

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 7129 PCB EEIC 08-07 Growth Management

SPONSOR(S): Economic Expansion & Infrastructure Council & Cannon

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Economic Expansion & Infrastructure Council	10 Y, 4 N	Hoagland/Rojas	Tinker
1) Policy & Budget Council	26 Y, 1 N, As CS	Martin	Hansen
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

The bill makes a number of changes to the Growth Management Act, that include: the designation of certain urban areas as transportation concurrency exception areas; increased citizen participation opportunities; modifications to provisions relating to comprehensive plan amendments to promote economic development within targeted rural areas; and a study for development and implementation of a mobility fee to address future mobility needs and ensure that new development mitigates its impacts on the transportation system yet is not delayed or held accountable for system backlogs or failures that are not directly attributable to the proposed development.

The bill makes many other changes to growth management issues:

Rural issues

- Provides for technical assistance from the Rural Economic Development Initiative (REDI) for individual plan amendments relating to economic development projects and to promote a more comprehensive approach to revising plans for economic development opportunities.
- Codifies the catalyst program for rural areas of critical economic concern into statutes and facilitates infrastructure funding to support catalyst projects.
- Streamlines plan amendments for catalyst projects that receive REDI help.
- Provides for consideration of comprehensive plan amendments adjacent to existing centers of economic development without triggering urban sprawl issues.

Urban Issues

- Provides an expedited alternative review process for urban areas, at the local government’s option.
- Establishes an Urban Placemaking Initiative pilot program to assist in the conversion of primarily single-use suburban areas that surround strategic areas to mixed-use, multimodal communities.

Transportation

- Requires a mobility fee study and pilot programs to be established in Duval, Nassau, St. Johns and Clay counties, with interim reports and recommendations.
- Allows for an alternative to the statutory formula for calculating proportionate fair share for concurrency.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

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- Creates automatic designations of transportation concurrency exception areas in urban areas.
- Clarifies that for development with multiple phases a developer should be credited for prior phase trips that have been mitigated.
- Provides a definition of backlogged facilities.

Citizen Participation

- Limits comprehensive plan amendments to only once a year; provides that amendments in certain areas can be done twice a year.
- Modifies exemptions to the once a year limitation.
- Provides for two neighborhood meetings – once prior to the amendment being filed with the local government and again prior to the adoption hearing.
- Improves notice to citizens by requiring that amendments proposed for adoption at the local level be available to the public 5-days prior to adoption and limits changes that can occur at the adoption hearing.
- Provides additional time for the regional planning councils to provide their comments on proposed amendment to the Department of Community Affairs.
- Provides a similar time extension (from 30 to 45 days) for citizens to let the Department of Community Affairs know of their concerns.
- Provides that local governments must adopt amendments within a specified time period.

Other Large Scale Planning Issues

- Increases the number of pilot sector plans that can be approved by DCA.
- Provides exemptions from the DRI process for developments in designated urban areas and for office university medical hospitals, and laboratory space in proximity to state supported bio-technical facilities and tightens requirements for hotel and motel uses.
- Expands provisions relating to the 3-year extension to include developments that receive development orders during a specific period.

Community Redevelopment Agency (CRA) Issues

- Prohibits substitution of increment revenues for existing, completed projects, unless provided for in the original bond covenants.
- Authorizes use of funds in redevelopment trust funds for emergency services after the CRA has been in existence for a period of time.
- Streamlines CRA reporting requirements.

Other Issues

- Provides for a rational nexus test for impact fees.
- Provides that challengers to impact fees must prove by the preponderance of the evidence that the local government did not meet the statutory requirements.
- Provides conditions on which local government cannot require additional permit when a DEP consent order has been issued.

Clarifications

- Provides clarifications for the housing density bonus, extensions for DRI's, and referendum prohibitions.

The bill contains a nonrecurring General Revenue Fund appropriation of \$300,000 to the Legislative Committee on Intergovernmental Relations for fiscal year 2008-09 for conducting the mobility fee study.

