

Bill No. CS for SB 2380

Amendment No.

| | <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
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| 11 | Senator Bronson moved the following amendment: | | |
| 12 | | | |
| 13 | Senate Amendment (with title amendment) | | |
| 14 | Delete everything after the enacting clause | | |
| 15 | | | |
| 16 | and insert: | | |
| 17 | Section 1. Subsection (7) of section 163.3178, Florida | | |
| 18 | Statutes, is amended to read: | | |
| 19 | 163.3178 Coastal management.-- | | |
| 20 | (7) <u>Each port listed in s. 311.09(1) and each</u> local | | |
| 21 | government in the coastal area which has spoil disposal | | |
| 22 | responsibilities shall provide for or identify disposal sites | | |
| 23 | for dredged materials in the future land use and port elements | | |
| 24 | of the local comprehensive plan as needed to assure proper | | |
| 25 | long-term management of material dredged from navigation | | |
| 26 | channels, sufficient long-range disposal capacity, | | |
| 27 | environmental sensitivity and compatibility, and reasonable | | |
| 28 | cost and transportation. The disposal site selection criteria | | |
| 29 | shall be developed in consultation with navigation and inlet | | |
| 30 | districts and other appropriate state and federal agencies and | | |
| 31 | the public. <u>For areas owned or controlled by ports listed in</u> | | |

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1 s. 311.09(1) and proposed port expansion areas, compliance
2 with the provisions of this subsection may be achieved through
3 comprehensive master plans prepared by each port and
4 integrated with the appropriate local plan pursuant to s.
5 163.3178(2)(k).

6 Section 2. Paragraphs (h) and (g) are added to
7 subsection (1) of section 163.3187, Florida Statutes, 1998
8 Supplement, and paragraph (a) of subsection (6), is amended to
9 read:

10 163.3187 Amendment of adopted comprehensive plan.--

11 (1) Amendments to comprehensive plans adopted pursuant
12 to this part may be made not more than two times during any
13 calendar year, except:

14 (h) Any comprehensive plan amendment to establish
15 public school concurrency pursuant to s. 163.3180(12),
16 including, but not limited to, adoption of a public school
17 facilities element and adoption of amendments to the capital
18 improvements element and intergovernmental coordination
19 element. In order to ensure the consistency of local
20 government public school facilities elements within a county,
21 such elements shall be prepared and adopted on a similar time
22 schedule.

23 (g) Any comprehensive plan amendments for port
24 transportation facilities and projects that are eligible for
25 funding by the Florida Seaport Transportation and Economic
26 Development Council pursuant to s. 311.07.

27 (6)(a) No local government may amend its comprehensive
28 plan after the date established by the state land planning
29 agency for adoption of its evaluation and appraisal report
30 unless it has submitted its report or addendum to the state
31 land planning agency as prescribed by s. 163.3191, except for

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1 plan amendments described in paragraphs (1)(h) and (g)
2 ~~paragraph (1)(b)~~.

3 Section 3. Subsection (4) is added to section 253.77,
4 Florida Statutes, to read:

5 253.77 State lands; state agency authorization for use
6 prohibited without consent of agency in which title vested;
7 concurrent processing requirements.--

8 (4) Notwithstanding any other provision of this
9 chapter, chapter 373, or chapter 403, for activities
10 authorized by a permit or exemption pursuant to chapter 373 or
11 chapter 403, ports listed in s. 403.021(9)(b) and inland
12 navigation districts created pursuant to s. 374.975(3) or by
13 special act are not required to pay any fees for activities
14 involving the use of sovereign lands, including leases,
15 easements, or consents of use, except application fees
16 including, but not limited to, those required by chapters 161,
17 253, 373, or 403. Any federal, state, or local agency or
18 political subdivision that otherwise qualifies for an
19 exemption under chapters 373 or 403 may be granted a consent
20 of use or public easement for land owned by the Board of
21 Trustees of the Internal Improvement Trust Fund or any water
22 management district upon request and submittal of a survey and
23 legal description of the affected land.

24 Section 4. Subsection (9) of section 311.09, Florida
25 Statutes, is amended to read:

26 311.09 Florida Seaport Transportation and Economic
27 Development Council.--

28 (9) The council shall review the findings of the
29 Department of Community Affairs; the Office of Tourism, Trade,
30 and Economic Development; and the Department of
31 Transportation. Projects found to be inconsistent pursuant to

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1 subsections (6), (7), and (8) and projects which have been
2 determined not to offer an economic benefit to the state
3 pursuant to subsection (8) shall not be included in the list
4 of projects to be funded. Projects found to be consistent
5 pursuant to subsections (6), (7), and (8) are presumed to be
6 in the public interest.

7 Section 5. Subsections (1), (3), (4), and (6) of
8 section 311.07, Florida Statutes, are amended to read:

9 311.07 Florida seaport transportation and economic
10 development funding.--

11 (1) There is created the Florida Seaport
12 Transportation and Economic Development Program within the
13 Department of Transportation to finance port transportation or
14 port facilities and projects that will improve the movement
15 and intermodal transportation of cargo or passengers in
16 commerce and trade and that will support the interests,
17 purposes, and requirements of ports located in this state.

18 (3)(a) Program funds shall be used to fund approved
19 projects on a 50-50 matching basis with any of the deepwater
20 ports, as listed in s. 403.021(9)(b), which is governed by a
21 public body or any other deepwater port which is governed by a
22 public body and which complies with the water quality
23 provisions of s. 403.061, the comprehensive master plan
24 requirements of s. 163.3178(2)(k), the local financial
25 management and reporting provisions of part III of chapter
26 218, and the auditing provisions of s. 11.45(3)(a)4. Program
27 funds also may be used by the Seaport Transportation and
28 Economic Development Council to develop with the Florida Trade
29 Data Center such trade data, trade market, and shipping
30 information products which will assist Florida's seaports and
31 international trade.

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1 (b) Projects eligible for funding by grants under the
2 program are limited to the following port transportation
3 facilities and or port transportation projects which
4 accommodate freight movement and storage capacity or cruise
5 capacity excluding transient lodging facilities:

6 1. Transportation facilities within the jurisdiction
7 of the port.

8 2. The dredging or deepening of channels, turning
9 basins, or harbors.

10 3. The construction or rehabilitation of wharves,
11 docks, structures, jetties, piers, storage facilities, cruise
12 terminals, automated people mover systems, or any facilities
13 necessary or useful in connection with any of the foregoing.

14 4. The acquisition of container cranes or other
15 mechanized equipment used in the movement of cargo or
16 passengers in international commerce.

17 5. The acquisition of land to be used for port
18 purposes as described in or consistent with port master plans
19 in compliance with s. 163.3178.

20 6. The acquisition, improvement, enlargement, or
21 extension of existing port facilities as described in or
22 consistent with port master plans in compliance with s.
23 163.3178.

24 7. Environmental protection projects which are
25 necessary because of requirements imposed by a state agency as
26 a condition of a permit or other form of state approval; which
27 are necessary for environmental mitigation required as a
28 condition of a state, federal, or local environmental permit;
29 which are necessary for the acquisition of spoil disposal
30 sites and improvements to existing and future spoil sites; or
31 which result from the funding of eligible projects listed

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1 herein.

2 8. Transportation facilities as defined in s.
3 334.03(31) which are not otherwise part of the Department of
4 Transportation's adopted work program.

5 9. Seaport intermodal access projects identified in
6 the 5-year Florida Seaport Mission Plan as provided in s.
7 311.09(3).

8 (c) To be eligible for consideration by the council
9 pursuant to this section, a project must be consistent with
10 the port comprehensive master plan which is incorporated as
11 part of the approved local government comprehensive plan as
12 required by s. 163.3178(2)(k) or other provisions of the Local
13 Government Comprehensive Planning and Land Development
14 Regulation Act, part II of chapter 163.

15 (4) Program funds may also be used to fund the
16 following:

17 (a) Construction or rehabilitation of port facilities
18 as defined in s. 315.02 in ports listed in s. 311.09(1) with
19 operating revenues of \$5 million or less, if the projects
20 create economic development opportunities, capital
21 improvements, and positive financial returns to such ports.

22 (b) Trade corridor or system-wide freight mobility
23 plans. ~~A port eligible for matching funds under the program~~
24 ~~may receive a distribution of not more than \$7 million during~~
25 ~~any 1 calendar year and a distribution of not more than \$30~~
26 ~~million during any 5-calendar-year period.~~

27 (6) The Department of Transportation shall ensure that
28 subject any project that receives funds pursuant to this
29 section and s. 320.20 is audited ~~to a final audit~~. The
30 department may adopt rules and perform such other acts as are
31 necessary or convenient to ensure that the final audits are

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1 conducted and that any deficiency or questioned costs noted by
2 the audit are resolved.

