HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 1419 Department of Commerce
SPONSOR(S): Commerce Committee, Infrastructure & Tourism Appropriations Subcommittee, Tuck
TIED BILLS: **IDEN./SIM. BILLS:** CS/CS/SB 1420

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Regulatory Reform & Economic Development Subcommittee	15 Y, 0 N	Bauldree	Anstead
2) Infrastructure & Tourism Appropriations Subcommittee	12 Y, 0 N, As CS	McAuliffe	Davis
3) Commerce Committee	18 Y, 0 N, As CS	Bauldree	Hamon

SUMMARY ANALYSIS

The bill provides for the following changes that all impact the Department of Commerce (Commerce):

- Requires local governments implementing transportation concurrency to credit the fair market value of any land dedicated and provides that fees may be based on a cumulative analysis of trips from a previous stage or phase that were not analyzed.
- Revises application of credits against local impacts for Developments of Regional Impact (DRIs).
- Revises review requirements for changes to DRIs and clarifies the application of vested rights in DRIs.
- Provides that if the local government doesn't hold a second public hearing and adopt a comprehensive plan amendment within 180 days after Commerce provides comments, the amendment is deemed withdrawn; and provides that comprehensive plan amendments are deemed withdrawn if the local government fails to transmit the comprehensive plan amendment to Commerce within 10 working days after the final adoption hearing.
- Prohibits local governments from requiring certain approvals or fees before allowing the alteration or removal of a tree on property used for the construction of a critical healthcare facility.
- Removes a requirement that the Florida Sports Foundation must continue amateur sports programs previously conducted by the Florida Governor's Council on Physical Fitness and Amateur Sports.
- Requires Commerce to establish a direct-support organization (DSO); renames the Florida Defense Support Task Force; provides for organizational composition; revises the mission of the DSO; requires the DSO to operate under a contract with Commerce; revises the due date for the annual report; and provides a repeal date of October 1, 2029.
- Revises the term "businesses" to include healthcare facilities and allied health care opportunities, and revises the funding priority purposes to provide that health care facilities, in addition to hospitals, operated by nonprofit or local government entities that provide opportunities in health care, are eligible for the funding under the Incumbent Worker Training Program.
- Specifies that board members of the State Workforce Development Board are voting members of the board.
- Extends the repayment period of the Local Government Emergency Revolving Bridge Loan Program from five to 10 years and authorizes Commerce to amend existing loans executed before February 1, 2024, in order to increase the loan term to a total of 10 years from the original date of execution.
- Specifies that a homeowner's association's proposed revived declaration of covenants and articles of incorporation and bylaws must be submitted to Commerce within 60 days after obtaining valid written consent from a majority of the affected parcel owners, or within 60 days after the date the documents are approved by affected parcel owners by a vote at a meeting.

The bill does not appear to have a fiscal impact on state or local government expenditures or state government revenues. The bill may impact local government revenues. *See* Fiscal Analysis & Economic Impact Statement.

The bill provides an effective date of July 1, 2024, except as otherwise expressly stated in the bill.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Florida Defense Support Task Force

Present Situation

In 2011,[1] the Legislature created the Florida Defense Support Task Force (Task Force) with the mission to make recommendations to preserve and protect military installations to support the state's position in research and development related to or arising out of military missions and contracting, and to improve the state's military-friendly environment for servicemembers, military dependents, military retirees, and businesses that bring military and base-related jobs to the state.[2]

The task force is comprised of the Governor, or his or her designee, and 12 members comprised of four members appointed by the Governor, President of the Senate, and Speaker of the House of Representatives, respectively. Task Force members represent defense-related industries or communities that host military bases and installations.[3] With the exception of Legislative members, Task Force members serve for a term of four years. Vacancies are to be filled for the remainder of the unexpired term in the same manner as the initial appointment. Legislative members serve until the expiration of their legislative term and may be reappointed once. All members are eligible for reappointment.[4] The President and the Speaker each designate one of their appointees to serve as chair and the chair must rotate each July 1.[5] The Secretary of the Department of Commerce, or his or her designee, serves as the ex officio, nonvoting executive director.[6]

The Department of Commerce (Commerce) is required to contract with the task force for the expenditure of appropriated funds, which may be used by the task force for:

- Economic and product research and development;
- Joint planning with host communities to accommodate military missions and prevent base encroachment;
- Advocacy on the state's behalf with federal civilian and military officials;
- Assistance to school districts in providing a smooth transition for large numbers of additional military-related students;
- Job training and placement for military spouses in communities with high proportions of active duty military personnel; and
- Promotion of the state to military and related contractors and employers.[7]

The Task Force must submit an annual progress report and work plan to the Governor, the President, and the Speaker each February 1.[8]

[1] Chapter 2011-76, s. 38, Laws of Fla.
[2] Section 288.987(2), F.S.
[3] Section 288.987(3), F.S.
[4] Section 288.987(3), F.S.
[5] Section 288.987(4), F.S.
[6] Section 288.987(5), F.S., actually states that the Secretary of Economic Opportunity serves as the ex officio, nonvoting executive director; however, HB 5 from 2023 (enacted as Chapter 2023-173, Laws of Fla.) changed the name of the Department of Economic Opportunity to the Department of Commerce.
[7] Section 288.987(7), F.S.
[8] Section 288.987(6), F.S.

Effect of the Bill

The bill requires Commerce to establish a direct-support organization (DSO) to support Florida's military and defense industries and communities, and renames the Florida Defense Support Task Force as the DSO. The DSO must operate under a contract with Commerce which must provide that:

- Commerce may review the DSO's articles of incorporation;
- The DSO must submit an annual budget proposal to Commerce;
- Any DSO funds held in a trust must revert to the state upon the expiration or cancellation of the contract; and
- The DSO is subject to an annual compliance review by Commerce.

Commerce must determine and annually certify that the DSO is complying with the terms of the contract and is doing so consistent with the goals and purposes of the organization and in the best interests of the state.

The bill states that the DSO fiscal year begins on July 1 and ends on June 30 of the next succeeding year. By August 15 of each fiscal year, Commerce must submit a proposed operating budget for the DSO to the Governor, the President, and the Speaker. The DSO must also provide an annual financial audit.

The bill specifies that, under certain provisions of law, the DSO is not an agency for purposes of leasing buildings or for bids for printing. However, the DSO must comply with per diem and travel expense requirements. Commerce may allow the DSO to use the property, facilities, personnel, and services of Commerce if the DSO provides equal employment opportunities to all persons regardless of race, color, religion, sex, or national origin.