The bill takes effect on July 1, 2008.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government – The bill streamlines some growth management requirements, particularly in designated urban areas and in rural areas of critical economic concern. The bill provides some additional process for comprehensive plan amendment applicants to follow prior to filing and adoption of their proposed amendment, including meeting and noticing requirements. The bill removes outdated requirements and streamlines the reporting requirements for community redevelopment agencies.

B. EFFECT OF PROPOSED CHANGES:

General Background

In 1985, the Florida Legislature passed the Local Government Comprehensive Planning and Land Development Regulation Act (Chapter 163, Part II, Florida Statutes), commonly referred to as the Growth Management Act. This act requires all local governments to adopt comprehensive land use plans and implement those plans through land development regulations and development orders. The Department of Community Affairs (DCA) is designated as the lead oversight agency, responsible for reviewing comprehensive plans and amendments to determine consistency with state law.

Concurrency and Transportation

Section 163.3180, F.S., requires local governments to use a systematic process to ensure new development does not occur unless satisfactory infrastructure and public facilities are in place to support the growth. The requirement for public facilities and infrastructure to be available at the time of new development is known as concurrency.

Transportation concurrency uses a graded scale of roadway level of service (LOS) standards determination on all public roads. The adopted LOS standards establish the permissible level of congestion on a specified road in a specified area. Strict application of concurrency has resulted in development seeking out capacity in undeveloped areas. Consequently, methods to allow for greater flexibility to meet public policy objectives were adopted including: relaxation of concurrency requirements were implemented in Transportation Concurrency Exception Areas (TCEA) and Long-term Transportation Concurrency Management Systems, alternative options are available such as the Multimodal Districts, and pay-and-go provisions in proportionate share allow development to occur in areas where facilities were planned for the future.

TCEAs are intended to reduce the detrimental impact transportation concurrency often has on urban infill and redevelopment by exempting certain areas from the concurrency requirement. Current law requires local governments to establish TCEAs based on locally established guidelines and policy determinations.

The proportionate share provisions were created to provide a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors. This process, called proportionate fair-share mitigation, can be used by a local government to determine a developer's fair-share of costs to meet concurrency. The developer's fair-share may be pooled with public funds to construct future improvements; however, the improvements must be part of a plan or program adopted by the local government or FDOT. If an improvement is not part of the local government's plan or program, the developer may still enter into an agreement at the local government's option provided the improvement satisfies part II of ch. 163, F.S., and:

- the proposed improvement satisfies the significant benefit test; or

- the local government plans for additional contributions or payments from developers to fully mitigate transportation impacts in the area within 10 years.

Effect of the proposed changes

The bill establishes transportation concurrency exception areas for any area designated by a local government as urban infill development, urban development, downtown revitalization, all defined in s. 163.3164, F.S., or urban infill and redevelopment created under s. 163.2517, F.S. The bill continues to allow areas within urban service areas to be granted an exception for concurrency requirements, but requires that the local government meet the other planning requirements to do so.

The bill increases the requirement that 110 percent of the actual transportation impact caused by previously existing development be reserved for redevelopment to 150 percent.

The bill creates a pilot program that allows the state land planning agency to designate up to five local governments to participate in an Urban Placemaking Initiative pilot program. The purpose of the program is to assist in the conversion of primarily single-use suburban areas that surround strategic areas to mixed-use, multimodal communities. The pilot program provides an alternative regulatory framework to encourage the creation of a multimodal concurrency district and directs the Department of Transportation and the Department of Community Affairs to provide technical support to local governments participating in the program.

The bill provides legislative findings that indicate dissatisfaction with the existing transportation concurrency system and proposes an alternative transportation concurrency approach that employs a mobility fee based on vehicle-miles and people-miles traveled.

