

Committee on Military and Veterans Affairs, Space, and Domestic Security

CS/HB 7019 — Development Permits

by Economic Affairs Committee; Economic Development and Tourism Subcommittee; and Rep. Trujillo and others (CS/CS/SB 1840 by Rules Committee; Community Affairs Committee; and Military and Veterans Affairs, Space, and Domestic Security Committee)

National Flood Insurance Program Compliance

The bill requires counties and municipalities to attach disclaimers to development permits that include a condition that all other applicable state or federal permits must be obtained before the commencement of any development. These changes will ensure Florida is fully compliant with the National Flood Insurance Program administered by the Federal Emergency Management Administration.

House Bill 503 (2012 Regular Session) contained provisions that, if implemented, would impede the state's ability to enforce required components of NFIP's floodplain management regulations and jeopardize Florida's voluntary participation in NFIP. The bill seeks to bring state law into compliance with the federal requirements of NFIP.

Referenda Approval of Amendments to Comprehensive Plans or Development Orders

The bill clarifies an existing exemption to a current provision which prohibits local initiative and referendum processes relating to development orders, comprehensive plan amendments, or map amendments. Under the bill, the local initiative and referendum processes that are allowed to continue are limited to those that:

- Were in effect on June 1, 2011;
- Affect more than five parcels of land; and
- Were expressly authorized in a local government charter specifically for matters such as development orders or comprehensive plan or map amendments.

These provisions of the bill apply retroactively to any initiative or referendum process on local growth management issues commenced after June 1, 2011.

High-Speed Rail Communication Facilities

The bill requires the Florida Rail Enterprise (enterprise), within the Department of Transportation, to establish a process to issue permits to railroad companies for the construction of communication facilities within a new or existing public or private high-speed rail system. The bill defines the terms "communications facilities" and "railroad company" and prohibits owners of communication facilities from providing voice or data services to persons or entities not involved in the operation of a high-speed rail system.

The bill contains provisions relating to the submission and review of an application for a railroad company to obtain a permit to construct communication facilities and authorizes the enterprise to adopt rules regarding the administration of such permits. The enterprise is required to provide a copy of a completed permit application to the municipalities or counties where the high-speed rail system will be located and allow the affected local governments 30 days to provide comments to the enterprise regarding the application.

The bill provides that the activities authorized in a permit issued by the enterprise for the construction of communication facilities are not subject to local government land use or zoning regulations. Additionally, such permit is in lieu of any license, permit, certificate, or similar document required by any local agency and may include variances and exemptions from rules of the enterprise or any other agency, which would otherwise be applicable to the communication facilities.

Leasing of County Property Ancillary to a Professional Sports Franchise Facility

The bill allows boards of county commissioners to negotiate the terms and conditions of a lease or license associated with commercial development that is ancillary to a professional sports franchise facility, if the ancillary development property is part of or contiguous to, the professional sports franchise facility. This leasing authority applies only in situations in which a professional sports franchise facility lease has been in effect for at least 10 years and has at least an additional 10 years remaining in the lease term.

Permit Extensions

Chapter 2011-39, L.O.F., provides a 2-year extension for any building permit or any permit issued by the Department of Environmental Protection or by a water management district pursuant to ch. 373, part IV, F.S., which has an expiration date from January 1, 2012, through January 1, 2014. The bill extends the deadline in which a permit holder must notify the authorizing agency of the permit holder's intention to utilize the 2-year permit extension. The deadline for notification is extended from December 31, 2012 to October 1, 2013.

Onsite Sewage Treatment and Disposal Systems in Monroe County

The bill provides the following conditions relating to onsite sewage treatment and disposal systems (OSTDSs) in Monroe County:

- Requires property owners not scheduled for service by a central sewer system by 2015 to comply with statutorily prescribed OSTDS effluent standards.
- Allows property owners that have recently installed an OSTDS in an area to be served by a central sewer system to continue to use the OSTDS until 2020.
- Allows property owners who have paid the fees to connect to a central sewer system, in an area scheduled to be served by a central sewer by 2015, to install a holding tank with a high water alarm until connection to the central system.

Permits Extensions: Monroe County

The bill provides a 3-year extension for any building permit or any permit issued pursuant to ch. 373, part IV, F.S., regarding the management and storage of surface waters, which expires between January 1, 2012, and January 1, 2016. The bill sets a maximum extension of 7 total years for specified extensions in combination with this extension. This 3-year extension applies only in areas that are to be served by central sewer systems by December 2015 within the Florida Keys Area of Critical State Concern in unincorporated Monroe County and excludes special wastewater districts.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 38-0; House 118-0