HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS

BILL #:	CS/HB 7019	**FINAL HOUSE FLOOR ACTION:**	
SPONSOR(S):	Economic Affairs Committee, Economic Development & Tourism Subcommittee and Trujillo, Perry	#of Yeas **118**	# of Nays **0**
COMPANION BILLS:	(CS/CS/HB 269) (CS/CS/CS/HB 375) (CS/CS/HB 537) (CS/CS/HB 1049) (CS/CS/HB 7127) (CS/CS/SB 528) (CS/CS/CS/SB 1160) (CS/CS/SB 1840)	**GOVERNOR'S ACTION:**	Approved

SUMMARY ANALYSIS

CS/HB 7019 passed the House on April 24, 2013. The bill was amended by the Senate on May 2, 2013, and subsequently passed the House on May 2, 2013. Parts of the bill also passed the House and Senate in CS/CS/HB 269 on May 2, 2013, CS/CS/CS/HB 375 on April 25, 2013 and CS/CS/HB 537 on May 2, 2013. The bill makes changes to several types of permitting processes:

- Amends sections 125.022 and 166.033, Florida Statutes, to bring state law into compliance with the federal requirements of the National Flood Insurance Program.
- Amends s. 163.3167, F.S., prohibiting local government initiative or referendum processes for all development orders and prohibiting initiative or referendum processes for local comprehensive plan and map amendments affecting more than five parcels of land except for those processes in effect as of June 1, 2011 and specifically authorized by charter language.
- Defines "communication facilities" and "railroad company" for purposes of the Florida Rail Enterprise Act and creates s. 341.822(2)(c), F.S., requiring the establishment of a process to issue permits to railroad companies for the construction of communication facilities within a new or existing public or private high speed rail system.
- Authorizes boards of county commissioners to lease commercial developments ancillary to a professional sports franchise if such ancillary commercial development is located on property that is part of or contiguous to the professional sports franchise facility.
- Amends subsection section 24 of chapter 2012-205, Laws of Florida, to provide that valid permit holders eligible for a two year extension have until October 1, 2013 to notify the authorizing agency of their intention to utilize the extension.
- Extends certain permits issued by the Department of Environmental Protection or by a water management district for three years and provides that onsite sewage treatment and disposal systems installed after July 1, 2010 in the unincorporated parts of Monroe County, excluding special wastewater districts, are not required to connect to a central sewer system until December 31, 2020.

The bill does not have a fiscal impact on state or local funds.

The bill was approved by the Governor on June 14, 2013, ch. 2013-213, L.O.F., and will become effective on July 1, 2013.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Development Permits

Present Situation

Division of Emergency Management

The Division of Emergency Management (Division) is administratively housed within the Executive Office of the Governor. The Division is a separate budget entity, as provided in the General Appropriations Act and must prepare and submit a budget request in accordance with chapter 216, Florida Statutes. The Division is responsible for all professional, technical, and administrative support functions necessary to carry out its responsibilities. The Director of the Division is appointed by, and serves at the pleasure of, the Governor and is the head of the Division for all purposes. The Division is tasked with administering programs to rapidly apply all available aid to communities stricken by an emergency and serves as a liaison with federal agencies and other public and private agencies.[1]

The State Emergency Management Act (Act)[2] establishes the powers of the Division. It tasks the Division with maintaining a comprehensive statewide program of emergency management efforts that includes coordinating efforts with the Federal Government, local governments, other state agencies, school boards, and private agencies that have a role in emergency management.[3] The statewide program of emergency management includes but is not limited to:

- Preparation of a comprehensive statewide emergency management plan.
- Adopting standards and requirements for county emergency management plans.
- Assisting political subdivisions in preparing and maintaining emergency management plans.
- Ascertaining the requirements for equipment and supplies for use in an emergency.
- Instituting statewide public awareness programs.
- Coordinating federal, state, and local emergency management activities in advance of an emergency.
- Using and employing the property, services, and resources within the state in accordance with the Act.[4]

After a disaster, the Division conducts damage assessment surveys and advises the Governor on whether to declare an emergency and seek federal relief funds. The Division maintains a primary Emergency Operations Center (EOC) in Tallahassee. The EOC serves as the communications and command center for reporting emergencies and coordinating state response activities. The Division also operates the State Warning Point, a state emergency communications center staffed 24 hours each day. The center maintains statewide communications with county emergency officials.[5]

National Flood Insurance Program

The National Flood Insurance Program (NFIP) was created by Congress in 1968 as a result of passage of the National Flood Insurance Act to address economic hardships caused by flood disasters.

