STORAGE NAME: h4031s1z.ca ****FINAL ACTION****
DATE: July 1, 1998 ****SEE FINAL ACTION STATUS SECTION****

HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT

BILL #: CS/2ND ENG/HB 4031

RELATING TO: Land Use Planning and Development

SPONSOR(S): House Committee on Community Affairs and Representative Gay

COMPANION BILL(S): CS/2ND ENG/HB 3111 (c); CS/SB 1726 (s); and CS/2ND ENG/SB 2474 (s)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

(1) COMMUNITY AFFAIRS YEAS 8 NAYS 0
(2)

I. FINAL ACTION STATUS:

The bill was filed on March 5, 1998, and introduced on March 6, 1998. The bill was referred to the House Committee on Community Affairs on March 27, 1998, and placed on the Community Affairs Committee's agenda for the March 30, 1998, meeting. A committee substitute (CS) was unanimously adopted at that meeting. The CS was placed on the Pending Consent Calendar on April 13, 1998. The CS was Available for Consent Calendar; an objection filed; and placed on the Governmental Responsibility Council Calendar on April 16, 1998. The CS was temporarily postponed on second reading and retained on the Governmental Responsibility Council Calendar on April 20, 21, and 22, 1998. The CS was read a second time and an amendment adopted. A pending amendment was tabled in lieu of a substitute amendment on April 24, 1998. The CS was read a third time; an amendment was adopted; and the CS was passed as amended. The amended CS died in Senate Messages and CS/SB 2474 was passed on May 1, 1998. On May 22, 1998, CS/SB 2474 was approved by the Governor, as chapter 98-176, Laws of Florida.

II. SUMMARY:

This CS contains, in part, the following:

- Renames the Division of Resource Planning and Management as the Division Of Community Planning;
- Modifies de minimis standards for transportation concurrency;
- Requires the department to maintain specified documents;
- Prohibits local governments from amending comprehensive plans until after adoption of an evaluation and appraisal report;
- Revises the requirements for evaluation and appraisal reports and providing for contents of the reports;
- Authorizes the adoption of option sector plans and providing for agreements with the department;
- Expands a municipality's special assessments exemption authority and authority to include additional assessments;
- Requires a municipality to notify the county of voluntary annexation ordinances;
- Revises responsibilities of the Executive Office of the Governor relating to strategic regional policy plans;
- Deletes references to the state land development plan;
- Provides for placement of commercial wireless communications facilities, providing criteria for a model lease, and providing for distribution of revenues from certain leases;
- Redefines the term "regional policy plan";
- Revises criteria for military base reuse plans, providing revised standards for military base retention; and providing conditions for the award of grants by the Office of Tourism, Trade, and Economic Development;
- Adds day care facilities as an issue in the development-of-regional-impact review process;
- Deletes a consistency requirement for certain Florida Quality Developments;
- Creates the Transportation and Land Use Study Committee and requiring the committee to report to the Governor and the Legislature;
- Repeals the Apalachicola Bay Area resource planning and management committee;
- Establishes a pilot project to develop a model feasibility study for incorporation; and

- Exempts certain nonprofit corporations from certain ad valorem taxation.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Structure of Department of Community Affairs:

Section 20.18, F.S., provides for the structure of the Department of Community Affairs. The section reads in part:

20.18 Department of Community Affairs.--There is created a Department of Community Affairs.

(1) The head of the Department of Community Affairs is the Secretary of Community Affairs. The secretary shall be appointed by the Governor subject to confirmation by the Senate. The secretary shall serve at the pleasure of the Governor.

(2) The following units of the Department of Community Affairs are established:
(a) Division of Emergency Management.
(b) Division of Housing and Community Development.
(c) Division of Resource Planning and Management.

Concurrency:

The concurrency requirement of the Local Government Comprehensive Planning and Land Development Regulation Act (part II, ch. 163, F.S.) is a growth management tool designed to accommodate development by ensuring that adequate facilities are available as growth occurs.

De minimis Exception

Subsection 163.3180(6), F.S., provides an exception from transportation concurrency requirements for a development which constitutes a “de minimis impact.” A de minimis impact is one percent of the maximum volume at the adopted level of service of the affected transportation facility. The definition specifically *includes* impacts generated by a single family home on an existing lot, regardless of the level of deficiency of the roadway. The definition specifically *excludes* impacts which exceed the adopted level of service standard on a designated hurricane evacuation route, or if it would exceed 110 percent of the sum of existing volumes and projected volumes from approved projects on a transportation facility.

Process for Adoption of Comprehensive Plan or Plan Amendments:

Section 163.3184, F.S., governs the adoption and review, including public participation and required time frames, of local government comprehensive plan amendments.

Coordination

Subsection 163.3184(2), F.S., provides that each plan or plan amendment proposed to be adopted requires the state land planning agency (the Department of Community

Affairs or "DCA"), to be responsible for the following: plan review; coordination; and the preparation and transmission of comments to the local governing body responsible for the comprehensive plan.

Intergovernmental Review

Subsection 163.3184(4), F.S., provides the procedure for the intergovernmental review of the plan or plan amendment. This subsection requires DCA to, within 5 working days of determining that a review is to be conducted, transmit a copy of the proposed plan or plan amendment to various government agencies for comment or response. These agencies include, but are not limited to the following: the Department of Transportation; the water management district; the regional planning council (RPC); and, in the case of municipal plans, the county land planning agency. If the agencies choose to respond or comment, they must provide their comments to DCA within 30 days after the receipt of the proposed plan or amendment. The RPC must also provide its written comments to DCA within 30 days after the receipt of the proposed plan or amendment. The RPC must specify any objections, recommendations, and comments of any other regional agencies to which the RPC has referred the proposed plan or amendment.

State Land Planning Agency Review

Subsection 163.3184(6), F.S., provides that DCA, upon receipt of comments from the various governmental agencies, as obtained through intergovernmental review, has 30 days to review the comments. During that time period, DCA must transmit, in writing, its comments to the local government, along with any objections and recommendations for modifications. In the event a federal, state, or regional agency has implemented a permitting program, DCA cannot require the local government to duplicate or exceed the permitting program's requirement's in the local government's comprehensive plan or in its land development regulations. However, nothing in this section prohibits DCA when conducting its review of local plans or amendments from making objections, recommendations, and comments or from making compliance determinations regarding densities and intensities consistent with the provisions of this part.

Evaluation and Appraisal Process:

Section 163.3191, F.S., requires each local government to prepare an evaluation and appraisal report (EAR) on their local government comprehensive plan. The EAR is the principal process for updating local comprehensive plans to reflect changes in state policy on planning and growth management. The EAR must include statements of the effect of future changes to growth management plans and rules on the local comprehensive plan, actions necessary to meet planning issues, anticipated plan amendments necessary to implement changes, and public participation processes.

Municipal Annexation:

Section 171.044, F.S., provides that the owners of real property in an unincorporated area that is contiguous to a municipality and is reasonably compact may petition the municipality for voluntary annexation.

Strategic Regional Policy Plans:

Section 186.507, F.S., requires the development of a long range guide for physical, economic, and social development of a planning district through the identification of regional goals and policies. Each of the eleven RPCs located within the State must prepare and adopt a Strategic Regional Policy Plan (SRPP).