The bill revises the mission of the DSO. In addition to carrying out the provisions of the Task Force under current law, the DSO must assist with the coordination of economic and workforce development efforts in military communities and assist in the planning and research and development related to military missions, businesses, and military families. Additionally, the DSO is organized and operated to:

- Request, receive, hold, invest, and administer property;
- Manage and make expenditures related to its mission and for joint planning with host communities to accommodate military missions and prevent base encroachment;
- Advocate on the state's behalf with federal civilian and military officials;
- Promote of the state to military and related contractors and employers; and
- Support economic and product research and development activities of the defense industry.

As necessary and requested by Florida is for Veterans, Inc., the DSO may undertake such activities that assist the corporation with job training and placement for military spouses in communities with high proportions of active duty military personnel. Similarly, as necessary and requested by the Department of Education, school districts, or Florida state colleges and universities, the DSO may undertake activities that assist in providing a smooth transition for dependents of military personnel and other military students. The DSO may complement, but not supplant, the activities of other state entities.

Under the bill, the DSO must be governed by a board of directors composed of the Governor, or his or her designee, four members appointed by the Governor, the President of the Senate, and the Speaker of the House of Representatives. All appointments in place as of July 1, 2024, must continue in effect until the expiration of the term. The President of the Senate and the Speaker of the House of Representatives must each appoint a current member who will serve as an ex officio, nonvoting member until the expiration of the member's legislative term. The member may be reappointed once. Additionally, the Executive Director of the Florida Department of Veterans' Affairs and the Adjutant General of the Florida National Guard, or their designees, must serve as ex officio, nonvoting members. The President of the Senate and the Speaker of the House of Representatives each designate one of their appointees to serve as chair for a 2-year term and the chair must rotate on July 1 of each even-numbered year.

The bill specifies that employees and appointed board members, in their capacity of service on the board, are not public employees for purposes of chapter 110 or chapter, 112, F.S. However, employees and board members are subject to s. 112.061, F.S., relating to reimbursement for travel and per diem exempts incurred while performing duties, and the code of ethics under chapter 112, F.S. Otherwise, each board member must serve without compensation.

In the performance of its duties, the bill authorizes the DSO to make and enter into contracts as necessary to carry out its mission. A proposed contract with a total cost of $750,000 or more is subject to the noticing, review, and objection procedures provided in current law. The DSO may not divide one proposed contract with a total cost of $750,000 or more into multiple contracts to circumvent the prohibition. If the contract is contrary to legislative policy and intent, the DSO is prohibited from entering into such contract.

The DSO is also authorized to establish grant programs and administer grant awards to support its mission. The DSO must publicly adopt guidelines and application procedures, as well as publish such guidelines, procedures, and awards on its website. The DSO may assist Commerce with any statutorily established grants or other programs as requested and necessary, but may not administer such grants on behalf of Commerce.

The bill changes the due date for an annual report from February 1 to November 1, which may be included in the annual report of Commerce.

Under the bill, unless the section establishing the DSO is reviewed and saved from repeal by the Legislature, the DSO is repealed on October 1, 2029.

Land Development/State Land Planning Agency

Present Situation

Comprehensive Plans

The Community Planning Act (Act), codified in Part II of Ch. 163, F.S., promotes the establishment and implementation of comprehensive planning programs to guide and manage a local government's development.[9] Through the comprehensive planning process, the Legislature intended that local governments:

- Preserve, promote, protect, and improve public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare;
- Facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; and
- Conserve, develop, utilize, and protect natural resources within their jurisdictions.[10]

To that end, the Act requires each local government to adopt and maintain a comprehensive plan that must provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area.[11] Specifically, the comprehensive plan must:

- Identify programs and activities for ensuring the comprehensive plan's implementation;
- Establish meaningful and predictable standards for land use and development and meaningful guidelines for the adoption of detailed land development regulations;[12] and
- Consist of elements set out in statute that must be based upon relevant and appropriate data and an analysis by the local government that may involve surveys, studies, community goals and vision, and other data available at the plan's adoption or amendment.[13]

[9] S. 163.3161(2), F.S.
[10] S. 163.3161(4), F.S.
[11] S. 163.3177(1) and (2), F.S.
[12] "Land development regulations" means ordinances enacted to regulate any land development aspect, including zoning, rezoning, subdivision, building construction, and sign regulation. Within one year after submitting a new or revised comprehensive plan , a local government must adopt or amend and enforce land development regulations that are consistent with the plan. S. 163.3164(26), F.S.

Commerce is the state land planning agency that administers these provisions.[14] Current law requires cooperation between Commerce, any ad hoc working groups appointed by Commerce, state and regional agencies involved in the administration and implementation of the Community Planning Act, and units of local government in the preparation and adoption of comprehensive plans, or elements or portions thereof, and of local land development regulations.[15]

Comprehensive Plan Adoption

Each of Florida's counties and municipalities has a comprehensive plan.[16] However, a newly-incorporated municipality must follow the state coordinated review process to adopt a comprehensive plan, which begins with an initial public hearing during which the municipality's governing body decides whether to transmit the plan to the reviewing agencies;[17] such decision must be by an affirmative vote of at least a majority of the governing body's members present at the hearing.[18] The municipality must then, within 10 working days of the hearing, transmit the proposed comprehensive plan to:

- The reviewing agencies for comment or, if the reviewing agency is the state land planning agency, for the production of the state land planning agency's statutorily-required report;[19] and
- Any other local government or government agency that filed a written request for a copy of the plan with the municipality.[20]

Within 180 days after receipt of the state land planning agency's report, the municipality must hold a second public hearing to determine whether to adopt the comprehensive plan; such determination must be by an affirmative vote of at least a majority of the governing body's members present at the hearing.[21] An adopted comprehensive plan, along with the supporting data and analyses, must be transmitted within 10 working days of the adoption hearing to the state land planning agency and any other agency or local government that provided timely comments.[22] The state land planning agency then reviews the package for completeness and publishes a notice of intent to find that the plan complies or does not comply with the Act.[23] A comprehensive plan takes effect pursuant to the notice of intent.[24]

Comprehensive Plan Amendments

Comprehensive plan amendments are generally governed by the state expedited review process, which typically begins with an initial public hearing when the local government's governing body decides whether to transmit the proposed amendment to the reviewing agencies. Such decision must be by an affirmative vote of at least a majority of the governing body's members present at the