3 Section 6. Section 311.102, Florida Statutes, is
4 created to read:

5 311.102 Department of Community Affairs; Office of
6 Seaport and Freight Mobility Planning.--

7 (1) There is created within the Department of
8 Community Affairs, the Office of Seaport and Freight Mobility
9 Planning in order to enhance Florida's global competitiveness,
10 productivity, and efficiency in international trade and the
11 movement of people and cargo to and from Florida's seaports.
12 The duties and responsibilities of the Office of Seaport and
13 Freight Mobility Planning are to:

14 (a) Review port comprehensive master plans and provide
15 technical assistance to ports as may be necessary to maintain
16 compliance with the provisions of s. 163.3178(2)(k).

17 (b) Review eligible projects approved by the Florida
18 Seaport Transportation and Economic Development Council to
19 determine consistency with local government comprehensive
20 plans and consistency with port master plans pursuant to s.
21 311.096(6).

22 (c) Coordinate coastal consistency review, pursuant to
23 the provisions of s. 380.23(3), of activities, uses, and
24 projects potentially affecting ports listed in s. 311.09(1).

25 (d) Review and recommend such actions as may be
26 required to achieve consistency between the intermodal
27 transportation components of port master plans, local
28 comprehensive plans, the 5-year Florida Seaport Mission Plan
29 developed pursuant to s. 311.09(3), the Florida Transportation
30 Plan developed pursuant to s. 339.155, and M.P.O. plans and
31 programs as provided in s. 339.175.

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1 (e) Ensure, to the greatest extent possible, that the
2 actions and review functions of the department, with respect
3 to ports listed in s. 311.09(1), are not duplicative of the
4 actions and review functions of federal agencies, other state
5 agencies, water management districts, and the Fish and
6 Wildlife Conservation Commission.

7 Section 7. Subsection (24) of section 380.06, Florida
8 Statutes, 1998 Supplement, is amended to read:

9 380.06 Developments of regional impact.--

10 (24) STATUTORY EXEMPTIONS.--

11 (a) Any proposed hospital which has a designed
12 capacity of not more than 100 beds is exempt from the
13 provisions of this section.

14 (b) Any proposed electrical transmission line or
15 electrical power plant is exempt from the provisions of this
16 section, except any steam or solar electrical generating
17 facility of less than 50 megawatts in capacity attached to a
18 development of regional impact.

19 (c) Any proposed addition to an existing sports
20 facility complex is exempt from the provisions of this section
21 if the addition meets the following characteristics:

22 1. It would not operate concurrently with the
23 scheduled hours of operation of the existing facility.

24 2. Its seating capacity would be no more than 75
25 percent of the capacity of the existing facility.

26 3. The sports facility complex property is owned by a
27 public body prior to July 1, 1983.

28
29 This exemption does not apply to any pari-mutuel facility.

30 (d) Any proposed addition or cumulative additions
31 subsequent to July 1, 1988, to an existing sports facility

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1 complex owned by a state university is exempt if the increased
2 seating capacity of the complex is no more than 30 percent of
3 the capacity of the existing facility.

4 (e) Any addition of permanent seats or parking spaces
5 for an existing sports facility located on property owned by a
6 public body prior to July 1, 1973, is exempt from the
7 provisions of this section if future additions do not expand
8 existing permanent seating or parking capacity more than 15
9 percent annually in excess of the prior year's capacity.

10 (f) Any increase in the seating capacity of an
11 existing sports facility having a permanent seating capacity
12 of at least 50,000 spectators is exempt from the provisions of
13 this section, provided that such an increase does not increase
14 permanent seating capacity by more than 5 percent per year and
15 not to exceed a total of 10 percent in any 5-year period, and
16 provided that the sports facility notifies the appropriate
17 local government within which the facility is located of the
18 increase at least 6 months prior to the initial use of the
19 increased seating, in order to permit the appropriate local
20 government to develop a traffic management plan for the
21 traffic generated by the increase. Any traffic management
22 plan shall be consistent with the local comprehensive plan,
23 the regional policy plan, and the state comprehensive plan.

