

HOUSE MESSAGE SUMMARY

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BILL: SB 1906 & 550, 1st Eng.
SPONSOR: Senators Peaden and Constantine
SUBJECT: Growth Management
PREPARED BY: Senate Committee on Comprehensive Planning, Local And Military Affairs
DATE: March 21, 2002

I. Amendments Contained in Message:

House Amendment 1---154855 (body with title)

II. Summary of Amendments Contained in Message:

House Amendment 1—A strike everything amendment that contains the following growth management provisions:

- Requires local governments to consider the applicable water management district's regional water supply plan in their potable water element and other elements of the local government comprehensive plan. Requires potable water element to include a 10-year work plan for building water supply facilities.
- Contains several provisions relating to various water programs; including, reuse feasibility studies; water pollution control financial assistance, allowing DEP to use certain financial institutions to make below market interest rate loans; and requiring water management districts to develop an information program on existing hydrologic conditions.
- Requires certain local governments within populations over 100,000 to prepare a report on existing or proposed service delivery agreements by January 1, 2004. In addition, the cities, counties and special districts are to propose annexation legislation to the legislature by February 1, 2003.
- Requires that future land use categories be defined in terms of uses included and standards for control and distribution of population densities and building intensities.
- Requires a representative of the school board to sit on the local planning agency as a voting or nonvoting member.
- Requires local governments and school boards to enter interlocal agreements addressing school facility siting, coordination, joint use of facilities, and communication on school capacity issues. If local governments and school boards do not enter agreements by stated deadlines, are subject to penalties assessed by Administration Commission regarding the withholding of local government revenue sharing dollars and state school construction funds. Same interlocal agreement requirements are also required in chapter 235, regarding educational facility planning.
- Allows the establishment of educational facilities benefit districts by interlocal agreements between a district school board and all local general purpose governments within which a school district is located for the purpose of financing school construction. Impact fee revenue collected for new development within the district, and a contribution from the school board equal to one-half of the remaining costs of construction and capital maintenance of the educational facility is returned to the benefit district.

- Reduces the time necessary for state and regional review of local government comprehensive plan amendments.
- Allows the Department of Community Affairs to reduce public notice costs by using legal notices in combination with notice on the Internet.
- Broadens standing under the local government comprehensive planning act to abutting property owners (who may reside outside of the jurisdiction taking the comp. plan action.)
- Urban infill concurrency waiver—waives the concurrency requirement, except for transportation facilities, in urban infill and redevelopment areas if waiver does not endanger public health.
- Exempts certain marinas from the development-of-regional-impact program (DRI). Counties identified in a Cabinet October 1989 policy memo or are identified as at special risk for manatee mortality by January 1, 2005 are exempt if the county adopts a boating facility plan. Marinas located in the Panhandle and on freshwater rivers or water bodies with no outlet to coastal waters are exempt from DRI review.
- Areawide DRI—defines the extension of date of buildout by less than 10 years as not a substantial deviation.
- Exempts petroleum facilities that are part of a port master plan from DRI review.
- Creates a bright line DRI threshold for development that is below 100 percent of all numerical thresholds.
- Provides that a change in buildout date of less than 7 years is not a substantial deviation.
- Creates a limitation on a local government denying an approval for certain solid waste facilities receiving construction & demolition debris where the land use classification change was previously approved.
- Moves the definition of development (DRI definitions of development) from 380.04 to a new section 163.3164. Definition includes inclusion of electricity in exclusion for utilities from existing rights-of-way.
- Lake Okeechobee Restoration—Includes projects that make use of private lands to reduce nutrient loading as eligible for grants from coordinating agencies. Broadens who must submit agricultural use plans to areas outside the Okeechobee watershed and in the remaining areas of Okeechobee, Glades and Hendry Counties. By July 1, 2005 phosphorus concentrations shall not exceed limits established in district's works of the district program.
- Local government development orders—Creates an optional special master process for challenges to local government development orders based on inconsistency with the local government comprehensive plan. If the local government has adopted the special master process, judicial review is by certiorari for all parties. If the local government does not adopt the process, judicial review is de novo.
- Exempts Krome Avenue road construction project from twice a year limitation on comprehensive plan amendment submission to DCA.
- Effective date of upon becoming law.