The bill directs the Legislative Committee on Intergovernmental Relations to conduct a study for the creation and implementation of a mobility fee. The bill authorizes mobility fee pilot programs to be established in Duval, Nassau, St. Johns and Clay counties and their corresponding municipalities. An interim report is due by January 15, 2009, that will report on the status of the study, identify areas where additional legislative guidance is needed, and recommend any interim measures that may be addressed to improve the current transportation concurrency system prior to the final report date of November 15, 2009. The final report will contain recommendations regarding the methodology, application, and implementation of a mobility fee.

The bill amends s. 163.3180(12), F.S., relating to the proportionate share provisions to create the definition of "backlogged transportation facility" as a facility where the adopted level of service standard is exceeded by the existing trips, plus committed trips. This definition is repeated in s. 163.3180(16), F.S., the proportionate fair share provision. The bill also provides that a developer may not be required to fund or construct proportionate share mitigation that is more extensive than is necessary to offset the impact of the development project.

Further, the bill specifies that if the cumulative number of trips used in the proportionate share formula used to determine mitigation includes the earlier stage or phase trips, calculation of the proposed development's future mitigation costs shall reflect any previous stage or phase mitigation payments. If later stage calculations are made they shall reflect all previous payments in present day dollars.

The bill also provides for local governments to adopt an alternative methodology, such as vehicle-miles traveled, rather than the formula specified in s. 163.3180(12), F.S., by ordinance.

The bill specifies that charter schools are an acceptable option for mitigation for school concurrency issues and specifies that credit shall be given toward any other impact fee or exaction imposed by local ordinance for the same need.

Rural Economic Development Initiative / Rural Infrastructure Fund

The Rural Economic Development Initiative (REDI) was created to encourage and align critical state agency participation and investment around important rural issues and opportunities. Thirty-two Florida

counties are presently categorized as “rural” pursuant to statutory definition.¹ Twenty-eight of these rural counties have been categorized into one of three Rural Areas of Critical Economic Concern (North Central, Northwest, and South Central).

The Rural Economic Development Catalyst Project is designed to further goals set forth in REDI by gathering economic intelligence and perspectives for Florida’s three Rural Areas of Critical Economic Concern (RACEC). The catalyst project is intended to identify, improve and market regional physical sites to facilitate the location of significant job creation opportunities within the RACECs.

The Rural Infrastructure Fund was created in 1996 to facilitate the planning, preparing and financing of infrastructure projects in rural communities. Three project grants are available under the program: (1) Total Project Participation Grants; (2) Feasibility Grants; and (3) Preclearance Review Grants. The maximum amount available per grant for each project is limited to 25 percent of total appropriated funds. The Florida Legislature provided \$2.7 million for fiscal year 2007-08. Total Participation Grants may fund up to 30 percent of the total infrastructure project costs related to specific job creating opportunities where applicants have applied for the maximum available under other state or federal infrastructure funding programs. Total participation grants are intended to leverage local, state and federal funds.

Effect of the proposed change

The bill establishes a mechanism for the multi agency, multidisciplinary members of REDI to provide technical assistance for individual plan amendments relating to economic development projects. It also promotes a more comprehensive approach to revising plans for economic development opportunities, by requiring REDI to solicit requests from local governments within RACECs for assistance in updating their comprehensive plans. In addition, the bill requires REDI to annually develop a technical assistance manual. Where up-front assistance has been provided by the REDI agencies, to prepare comprehensive plan amendments for catalyst projects within designated catalyst sites, the bill streamlines the plan amendment process by deeming such amendments as small scale.

The bill also codifies the catalyst program for rural areas of critical economic concern into statutes and facilitates infrastructure funding to support catalyst projects. The bill increases the amount of funding available (from 30% to 40%) for catalyst sites that receive funding from the Rural Infrastructure Fund, and waives the local match requirement for catalyst projects. This change will help develop our rural economic development sites and allow rural areas a greater ability to attract catalyst projects that will greatly impact the economy within the region.