Executive Office of the Governor - Rulemaking Authority

Subsection 186.507(2), F.S., requires the Executive Office of the Governor (EOC), to adopt, by rule, the minimum criteria to be addressed in each SRPP and create a uniform format for each plan. The required criteria must emphasize that each RPC, when preparing and adopting a SRPP, focus on regional resources and facilities, rather than on local resources and facilities.

SRPP and the State Comprehensive Plan

Section 186.508, F.S., requires regional planning councils throughout the state to submit strategic plans to the EOC for inclusion in the state comprehensive plan. The processes for adoption are as follows:

- The EOC, or its designee, is required to coordinate implementation of the SRPP with the Evaluation and Appraisal Reports (EAR) required by section 163.3191, F.S.

- Within 60 days, the EOC, or its designee, must review the proposed SRPP for consistency with the adopted state comprehensive plan and return the proposed SRPP, along with any recommended revisions, to the RPC.

- Rules adopting the SRPP are not subject to rule challenges under subsection 120.56(2), F.S., or to drawout proceedings under subparagraph 120.54(3)(c)2., F.S.

- Once the rules are adopted, they are subject to an invalidity challenge, by substantially affected persons, under subsection 120.56(3), F.S. Substantially affected persons include, but are not limited to, the EOC.

- The rules are adopted by the RPC within 90 days after receipt of the revisions recommended by the EOC.

- The rules are effective upon filing with the Department of State, notwithstanding the provisions of subparagraph 120.54(3)6., F.S.

Evaluation of Strategic Regional Policy Plans

Section 186.511, F.S., provides for the evaluation process of the SRPPs. Each RPC is required to prepare an EAR on its SRPP at least once every five years. The EAR should do the following:

- Assess the successes or failures of the SRPP;

- Address changes to the state comprehensive plan; and

- Prepare and adopt, by rule amendments, revisions, or updates to the plan.

The EAR is required to be prepared and submitted for review on a schedule established by rule by the EOC. The schedule is required to facilitate and be coordinated with, to the maximum extent feasible, the EAR of local government comprehensive plans pursuant to section 163.3191, F.S., for local governments within each comprehensive planning district.

Military Base Reuse Plans:

Section 288.975, F.S., provides an optional, alternative base reuse planning process for the reuse of military bases that supersedes the provisions of chapter 380, F.S., pertaining to developments of regional impact.

Paragraph 288.975(2)(f), F.S., defines the term “Regional policy plan.”

Subsection 288.975(3), F.S., establishes the procedures and time frames for host governments to provide notice of intent to use the optional provisions of the act. No later than 6 months after May 31, 1994, or 6 months after the designation of a military base for closure by the Federal Government the host local government must notify the secretary of the DCA and the director of the Office of Tourism, Trade, and Economic Development (OTTED). A decision not to use the optional provisions of this act results in all activities within the jurisdiction of the host government becoming subject to all land use planning statutes and regulations, including those of chapter 163 and 380, F.S.

Subsection 288.975(8), F.S., permits the host local government to request OTTED to coordinate a resubmission workshop concerning a military base reuse plan within the jurisdiction of the host local government for the purpose of coordination of planning and review efforts with various state agencies, water management districts, regional planning councils, and affected local governments.

Subsection 288.975(9), F.S., requires host local governments to, no later than 12 months after notifying the agencies of its intent to use the optional provisions of this section to:

- Send a copy of the proposed military base reuse plan for review to any affected local governments, DEP, OTTED, DCA, Department of Transportation (DOT); Department of Health and Rehabilitative Services (DHRS), Department of Agriculture and Consumer Services (DACS); Department of State (DOS); Florida Game and Fresh Water Fish Commission (FGFWFC); and any applicable water management district (WMD) and regional planning councils; or

- Petition the secretary of DCA for an extension of the deadline for submitting a reuse plan based on changes or delays in the closure process by the federal Department of Defense or for reasons otherwise deemed to promote the orderly and beneficial planning of the subject military base reuse. The secretary may grant up to a 1 year date of submission extension.

Subsection 288.975(10), F.S., establishes the following procedures for the adoption of a proposed military reuse plan:

- The review entities (affected local governments, DEP, OTTED, DCA, DOT, DHRS, DACS, DOS, FGFWFC, applicable WMDs, and applicable RPCs), review and provide comments to the host government within 60 days after receipt of the proposed reuse plan;

- Commencement of the review period is advertised in newspapers of general circulation within the host local government;

- Any affected local government is permitted public comment;

- No later than 60 days after the receipt and consideration of all comments, and two public hearings, the host local government adopts the plan;

- The host government complies with the notice requirements contained in subsection 163.3184(15), F.S.

Notwithstanding the procedures listed above, a host local government may waive the 60 day adoption deadline and extend the time frame for adoption to 180 days after the 60th day following the receipt, consideration of all comments, and second public hearing or the date when this act became law, whichever is later.

Any action taken by a local government to adopt a military base reuse plan after the 60 day deadline is deemed to be a waiver of the 60 day deadline.

Subsection 288.975(12), F.S., provides the following process for resolving disputes of the parties:

- The petitioning party(ies) and host local government have 45 days to resolve the issues in dispute;

- By mutual consent of the petitioning parties and the host local government, other affected parties that previously submitted comments on the proposed military base reuse plan may be given the opportunity to formally participate in the decisions and agreements made in these and subsequent proceedings; and

- A third-party mediator may be used to help resolve the issues.

In the event the resolution of the dispute cannot be reached within 45 days, the following process will occur:

- The petitioning party(ies) and host local government may extend dispute resolution for up to 45 days; and

- If the resolution of the dispute is not resolved within the 45 days, the disputed issues are submitted to DCA (if the disputed issues stem from multiple petitions, the mediation will be consolidated into a single proceeding at DCA).

DCA has 45 days to hold an informal hearing. At the hearing DCA:

- Identifies the issues in dispute;
- Prepares a record of the proceedings; and
- Provides recommended solutions to the parties.

If the parties fail to implement the recommended solutions within 45 days, DCA submits the matter to the Administration Commission for final action. The report to the Administration Commission:

- Lists each issue in dispute;
- Identifies the recommended solutions provided to the parties; and
- Makes recommendations for actions the Administration Commission should take to resolve the disputes.

If DCA is a party to the dispute then the dispute is resolved by a party jointly selected by DCA and the host local government. The selected party also complies with the responsibilities that would have been placed on DCA.

Within 45 days after receiving the report from DCA, the Administration Commission must take action to resolve the dispute. In deciding on the resolution, the Administration Commission considers:

- The nature of the dispute;
- The compliance of the parties;
- The extent of the conflict between the parties; and
- The public interests involved.

In the event the Administration Commission, in its final order, includes a term or condition that requires any local government to amend its local government comprehensive plan, the local government must amend its plan within 60 days after the order is issued. Any such amendment is exempt from the limitation of the frequency of plan amendments contained in subsection 163.3187(2), F.S., and a public hearing, pursuant to subparagraph 163.3184(15)(b)1., F.S., is not required. A final order of the Administration Commission is subject to appeal pursuant to section 120.68, F.S.

In the event of an appeal of the Administration Commission's final order, the 60 day deadline for adoption of the local government's comprehensive plan amendment is tolled during the pendency of any local, state, or federal administrative or judicial proceeding relating to the military base reuse plan.

