

HB 1577

2010

1 A bill to be entitled
2 An act relating to local government comprehensive plans;
3 amending s. 163.3177, F.S.; authorizing certain
4 municipalities to apply to the state land planning agency
5 for a waiver from certain capital improvements element and
6 schedule update requirements and certain comprehensive
7 plan amendment prohibitions under certain circumstances;
8 specifying waiver criteria; requiring the agency to grant
9 the waiver under certain circumstances; authorizing
10 certain municipalities to apply to the state land planning
11 agency for a waiver of certain water supply element
12 requirements for future land use principles and
13 guidelines; requiring the agency to grant the waiver under
14 certain circumstances; amending s. 163.3191, F.S.;
15 authorizing certain municipalities to apply to the state
16 land planning agency for a waiver of certain comprehensive
17 plan evaluation and appraisal requirements; specifying
18 waiver criteria; requiring the agency to grant the waiver
19 under certain circumstances; amending s. 218.39, F.S.;
20 revising a municipal revenue criterion relating to annual
21 financial audit requirements; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Paragraph (g) is added to subsection (3) of
26 section 163.3177, Florida Statutes, and paragraph (c) of
27 subsection (6) of that section is amended, to read:

28 | 163.3177 Required and optional elements of comprehensive
29 | plan; studies and surveys.—

30 | (3)

31 | (g)1. A municipality may apply to the state land planning
32 | agency for a waiver of the update requirements to the existing
33 | capital improvements element and schedule under paragraph (b)
34 | and a waiver of the comprehensive plan amendment prohibition and
35 | the provisions of subparagraph (b)2. and paragraph (c) if:

36 | a. The municipality has:

37 | (I) An annual budget of less than \$250,000.

38 | (II) Vacant property, if any, that does not exceed 20
39 | percent of the total land area of the municipality or a total of
40 | 25 acres, whichever is less.

41 | (III) No annexation activity.

42 | (IV) No development in the jurisdiction that is new since
43 | the last update of the capital improvements element and
44 | schedule.

45 | (V) No scheduled capital improvements.

46 | (VI) No change to its comprehensive plan since the last
47 | review of the capital improvements element.

48 | b. The municipality recognizes and acknowledges in the
49 | application that any future amendments to the comprehensive plan
50 | will require determination of any needed capital improvements.

51 | 2. If an eligible municipality applies for the waivers,
52 | the state land planning agency shall grant the waivers upon a
53 | finding by the agency that the municipality complies with
54 | subparagraph 1.

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55 (6) In addition to the requirements of subsections (1)-(5)
56 and (12), the comprehensive plan shall include the following
57 elements:

58 (c)1. A general sanitary sewer, solid waste, drainage,
59 potable water, and natural groundwater aquifer recharge element
60 correlated to principles and guidelines for future land use,
61 indicating ways to provide for future potable water, drainage,
62 sanitary sewer, solid waste, and aquifer recharge protection
63 requirements for the area. The element may be a detailed
64 engineering plan including a topographic map depicting areas of
65 prime groundwater recharge. The element shall describe the
66 problems and needs and the general facilities that will be
67 required for solution of the problems and needs. The element
68 shall also include a topographic map depicting any areas adopted
69 by a regional water management district as prime groundwater
70 recharge areas for the Floridan or Biscayne aquifers. These
71 areas shall be given special consideration when the local
72 government is engaged in zoning or considering future land use
73 for said designated areas. For areas served by septic tanks,
74 soil surveys shall be provided which indicate the suitability of
75 soils for septic tanks. Within 18 months after the governing
76 board approves an updated regional water supply plan, the
77 element must incorporate the alternative water supply project or
78 projects selected by the local government from those identified
79 in the regional water supply plan pursuant to s. 373.0361(2)(a)
80 or proposed by the local government under s. 373.0361(8)(b). If
81 a local government is located within two water management
82 districts, the local government shall adopt its comprehensive