Comprehensive Plans and Plan Amendments

Section 163.3177, F.S., provides the requirements for elements of local comprehensive plans. A listing of required elements includes elements for capital improvement, future land use, intergovernmental coordination, housing and transportation. Section 163.3184, F.S., sets forth the criteria for the adoption of comprehensive plans and amendments to those plans. Section 163.32465, F.S., provides for an alternative state review process for pilot communities, selected due to their urban characteristics. It provides a shorter time for review of comprehensive plan amendments.

Section 163.3167(12) F.S., currently provides:

“An initiative or referendum process in regard to any development order or in regard to any local comprehensive plan amendment or map amendment that affects five or fewer parcels of land is prohibited.”

However, on October 26, 2007, the Fifteenth Judicial Circuit of Florida² construed section 163.3167(12), F.S., in way that does damage to the original legislative intent. The court found, depending on the facts of each case, this section could be interpreted to allow a referendum on a plan amendment that applies to

¹ s. 288.0656, F.S.

² See *Save our Neighborhoods, Inc. v. City of Lake Worth*, Case No. 2006 CA 917 AP (Fla. Cir. Ct. October 27, 2007) (Unpublished Opinion)

only one parcel but affects many more. In effect, the court disregards the five parcel threshold in current statute.

Effect of the proposed change

The bill amends s. 163.3177, F.S., to provide an additional year, until December 2009, for local governments to submit amendments to implement 2005 changes to requirements for the capital improvement schedule and element to be financially feasible. The bill provides for consistency of land uses to public airports by amending the requirements for future land use, intergovernmental coordination, and transportation elements. As part of this change, the bill requires local governments to amend their plans by 2011 to comply with the future land use element provisions regarding compatibility of land with airports. The bill requires local governments to certify that the required surplus public lands inventory for affordable housing and any updates required under the housing element requirements have been met as a precondition to receiving any state affordable housing funding.

Section 163.3184, F.S., is amended to provide a number of citizen participation provisions. The bill limits the frequency by which a local government may transmit and adopt most plan amendments to once a year. Plan amendments in designated urban areas and related to rural land stewardship areas and sector plans may be done twice a year. The statute provides a number of exemptions to these submittal limitations for amendments that may be submitted at any time. This bill removes some of these exceptions.

The bill requires that an applicant for a future land use map amendment must hold a neighborhood meeting prior to filing the amendment with the local government. Specific timeframes and requirements are provided for noticing and holding the meeting. A second neighborhood meeting is required prior to the local government adoption hearing. Again, provisions are included to identify noticing and meeting requirements. These provisions do not apply to small scale amendments.

Provisions are added to require that proposed plan amendments that are to be considered for adoption must be available to the public at least 5 days before the hearing. The bill provides limits to the types of changes that can be made to an amendment without continuing the hearing to the next meeting of the governing body. The bill provides an additional 60 days, from 60 to 120 days, for local governments to adopt or adopt with changes proposed amendments to the comprehensive plan. If an amendment is not adopted within 120 days it is deemed abandoned unless DCA is notified that the applicant and local government are still pursuing the amendment. Regular reporting is required every 90 days. Extensions are limited to 360 days.

The bill also provides an additional 15 days (to 45 days) for citizens to comment on comprehensive plans to the Department of Community Affairs. This additional time is also provided for regional planning councils to allow for discussion of amendments at their public meetings. This additional time does not extend the overall 60 days for state review for typical amendments.

The bill amends s. 163.3184, F.S., to provide that plan amendments associated with catalyst projects where assistance has been provided by REDI and the amendment is within an identified site selected for a designated catalyst project will go through the small scale amendment process.

The bill provides legislative findings in s. 163.3184(21), F.S., concerning rural agriculturally based communities and the importance of existing centers of economic development. "Rural centers of economic development" are defined as a developed parcel or parcels in an unincorporated area within a RACEC or in a county where a portion has been designated a RACEC, on which there exists a facility or facilities processing and preparing for transport a farm product and that employ at least 200 full time employees and includes all contiguous lands at the site associated with the operation, but not used of cultivation of crops. The bill provides that amendments for land adjacent to rural centers of economic development within certain size limitations are presumed to be consistent with the urban sprawl criteria in rule 9J-5.006(5). Such presumption may be rebutted by clear and convincing evidence.