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[13] A comprehensive plan may also consist of optional elements. S. 163.3177(1), F.S.
[14] S. 163.3221(14), F.S.
[15] S. 163.3204, F.S.
[16] For the purposes of the Act, a county's authority extends to the total unincorporated area under its jurisdiction and to such unincorporated areas not included in a joint agreement with a municipality. A municipality's authority extends to the total area under its jurisdiction and adjacent unincorporated areas included in a joint agreement with the county. S. 163.3171(1) and (2), F.S.; Fla. Dept. of Environmental Protection, *Comprehensive Plan*, https://floridadep.gov/oip/oip/content/comprehensive-plan (last visited Jan. 27, 2024).
[17] "Reviewing agencies" means the state land planning agency; the appropriate regional planning council and water management district; the Florida Departments of Environmental Protection, State, and Transportation; the Florida Department of Education, if the plan amendment relates to public schools; the commanding officer of any affected military installation; the Florida Fish and Wildlife Conservation Commission and Department of Agriculture and Consumer Services, in the case of county plans and plan amendments; and the county in which the municipality is located, in the case of municipal plans or plan amendments. S. 163.3184(1), F.S.
[18] S. 163.3184(2), (4), and (11), F.S.
[19] If the state land planning agency reviews a proposed comprehensive plan, it must issue a report stating its objections, recommendations, and comments about the plan within 60 days of the plan's transmission to the agency. The state land planning agency is the Department of Economic Opportunity. S. 163.3184(4), F.S.; Fla. Dept. of Economic Opportunity, *Community Planning, Development, and Services*, https://floridajobs.org/community-planning-and-development (last visited Jan. 27, 2023).
[20] S. 163.3184(4), F.S.
[21] S. 163.3184(4) and (11), F.S.
[22] S. 163.3184(4), F.S.
[23] *Id.*
[24] *Id.*

hearing.[25] Within 10 working days of such hearing, the local government must transmit the plan amendment and appropriate supporting data and analyses to the reviewing agencies for expedited comment[26] and to any other local government or governmental agency that filed a written request for such transmittal with the local government.[27] Interested persons may also provide the local government with written or oral comments, recommendations, or objections to the plan amendment.[28]

Within 180 days after receipt of agency comments, the local government must hold a second public hearing to determine whether to adopt the plan amendment.[29] However, where the proposed plan amendment is a small-scale development amendment,[30] the local government must hold only the public adoption hearing; an initial public hearing is not required.[31] In either case, plan amendment adoption must be by an affirmative vote of at least a majority of the governing body's members present at the hearing, and failure to hold a timely adoption hearing causes the amendment to be deemed withdrawn unless the timeframe is extended by agreement with specified notice to the state land planning agency and other parties.[32]

Within 10 working days of the adoption hearing, the local government must transmit the plan amendment to the state land planning agency and any affected person who provided timely comments on the amendment.[33] The state land planning agency must review the amendment package for any deficiencies and send notice of such deficiencies to the local government within five working days of receipt of the amendment package.[34] If no deficiencies are found, the amendment takes effect 31 days after the state land planning agency notifies the local government that the amendment package is complete.[35]

Transportation Concurrency

Certain public facilities and services must be in place and available to serve new development no later than the issuance of a certificate of occupancy or its functional equivalent by a local government.[36] Local governments may extend this concurrency requirement to additional public facilities such as transportation.[37] Where concurrency is applied to transportation, the local government comprehensive plan must provide the principles, guidelines, standards, and strategies, including adopted levels of service, to guide its application.[38] The plan must show that the included levels of service may reasonably be met.[39] Local governments utilizing transportation concurrency must use professionally accepted studies to evaluate levels of service and professionally accepted techniques to measure such levels of service when evaluating potential impacts of proposed developments.[40] While local governments implementing a transportation concurrency system are encouraged to develop and use certain tools and guidelines, such as addressing potential negative impacts on urban infill and redevelopment[41] and adopting long-term multimodal strategies,[42] such local governments must follow

[25] The state coordinated review process applies to plan amendments that are in an area of critical state concern; propose a rural land stewardship area; propose a sector plan or an amendment to an adopted sector plan; or update a comprehensive plan based on an evaluation and appraisal. S. 163.3184(4) and (11), F.S.
[26] The expedited review process is set out in s. 163.3184(3), F.S.
[27] S. 163.3184(3), F.S.
[28] *Id.*
[29] *Id.*
[30] A "small-scale development amendment" involves a use of 50 acres or fewer; only proposes a land use change to the future land use map for a site-specific small-scale development activity; and applies to property not located within an area of critical state concern, absent an exception related to affordable housing development. *Id.*
[31] Ss. 163.3184(2) and 163.3187(2), F.S.
[32] S. 163.3184(3), (4), and (11), F.S.
[33] *Id.*
[34] *Id.*
[35] *Id.*
[36] S. 163.1380(2), F.S. The only such services for which concurrency is mandatory are sanitary sewer, solid waste, drainage, and potable water supplies.
[37] S. 163.3180(1), F.S.
[38] Ss. 163.3180(1)(a), 163.3180(5)(a), F.S. *See* Commerce Transportation Planning, *supra* n. **Error! Bookmark not defined.**.
[39] S. 163.3180(1)(b), F.S.
[40] S. 163.3180(5)(b)-(c), F.S.
[41] S. 163.3180(5)(e), F.S.
[42] S. 163.3180(f), F.S.

specific concurrency requirements. Such requirements include consulting with the Florida Department of Transportation if proposed plan amendments affect the Strategic Intermodal System, exempting public transit facilities from concurrency requirements, and allowing a developer to contribute a proportionate share to mitigate transportation impacts for a specific development.[43]

An applicant for a development-of-regional-impact development order, development agreement, rezoning, or other land use development permit satisfies the requirements for transportation concurrency if the applicant in good faith offers to enter into a binding agreement to pay for or construct its proportionate share of transportation improvements required to mitigate the impact of the proposed development and the proffered proportionate share contribution or construction is sufficient to accomplish one or more mobility improvements benefitting a regionally significant transportation facility.[44] The plan for transportation concurrency must provide the basis on which landowners will be assessed a proportionate share,[45] including a compliant formula for calculating the proportionate share.[46] The proportionate share may not include additional costs to reduce or eliminate existing transportation deficiencies.[47] However, a local government may cumulatively analyze the trips from a previous stage or phase of a development for which mitigation was not required or provided when determining the mitigation required for a subsequent stage of development.[48]

Local governments electing to repeal transportation concurrency are encouraged to adopt an alternative mobility funding system. Such an alternative system may not be used to restrict or deny certain development approval applications provided the developer agrees to pay for the development's transportation impacts using the funding mechanism implemented by the local government. Local government mobility fee systems must comply with all requirements for adopting and implementing impact fees. An alternative funding system that is not mobility fee based may not impose on new development any responsibility for funding existing transportation deficiencies.[49]

