

THE FLORIDA SENATE
2015 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/SB 1216 — Community Development

by Fiscal Policy Committee; Community Affairs Committee; and Senator Simpson

The bill is an omnibus growth management bill primarily related to five subjects: mitigation of sinkhole damages; elimination of one regional planning council (RPC) and statutory duties of RPCs that are already completed, duplicative or unnecessary; requirement that certain new projects go through the State Coordinated Review Process rather than the development of regional impact (DRI) process; clarification of the sector plan law; and creation of a pilot project for Pasco County.

The bill expands the definition of the term “blighted area” to enable community redevelopment agencies to enter into voluntary contracts to mitigate property damage caused by sinkholes.

The bill designates 10 RPCs and their borders and deletes several of the RPCs’ statutory duties and requirements because they are already completed, unnecessary or duplicative. The Withlacoochee Regional Planning Council is dissolved and the five counties currently within the boundaries of that council are incorporated into three existing councils.

The bill removes the requirement that certain new projects go through the DRI process. The bill shifts review of these projects to the State Coordinated Review Process for comprehensive plan amendments. Currently, comprehensive plan amendments subject to the State Coordinated Review Process involve large scale development plans or plan amendments in areas of critical state concern.

The State Coordinated Review Process requires a proposed comprehensive plan amendment to receive three local public hearings, followed by review by state and regional entities. The first local public hearing is held by the local city or county planning commission. Then the full city or county commission must hold a public hearing regarding the proposed amendment. If approved by the local government, the amendment is sent to several statutorily identified reviewing state and regional agencies, including the Department of Economic Opportunity (DEO), the Department of Transportation, the Department of Environmental Protection, the appropriate RPC, and the appropriate water management district, among others.

The required state and regional entities provide comments within their respective areas of expertise on important state resources or facilities that will be adversely impacted if the amendment is adopted. RPCs are required by law to comment on extrajurisdictional impacts caused by the plan amendment that would be inconsistent with the comprehensive plan of any affected local government within the region, as well as adverse effects on regional resources and facilities. The DEO comments on those important state resources and facilities that fall outside the jurisdiction of the other commenting state agencies; however, it is also empowered to provide comments on “countervailing planning policies and objectives that should be balanced against adverse impacts on important state resources and functions.” These comments assist the local government in deciding whether or not to adopt the amendment.

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Whenever an adverse impact on important state resources or facilities is identified, the state agencies must also identify measures that will eliminate, reduce, or mitigate the identified adverse impacts. Within 60 days after receipt of a complete amendment, the DEO issues an Objections, Recommendations and Comments Report (often referred to as an “ORC Report”) to the local government, and the department may also comment on whether a plan or plan amendment is “in compliance.”

The permitting local government must then hold a second public hearing within 180 days after receipt of the DEO’s ORC Report. Within 30 days after the local government adoption of the amendment, an affected person may file a petition with the Department of Administrative Hearings challenging the amendment on the ground that it is not “in compliance” with the requirements of state law.

The bill clarifies that the planning standards of the sector planning statute supersede generally applicable planning standards found elsewhere in ch. 163, F.S. The bill provides more flexibility in the designation of conservation easements related to sector plans but still requires they be designated prior to the beginning of construction. The bill requires certain state agencies to review whether a detailed specific area plan would be consistent with the comprehensive plan and the long-term master plan. It authorizes a water management district to issue a longer than normal consumptive use permit for certain projects. The associated water allocation may be phased in over the duration of the permit to correspond to actual needs. The bill clarifies that a local government may require more data and analysis in support of an application to develop a sector plan than the minimum requirements provided for in this law.

The bill names Pasco County as a pilot community for connected-city corridor plan amendments, which is a locally-controlled comprehensive plan amendment process designed to facilitate the development of technologically advanced areas. The bill requires community development districts of 7,000 acres or less and within a connected-city corridor to be adopted by 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 bill also exempts local governments that use less than 1 percent of a large public water utility’s total permitted allocation from a requirement to update their comprehensive plans in response to an updated regional water supply plan. Finally, the bill allows the Monroe County Land Authority to contribute tourist impact tax revenues to the City of Key West or the Key West Housing Authority at the request of the City Commission for the construction, redevelopment or preservation of affordable housing.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 83-31