Military Base Closure, Retention, Realignment, or Defense-related Readjustment and Diversification:

Subsection 288.980(1), F.S., provides the legislative intent to assist communities with military installations from being adversely affected by federal base realignment or closure actions.

Paragraph 288.980(2)(a), F.S., authorizes OTTED to award grants from specifically appropriated funds to applicant's eligible projects that are:

- Related to the retention of military installations potentially affected by federal base closure or alignment; or

- Activities related to preventing the potential realignment or closure of a military installation officially identified by the Federal Government for potential realignment or closure.

Paragraph 288.980(2)(b), F.S., defines "activities" eligible for grant funds to include: studies, presentations, analyses, plans, and modeling. "Activities" does not include: travel, costs incidental to travel, and staff salaries.

Paragraph 288.980(2)(c), F.S., provides that grants provided to an applicant in any one year may not exceed $250,000. Applicants for the grants are required to:

- Represent a community with a military installation(s) that could be adversely affected by federal base realignment or closure;

- Match at least 25% of any grant award in cash or in-kind services (in-kind matches must be directly related to the activities for which the grant is sought);

- Prepare a coordinated program or plan which delineates how the eligible project is administered;

- Provide documentation describing the potential for realignment or closure of a military installation located in the applicant's community; and

- Provide documentation describing the adverse impacts realignment or closure might have on the applicant's community.

Paragraph 288.980(2)(d), F.S., provides the factors OTTED considers, at a minimum, in making awards:

- The relative value of the particular military installation in terms of its importance to the local and state economy relative to other military installations vulnerable to closure;

- The potential job displacement with the local community if the military installation should close; and

- The potential adverse impact on industries and technologies which service the military installation.

Paragraph 288.980(2)(e), F.S., defines the term “applicant”, as used in this section.

Developments of Regional Impact:

Section 380.06, F.S., created the DRI review process. As defined by general law, a DRI is “any development which, because of its character, magnitude, or location, has a substantial effect on the health and safety, or welfare of citizens of more than one county.” The purpose of the DRI review process is not to prohibit development, but to manage it in order to address the multi-jurisdictional impacts and to protect natural resources.

Section 380.06(12), F.S., provides for a regional planning agency, if designated, or the local government to prepare and submit to the local government a report and recommendations on the regional impacts of the proposed development. The report considers whether the development’s impact on state or regional resources or facilities identified in applicable state or regional plans is favorable or unfavorable.

Florida Quality Developments:

Section 380.06, F.S., creates the Florida Quality Development program. This program encourages developers to create projects that are compatible with the environment and surpass certain criteria for DRI approval. The incentive to meet the higher standards is a reduction in the length of the review process.

Coastal Planning and Management - Federal Consistency:

Section 380.23, F.S., creates the federal consistency review process. Activities and uses of various federal projects are reviewed to ensure that such activities and uses comply with the state’s coastal management program.

Military Base closure, retention, realignment, or defense-related readjustment and diversification - grants programs:

Florida Economic Reinvestment Initiative

The Florida Economic Reinvestment Initiative was established to respond to the need to develop alternative economic diversification strategies in the wake of base closures. The initiative consists of following three grant programs:

- The Florida Defense Planning Grant Program (funds are used to analyze the extent of the state’s dependency on defense infrastructure by defense-dependent communities);

- The Florida Defense Implementation Grant Program (funds are made available to defense-dependent communities to implement diversification strategies); and

- The Florida Military Installation Reuse Planning and Marketing Grant Program (funds are used to help counties, cities, and local economic development councils).

Defense-Related Business Adjustment Program

The Defense-Related Business Adjustment Program was established to assist defense-related companies in the creation of increased commercial technology development.

Office of Tourism, Trade, and Economic Development:

The Office of Tourism, Trade, and Economic Development (OTTED), is required to establish rules to implement the Base closure, retention, realignment, or defense-related readjustment and diversification program.

B. EFFECT OF PROPOSED CHANGES:

Structure of Department of Community Affairs - Paragraph 20.18(2)(c), F.S.: Changes the name of the Division of Resource Planning and Management to the Division of Community Planning.

Optional Sector Planning - **Subsection 163.3164(31):** Provides a definition for "optional sector plan", as a means for local governments, through agreements with DCA to address development-of-regional-impact issues within certain designated geographic areas.

Concurrency - Subsection 163.3180(6), F.S.: Addresses a technical corrects "glitch" in the transportation concurrency de minimus standard that was revised in the 1997 Legislative Session.

Adoption of Comprehensive Plans - Subsections 163.3184(1),(2), (4), and (6)(c), F.S.: Adds additional requirements for maintaining correspondence, papers, notes, memoranda, and other documents contained within the plan or plan amendment review file. Clarifies that all written agency and public comments are part of the file. Creates a new requirement for DCA to identify in writing a list of all documents received or generated by the agency with sufficient specificity to enable the documents to be identified and copied, if requested.

Amendment of Adopted Comprehensive Plan - Subsection 163.3187(6), F.S.: Authorizes exceptions for amendment of comprehensive plans after the required date for adoption of a local government's evaluation and appraisal (EAR) report, including the following:

- Allows local governments to amend comprehensive plans after adopting an EAR regardless of its sufficiency for a period of one year;

- Prohibits amendments after one year until EAR found sufficient;

- A local government may adopt amendments without the above listed limitation when the EAR has been determined to sufficiently address all pertinent provisions; and

- Any improperly adopted plan amendments may be readopted and transmitted after EAR found sufficient.

Evaluation and Appraisal of Comprehensive Plan - Section 163.3191, F.S.:
Substantially rewords this section as follows:

- EAR is required once every 7 years;
- EAR is part of ongoing process to review local comprehensive plans in context of changing local, state, and regional policies and conditions and to identify major issues at the local level;
- EAR is to serve as summary audit, identifying major issues, and is to be based on local government analysis of the major issues;
- EAR is to address population growth, extent of vacant land, financial feasibility of the plan and infrastructure needs, location of development, major local issues, statutory and administrative law changes, assessment of plan objectives related to major issues, successes and shortcomings of each plan element, corrective actions and public participation process;
- The Local planning agency is to prepare the EAR and make recommendations to the governing board after at least one public hearing;
- 90 days prior to the adoption date, the local government may submit a proposed EAR for review and comment;
- After the governing board has considered the state land planning agency's review comments and has adopted the EAR, the state land planning agency has 60 days to make a preliminary sufficiency review, and 30 additional days to make the final sufficiency review;
- The state land planning agency's sufficiency review must concentrate on the adequacy of the EAR in addressing update requirements in whole or as modified by the optional scoping process;
- The state land planning agency may delegate EAR review to regional planning councils by agreement(s);
- EAR adoption is determined by a schedule prepared by the state land planning agency, with cities following counties;
- The Administration Commission may impose sanctions against local governments failing to adopt/submit EARs and/or subsequent amendments, except for excusable delays or planning reasons;
- No rules are required to implement the EAR provisions;

- The state land planning agency is required to prepare a report documenting how, and in what format, technical assistance can be rendered to local governments, including the provision of EAR templates;

- The state land planning agency is required to conduct EAR process assessments and to make reports to the Legislature on this subject;

- Local governments with EARs due before October 1, 1998, are evaluated under the existing statutory and rule requirements;

- Local governments with EAR adoption between September 30, 1998, and February 2, 1999, are granted the option of deciding which process to use use for review of their EARs;

- An optional scoping process to focus EAR issues involving appropriate local, regional, and state agencies is created.