24 (g) Any expansion in the permanent seating capacity or
25 additional improved parking facilities of an existing sports
26 facility is exempt from the provisions of this section, if the
27 following conditions exist:

28 1.a. The sports facility had a permanent seating
29 capacity on January 1, 1991, of at least 41,000 spectator
30 seats;

31 b. The sum of such expansions in permanent seating

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1 capacity does not exceed a total of 10 percent in any 5-year
2 period and does not exceed a cumulative total of 20 percent
3 for any such expansions; or

4 c. The increase in additional improved parking
5 facilities is a one-time addition and does not exceed 3,500
6 parking spaces serving the sports facility; and

7 2. The local government having jurisdiction of the
8 sports facility includes in the development order or
9 development permit approving such expansion under this
10 paragraph a finding of fact that the proposed expansion is
11 consistent with the transportation, water, sewer and
12 stormwater drainage provisions of the approved local
13 comprehensive plan and local land development regulations
14 relating to those provisions.

15 (h) Expansion to port harbors, spoil disposal sites,
16 navigation channels, turning basins, harbor berths, and other
17 related inwater harbor facilities of ports listed in s.
18 403.021(9)(b), port transportation facilities and projects
19 listed in s. 311.07(3)(b), and intermodal transportation
20 facilities identified pursuant to s. 311.09(3), where such
21 expansions, projects, or facilities are consistent with
22 comprehensive master plans that are in compliance with the
23 provisions of s. 163.3178.

24
25 Any owner or developer who intends to rely on this statutory
26 exemption shall provide to the department a copy of the local
27 government application for a development permit. Within 45
28 days of receipt of the application, the department shall
29 render to the local government an advisory and nonbinding
30 opinion, in writing, stating whether, in the department's
31 opinion, the prescribed conditions exist for an exemption

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1 under this paragraph. The local government shall render the
2 development order approving each such expansion to the
3 department. The owner, developer, or department may appeal
4 the local government development order pursuant to s. 380.07,
5 within 45 days after the order is rendered. The scope of
6 review shall be limited to the determination of whether the
7 conditions prescribed in this paragraph exist. If any sports
8 facility expansion undergoes development of regional impact
9 review, all previous expansions which were exempt under this
10 paragraph shall be included in the development of regional
11 impact review.

12 Section 8. Paragraph (c) of subsection (7) of section
13 253.03, Florida Statutes, 1998 Supplement, is amended to read:

14 253.03 Board of trustees to administer state lands;
15 lands enumerated.--

16 (7)

17 (c) Structures which are listed in or are eligible for
18 the National Register of Historic Places which are over the
19 waters of the state or the State Inventory of Historic Places
20 and which have a submerged land lease, or have been
21 grandfathered-in to use sovereignty submerged lands until
22 January 1, 1998, pursuant to chapter 18-21.00405, Florida
23 Administrative Code, shall have the right to continue such
24 submerged land leases ~~be allowed to apply for an extension of~~
25 ~~such lease~~, regardless of the fact that the present landholder
26 is not an adjacent riparian landowner, so long as the lessee
27 maintains the structure in a good state of repair consistent
28 with the guidelines for listing. If the structure is damaged
29 or destroyed, the lessee shall be allowed to reconstruct, so
30 long as the reconstruction is consistent with the integrity of
31 the listed structure. If a structure so listed falls into

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1 disrepair and the lessee is not willing to repair and maintain
2 it consistent with its listing, the state may cancel the
3 submerged lease and either repair and maintain the property or
4 require that the structure be removed from sovereignty
5 submerged lands.

6 Section 9. Paragraph (a) of subsection (6) of section
7 163.3177, Florida Statutes, 1998 Supplement, is amended to
8 read:

9 163.3177 Required and optional elements of
10 comprehensive plan; studies and surveys.--

11 (6) In addition to the requirements of subsections
12 (1)-(5), the comprehensive plan shall include the following
13 elements:

14 (a) A future land use plan element designating
15 proposed future general distribution, location, and extent of
16 the uses of land for residential uses, commercial uses,
17 industry, agriculture, recreation, conservation, education,
18 public buildings and grounds, other public facilities, and
19 other categories of the public and private uses of land. The
20 future land use plan shall include standards to be followed in
21 the control and distribution of population densities and
22 building and structure intensities. The proposed
23 distribution, location, and extent of the various categories
24 of land use shall be shown on a land use map or map series
25 which shall be supplemented by goals, policies, and measurable
26 objectives. Each land use category shall be defined in terms
27 of the types of uses included and specific standards for the
28 density or intensity of use. The future land use plan shall
29 be based upon surveys, studies, and data regarding the area,
30 including the amount of land required to accommodate
31 anticipated growth; the projected population of the area; the