The alternative state review process in s. 163.32465, F.S., is expanded to allow for local governments to opt in to the alternative review process for amendments within designated urban infill and redevelopment

areas, downtown revitalization, urban redevelopment, and urban service areas that are transportation concurrency exception areas. The bill makes several other changes to the pilot process regarding state comments and review, and providing for plan amendments to not become effective until the time period for filing a challenge has expired.

The bill amends s. 163.3167(12) F.S., to clarify the legislative intent prohibiting the use of ballot initiative or referendum process to seek comprehensive plan or map amendments of five or fewer parcels.

Developments of Regional Impact

Section 380.0651, F.S., provides guidelines and standards for developments that are required to undergo development of regional impact review. Section 380.06, F.S., sets forth the criteria for the DRI program and establishes the basic process for DRI review. The DRI program provides state and regional review of local land use decisions regarding large developments that, because of their character, magnitude, or location, would have a substantial effect on the health, safety, or welfare of the citizens of more than one county. This section also provides statutory exemptions from the DRI program.

Effect of the proposed change

The bill modifies the guidelines and standards for hotel and motel development, specifying that, in counties with a population greater than 1.5 million, the standard of 350 or more units applies, unless it is within an area designated by the comprehensive plan and the strategic regional policy plan as an area highly suitable for increased threshold intensities, in which case the threshold increases to 750 or more units.

The bill modifies the statutory exemptions for development within urban areas by adding areas designated by the comprehensive plan as an urban redevelopment area, a downtown revitalization area, or an urban infill development area to the existing exemption for urban infill and redevelopment area under s. 163.2517, F.S. Further, the bill deletes the requirement for a binding agreement for mitigation on transportation facilities and that the local government has adopted a proportionate share methodology. These urban areas are being designated as transportation concurrency exception areas in a different section of the bill.

The bill provides a statutory exemption from the DRI process for any multiuse development, where one of the uses is office, university medical school, hospital, or laboratory appropriate for the research and development of medical technology, or life science applications if it meets 3 factors: 1) it is within five miles of a state supported biotechnical research facility, or within an urban infill area, or the local government has designated the area by resolution as a compact, high intensity, high density multiuse area that is appropriate for intensive growth, and 2) the land is within $\frac{3}{4}$ of a mile from one or more bus or light rail transit stops; and 3) the development is registered with the US Green Building Council and there is an intent to apply for certification of each building under the Leadership in Energy and Environmental Design rating program, or the development is registered by an alternate green building rating system recognized by the local government.

The bill clarifies the 3-year extension provided in 2007 for the phase, buildout, commencement, and expiration dates applied to related local approvals. Further, the bill modifies the qualifying developments to include Florida Quality Developments and developments for which a development order was adopted between January 1, 2006 and July 1, 2007, regardless of whether or not active construction has commenced.

Optional Sector Plans

The optional sector planning process is designed to promote large scale planning and avoid the duplicative data and analysis for developments of regional impact while ensuring adequate mitigation of a development's impacts. The pilot program is limited to five local governments, or combinations of local governments. DCA enters into agreements to authorize the preparation of an optional sector plan. This process involves the development of a long-term, build-out overlay and detailed specific area plans.

Effect of the proposed change

The bill amends s. 163.3245, F.S., increasing to 10 the number of pilots the DCA is authorized to approve under the optional sector plan program, which is currently limited to 5 local governments.

Affordable Housing

Section 163.3177, F.S., sets forth both required and optional elements to be included in comprehensive plans. Currently, local governments in specified areas are required to adopt a plan for ensuring affordable workforce housing and identifying adequate sites for such housing.

Section 420.615, F.S., provides that local governments may provide density bonus incentives to landowners who donate property for the purpose of assisting local governments in providing affordable housing. Donated property is subject to a determination by the local government for suitable use as affordable housing.

Effect of the proposed change

Local governments who fail to adopt an adequate plan addressing housing and workforce housing, if required, are ineligible to receive any state housing assistance grants until an adequate plan addressing workforce housing is adopted. The bill also clarifies current law in s. 420.615, concerning the status of associated plan amendments as small scale amendments.

Impact Fees

Section 163.31801(5), F.S., sets forth the general intent and purpose regarding the levying of impact fees by local governments. Local governments are required to calculate impact fees based upon the most recent localized data, provide an accounting of impact fee collections and expenditures, provide adequate notice of new or amended impact fees, and sets provisions for audits of local governments and school boards collecting impact fees. Current law is silent as to the burden of proof when a challenge arises as to the validity of the impact fee.

Effect of proposed change

The bill creates s. 163.31801(4)(e) and (f) and (5), F.S., to specify that there must be a rational nexus between the need for improvement and the new development and sets the standard of review for challenges filed regarding the validity of an impact fee. The bill specifies that the challenger of the fee shall have the burden of proving by a preponderance of the evidence that the impact fee does not meet statutory requirements.

Community Redevelopment Agencies

Effect of the proposed change

The bill consolidates community redevelopment agency (CRA) reporting requirements and clarifies certain permitted CRA expenditures. By March 31 of each year entities must file a report with the local governing body which describes progress on public projects funded in the preceding year, summarizes activities for the upcoming year and must publish in a newspaper of general circulation in the community notice of the report and that the report is available for inspection during business hours.

CRA's will also be responsible to provide reports required under ch.189, F.S., to DCA. CRAs will also provide reports required under statute to the Department of Financial Services which address Annual Financial Report, Notice of Bond Issues, and Annual Financial Audit Reports.

The bill prohibits substitution of increment revenues for existing, completed projects unless provided for in the original bond covenants.

The bill adds new expenditure categories by name to statute, allows a permanent staff, and use of funds in redevelopment trust funds for fire, police and emergency services, and for promotion and marketing. The bill further provides that expenditures delineated in the bill are inclusive expenditures rather than limiting language.

Consent Orders

Effect of proposed change

The bill provides that local governments may not require a project to undergo site plan or zoning approvals as a condition of the building permit associated with actions necessary to comply with a consent order

issued by DEP if the activities conducted on the parcel are, but for the specifics of the consent order, consistent with local permits, zoning, and land use approvals.

C. SECTION DIRECTORY:

Section 1. Amends s. 163.3167, F.S.: Clarifies the prohibition on an initiative or referendum process regarding local comprehensive plan amendments related to five or fewer parcels.

Section 2. Amends s. 163.3177, F.S.: Adds land adjacent to an airport as a category to be considered in future land use plan. Extends by one year the requirement of local governments to comply with requirements for annual amendments to ensure financial feasibility of local government comprehensive plans. Clarifies that state housing funds are tied to compliance with the requirement for certain counties to provide a workforce housing plan.

Section 3. Amends s. 163.3180, F.S.: Provides legislative findings regarding urban centers. Exempts certain urban areas from transportation concurrency. Provides for coordination between local governments regarding the impact of concurrency exception areas. Deletes outdated requirements. Requires consultation with metropolitan planning organizations for the long term concurrency management systems. Defines backlogged facilities. Creates a pilot program for urban placemaking. Amends fair-share mitigation to allow alternatives to the formula in statutes. Specifies that charter schools are an appropriate mitigation option.

Section 4. Directs the Legislative Committee on Intergovernmental Relations to conduct a study for the creation and implementation of a mobility fee. Authorizes pilot program.

Section 5. Amends s. 163.31801, F.S.: Provides impact fee requirements. Creates an impact fee standard of proof for challenges.

Section 6. Amends s. 163.3184, F.S.: Provides requirements for neighborhood meetings. Provides additional review time for certain agencies and the public. Provides for abandonment of amendments. Provides for technical assistance to local governments in rural areas of critical economic concern and provides that plan map amendments for catalyst projects are small scale amendments if assistance was provided by the agencies in their role as the rural economic development initiative. Provides for expansion of existing rural centers for economic development.