[1] Section 14.2016, F.S.
[2] Section 252, F.S.
[3] Section 252.35(1), F.S.
[4] Section 252.35, F.S.
[5] http://floridadisaster.org/about_the_division.htm

Congress found that it was "…uneconomic for the private insurance industry alone to make flood insurance available to those in need of such protection on reasonable terms and conditions; but a program of flood insurance with large-scale participation of the Federal Government and carried out to the maximum extent practicable by the private insurance industry is feasible."[6] In response, NFIP was created as a voluntary program to provide affordable flood insurance for people living in communities that adopted floodplain management regulations that meet or exceed federal standards.[7] In most instances, homeowners buy flood policies from an insurance agent but in the event of a flood disaster the insurance company doesn't pay the claim, the Federal Government does. NFIP provides coverage up to $250,000 for the home and $100,000 for personal possessions for private dwellings and up to $500,000 for buildings and $500,000 for property and belongings for commercial properties.

NFIP in Florida

- More than 450 communities are active participants in NFIP
- More than 2 million flood insurance policies
- More than $471 billion in flood coverage[8]

In March, 2012, the Federal Emergency Management Agency (FEMA) expressed concern that HB 503 (2012) was inconsistent with federal law[9] that requires communities to review proposed developments to ensure they have received necessary permits pursuant to federal and state law. This requirement ensures that coordination occurs between levels of government on projects impacting flood plains and that all necessary permits have been secured before commencement of construction. FEMA warned that if HB 503 was implemented, Florida communities would be subject to challenge and face legal impediments as they tried to comply with NFIP requirements. If communities could not meet requirements of NFIP, they could be subject to suspension from the program that would include the following consequences:

- No selling or renewing of flood insurance policies within a community that is not in compliance with NFIP requirements.
- Federal agencies would be prohibited from issuing grants, loans, or guarantees for the acquisition or construction of structures located in a Special Flood Hazard Area.
- Lending institutions may require private flood insurance for high-risk properties at significantly higher cost to the homeowner, assuming private insurance is even available in that area.
- If a flood disaster occurs in a suspended community, many types of federal disaster assistance would not be available.[10]

Effects of Proposed Changes

CS/HB 7019 requires counties and municipalities to attach disclaimers to development permits that include a condition that all other applicable state or federal permits must be obtained before commencement of the development. Such changes would ensure Florida is fully compliant with NFIP.

Local Government Initiative and Referendum Processes

[6] 42 U.S.C. § 4001(b)(1,2).
[7] See 42 U.S.C. §§ 4012(c), 4022; 44 C.F.R. §§ 60.1, 60.2.
[8] Letter from Major P. May (Regional Administrator, FEMA) to Governor Rick Scott, dated March 30, 2012; on file with Economic Development & Tourism Subcommittee.
[9] 44 C.F.R. § 60.3(a)(2).
[10] *Supra* note 8.

Present Situation

In 2006, voters in St. Pete Beach amended the city's charter to require voter referendums on all future changes to comprehensive plans, redevelopment plans, and building height regulations.[11] This process, often called "Hometown Democracy," caused delay in the local development process.[12] In November 2010, Florida voters decided against implementing Hometown Democracy statewide with a 67.1 percent 'no' vote on Amendment 4.[13] Shortly thereafter, in March 2011, voters in St. Pete Beach repealed the town's Hometown Democracy provisions by 54.07 percent.[14]

The 2011 Legislature passed HB 7207, known as the "Community Planning Act." The bill prohibited local governments from adopting initiative or referendum processes for any development orders, comprehensive plan amendments, or map amendments.[15]

At the time, very few local governments had a land use referendum or initiative process in place.[16] One of these affected governments, the Town of Yankeetown (Yankeetown), had a charter provision which specifically authorized a referendum vote on comprehensive plan amendments affecting more than five parcels of land.[17] Following the enactment of HB 7207 (2011), Yankeetown filed a complaint in the Leon County Circuit Court against the Department of Community Affairs (DCA), now the Department of Economic Opportunity (DEO), stating its desire to maintain its charter provision.[18]

In September 2011, DCA and Yankeetown reached a proposed settlement agreement contingent upon the Legislature passing, and the Governor signing into law, a proposed amendment to the Community Planning Act.[19] The resulting bill, CH/HB 7081 (2012), was designed to allow charter provisions like that of Yankeetown to remain valid. The bill was intended to have a limited impact, protecting only those local government charter provisions that: 1) were in effect as of June 1, 2011, and 2) authorized an initiative or referendum process for development orders, comprehensive plan amendments, or map amendments.[20] The Legislature passed the bill on March 7, 2012, and the Governor signed CS/HB 7081 (2012) into law on April 6, 2012.

