:

1618 1. The state land planning agency;

1619 ~~2. The appropriate regional planning council;~~

1620 2.3. The appropriate water management district;

1621 3.4. The Department of Environmental Protection;

1622 4.5. The Department of State;

1623 5.6. The Department of Transportation;

1624 6.7. In the case of plan amendments relating to public

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1625 schools, the Department of Education;

1626 ~~7.8.~~ In the case of plans or plan amendments that affect a
1627 military installation listed in s. 163.3175, the commanding
1628 officer of the affected military installation;

1629 ~~8.9.~~ In the case of county plans and plan amendments, the
1630 Fish and Wildlife Conservation Commission and the Department of
1631 Agriculture and Consumer Services; and

1632 ~~9.10.~~ In the case of municipal plans and plan amendments,
1633 the county in which the municipality is located.

1634 (3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF
1635 COMPREHENSIVE PLAN AMENDMENTS.—

1636 (b)1. The local government, after the initial public
1637 hearing held pursuant to subsection (11), shall transmit within
1638 10 working days the amendment or amendments and appropriate
1639 supporting data and analyses to the reviewing agencies. The
1640 local governing body shall also transmit a copy of the
1641 amendments and supporting data and analyses to any other local
1642 government or governmental agency that has filed a written
1643 request with the governing body.

1644 2. The reviewing agencies and any other local government or
1645 governmental agency specified in subparagraph 1. may provide
1646 comments regarding the amendment or amendments to the local
1647 government. State agencies shall only comment on important state
1648 resources and facilities that will be adversely impacted by the
1649 amendment if adopted. Comments provided by state agencies shall
1650 state with specificity how the plan amendment will adversely
1651 impact an important state resource or facility and shall
1652 identify measures the local government may take to eliminate,
1653 reduce, or mitigate the adverse impacts. Such comments, if not

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1654 resolved, may result in a challenge by the state land planning
1655 agency to the plan amendment. Agencies and local governments
1656 must transmit their comments to the affected local government
1657 such that they are received by the local government not later
1658 than 30 days after the date on which the agency or government
1659 received the amendment or amendments. Reviewing agencies shall
1660 also send a copy of their comments to the state land planning
1661 agency.

1662 3. Comments to the local government from a ~~regional~~
1663 ~~planning council~~, county, or municipality shall be limited as
1664 follows:

1665 ~~a. The regional planning council review and comments shall~~
1666 ~~be limited to adverse effects on regional resources or~~
1667 ~~facilities identified in the strategic regional policy plan and~~
1668 ~~extrajurisdictional impacts that would be inconsistent with the~~
1669 ~~comprehensive plan of any affected local government within the~~
1670 ~~region. A regional planning council may not review and comment~~
1671 ~~on a proposed comprehensive plan amendment prepared by such~~
1672 ~~council unless the plan amendment has been changed by the local~~
1673 ~~government subsequent to the preparation of the plan amendment~~
1674 ~~by the regional planning council.~~

1675 ~~a.b.~~ County comments shall be in the context of the
1676 relationship and effect of the proposed plan amendments on the
1677 county plan.

1678 ~~b.c.~~ Municipal comments shall be in the context of the
1679 relationship and effect of the proposed plan amendments on the
1680 municipal plan.

1681 ~~c.d.~~ Military installation comments shall be provided in
1682 accordance with s. 163.3175.

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1683 4. Comments to the local government from state agencies
1684 shall be limited to the following subjects as they relate to
1685 important state resources and facilities that will be adversely
1686 impacted by the amendment if adopted:

1687 a. The Department of Environmental Protection shall limit
1688 its comments to the subjects of air and water pollution;
1689 wetlands and other surface waters of the state; federal and
1690 state-owned lands and interest in lands, including state parks,
1691 greenways and trails, and conservation easements; solid waste;
1692 water and wastewater treatment; and the Everglades ecosystem
1693 restoration.

1694 b. The Department of State shall limit its comments to the
1695 subjects of historic and archaeological resources.

1696 c. The Department of Transportation shall limit its
1697 comments to issues within the agency's jurisdiction as it
1698 relates to transportation resources and facilities of state
1699 importance.

1700 d. The Fish and Wildlife Conservation Commission shall
1701 limit its comments to subjects relating to fish and wildlife
1702 habitat and listed species and their habitat.

1703 e. The Department of Agriculture and Consumer Services
1704 shall limit its comments to the subjects of agriculture,
1705 forestry, and aquaculture issues.

1706 f. The Department of Education shall limit its comments to
1707 the subject of public school facilities.

1708 g. The appropriate water management district shall limit
1709 its comments to flood protection and floodplain management,
1710 wetlands and other surface waters, and regional water supply.

1711 h. The state land planning agency shall limit its comments

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1712 to important state resources and facilities outside the
1713 jurisdiction of other commenting state agencies and may include
1714 comments on countervailing planning policies and objectives
1715 served by the plan amendment that should be balanced against
1716 potential adverse impacts to important state resources and
1717 facilities.

1718 Section 23. Subsection (2) of section 163.3245, Florida
1719 Statutes, is amended to read:

1720 163.3245 Sector plans.—

1721 (2) ~~Upon~~ The request of a local government having
1722 jurisdiction, ~~the applicable regional planning council~~ shall
1723 conduct a scoping meeting with affected local governments and
1724 those agencies identified in s. 163.3184(1)(c) before
1725 preparation of the sector plan. The purpose of this meeting is
1726 to assist the state land planning agency ~~and the local~~
1727 ~~government~~ in the identification of the relevant planning issues
1728 to be addressed and the data and resources available to assist
1729 in the preparation of the sector plan. ~~If a scoping meeting is~~
1730 ~~conducted, the regional planning council shall make written~~
1731 ~~recommendations to the state land planning agency and affected~~
1732 ~~local governments on the issues requested by the local~~
1733 ~~government.~~ The scoping meeting shall be noticed and open to the
1734 public. If the entire planning area proposed for the sector plan
1735 is within the jurisdiction of two or more local governments,
1736 some or all of them may enter into a joint planning agreement
1737 pursuant to s. 163.3171 with respect to the geographic area to
1738 be subject to the sector plan, the planning issues that will be
1739 emphasized, procedures for intergovernmental coordination to
1740 address extrajurisdictional impacts, supporting application

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1741 materials including data and analysis, procedures for public
1742 participation, or other issues.

1743 Section 24. Subsection (11) of section 163.3246, Florida
1744 Statutes, is amended to read:

1745 163.3246 Local government comprehensive planning
1746 certification program.—

1747 (11) If the local government of an area described in
1748 subsection (10) does not request that the state land planning
1749 agency review the developments of regional impact that are
1750 proposed within the certified area, an application for approval
1751 of a development order within the certified area shall be exempt
1752 from review under s. 380.06., ~~subject to the following:~~

1753 ~~(a) Concurrent with filing an application for development~~
1754 ~~approval with the local government, a developer proposing a~~
1755 ~~project that would have been subject to review pursuant to s.~~
1756 ~~380.06 shall notify in writing the regional planning council~~
1757 ~~with jurisdiction.~~

1758 ~~(b) The regional planning council shall coordinate with The~~
1759 ~~developer and the local government~~ shall coordinate with the
1760 parties to ensure that all concurrency requirements as well as
1761 federal, state, and local environmental permit requirements are
1762 met.

1763 Section 25. Subsection (4) of section 163.3248, Florida
1764 Statutes, is amended to read:

1765 163.3248 Rural land stewardship areas.—

1766 (4) A local government or one or more property owners may
1767 request assistance and participation in the development of a
1768 plan for the rural land stewardship area from the state land
1769 planning agency, the Department of Agriculture and Consumer

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1770 Services, the Fish and Wildlife Conservation Commission, the
1771 Department of Environmental Protection, the appropriate water
1772 management district, the Department of Transportation, ~~the~~
1773 ~~regional planning council~~, private land owners, and
1774 stakeholders.

1775 Section 26. Paragraph (i) of subsection (2) of section
1776 163.568, Florida Statutes, is amended to read:

1777 163.568 Purposes and powers.—

1778 (2) The authority is granted the authority to exercise all
1779 powers necessary, appurtenant, convenient, or incidental to the
1780 carrying out of the aforesaid purposes, including, but not
1781 limited to, the following rights and powers:

1782 (i) To develop transportation plans, and to coordinate its
1783 planning and programs with those of appropriate municipal,
1784 county, and state agencies and other political subdivisions of
1785 the state. All transportation plans are subject to review and
1786 approval by the Department of Transportation ~~and by the regional~~
1787 ~~planning agency, if any~~, for consistency with programs or
1788 planning for the area and region.

1789 Section 27. Subsection (2) of section 164.1031, Florida
1790 Statutes, is amended to read:

1791 164.1031 Definitions.—For purposes of this act:

1792 (2) "Regional governmental entities" includes ~~regional~~
1793 ~~planning councils~~, metropolitan planning organizations, water
1794 supply authorities that include more than one county, local
1795 health councils, water management districts, and other regional
1796 entities that are authorized and created by general or special
1797 law that have duties or responsibilities extending beyond the
1798 jurisdiction of a single county.

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1799 Section 28. Subsection (7) of section 186.006, Florida
1800 Statutes, is amended to read:

1801 186.006 Powers and responsibilities of Executive Office of
1802 the Governor.—For the purpose of establishing consistency and
1803 uniformity in the state and regional planning process and in
1804 order to ensure that the intent of ss. 186.001-186.031 and
1805 186.801-186.901 is accomplished, the Executive Office of the
1806 Governor shall:

1807 (7) Act as the state clearinghouse and ~~designate the~~
1808 ~~regional planning councils as the regional data clearinghouses.~~

1809 Section 29. Subsections (7) and (8) of section 186.007,
1810 Florida Statutes, are amended to read:

1811 186.007 State comprehensive plan; preparation; revision.—

1812 (7) In preparing and revising the state comprehensive plan,
1813 the Executive Office of the Governor shall, to the extent
1814 feasible, consider studies, reports, and plans of each
1815 department, agency, and institution of state and local
1816 government, ~~each regional planning agency,~~ and the Federal
1817 Government and shall take into account the existing and
1818 prospective resources, capabilities, and needs of state and
1819 local levels of government.

1820 (8) The revision of the state comprehensive plan is a
1821 continuing process. Each section of the plan shall be reviewed
1822 and analyzed biennially by the Executive Office of the Governor
1823 in conjunction with the planning officers of other state
1824 agencies significantly affected by the provisions of the
1825 particular section under review. In conducting this review and
1826 analysis, the Executive Office of the Governor shall review and
1827 consider, with the assistance of the state land planning agency

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1828 ~~and regional planning councils,~~ the evaluation and appraisal
1829 reports ~~prepared pursuant to s. 186.511.~~ Any necessary revisions
1830 of the state comprehensive plan shall be proposed by the
1831 Governor in a written report and be accompanied by an
1832 explanation of the need for such changes. If the Governor
1833 determines that changes are unnecessary, the written report must
1834 explain why changes are unnecessary. The proposed revisions and
1835 accompanying explanations may be submitted in the report
1836 required by s. 186.031. Any proposed revisions to the plan shall
1837 be submitted to the Legislature as provided in s. 186.008(2) at
1838 least 30 days before ~~prior to~~ the regular legislative session
1839 occurring in each even-numbered year.

1840 Section 30. Subsection (1) of section 186.008, Florida
1841 Statutes, is amended to read:

1842 186.008 State comprehensive plan; revision;
1843 implementation.—

1844 (1) On or before October 1 of every odd-numbered year, the
1845 Executive Office of the Governor shall prepare, and the Governor
1846 shall recommend to the Administration Commission, any proposed
1847 revisions to the state comprehensive plan deemed necessary. The
1848 Governor shall transmit his or her recommendations and
1849 explanation as required by s. 186.007(8). Copies shall also be
1850 provided to each state agency, ~~to each regional planning agency,~~
1851 to any other unit of government that requests a copy, and to any
1852 member of the public who requests a copy.

1853 Section 31. Section 186.803, Florida Statutes, is amended
1854 to read:

1855 186.803 Use of geographic information by governmental
1856 entities.—When state agencies, water management districts,

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1857 ~~regional planning councils,~~ local governments, and other
1858 governmental entities use maps, including geographic information
1859 maps and other graphic information materials, as the source of
1860 data for planning or any other purposes, they must take into
1861 account that the accuracy and reliability of such maps and data
1862 may be limited by various factors, including the scale of the
1863 maps, the timeliness and accuracy of the underlying information,
1864 the availability of more accurate site-specific information, and
1865 the presence or absence of ground truthing or peer review of the
1866 underlying information contained in such maps and other graphic
1867 information. This section does not apply to maps adopted
1868 pursuant to part II of chapter 163.

1869 Section 32. Paragraph (b) of subsection (20) of section
1870 187.201, Florida Statutes, is amended to read:

1871 187.201 State Comprehensive Plan adopted.—The Legislature
1872 hereby adopts as the State Comprehensive Plan the following
1873 specific goals and policies:

1874 (20) GOVERNMENTAL EFFICIENCY.—

1875 (b) *Policies*.—

1876 1. Encourage greater cooperation between, among, and within
1877 all levels of Florida government through the use of appropriate
1878 interlocal agreements and mutual participation for mutual
1879 benefit.

