

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Any development that, because of its character, magnitude, or location, will have a substantial effect upon the health, safety, or welfare of citizens of more than one county is a development of regional impact or DRI.¹ DRIs are governed by section 380.06, Florida Statutes.

Among its provisions, section 380.06, Florida Statutes, provides for an areawide development of regional impact or ADRI.² An ADRI is a plan of development that meets the following minimum criteria:

- Encompasses a defined planning area approved pursuant to this subsection that will include at least two or more developments;
- Maps and defines the land uses proposed, including the amount of development by use and development phasing;
- Integrates a capital improvements program for transportation and other public facilities to ensure development staging contingent on availability of facilities and services;
- Incorporates land development regulation, covenants, and other restrictions adequate to protect resources and facilities of regional and state significance; and
- Specifies responsibilities and identifies the mechanisms for carrying out all commitments in the areawide development plan and for compliance with all conditions of any areawide development order.³

Developers are permitted to submit an ADRI to be reviewed pursuant to an ADRI review process that includes an areawide development plan in addition to the other information required for DRI review.⁴ After review and approval of an ADRI, all development within the defined planning area must conform to the approved areawide development plan and development order.⁵

Once the development order approving the areawide development plan is received, changes to the plan may be considered "substantial deviations" and subject the development to further DRI review.⁶ For example, an extension of the date of buildout of 5 years or more but less than 7 years is not presumed to create a

¹ See Fla. Stat. § 380.06(25) (2003).

² *Id.*

³ See Fla. Stat. § 380.06(25)(a)1.a.-e. (2003).

⁴ See Fla. Stat. § 380.06(25)(a) (2003).

⁵ *Id.*

⁶ See Fla. Stat. § 380.06(25)(n) (2003)(which also provides that the percentages and numerical criteria for determining the existence of a substantial deviation are doubled for ADRI's).

substantial deviation requiring further DRI review.⁷ Yet, an extension of the buildout date of a development by 7 or more years is presumed to create a substantial deviation subject to further DRI review.⁸ This bill provides that an extension of the date of buildout of an ADRI by more than five years but less than 10 years is not presumed to create a substantial deviation, which would subject the development to additional DRI review.

The following have been put forth by proponents in support of the bill⁹:

- This bill affects only ADRI's, of which ten have been approved statewide (approximately seven are active). Thus, the effect of the bill on the overall DRI program is minimal while the positive impact for the ADRI's is significant.
- A number of corporations have invested in ADRI's; corporate support of ADRI's in the St. Petersburg area alone includes: Home Shopping Network, AEGON, Echelon, Franklin Templeton, Jabil, Catalina Marketing, ZOM, Muvico, Sembler, JMC, and Opus South.
- Recent economic slowdowns and the compounding effects of the events of September 11, 2001, have altered the development pace in ADRI's. Projects are being scaled back, delayed or abandoned. Vacancy rates have increased in existing commercial facilities.
- Approaching buildout and phase completion deadlines in existing development orders creates additional uncertainty that is devastating to investors in already uncertain economic conditions.
- Rebutting the substantial deviation presumption for extensions beyond the current 7 year maximum generally requires completion of an expensive traffic analysis (approximately \$80,000) that could result in additional costly mitigation measures.
- The bill provides limited relief from the buildout and phase deadlines.
- The bill is consistent with existing incentive based treatment of ADRI's in rule and the statutes.

C. SECTION DIRECTORY:

Section 1: Amends paragraph (c) of subsection (19) of section 380.06, Florida Statutes, to create a presumption that the extension of the date of buildout of an ADRI by more than five years but less than 10 years does not create a substantial deviation.

Section 2: Provides that the bill will take effect July 1, 2004.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state government expenditures.

⁷ See Fla. Stat. § 380.06(19)(c) (2003).

⁸ *Id.*

⁹ See e-mail from Laura E Boehmer, Legislative Assistant to Representative Charlie Justice, District 53 (Feb. 2, 2004, 09:48 EST)(transmitting information provided by the City of St. Petersburg)(on file with the Committee on Local Government & Veterans' Affairs).

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill may have a positive, direct impact on the private sector as it provides an additional three years before ADRIs are subject to additional DRI review. This saves the costs of earlier preparation for this review and provides "limited relief from the buildout and phase deadlines."¹⁰

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect municipal or county governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

This bill does not appear to grant any rule-making authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.

¹⁰ *Id.*