CS/HB 7081 (2012) left open the possibility for an interpretation that allowed all referendum or initiative provisions in effect as of June 1, 2011, not merely those specifically for development orders, comprehensive plan amendments, or map amendments.

In October 2012, the Palm Beach County Circuit Court ruled that CS/HB 7081 (2012) extended the exception to all local government general referendum or initiative charter provisions in effect as of June

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[11] "Is St. Pete Beach a Valid Case Study for Amendment 4?" *St. Petersburg Times*, March 19, 2010. Retrieved from: http://www.politifact.com/florida/statements/2010/mar/19/citizens-lower-taxes-and-stronger-economy/st-pete-beach-amendment-4-hometown-democracy/ (2/25/13).

[12] *Id.*

[13] *See*, November 2, 2010 General Election Official Results provided by the Florida Department of State. Retrieved from: https://doe.dos.state.fl.us/elections/resultsarchive/Index.asp?ElectionDate=11/2/2010&DATAMODE= (2/26/13).

[14] *See*, 2011 Municipal Election Results provided by the Pinellas County Supervisor of Elections. Retrieved from: http://www.votepinellas.com/index.php?id=1789 (2/26/13).

[15] *See*, "The Community Planning Act," s.7, ch. 2011-139, L.O.F., 2011 CS/HB 7207.

[16] Longboat Key, Key West, Miami Beach, and the Town of Yankeetown.

[17] *See*, *Town of Yankeetown, FL v. Dep't of Econ. Opportunity, et. al.,* No. 37 2011-CA-002036 (Fla. 2d Cir. Ct. 2011), Town of Yankeetown's Amended Complaint for Declaratory Judgment, p. 3 (Aug. 9, 2011).

[18] *Id.* The complaint alleged that ch. 2011-139, L.O.F., violated the single subject provision in s. 6, Art. III, State Constitution, and that it was read by a misleading, inaccurate title. Yankeetown also alleged that the law contained unconstitutionally vague terms and contained an unlawful delegation of legislative authority. The city of St. Pete Beach also filed a motion to intervene as a defendant in the case, on the same side as the state.

[19] Settlement Letter between the Department of Community Affairs and St. Pete Beach and Yankeetown, Re: Case No. 37 2011 CA 002036 (9/28/2011).

[20] Section 1, ch. 2012-99, L.O.F.

1, 2011.[21] The court held that such a general provision encompassed specific land amendments, such as development orders and comprehensive map amendments, despite the charter language not specifically authorizing either. This broad interpretation is contrary to the intent of the 2011 and 2012 legislation, which sought to restrict these voting mechanisms.

Effect of Proposed Changes

CS/HB 7019 narrows the current interpretation of s. 163.3167(8), F.S., while preserving the purpose of the 2011 Community Planning Act. The bill prohibits initiative or referendum processes for any development order, local comprehensive plan amendment, or map amendment. However, if the local government charter specifically authorizes initiative and referendum voting processes for land use amendments and was lawful and in effect June 1, 2011, then such processes are allowed for local comprehensive plan amendments or map amendments affecting more than five parcels of land. Provisions regarding development orders are not included in the exception and are always prohibited.

Rail Communications Facilities

Present Situation

In November 2000, Florida voters approved a constitutional amendment mandating the construction of a high speed transportation system for the state. The amendment required the use of train technologies that operate at speeds in excess of 120 miles per hour. The high speed rail system was to link the five largest urban areas in Florida, and construction was mandated to begin by November 1, 2003. To implement the constitutional amendment, the Florida Legislature enacted the Florida High Speed Rail Authority Act and created the Florida High Speed Rail Authority in 2001. In November 2004, the 2000 constitutional amendment was repealed.

In 2009, the Florida High Speed Rail Authority Act was substantially amended and became the Florida Rail Enterprise Act. This act created the Florida Rail Enterprise (enterprise) within DOT, which was given the responsibility for developing and operating the state owned passenger rail systems in Florida including high speed rail, funding passenger rail systems, and coordinating publicly-funded passenger rail operations, including interoperability issues with freight rail.

There is currently nothing in the Florida Rail Enterprise Act regarding the siting of communications facilities on the high-speed rail system.