Optional Sector Plans - Section 163.3245, F.S.: Creates a demonstration project which authorizes the state land planning agency to enter into agreements with up to five local governments or combinations of local governments an optional sector plan intended to further the intent of s. 163.3177(11), F.S., through innovative and flexible planning and development strategies. The optional sector plan must be adopted into the local government comprehensive plan. Approved optional sector plans must meet the following criteria:

- Must include at least 5,000 acres of one or more local governmental jurisdiction;

- Must emphasize urban form and protection of regionally significant resources and facilities.

However, the state land planning agency may approve optional sector plans of less than 5,000 acres, based on local circumstances if it is determined that the plan would further the purposes of chapter 163, part II, and chapter 380, part 1.

Special Assessments - Section 170.201, F.S.: Expands exemptions from certain local governments levied special assessments to include community colleges. Expands types of local government-levied special assessments exempted to also include fire protection and prevention, and stormwater projects and services.

Appeal on annexation or contraction - Section 171.081, F.S.: Authorizes counties which are the complainant and prevailing party to be entitled to reasonable costs and attorney's fees.

State and Regional Planning - Definitions - Section 186.03, F.S.: Clarifies the definition of the "state comprehensive plan".

State Comprehensive Plan - preparation and revision - Subsections 186.007(4) and (8), F.S.: Deletes reference to state land development plan, authorizes regional planning councils to assist in the review of the state comprehensive plan, and adds a reference to the evaluation and appraisal reports prepared pursuant to s. 186.511, F.S. Authorizes

the Governor to appoint a committee to review and make recommendations of revisions to the state comprehensive plan.

Strategic Regional Policy Plans - Subsection 186.507(2), F. S.: Eliminates the requirement for the Executive Office of the Governor (EOG) to adopt a rule establishing the minimum criteria to be addressed in each strategic regional policy plan (SRPP).

Strategic Regional Policy Plans - Adoption - Subsection 186.508(1), F. S.: Eliminates the requirement for each RPC to submit to the EOG its proposed SRPP. Eliminates the requirement that the RPC adopt the rules within 90 days after the receipt of the revisions recommended by the EOG.

Strategic Regional Policy Plans - Evaluation -Section 186.511, F. S.: Eliminates the requirement that the EOG establish, by rule, a schedule to review the RPC's evaluation and appraisal report of its SRPP. Creates the requirement that the SRPP review facilitate and be coordinated with, to the maximum extent feasible, the evaluation and revision of local government comprehensive plans within each planning district.

Lease of state property for wireless facilities - Section 255.60, F.S.: Creates requirements for the leasing of state property for wireless facilities.

Military Base Reuse Plans - Sections 288.975 and 288.980, F.S.: Modifies the current optional military base reuse planning process by simplifying the request for extension process; limits OTTED grant awards to a maximum of $250,000; and requires the applicant to match at least 50% of awarded grant.

Developments of Regional Impacts - Subsection 380.06(5) and (12), F.S.: Eliminates the reference to the state land development plan. Adds day-care facilities as an issue in the development of regional impact review process.

Certification of local government review of development - Subsection 380.065(3), F.S.: Deletes reference to state land development plan.

Federal Consistency - Section 380.23, F.S.: Provides that federal activities within the territorial limits of neighboring states could be subject to a consistency review by state officials when these activities significantly impact land and water resources of the state.

Land Use and Transportation Study Committee: Requires the Department of Community Affairs and the Department of Transportation to jointly establish a "Land Use and Transportation Study Committee" to consider changes to the land use and transportation provisions of part II of chapter 163, F.S. Special emphasis is to be given to concurrency of the highway system, LOS methodologies and land use impact assessments used to project transportation needs. Provides that a report summarizing the results of the committee be submitted to the Governor, the President of the Senate, and the Speaker of the House by January 15, 1999.

State Comprehensive Plan: Repeals the purpose statement of the state comprehensive plan as it relates to the growth management portion.

Growth Management Portion of the State Comprehensive Plan: Repeals the requirement for the growth management portion of the state comprehensive plan to set forth recommendations on how to integrate the Florida Water Plan, the state land development plan, and required transportation plans.

Florida Economic Reinvestment Initiative: Repeals the Florida Defense Planning Grant Program**,** the Florida Defense Implementation Grant Program, and grant program.

Florida Military Base Installation Reuse Planning and Marketing Grant Program: Repeals this grant program.

Defense-Related Business Adjustment Program: Repeals this program.

Office of Tourism, Trade, and Economic Development: Repeals the rulemaking authority of OTTED regarding Base closure, retention, realignment, or defense-related readjustment and diversification programs contained in section 288.980, F. S. Limits grants awarded by OTTED for retention or prevention of military base closures to $250,000. Requires applicants to match at least 50% of the grant awarded.

Apalachicola Bay Area Resource Planning and Management Committee - Repeals the requirement for the Governor to appoint a resource planning and management committee for the Apalachicola Bay Area.

Exemption from property taxation for charitable nonprofit low income housing properties - Section 420.0007, F.S.: Creates an exemption from property taxation for charitable organizations under s. 501(c)(3) of the Internal Revenue Code and which comply with the Internal Revenue Procedure 96-32, which provide housing to low-income and very-low-income persons.

Joint Legislative Committee on Intergovernmental Relations and Department of Community Affairs - Pilot Project: Authorizes the Joint Legislative Committee on Intergovernmental Relations, with the assistance of the Department of Community Affairs to develop a model feasibility study for incorporation that can be used by parties wishing to submit such a study to the Legislature pursuant to s. 165.041(1)(b), F.S.

C. APPLICATION OF PRINCIPLES:

1. <u>Less Government:</u>

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

Yes.

Office of Tourism, Trade, and Economic Development: This bill eliminates the authority of OTTED to make rules to implement the purpose and intent of the Base closure, retention, realignment, or defense-related readjustment and diversification programs.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes.

Transportation and Land Use Study Committee: This bill requires the Department of Community Affairs and the Department of Transportation to jointly establish a Transportation and Land Use Study Committee to evaluate transportation coordination and land use issues.

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

No.

Florida Economic Reinvestment Initiative: This bill repeals this initiative and the three grant programs authorized by the initiative. The Legislature has not funded these programs for several years.

Military Base Installation Reuse Planning and Marketing Grant Program: This bill repeals this grant program. The Legislature has not funded this program for several years.

Defense-Related Business Adjustment Program: This bill repeals this program. The Legislature has not funded this program for several years.

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. <u>Lower Taxes:</u>

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Sections 20.18; 163.3164; 163.3171; 163.3180; 163.3184; 163.3187; 163.3191; 163.3245; 170.201; 171.044; 171.081; 186.507; 186.508; 186.511; 186.003, 186.007; 186.008; 186.009; 255.60; 288.975; 288.980; 380.06; 380.061; 380.065; 380.23; 380.031; 380.0555; and 420.0007, F.S.

