The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL:	CS/SB 1216
INTRODUCER:	Community Affairs Committee and Senator Simpson
SUBJECT:	Connected-city Corridors
DATE:	April 1, 2015 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stearns	Yeatman	CA	**Fav/CS**
2.	Gusky	Miller	ATD	**Pre-meeting**
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1216 names Pasco County as a pilot community for a period of 10 years related to connected-city corridor plan amendments. The bill provides requirements for connected-city corridors as well as authorized features. Plan amendments within a connected-city corridor may be based on a longer than normal planning period and need not demonstrate need on any basis. Projects within certain connected-city corridors are exempted from concurrency requirements and development of regional impact (DRI) review requirements. The bill provides that the exclusive method of establishing a community development district of less than 2,000 acres within a connected-city corridor is by adoption of an ordinance by the county commission.

The bill directs the Office of Program Policy Analysis and Government Accountability (OPPAGA) to submit a report on the pilot project to the Governor and Legislature in 10 years.

The fiscal impact of the bill is indeterminate (see Section V).

The bill provides that it becomes effective upon becoming law.

II. Present Situation:

Comprehensive Plans and the Comprehensive Plan Amendment Process

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.[1] 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.[2]

The state agencies review the proposed amendment for impacts related to their statutory purview. The regional planning council with jurisdiction reviews the amendment specifically for "extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region" as well as adverse effects on regional resources or facilities.[3] Upon receipt of the reports from the various agencies, the local government holds a second public hearing at which the governing body votes to approve the amendment or not. If the amendment receives a favorable vote it is transmitted to the Department of Economic Opportunity (DEO) for final review.[4] 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.[5]

Local Government Comprehensive Planning Certification Program

In 2002, the Florida Legislature created the Local Government Comprehensive Planning Certification Program[6] to establish a process that requires less state and regional oversight of the comprehensive plan amendment process for local governments that identify a geographic area for certification within which they commit to directing growth. Section 163.3246, F.S., allows the DEO to enter into up to eight new certification agreements each year. To be eligible, a local government must demonstrate a record of effectively adopting, implementing, and enforcing its comprehensive plan and demonstrate technical, financial, and administrative expertise. The local government must also demonstrate that it has adopted programs in the comprehensive plan and land development regulations that:

- Promote infill development and redevelopment, including prioritized and timely permitting processes;

[1] Section 163.3174(4)(a), F.S.
[2] Section 163.3184, F.S.
[3] Section 163.3184(3)(b)3.a., F.S.
[4] Section 163.3184, F.S.
[5] *Id.*
[6] Chapter 2002-296, Laws of Florida.

- Promote affordable housing for low-income and very low-income households or specialized housing to assist elderly and disabled persons;
- Achieve effective intergovernmental coordination and address extrajurisdictional effects of development;
- Promote economic diversity and growth while encouraging the protection and restoration of the environment;
- Provide and maintain public urban and rural open space and recreational opportunities;
- Manage transportation and land uses to support public transit and promote opportunities for pedestrian and non-motorized transportation;
- Use design principles to promote individual community identity;
- Redevelop blighted areas;
- Adopt a local mitigation strategy and have programs to improve disaster preparedness;
- Encourage clustered, mixed-use developments;
- Encourage urban infill and discourage urban sprawl;
- Assure protection of key natural areas and agricultural lands; and
- Ensure the cost-efficient provision of public infrastructure and services.

The DEO may revoke the local government's certification if it determines that the local government is not substantially complying with the terms of the agreement.

During the January, 2011 to December, 2012 time period, the DEO indicated that four local governments have been certified under the program – the cities of Orlando, Lakeland, Miramar, and Freeport. Very few local governments have been able to meet the stringent criteria required to participate in the program.[7]

Under current law, no connected-city corridor specific development approval process exists.

Special Districts

Special districts are local units of special purpose government, within limited geographical areas, which are used to manage, own, operate, maintain, and finance basic capital infrastructure, facilities, and services. Special districts have existed in Florida since 1845 when the Legislature authorized five commissioners to drain the "Alachua Savannah" also known as Paynes Prairie. The project was financed by special assessments made on landowners based on the number of acres owned and the benefit derived. Since that time, special districts have been used by local governments to provide a broad range of government services. All special districts must comply with the requirements of the Uniform Special District Accountability Act of 1989 which was enacted by the Legislature to reform and consolidate laws relating to special districts. Chapter 189, F.S., applies to the formation, governance, administration, supervision, merger and dissolution of special districts unless otherwise expressly provided in law.[8] The Act includes an extensive statement of legislative intent emphasizing improved accountability to state and local