Effect of Proposed Changes

CS/HB 7019 amends s. 341.8203, F.S., defining the term “Communications Facilities” to mean the communications systems related to high-speed passenger rail operations, including those that are built, installed, used, or established for the planning, building, managing, and operating of a high-speed rail system. The definition provides that owners of communications facilities may not offer voice or data service to any entity other than those involved in the operation of a high-speed rail system.

The bill creates s. 341.822(2)(c), F.S., requiring the enterprise to establish a process to issue permits to railroad companies for the construction of communication facilities within a new or existing public or private high speed rail system. The enterprise may adopt rules to administer these permits, including rules regarding the form, content, and necessary supporting documentation for permit applications, the process for submitting applications, and the application fee for a permit. The bill requires the enterprise to provide a copy of the completed permit application to municipalities and counties where the high-speed rail system will be located, and allow each municipality and county 30 days to comment on the

[21] *City of Boca Raton v. Kennedy, et. al.*, No. 2012-CA-009962-MB (Fla. 15th Cir. Ct. 2012), Order denying plaintiff, City of Boca Raton’s and Intervener/Co-Plaintiff, Archstone Palmetto Park, LLC’s Motions for Summary Judgment and Granting Defendants’ Motion for Summary Judgment. J. Chernow Brown, Oct. 16, 2012.

application, including any recommendations regarding conditions that may be placed on the application.

The bill creates s. 341.825, F.S. relating to communications facilities. It provides that the Legislature intends to:

- Establish a streamlined process to authorize communication facilities within new and existing high-speed rail system.
- Expedite the expansion of the high-speed rail system's wireless voice data coverage and capacity for the safe and efficient operation of the high-speed rail system and use by its crew and passengers.

The bill provides that a railroad company may submit an application to the enterprise to obtain a permit to construct communication facilities within a high speed rail system. The application includes an application fee limited to the amount needed to pay the costs of reviewing the application not to exceed $10,000, to be deposited into the State Transportation Trust Fund. The application must also include the following information:

- The location of the proposed communication facilities.
- A description of the proposed communication facilities.
- Any other information reasonably required by the enterprise.

The enterprise has 30 days to review the application for completeness. If the enterprise determines that an application is not complete, it notifies the applicant in writing of any errors or omissions. An applicant has 30 days to correct the errors or omissions.

If the enterprise determines that an application is complete, it has 60 days to approve in whole, approve with conditions, or deny the application, and state the reason for issuance or denial. In determining if the application shall be approved the enterprise considers the extent to which the proposed communications facilities:

- Are located in a manner that is appropriate for the communication technology.
- Serve an existing or future need for communication facilities.
- Provide sufficient wireless voice and data coverage and capacity for the safe and efficient operation of the high-speed rail system and the use of its crew and passengers.

Failure to adopt any recommendation or comment is not a basis for challenging the issuance of a permit. A permit authorizes the permitee to locate, construct, operate, and maintain the communication facilities within a new or existing high speed rail system, subject only to the permit's conditions. These activities are not subject to local government land use or zoning regulations.

A permit may include conditions that constitute variances and exemptions from rules of the enterprise or any other agency, which would otherwise be applicable to the communication facilities within the new or existing high speed rail system. The permit is in lieu of any license or permit required by any local agency.

The bill is not intended to impose procedures or restrictions on railroad companies that are subject to the exclusive jurisdiction of the federal Surface Transportation Board pursuant to the Interstate Commerce Commission Termination Act of 1995.

After issuance, an applicant may modify a permit by filing of a petition with the enterprise. A petition for modification must set out the proposed modification and the factual reasons for the modification. The enterprise has 30 days to approve or deny the application and state the reason for the issuance or denial.

The bill amends s. 341.840(2)(b), F.S., conforming a cross-reference.

Professional Sports Franchise Facilities

Present Situation

Section 288.1162, F.S., provides the procedure by which professional sports franchises in Florida may be certified to receive state funding for the purpose of paying for the acquisition, construction, reconstruction, or renovation of a facility for a new or retained professional sports franchise. Local governments, non-profit, and for-profit entities may apply to the program.

DEO is responsible for screening and certifying applicants for state funding. Applicants qualifying as new professional sports franchises may not have been based in Florida prior to April 1, 1987. Applicants qualifying as retained professional sports franchises must have had a league-authorized location in the state on or before December 31, 1976, and be continuously based at that location. The number of certified professional sports franchises, both new and retained, is limited to eight.