Impact Fees

One method of funding local government transportation concurrency requirements is through the adoption and imposition of impact fees on new development. Local governments impose impact fees to fund infrastructure[50] needed to expand local services to meet the demands of population growth caused by new growth.[51] Impact fees must meet the following minimum criteria when adopted:

- The fee must be calculated using the most recent and localized data.[52]
- The local government adopting the impact fee must account for and report impact fee collections and expenditures. If the fee is imposed for a specific infrastructure need, the local government must account for those revenues and expenditures in a separate accounting fund.[53]
- Charges imposed for the collection of impact fees must be limited to the actual costs.[54]
- All local governments must give notice of a new or increased impact fee at least 90 days before the new or increased fee takes effect, but need not wait 90 days before decreasing, suspending,

[43] S. 163.3180(5)(h), F.S. *See* Commerce Transportation Planning, *supra* note **Error! Bookmark not defined.**.
[44] S. 163.3180(5)(h)1.c., F.S.
[45] S. 163.3180(5)(h)1.d., F.S.
[46] S. 163.3180(5(h)2.a.-d., F.S.
[47] S. 163.3180(5)(h)2., F.S. For purposes of s. 163.3180(5), F.S., "transportation deficiency" means a facility or facilities on which the level of service standard adopted in the comprehensive plan is exceeded by the number of existing, projected, or vested trips together with additional trips originating from any source other than the development project under review, and trips forecast by established traffic standards. S. 163.3180(5)(h)4., F.S. Local governments may resolve existing transportation deficiencies within an identified transportation deficiency area by creating a transportation development authority with specific powers to implement a transportation sufficiency plan funded through a formula of tax increment funding. Adopting a transportation sufficiency plan is deemed as meeting transportation level of service standards, and proportionate fair-share mitigation is limited to ensure developments within the transportation deficiency area are not responsible for additional costs to eliminate deficiencies. S. 163.3182, F.S.
[48] S. 163.3180(5)(h)2.c., F.S.
[49] S. 163.3180(5)(i), F.S.
[50] "Infrastructure" means the fixed capital expenditure or outlay for the construction, reconstruction, or improvement of public facilities with a life expectancy of five or more years, together with specific other costs required to bring the public facility into service but excluding the costs of repairs or maintenance. The term also includes specific equipment. S. 163.31801(3), F.S.
[51] S. 163.31801(2), F.S. Water and sewer connection fees are not impact fees. S. 163.31801(12), F.S.
[52] S. 163.31801(4)(a), F.S.
[53] S. 163.31801(4)(b), F.S.
[54] S. 163.31801(4)(c), F.S.

or eliminating an impact fee. Unless the result reduces total mitigation costs or impact fees on an applicant, new or increased impact fees may not apply to current or pending applications submitted before the effective date of an ordinance or resolution imposing a new or increased impact fee.[55]

- A local government may not require payment of the impact fee before the date of issuing a building permit for the property that is subject to the fee.[56]
- The impact fee must be reasonably connected to, or have a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction.[57]
- The impact fee must be reasonably connected to, or have a rational nexus with, the expenditures of the revenues generated and the benefits accruing to the new residential or commercial construction.[58]
- The local government must specifically earmark revenues generated by the impact fee to acquire, construct, or improve capital facilities to benefit new users.[59]
- The local government may not use revenues generated by the impact fee to pay existing debt or for previously approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or commercial construction.[60]

The types of impact fees charged and the timing of their collection after issuing a building permit are within the discretion of the local government or special district authorities choosing to impose the fees.[61] In general, a building permit must be obtained before the construction, erection, modification, repair, or demolition of any building.[62] A development permit pertains to any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.[63] Local governments providing an exception or waiver of impact fees for the development or construction of affordable housing are not required to use any revenues to offset the impact of such development.[64]

Local governments must credit against impact fee collections any contribution related to public facilities or infrastructure on a dollar-for-dollar basis at fair market value for the general category or class of public facilities or infrastructure for which the contribution was made. If no impact fee is collected for that category of public facility or infrastructure for which the contribution is made, no credit may be applied.[65] Credits for impact fees may be assigned or transferred at any time once established, from one development or parcel to another within the same impact fee zone or district or within an adjoining impact fee zone or district within the same local government jurisdiction.[66]

Local governments may increase impact fees only under limited circumstances. A fee may be increased no more than once every four years, may not be increased retroactively, the increase may not exceed 50 percent of the current impact fee amount, and any increase must be consistent with a statutorily-compliant plan for the imposition, collection, and use of the fees. An increase not exceeding 25 percent of the current fee amount must be implemented in two equal annual increments, while an increase greater than 25 percent but not exceeding 50 percent of the current amount must be implemented in four equal annual installments. However, a local government may increase a fee more than once in four years or for more than 50 percent of a current impact fee amount if it has:

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[55] S. 163.31801(4)(d), F.S.
[56] S. 163.31801(4)(e), F.S.
[57] S. 163.31801(4)(f), F.S.
[58] S. 163.31801(4)(g), F.S.
[59] S. 163.31801(4)(h), F.S.
[60] S. 163.31801(4)(i), F.S.
[61] *See* s. 163.31801(2), F.S.
[62] S. 553.79, F.S.
[63] S. 163.3164(16), F.S.
[64] S. 163.31801(11), F.S.
[65] S. 163.31801(5), F.S.
[66] S. 163.31801(10), F.S. In an action challenging an impact fee or a failure to provide proper credits, the local government has the burden of proof to establish the imposition of the fee or the credit complies with the statute, and the court may not defer to the decision or expertise of the government. S. 163.31801(9), F.S.