E. SECTION-BY-SECTION RESEARCH:

The Committee Substitute for HB 4031 does the following:

Section 1: Amends paragraph 20.18(2)(c), F.S., changing the name of the Division of Resource Planning and Management to the Division of Community Planning.

Section 2: Creates subsection 163.3164(31), defining "optional sector plan" as an "optional process authorized by s. 163.3245 in which one or more local governments by agreement with the state land planning agency are allowed to address development-of-regional impact issues within certain geographic areas.

Section 3: Amends subsection 163.3171, F.S., adding a reference to optional sector plans.

Section 4: Amends subsection 163.3180(6), F.S., clarifying a glitch relating to de minimis transportation impacts in the existing language of the statute.

Section 5: Amends subsections 163.3184(1)(b), (2), (4), and (6)(c), F.S., creating paragraph 163.3184(6)(d), F.S., requiring the following:

- DCA is to maintain a single file concerning any proposed or adopted plan amendment submitted by a local government. The file is to contain all correspondence, papers, notes, memoranda, and hard copies of electronic mail.

- Requires local governments to notice the public hearing date and the mailing date of the proposed plan or plan amendment.

- Requires that written comments submitted by the public, within the 30 days after notice of transmittal by local governments, be considered as submitted by a governmental agency and become a part of the single file.

- Requires that the review comments by DCA be based solely on written comments.

- Requires DCA to create a list, as a part of the single file, that identifies all written communications with DCA regarding the proposed plan or plan amendment. The list identifies, with sufficient specificity, the documents received or generated by DCA regarding the proposed plan or plan amendment.

Section 6: Amends subsection 163.3187(6), F.S., authorizes exceptions for amendment of comprehensive plans after the required date for adoption of a local government's evaluation and appraisal (EAR) report, including the following:

- Allows local governments to amend comprehensive plans after adopting an EAR regardless of its sufficiency for a period of one year;

- Prohibits amendments after one year until EAR found sufficient;

- A local government may adopt amendments without the above listed limitation when the EAR has been determined to sufficiently address all pertinent provisions; and

- Any improperly adopted plan amendments may be readopted and transmitted after EAR found sufficient.

Section 7: Amends section 163.3191, F.S., substantially amending this section as follows:

- EAR is part of ongoing process to review local comprehensive plans in context of changing local, state, and regional policies and conditions and to identify major issues at the local level;

- EAR is required once every 7 years;

- EAR is to serve as summary audit, identifying major issues, and is to be based on local government analysis of the major issues;

- EAR is to address population growth, extent of vacant land, financial feasibility of the plan and infrastructure needs, location of development, major local issues, statutory and administrative law changes, assessment of plan objectives related to major issues, successes and shortcomings of each plan element, corrective actions and public participation process;

- The Local planning agency is to prepare the EAR and make recommendations to the governing board after at least one public hearing;

- 90 days prior to the adoption date, the local government may submit a proposed EAR for review and comment;

- After the governing board has considered the state land planning agency's review comments and has adopted the EAR, the state land planning agency has 60 days to make a preliminary sufficiency review, and 30 additional days to make the final sufficiency review;

- The state land planning agency's sufficiency review must concentrate on the adequacy of the EAR in addressing update requirements in whole or as modified by the optional scoping process;

- The state land planning agency may delegate EAR review to regional planning councils by agreement(s);

- EAR adoption is determined by a schedule prepared by the state land planning agency, with cities following counties;

- The Administration Commission may impose sanctions against local governments failing to adopt/submit EARs and/or subsequent amendments, except for excusable delays or planning reasons;

- No rules are required to implement the EAR provisions;

- The state land planning agency is required to prepare a report documenting how, and in what format, technical assistance can be rendered to local governments, including the provision of EAR templates;

- The state land planning agency is required to conduct EAR process assessments and to make reports to the Legislature on this subject;

- Local governments with EARs due before October 1, 1998, will be evaluated under the existing statutory and rule requirements;

- Local governments with EAR adoption between September 30, 1998, and February 2, 1999, are granted the option of deciding which process will be used for review of their EARs;

- An optional scoping process to focus EAR issues involving appropriate local, regional, and state agencies is created.

Section 8: Creates section 163.3245, F.S., creating optional sector plans, as follows:

- Creating the optional sector plan demonstration project for up to five local governments or combinations of local governments;

- Authorizing the state land planning agency to enter into agreements to authorize preparation of an optional sector plan upon the request of one or more local governments;

- Authorizing the applicable regional planning council to conduct a scoping meeting with the effected local governments and with specified agencies;

- Requiring the regional planning council to make written recommendations to the state land planning agency and the affected local governments;

- Requiring the agreement to contain the following:

  - Define the geographic area to be subject to the sector plan;

  - Define the planning issue to be emphasized;

  - List the requirement for intergovernmental coordination to address extrajurisdictional impacts;

  - Provide supporting application materials including data and analysis and procedures for public participation.

- Requiring the local government to hold a duly noticed public workshop to review and explain to the public the optional sector planning process and the terms and conditions of the proposed agreement;

- Requiring the local government to hold a duly noticed public hearing to execute the agreement; and

- Requiring that all meetings between the department and the local government be open to the public.

- Requiring the optional sector plan process to encompass two levels:

  - A conceptual long-term buildout overlay to the comprehensive plan; and

  - Detailed specific area plans that implement the conceptual long-term buildout overlay and authorize issuance of development orders.

- Detailing specific area plans must also include the following:

  - An area of adequate size to accommodate a level of development which achieves a functional relationship between full range of land uses and at least 1,000 acres;

  [Note: The state land planning agency may approve detailed specific area plans of less than 1,000 acres based on local circumstances if it is determined that the plan furthers the purposes of chapter 163, part II, and chapter 380, part I.]

  - Detailed identification and analysis of the distribution, extent, and location of future land uses;

  - Detailed identification of regionally significant public facilities, anticipated impacts of future land uses on those facilities, and required improvements;

  - Public facilities necessary for the short term;

  - Detailed analysis and identification of specific measures to assure that protection of regionally significant natural resources and other resources (both within and outside the host jurisdiction);

  - Principles and guidelines that address the urban form and interrelationships of anticipated future land uses;

  - Identification of special procedures to ensure intergovernmental coordination to address extrajurisdictional impacts of the detailed specific area plan.

- Requiring the host local government to submit a monitoring report to the state land planning agency and applicable regional planning council on an annual basis after the adoption of a detailed specific area plan;

- Creating an exemption from the DRI process for certain DRI-size developments located in the specific area plan;

- Requiring, beginning on December 1, 1999, and each year thereafter, the state land planning agency must provide a status report to the Legislative Committee on Intergovernmental Relations regarding each optional sector plan authorized under this section; and

- Stating that this section may not be construed to abrogate the rights of any person under this chapter.

Section 9: Amends subsection 170.201(2), F.S., including community colleges in the list of religious and educational institutions exempt from special assessments levied by municipalities and expands the list of voluntarily exempted special assessments to include any service or facility, including those for fire protection and prevention, stormwater projects and services. Prohibits the municipality passing on to others the costs of these exemptions in the form of additional fees or assessments.

Section 10: Adds subsection 171.044(6), requiring municipalities to provide a copy of the notice of voluntary annexation, by certified mail, to the board of county commissioners, on the date the notice is published.