[7] Department of Economic Opportunity, Division of Community Development, *Local Government Comprehensive Planning Certification Program – 2013 Report* (July 1, 2013).
[8] For example, the creation of community development districts and their charters is exclusively controlled by ch. 190, F.S. Section 190.004, F.S.

governments, better communication and coordination in monitoring required reporting of special districts, and improved uniformity in special district elections and non-ad valorem assessments. The statement also specifies the elements required in the charter of each new district.[9]

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

The Special District Information Program within the DEO serves as the clearinghouse for special district information, and maintains a list of special districts categorized by function which can include community development districts (575), community redevelopment districts (213), downtown development districts (14), drainage and water control districts (86), economic development districts (11), fire control and rescue districts (65), mosquito control districts (18), and soil and water conservation districts (62).[10] There are a total of 1,634 special districts in Florida.

Community Development Districts

Community Development Districts (CDDs) are a type of special district controlled by ch. 190, F.S. The purpose of a CDD is to provide an "alternative method to manage and finance basic services for community development."[11] Counties and cities may create community development districts of less than 1,000 acres.[12] CDDs larger than 1,000 acres can only be created by the Governor and the Cabinet, sitting as the Florida Land and Water Adjudicatory Commission.[13] Chapter 190, F.S., provides that CDDs must comply with many of the same requirements that apply to other special districts.

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 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 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

[9] Section 189.402(2), F.S.
[10] Information relating to special districts and their functions can be found in the SDIP online publication "Florida Special District Handbook Online" which can be found at http://www.floridaspecialdistricts.org/handbook/ (last visited March 12, 2015).
[11] Section 190.002(3), F.S.
[12] Section 190.005(2), F.S.
[13] Section 190.005(1), F.S.

Water Adjudicatory Commission.[14] Section 380.06(24), F.S., exempts numerous types of projects from review as a DRI.

III. Effect of Proposed Changes:

Section 1 amends s. 163.3246, F.S., to provide legislative intent to:

- Encourage the creation of connected-city corridors that facilitate the growth of high-technology industry and innovation through partnerships that support research, marketing, workforce and entrepreneurship."
- Provide for a locally controlled, comprehensive plan amendment process for such projects that are designed to:
  - Achieve a cleaner, healthier environment;
  - Limit urban sprawl by promoting diverse but interconnected communities;
  - Provide a range of intergenerational housing types;
  - Protect wildlife and natural areas;
  - Assure the efficient use of land and other resources;
  - Create quality communities of a design that promotes alternative transportation networks and travel by multiple transportation modes; and
  - Enhance the prospects for the creation of jobs.

The bill includes a legislative finding and declaration that this state's connected-city corridors require a reduced level of state and regional oversight because of their high degree of urbanization and the planning capabilities and resources of the local government.

The bill creates a 10-year pilot project for connected-city corridor plan amendments. The bill names Pasco County as a pilot community that may adopt connected-city corridor plan amendments. Such amendments may be based on a longer than normal planning period and need not demonstrate need on any basis.

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

The Office of Program Policy Analysis and Government Accountability is directed to submit a report to the Governor and Legislature by December 1, 2024, regarding the pilot project.

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

[14] Section 380.07(2), F.S.

Section 3 provides the bill shall become effective upon becoming law.

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:

The private sector impact of CS/SB 1216 is indeterminate. Private developers may benefit from the provisions of the bill which provide that projects within the connected-city corridor are deemed to have satisfied all concurrency and transportation migration requirements and that such projects are exempt from the DRI review requirements.

C. Government Sector Impact:

The government sector impact of the bill is indeterminate. The bill authorizes a local review process for comprehensive plan amendments in the connected-city corridor rather than a state review process which could reduce the need for the DEO's resources for such reviews. The long term governmental costs associated with projects within the connected-city corridor being deemed to have satisfied all concurrency and transportation mitigation requirements and being exempt from DRI review requirements are unknown.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 163.3246 and 190.005.

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 17, 2015:

- Creates a 10-year pilot project and names Pasco County as a pilot community.
- Describes connected-city corridor plan amendments and provides certain requirements and optional features.
- Provides a concurrency exemption for certain connected-city corridors.
- Provides a DRI exemption.
- Directs OPPAGA to submit a report to the Governor and Legislature.
- Provides the exclusive method of establishing certain community development districts.

B. Amendments:

None.