- Prepared a demonstrated-need study within 12 months before adopting the increase showing extraordinary circumstances necessitating the need for the increase.
- Conducted at least two publicly noticed workshops on the extraordinary circumstances justifying the increase.
- Approved the increase by at least a two-thirds vote of the governing body.[67]

A local government that increases an impact fee must still provide the holder of any impact fee credit the full benefit of the density and intensity prepaid by the credit balance.[68]

With each annual financial report or audit filed[69] a local government must report specific information on impact fees imposed, including the specific purpose of the fee, the impact fee schedule describing the method of calculating the fee, the amount assessed for each purpose and for each type of dwelling, the total amount of fees charged by type of dwelling, and each exception or waiver to the imposition of impact fees provided for construction of affordable housing.[70] Additionally, the chief financial officer or executive officer (if there is no chief financial officer) must submit with the annual financial report an affidavit attesting that all impact fees were collected and expended by the local government, or on its behalf, in full compliance with the spending period provisions in the local ordinance and that funds expended from each impact fee account were used to acquire, construct, or improve those specific infrastructure needs.[71]

Developments of Regional Impact (DRIs)

A DRI is "any development which, because of its character, magnitude, or location, would have a substantial effect on the health, safety, or welfare of citizens of more than one county."[72] The DRI statutes were created in 1972 as an interim program intended to be replaced by comprehensive planning and permitting laws.[73] The program provided a process to identify regional impacts stemming from large developments and appropriate provisions to mitigate impacts on state and regional resources.[74]

The process to review or amend a DRI agreement and its implementing development orders went through several revisions[75] until repeal of the requirements for state and regional reviews in 2018.[76] Affected local governments are responsible for the implementation and amendment of existing DRI agreements and development orders.[77] An amendment to a development order for an approved DRI may not amend to an earlier date until the local government agrees not to impose downzoning, unit density reduction, or intensity reduction, unless:

- The local government can demonstrate that substantial changes in the conditions underlying the approval of the development order have occurred;
- The development order was based on substantially inaccurate information provided by the developer; or
- The change is clearly established by the local government to be essential to the public health, safety, or welfare.[78]

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[67] S. 163.31801(6), F.S.
[68] S. 163.31801(7), F.S.
[69] *See* ss. 218.32, 218.39, F.S.
[70] S. 163.31801(13), F.S.
[71] S. 163.31801(8), F.S.
[72] S. 380.06(1), F.S.
[73] The Florida Senate, Committee on Community Affairs, Interim Report 2012-114, September 2011, citing: Thomas G. Pelham, *A Historical Perspective for Evaluating Florida's Evolving Growth Management Process*, in *Growth Management in Florida: Planning for Paradise*, 8 (Timothy S. Chapin, Charles E. Connerly, and Harrison T. Higgins eds. 2005), https://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-114ca.pdf (last visited Feb. 2, 2024)
[74] Ch. 72-317, s. 6, Laws of Fla.
[75] *See* ch. 2015-30, Laws of Fla. (requiring that new DRI-sized developments proposed after July 1, 2015, must be approved by a comprehensive plan amendment in lieu of the state review process provided for in s. 380.06, F.S.) and ch. 2016-148, Laws of Fla. (requiring DRI reviews to follow the state coordinated review process if the development, or an amendment to the development, required an amendment to the comprehensive plan).
[76] Ch. 2018-158, Laws of Fla.
[77] S. 380.06(4)(a) and (7), F.S.
[78] S. 380.06(4)(a), F.S.

Any proposed change to a previously approved DRI must be reviewed by the local government based on the standards and procedures in its adopted local comprehensive plan and local land development regulations.[79] However, a proposed change reducing the originally approved height, density, or intensity of the development must be reviewed by the local government based on the standards in the local comprehensive plan at the time the development was originally approved.[80] If the proposed change would have been consistent with the comprehensive plan in effect when the development was originally approved, the local government may approve the change.[81] Any new conditions contained in the amendment to the development order must address impact directly created by the proposed change and must be consistent with the local government's adopted comprehensive plan, land development regulations, and transportation concurrency.[82]

Current provisions concerning DRIs do not limit or modify the rights of any person to complete any development that was authorized by:

- Registration of a subdivision pursuant to former ch. 498, F.S.;
- Recordation pursuant to local subdivision plat law; or
- A building permit or other authorization to commence development on which there has been reliance and a change of position and which registration or recordation was accomplished, or which permit or authorization was issued, prior to July 1, 1973.[83]

If a developer has obtained vested, or other legal rights in reliance on prior regulations that would have prevented the local government from changing those regulations in a way that is adverse to the developer's interest, those rights may not be abridged by any governmental agency.[84]

If a development has conveyed, or agreed to convey, property to a state or local government as a prerequisite for a zoning change approval, such change is considered an act of reliance to vest rights, provided the zoning change is actually granted by the government.[85]

Impact Fee Credits

Notwithstanding any provision of an adopted local comprehensive plan or adopted land development regulations to the contrary, an adopted change to a development order for an approved DRI does not diminish or otherwise alter any credits for a development order exaction or fee as against impact fees, mobility fees, or exactions if the credits are based upon the developer's contribution of land, a public facility, or the construction, expansion, or payment for land acquisition or construction or expansion of a public facility or portion of a public facility.[86]

If a local government imposes or increases impact fees, mobility fees, or exactions by local ordinance, developers may petition the local government to modify the affected provisions of the developer's development order to give the developer credit for any contribution required by the development owner toward an impact fee or exaction for the same need.[87]

These provisions relating to local impact fee credits and DRIs do not apply to internal, onsite facilities required by local regulations and any offsite facilities necessary to provide safe and adequate services to the development. [88]

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[79] S. 380.06(7)(a), F.S. These procedures must include notice to the applicant and public about the issuance of development orders.
[80] *Id*.
[81] *Id.*
[82] S. 380.06(7)(b), F.S.
[83] S. 380.06(8), F.S.
[84] *Id*. "Governmental agency" means the United States government, state government, any county, municipality, joint airport zoning board when relevant or any department, commission, agency, or other instrumentality thereof, and any school board or other special district, authority, or other governmental entity. S. 380.031(6), F.S.
[85] S. 380.06(8)(b), F.S.
[86] S. 380.06(5)(a), F.S.
[87] S. 380.06(5)(b), F.S.
[88] S. 380.06(5)(d), F.S.

Local Tree Pruning, Trimming, and Removal Regulation

Current law limits the ability of local governments to regulate tree pruning, trimming, or removal on residential property when the property owner obtains documentation from a certified arborist[89] or a Florida-licensed landscape architect that the tree poses an unacceptable risk to persons or property.[90] Specifically, the law prohibits a local government from requiring a notice, application, approval, permit, fee, or mitigation in such instance.[91] Additionally, a local government may not require a property owner to replant a tree that was pruned, trimmed, or removed in accordance with the section.[92]

Effect of the Bill

Comprehensive Planning

The bill provides that local governments have exclusive power and responsibility to evaluate transportation impacts, apply concurrency, and assess any fee related to transportation improvements. The bill also provides that a local government that continues to implement a transportation concurrency system must comply with existing statutory requirements notwithstanding any provision in a development order, an agreement, a local comprehensive plan, or a local land development regulation. The bill revises those requirements by:

- Requiring local governments that implement a transportation concurrency system to credit the fair market value of any land dedicated to a governmental entity for transportation facilities against the total proportionate share payments computed pursuant to general law.
- Providing that proportionate-share fees of an applicant for a land use development permit may be based on a cumulative analysis of trips from a previous stage or phase that were not analyzed.