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1 character of undeveloped land; the availability of public
2 services; and the need for redevelopment, including the
3 renewal of blighted areas and the elimination of nonconforming
4 uses which are inconsistent with the character of the
5 community. The future land use plan may designate areas for
6 future planned development use involving combinations of types
7 of uses for which special regulations may be necessary to
8 ensure development in accord with the principles and standards
9 of the comprehensive plan and this act. The future land use
10 plan of a county may also designate areas for possible future
11 municipal incorporation. The land use maps or map series
12 shall generally identify and depict historic district
13 boundaries and shall designate historically significant
14 properties meriting protection. The future land use element
15 must clearly identify the land use categories in which public
16 schools are an allowable use. When delineating the land use
17 categories in which public schools are an allowable use, a
18 local government shall include in the categories sufficient
19 land proximate to residential development to meet the
20 projected needs for schools in coordination with public school
21 boards and may establish differing criteria for schools of
22 different type or size. Each local government shall include
23 lands contiguous to existing school sites, to the maximum
24 extent possible, within the land use categories in which
25 public schools are an allowable use. All comprehensive plans
26 must comply with the school siting requirements of this
27 paragraph no later than October 1, 1999, or the deadline for
28 the local government evaluation and appraisal report,
29 whichever occurs first. The failure by a local government to
30 comply with these school siting requirements by October 1,
31 1999, this requirement will result in the prohibition of the

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1 local government's ability to amend the local comprehensive
 2 plan, except for plan amendments described in paragraph
 3 163.3187(1)(b), until the school siting requirements are met
 4 ~~as provided by s. 163.3187(6)~~. An amendment proposed by a
 5 local government for purposes of identifying the land use
 6 categories in which public schools are an allowable use is
 7 exempt from the limitation on the frequency of plan amendments
 8 contained in s. 163.3187. The future land use element shall
 9 include criteria which encourage the location of schools
 10 proximate to urban residential areas to the extent possible
 11 and shall require that the local government seek to collocate
 12 public facilities, such as parks, libraries, and community
 13 centers, with schools to the extent possible.

14 Section 10. This act shall take effect upon becoming a
 15 law.

16
 17

18 ===== T I T L E A M E N D M E N T =====

19 And the title is amended as follows:

20 Delete everything before the enacting clause

21

22 and insert:

23 A bill to be entitled
 24 An act relating to local government
 25 comprehensive planning; amending s. 163.3178,
 26 F.S.; requiring certain ports to identify
 27 certain spoil disposal sites; requiring ports
 28 to prepare comprehensive master plans; amending
 29 s. 163.3187, F.S.; providing that a limitation
 30 on amendments to a local government's
 31 comprehensive plan does not apply to amendments

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1 necessary to establish public school
2 concurrency; requiring all local government
3 public school facilities elements within a
4 county to be prepared and adopted on a similar
5 time schedule; exempting comprehensive plan
6 amendments for port transportation facilities
7 and projects from a time limitation; amending
8 s. 253.77, F.S.; exempting certain ports from
9 paying fees for activities involving the use of
10 sovereign lands; amending s. 311.09, F.S.;
11 providing a presumption for consistent
12 projects; amending s. 311.07, F.S.; providing
13 that projects eligible for funding under the
14 Florida Seaport Transportation and Economic
15 Development Program must be consistent with the
16 port master plans; exempting certain port
17 transportation facilities and projects from
18 review as developments of regional impact;
19 creating s. 320.102, F.S.; creating the Office
20 of Seaport and Freight Mobility Planning within
21 the Office of the Secretary of the Department
22 of Community Affairs; providing duties and
23 responsibilities; amending s. 380.06, F.S.;
24 exempting certain port projects from review as
25 developments of regional impact; amending s.
26 253.03; providing that certain structures are
27 entitled to continue sovereignty submerged
28 lands leases; amending s.163.3177, F.S.;
29 revising requirements relating to inclusion of
30 school siting elements in comprehensive plans;
31 providing an effective date.