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 Community Affairs

BILL:	SB 1216
INTRODUCER:	Senator Simpson
SUBJECT:	Connected-city Corridors
DATE:	March 16, 2015
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stearns	Yeatman	CA	**Pre-meeting**
2.			ATD	
3.			FP	

I. Summary:

SB 1216 authorizes local governments to adopt connected-city corridor amendments to their comprehensive plans and provides requirements for such amendments. The bill requires community development districts within a connected-city corridor to be established by a county ordinance and provides a statutory exemption from the development of regional impact process for any development within a connected-city corridor.

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]

The state agencies review the proposed amendment for impacts related to their statutory purview. The regional planning council with jurisdiction reviews the amendment specifically for

[1] Section 163.3174(4)(a), F.S.
[2] Section 163.3184, F.S.

"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]

Special Districts

Special districts are local units of special purpose government, within limited geographical areas, which are used to manage, own, operate, maintain, and finance basic capital infrastructure, facilities, and services. Special districts have existed in Florida since 1845 when the Legislature authorized five commissioners to drain the "Alachua Savannah" also known as Paynes Prairie. The project was financed by special assessments made on landowners based on the number of acres owned and the benefit derived. Since that time, special districts have been used by local governments to provide a broad range of government services. All special districts must comply with the requirements of the Uniform Special District Accountability Act of 1989 which was enacted by the Legislature to reform and consolidate laws relating to special districts. Chapter 189, F.S., applies to the formation, governance, administration, supervision, merger and dissolution of special districts unless otherwise expressly provided in law.[6] The Act includes an extensive statement of legislative intent emphasizing improved accountability to state and local governments, better communication and coordination in monitoring required reporting of special districts, and improved uniformity in special district elections and non-ad valorem assessments. The statement also specifies the elements required in the charter of each new district.[7]

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.

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 (575), community redevelopment districts (213), downtown development districts (14), drainage and water control districts (86), economic development districts (11), fire control and rescue districts (65), mosquito control districts (18),

[3] Section 163.3184(3)(b)3.a., F.S.
[4] Section 163.3184, F.S.
[5] *Id.*
[6] For example, the creation of community development districts and their charters is exclusively controlled by ch. 190, F.S. Section 190.004, F.S.
[7] Section 189.402(2), F.S.

and soil and water conservation districts (62).[8] There are a total of 1,634 special districts in Florida.

Community Development Districts

Community Development Districts (CDDs) are a type of special district controlled by ch. 190, F.S. The purpose of a CDD is to provide an "alternative method to manage and finance basic services for community development."[9] Counties and cities may create community development districts of less than 1,000 acres.[10] 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.[11] Chapter 190 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 Department of Economic Opportunity 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.[12] 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. 163.3184, F.S., to provide that comprehensive plan amendments that qualify as connected-city corridor amendments follow the process in s. 163.3255, F.S., and are subject to review and approval solely by the local government with jurisdiction.

Section 2 creates s. 163.3255, F.S., governing connected-city corridors. The bill authorizes a local government to adopt a connected-city corridor amendment to its comprehensive plan under the following conditions:

- The plan amendment involves sufficient land in a location that will attract technology employers while also providing intergenerational housing alternatives and recreation opportunities.
- The plan amendment contemplates a variety of mixed-use development forms designed to accommodate job creation and technological innovation.

[8] 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).
[9] Section 190.002(3), F.S.
[10] Section 190.005(2), F.S.
[11] Section 190.005(1), F.S.
[12] Section 380.07(2), F.S.

- The plan amendment may create a new land use category applicable only to the connected-city corridor planning area, and may include a text or map amendment to other directly related or affected provisions in the adopted comprehensive plan, but otherwise does not alter or modify the other preexisting goals, policies, and objectives of the local government comprehensive plan.
- The property subject to the amendment is not located within an area of critical state concern.

A connected-city corridor plan amendment must include maps, illustrations, and text supported by data and analysis to meet all of the following requirements:

- A boundary map that, at a minimum, generally depicts residential and mixed-use areas, provides generally for an interconnected mix of uses within the planning area, and provides the general framework for the residential and mixed-use development concepts with graphic illustrations.
- A general identification of the water supplies needed and available sources of water and water conservation measures needed to meet the projected demand of the future land uses in the plan amendment.
- Provision for a long-term master transportation network plan for the connected-city corridor which contains a general identification of the alternative transportation facilities to serve the future land uses in the plan amendment and for a financial feasibility plan to address mitigation of such future impacts.
- A general identification of any other regionally significant public facilities necessary to support the future land uses and policies setting forth the procedures to be used to mitigate the impacts of future land uses on public facilities.
- A general identification of any regionally significant natural resources within the planning area and policies to protect or conserve specific resources.
- General principles and guidelines addressing the mixed-use form and the interrelationships of future land uses, the protection, restoration, and management of lands identified for permanent preservation through recordation of conservation easements, which may be phased or staged.

A plan amendment adopted pursuant to this section may be based upon a planning period longer than the generally applicable planning period of the local comprehensive plan. The amendment must specify the projected population with the planning area and may include a phasing schedule for development. The amendment may designate a priority zone or subarea within the connected-city corridor for initial implementation of the plan. A plan amendment adopted under this section is not required to demonstrate need based upon projected population growth or any other basis.

If the local government adopts a long-term master transportation network plan and financial feasibility plan, the projects within the connected-city corridor shall be deemed to satisfy concurrency and other state agency or local government transportation mitigation requirements, except for site-specific access-management requirements.

A connected-city corridor amendment must be adopted during a public adoption hearing before a local governing board held pursuant to s. 163.3184(11), F.S. A transmittal hearing is not required for state agency review.

Any affected person may file a petition within 30 days of the amendment's adoption with the Division of Administrative Hearings to request a hearing to challenge the compliance of the plan amendment. An administrative law judge must hold a hearing in the affected jurisdiction at least 30 days but not more than 60 days after the filing of a petition and the assignment of an administrative law judge. The plan amendment shall be deemed to be in compliance if the local government's determination of compliance is fairly debatable. The state land planning agency may not intervene in any proceeding initiated pursuant to this subsection. The bill provides procedures to be followed when an amendment is found not to be in compliance.

Section 3 amends s. 190.005, F.S., to provide that the exclusive and uniform method for the establishment of a community development district located within a connected-city corridor, regardless of size, is by ordinance adopted by the county commission with jurisdiction. The bill also provides an exception for connected-city corridors within the jurisdiction of two or more municipalities from the requirement that the petition to establish the district be filed with the Florida Land and Water Adjudicatory Commission.

Section 4 amends s. 380.06, F.S., to exempt any development located within the geographic boundaries of a connected-city corridor plan from development of regional impact review requirements.

Section 5 provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

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:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 163.3184, 190.005 and 380.06.

This bill creates section 163.3255 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.