

STORAGE NAME: h0659a.ca
DATE: April 8, 1999

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS**

BILL #: HB 659
RELATING TO: Local Government Comprehensive Plan
SPONSOR(S): Representative Merchant
COMPANION BILL(S): SB 2380 (s)

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

- (1) COMMUNITY AFFAIRS YEAS 9 NAYS 0
 - (2) EDUCATION/K-12
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

The bill provides that the limitation on the frequency of amendments to a local government's comprehensive plan does not apply to amendments necessary to establish public school concurrency. The bill specifies that all local government public school facilities elements within a county must be prepared and adopted on a similar time schedule.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Chapter 163, Florida Statutes, County and Municipal Planning and Land Development

Regulations: Part II of chapter 163 (sections 163.3161 through 163.3244), Florida Statutes, is known as the "Local Government Comprehensive Planning and Land Development Regulation Act" (the Act), and is commonly referred to as the growth management act. The Act requires local governments to adopt a comprehensive plan, subject to review and approval by the Department of Community Affairs (DCA).

Section 163.3177, Florida Statutes: Provides for required and optional elements of the local government's comprehensive plan. In 1998, the Legislature amended this section to provide for an **optional school facilities element**. The element is only required if local government chooses to implement school concurrency.

Section 163.3187, Florida Statutes, Amendment to the comprehensive plans: Authorizes a local government to adopt amendments to its comprehensive plan only two times per year. However, this section contains numerous exceptions for emergencies, substantial deviations to a proposed development of regional impact, compliance agreements, locating a correctional facility, and small-scale development activities

B. EFFECT OF PROPOSED CHANGES:

The bill provides that the limitation on the frequency of amendments to a local government's comprehensive plan does not apply to amendments necessary to establish public school concurrency. The bill provides that all local government public school facilities elements within a county must be prepared and adopted on a similar time schedule.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

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

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

N/A

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

N/A

(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?

N/A

(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. Lower Taxes:

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:

Section 163.3187, Florida Statutes

E. SECTION-BY-SECTION ANALYSIS:

Section 1: Adds paragraph 163.3187(1)(h), providing an exception to the current two times per calendar year limit on amendments to the comprehensive plan. Requires that all local government public school facilities elements within a county must be prepared and adopted on a similar time schedule.

[Note: Pursuant to section 163.3184, Florida Statutes, these amendments are submitted to DCA for review.]

Section 2: Provides that the act will take effect upon becoming a law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

The bill could increase the current number of plan amendments submitted to DCA if local governments choose to establish school concurrency or adopt a public school facilities element. There could be a slight increase in DCA's workload due to processing incoming plan amendments, processing notices of intent, and reviewing plan amendments for compliance determination. The bill will likely have a negligible fiscal impact on DCA.

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

Any impact to a local government would be voluntary, as the decision to adopt a public schools facilities element is voluntary.

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:

N/A

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

N/A

D. FISCAL COMMENTS:

N/A

IV. 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.

V. COMMENTS:

The Florida League of Cities: Comment by the Florida League of Cities was not available at the time of publication of this analysis.

The Florida Association of Counties: Comment by the Florida Association of Counties was not available at the time of publication of this analysis.

The Department of Community Affairs: The Department of Community Affairs supports this bill.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On April 8, 1999, the Committee on Community affairs adopted two amendments. The amendments differ from the bill, as introduced, as follows:

Amendment #1: Amends paragraph 163.3177(6)(a), Florida Statutes, 1998 Supplement, clarifying ambiguities regarding the deadline for compliance with school siting requirements of the future land use plan element.

Amendment #2: The amendment conforms the bill to the Senate companion and requires consistency of the public school facilities' elements within a county to be prepared and adopted on a similar time schedule.

VII. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Staff Director:

Tonya Sue Chavis, Esq.

Joan Highsmith-Smith