Under the bill, a county ordinance or charter provision that revokes or preempts any part of a municipal local comprehensive plan or land development regulation is prohibited as violative of the state and local government cooperation requirement in current law. The bill provides legislative intent that any county ordinance or charter provision revoking or preempting a municipal local comprehensive plan or land development regulation not in effect before June 1, 2020, be prohibited. This prohibition is remedial in nature and applies retroactively to any county ordinance or charter provision commenced after June 1, 2020, and any such county ordinance or charter provision adopted thereafter is deemed null and void.

The bill provides that if the local government does not hold a second public hearing and adopt a comprehensive plan amendment within 180 days after Commerce provides comments, the amendment is deemed withdrawn. Additionally, the bill provides that if the local government fails to transmit the comprehensive plan amendment to Commerce within 10 working days after the final adoption hearing, the amendment is deemed withdrawn.

Impact Fees

The bill clarifies that a special district may only levy impact fees if authorized to do so by special act. The bill requires local governments to provide credit against the collection of the impact fee for any contributions related to public facilities or infrastructure, notwithstanding the provisions of any agreement.

Developments of Regional Impact

The bill revises the exceptions pertaining to credits against local impact fees when amendments are made to a development order to only apply to:

- Internal, private, onsite facilities required by local regulations; and

[89] The arborist must be certified by the International Society of Arboriculture. S. 163.045(1)(a), F.S.
[90] S. 163.045(2), F.S.
[91] *Id.*
[92] S. 163.045(3), F.S.

- Offsite facilities necessary to provide safe and adequate services solely to the development and not the general public.

The bill removes the requirement that a local government review a proposed change to a DRI based on the local comprehensive plan at the time the development was originally approved. The bill provides that a change to a DRI that has the effect of reducing the originally approved height, density, or intensity of the development or that changes only the location or acreage of uses and infrastructure or exchanges permitted uses must be administratively approved and is not subject to review by the local government.

The bill provides that any local government review of any proposed change to a DRI and of any development order required to construct developments in the DRI must abide by any prior agreements or other actions vesting the laws and policies governing the development.

The bill removes the requirement that any new condition in an amendment to a development order approving or denying an application for a proposed change to a DRI must be consistent with the local government's comprehensive plan and land development regulations.

The bill requires any proposed change to a DRI that includes a dedicated multimodal pathway suitable for bicycles, pedestrians, and low-speed vehicles[93] along any internal roadway be approved if the right-of-way remains sufficient for the ultimate number of lanes of the internal road. The bill requires approval of any proposed change to a DRI substituting a multimodal pathway suitable for bicycles, pedestrians, and low-speed vehicles in lieu of an internal road if the change does not result in any road within or adjacent to the DRI falling below the local government's adopted level of service and does not increase the original distribution of trips on any road analyzed as part of the DRI by more than 20 percent. The local government must return any interest it may have in the right-of-way to the developer if the developer has dedicated the right-of-way to the local government for proposed internal road ways as part of the approval process for the amendment.

The bill clarifies that comprehensive plans and land development regulations adopted after a DRI has vested do not apply to proposed changes to an approved DRI or to development orders required to implement the DRI.

The bill provides that the conveyance of, or any agreement to convey, property or compensation to the state or local government is an act of reliance to vest rights, removing the requirement that the conveyance be part of a zoning change.

Local Tree Pruning, Trimming, and Removal Regulation

Under the bill, Commerce may assist in the planning and development of critical health care facilities to serve communities in the state. The bill prohibits a local government from requiring a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on property being used for the construction or development of a veterans healthcare facility if:

- Such construction or development has been preliminarily approved by the United States Department of Veterans Affairs; and
- The state land planning agency makes a finding that such construction or development serves a critical need for health care.

A local government may not require a property owner to replant a tree that was pruned, trimmed, or removed for the construction or development of a veterans healthcare facility.

Florida Sports Foundation

Present Situation

[93] Low-speed vehicle means any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour. S. 320.01(41), F.S.

The Florida Sports Foundation is a 501(c)(3) non-profit corporation, serving as the official sports promotion and development organization for the State of Florida. It is charged with the promotion and development of professional, amateur, and recreational sports, physical fitness opportunities, and assisting communities and host organizations in attracting major and minor sports events to help produce a thriving Florida sports industry and environment.[94] Under its duty to promote amateur sports and physical fitness, the Florida Sports Foundation must continue the successful amateur sports programs previously conducted by the Florida Governor's Council on Physical Fitness and Amateur Sports.[95]

Effect of the Bill

The bill removes an outdated requirement that the Florida Sports Foundation must continue amateur sports programs previously conducted by the Florida Governor's Council on Physical Fitness and Amateur Sports.

Florida Defense Support Task Force Public Records and Meetings Exemption

Present Situation

Current law provides a public record exemption for certain records held by the Task Force. Specifically, the following records are exempt[96] from public records requirements:[97]

- That portion of a record that relates to strengths and weaknesses of military installations or military missions in Florida relative to the selection criteria for the realignment and closure of military bases and missions under the United States base realignment and closure (BRAC) process.
- That portion of a record that relates to strengths and weaknesses of military installations or military missions in other state or territories and the vulnerability of such installations or missions to base realignment or closure under the United States BRAC process, and any agreements or proposals to relocate or realign military units and missions from other states or territories.
- That portion of a record that relates to Florida's strategy to retain its military bases during any United States BRAC process and any agreements or proposals to relocate or realign military units and missions.

Current law also provides a public meeting exemption for any portion of a meeting of the Task Force, or a workgroup of the Task Force, wherein such exempt records are presented or discussed.[98] In addition, any records generated during the closed portion of the meeting are exempt from public record requirements.[99]

Effect of the Bill

The bill makes conforming changes to the public records exemption by changing the custodian of the records to the direct-support organization created in s. 288.987, F.S.

Incumbent Worker Training Program and CareerSource Florida, Inc.

[94] S. 288.1229, F.S.
[95] S. 288.1229(7)(g), F.S.
[96] There is a difference between records the Legislature designates exempt from public record requirements and those the Legislature designates confidential and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. *See WFTV, Inc. v. Sch. Bd. of Seminole*, 874 So.2d 48, 53 (Fla. 5th DCA 2004), review denied, 892 So.2d 1015 (Fla. 2004); *State v. Wooten*, 260 So. 3d 1060, 1070 (Fla. 4th DCA 2018); *City of Rivera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So.2d 683, 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released by the custodian of public records to anyone other than the persons or entities specifically designated in statute. See Op. Att'y Gen. Fla. 04-09 (2004).
[97] S. 288.985(1)(a)-(c), F.S.
[98] S. 288.985(2), F.S.
[99] S. 288.985(3), F.S.

