

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 Fiscal Policy

BILL: CS/SB 1216

INTRODUCER: Community Affairs Committee and Senator Simpson

SUBJECT: Connected-city Corridors

DATE: April 8, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stearns	Yeatman	CA	Fav/CS
2.	Gusky	Miller	ATD	Recommend: Favorable
3.	Pace	Hrdlicka	FP	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1216 provides Legislative intent for the creation of connected-city corridors, a locally controlled comprehensive plan amendment process that facilitates the growth of the high-technology industry. The bill names Pasco County as a pilot community for connected-city corridor plan amendments. The bill exempts projects within a connected-city corridor plan from the regional impact review process.

The bill requires community development districts located within a connected-city corridor plan amendment to be established pursuant to a county ordinance.

The bill directs the Office of Program Policy Analysis and Government Accountability 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.).

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

State agencies review the proposed amendment for impacts related to their statutory purview. The regional planning council with jurisdiction reviews the amendment 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 Program⁶ 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;
- 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;

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. The DEO is the “state land planning agency.” s. 163.3164(43), F.S.

⁵ *Id.*

⁶ Chapter 2002-296, L.O.F., and s. 163.3246, F.S.

- 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.⁷

The DEO may revoke the local government's certification if the local government is not in compliance with the terms of the certification agreement.⁸ DEO's decision to revoke a certification is subject to challenge under s. 120.569, F.S. The DEO indicated that four local governments have been certified under the program – the cities of Orlando, Lakeland, Miramar, and Freeport.⁹

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

Special Districts

Special districts are a unit of local government created for a special purpose, as opposed to a county or municipality that exists to provide a wide range of general purpose services. A special district has jurisdiction to operate within limited geographical areas, which are used to manage, own, operate, maintain, and finance basic capital infrastructure, facilities, and services.¹⁰ 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.

There are a total of 1,636 active special districts in Florida. 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 (592), community redevelopment districts (216), downtown development districts (14), drainage and water control districts (86), economic development districts (12), fire control and rescue districts (63), mosquito control districts (18), and soil and water conservation districts (58).¹¹

⁷ Section 163.3246(2)(e), F.S.

⁸ Section 163.3246(12), F.S.

⁹ Department of Economic Opportunity, Division of Community Development, *Local Government Comprehensive Planning Certification Program – 2013 Report* (July 1, 2013).

¹⁰ Chapter 189, F.S., applies to the formation, governance, administration, supervision, merger, and dissolution of special districts unless otherwise expressly provided in law.

¹¹ Data as of April 2015. 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).

Community Development Districts

Community Development Districts (CDDs) are a type of special district created pursuant to ch. 190, F.S. The purpose of a CDD is to provide an “alternative method to manage and finance basic services for community development.”¹² Counties and cities may create community development districts of less than 1,000 acres.¹³ 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.¹⁴ 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 Water Adjudicatory Commission.¹⁵ 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.

¹² Section 190.002(3), F.S.

¹³ Section 190.005(2), F.S.

¹⁴ Section 190.005(1), F.S.

¹⁵ Section 380.07(2), F.S.

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 in Pasco County for connected-city corridor plan amendments. Plan amendments may be based on a longer than normal planning period and are not required to demonstrate need based on projected population growth or any other basis.

The DEO must certify the pilot program, including the boundary of the connected-city corridor certification area, by July 15, 2015. Pasco County is required to submit an annual or biennial monitoring report to the DEO. The report must include at a minimum:

- The number of amendments to the comprehensive plan adopted by Pasco County;
- The number of plan amendments challenged by an affected person; and
- The disposition of the challenges.

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 Pasco 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 and provide recommendations for change and other local governments that should be certified to participate.

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

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of a state tax shared with counties or municipalities.

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 the bill 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 mitigation 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.

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