1880 2. Allow the creation of independent special taxing
1881 districts which have uniform general law standards and
1882 procedures and do not overburden other governments and their
1883 taxpayers while preventing the proliferation of independent
1884 special taxing districts which do not meet these standards.

1885 3. Encourage the use of municipal services taxing units and

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1886 other dependent special districts to provide needed
1887 infrastructure where the fiscal capacity exists to support such
1888 an approach.

1889 4. Eliminate regulatory activities that are not tied to
1890 specific public and natural resource protection needs.

1891 5. Eliminate needless duplication of, and promote
1892 cooperation in, governmental activities between, among, and
1893 within state, regional, county, city, and other governmental
1894 units.

1895 6. Ensure, wherever possible, that the geographic
1896 boundaries of water management districts, ~~regional planning~~
1897 ~~councils~~, and substate districts of the executive departments
1898 shall be coterminous for related state or agency programs and
1899 functions and promote interagency agreements in order to reduce
1900 the number of districts ~~and councils~~ with jurisdiction in any
1901 one county.

1902 7. Encourage and provide for the restructuring of city and
1903 county political jurisdictions with the goals of greater
1904 efficiency and high-quality and more equitable and responsive
1905 public service programs.

1906 8. Replace multiple, small scale, economically inefficient
1907 local public facilities with regional facilities where they are
1908 proven to be more economical, particularly in terms of energy
1909 efficiency, and yet can retain the quality of service expected
1910 by the public.

1911 9. Encourage greater efficiency and economy at all levels
1912 of government through adoption and implementation of effective
1913 records management, information management, and evaluation
1914 procedures.

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1915 10. Throughout government, establish citizen management
 1916 efficiency groups and internal management groups to make
 1917 recommendations for greater operating efficiencies and improved
 1918 management practices.

1919 11. Encourage governments to seek outside contracting on a
 1920 competitive-bid basis when cost-effective and appropriate.

1921 12. Discourage undue expansion of state government and make
 1922 every effort to streamline state government in a cost-effective
 1923 manner.

1924 13. Encourage joint venture solutions to mutual problems
 1925 between levels of government and private enterprise.

1926 Section 33. Paragraph (c) of subsection (1) and subsection
 1927 (2) of section 218.32, Florida Statutes, are amended to read:

1928 218.32 Annual financial reports; local governmental
 1929 entities.—

1930 (1)

1931 (c) ~~Each regional planning council created under s.~~
 1932 ~~186.504,~~ Each local government finance commission, board, or
 1933 council, and each municipal power corporation created as a
 1934 separate legal or administrative entity by interlocal agreement
 1935 under s. 163.01(7) shall submit to the department a copy of its
 1936 audit report and an annual financial report for the previous
 1937 fiscal year in a format prescribed by the department.

1938 (2) The department shall annually by December 1 file a
 1939 verified report with the Governor, the Legislature, the Auditor
 1940 General, and the Special District Accountability Program of the
 1941 Department of Economic Opportunity showing the revenues, both
 1942 locally derived and derived from intergovernmental transfers,
 1943 and the expenditures of each local governmental entity, ~~regional~~

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1944 ~~planning council,~~ local government finance commission, and
 1945 municipal power corporation that is required to submit an annual
 1946 financial report. The report must include, but is not limited
 1947 to:

1948 (a) The total revenues and expenditures of each local
 1949 governmental entity that is a component unit included in the
 1950 annual financial report of the reporting entity.

1951 (b) The amount of outstanding long-term debt by each local
 1952 governmental entity. For purposes of this paragraph, the term
 1953 "long-term debt" means any agreement or series of agreements to
 1954 pay money, which, at inception, contemplate terms of payment
 1955 exceeding 1 year in duration.

1956 Section 34. Section 253.7828, Florida Statutes, is amended
 1957 to read:

1958 253.7828 Impairment of use or conservation by agencies
 1959 prohibited.—All agencies of the state, ~~regional planning~~
 1960 ~~councils,~~ water management districts, and local governments
 1961 shall recognize the special character of the lands and waters
 1962 designated by the state as the Cross Florida Greenways State
 1963 Recreation and Conservation Area and may ~~shall~~ not take any
 1964 action which will impair its use and conservation.

1965 Section 35. Paragraph (a) of subsection (7) of section
 1966 258.501, Florida Statutes, is amended to read:

1967 258.501 Myakka River; wild and scenic segment.—

1968 (7) MANAGEMENT COORDINATING COUNCIL.—

1969 (a) Upon designation, the department shall create a
 1970 permanent council to provide interagency and intergovernmental
 1971 coordination in the management of the river. The coordinating
 1972 council shall be composed of one representative appointed from

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1973 each of the following: the department, the Department of
 1974 Transportation, the Fish and Wildlife Conservation Commission,
 1975 the Department of Economic Opportunity, the Florida Forest
 1976 Service of the Department of Agriculture and Consumer Services,
 1977 the Division of Historical Resources of the Department of State,
 1978 ~~the Tampa Bay Regional Planning Council,~~ the Southwest Florida
 1979 Water Management District, ~~the Southwest Florida Regional~~
 1980 ~~Planning Council,~~ Manatee County, Sarasota County, Charlotte
 1981 County, the City of Sarasota, the City of North Port,
 1982 agricultural interests, environmental organizations, and any
 1983 others deemed advisable by the department.

1984 Section 36. Subsections (1) and (3) of section 260.0142,
 1985 Florida Statutes, are amended to read:

1986 260.0142 Florida Greenways and Trails Council; composition;
 1987 powers and duties.—

1988 (1) There is created within the department the Florida
 1989 Greenways and Trails Council which shall advise the department
 1990 in the execution of the department's powers and duties under
 1991 this chapter. The council shall be composed of 19 ~~20~~ members,
 1992 consisting of:

1993 (a)1. Five members appointed by the Governor, with two
 1994 members representing the trail user community, two members
 1995 representing the greenway user community, and one member
 1996 representing private landowners.

1997 2. Three members appointed by the President of the Senate,
 1998 with one member representing the trail user community and two
 1999 members representing the greenway user community.

2000 3. Three members appointed by the Speaker of the House of
 2001 Representatives, with two members representing the trail user

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2002 community and one member representing the greenway user
2003 community.

2004
2005 Those eligible to represent the trail user community shall be
2006 chosen from, but not be limited to, paved trail users, hikers,
2007 off-road bicyclists, users of off-highway vehicles, paddlers,
2008 equestrians, disabled outdoor recreational users, and commercial
2009 recreational interests. Those eligible to represent the greenway
2010 user community shall be chosen from, but not be limited to,
2011 conservation organizations, nature study organizations, and
2012 scientists and university experts.

2013 (b) The 8 ~~9~~ remaining members shall include:

2014 1. The Secretary of Environmental Protection or a designee.

2015 2. The executive director of the Fish and Wildlife
2016 Conservation Commission or a designee.

2017 3. The Secretary of Transportation or a designee.

2018 4. The Director of the Florida Forest Service of the
2019 Department of Agriculture and Consumer Services or a designee.

2020 5. The director of the Division of Historical Resources of
2021 the Department of State or a designee.

2022 6. A representative of the water management districts.
2023 Membership on the council shall rotate among the five districts.
2024 The districts shall determine the order of rotation.

2025 7. A representative of a federal land management agency.
2026 The Secretary of Environmental Protection shall identify the
2027 appropriate federal agency and request designation of a
2028 representative from the agency to serve on the council.

2029 ~~8. A representative of the regional planning councils to be~~
2030 ~~appointed by the Secretary of Environmental Protection.~~

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2031 ~~Membership on the council shall rotate among the seven regional~~
2032 ~~planning councils. The regional planning councils shall~~
2033 ~~determine the order of rotation.~~

2034 8.9. A representative of local governments to be appointed
2035 by the Secretary of Environmental Protection. Membership shall
2036 alternate between a county representative and a municipal
2037 representative.

2038 (3) The term of all appointees shall be for 2 years unless
2039 otherwise specified. The appointees of the Governor, the
2040 President of the Senate, and the Speaker of the House of
2041 Representatives may be reappointed for no more than four
2042 consecutive terms. The representatives of the water management
2043 ~~districts, regional planning councils,~~ and local governments may
2044 be reappointed for no more than two consecutive terms. All other
2045 appointees shall serve until replaced.

2046 Section 37. Section 260.018, Florida Statutes, is amended
2047 to read:

2048 260.018 Agency recognition.—All agencies of the state,
2049 ~~regional planning councils through their comprehensive plans,~~
2050 and local governments through their local comprehensive planning
2051 process pursuant to chapter 163 shall recognize the special
2052 character of publicly owned lands and waters designated by the
2053 state as greenways and trails and may ~~shall~~ not take any action
2054 which will impair their use as designated. Identification of
2055 lands or waterways in planning materials, maps, data, and other
2056 information developed or used in the greenways and trails
2057 program may ~~shall~~ not be cause for such lands or waterways to be
2058 subject to this section, unless such lands or waterways have
2059 been designated as a part of the statewide system of greenways

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2060 and trails pursuant to s. 260.016(2)(d).

2061 Section 38. Paragraph (a) of subsection (6) of section
2062 288.0656, Florida Statutes, is amended to read:

2063 288.0656 Rural Economic Development Initiative.—

2064 (6)(a) By August 1 of each year, the head of each of the
2065 following agencies and organizations shall designate a deputy
2066 secretary or higher-level staff person from within the agency or
2067 organization to serve as the REDI representative for the agency
2068 or organization:

- 2069 1. The Department of Transportation.
- 2070 2. The Department of Environmental Protection.
- 2071 3. The Department of Agriculture and Consumer Services.
- 2072 4. The Department of State.
- 2073 5. The Department of Health.
- 2074 6. The Department of Children and Families.
- 2075 7. The Department of Corrections.
- 2076 8. The Department of Education.
- 2077 9. The Department of Juvenile Justice.
- 2078 10. The Fish and Wildlife Conservation Commission.
- 2079 11. Each water management district.
- 2080 12. Enterprise Florida, Inc.
- 2081 13. Workforce Florida, Inc.
- 2082 14. VISIT Florida.
- 2083 ~~15. The Florida Regional Planning Council Association.~~
- 2084 15.16. The Agency for Health Care Administration.
- 2085 16.17. The Institute of Food and Agricultural Sciences
2086 (IFAS).

2087
2088 An alternate for each designee shall also be chosen, and the

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2089 names of the designees and alternates shall be sent to the
2090 executive director of the department.

2091 Section 39. Subsection (2), paragraph (c) of subsection
2092 (4), and subsections (8) and (9) of section 288.975, Florida
2093 Statutes, are amended to read:

2094 288.975 Military base reuse plans.—

2095 (2) As used in this section, the term:

2096 (a) "Affected local government" means a local government
2097 adjoining the host local government and any other unit of local
2098 government that is not a host local government but that is
2099 identified in a proposed military base reuse plan as providing,
2100 operating, or maintaining one or more public facilities as
2101 defined in s. 163.3164 on lands within or serving a military
2102 base designated for closure by the Federal Government.

2103 (b) "Affected person" means a host local government; an
2104 affected local government; any state, regional, or federal
2105 agency; or a person who resides, owns property, or owns or
2106 operates a business within the boundaries of a host local
2107 government or affected local government.

2108 (c) "Base reuse activities" means development as defined in
2109 s. 380.04 on a military base designated for closure or closed by
2110 the Federal Government.

2111 (d) "Host local government" means a local government within
2112 the jurisdiction of which all or part of a military base
2113 designated for closure by the Federal Government is located.
2114 This shall not include a county if no part of a military base is
2115 located in its unincorporated area.

2116 (e) "Military base" means a military base designated for
2117 closure or closed by the Federal Government.

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2118 ~~(f) "Regional policy plan" means a strategic regional~~
2119 ~~policy plan that has been adopted by rule by a regional planning~~
2120 ~~council pursuant to s. 186.508.~~

2121 (f)~~(g)~~ "State comprehensive plan" means the plan as
2122 provided in chapter 187.

2123 (4)

2124 (c) Military base reuse plans shall identify projected
2125 impacts to significant regional resources and natural resources
2126 ~~of regional significance as identified by applicable regional~~
2127 ~~planning councils in their regional policy plans~~ and the actions
2128 that shall be taken to mitigate such impacts.

2129 (8) At the request of a host local government, the
2130 department shall coordinate a presubmission workshop concerning
2131 a military base reuse plan within the boundaries of the host
2132 jurisdiction. Agencies that shall participate in the workshop
2133 shall include any affected local governments; the Department of
2134 Environmental Protection; the department; the Department of
2135 Transportation; the Department of Health; the Department of
2136 Children and Families; the Department of Juvenile Justice; the
2137 Department of Agriculture and Consumer Services; the Department
2138 of State; the Fish and Wildlife Conservation Commission; and any
2139 applicable water management districts ~~and regional planning~~
2140 ~~councils~~. The purposes of the workshop shall be to assist the
2141 host local government to understand issues of concern to the
2142 above listed entities pertaining to the military base site and
2143 to identify opportunities for better coordination of planning
2144 and review efforts with the information and analyses generated
2145 by the federal environmental impact statement process and the
2146 federal community base reuse planning process.