For both new and retained franchises, DEO must verify that:

- A local government is responsible for the construction, management, or operation of the professional sports franchise facility, or holds title to the property where the facility is located.
- The applicant has a verified copy of a signed agreement to use the facility with a new professional sports franchise for at least 10 years, or for 20 years in the case of a retained franchise.
- The applicant has a verified copy of the approval by the governing body of the NFL, MLB, NHL, or NBA authorizing the location.
- The applicant has projections demonstrating a paid attendance of over 300,000 annually.
- The applicant has an independent analysis demonstrating that the amount of sales taxes generated by the use or operation of the franchise's facility will generate $2 million annually.
- The city or county where the franchise's facility is located has certified by resolution after a public hearing that the application serves a public purpose.
- The applicant has demonstrated that it will provide financial or other commitments of more than one-half of the costs incurred for the improvement or development of the franchise's facility.

As of March 13, 2013, there were eight certified professional sports franchise facilities in Florida:

Facility	Certified Entity
Sun Life Stadium	Dolphin Stadium/South Florida Stadium Corporation
Everbank Field	City of Jacksonville
Tropicana Field	City of St. Petersburg
Tampa Bay Times Forum	Tampa Sports Authority
BB&T Center	Broward County
Raymond James Stadium	Hillsborough County
American Airlines Arena	BPL, LTD
Amway Center	City of Orlando

Effect of Proposed Changes

CS/HB 7019 allows boards of county commissioners to negotiate the terms and conditions of a lease associated with a commercial development ancillary to a professional sports franchise facility. Eligible commercial developments must be located on property that is part of or contiguous to the professional sports franchise facility. A board of county commissioner's authority to lease the ancillary commercial development in conjunction with a professional sports franchise facility applies only if the professional sports franchise facility lease has been in effect for at least 10 years and has at least 10 years remaining in the lease term.

Permit Extensions

Present Situation

House Bill 503 (2012) provided that the holder of a valid permit or other authorization that was eligible for a 2-year extension was required to notify the authorizing agency in writing by December 31, 2012, identifying the specific authorization for which the holder intended to use the extension and the anticipated timeframe for acting on the authorization.

The extension did not apply to the following:

- A permit or other authorization under any programmatic or regional general permit issued by the Army Corps of Engineers.
- A permit or other authorization held by an owner or operator determined to be in significant noncompliance with the conditions of the permit or authorization as established through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or other equivalent action by the authorizing agency.
- A permit or other authorization, if granted an extension that would delay or prevent compliance with a court order.

Permits extended under this provision were still to be governed by the rules in effect at the time the permit was issued, except when it could be demonstrated that the rules in effect at the time would create an immediate threat to public safety or health. This provision applies to any modification of the plans, terms, and conditions of the permit which lessens the environmental impact, except that any such modification does not extend the time limit beyond 2 additional years.

The provisions of the law allowing the extensions did not impair the authority of a county or municipality to require the owner of a property that has notified the county or municipality of the owner's intent to receive the extension of time granted to maintain and secure the property in a safe and sanitary condition in compliance with applicable laws and ordinances.

Effect of Proposed Changes

The bill amends section 24 of chapter 2012-205, Laws of Florida, to provide that valid permit holders eligible for a two year extension have until October 1, 2013, not December 31, 2012, to notify the authorizing agency of their intention to utilize the extension.

Onsite Sewage Treatment and Disposal Facilities

Present Situation

Florida Keys Area of Critical State Concern

In 1972, the Florida Legislature adopted the Environmental Land and Water Management Act which provided the basis for the State to designate an Area of Critical State Concern. To be designated, an area must contain, or have a significant impact upon, environmental or natural resources of regional or statewide importance where uncontrolled private or public development would cause substantial deterioration of such resources.[22]

In 1979, Monroe County, including its municipalities and the Florida Keys, was designated as an "Area of Critical State Concern" pursuant to the "Florida Keys Area Protection Act."[23] The legislative intent was to establish a land use management system for the Florida Keys that would:

- Protect the natural environment and improve the near shore water quality.
- Support a diverse economic base that promotes balanced growth in accordance with the capacity of public facilities.
- Promote public land acquisition and ensure that the population of the Florida Keys can be safely evacuated.
- Provide affordable housing in close proximity to places of employment.
- Protect property rights and promote coordination among governmental agencies that have permitting jurisdiction.