Section 11: Amends section 171.081, F.S., allowing complainant counties, which are the prevailing party in an appeal on annexation or contraction ordinances to be entitled to reasonable costs and attorney's fees.

Section 12: Amends section 186.003, F.S., amending the definition of the term " state comprehensive plan" to mean the state planning document required in Article III, s. 19 of the State Constitution and published as ss. 187.101 and 187.201, F.S.

Section 13: Amends subsection 186.007(4) and (8), F.S., amending the State comprehensive plan by deleting a reference to the state land development plan and adding references to regional planning councils and the evaluation and appraisal reports prepared pursuant to s. 186.511, F.S. Creates subsection 186.007(9), to authorize the Governor to appoint a committee to review and make recommendations for the revision of the State Comprehensive Plan.

Section 14: Amends section 186.008, F.S., deleting outdated deadlines.

Section 15: Amends subsection 186.009(2) and (3), F.S., deleting references to the state land development plan and outdated deadlines for various activities by the Governor to the Administration Commission regarding the proposed growth management portion of the state comprehensive plan.

Section 16: Amends subsection 186.507(2), F.S., eliminating the requirement for the Executive Office of the Governor to adopt a rule establishing the minimum criteria to be addressed in each regional planning council's strategic regional policy plan.

Section 17: Amends subsection 186.508(1), F.S., eliminating the requirement for each regional planning council to submit to the Executive Office of the Governor its proposed strategic Regional Policy Plan. Eliminates the requirement that the regional planning council adopt the rules adopting the strategic regional policy plans within 90 days after the receipt of the recommended revisions of the Executive Office of the Governor.

Section 18: Amends section 186.511, F.S., eliminating the requirement of the Executive Office of the Governor establish, by rule, a schedule to review the regional planning councils' evaluation and appraisal reports of its strategic regional policy plan.

Creates the requirement that the review of the strategic regional policy plan be coordinated with, to the extent feasible, the evaluation and revision of local government comprehensive plans within each planning district.

Section 19: Creates section 255.60, establishing procedures and requirements for the lease of state property for wireless facilities, including the following:

- Notwithstanding any other provision of law, requires every department, board, agency, or commission of the state to encourage the placement of commercial mobile radio service facilities on structures which it owns or manages;
- Within 90 days after a written request from a commercial mobile radio service provider an inventory of all buildings and antenna structures over 40 ft. in height in the specified geographic region will be provided;
- The provider must submit a letter of interest to the agency managing the structure along with the following:
  - An application fee of $250; and
  - A description, in reasonable detail, of the provider's requirements for placing its facilities on the structure.
- Within 45 days, the state agency must notify the provider of the site's availability and, if available, allow the provider to perform onsite testing;
- If a commercial radio service provider desires to locate its facilities on an available structure, the state agency must enter into a lease with the provider without competitive bidding or procurement;
- The terms of the lease must follow the terms of a model lease to be developed by the Department of Managment Services within 120 days after the effective date of this act;
- The terms of the lease must include, but are not limited to the following terms:
  - Rent to be based on fair market value of comparable communication facilities in the state;
  - Provider is entitled to make reasonable modifications to the structure to allow their use, including the replacement of an existing pole or tower with new structure of not more than 125 percent of the original height;
  - Provider is entitled to reasonable space on or near the structure to connect and house any accessory equipment;
  - Provider must design all antenna attachments and shelters to minimize any aesthetic impact;

- Provider's use must not interfere with any current or future use of the site by the state; and

- Duration of the lease must be for 5 years and must grant the provider options for renewal for an additional 3 years.

- Fifty percent of the first $5 million in revenues annually derived from the lease must be credited to the agency that manages the property and fifty percent of the remaining first $5 million in revenues must be credited to the School Improvement and Academic Achievement Trust Funds;

- Any additional revenue, exceeding the first $5 million, must be credited to the agency;

- All revenues generated by towers owned by or under the control of the Department of Management Services must be placed in the State Agency Law Enforcement Radio System Trust Fund; and

- In the event a department, board, agency, or commission of the state offers any building and antenna structure that it owns or manages for the placement of commercial mobile radio services facilities through a fair and open competitive procurement process, certain subsections of this section will not apply if the bid or proposal is published within 90 days after the written request or within 90 days after the effective date of this act.

Section 20: Amends subsections 288.975(2)(f), (3), (8), (9), (10) and (12), F.S., to do the following:

- Amends the definition of "Regional policy plan" by deleting an out-dated reference to the strategic regional policy plan.

- Deletes the reference to the "May 31, 1994, or 6 months after" deadline for notification to DCA by a local government of its intention to use the optional provisions of this act.

- Conforms the redesignation of the Department of Health and Rehabilitative Services as the Department of Children and Family Services.

- Removes the 1 year extension limit DCA is authorized to grant for the required submission date of the reuse plan.

- Expands the 60 day deadline for host local governments to adopt the military base reuse plan (after receipt and consideration of all comments and two public hearings) to 180 days.

- Deletes the optional waiver provisions time frames for host governments to adopt the military base reuse plan.

- Provides for additional procedures for the dispute resolution process related to the optional military base reuse. The current process for dispute resolution, when DCA is not a party to the action, includes the following:

  1. Party or parties petition the host local government regarding disputed issues of the military base reuse plan.

  2. The host local government and petitioning party(ies) have 45 days to resolve the issues in dispute (other affected parties may be given the opportunity to join the dispute resolution process and a third-party mediator may be used to help resolve the issues).

  3. If resolution is not achieved, the petitioning party(ies) and host local government may extend the dispute process for another 45 days;

  4. If resolution of the dispute cannot be achieved during the above-listed time frame, then the issues of dispute are submitted to DCA. DCA has 45 days to hold an informal hearing.

  5. At the informal hearing, DCA will:

     - Identify the issues in dispute;

     - Prepare a record of the proceedings; and

     - Provide recommended solutions to the parties.

  6. The parties have 45 days to implement the recommended solutions.

  The revised/expanded procedure provides the additional dispute resolution process, in the event the parties fail to implement the recommended solutions within the 45 day period. The process is as follows:

  1. DCA submits the matter to the Division of Administrative Hearings (DOAH), for a formal hearing pursuant to chapter 120, F.S.

  2. DOAH holds a formal hearing and issues a recommended order.

  3. Within 45 days of receiving the order, DCA must forward the recommended order by DOAH and DCA's recommended final order to the Administration Commission for final action.

- Provides for minor changes to existing dispute resolution process when DCA is a party to the dispute. These changes include:

  1. Clarification that the issues in dispute be submitted to a party jointly selected by DCA and the host local government.

2. Within 45 days of receiving the recommendation (of solutions) from DCA, the Administration Commission must take action to resolve the issues in dispute.

3. In making its decision, the Administration Commission must consider the following:

   - The recommendation from DCA;
   - The recommended order from DOAH; and
   - The compliance of the parties with the requirements of this section.

Section 21: Amends subsections 288.980(1) and (2), F.S., to do the following:

- Deletes the provisions encouraging the creation of local or regional base realignment or closure commissions;
- Authorizes the Office of Tourism, Trade and Economic Development (OTTED), to award grants from any funds available to it to support activities related to the retention of military installations potentially affected by federal base closure or realignment;
- Places a limit on total grant awards to any applicant to $250,000;
- Increases the local government matching requirements from 25% to 50%;
- Expands the coordinated program or plan of action delineating how the project will be administered to also require two plans:
  - A plan to ensure close cooperation between civilian and military authorities with regards to funded activities; and
  - A plan for public involvement.
- Deletes the definition of applicant for the purposes of base closure and realignment.