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2147 (9) If a host local government elects to use the optional
2148 provisions of this act, it shall, no later than 12 months after
2149 notifying the agencies of its intent pursuant to subsection (3)
2150 either:

2151 (a) Send a copy of the proposed military base reuse plan
2152 for review to any affected local governments; the Department of
2153 Environmental Protection; the department; the Department of
2154 Transportation; the Department of Health; the Department of
2155 Children and Families; the Department of Juvenile Justice; the
2156 Department of Agriculture and Consumer Services; the Department
2157 of State; the Fish and Wildlife Conservation Commission; and any
2158 applicable water management districts ~~and regional planning~~
2159 ~~councils~~, or

2160 (b) Petition the department for an extension of the
2161 deadline for submitting a proposed reuse plan. Such an extension
2162 request must be justified by changes or delays in the closure
2163 process by the federal Department of Defense or for reasons
2164 otherwise deemed to promote the orderly and beneficial planning
2165 of the subject military base reuse. The department may grant
2166 extensions to the required submission date of the reuse plan.

2167 Section 40. Paragraph (b) of subsection (26) of section
2168 320.08058, Florida Statutes, is amended to read:

2169 320.08058 Specialty license plates.—

2170 (26) TAMPA BAY ESTUARY LICENSE PLATES.—

2171 (b) The annual use fees shall be distributed to the Tampa
2172 Bay Estuary Program created by s. 163.01.

2173 1. A maximum of 5 percent of such fees may be used for
2174 marketing the plate.

2175 ~~2. Twenty percent of the proceeds from the annual use fee,~~

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2176 ~~not to exceed \$50,000, shall be provided to the Tampa Bay~~
2177 ~~Regional Planning Council for activities of the Agency on Bay~~
2178 ~~Management implementing the Council/Agency Action Plan for the~~
2179 ~~restoration of the Tampa Bay estuary, as approved by the Tampa~~
2180 ~~Bay Estuary Program Policy Board.~~

2181 2.3. The remaining proceeds must be used to implement the
2182 Comprehensive Conservation and Management Plan for Tampa Bay,
2183 pursuant to priorities approved by the Tampa Bay Estuary Program
2184 Policy Board.

2185 Section 41. Paragraph (b) of subsection (3) of section
2186 335.188, Florida Statutes, is amended to read:

2187 335.188 Access management standards; access control
2188 classification system; criteria.—

2189 (3) The control classification system shall be developed
2190 consistent with the following:

2191 (b) The access control classification system shall be
2192 developed in cooperation with counties, municipalities, the
2193 state land planning agency, ~~regional planning councils,~~
2194 metropolitan planning organizations, and other local
2195 governmental entities.

2196 Section 42. Subsection (4) of section 339.155, Florida
2197 Statutes, is amended to read:

2198 339.155 Transportation planning.—

2199 (4) ADDITIONAL TRANSPORTATION PLANS.—

2200 (a) Upon request by local governmental entities, the
2201 department may in its discretion develop and design
2202 transportation corridors, arterial and collector streets,
2203 vehicular parking areas, and other support facilities which are
2204 consistent with the plans of the department for major

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2205 transportation facilities. The department may render to local
2206 governmental entities or their planning agencies such technical
2207 assistance and services as are necessary so that local plans and
2208 facilities are coordinated with the plans and facilities of the
2209 department.

2210 ~~(b) Each regional planning council, as provided for in s.~~
2211 ~~186.504, or any successor agency thereto, shall develop, as an~~
2212 ~~element of its strategic regional policy plan, transportation~~
2213 ~~goals and policies. The transportation goals and policies must~~
2214 ~~be prioritized to comply with the prevailing principles provided~~
2215 ~~in subsection (1) and s. 334.046(1). The transportation goals~~
2216 ~~and policies shall be consistent, to the maximum extent~~
2217 ~~feasible, with the goals and policies of the metropolitan~~
2218 ~~planning organization and the Florida Transportation Plan. The~~
2219 ~~transportation goals and policies of the regional planning~~
2220 ~~council will be advisory only and shall be submitted to the~~
2221 ~~department and any affected metropolitan planning organization~~
2222 ~~for their consideration and comments. Metropolitan planning~~
2223 ~~organization plans and other local transportation plans shall be~~
2224 ~~developed consistent, to the maximum extent feasible, with the~~
2225 ~~regional transportation goals and policies. The regional~~
2226 ~~planning council shall review urbanized area transportation~~
2227 ~~plans and any other planning products stipulated in s. 339.175~~
2228 ~~and provide the department and respective metropolitan planning~~
2229 ~~organizations with written recommendations, which the department~~
2230 ~~and the metropolitan planning organizations shall take under~~
2231 ~~advisement. Further, the regional planning councils shall~~
2232 ~~directly assist local governments that are not part of a~~
2233 ~~metropolitan area transportation planning process in the~~

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2234 ~~development of the transportation element of their comprehensive~~
2235 ~~plans as required by s. 163.3177.~~

2236 (b)~~(e)~~ Regional transportation plans may be developed in
2237 regional transportation areas in accordance with an interlocal
2238 agreement entered into pursuant to s. 163.01 by two or more
2239 contiguous metropolitan planning organizations; one or more
2240 metropolitan planning organizations and one or more contiguous
2241 counties, none of which is a member of a metropolitan planning
2242 organization; a multicounty regional transportation authority
2243 created by or pursuant to law; two or more contiguous counties
2244 that are not members of a metropolitan planning organization; or
2245 metropolitan planning organizations comprised of three or more
2246 counties.

2247 (c)~~(d)~~ The interlocal agreement must, at a minimum,
2248 identify the entity that will coordinate the development of the
2249 regional transportation plan; delineate the boundaries of the
2250 regional transportation area; provide the duration of the
2251 agreement and specify how the agreement may be terminated,
2252 modified, or rescinded; describe the process by which the
2253 regional transportation plan will be developed; and provide how
2254 members of the entity will resolve disagreements regarding
2255 interpretation of the interlocal agreement or disputes relating
2256 to the development or content of the regional transportation
2257 plan. Such interlocal agreement shall become effective upon its
2258 recordation in the official public records of each county in the
2259 regional transportation area.

2260 (d)~~(e)~~ The regional transportation plan developed pursuant
2261 to this section must, at a minimum, identify regionally
2262 significant transportation facilities located within a regional

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2263 transportation area and contain a prioritized list of regionally
2264 significant projects. The projects shall be adopted into the
2265 capital improvements schedule of the local government
2266 comprehensive plan pursuant to s. 163.3177(3).

2267 Section 43. Paragraph (g) of subsection (6) of section
2268 339.175, Florida Statutes, is amended to read:

2269 339.175 Metropolitan planning organization.—

2270 (6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers,
2271 privileges, and authority of an M.P.O. are those specified in
2272 this section or incorporated in an interlocal agreement
2273 authorized under s. 163.01. Each M.P.O. shall perform all acts
2274 required by federal or state laws or rules, now and subsequently
2275 applicable, which are necessary to qualify for federal aid. It
2276 is the intent of this section that each M.P.O. shall be involved
2277 in the planning and programming of transportation facilities,
2278 including, but not limited to, airports, intercity and high-
2279 speed rail lines, seaports, and intermodal facilities, to the
2280 extent permitted by state or federal law.

2281 (g) Each M.P.O. shall have an executive or staff director
2282 who reports directly to the M.P.O. governing board for all
2283 matters regarding the administration and operation of the M.P.O.
2284 and any additional personnel as deemed necessary. The executive
2285 director and any additional personnel may be employed either by
2286 an M.P.O. or by another governmental entity, such as a county,
2287 or city,~~or regional planning council,~~ that has a staff services
2288 agreement signed and in effect with the M.P.O. Each M.P.O. may
2289 enter into contracts with local or state agencies, private
2290 planning firms, private engineering firms, or other public or
2291 private entities to accomplish its transportation planning and

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2292 programming duties and administrative functions.

2293 Section 44. Subsection (6) of section 339.285, Florida
2294 Statutes, is amended to read:

2295 339.285 Enhanced Bridge Program for Sustainable
2296 Transportation.—

2297 (6) Preference shall be given to bridge projects located on
2298 corridors that connect to the Strategic Intermodal System,
2299 created under s. 339.64, and that have been identified as
2300 regionally significant in accordance with s. 339.155(4)(b), (c),
2301 and (d) ~~s. 339.155(4)(c), (d), and (e).~~

2302 Section 45. Subsections (3) and (4) of section 339.63,
2303 Florida Statutes, are amended to read:

2304 339.63 System facilities designated; additions and
2305 deletions.—

2306 (3) After the initial designation of the Strategic
2307 Intermodal System under subsection (1), the department shall, in
2308 coordination with the metropolitan planning organizations, local
2309 governments, ~~regional planning councils,~~ transportation
2310 providers, and affected public agencies, add facilities to or
2311 delete facilities from the Strategic Intermodal System described
2312 in paragraphs (2)(b) and (c) based upon criteria adopted by the
2313 department.

2314 (4) After the initial designation of the Strategic
2315 Intermodal System under subsection (1), the department shall, in
2316 coordination with the metropolitan planning organizations, local
2317 governments, ~~regional planning councils,~~ transportation
2318 providers, and affected public agencies, add facilities to or
2319 delete facilities from the Strategic Intermodal System described
2320 in paragraph (2)(a) based upon criteria adopted by the

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2321 department. However, an airport that is designated as a reliever
2322 airport to a Strategic Intermodal System airport which has at
2323 least 75,000 itinerant operations per year, has a runway length
2324 of at least 5,500 linear feet, is capable of handling aircraft
2325 weighing at least 60,000 pounds with a dual wheel configuration
2326 which is served by at least one precision instrument approach,
2327 and serves a cluster of aviation-dependent industries, shall be
2328 designated as part of the Strategic Intermodal System by the
2329 Secretary of Transportation upon the request of a reliever
2330 airport meeting this criteria.

2331 Section 46. Subsection (1) and paragraph (a) of subsection
2332 (3) of section 339.64, Florida Statutes, are amended to read:

2333 339.64 Strategic Intermodal System Plan.—

2334 (1) The department shall develop, in cooperation with
2335 metropolitan planning organizations, ~~regional planning councils,~~
2336 local governments, and other transportation providers, a
2337 Strategic Intermodal System Plan. The plan shall be consistent
2338 with the Florida Transportation Plan developed pursuant to s.
2339 339.155 and shall be updated at least once every 5 years,
2340 subsequent to updates of the Florida Transportation Plan.

2341 (3) (a) During the development of updates to the Strategic
2342 Intermodal System Plan, the department shall provide
2343 metropolitan planning organizations, ~~regional planning councils,~~
2344 local governments, transportation providers, affected public
2345 agencies, and citizens with an opportunity to participate in and
2346 comment on the development of the update.

2347 Section 47. Subsection (1) of section 341.041, Florida
2348 Statutes, is amended to read:

2349 341.041 Transit responsibilities of the department.—The

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2350 department shall, within the resources provided pursuant to
2351 chapter 216:

2352 (1) Develop a statewide plan that provides for public
2353 transit and intercity bus service needs at least 5 years in
2354 advance. The plan shall be developed in a manner that will
2355 assure maximum use of existing facilities, and optimum
2356 integration and coordination of the various modes of
2357 transportation, including both governmentally owned and
2358 privately owned resources, in the most cost-effective manner
2359 possible. The plan shall also incorporate plans adopted by local
2360 ~~and regional~~ planning agencies which are consistent, to the
2361 maximum extent feasible, with ~~adopted strategic policy plans and~~
2362 approved local government comprehensive plans for the region and
2363 units of local government covered by the plan and shall, insofar
2364 as practical, conform to federal planning requirements. The plan
2365 shall be consistent with the goals of the Florida Transportation
2366 Plan developed pursuant to s. 339.155.

2367 Section 48. Paragraph (b) of subsection (1) of section
2368 343.1004, Florida Statutes, is amended to read:

2369 343.1004 Commission powers and duties.—

2370 (1) The express purposes of the commission are to improve
2371 mobility and expand multimodal transportation options for
2372 persons and freight throughout the six-county North Florida
2373 region. The commission shall, at a minimum:

2374 (b) Research and develop an implementation plan that
2375 identifies available but not yet imposed, and potentially
2376 developable, sources of funding to execute the regional
2377 transportation plan. In developing the regional transportation
2378 plan, the commission shall review and coordinate with the future

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2379 land use, capital improvements, and traffic circulation elements
 2380 of the counties' local government comprehensive plans, ~~the~~
 2381 ~~Strategic Regional Policy Plan of the Northeast Florida Regional~~
 2382 ~~Council,~~ and the schedules of other units of government having
 2383 transit or transportation authority within whose jurisdictions
 2384 the projects or improvements will be located in order to define
 2385 and resolve potential inconsistencies between such plans and the
 2386 commission's regional transportation plan. The commission shall
 2387 present the regional transportation plan and updates to the
 2388 governing bodies of the constituent counties within 90 days
 2389 after adoption. The commission shall update the regional
 2390 transportation plan and the implementation plan at least every
 2391 other year.