Present Situation

Workforce Innovation and Opportunity Act of 2014

In 2014, Congress passed the Workforce Innovation and Opportunity Act (WIOA), which superseded the Workforce Investment Act of 1998.[100] WIOA requires each state to develop a single, unified plan for aligning workforce services through the identification and evaluation of core workforce programs.[101]

WIOA identifies four core programs that coordinate and complement each other to ensure job seekers have access to needed resources.[102] The core programs are:

- Adult, Dislocated Worker and Youth Programs;
- Adult Education and Literacy Activities;
- Employment Services under the Wagner-Peyser Act;[103] and
- Vocational Rehabilitation Services.[104]

WIOA establishes minimum performance accountability measures for the evaluation of core programs in each state and performance reports to be provided at the state, local, and training provider levels.[105] Performance measures that apply across all core programs include:[106]

- The percentage of participants in unsubsidized employment during second quarter after exit.
- The percentage of participants in unsubsidized employment during fourth quarter after exit.
- The median earnings of participants during second quarter after exit.
- The percentage of participants who obtain a postsecondary credential or secondary school diploma within one year after exit.
- The achievement of measurable skill gains toward credentials or employment; and
- The effectiveness in serving employers.

State Administration of Workforce Development

WIOA requires the Governor to establish a State Workforce Development Board (state board) to assist the Governor in carrying out the duties and responsibilities required by WIOA.[107] CareerSource Florida, Inc., implements the policy directives of the state board and administers state workforce development programs.[108] CareerSource Florida, Inc., provides administrative support to the state board, the principal workforce policy organization for the state. WIOA state board members are nonvoting and the number of members is determined by the Governor.[109]

WIOA requires states to designate local workforce development areas in the state. The local workforce development areas must be consistent with labor market areas and regional economic development areas in the state and have available federal and non-federal resources necessary to effectively administer workforce development services.[110] Within each area, a local workforce development board must be established.[111] Each local workforce development board is required to coordinate planning and service delivery strategies within the local workforce development area and submit to the Governor a 4-year local plan for the delivery of workforce development services.[112]

[100] Workforce Innovation and Opportunity Act, 29 U.S.C. s. 3101 et seq. (2014).
[101] *See* 29 U.S.C. s. 3112(a).
[102] *See* 29 U.S.C. s. 3102(13).
[103] *See* 29 U.S.C. s. 49 et seq.
[104] *See* 29 U.S.C. s. 720 et. seq.
[105] *See* 29 U.S.C. s. 3141.
[106] *Id.*
[107] 29 U.S.C. s. 3111.
[108] S. 445.004(2), F.S.
[109] S. 445.004(3)(a), F.S.
[110] *See* 29 U.S.C. s. 3121.
[111] 29 U.S.C. s. 3122.
[112] *See* 29 U.S.C. ss. 3122 and 3123.

Commerce serves as Florida's lead workforce agency.[113] Commerce is responsible for the fiscal and administrative affairs of the workforce development system.[114] Commerce receives and distributes federal funds for employment-related programs to the local workforce development boards.[115] Under the direction of CareerSource, Commerce is required to annually meet with each local workforce development board to review the board's performance and to certify that the board is in compliance with applicable state and federal laws.[116]

Incumbent Worker Training Program

The Incumbent Worker Training Program (program) was created to provide grant funding for continuing education and training of incumbent employees at existing Florida businesses. The program provides reimbursement grants to businesses that pay for preapproved, direct, training-related costs. The term "business" includes hospitals operated by nonprofit or local government entities which provide nursing opportunities to acquire new or improved skills. [117]

Funding priority is given in the following order:[118]

- Businesses that provide employees with opportunities to acquire new or improved skills by earning a credential on the Master Credentials List;
- Hospitals operated by nonprofit or local government entities that provide nursing opportunities to acquire new or improved skills;
- Businesses whose grant proposals represent a significant upgrade in employee skills;
- Businesses with 25 employees or fewer, businesses in rural areas, and businesses in distressed inner-city areas; and
- Businesses in a qualified targeted industry or businesses whose grant proposals represent a significant layoff avoidance strategy.

Effect of the Bill

The bill revises the term "businesses" under the program to include healthcare facilities and allied health care opportunities. The bill also revises the funding priority for grant purposes to provide that health care facilities, in addition to hospitals, operated by nonprofit or local government entities that provide opportunities in health care, rather than nursing opportunities, are eligible for the funding.

The bill specifies that WIOA state board members are voting members.

Revitalization of Homeowner Association Covenants

Present Situation

Parcel owners in a community that was previously subject to a declaration of covenants that has ceased to govern one or more parcels in the community may revive the declaration and the association for the community upon approval by the parcel owners to be governed as provided in the Covenant Revitalization Act[119] and upon approval of the declaration and the other governing documents for the association by Commerce.[120]

No later than 60 days after the date the proposed revived declaration and other governing documents are approved by the affected parcel owners, the organizing committee must submit the proposed revived governing documents and any supporting materials to Commerce to review and determine whether to approve or disapprove of the proposal to preserve the residential community.[121]

[113] Primarily through the Division of Workforce Services. *See* s. 20.60, F.S.
[114] *See* s. 20.60(5)(c), F.S. and s. 445.009(3)(c), F.S.
[115] *See* s. 20.60(5)(c), F.S. and s. 445.003, F.S.
[116] *See* s. 445.007(3), F.S.
[117] S. 445.003(3)3., F.S.
[118] *Id.*
[119] Ch. 720, Part III, F.S.
[120] S. 720.403(2), F.S.
[121] S. 720.406(1), F.S.

Commerce must make a determination no later than 60 days and must notify the organizing committee in writing of its approval or reasons for the disapproval.[122]

Effect of Proposed Changes

The bill specifies that a homeowner's association's proposed revived declaration of covenants and articles of incorporation and bylaws must be submitted to Commerce within 60 days after obtaining valid written consent from a majority of the affected parcel owners, or within 60 days after the date the documents are approved by affected parcel owners by a vote at a meeting.