Section 22: Adding paragraph 380.06(5)(d), and amending sections 380.06(12) and (14), F.S., adding the provision of day care facilities in proximity to employment as an issue which may be considered in DRI review. This section is also amended to delete references to the state land development plan and remove a requirement that DRIs be reviewed for consistency with that plan.

Section 23: Amends paragraph 380.061(3)(a), F.S., deleting a requirement that an FQD be consistent with the state land development plan.

Section 24: Amends subsection 380.065(3), F.S., deleting a reference to the state land development plan.

Section 25: Creates paragraph 380.23(3)(d), to permit consistency review of federal activities within the territorial limits of neighboring states when they would significantly impact land and water resources of the state.

Section 26: Creates a technical transportation and land use study committee. The committee must consist of 15 members, appointed by the secretary of DCA, the secretary of DOT, to include the following:

- Representatives of local governments;
- Regional planning councils;
- The private sector;
- Metropolitan planning organizations;
- Citizen groups; and
- Environmental groups.

The committee must review and evaluate the law relating to land use, transportation coordination, and planning issues. The evaluation must address the roles of the following:

- Local governments;
- Regional planning councils;
- State agencies; and
- Metropolitan planning organizations.

The evaluation must place special emphasis on the following:

- Concurrency of the highway system;
- Levels of service methodologies; and
- Land use impacts assessments used to project transportation needs.

DCA and DOT must prepare a report summarizing the results of the review. The report must contain any recommendations for appropriate changes identified in the law. The report must be submitted to the Governor, the President of the Senate, and the Speaker of the House.

Section 27: Repeals subsection 380.0555(7), F.S., and paragraph 380.06(14)(a), F.S., repealing authorization of the Apalachicola Bay Area Resource Planning and Management Committee, as the committee has completed its work; deletes the requirement that a DRI development order not interfere with the achievement of the objectives of an adopted state land development plan applicable to the area.

Section 28: Amends subsection 380.031(17), F.S., amending the definition of "state land development plan" to include that the plan will not have any legal effect until enacted by general law or the Legislature grants express rulemaking authority to the state land planning agency to adopt such a plan.

Section 29: Provides for severability of the provisions of this act in the event that any provision, or application thereof, is held invalid.

Section 30: Creates section 420.0007, creating an exemption from property taxes for charitable nonprofit low income housing properties which are defined as charitable organizations under s. 501(c)(3) of the Internal Revenue Code and comply with the Internal Revenue Procedure 96-32, and subject to other stated conditions.

Section 31: Authorizes the Joint Legislative Committee on Intergovernmental Relations, with the assistance of the Department of Community Affairs, to undertake a pilot project designed to develop a model feasibility study for incorporation that can be used by parties to submit such a study to the Legislature pursuant to section 165.041(1)(b), F.S.

Section 32: Provides that, except as otherwise provided for in this act, this act will take effect upon becoming a law.

IV. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

Indeterminate - Changing the name of the Division of Resource Planning and Management to the Division of Community Planning: There will be a minimal fiscal impact to DCA due to the reprinting of agency letterhead; business cards for division employees; and the updating of DCA publications, administrative rules, directories, and Internet sites. There will be a minimal fiscal impact on other state agencies that have references to the division.

$21,000 - Transportation and Land Use Study Committee: According to DCA and based on the recent experience with the Evaluation and Appraisal Technical Advisory Committee (AORTIC), the Transportation and Land Use Study Committee(TLUSC), will need to meet four times to meet the requirements of this bill. Based on the costs of AORTIC, the cost will be approximately $21,000 for travel related expenses (15 members X $350 per member X 4 meetings).

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

   None.

4. Total Revenues and Expenditures:

   $21,000 - Transportation and Land Use Study Committee (travel related expenses).

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

   Minimal costs to municipalities associated with notice relating to voluntary annexations.

2. Recurring Effects:

   Indeterminate.

   Process for adoption of comprehensive plan or plan amendment: According to DCA, there may be some minor, additional costs to local governments associated with the additional requirement to publish a notice of transmittal of the proposed plan amendment to DCA.

3. Long Run Effects Other Than Normal Growth:

   N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

   N/A

2. Direct Private Sector Benefits:

   No.

   Base closure, retention, realignment, or defense-related readjustment and diversification: The Florida Economic Reinvestment Initiative (consisting of the Florida Defense Planning Grant Program, the Florida Defense Implementation Grant Program, and the Florida Military Installation Reuse Planning and Marketing Grant Program), and the Defense-Related Business Adjustment Program, have not been funded by the Legislature in recent years.

3. Effects on Competition, Private Enterprise and Employment Markets:

See previous comments.

D. FISCAL COMMENTS:

N/A

V. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require municipalities or counties to spend money or to take action that requires a significant expenditure of money.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill is not anticipated to reduce the authority of municipalities or counties to raise total aggregate revenues.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the total aggregate municipality/county percentage share of a state tax.

VI. COMMENTS:

N/A

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 30, 1998, the Committee on Community Affairs adopted a “strike-everything” amendment and subsequently approved a committee substitute to the bill. The major differences between the committee substitute and the bill are as follows:

- The CS deletes a reference to the EAR requirement contained in section 125.2801, F.S., relating to County qualification retention to create a jury district.
- The bill provided for an expansion of the sustainable communities demonstration project, the CS does not.
- The CS allows the EOG the option of adopting a rule to establish the minimum criteria to be addressed in each SRPP. The bill eliminated the requirement that the Executive Office of the Governor’s (EOG) adopt by rule the minimum criteria to be addressed in each strategic regional policy plan (SRPP) and a uniform format for each plan.

- The CS creates a determination of consistency with applicable adopted comprehensive plans any renovation, expansion, or additions to a marine exhibition park complex if the complex has been in continuous existence for at least 30 years and is located on land comprised of at least 25 contiguous acres and owned in fee simple by a county or municipality.

- The CS provides for substantial rewording of the evaluation and appraisal report process review of comprehensive plans.

- The CS requires notice of voluntary annexation by the governing body of the municipality to the board of county commissioners of the county in which the municipality is located.

- The CS requires each municipality and county that does not have an ordinance providing for the siting, construction, and operation of wireless communications facilities to adopt such an ordinance prior to June 1, 1999.

On April 24, 1998, the following amendments to the CS were offered on the House floor:

Amendment 1: Deleting section 5 of CS/HB 4031 which had created subsection 163.3187(8), pertaining to a certain marine exhibition park complex. This amendment was adopted.

Amendment 2: Adding a new section to CS/HB 4031 by amending section 171.081, F.S., specifying that only nongovernmental entity complaints which prevail must be entitled to reasonable costs and attorney's fees when appealing annexations or contraction ordinances. The amendment was adopted.