2392 Section 49. Section 343.1006, Florida Statutes, is amended
 2393 to read:

2394 343.1006 Plan coordination with other agencies.—The
 2395 regional transportation plan and implementation plan shall be
 2396 forwarded to the North Florida Transportation Planning
 2397 Organization for inclusion in its long-range transportation plan
 2398 and other planning documents as required by law. To the extent
 2399 feasible, the commission's planning activities, including the
 2400 development and adoption of the regional transportation plan and
 2401 the implementation plan, shall be coordinated with the work of
 2402 the North Florida Transportation Planning Organization, ~~the~~
 2403 ~~Northeast Florida Regional Council,~~ and the department.

2404 Section 50. Subsection (1) of section 343.1010, Florida
 2405 Statutes, is amended to read:

2406 343.1010 Powers of commission are supplemental.—

2407 (1) The powers conferred by this part are supplemental to

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2408 the existing powers of the North Florida Transportation Planning
2409 Organization, the Jacksonville Transportation Authority, ~~the~~
2410 ~~Northeast Florida Regional Council~~, the counties and the
2411 municipalities located therein, and the department. This part
2412 does not repeal any provisions of any other law, general,
2413 special, or local, but supplements such other laws in the
2414 exercise of the powers provided under this part and provides a
2415 complete method for the exercise of the powers granted in this
2416 part. The projects of the commission must comply with all
2417 applicable federal, state, and local laws. The projects of the
2418 commission undertaken pursuant to this part may be accomplished
2419 without regard to or necessity for compliance with the
2420 provisions, limitations, or restrictions contained in any other
2421 general, special, or local law except as specifically set forth
2422 in this part.

2423 Section 51. Paragraph (m) of subsection (3) of section
2424 343.54, Florida Statutes, is amended to read:

2425 343.54 Powers and duties.—

2426 (3) The authority may exercise all powers necessary,
2427 appurtenant, convenient, or incidental to the carrying out of
2428 the aforesaid purposes, including, but not limited to, the
2429 following rights and powers:

2430 (m) To cooperate with other governmental entities and to
2431 contract with other governmental agencies, including the
2432 Department of Transportation, the Federal Government, ~~regional~~
2433 ~~planning councils~~, counties, and municipalities.

2434 Section 52. Paragraph (e) of subsection (1) of section
2435 373.309, Florida Statutes, is amended to read:

2436 373.309 Authority to adopt rules and procedures.—

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2437 (1) The department shall adopt, and may from time to time
2438 amend, rules governing the location, construction, repair, and
2439 abandonment of water wells and shall be responsible for the
2440 administration of this part. With respect thereto, the
2441 department shall:

2442 (e) Encourage prevention of potable water well
2443 contamination and promote cost-effective remediation of
2444 contaminated potable water supplies by use of the Water Quality
2445 Assurance Trust Fund as provided in s. 376.307(1)(e) and
2446 establish by rule:

2447 1. Delineation of areas of groundwater contamination for
2448 implementation of well location and construction, testing,
2449 permitting, and clearance requirements as set forth in
2450 subparagraphs 2., 3., 4., 5., and 6. The department shall make
2451 available to water management districts, ~~regional planning~~
2452 ~~councils~~, the Department of Health, and county building and
2453 zoning departments, maps or other information on areas of
2454 contamination, including areas of ethylene dibromide
2455 contamination. Such maps or other information shall be made
2456 available to property owners, realtors, real estate
2457 associations, property appraisers, and other interested persons
2458 upon request and upon payment of appropriate costs.

2459 2. Requirements for testing for suspected contamination in
2460 areas of known contamination, as a prerequisite for clearance of
2461 a water well for drinking purposes. The department is authorized
2462 to establish criteria for acceptance of water quality testing
2463 results from the Department of Health and laboratories certified
2464 by the Department of Health, and is authorized to establish
2465 requirements for sample collection quality assurance.

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2466 3. Requirements for mandatory connection to available
2467 potable water systems in areas of known contamination, wherein
2468 the department may prohibit the permitting and construction of
2469 new potable water wells.

2470 4. Location and construction standards for public and all
2471 other potable water wells permitted in areas of contamination.
2472 Such standards shall be designed to minimize the effects of such
2473 contamination.

2474 5. A procedure for permitting all potable water wells in
2475 areas of known contamination. Any new water well that is to be
2476 used for drinking water purposes and that does not meet
2477 construction standards pursuant to subparagraph 4. must be
2478 abandoned and plugged by the owner. Water management districts
2479 shall implement, through delegation from the department, the
2480 permitting and enforcement responsibilities of this
2481 subparagraph.

2482 6. A procedure for clearing for use all potable water
2483 wells, except wells that serve a public water supply system, in
2484 areas of known contamination. If contaminants are found upon
2485 testing pursuant to subparagraph 2., a well may not be cleared
2486 for use without a filter or other means of preventing the users
2487 of the well from being exposed to deleterious amounts of
2488 contaminants. The Department of Health shall implement the
2489 responsibilities of this subparagraph.

2490 7. Fees to be paid for well construction permits and
2491 clearance for use. The fees shall be based on the actual costs
2492 incurred by the water management districts, the Department of
2493 Health, or other political subdivisions in carrying out the
2494 responsibilities related to potable water well permitting and

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2495 clearance for use. The fees shall provide revenue to cover all
2496 such costs and shall be set according to the following schedule:

2497 a. The well construction permit fee may not exceed \$500.

2498 b. The clearance fee may not exceed \$50.

2499 8. Procedures for implementing well-location, construction,
2500 testing, permitting, and clearance requirements as set forth in
2501 subparagraphs 2.-6. within areas that research or monitoring
2502 data indicate are vulnerable to contamination with nitrate, or
2503 areas in which the department provides a subsidy for restoration
2504 or replacement of contaminated drinking water supplies through
2505 extending existing water lines or developing new water supply
2506 systems pursuant to s. 376.307(1)(e). The department shall
2507 consult with the Florida Ground Water Association in the process
2508 of developing rules pursuant to this subparagraph.

2509

2510 All fees and funds collected by each delegated entity pursuant
2511 to this part shall be deposited in the appropriate operating
2512 account of that entity.

2513 Section 53. Subsections (1) and (2) of section 373.415,
2514 Florida Statutes, are amended to read:

2515 373.415 Protection zones; duties of the St. Johns River
2516 Water Management District.—

2517 (1) Not later than November 1, 1988, the St. Johns River
2518 Water Management District shall adopt rules establishing
2519 protection zones adjacent to the watercourses in the Wekiva
2520 River System, as designated in s. 369.303(9) ~~s. 369.303(10)~~.
2521 Such protection zones shall be sufficiently wide to prevent harm
2522 to the Wekiva River System, including water quality, water
2523 quantity, hydrology, wetlands, and aquatic and wetland-dependent

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2524 wildlife species, caused by any of the activities regulated
2525 under this part. Factors on which the widths of the protection
2526 zones shall be based shall include, but not be limited to:

2527 (a) The biological significance of the wetlands and uplands
2528 adjacent to the designated watercourses in the Wekiva River
2529 System, including the nesting, feeding, breeding, and resting
2530 needs of aquatic species and wetland-dependent wildlife species.

2531 (b) The sensitivity of these species to disturbance,
2532 including the short-term and long-term adaptability to
2533 disturbance of the more sensitive species, both migratory and
2534 resident.

2535 (c) The susceptibility of these lands to erosion, including
2536 the slope, soils, runoff characteristics, and vegetative cover.

2537
2538 In addition, the rules may establish permitting thresholds,
2539 permitting exemptions, or general permits, if such thresholds,
2540 exemptions, or general permits do not allow significant adverse
2541 impacts to the Wekiva River System to occur individually or
2542 cumulatively.

2543 (2) Notwithstanding the provisions of s. 120.60, the St.
2544 Johns River Water Management District may ~~shall~~ not issue any
2545 permit under this part within the Wekiva River Protection Area,
2546 as defined in s. 369.303(8) ~~s. 369.303(9)~~, until the appropriate
2547 local government has provided written notification to the
2548 district that the proposed activity is consistent with the local
2549 comprehensive plan and is in compliance with any land
2550 development regulation in effect in the area where the
2551 development will take place. The district may, however, inform
2552 any property owner who makes a request for such information as

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2553 to the location of the protection zone or zones on his or her
2554 property. However, if a development proposal is amended as the
2555 result of the review by the district, a permit may be issued
2556 prior to the development proposal being returned, if necessary,
2557 to the local government for additional review.

2558 Section 54. Paragraph (k) of subsection (2) of section
2559 377.703, Florida Statutes, is amended to read:

2560 377.703 Additional functions of the Department of
2561 Agriculture and Consumer Services.—

2562 (2) DUTIES.—The department shall perform the following
2563 functions, unless as otherwise provided, consistent with the
2564 development of a state energy policy:

2565 (k) The department shall coordinate energy-related programs
2566 of state government, including, but not limited to, the programs
2567 provided in this section. To this end, the department shall:

2568 1. Provide assistance to other state agencies, counties,
2569 and municipalities, ~~and regional planning agencies~~ to further
2570 and promote their energy planning activities.

2571 2. Require, in cooperation with the Department of
2572 Management Services, all state agencies to operate state-owned
2573 and state-leased buildings in accordance with energy
2574 conservation standards as adopted by the Department of
2575 Management Services. Every 3 months, the Department of
2576 Management Services shall furnish the department data on
2577 agencies' energy consumption and emissions of greenhouse gases
2578 in a format prescribed by the department.

2579 3. Promote the development and use of renewable energy
2580 resources, energy efficiency technologies, and conservation
2581 measures.

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2582 4. Promote the recovery of energy from wastes, including,
2583 but not limited to, the use of waste heat, the use of
2584 agricultural products as a source of energy, and recycling of
2585 manufactured products. Such promotion shall be conducted in
2586 conjunction with, and after consultation with, the Department of
2587 Environmental Protection and the Florida Public Service
2588 Commission where electrical generation or natural gas is
2589 involved, and any other relevant federal, state, or local
2590 governmental agency having responsibility for resource recovery
2591 programs.

2592 Section 55. Subsection (3) of section 378.411, Florida
2593 Statutes, is amended to read:

2594 378.411 Certification to receive notices of intent to mine,
2595 to review, and to inspect for compliance.—

2596 (3) In making his or her determination, the secretary shall
2597 consult with the Department of Economic Opportunity, ~~the~~
2598 ~~appropriate regional planning council,~~ and the appropriate water
2599 management district.

2600 Section 56. Subsection (2) of section 380.045, Florida
2601 Statutes, is amended to read:

2602 380.045 Resource planning and management committees;
2603 objectives; procedures.—

2604 (2) The committee shall include, but shall not be limited
2605 to, representation from each of the following: elected officials
2606 from the local governments within the area under study; the
2607 planning office of each of the local governments within the area
2608 under study; the state land planning agency; any other state
2609 agency under chapter 20 a representative of which the Governor
2610 feels is relevant to the compilation of the committee; and a

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2611 water management district, if appropriate, ~~and regional planning~~
2612 ~~council all or part of whose jurisdiction lies within the area~~
2613 ~~under study~~. After the appointment of the members, the Governor
2614 shall select a chair and vice chair. A staff member of the state
2615 land planning agency shall be appointed by the director of such
2616 agency to serve as the secretary of the committee. The state
2617 land planning agency shall, to the greatest extent possible,
2618 provide technical assistance and administrative support to the
2619 committee. Meetings will be called as needed by the chair or on
2620 the demand of three or more members of the committee. The
2621 committee will act on a simple majority of a quorum present and
2622 shall make a report within 6 months to the head of the state
2623 land planning agency. The committee shall, from the time of
2624 appointment, remain in existence for no less than 6 months.

2625 Section 57. Subsection (3) of section 380.055, Florida
2626 Statutes, is amended to read:

2627 380.055 Big Cypress Area.—

2628 (3) DESIGNATION AS AREA OF CRITICAL STATE CONCERN.—The "Big
2629 Cypress Area," as defined in this subsection, is hereby
2630 designated as an area of critical state concern. "Big Cypress
2631 Area" means the area generally depicted on the map entitled
2632 "Boundary Map, Big Cypress National Freshwater Reserve,
2633 Florida," numbered BC-91,001 and dated November 1971, which is
2634 on file and available for public inspection in the office of the
2635 National Park Service, Department of the Interior, Washington,
2636 D.C., and in the office of the Board of Trustees of the Internal
2637 Improvement Trust Fund, which is the area proposed as the
2638 Federal Big Cypress National Freshwater Reserve, Florida, and
2639 that area described as follows: Sections 1, 2, 11, 12 and 13 in

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2640 Township 49 South, Range 31 East; and Township 49 South, Range
2641 32 East, less Sections 19, 30 and 31; and Township 49 South,
2642 Range 33 East; and Township 49 South, Range 34 East; and
2643 Sections 1 through 5 and 10 through 14 in Township 50 South,
2644 Range 32 East; and Sections 1 through 18 and 20 through 25 in
2645 Township 50 South, Range 33 East; and Township 50 South, Range
2646 34 East, less Section 31; and Sections 1 and 2 in Township 51
2647 South, Range 34 East; All in Collier County, Florida, which
2648 described area shall be known as the "Big Cypress National
2649 Preserve Addition, Florida," together with such contiguous land
2650 and water areas as are ecologically linked with the Everglades
2651 National Park, certain of the estuarine fisheries of South
2652 Florida, or the freshwater aquifer of South Florida, the
2653 definitive boundaries of which shall be set in the following
2654 manner: Within 120 days following the effective date of this
2655 act, the state land planning agency shall recommend definitive
2656 boundaries for the Big Cypress Area to the Administration
2657 Commission, after giving notice to all local governments and
2658 regional ~~planning~~ agencies which include within their boundaries
2659 any part of the area proposed to be included in the Big Cypress
2660 Area and holding such hearings as the state land planning agency
2661 deems appropriate. Within 45 days following receipt of the
2662 recommended boundaries, the Administration Commission shall
2663 adopt, modify, or reject the recommendation and shall by rule
2664 establish the boundaries of the area defined as the Big Cypress
2665 Area.

2666 Section 58. Subsection (2) of section 380.07, Florida
2667 Statutes, is amended to read:

2668 380.07 Florida Land and Water Adjudicatory Commission.—

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2669 (2) Whenever any local government issues any development
2670 order in any area of critical state concern, or in regard to any
2671 development of regional impact, copies of such orders as
2672 prescribed by rule by the state land planning agency shall be
2673 transmitted to the state land planning agency, ~~the regional~~
2674 ~~planning agency,~~ and the owner or developer of the property
2675 affected by such order. The state land planning agency shall
2676 adopt rules describing development order rendition and
2677 effectiveness in designated areas of critical state concern.
2678 Within 45 days after the order is rendered, the owner, the
2679 developer, or the state land planning agency may appeal the
2680 order to the Florida Land and Water Adjudicatory Commission by
2681 filing a petition alleging that the development order is not
2682 consistent with the provisions of this part. ~~The appropriate~~
2683 ~~regional planning agency by vote at a regularly scheduled~~
2684 ~~meeting may recommend that the state land planning agency~~
2685 ~~undertake an appeal of a development of regional impact~~
2686 ~~development order.~~ Upon the request of an ~~appropriate regional~~
2687 ~~planning council,~~ affected local government, or any citizen, the
2688 state land planning agency shall consider whether to appeal the
2689 order and shall respond to the request within the 45-day appeal
2690 period.

2691 Section 59. Subsection (3) of section 380.507, Florida
2692 Statutes, is amended to read:

2693 380.507 Powers of the trust.—The trust shall have all the
2694 powers necessary or convenient to carry out the purposes and
2695 provisions of this part, including:

2696 (3) To provide technical and financial assistance to local
2697 governments, state agencies, water management districts,

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2698 ~~regional planning councils,~~ and nonprofit agencies to carry out
2699 projects and activities and develop programs to achieve the
2700 purposes of this part.

2701 Section 60. Subsection (6) of section 403.0752, Florida
2702 Statutes, is amended to read:

2703 403.0752 Ecosystem management agreements.—

2704 (6) The secretary of the department may form ecosystem
2705 management advisory teams for consultation and participation in
2706 the preparation of an ecosystem management agreement. The
2707 secretary shall request the participation of at least the state
2708 and regional and local government entities having regulatory
2709 authority over the activities to be subject to the ecosystem
2710 management agreement. Such teams may also include
2711 representatives of other participating or advisory government
2712 agencies, which may include ~~regional planning councils,~~ private
2713 landowners, public landowners and managers, public and private
2714 utilities, corporations, and environmental interests. Team
2715 members shall be selected in a manner that ensures adequate
2716 representation of the diverse interests and perspectives within
2717 the designated ecosystem. Participation by any department of
2718 state government is at the discretion of that agency.

2719 Section 61. Section 403.50663, Florida Statutes, is amended
2720 to read:

2721 403.50663 Informational public meetings.—

2722 (1) A local government within whose jurisdiction the power
2723 plant is proposed to be sited may hold one informational public
2724 meeting in addition to the hearings specifically authorized by
2725 this act on any matter associated with the electrical power
2726 plant proceeding. Such informational public meetings shall be

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2727 held by the local government ~~or by the regional planning council~~
2728 ~~if the local government does not hold such meeting~~ within 70
2729 days after the filing of the application. The purpose of an
2730 informational public meeting is for the local government ~~or~~
2731 ~~regional planning council~~ to further inform the public about the
2732 proposed electrical power plant or associated facilities, obtain
2733 comments from the public, and formulate its recommendation with
2734 respect to the proposed electrical power plant.

2735 (2) Informational public meetings shall be held solely at
2736 the option of each local government ~~or regional planning council~~
2737 ~~if a public meeting is not held by the local government~~. It is
2738 the legislative intent that local governments ~~or regional~~
2739 ~~planning councils~~ attempt to hold such public meetings. Parties
2740 to the proceedings under this act shall be encouraged to attend;
2741 however, no party other than the applicant and the department
2742 shall be required to attend such informational public meetings.

2743 (3) A local government ~~or regional planning council~~ that
2744 intends to conduct an informational public meeting must provide
2745 notice of the meeting to all parties not less than 5 days prior
2746 to the meeting and to the general public in accordance with s.
2747 403.5115(5). The expense for such notice is eligible for
2748 reimbursement under s. 403.518(2)(c)1.

2749 (4) The failure to hold an informational public meeting or
2750 the procedure used for the informational public meeting is not
2751 grounds for the alteration of any time limitation in this act
2752 under s. 403.5095 or grounds to deny or condition certification.

2753 Section 62. Paragraph (a) of subsection (2) of section
2754 403.507, Florida Statutes, is amended to read:

2755 403.507 Preliminary statements of issues, reports, project

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2756 analyses, and studies.—

2757 (2) (a) No later than 100 days after the certification
2758 application has been determined complete, the following agencies
2759 shall prepare reports as provided below and shall submit them to
2760 the department and the applicant, unless a final order denying
2761 the determination of need has been issued under s. 403.519:

2762 1. The Department of Economic Opportunity shall prepare a
2763 report containing recommendations which address the impact upon
2764 the public of the proposed electrical power plant, based on the
2765 degree to which the electrical power plant is consistent with
2766 the applicable portions of the state comprehensive plan,
2767 emergency management, and other such matters within its
2768 jurisdiction. The Department of Economic Opportunity may also
2769 comment on the consistency of the proposed electrical power
2770 plant with applicable ~~strategic regional policy plans~~ or local
2771 comprehensive plans and land development regulations.

2772 2. The water management district shall prepare a report as
2773 to matters within its jurisdiction, including but not limited
2774 to, the impact of the proposed electrical power plant on water
2775 resources, regional water supply planning, and district-owned
2776 lands and works.

2777 3. Each local government in whose jurisdiction the proposed
2778 electrical power plant is to be located shall prepare a report
2779 as to the consistency of the proposed electrical power plant
2780 with all applicable local ordinances, regulations, standards, or
2781 criteria that apply to the proposed electrical power plant,
2782 including any applicable local environmental regulations adopted
2783 pursuant to s. 403.182 or by other means.

2784 4. The Fish and Wildlife Conservation Commission shall

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2785 prepare a report as to matters within its jurisdiction.

2786 ~~5. Each regional planning council shall prepare a report~~
2787 ~~containing recommendations that address the impact upon the~~
2788 ~~public of the proposed electrical power plant, based on the~~
2789 ~~degree to which the electrical power plant is consistent with~~
2790 ~~the applicable provisions of the strategic regional policy plan~~
2791 ~~adopted pursuant to chapter 186 and other matters within its~~
2792 ~~jurisdiction.~~

2793 5.6. The Department of Transportation shall address the
2794 impact of the proposed electrical power plant on matters within
2795 its jurisdiction.

2796 Section 63. Paragraph (a) of subsection (3) and paragraph
2797 (a) of subsection (4) of section 403.508, Florida Statutes, are
2798 amended to read:

2799 403.508 Land use and certification hearings, parties,
2800 participants.—

2801 (3) (a) Parties to the proceeding shall include:

- 2802 1. The applicant.
- 2803 2. The Public Service Commission.
- 2804 3. The Department of Economic Opportunity.
- 2805 4. The Fish and Wildlife Conservation Commission.
- 2806 5. The water management district.
- 2807 6. The department.
- 2808 ~~7. The regional planning council.~~
- 2809 7.8. The local government.
- 2810 8.9. The Department of Transportation.

2811 (4) (a) The order of presentation at the certification
2812 hearing, unless otherwise changed by the administrative law
2813 judge to ensure the orderly presentation of witnesses and

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2814 evidence, shall be:

- 2815 1. The applicant.
- 2816 2. The department.
- 2817 3. State agencies.
- 2818 4. Regional agencies, including ~~regional planning councils~~
2819 ~~and~~ water management districts.
- 2820 5. Local governments.
- 2821 6. Other parties.

2822 Section 64. Subsection (5), paragraph (a) of subsection
2823 (6), and paragraph (a) of subsection (7) of section 403.5115,
2824 Florida Statutes, are amended to read:

2825 403.5115 Public notice.—

2826 (5) A local government ~~or regional planning council~~ that
2827 proposes to conduct an informational public meeting pursuant to
2828 s. 403.50663 must publish notice of the meeting in a newspaper
2829 of general circulation within the county or counties in which
2830 the proposed electrical power plant will be located no later
2831 than 7 days prior to the meeting. A newspaper of general
2832 circulation shall be the newspaper that has the largest daily
2833 circulation in that county and has its principal office in that
2834 county. If the newspaper with the largest daily circulation has
2835 its principal office outside the county, the notices shall
2836 appear in both the newspaper having the largest circulation in
2837 that county and in a newspaper authorized to publish legal
2838 notices in that county.

2839 (6) (a) A good faith effort shall be made by the applicant
2840 to provide direct written notice of the filing of an application
2841 for certification by United States mail or hand delivery no
2842 later than 45 days after filing of the application to all local

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2843 landowners whose property, as noted in the most recent local
2844 government tax records, and residences are located within the
2845 following distances of the proposed project:

2846 1. Three miles of the proposed main site boundaries of the
2847 proposed electrical power plant.

2848 2. One-quarter mile for a transmission line corridor that
2849 only includes a transmission line as defined by s. 403.522(21)
2850 ~~s. 403.522(22)~~.

2851 3. One-quarter mile for all other linear associated
2852 facilities extending away from the main site boundary except for
2853 a transmission line corridor that includes a transmission line
2854 that operates below those defined by s. 403.522(21) ~~s.~~
2855 ~~403.522(22)~~.

2856 (7) (a) A good faith effort shall be made by the proponent
2857 of an alternate corridor that includes a transmission line, as
2858 defined by s. 403.522(21) ~~s. 403.522(22)~~, to provide direct
2859 written notice of the filing of an alternate corridor for
2860 certification by United States mail or hand delivery of the
2861 filing no later than 30 days after filing of the alternate
2862 corridor to all local landowners whose property, as noted in the
2863 most recent local government tax records, and residences, are
2864 located within one-quarter mile of the proposed boundaries of a
2865 transmission line corridor that includes a transmission line as
2866 defined by s. 403.522(21) ~~s. 403.522(22)~~.

2867 Section 65. Paragraph (c) of subsection (2) of section
2868 403.518, Florida Statutes, is amended to read:

2869 403.518 Fees; disposition.—The department shall charge the
2870 applicant the following fees, as appropriate, which, unless
2871 otherwise specified, shall be paid into the Florida Permit Fee

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2872 Trust Fund:

2873 (2) An application fee, which shall not exceed \$200,000.
2874 The fee shall be fixed by rule on a sliding scale related to the
2875 size, type, ultimate site capacity, or increase in electrical
2876 generating capacity proposed by the application.

2877 (c)1. Upon written request with proper itemized accounting
2878 within 90 days after final agency action by the board or
2879 department or withdrawal of the application, the agencies that
2880 prepared reports pursuant to s. 403.507 or participated in a
2881 hearing pursuant to s. 403.508 may submit a written request to
2882 the department for reimbursement of expenses incurred during the
2883 certification proceedings. The request must ~~shall~~ contain an
2884 accounting of expenses incurred which may include time spent
2885 reviewing the application, preparation of any studies required
2886 of the agencies by this act, agency travel and per diem to
2887 attend any hearing held pursuant to this act, and for any local
2888 government's ~~or regional planning council's~~ provision of notice
2889 of public meetings required as a result of the application for
2890 certification. The department shall review the request and
2891 verify that the expenses are valid. Valid expenses shall be
2892 reimbursed; however, if ~~in the event~~ the amount of funds
2893 available for reimbursement is insufficient to provide for full
2894 compensation to the agencies requesting reimbursement,
2895 reimbursement shall be on a prorated basis.

2896 2. If the application review is held in abeyance for more
2897 than 1 year, the agencies may submit a request for
2898 reimbursement. This time period shall be measured from the date
2899 the applicant has provided written notification to the
2900 department that it desires to have the application review

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2901 process placed on hold. The fee disbursement shall be processed
2902 in accordance with subparagraph 1.

2903 Section 66. Paragraph (a) of subsection (2) of section
2904 403.526, Florida Statutes, is amended to read:

2905 403.526 Preliminary statements of issues, reports, and
2906 project analyses; studies.—

2907 (2) (a) No later than 90 days after the filing of the
2908 application, the following agencies shall prepare reports as
2909 provided below, unless a final order denying the determination
2910 of need has been issued under s. 403.537:

2911 1. The department shall prepare a report as to the impact
2912 of each proposed transmission line or corridor as it relates to
2913 matters within its jurisdiction.

2914 2. Each water management district in the jurisdiction of
2915 which a proposed transmission line or corridor is to be located
2916 shall prepare a report as to the impact on water resources and
2917 other matters within its jurisdiction.

2918 3. The Department of Economic Opportunity shall prepare a
2919 report containing recommendations which address the impact upon
2920 the public of the proposed transmission line or corridor, based
2921 on the degree to which the proposed transmission line or
2922 corridor is consistent with the applicable portions of the state
2923 comprehensive plan, emergency management, and other matters
2924 within its jurisdiction. The Department of Economic Opportunity
2925 may also comment on the consistency of the proposed transmission
2926 line or corridor with applicable ~~strategic regional policy plans~~
2927 ~~or~~ local comprehensive plans and land development regulations.

2928 4. The Fish and Wildlife Conservation Commission shall
2929 prepare a report as to the impact of each proposed transmission

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2930 line or corridor on fish and wildlife resources and other
2931 matters within its jurisdiction.

2932 5. Each local government shall prepare a report as to the
2933 impact of each proposed transmission line or corridor on matters
2934 within its jurisdiction, including the consistency of the
2935 proposed transmission line or corridor with all applicable local
2936 ordinances, regulations, standards, or criteria that apply to
2937 the proposed transmission line or corridor, including local
2938 comprehensive plans, zoning regulations, land development
2939 regulations, and any applicable local environmental regulations
2940 adopted pursuant to s. 403.182 or by other means. A change by
2941 the responsible local government or local agency in local
2942 comprehensive plans, zoning ordinances, or other regulations
2943 made after the date required for the filing of the local
2944 government's report required by this section is not applicable
2945 to the certification of the proposed transmission line or
2946 corridor unless the certification is denied or the application
2947 is withdrawn.

2948 ~~6. Each regional planning council shall present a report~~
2949 ~~containing recommendations that address the impact upon the~~
2950 ~~public of the proposed transmission line or corridor based on~~
2951 ~~the degree to which the transmission line or corridor is~~
2952 ~~consistent with the applicable provisions of the strategic~~
2953 ~~regional policy plan adopted under chapter 186 and other impacts~~
2954 ~~of each proposed transmission line or corridor on matters within~~
2955 ~~its jurisdiction.~~

2956 6.7. The Department of Transportation shall prepare a
2957 report as to the impact of the proposed transmission line or
2958 corridor on state roads, railroads, airports, aeronautics,

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2959 seaports, and other matters within its jurisdiction.

2960 ~~7.8.~~ The commission shall prepare a report containing its
2961 determination under s. 403.537, and the report may include the
2962 comments from the commission with respect to any other subject
2963 within its jurisdiction.

2964 ~~8.9.~~ Any other agency, if requested by the department,
2965 shall also perform studies or prepare reports as to subjects
2966 within the jurisdiction of the agency which may potentially be
2967 affected by the proposed transmission line.

2968 Section 67. Paragraph (a) of subsection (2) and paragraph
2969 (a) of subsection (3) of section 403.527, Florida Statutes, are
2970 amended to read:

2971 403.527 Certification hearing, parties, participants.—

2972 (2) (a) Parties to the proceeding shall be:

2973 1. The applicant.

2974 2. The department.

2975 3. The commission.

2976 4. The Department of Economic Opportunity.

2977 5. The Fish and Wildlife Conservation Commission.

2978 6. The Department of Transportation.

2979 7. Each water management district in the jurisdiction of
2980 which the proposed transmission line or corridor is to be
2981 located.

2982 8. The local government.

2983 ~~9. The regional planning council.~~

2984 (3) (a) The order of presentation at the certification
2985 hearing, unless otherwise changed by the administrative law
2986 judge to ensure the orderly presentation of witnesses and
2987 evidence, shall be:

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- 2988 1. The applicant.
- 2989 2. The department.
- 2990 3. State agencies.
- 2991 4. Regional agencies, including ~~regional planning councils~~
- 2992 ~~and~~ water management districts.
- 2993 5. Local governments.
- 2994 6. Other parties.

2995 Section 68. Section 403.5272, Florida Statutes, is amended
 2996 to read:

2997 403.5272 Informational public meetings.—

2998 (1) A local government whose jurisdiction is to be crossed
 2999 by a proposed corridor may hold one informational public meeting
 3000 in addition to the hearings specifically authorized by this act
 3001 on any matter associated with the transmission line proceeding.
 3002 The informational public meeting may be conducted by the local
 3003 government ~~or the regional planning council~~ and shall be held no
 3004 later than 55 days after the application is filed. The purpose
 3005 of an informational public meeting is for the local government
 3006 ~~or regional planning council~~ to further inform the public about
 3007 the transmission line proposed, obtain comments from the public,
 3008 and formulate its recommendation with respect to the proposed
 3009 transmission line.

3010 (2) Informational public meetings shall be held solely at
 3011 the option of each local government ~~or regional planning~~
 3012 ~~council~~. It is the legislative intent that local governments ~~or~~
 3013 ~~regional planning councils~~ attempt to hold such public meetings.
 3014 Parties to the proceedings under this act shall be encouraged to
 3015 attend; however, a party other than the applicant and the
 3016 department is not required to attend the informational public

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3017 meetings.

3018 (3) A local government ~~or regional planning council~~ that
3019 intends to conduct an informational public meeting must provide
3020 notice of the meeting, with notice sent to all parties listed in
3021 s. 403.527(2)(a), not less than 15 days before the meeting and
3022 to the general public in accordance with s. 403.5363(4).

3023 (4) The failure to hold an informational public meeting or
3024 the procedure used for the informational public meeting is not
3025 grounds for the alteration of any time limitation in this act
3026 under s. 403.528 or grounds to deny or condition certification.

3027 Section 69. Subsection (4), paragraph (a) of subsection
3028 (5), and paragraph (a) of subsection (6) of section 403.5363,
3029 Florida Statutes, are amended to read:

3030 403.5363 Public notices; requirements.-

3031 (4) A local government ~~or regional planning council~~ that
3032 proposes to conduct an informational public meeting pursuant to
3033 s. 403.5272 must publish notice of the meeting in a newspaper of
3034 general circulation within the county or counties in which the
3035 proposed electrical transmission line will be located no later
3036 than 7 days prior to the meeting. A newspaper of general
3037 circulation shall be the newspaper that has the largest daily
3038 circulation in that county and has its principal office in that
3039 county. If the newspaper with the largest daily circulation has
3040 its principal office outside the county, the notices shall
3041 appear in both the newspaper having the largest circulation in
3042 that county and in a newspaper authorized to publish legal
3043 notices in that county.

3044 (5) (a) A good faith effort shall be made by the applicant
3045 to provide direct notice of the filing of an application for

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3046 certification by United States mail or hand delivery no later
3047 than 45 days after filing of the application to all local
3048 landowners whose property, as noted in the most recent local
3049 government tax records, and residences are located within one-
3050 quarter mile of the proposed boundaries of a transmission line
3051 corridor that only includes a transmission line as defined by s.
3052 403.522(21) ~~s. 403.522(22)~~.

3053 (6) (a) A good faith effort shall be made by the proponent
3054 of an alternate corridor that includes a transmission line, as
3055 defined by s. 403.522(21) ~~s. 403.522(22)~~, to provide direct
3056 notice of the filing of an alternate corridor for certification
3057 by United States mail or hand delivery of the filing no later
3058 than 30 days after filing of the alternate corridor to all local
3059 landowners whose property, as noted in the most recent local
3060 government tax records, and residences are located within one-
3061 quarter mile of the proposed boundaries of a transmission line
3062 corridor that includes a transmission line as defined by s.
3063 403.522(21) ~~s. 403.522(22)~~.

3064 Section 70. Paragraph (d) of subsection (1) of section
3065 403.5365, Florida Statutes, is amended to read:

3066 403.5365 Fees; disposition.—The department shall charge the
3067 applicant the following fees, as appropriate, which, unless
3068 otherwise specified, shall be paid into the Florida Permit Fee
3069 Trust Fund:

3070 (1) An application fee.

3071 (d)1. Upon written request with proper itemized accounting
3072 within 90 days after final agency action by the siting board or
3073 the department or the written notification of the withdrawal of
3074 the application, the agencies that prepared reports under s.

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3075 403.526 or s. 403.5271 or participated in a hearing under s.
3076 403.527 or s. 403.5271 may submit a written request to the
3077 department for reimbursement of expenses incurred during the
3078 certification proceedings. The request must contain an
3079 accounting of expenses incurred, which may include time spent
3080 reviewing the application, preparation of any studies required
3081 of the agencies by this act, agency travel and per diem to
3082 attend any hearing held under this act, and for the local
3083 government ~~or regional planning council~~ providing additional
3084 notice of the informational public meeting. The department shall
3085 review the request and verify whether a claimed expense is
3086 valid. Valid expenses shall be reimbursed; however, if the
3087 amount of funds available for reimbursement is insufficient to
3088 provide for full compensation to the agencies, reimbursement
3089 shall be on a prorated basis.

3090 2. If the application review is held in abeyance for more
3091 than 1 year, the agencies may submit a request for reimbursement
3092 under subparagraph 1. This time period shall be measured from
3093 the date the applicant has provided written notification to the
3094 department that it desires to have the application review
3095 process placed on hold. The fee disbursement shall be processed
3096 in accordance with subparagraph 1.

3097 Section 71. Paragraphs (a) and (d) of subsection (1) of
3098 section 403.537, Florida Statutes, are amended to read:

3099 403.537 Determination of need for transmission line; powers
3100 and duties.—

3101 (1) (a) Upon request by an applicant or upon its own motion,
3102 the Florida Public Service Commission shall schedule a public
3103 hearing, after notice, to determine the need for a transmission

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3104 line regulated by the Florida Electric Transmission Line Siting
3105 Act, ss. 403.52-403.5365. The notice shall be published at least
3106 21 days before the date set for the hearing and shall be
3107 published by the applicant in at least one-quarter page size
3108 notice in newspapers of general circulation, and by the
3109 commission in the manner specified in chapter 120, by giving
3110 notice to counties ~~and regional planning councils~~ in whose
3111 jurisdiction the transmission line could be placed, and by
3112 giving notice to any persons who have requested to be placed on
3113 the mailing list of the commission for this purpose. Within 21
3114 days after receipt of a request for determination by an
3115 applicant, the commission shall set a date for the hearing. The
3116 hearing shall be held pursuant to s. 350.01 within 45 days after
3117 the filing of the request, and a decision shall be rendered
3118 within 60 days after such filing.

3119 (d) The determination by the commission of the need for the
3120 transmission line, as defined in s. 403.522(21) ~~s. 403.522(22)~~,
3121 is binding on all parties to any certification proceeding under
3122 the Florida Electric Transmission Line Siting Act and is a
3123 condition precedent to the conduct of the certification hearing
3124 prescribed therein. An order entered pursuant to this section
3125 constitutes final agency action.

3126 Section 72. Subsection (17) of section 403.704, Florida
3127 Statutes, is amended to read:

3128 403.704 Powers and duties of the department.—The department
3129 shall have responsibility for the implementation and enforcement
3130 of this act. In addition to other powers and duties, the
3131 department shall:

3132 (17) Provide technical assistance to local governments and

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3133 regional agencies to ensure consistency between county hazardous
3134 waste management assessments; coordinate the development of such
3135 assessments ~~with the assistance of the appropriate regional~~
3136 ~~planning councils~~; and review and make recommendations to the
3137 Legislature relative to the sufficiency of the assessments to
3138 meet state hazardous waste management needs.

3139 Section 73. Subsection (1) of section 403.7226, Florida
3140 Statutes, is amended to read:

3141 403.7226 Technical assistance by the department.—The
3142 department shall:

3143 (1) Provide technical assistance to county governments ~~and~~
3144 ~~regional planning councils~~ to ensure consistency in implementing
3145 local hazardous waste management assessments as provided in ss.
3146 403.7225, 403.7234, and 403.7236. In order to ensure that each
3147 local assessment is properly implemented and that all
3148 information gathered during the assessment is uniformly compiled
3149 and documented, each county ~~or regional planning council~~ shall
3150 contact the department during the preparation of the local
3151 assessment to receive technical assistance. Each county ~~or~~
3152 ~~regional planning council~~ shall follow guidelines established by
3153 the department, and adopted by rule as appropriate, in order to
3154 properly implement these assessments.

3155 Section 74. Paragraph (a) of subsection (2) of section
3156 403.941, Florida Statutes, is amended to read:

3157 403.941 Preliminary statements of issues, reports, and
3158 studies.—

3159 (2) (a) The affected agencies shall prepare reports as
3160 provided in this paragraph and shall submit them to the
3161 department and the applicant within 60 days after the

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3162 application is determined sufficient:

3163 1. The department shall prepare a report as to the impact
3164 of each proposed natural gas transmission pipeline or corridor
3165 as it relates to matters within its jurisdiction.

3166 2. Each water management district in the jurisdiction of
3167 which a proposed natural gas transmission pipeline or corridor
3168 is to be located shall prepare a report as to the impact on
3169 water resources and other matters within its jurisdiction.

3170 3. The Department of Economic Opportunity shall prepare a
3171 report containing recommendations which address the impact upon
3172 the public of the proposed natural gas transmission pipeline or
3173 corridor, based on the degree to which the proposed natural gas
3174 transmission pipeline or corridor is consistent with the
3175 applicable portions of the state comprehensive plan and other
3176 matters within its jurisdiction. The Department of Economic
3177 Opportunity may also comment on the consistency of the proposed
3178 natural gas transmission pipeline or corridor with applicable
3179 ~~strategic regional policy plans or~~ local comprehensive plans and
3180 land development regulations.

3181 4. The Fish and Wildlife Conservation Commission shall
3182 prepare a report as to the impact of each proposed natural gas
3183 transmission pipeline or corridor on fish and wildlife resources
3184 and other matters within its jurisdiction.

3185 5. Each local government in which the natural gas
3186 transmission pipeline or natural gas transmission pipeline
3187 corridor will be located shall prepare a report as to the impact
3188 of each proposed natural gas transmission pipeline or corridor
3189 on matters within its jurisdiction, including the consistency of
3190 the proposed natural gas transmission pipeline or corridor with

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3191 all applicable local ordinances, regulations, standards, or
3192 criteria that apply to the proposed natural gas transmission
3193 pipeline or corridor, including local comprehensive plans,
3194 zoning regulations, land development regulations, and any
3195 applicable local environmental regulations adopted pursuant to
3196 s. 403.182 or by other means. No change by the responsible local
3197 government or local agency in local comprehensive plans, zoning
3198 ordinances, or other regulations made after the date required
3199 for the filing of the local government's report required by this
3200 section shall be applicable to the certification of the proposed
3201 natural gas transmission pipeline or corridor unless the
3202 certification is denied or the application is withdrawn.

3203 ~~6. Each regional planning council in which the natural gas~~
3204 ~~transmission pipeline or natural gas transmission pipeline~~
3205 ~~corridor will be located shall present a report containing~~
3206 ~~recommendations that address the impact upon the public of the~~
3207 ~~proposed natural gas transmission pipeline or corridor, based on~~
3208 ~~the degree to which the natural gas transmission pipeline or~~
3209 ~~corridor is consistent with the applicable provisions of the~~
3210 ~~strategic regional policy plan adopted pursuant to chapter 186~~
3211 ~~and other impacts of each proposed natural gas transmission~~
3212 ~~pipeline or corridor on matters within its jurisdiction.~~

3213 6.7. The Department of Transportation shall prepare a
3214 report on the effect of the natural gas transmission pipeline or
3215 natural gas transmission pipeline corridor on matters within its
3216 jurisdiction, including roadway crossings by the pipeline. The
3217 report shall contain at a minimum:

3218 a. A report by the applicant to the department stating that
3219 all requirements of the department's utilities accommodation

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3220 guide have been or will be met in regard to the proposed
3221 pipeline or pipeline corridor; and

3222 b. A statement by the department as to the adequacy of the
3223 report to the department by the applicant.

3224 ~~7.8.~~ The Department of State, Division of Historical
3225 Resources, shall prepare a report on the impact of the natural
3226 gas transmission pipeline or natural gas transmission pipeline
3227 corridor on matters within its jurisdiction.

3228 ~~8.9.~~ The commission shall prepare a report addressing
3229 matters within its jurisdiction. The commission's report shall
3230 include its determination of need issued pursuant to s.
3231 403.9422.

3232 Section 75. Paragraph (a) of subsection (4) and subsection
3233 (6) of section 403.9411, Florida Statutes, are amended to read:

3234 403.9411 Notice; proceedings; parties and participants.—

3235 (4) (a) Parties to the proceeding shall be:

3236 1. The applicant.

3237 2. The department.

3238 3. The commission.

3239 4. The Department of Economic Opportunity.

3240 5. The Fish and Wildlife Conservation Commission.

3241 6. Each water management district in the jurisdiction of
3242 which the proposed natural gas transmission pipeline or corridor
3243 is to be located.

3244 7. The local government.

3245 ~~8. The regional planning council.~~

3246 ~~8.9.~~ The Department of Transportation.

3247 ~~9.10.~~ The Department of State, Division of Historical
3248 Resources.

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3249 (6) The order of presentation at the certification hearing,
3250 unless otherwise changed by the administrative law judge to
3251 ensure the orderly presentation of witnesses and evidence, shall
3252 be:

3253 (a) The applicant.

3254 (b) The department.

3255 (c) State agencies.

3256 (d) Regional agencies, including ~~regional planning councils~~
3257 ~~and~~ water management districts.

3258 (e) Local governments.

3259 (f) Other parties.

3260 Section 76. Paragraph (a) of subsection (1) of section
3261 403.9422, Florida Statutes, is amended to read:

3262 403.9422 Determination of need for natural gas transmission
3263 pipeline; powers and duties.—

3264 (1) (a) Upon request by an applicant or upon its own motion,
3265 the commission shall schedule a public hearing, after notice, to
3266 determine the need for a natural gas transmission pipeline
3267 regulated by ss. 403.9401-403.9425. Such notice shall be
3268 published at least 45 days before the date set for the hearing
3269 and shall be published in at least one-quarter page size in
3270 newspapers of general circulation and in the Florida
3271 Administrative Register, by giving notice to counties ~~and~~
3272 ~~regional planning councils~~ in whose jurisdiction the natural gas
3273 transmission pipeline could be placed, and by giving notice to
3274 any persons who have requested to be placed on the mailing list
3275 of the commission for this purpose. Within 21 days after receipt
3276 of a request for determination by an applicant, the commission
3277 shall set a date for the hearing. The hearing shall be held

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3278 pursuant to s. 350.01 within 75 days after the filing of the
3279 request, and a decision shall be rendered within 90 days after
3280 such filing.

3281 Section 77. Subsection (4) of section 403.973, Florida
3282 Statutes, is amended to read:

3283 403.973 Expedited permitting; amendments to comprehensive
3284 plans.—

3285 (4) The regional teams shall be established through the
3286 execution of a project-specific memorandum of agreement
3287 developed and executed by the applicant and the secretary, with
3288 input solicited from the respective heads of the Department of
3289 Transportation and its district offices, the Department of
3290 Agriculture and Consumer Services, the Fish and Wildlife
3291 Conservation Commission, ~~appropriate regional planning councils,~~
3292 appropriate water management districts, and voluntarily
3293 participating municipalities and counties. The memorandum of
3294 agreement should also accommodate participation in this
3295 expedited process by other local governments and federal
3296 agencies as circumstances warrant.

3297 Section 78. Paragraphs (b) and (d) of subsection (1) of
3298 section 408.033, Florida Statutes, are amended to read:

3299 408.033 Local and state health planning.—

3300 (1) LOCAL HEALTH COUNCILS.—

3301 (b) Each local health council may:

3302 1. Develop a district area health plan that permits each
3303 local health council to develop strategies and set priorities
3304 for implementation based on its unique local health needs.

3305 2. Advise the agency on health care issues and resource
3306 allocations.

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3307 3. Promote public awareness of community health needs,
3308 emphasizing health promotion and cost-effective health service
3309 selection.

3310 4. Collect data and conduct analyses and studies related to
3311 health care needs of the district, including the needs of
3312 medically indigent persons, and assist the agency and other
3313 state agencies in carrying out data collection activities that
3314 relate to the functions in this subsection.

3315 5. Monitor the onsite construction progress, if any, of
3316 certificate-of-need approved projects and report council
3317 findings to the agency on forms provided by the agency.

3318 ~~6. Advise and assist any regional planning councils within~~
3319 ~~each district that have elected to address health issues in~~
3320 ~~their strategic regional policy plans with the development of~~
3321 ~~the health element of the plans to address the health goals and~~
3322 ~~policies in the State Comprehensive Plan.~~

3323 6.7. Advise and assist local governments within each
3324 district on the development of an optional health plan element
3325 of the comprehensive plan provided in chapter 163, to assure
3326 compatibility with the health goals and policies in the State
3327 Comprehensive Plan and district health plan. To facilitate the
3328 implementation of this section, the local health council shall
3329 annually provide the local governments in its service area, upon
3330 request, with:

3331 a. A copy and appropriate updates of the district health
3332 plan;

3333 b. A report of hospital and nursing home utilization
3334 statistics for facilities within the local government
3335 jurisdiction; and

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3336 c. Applicable agency rules and calculated need
3337 methodologies for health facilities and services regulated under
3338 s. 408.034 for the district served by the local health council.

3339 ~~7.8.~~ Monitor and evaluate the adequacy, appropriateness,
3340 and effectiveness, within the district, of local, state,
3341 federal, and private funds distributed to meet the needs of the
3342 medically indigent and other underserved population groups.

3343 ~~8.9.~~ In conjunction with the Department of Health, plan for
3344 services at the local level for persons infected with the human
3345 immunodeficiency virus.

3346 ~~9.10.~~ Provide technical assistance to encourage and support
3347 activities by providers, purchasers, consumers, and local,
3348 regional, and state agencies in meeting the health care goals,
3349 objectives, and policies adopted by the local health council.

3350 ~~10.11.~~ Provide the agency with data required by rule for
3351 the review of certificate-of-need applications and the
3352 projection of need for health services and facilities in the
3353 district.

3354 ~~(d) Each local health council shall enter into a memorandum~~
3355 ~~of agreement with each regional planning council in its district~~
3356 ~~that elects to address health issues in its strategic regional~~
3357 ~~policy plan. In addition,~~ Each local health council shall enter
3358 into a memorandum of agreement with each local government that
3359 includes an optional health element in its comprehensive plan.
3360 Each memorandum of agreement must specify the manner in which
3361 each local government, ~~regional planning council,~~ and local
3362 health council will coordinate its activities to ensure a
3363 unified approach to health planning and implementation efforts.

3364 Section 79. Subsection (6) of section 419.001, Florida

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3365 Statutes, is amended to read:

3366 419.001 Site selection of community residential homes.—

3367 (6) If agreed to by both the local government and the
3368 sponsoring agency, a conflict may be resolved through informal
3369 mediation. The local government shall arrange for the services
3370 of an independent mediator or may utilize a ~~the~~ dispute
3371 resolution process ~~established by a regional planning council~~
3372 ~~pursuant to s. 186.509~~. Mediation shall be concluded within 45
3373 days of a request therefor. The resolution of any issue through
3374 the mediation process may ~~shall~~ not alter any person's right to
3375 a judicial determination of any issue if that person is entitled
3376 to such a determination under statutory or common law.

3377 Section 80. Subsection (1) of section 420.609, Florida
3378 Statutes, is amended to read:

3379 420.609 Affordable Housing Study Commission.—Because the
3380 Legislature firmly supports affordable housing in Florida for
3381 all economic classes:

3382 (1) There is created the Affordable Housing Study
3383 Commission, which shall be composed of 20 ~~21~~ members to be
3384 appointed by the Governor:

3385 (a) One citizen actively engaged in the residential home
3386 building industry.

3387 (b) One citizen actively engaged in the home mortgage
3388 lending profession.

3389 (c) One citizen actively engaged in the real estate sales
3390 profession.

3391 (d) One citizen actively engaged in apartment development.

3392 (e) One citizen actively engaged in the management and
3393 operation of a rental housing development.

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3394 (f) Two citizens who represent very-low-income and low-
3395 income persons.

3396 (g) One citizen representing a community-based organization
3397 with experience in housing development.

3398 (h) One citizen representing a community-based organization
3399 with experience in housing development in a community with a
3400 population of less than 50,000 persons.

3401 (i) Two citizens who represent elderly persons' housing
3402 interests.

3403 ~~(j) One representative of regional planning councils.~~

3404 (j)~~(k)~~ One representative of the Florida League of Cities.

3405 (k)~~(l)~~ One representative of the Florida Association of
3406 Counties.

3407 (l)~~(m)~~ Two citizens representing statewide growth
3408 management organizations.

3409 (m)~~(n)~~ One citizen of the state to serve as chair of the
3410 commission.

3411 (n)~~(o)~~ One citizen representing a residential community
3412 developer.

3413 (o)~~(p)~~ One member who is a resident of the state.

3414 (p)~~(q)~~ One representative from a local housing authority.

3415 (q)~~(r)~~ One citizen representing the housing interests of
3416 homeless persons.

3417 Section 81. Subsection (8) of section 427.012, Florida
3418 Statutes, is amended to read:

3419 427.012 The Commission for the Transportation
3420 Disadvantaged.—There is created the Commission for the
3421 Transportation Disadvantaged in the Department of
3422 Transportation.

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3423 (8) The commission shall appoint a technical working group
 3424 that includes representatives of private paratransit providers.
 3425 The technical working group shall advise the commission on
 3426 issues of importance to the state, including information,
 3427 advice, and direction regarding the coordination of services for
 3428 the transportation disadvantaged. The commission may appoint
 3429 other technical working groups whose members may include
 3430 representatives of community transportation coordinators;
 3431 metropolitan planning organizations; ~~regional planning councils;~~
 3432 experts in insurance, marketing, economic development, or
 3433 financial planning; and persons who use transportation for the
 3434 transportation disadvantaged, or their relatives, parents,
 3435 guardians, or service professionals who tend to their needs.

3436 Section 82. Paragraph (f) of subsection (1) of section
 3437 501.171, Florida Statutes, is amended to read:

3438 501.171 Security of confidential personal information.—

3439 (1) DEFINITIONS.—As used in this section, the term:

3440 (f) "Governmental entity" means any department, division,
 3441 bureau, commission, ~~regional planning agency,~~ board, district,
 3442 authority, agency, or other instrumentality of this state that
 3443 acquires, maintains, stores, or uses data in electronic form
 3444 containing personal information.

3445 Section 83. Subsection (4) of section 985.682, Florida
 3446 Statutes, is amended to read:

3447 985.682 Siting of facilities; criteria.—

3448 (4) When the department requests such a modification and it
 3449 is denied by the local government, the local government or the
 3450 department shall initiate a ~~the~~ dispute resolution process
 3451 ~~established under s. 186.509~~ to reconcile differences on the

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3452 siting of correctional facilities between the department, local
3453 governments, and private citizens. ~~If the regional planning~~
3454 ~~council has not established a dispute resolution process~~
3455 ~~pursuant to s. 186.509,~~ The department shall establish, by rule,
3456 procedures for dispute resolution. The dispute resolution
3457 process shall require the parties to commence meetings to
3458 reconcile their differences. If the parties fail to resolve
3459 their differences within 30 days after the denial, the parties
3460 shall engage in voluntary mediation or similar process. If the
3461 parties fail to resolve their differences by mediation within 60
3462 days after the denial, or if no action is taken on the
3463 department's request within 90 days after the request, the
3464 department must appeal the decision of the local government on
3465 the requested modification of local plans, ordinances, or
3466 regulations to the Governor and Cabinet. Any dispute resolution
3467 process initiated under this section must conform to the time
3468 limitations set forth herein. However, upon agreement of all
3469 parties, the time limits may be extended, but in no event may
3470 the dispute resolution process extend over 180 days.

3471 Section 84. Subsection (6) of section 1013.30, Florida
3472 Statutes, is amended to read:

3473 1013.30 University campus master plans and campus
3474 development agreements.—

3475 (6) Before a campus master plan is adopted, a copy of the
3476 draft master plan must be sent for review or made available
3477 electronically to the host and any affected local governments,
3478 the state land planning agency, the Department of Environmental
3479 Protection, the Department of Transportation, the Department of
3480 State, the Fish and Wildlife Conservation Commission, and the

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3481 applicable water management district ~~and regional planning~~
3482 ~~council~~. At the request of a governmental entity, a hard copy of
3483 the draft master plan shall be submitted within 7 business days
3484 of an electronic copy being made available. These agencies must
3485 be given 90 days after receipt of the campus master plans in
3486 which to conduct their review and provide comments to the
3487 university board of trustees. The commencement of this review
3488 period must be advertised in newspapers of general circulation
3489 within the host local government and any affected local
3490 government to allow for public comment. Following receipt and
3491 consideration of all comments and the holding of an informal
3492 information session and at least two public hearings within the
3493 host jurisdiction, the university board of trustees shall adopt
3494 the campus master plan. It is the intent of the Legislature that
3495 the university board of trustees comply with the notice
3496 requirements set forth in s. 163.3184(11) to ensure full public
3497 participation in this planning process. The informal public
3498 information session must be held before the first public
3499 hearing. The first public hearing shall be held before the draft
3500 master plan is sent to the agencies specified in this
3501 subsection. The second public hearing shall be held in
3502 conjunction with the adoption of the draft master plan by the
3503 university board of trustees. Campus master plans developed
3504 under this section are not rules and are not subject to chapter
3505 120 except as otherwise provided in this section.

3506 Section 85. Subsection (40) of section 163.3164, Florida
3507 Statutes, is repealed.

3508 Section 86. Subsection (5) of section 186.003, Florida
3509 Statutes, is repealed.

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3510 Section 87. Paragraph (c) of subsection (11) of section
3511 343.1003, Florida Statutes, is repealed.

3512 Section 88. Subsection (1) of section 369.303, Florida
3513 Statutes, is repealed.

3514 Section 89. Subsection (15) of section 380.031, Florida
3515 Statutes, is repealed.

3516 Section 90. Subsection (26) of section 403.503, Florida
3517 Statutes, is repealed.

3518 Section 91. Subsection (21) of section 403.522, Florida
3519 Statutes, is repealed.

3520 Section 92. Subsection (4) of section 403.7264, Florida
3521 Statutes, is repealed.

3522 Section 93. Subsection (22) of section 403.9403, Florida
3523 Statutes, is repealed.

3524 Section 94. This act shall take effect July 1, 2015.

3525

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-10-15

Meeting Date

SB 484

Bill Number (if applicable)

361664

Amendment Barcode (if applicable)

Topic RPCS

Name Stephanie Kunkel

Job Title _____

Address 1143 Albrighton Dr

Street

Phone 850-320-4208

Tallahassee

City

FL

State

32301

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Conservancy of Southwest Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/10/15

Meeting Date

484

Bill Number (if applicable)

361664

Amendment Barcode (if applicable)

Topic Regional Planning Councils

Name CHARLES PATTISON

Job Title POLICY DIRECTOR

Address 309 N. MONROE

Street

TALLAHASSEE

City

State

32301

Zip

Phone 222-6277 x 103

Email cpattison@1000fof.org

Speaking: For Against Information
as amended

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing 1000 FRIENDS OF FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/10/15
Meeting Date

484
Bill Number (if applicable)

Topic RPLs

Amendment Barcode (if applicable)

Name ERIC POOLE

Job Title Asst. Leg Dir

Address 100 Monroe
Street

Phone 902-4300

TALL
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Assoc. Counties

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/10/25
Meeting Date

484
Bill Number (if applicable)

Topic REGIONAL PLANNING COUNCILS

~~50307~~
Amendment Barcode (if applicable)
361664

Name DAVID COLLEN

Job Title _____

Address 1674 UNIVERSITY PKWY #296

Phone 941.323.2404

Street

SARASOTA
City

FL
State

34243
Zip

Email collenasea@aol.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing SIERRA CLUB FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-10-15

Meeting Date

SB 484

Bill Number (if applicable)

301664

Amendment Barcode (if applicable)

Topic REGIONAL PLANNING COUNCILS

Name RONALD L. BOOK

Job Title _____

Address 18851 NE 29 AVE STE 1010

Street

AVENTURA

City

FL 33180

State

Zip

Phone 305.935.1866

Email RON@RLBOOKPA.COM

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA REGIONAL COUNCILS ASSOC.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

03-16-15
Meeting Date

SB 484
Bill Number (if applicable)

Topic RPC

Amendment Barcode (if applicable)

Name Amy Datz

Job Title Environmental Scientist Retired

Address 1130 Crestview Ave.
Street
Tallahassee, FL 32303
City State Zip

Phone (850) 322-7599

Email amaliadatz@mac.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Environmental Caucus of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3 / 10 / 2015

Meeting Date

Topic _____

Bill Number 484
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG FLORIDA 33705

E-mail JUSTICE2JESUS@YAHOO.COM

City

State

Zip

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

CourtSmart Tag Report

Room: SB 301

Case:

Type:

Caption: Senate Community Affairs Committee Judge:

Started: 3/10/2015 1:33:49 PM

Ends: 3/10/2015 2:57:53 PM

Length: 01:24:05

1:33:54 PM Call to order
1:34:30 PM SB 782 TP'd
1:34:58 PM Tab 2 SB 924 Senator Hays
1:35:57 PM Amendment Barcode 328510
1:36:29 PM Amendment adopted
1:37:02 PM Carey Baker, FL Assoc. of Property Appraisers
1:37:24 PM Roger Suggs, Clay County
1:38:02 PM Brian Pitts, Justice-2-Jesus
1:39:31 PM Roll call on SB 924
1:39:41 PM SB 924 reported favorably
1:39:57 PM Tab 5 SJR 810 Senator Garcia
1:40:37 PM Senator Thompson
1:41:45 PM Jess McCarty, Miami-Dade County
1:42:57 PM Brian Pitts, Justice-2-Jesus
1:44:39 PM Senator Diaz de la Portilla
1:47:15 PM Senator Thompson
1:47:43 PM Senator Abruzzo
1:48:11 PM Senator Dean
1:48:56 PM Senator Garcia close
1:50:41 PM Roll call on SJR 810
1:51:17 PM Bill reported unfavorably
1:51:37 PM Tab 1 SB 766 Senator Hukill
1:52:58 PM Dean Ridings, Florida Press Association
1:54:11 PM Senator Bradley
1:55:02 PM Brian Pitts, Justice-2-Jesus
1:57:11 PM Senator Hukill close
1:57:56 PM Roll call on SB 766
1:58:11 PM SB 766 reported favorably
1:58:18 PM Senator Bradley
1:58:34 PM Senator Dean
1:59:38 PM Tab 4 SB 780 Senator Smith
2:00:14 PM Senator Dean
2:01:27 PM Senator Bradley
2:04:10 PM Brian Pitts, Justice-2-Jesus
2:04:41 PM Lisa Henning, Fraternal Order of Police
2:05:01 PM Ken Kopczynski, Florida PBA Inc.
2:05:25 PM Dave Evides, City of North Lauderdale
2:05:40 PM Amber Hughes, Florida League of Cities
2:05:57 PM David Sigerson, City of Margate
2:07:30 PM Senator Smith
2:07:40 PM Roll call on SB 780
2:07:46 PM Bill reported favorably
2:08:19 PM Senator Bradley takes chair
2:08:33 PM Tab 8 SB 956 Senator Simpson
2:09:56 PM Brian Pitts, Justice-2-Jesus
2:11:19 PM Roll call on SB 956
2:11:25 PM SB 956 reported favorably
2:11:50 PM Tab 7 SB 562 Senator Simpson
2:12:23 PM Gary Hunter, Assoc. of Florida Community Developers
2:15:01 PM Eric Poole, Florida Assoc. of Counties
2:15:51 PM Charles Pattison, 1000 Friends of Florida
2:16:40 PM David Cruz, Florida League of Cities

2:17:41 PM Senator Simpson
2:18:56 PM Senator Bradley
2:19:33 PM Amy Datz, Environmental Caucus of Florida
2:19:50 PM Roll call on SB 562
2:20:02 PM Bill reported favorably
2:20:17 PM Senator Diaz de la Portilla
2:20:47 PM Tab 9 SB 484 Senator Simpson
2:21:07 PM Amendment Barcode 361664
2:21:51 PM Senator Dean
2:23:44 PM Stephanie Kunkel, Conservancy of Southwest Florida
2:24:05 PM Charles Pattison, 1000 Friends of Florida
2:25:07 PM Eric Poole, Florida Assoc. of Counties
2:26:40 PM David Cullen, Sierra Club Florida
2:30:31 PM Ronald L. Book, Florida Regional Councils Assoc.
2:40:57 PM Amy Datz, Environmental Caucus of Florida
2:41:28 PM Brian Pitts, Justice-2-Jeuss
2:45:24 PM Senator Dean
2:46:05 PM Senator Diaz de la Portilla
2:46:44 PM Amendment adopted
2:47:12 PM Roll call on SB 484
2:47:26 PM Bill reported favorably
2:47:55 PM Senator Thompson
2:48:17 PM Senator Brandes
2:48:29 PM Tab 6 SB 242 Senator Brandes
2:49:14 PM Amendment Barcode 869738
2:49:20 PM Senator Brandes
2:49:36 PM Amendment adopted
2:49:51 PM Kraig Conn, Florida League of Cities
2:51:37 PM Senator Bradley
2:53:51 PM Senator Brandes
2:55:32 PM Kraig Conn, Florida League of Cities
2:56:29 PM Senator Brandes close
2:57:31 PM Roll call on SB 242
2:57:41 PM Bill reported favorably
2:57:47 PM Adjourned