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83 plan amendment within 18 months after the later updated regional
84 water supply plan. The element must identify such alternative
85 water supply projects and traditional water supply projects and
86 conservation and reuse necessary to meet the water needs
87 identified in s. 373.0361(2)(a) within the local government's
88 jurisdiction and include a work plan, covering at least a 10
89 year planning period, for building public, private, and regional
90 water supply facilities, including development of alternative
91 water supplies, which are identified in the element as necessary
92 to serve existing and new development. The work plan shall be
93 updated, at a minimum, every 5 years within 18 months after the
94 governing board of a water management district approves an
95 updated regional water supply plan. Amendments to incorporate
96 the work plan do not count toward the limitation on the
97 frequency of adoption of amendments to the comprehensive plan.
98 Local governments, public and private utilities, regional water
99 supply authorities, special districts, and water management
100 districts are encouraged to cooperatively plan for the
101 development of multijurisdictional water supply facilities that
102 are sufficient to meet projected demands for established
103 planning periods, including the development of alternative water
104 sources to supplement traditional sources of groundwater and
105 surface water supplies.

106 2.a. A municipality may apply to the state land planning
107 agency for a waiver from the requirements of this paragraph
108 applicable to amendments to update the regional water supply
109 plan if the municipality meets all of the following criteria for
110 having no significant impact:

111 (I) The municipality has:
 112 (A) An annual budget of less than \$250,000.
 113 (B) Vacant property, if any, that does not exceed 20
 114 percent of the total land area of the municipality or a total of
 115 25 acres, whichever is less.
 116 (C) No annexation activity.
 117 (D) No new development in the jurisdiction that is new
 118 since the last update of the capital improvements element and
 119 schedule.
 120 (E) No change to its comprehensive plan since the last
 121 review of the capital improvements element.
 122 (II) The municipality recognizes and acknowledges in the
 123 application that any future amendments to the comprehensive plan
 124 will require determination of any impacts to water supply
 125 availability and may require amendments to this element as well.
 126 b. If an eligible municipality applies for a waiver, the
 127 state land planning agency shall grant the waiver upon a finding
 128 by the agency that the municipality complies with sub-
 129 subparagraph a.
 130 Section 2. Subsection (15) is added to section 163.3191,
 131 Florida Statutes, to read:
 132 163.3191 Evaluation and appraisal of comprehensive plan.—
 133 (15) (a) A municipality may apply to the state land
 134 planning agency for a waiver of the requirements of this section
 135 and the scoping meeting requirement as provided by subsection
 136 (3) if:
 137 1. The municipality has:
 138 a. An annual budget of less than \$250,000.

139 b. Vacant property, if any, that does not exceed 20
 140 percent of the total land area of the municipality or a total of
 141 25 acres, whichever is less.

142 c. No annexation activity.

143 d. No development in the jurisdiction that is new since
 144 the last update of the capital improvements element and
 145 schedule.

146 e. No change to its comprehensive plan since the last
 147 review of the capital improvements element.

148 2. The municipality recognizes and acknowledges in the
 149 application that any future amendments to the comprehensive plan
 150 will require a comprehensive update of the plan to reflect
 151 appropriate planning periods in the future.

152 (b) If an eligible municipality applies for a waiver, the
 153 state land planning agency shall grant the waiver upon a finding
 154 by the agency that the municipality complies with paragraph (a).

155 Section 3. Paragraph (g) of subsection (1) of section
 156 218.39, Florida Statutes, is amended to read:

157 218.39 Annual financial audit reports.—

158 (1) If, by the first day in any fiscal year, a local
 159 governmental entity, district school board, charter school, or
 160 charter technical career center has not been notified that a
 161 financial audit for that fiscal year will be performed by the
 162 Auditor General, each of the following entities shall have an
 163 annual financial audit of its accounts and records completed
 164 within 12 months after the end of its fiscal year by an
 165 independent certified public accountant retained by it and paid
 166 from its public funds:

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167 (g) Each municipality with revenues or ~~the total of~~
168 expenditures and expenses of less than ~~between \$100,000 and~~
169 \$250,000 that has not been subject to a financial audit pursuant
170 to this subsection for the 4 ~~2~~ preceding fiscal years.

171 Section 4. This act shall take effect upon becoming a law.