Section 7. Amends 163.3187, F.S.: Limits plan amendments to once year, provides for and modifies exceptions.

Section 8 Amends s. 163.3245, F.S.: Increases the number of authorized pilot projects for the optional sector plan program.

Section 9. Amends s. 163.32465, F.S.: Provides for local governments to opt to use the alternative review process for certain urban areas. Provides additional requirements concerning agency comments.

Section 10. Creates s. 163.351, F.S.: Provides for reporting requirements for community redevelopment agencies.

Section 11. Amends s. 163.356, F.S.: Deletes certain reporting requirements for community redevelopment agencies.

Section 12. Amends s. 163.370, F.S.: Prohibits the substitution of community redevelopment area increment revenues as security for existing debt for completed and operating projects.

Section 13. Amends s. 163.387, F.S.: Amends expenditures of redevelopment trust funds list of allowable purposes.

Section 14. Amends s. 288.0655, F.S.: Amends the authorized use of rural infrastructure funds. Provides specified funding award provisions for rural infrastructure funding for catalyst sites.

Section 15. Amends 288.0656, F.S.: Provides legislative intent. Defines catalyst project, catalyst site, and rural area of critical economic concern. Amends agencies represented on the rural economic development initiative. Provides for the designation of catalyst projects. Provides for technical assistance. Provides for development of a technical assistance manual. Amends reporting period for annual report.

Section 16. Amends 380.06, F.S.: Clarifies provisions relating to the 3-year extension of approvals relating to developments of regional impact and amends to include those developments that receive development orders during a specific period. Specifies that the extension applies to associated approvals. Provides exemptions to the development of regional impact process for projects of specified types and locations.

Section 17. Amends s. 380.0651, F.S.: Revises guidelines and standards for developments of regional impact.

Section 18. Amends s. 403.121, F.S.: Provides limitations on consent order related building permits.

Section 19. Amends s. 420.615, F.S.: Clarifies that certain amendments are deemed small scale amendments. Provides for affected persons' ability to challenge compliance with comprehensive plan.

Section 20. Amends s. 257.193, F.S.: Conforming references.

Section 21. Amends s. 288.019, F.S.: Conforming references.

Section 22. Amends s. 288.06561, F.S.: Conforming references.

Section 23. Amends s. 339.2819, F.S.: Conforming references.

Section 24. Amends s. 627.6699, F.S.: Conforming references.

Section 25. Provides a non-recurring appropriation of \$300,000 to the Legislative Committee on Intergovernmental relations to pay for costs associated with Mobility Fee study.

Section 26. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

Provides for a \$300,000 nonrecurring GR appropriation to the Legislative Committee on Intergovernmental Relations to conduct a mobility fee study.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

D. STATEMENT OF THE SPONSOR

N/A

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On April 11, 2008, a strike all and four amendments were adopted. The strike all was described in the original analysis.

Amendments to the strike all made the following changes: Amendment 1 clarified developer obligations on backlogged transportation facilities. It also clarified that mitigation payment could include donated land or constructed improvements and method for accounting for present dollar value. Amendment 2 clarified developer obligations on backlogged transportation facilities. Amendment 3 removed reference to s. 163.3187, F.S., and made several other technical changes. Amendment 4 modified the DRI exemption language for biotechnological related uses.

On April 21, Policy and Budget Council adopted a strike all that included the following changes:

- Amends requirements concerning the frequency and status of plan amendments

- Specifies that charter schools are an appropriate mitigation option for school concurrency
- Maintains the existing optional sector plan pilot, and increased the authorized number of sector plans to a total of ten.
- Links DRI analyses to the levels of service required under the local government's comprehensive plan and concurrency management system and modified the biotech DRI exemption
- Provides that a challenger to the validity of an impact fee must prove by a preponderance of the evidence that the local government did not adopt the impact fee consistent with statutory requirements. Provides statutory requirements for rational nexus of impact fees to new development.