In 1996, Administration Commission Rule 28-20, F.A.C., was adopted. The rule contained a Work Program which, when complete, would improve water quality and better protect habitats for threatened and endangered species, and resolve other challenges. Of particular concern was the declining water quality of the near shore environment due to a lack of central sewer facilities, the loss of habitat for state and federally listed endangered species, public safety in the event of hurricanes, and a deficit of affordable housing.[24]

Concerns about water quality resulted in legislative action[25] which required that by December 2015, all onsite sewage treatment and disposal systems (OSTDS) in the Florida Keys must be upgraded to meet advanced wastewater treatment standards that reduce the amount of nitrogen, phosphorus, biological oxygen demand and total suspended solids.[26] As a result, when the construction of the central sewage system is concluded, approximately 23,000 septic tanks will be eliminated.[27] The bond financing in the Save our Everglades Program, approved by the Florida Legislature in 2012, and the extension of the Monroe County Infrastructure Sales Tax will provide the foundation to complete the central sewer by 2015.

Nitrogen Reduction

The 2008 Legislature tasked the Department of Health (DOH) with conducting a 6-year study to develop passive strategies for nitrogen reduction for OSTDS. Regardless of the source, excessive nitrogen has negative effects on public health and the environment. The project is in its fourth year and is within the original $5.1 million budget. The final phase of the project is 2013-2015 and project tasks will be to complete monitoring and other field activities, perform additional testing as deemed

[22] Section 380.05(2)(a), F.S.
[23] Section 380.0552(3), F.S.
[24] Florida Department of Economic Opportunity, *Florida Keys Area of Critical State Concern Annual Report*, 2012, available at: www.floridajobs.org/fdcp/dcp/acsc/Files/2012FLKeysReport.pdf (last viewed on March 15, 2013).
[25] Chapter 2010-205, Laws of Florida.
[26] Section 381.0065(4)(l), F.S.
[27] *See supra* FN 12.

appropriate by the Legislature, and make final reporting recommendations on onsite sewage nitrogen reduction strategies for Florida's future.[28]

Current law requires OSTDS to cease discharge by December 31, 2015, or comply with DOH rules and provide the level of treatment which, on a permitted annual average basis, produces an effluent that contains no more than the following concentrations:[29]

- Biochemical Oxygen Demand of 10 mg/l.
- Suspended Solids of 10 mg/l.
- Total Nitrogen of 10 mg/l.
- Total Phosphorus of 1 mg/l.

Tests performed by the nitrogen reduction study have produced results of reduction in total nitrogen of over 95 percent with a final effluent concentration of 2.6 mg/l or less for several of the systems.[30]

Effect of Proposed Changes

The bill amends s. 381.0065(4)(l), F.S., to provide that a OSTDS in Monroe County that has been tested and certified to reduce nitrogen by at least 70 percent is deemed to be in compliance with the effluent concentrations described above.

The bill also provides that for OSTDS located in Monroe County, which are in areas not scheduled to be served by central sewer, the systems must comply with DOH rules and provide the level of treatment that meets the effluent limitations provided above by December 31, 2015. These systems do not have to cease discharge by December 31, 2015.

In addition, the bill provides that in areas scheduled to be served by central sewer by December 31, 2015, if the property owner has paid a connection fee or assessment for connection to the central sewer system, the property owner may install a holding tank with a high water alarm or an OSTDS meeting certain standards.

The bill also provides that OSTDS in unincorporated Monroe County, excluding special wastewater districts, installed after July 1, 2010, that comply with established effluent limitations, are not required to connect to a central sewer system until December 31, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

[28] *See* Florida Department of Health, *Status Report on Phase II and Phase III of the Florida Onsite Sewage Nitrogen Reduction Strategies Study*, February 1, 2013, available at: http://www.myfloridaeh.com/ostds/research/Nitrogen.html (last viewed on March 15, 2013).
[29] Section 381.0065(4)(l), F.S.
[30] *Id.*

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

With regard to the provisions of the bill that relate to local government initiatives and referendum processes, there could be cost savings for local governments by limiting the number special elections and the number of issues presented to voters in general and special elections.[31]

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

With regard to the provisions of the bill that relate to local government initiatives and referendum processes, the bill removes potential impediments to developers seeking land use permit changes.

D. FISCAL COMMENTS:

None.

[31] Financial Information Statement: Referenda Required for Adoption and Amendment of Local Government Comprehensive Land Use Plans, #05-18. Office of Economic & Demographic Research. Retrieved from: http://edr.state.fl.us/Content/constitutional-amendments/2010Ballot/LandUse/LandUseInformationStatement.cfm (2/26/13).