Local Government Emergency Revolving Bridge Loan Program

Present Situation

The Local Government Emergency Revolving Bridge Loan provides financial assistance to local governments impacted by federally declared disasters. The purpose of the loan program is to assist these local governments in maintaining operations by bridging the gap between the time that the declared disaster occurred and the time that additional funding sources or revenues are secured to provide them with financial assistance.[123]

The loans are interest-free with the loan amount determined based upon demonstrated need. The term of the loan is up to five years.[124] To be eligible, a local government must be a county or a municipality located in an area designated in the Federal Emergency Management Agency disaster declaration. The local government must show that it may suffer or has suffered substantial loss of its tax or other revenues as a result of the disaster and demonstrate a need for financial assistance to enable it to continue to perform its government operations.[125]

The program expires July 1, 2038, and a loan may not be awarded after June 30, 2038. Upon expiration, all unencumbered funds and loan repayments made on or after July 1, 2038, must be transferred to the General Revenue Fund.[126]

Effect of Proposed Changes

The bill amends s. 288.066, F.S., to extend the repayment period of the program from 5 to 10 years. Effective upon becoming a law, the bill also authorizes Commerce to amend any existing loans executed before February 1, 2024, in order to increase the loan term to a total of 10 years from the original date of execution.

The bill provides an effective date of July 1, 2024, except the portion of the bill which authorizes Commerce to amend any existing loans executed before February 1, 2024, which takes effect upon becoming a law.

B. SECTION DIRECTORY:

Section 1: Creates s. 163.046, F.S., relating to land development for critical health care facilities.

Section 2: Amends s. 163.3167, F.S., relating to scope of the act.

Section 3: Amends s. 163.3175, F.S., relating to legislative findings on compatibility of development with military installations; exchange of information between local governments and military installations.

Section 4: Amends s. 163.3180, F.S., relating to concurrency.

[122] S. 720.406(2), F.S.
[123] S. 288.066(1), F.S.
[124] S. 288.066(3), F.S.
[125] S. 288.066(2), F.S.
[126] S. 288.066(9), F.S.

Section 5: Amends s. 163.31801, F.S., relating to Impact fees; short title; intent; minimum requirements; audits; challenges.

Section 6: Amends s. 163.3184, F.S., relating to process for adoption of comprehensive plan or plan amendment.

Section 7: Amends s. 288.066, F.S., extending the terms of loans provided under the Local Government Emergency Revolving Bridge Loan Program.

Section 8: Amends s. 288.1229, F.S., relating to promotion and development of sports-related industries and amateur athletics; direct-support organization established; powers and duties.

Section 9: Amends s. 288.980, F.S., relating to military base retention; legislative intent; grants program.

Section 10: Amends s. 288.985, F.S., relating to exemptions from public records and public meetings requirements.

Section 11: Amends s. 288.987, F.S., relating to the Florida Defense Support Task Force.

Section 12: Amends s. 380.06, F.S., relating to developments of regional impact.

Section 13: Amends s. 445.003, F.S., relating to implementation of the federal Workforce Innovation and Opportunity Act.

Section 14: Amends s. 445.004, F.S., relating to CareerSource Florida, Inc., and the state board; creation; purpose; membership; duties and powers.

Section 15: Amends s. 720.406, F.S., relating to Department of Commerce; submission; review; and determination.

Section 16: Authorizes the Department of Commerce to amend certain previously executed loan agreements.

Section 17: Provides an effective date of July 1, 2024, except as otherwise expressly stated in the bill.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   Indeterminate, however it does not appear the bill will require any expenditures that the department cannot absorb within existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   The Revenue Estimating Conference met on February 2, 2024, and determined that HB 1177 (2024) would have a negative, indeterminate impact on local government revues. The provisions of this bill which are identical to HB 1177 (2024) may also have a negative, indeterminate impact on local government revenues.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Not applicable.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of Art. VII, s. 18 of the Florida Constitution may apply because the bill makes various changes regarding impact fees and impact fee credits that could result in a reduction in authority to raise revenue; however, an exemption may apply because the bill may have an insignificant impact.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not authorize or require rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On February 13, 2024, the Infrastructure & Tourism Appropriations Subcommittee adopted one amendment to the bill and reported the bill favorably as a committee substitute. The amendment:

- Removes the provision that requires the Secretary of Commerce, rather than the Governor, to appoint commissioners of deeds who authenticate acknowledgements in certain real estate transactions outside of Florida.
- Extends the repayment period of the Local Government Emergency Revolving Bridge Loan Program from five to 10 years and authorizes Commerce to amend existing loans executed before February 1, 2024, in order to increase the loan term to a total of 10 years from the original date of execution.

On February 23, 2024, the Commerce Committee adopted two amendments and reported the bill favorably as a committee substitute. The amendments:

- Provide that the state land planning agency may assist in the planning and development of critical health care facilities.
- Prohibit a local government from requiring notice, application, approval, permit, fee, or mitigation for pruning, trimming, or removal of a tree on property being used for the construction or development of critical health care facilities under specified conditions.
- Prohibit a county ordinance or charter provision from preempting any part of a municipal local comprehensive plan or land development regulation.
- Provide that a county ordinance or charter provision which revokes or preempts any part of a municipal local comprehensive plan of land development regulation enacted prior to June 1, 2020, is prohibited.
- Modify requirements for local governments implementing a transportation concurrency system.

- Modify legislative intent about the adoption of impact fees by special districts.
- Clarify circumstances under which a local government or special district must credit certain contributions toward the collection of an impact fee.
- Revise:
    - Exceptions governing credits against local impact fees.
    - Procedures regarding local government review of changes to previously approved developments of regional impact.
    - Acts that are deemed to constitute an act of reliance by a developer to vest rights.
- Specify changes that are not subject to local government review.
- Authorize changes to multimodal pathways, or the substitution of such pathways, in previously approved developments of regional impact if certain conditions are met.
- Specify that certain changes to comprehensive plan policies and land development regulations do not apply to proposed changes to an approved development of regional impact or to development orders required to implement the approved development of regional impact.
- Require the Department of Commerce (Commerce) to:
    - Annually certify that the direct-support organization (DSO) is complying with the terms of its contract with Commerce.
    - Submit a proposed operating budget for the DSO by a specified date.
- Require the DSO to adopt guidelines and application procedures and must publish such guidelines, application procedures, and awards on its website.
- Clarify:
    - The mission of the DSO and its relation to other state entities.
    - The composition of the DSO's board.
    - The term for which DSO board members serve.
    - That each board member should serve without compensation, but shall be reimbursed for travel and per diem exempts while performing duties.
    - That the DSO must submit an annual report by November 1, which may be submitted as a supplement report to the report of Commerce.

The analysis is drafted to the committee substitute as passed by the Commerce Committee.