Amendment 3: A "strike-everything-after-the-enactment-clause" was offered. The amendment contained, in part, the following:

- Renaming the Division of Resource Planning and Management;

- Defining the term "optional sector plan";

- Modifying de minimis standards for transportation concurrency;

- Requiring the department to maintain specified documents dealing with amendments to local comprehensive plans;

- Prohibiting local governments from amending comprehensive plans until after adoption of an evaluation and appraisal report;

- Providing that a comprehensive plan amendment is not required for the renovation, expansion, or addition to a marine exhibition park complex under certain circumstances;

- Revising the requirements for evaluation and appraisal reports;

- Authorizing the adoption of optional sector plans under certain circumstances;

- Providing for agreements with the Department of Community Affairs;
- Requiring a municipality to notify the county of annexation ordinances;
- Revising responsibilities of the Executive Office of the Governor relating to strategic regional policy plans;
- Deleting references to the state land development plan;
- Creating a committee be appointed by the Governor to review the state comprehensive plan;
- Requiring state agencies, departments, boards or commissions to lease facilities for wireless facilities;
- Redefining the term “regional policy plan”;
- Revising criteria for military base reuse plans;
- Providing revised standards for military base retention;
- Providing conditions for the award of grants by the office of Tourism, Trade, and Economic Development;
- Adding day care facilities as an issue in the development-of-regional-impact review process;
- Deleting a consistency requirement for certain Florida Quality Developments;
- Adding an element to federal consistency review;
- Creating the Transportation and Land Use Study Committee;
- Requiring the committee to report to the Governor and the Legislature;
- Repealing the definition of “state land development plan”;
- Repealing the authorization providing for a resource planning and management committee for the Apalachicola Bay Area;
- Repealing a requirement that a DRI not interfere with the state land development plan;
- Providing for the creation of a pilot project designed to develop a model feasibility study for incorporation to be completed and submitted to the Legislature by February 1, 1999; and
- Providing for the repeal of the pilot project on October 1, 1999.

On April 24, 1998, **Amendment 1 to Amendment 3** was adopted on the House floor which deleted the requirement of municipal and county governments to adopt a wireless facility

ordinance by a date certain and inserted in lieu thereof an establishment of a requirement and procedures for the lease of state property for wireless facilities.

Amendment 1 to Amendment 3 was adopted. The question recurred on the adoption of ***Amendment 1 to Amendment 3.*** *A* ***Substitute Amendment 3*** *was offered. Further consideration of CS/HB 4031, with pending amendments, was temporarily postponed under Rule 147. The question recurred on the adoption of the* ***Substitute Amendment 3.***

Substitute Amendment 3: A "strike-everything" substitute amendment was offered. The substitute amendment contained, in part, the following:

- Renaming the Division of Resource Planning and Management;
- Defining the term "optional sector plan";
- Modifying de minimis standards for transportation concurrency;
- Requiring the department to maintain specified documents dealing with amendments to local comprehensive plans;
- Prohibiting local governments from amending comprehensive plans until after adoption of an evaluation and appraisal report;
- Providing that a comprehensive plan amendment is not required for the renovation, expansion, or addition to a marine exhibition park complex under certain circumstances;
- Providing for agreements with the Department of Community Affairs;
- Requiring a municipality to notify the county of voluntary annexation ordinances;
- Providing for reasonable costs and attorneys fees;
- Revising responsibilities of the Executive Office of the Governor relating to strategic regional policy plans;
- Deleting references to the state comprehensive plan;
- Requiring state agencies, departments, boards, or commissions to lease facilities for wireless facilities;
- Redefining the term "regional policy plan";
- Revising criteria for military base reuse plans;
- Revising standards for military base retention;

Amendment 1 to Substitute Amendment 3:

- Providing conditions for the award of grants by the Office of Tourism, Trade, and Economic Development;

- Adding day care facilities as an issue in the development-of-regional-impact review process;
- Deleting a consistency requirement for certain Florida Quality Developments;
- Adding an element to federal consistency review;
- Creating the Transportation and land Use Study Committee;
- Requiring the Transportation and Land Use Study Committee to report to the Governor and the Legislature;
- Repealing the definition of the “state land development plan”;
- Repealing the resource planning and management committee for the Apalachicola Bay Area;
- Exempting certain non-profit corporations from certain ad valorem taxation; and
- Providing for the creation and repeal for a pilot project designed to develop a model feasibility study for incorporation to be completed and submitted to the Legislature.

On April 24, 1998, **Amendment 1 to Substitute Amendment 3** was offered. The amendment deleted the requirement providing that a comprehensive plan amendment is not required for the renovation, expansion, or addition to a marine exhibition park complex under certain circumstances. The amendment to the substitute amendment was adopted.

On April 24, 1998, **Amendment 2 to Substitute Amendment 3** was offered. The amendment authorizes the state land planning agency to grant a six-month extension (beyond the 18 month deadline) for the adoption of amendments to update a comprehensive plan based on the evaluation and appraisal report. The amendment to the substitute amendment was adopted.

On April 24, 1998, **Amendment 3 to Substitute Amendment 3** was offered. The amendment expanded the ability of a municipality to authorize exemptions from certain special assessments (including those for fire protection and prevention; storm water projects and services; and emergency medical services), under certain conditions to property owned or occupied by a religious institution and used as a place of worship or education by a public or private elementary, middle, or high school, or by a community college. The amendment to the substitute amendment was adopted.

On April 24, 1998, **Amendment 4 to Substitute Amendment 3** was offered. The amendment made a technical change. The amendment to the substitute amendment was adopted.

On April 24, 1998, **Amendment 5 to Substitute Amendment 3** was offered. The amendment created an additional requirement of the Executive Office of the Governor in preparing recommendations to the Administration Commission proposed revisions to the state comprehensive plan to also consider and make recommendations on the purpose and function of the state land development plan. The amendment to the substitute amendment was adopted.

On April 24, 1998, **Amendment 6 to Substitute Amendment 3** was offered. The amendment revised the responsibilities of the Executive Office of the Governor relating to strategic regional policy plans. The amendment to the substitute amendment was adopted.

On April 24, 1998, **Amendment 7 to Substitute Amendment 3** was offered. The amendment made a technical change deleting an incorrect citation. The amendment to the substitute amendment was adopted.

On April 24, 1998, **Amendment 8 to Substitute Amendment 3** was offered. The amendment amended the definition of the state land development plan to include a statement specifying that the plan has no legal effect until specifically authorized by the Legislature or until the Legislature specifically authorized the state land planning agency to adopt the state land development plan by rule. The amendment to the substitute amendment was adopted.

On April 24, 1998, **Amendment 9 to Substitute Amendment 3** was offered. The amendment exempted certain nonprofit corporations from certain ad valorem taxes. The amendment to the substitute amendment was adopted.

On April 24, 1998, the question recurred on the adoption of **Substitute Amendment 3**, as amended, which was adopted. The CS passed the House as amended on April 28, 1998. The bill was referred to the Engrossing Clerk under Rule 127. The Senate received the bill on April 28, 1998, and the bill subsequently died in Senate Messages. (See ch.98-176, Laws of Florida; CS/SB 2474)

VIII. SIGNATURES:

COMMITTEE ON Community Affairs:

Prepared by:	Legislative Research Director:
Tonya S. Chavis, Esq.	Joan Highsmith-Smith

FINAL RESEARCH PREPARED BY COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:	Legislative Research Director:
Tonya Sue Chavis, Esq.	Joan Highsmith-Smith