

**The Florida Senate**  
**HOUSE MESSAGE SUMMARY**

---

Prepared By: The Professional Staff of the Community Affairs Committee

---

[2009s0360.hm2]

BILL: CS/CS/SB 360, 1st Eng.

INTRODUCER: Policy and Steering Committee on Ways and Means; Community Affairs Committee; Senator Bennett and others

SUBJECT: Growth Management - The Community Renewal Act

DATE: April 30, 2009

---

**Amendments Contained in Message:**

House Amendment 1 – 839199 to CS/CS/SB 360 (body with title)

**Summary of Amendments Contained in Message:**

The House Amendment (as amended, barcode 839199) to Senate Bill 360:

- Is entitled the “Community Renewal Act.”
- Revises the definition of an “existing urban service area” and expands it from the senate version to include facilities committed in the capital improvement element (CIE) of the comprehensive plan within the next 3 years.
- Creates a definition for a “dense urban land area” and provides for the method of designating these jurisdictions.
- Extends the compliance deadline for local governments to submit financially feasible CIE from December 1, 2008 to December 1, 2011, and eliminates one of the penalties for failing to adopt a public schools facility element.
- Contains a provision that states that within TCEAs the local government will be deemed to achieve and maintain level-of-service standards.
- Changes the “needs” analysis. For rural areas of critical economic concern (RACECs), the various uses shall reflect the need for job creation, capital investment, and economic diversification, and “shall not be limited by the projected population of the” RACEC.
- Requires that the dispute resolution process in a local government’s comprehensive plan be mandatory.
- Gives a waiver from school concurrency when student enrollment is less than 2,000 even if the growth rate is more than 10%.
- Creates transportation concurrency exception areas (TCEAs) in a municipality that qualifies as a dense urban land area; a urban service area which has been adopted into a local comprehensive plan and is located in a county that qualifies as a dense urban land area, but not limited urban service areas unless the parcel is defined as an agricultural enclave; and a county, including the cities within the county, which has a population of at least 900,000 and qualifies as a dense urban land area but does not have an urban service area designated within the local comprehensive plan.

- Allows local governments that do not qualify as dense urban land areas to designate areas for urban infill, urban service areas, etc. to be TCEAs.
- TCEAs are not created for designated transportation concurrency districts within a county that has a population of at least 1.5 million that uses its transportation concurrency system to support alternative modes of transportation and does not levy transportation impact fees.
- TCEAs are not created for a county that has exempted more than 40% of its urban service area from transportation concurrency for purposes of urban infill.
- Creates a waiver from transportation concurrency requirements on the state's strategic intermodal system for certain Office of Tourism, Trade, and Economic Development (OTTED) job creation projects.
- Provides a statement that this bill does not affect local governments' home rule powers or existing contracts or agreements.
- Provides for an Office of Program Policy Analysis and Government Accountability study on local governments' mobility plans in 2015.
- Specifies that school districts must include certain relocatables as student capacity for purposes of school concurrency.
- Specifies that the construction of charter schools counts as mitigation for purposes of school concurrency.
- Requires LOS methodology for DRIs to be the same as for concurrency.
- Allows local governments to decrease impact fees without waiting 90 days.
- Prevents local governments from requiring that a business expend funds for security cameras. This does not limit the ability a county, municipality, airport, seaport, or other local governmental entity to adopt standards for security cameras.
- Requires zoning changes to be made simultaneously with any plan amendments if requested by an applicant. Zoning changes take effect upon the comprehensive plan amendment becoming effective.
- Exempts changes to the urban service area from the twice a year restriction on plan amendments.
- Keeps the alternative state review program as a pilot program but allows jurisdictions to use the process to designate an urban service area.
- Makes conforming corrections to the DRI provisions.
- Exempts from DRI review OTTED approved projects under the Innovation Incentive Program that are to receive a state award of at least \$50 million.
- Exempts developments from the development-of-regional-impact process in the following areas:
  - municipalities that qualifies as a dense urban land area;
  - an urban service area that has been adopted into the local comprehensive plan and is located within a county that qualifies as a dense urban land area; and
  - a county, such as Pinellas and Broward, that has a population of at least 900,000 and qualifies as a dense urban land area, but does not have an urban service area designated in its comprehensive plan.
- Requires municipalities that change their boundaries to submit their boundary changes and a statement specifying the population census effect and the affected land area to the Office of Economic and Demographic Research.
- Requires the DCA and DOT to conduct studies on a mobility fee.

- Includes a two year extension for certain permits.
- Provides a statement that the Legislature finds that this act fulfills an important state interest.

On April 30<sup>th</sup>, the Senate adopted the following amendments to the House amendment:

- 152754 which deletes the house's expansion of urban service areas to include areas where facilities are included in the capital improvements element within 3 years.
- 329058 which deletes the language that states that transportation concurrency exception areas are deemed to achieve and maintain level-of-service standards.
- 215776 which deletes the language that exempts rural areas of critical economic concern from the "needs" test.
- 605252 which deletes the provision that would make limited urban service areas not urban service areas except when the parcel in an agricultural enclave.
- 193380 which limits text amendments to once a year.
- 131454 which deletes the provision that requires level-of-service methodology be the same for DRI and concurrency purposes.

On April 30<sup>th</sup>, the House requested the Senate to recede in its amendments to the House amendment.