

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 441
SPONSOR(S): Reagan

Coastal Management

TIED BILLS:

IDEN./SIM. BILLS: SB 856

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	<u>Military & Local Affairs Policy Committee</u>	<u></u>	<u>Rojas</u>	<u>Hoagland</u>
2)	<u>Roads, Bridges & Ports Policy Committee</u>	<u></u>	<u></u>	<u></u>
3)	<u>Economic Development & Community Affairs Policy Council</u>	<u></u>	<u></u>	<u></u>
4)	<u></u>	<u></u>	<u></u>	<u></u>
5)	<u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

Section 380.06, F.S., 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. These developments-of-regional-impact (DRI) are subject to heightened regional and state review.

This bill amends section 163.3178, F.S., relating to coastal management issues addressed in local comprehensive planning, to exempt certain port-related projects from DRI review provided they are located within three miles of a port and rely upon the utilization of port and intermodal transportation facilities or are in a port master plan area.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Comprehensive Planning and Coastal Management

The Local Government Comprehensive Planning and Land Development Regulation Act, contained in ss. 163.3161-163.3246, F.S., establishes a growth management system in Florida which requires each local government to adopt a comprehensive land use plan. The local government comprehensive plan is intended to be the policy document guiding local governments in their land use decision-making.

Section 163.3177, F.S., requires each comprehensive plan to include certain elements that address different aspects of growth management, including the following: a capital improvements; future land use plan; traffic circulation; general sanitary sewer, solid waste, drainage, potable water; conservation; recreation and open space; housing; public school facilities and intergovernmental coordination elements.

Local governments in coastal areas of the state are also required to include a coastal management element in their comprehensive plans. The coastal management element must include policies to guide the local government's decisions and implementation of a number of statutorily expressed objectives relating to preservation and protection of coastal environment, protection of life and property related to coastal zones and the orderly development, maintenance, and use of ports identified in s. 403.021(9) to facilitate deepwater commercial navigation and other related activities.

Section 163.3178, F.S., provides further Legislative direction concerning coastal management. This section includes more specific requirements for the coastal management element and comprehensive master plans for deep water ports. This section also removes from the DRI process certain port related projects which are otherwise consistent with a port master plan. A port master plan must be included in the coastal management element of the comprehensive plan for a local government that has responsibility for the port area. A deepwater port that does not submit its master plan to the local government that has responsibility for the area and is not a part of the local government is subject to sanctions under s. 163.3184, F.S. The port master plan should address the issues listed in s. 163.3178(2) for coastal management element.

The Development-of-Regional-Impact (DRI) Process

Section 380.06, F.S., 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.

Regional planning councils coordinate a multi-agency DRI review. The council's job is to assess the DRI project, incorporate input from various agencies, gather additional information and make recommendations on how the project should proceed. The DCA reviews developments of regional impact for compliance with state law and identifies the regional and state impacts of large-scale developments.

Effect of Proposed Changes

The bill amends s. 163.3178, F.S., to permit an exemption from the DRI process for port-related industrial or commercial projects, as determined by the DCA and the applicable general purpose local government, if they are located within three miles of a port master plan area and rely upon the utilization of port and intermodal transportation facilities.

B. SECTION DIRECTORY:

Section 1: amends section 163.3178, F.S., to exempt certain port-related projects from DRI review provided they are located within three miles of a port and rely upon the utilization of port and intermodal transportation facilities or are in a port master plan area.

Section 2: Provides an effective date of July 1, 2009.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

State and regional agencies may become less involved in review of port-related industrial or commercial projects.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

Regional planning councils may become less involved in review of port-related industrial or commercial projects.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Port-related industrial or commercial projects that are located within or within 3 miles of a port master plan area may proceed more rapidly and with less government oversight.

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

N/A

2. Other:

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES