HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS

BILL #:	CS/CS/CS/HB 933	**FINAL HOUSE FLOOR ACTION:**	
SPONSOR(S):	Economic Affairs Committee; Transportation & Economic Development Appropriations Subcommittee; Economic Development & Tourism Subcommittee; La Rosa and others	83 **Y's**	31 **N's**
COMPANION BILLS:	CS/CS/SB 1216	**GOVERNOR'S ACTION:**	Approved

SUMMARY ANALYSIS

CS/CS/CS/HB 933 passed the House on April 24, 2015, as CS/CS/SB 1216. The bill relates to community development and redevelopment and addresses:

Developments of Regional Impact ("DRI") - The bill requires a comprehensive plan amendment related to a development that qualifies as a DRI to be reviewed under the State Coordinated Review Process. Additionally, the bill provides that new developments will not be subject to DRI review.

Regional Planning Councils ("RPCs") – The bill reduces the number of RPCs from 11 to 10 and designates their borders. In addition, the bill removes numerous outdated, duplicative, or otherwise unnecessary RPC responsibilities.

Sector Plans - The bill makes several modifications to current law regarding sector plans, including but not limited to the following:

- allows conservation easements included in applications for detailed specific area plans (DSAP) to be based on digital orthophotography prepared by a licensed surveyor and mapper;
- provides that applicants may utilize recorded conservation easements as compensatory mitigation for permitting purposes in certain circumstances;
- requires an applicant for a DSAP to transmit copies of the application to the reviewing agencies for comment; and
- provides that a water management district may issue to an applicant for a DSAP, upon request, a consumptive use permit in certain circumstances.

Community Redevelopment Areas (CRAs) - The bill expands the definition of a "blighted area" for purposes of the Community Redevelopment Act to include areas where a substantial number or percentage of properties have been damaged by sinkhole activity and have not been sufficiently repaired or stabilized.

Connected-City Corridors - The bill names Pasco County as a 10-year pilot community that may adopt connected-city corridor plan amendments. Projects within connected-city corridors are exempt from certain concurrency requirements.

Water Supply Facilities – The bill provides that certain local governments that do not own, operate, or maintain their own water supply facilities are not required to amend their comprehensive plans in response to an updated regional water supply plan, or to maintain a work plan.

Areas of Critical State Concern/Tourist Impact Tax - The bill authorizes land authorities to use certain tourist impact tax revenues received pursuant to s. 125.0108, F.S., for the construction, redevelopment, or preservation of affordable housing in certain areas of critical state concern under the land authority's jurisdiction.

According to the Department of Transportation, the bill will have an indeterminate negative fiscal impact on department revenues as the department will be unable to recover any impact fees within the geological boundaries of a connected-city corridor plan.

The bill was approved by the Governor on May 14, 2015, ch. 2015-30, L.O.F., and became effective on that date.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Developments of Regional Impact

Present Situation

Developments of Regional Impact Background

Section 380.06, F.S., defines a Development of Regional Impact ("DRI") as "any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county." Given their size, DRIs must go through a special approval process.

The Legislature initially created the DRI program in 1972 as an interim program intended to be replaced by comprehensive planning and permitting programs.[1] However, despite that intension and the significant expansion of growth management laws since that time, the DRI program has remained intact.

DRI Review

Florida law requires all developments that meet the DRI thresholds and standards provided by statute and rules adopted by the Administration Commission to undergo DRI review, unless an exemption applies.[2] The developments that are exempt from DRI review include the following:

- particular types of developments for which the Legislature has provided an exemption (e.g., hospitals are exempt from DRI review);
- developments that are located within a "dense urban land area"[3]; and
- developments that are located in a planning area receiving a legislative exemption such as a sector plan or a rural land stewardship area.[4]

The types of developments required to undergo DRI review may include attraction and recreation facilities, office developments, retail and service developments, mixed-use developments, residential developments, schools, or recreational vehicle developments. Over the years, the Legislature has enacted new exemptions and increased the thresholds that projects must surpass in order to trigger DRI review.[5]

The review process is a joint effort between Florida's 11 Regional Planning Councils ("RPCs"), the Department of Economic Opportunity ("DEO" or "department"), other state agencies, and local governments.[6]

A DRI review begins by a developer contacting the appropriate RPC to arrange a pre-application conference.[7] The developer or the RPC may request that other affected state and regional agencies participate in the conference to identify issues raised by the proposed project and the level of

[1] The Florida Senate, Committee on Community Affairs, Interim Report 2012-114, September 2011, citing: Thomas G. Pelham, *A Historical Perspective for Evaluating Florida's Evolving Growth Management Process*, in Growth Management in Florida: Planning for Paradise, 8 (Timothy S. Chapin, Charles E. Connerly, and Harrison T.Higgins eds. 2005).
[2] Section 380.06(24),(28), (29), F.S.
[3] Dense urban land areas are characterized by certain population densities. Section 380.06(29), F.S.
[4] *Id*.
[5] The Florida Senate, Committee on Community Affairs, Interim Report 2012-114, at 2. September 2011.
[6] *See* s. 380.06, F.S.
[7] Section 380.06(6)-(9), F.S.

information that the agency will require in the application to assess those issues.[8] At the pre-application conference, the RPC provides the developer with information about the DRI process and uses the pre-application conference to identify issues and to coordinate the appropriate state and local agency requirements.[9]

The RPC and developer may reach an agreement regarding assumptions and methodology to be used in the application for development approval.[10] If an agreement is reached, the reviewing agencies may not later object to the agreed upon assumptions and methodologies unless the project changes or subsequent information makes the assumptions or methodologies no longer relevant.[11]

Upon completion of the pre-application conference with all parties, the developer files an application for development approval with the local government, the RPC, and the state land planning agency.[12] The RPC reviews the application for sufficiency and may request additional information (no more than twice) if the application is deemed insufficient.[13]

Once the RPC determines the application is sufficient or the developer declines to provide additional information, the local government must hold a public hearing on the application for development within 90 days.[14] Within 50 days after receiving notice of the public hearing, the RPC is required to prepare and submit to the local government a report and recommendations on the regional impact of the proposed development.[15] The RPC is required to identify regional issues specifically examining the following:

- whether the development will have a favorable or unfavorable impact on state or regional resources or facilities identified in the applicable state (state comprehensive plan) or regional (strategic regional policy plan) plans;
- whether the development will significantly impact adjacent jurisdictions; and
- in reviewing the first two issues, whether the development will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment.[16]

If the proposed project will have impacts within the purview of other state agencies, those agencies will also prepare reports and recommendations on the issues raised by the project and within their statutorily-prescribed jurisdiction.[17] These reports become part of the RPC's report, but the RPC may attach dissenting views.[18] When water management district and Department of Environmental Protection permits have been issued pursuant to Ch. 373, F.S., or Ch. 403, F.S., the RPC may comment on the regional implications of the permits but may not offer conflicting recommendations.[19] Finally, the state land planning agency also reviews DRIs for compliance with state laws and to identify regional and state impacts and to make recommendations to local governments for approving, not approving, or suggesting mitigation conditions.[20]

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[8] Section 380.06(7)-(8), F.S.
[9] Section 380.06(7), F.S.
[10] Section 380.06(8), F.S.
[11] *Id.*
[12] Section 380.06(7)-(10), F.S.
[13] Section 380.06(10), F.S.
[14] Section 380.06(11), F.S.
[15] Section 380.06(12), F.S.
[16] *Id.*
[17] Section 380.06(9),(12), F.S.
[18] *Id.*
[19] *Id.*
[20] *Id.*

At the local public hearing on the proposed DRI, concurrent comprehensive plan amendments associated with the proposed DRI must be heard as well.[21] When considering whether the development is approved, denied, or approved subject to conditions, restrictions, or limitations, the local government considers the following:

- whether the development is consistent with its comprehensive plan and land development regulations;
- whether the development is consistent with the report and recommendations of the RPC; and
- whether the development is consistent with the state comprehensive plan.[22]

Within 30 days of the public hearing on the application for development approval, the local government must decide whether to issue a development order or not.[23] Within 45 days after a development order is or is not rendered, the owner or developer of the property or the state land planning agency may appeal the order to the Governor and Cabinet, sitting as the Florida Land and Water Adjudicatory Commission. An "aggrieved or adversely affected party" may appeal and challenge the consistency of a development order with the local comprehensive plan.[24]

Completion of this entire process can take one to two years and require the expenditure of significant resources, both on the part of private developers and state agencies, resulting in costs totaling in the millions of dollars.

Comprehensive Plans and the Comprehensive Plan Amendment Process

Completion of the DRI process does not give a developer final authority to build. Rather, the permitting local government almost always must also approve an amendment to its local comprehensive plan prior to construction, and the developer must still obtain all requisite permits.[25]

In 1985, the Florida Legislature passed the landmark Growth Management Act, which required every city and county to create and implement a comprehensive plan to guide future development.[26] A locality's comprehensive plan lays out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments. A development that does not conform to the comprehensive plan may not be approved by a local government unless the local government amends its comprehensive plan first.[27]

State law requires a proposed comprehensive plan amendment to receive three public hearings, the first held by the local planning board.[28] The local commission (city or county) must then hold an initial public hearing regarding the proposed amendment and subsequently transmit it to several statutorily identified reviewing agencies.[29] These are the same agencies that are required to review proposed DRIs, including the DEO, the relevant RPC, and adjacent local governments that request to participate.

Similar to the DRI process, the state agencies review the proposed amendment for impacts related to their statutory purview.[30] The RPC reviews the amendment specifically for "extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region" as well as adverse effects on regional resources or facilities. Upon receipt of the reports from the various agencies the local government holds a second public hearing at which the governing body

[21] Section 380.06(10)-(11), F.S.
[22] *Id.*
[23] Section 380.06(15), F.S.
[24] *Id.*
[25] *See* s. 163.3167, F.S.
[26] Chapter 85-55, L.O.F.
[27] *See* s. 163.3163, F.S.
[28] Sections 163.3184 and 163. 3181, F.S.
[29] Section 163.3184, F.S.
[30] Section 163.3184(3), (4), F.S.

votes to approve the amendment or not.[31] If the amendment receives a favorable vote it is transmitted to the DEO for final review.[32] The DEO then has either 31 days or 45 days (depending on the review process to which the amendment is subject) to determine whether the proposed comprehensive plan amendment is in compliance with all relevant agency rules and laws.[33]

The Expedited State Review Process vs. the State Coordinated Review Process

In 2011, the Florida Legislature bifurcated the process for approving comprehensive plan amendments.[34] Most plan amendments were placed into the Expedited State Review Process, while plan amendments relating to large-scale developments were placed into the State Coordinated Review Process.[35] The two processes operate in much the same way; however, the State Coordinated Review Process provides a longer review period and requires all agency comments to be coordinated by the DEO, rather than communicated directly to the permitting local government by each individual reviewing agency.[36]

The Intergovernmental Coordination Element of a Comprehensive Plan

Florida law requires every local government to adopt an Intergovernmental Coordination Element ("ICE") into its comprehensive plan.[37] The ICE is required to demonstrate consideration of the effects of the local plan upon the development of adjacent jurisdictions.[38] Further, it must describe joint processes for collaborative planning and decision-making with regard to the location and extension of public facilities subject to concurrency and the siting of facilities with countywide significance, among other things.[39]

The statutory ICE provisions contain another requirement that is key to effective implementation of interlocal coordination in comprehensive planning and growth management: that all local governments establish interlocal agreements covering certain topics. The interlocal agreement must do the following:

- establish joint processes to facilitate coordination;
- ensure that the local government addresses through coordination mechanisms the impacts of development proposed in the comprehensive plan upon development in adjacent jurisdictions; and
- ensure coordination in establishing level of service standards for public facilities with any state, regional, or local entity having operational and maintenance responsibility for such facilities.[40]

Effect of Proposed Changes

The bill amends s. 163.3184, F.S., to require a comprehensive plan amendment related to a development that qualifies as a development of regional impact pursuant to s. 380.06, F.S., to be reviewed under the State Coordinated Review Process.

[31] *Id.*
[32] *Id.*
[33] *Id.*
[34] Section 17, Ch. 2011-139, L.O.F.
[35] *Id.*
[36] Section 163.3184(3), (4), F.S.
[37] Section 163.3177(5)(h), F.S.
[38] *Id.*
[39] *Id.*
[40] *Id.*

The bill amends s. 380.06, F.S., to provide that new developments will not be subject to the DRI review requirements provided by s. 380.06, F.S. However, already existing developments of regional impact will continue to be governed by s. 380.06, F.S.

Sector Plans

Present Situation

Sector planning is a process by which one or more local governments engage in long-term planning for large areas of at least 15,000 acres.[41] The purpose of sector planning is to promote and encourage long-term planning for conservation, development, and agriculture, to facilitate protection of regionally significant resources, and to avoid duplication of effort in terms of the level of data and analysis required for a DRI.[42]

Sector planning is an available alternative to the DRI process,[43] and state law expressly permits sector plans to have a planning period longer than the generally applicable planning period of a local government comprehensive plan.[44]

The sector planning process encompasses two levels: adoption in the local government's comprehensive plan of a long-term master plan and subsequent adoption by local development order of two or more detailed specific area plans ("DSAP") that implement the master plan.[45] Both levels require review and approval by affected local governments, and appropriate regional and state authorities.[46]

A long-term master plan must include maps, illustrations, data, and analysis to address the following:

- a framework map that, at a minimum, generally depicts conservation land use, identifies allowed uses in the planning area, specifies maximum and minimum densities and intensities of use, and provides the general framework for the development pattern;
- a general identification of the water supplies needed and available sources of water, including water resource development and water supply development projects, and water conservation measures needed to meet the projected demand of the future land uses in the long-term master plan;
- a general identification of the transportation facilities to serve the future land uses in the long-term master plan;
- a general identification of other regionally significant public facilities necessary to support the future land uses;
- a general identification of regionally significant natural resources within the planning area and policies setting forth the procedures for protection or conservation of specific resources consistent with the overall conservation and development strategy for the planning area;
- general principles and guidelines addressing, among other things, future land uses, the use of lands identified for permanent preservation through recordation of conservation easements, achieving a healthy environment, limiting urban sprawl, and providing housing types; and

[41] Section 163.3245(1), F.S.
[42] *Id.*
[43] Section 380.06(24), F.S.
[44] Section 163.3245(3)(a), F.S.
[45] Section 163.3245(3), F.S.
[46] Section 163.3245, F.S.

- identification of general procedures and policies to facilitate intergovernmental coordination to address extrajurisdictional impacts from the future land uses.[47]

Upon approval of the long-term master plan, the Metropolitan Planning Organization long-range transportation plan must be consistent with the long-term master plan, and the water supply projects must be incorporated into the regional water supply plan.[48] In addition, the applicant may request a consumptive use permit for the long-term planning period.[49]

The DSAPs must be consistent with the long-term master plan and generally must include conditions and commitments that provide for the following:

- development or conservation of an area of at least 1,000 acres;
- detailed identification and analysis of the maximum and minimum densities and intensities of use and the distribution, extent, and location of future land uses;
- detailed identification of plans to address water needs of development in the DSAP;
- detailed identification of the transportation facilities to serve the future land uses in the DSAP;
- detailed identification of other regionally significant public facilities;
- detailed identification of public facilities necessary to serve development in the DSAP;
- detailed analysis and identification of specific measures to ensure the protection, restoration and management of lands within the boundary of the DSAP identified for permanent preservation through recordation of conservation easements;
- detailed principles and guidelines addressing, among other things, the future land uses, achieving a healthy environment, limiting urban sprawl, providing a range of housing types, protecting wildlife and natural areas, and advancing the efficient use of resources; and
- identification of specific procedures to facilitate intergovernmental coordination to address extrajurisdictional impacts from the DSAP.[50]

A DSAP establishes a buildout date until which the approved development is not subject to downzoning, unit density reduction, or intensity reduction.[51] However, a local government can override such requirement if the local government demonstrates that implementation of the plan is not continuing in good faith, that substantial changes in the conditions underlying the approval of the DSAP have occurred, that the DSAP was based on inaccurate information provided by the applicant, or if certain action is essential to the public health, safety, or welfare.[52] The applicant may also apply to create such a build-out date at the master plan stage by using the DRI master plan development order process.[53]

A landowner, developer, or the state land planning agency may appeal a local government development order implementing a DSAP to the Florida Land and Water Adjudicatory Commission.[54]

Effect of Proposed Changes

The bill provides that specific provisions of the sector planning statute, s. 163.3245, F.S., supersede generally applicable portions of Ch. 163, F.S., on the same subjects.

[47] Section 163.3245(3)(a), F.S.
[48] Section 163.3245(4), F.S.
[49] *Id.*
[50] Section 163.3245(3)(b), F.S.
[51] Section 163.3245(5)(d), F.S.
[52] *Id.*
[53] Section 163.3245(6), F.S.
[54] Section 163.3245(3)(e), F.S.

The bill allows a conservation easement created pursuant to s. 163.3245(3)(b)7., F.S., to be based on "digital orthophotography prepared by a surveyor and mapper" licensed under chapter 472, F.S. The bill also provides that such easements may include in certain circumstances a right of adjustment authorizing the grantor to modify portions of the area affected by a conservation easement and substitute other lands in their place.

The bill requires an applicant for a DSAP to transmit copies of the application to the reviewing agencies specified in s. 163.3184(1)(c), F.S., or their successor agencies, for review and comment as to whether the DSAP is consistent with the comprehensive plan and long-term master plan. Any comments from such agencies must be submitted in writing to the local government with jurisdiction and to the state land planning agency within 30 days after the applicant's transmittal of the application.

The bill provides that if an applicant for a DSAP seeks to use wetland or upland preservation that is achieved by granting a conservation easement required under this section as compensatory mitigation for permitting purposes under chapter 373 or chapter 379, the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, or the water management district may accept such mitigation using the criteria established in the uniform assessment method required by s. 373.414, or pursuant to chapter 379, as applicable, without considering the fact that a conservation easement encumbering the same real property was previously recorded.

The bill specifies that a landowner in an area governed by a sector plan may establish new "agricultural or silvicultural" uses to the landowner's land that are consistent with the sector plan.

The bill provides that an applicant for a DSAP with an approved master development order may request that the applicable water management district issue a consumptive use permit for the same period of time as the approved master development order.The water management district may issue such a consumptive use permit if the following applies:

- the master development order was issued by a county prior to January 1, 2015, under s. 380.06(21), F.S.;
- at the time of issuance, the county was designated as a rural area of opportunity under s. 288.0656, F.S.;
- at the time of issuance the county was not located in an area encompassed by a regional water supply plan as set forth in s. 373.709(1), F.S.; and
- at the time of issuance the county was not located within the basin area management plan of a first order magnitude spring.

In reviewing such a consumptive use permit application, the water management district must apply the permitting criteria specified in s. 373.223, F.S., based on the projected population and approved densities and intensities of use and their distribution in the master development order. However, the water management district may phase in the water allocation over the duration of the permit to correspond to actual projected needs.

The bill specifies that a local government in its exclusive discretion may require information from an applicant beyond the minimum criteria established in the state statute.

Regional Planning Councils

Present Situation

Overview of Regional Planning Councils

The Florida Legislature passed the Florida Regional Planning Council Act in 1980.[55] In doing so, the Legislature found that "the problems of growth and development often transcend the boundaries of individual units of local general-purpose government"[56] and that "there is a need for regional planning agencies to assist local governments to resolve their common problems, engage in areawide comprehensive and functional planning, administer certain federal and state grants-in-aid, and provide a regional focus in regard to multiple programs undertaken on an areawide basis."[57]

Today, the state is divided into 11 Regional Planning Councils ("RPCs"), each functioning as an association of that district's constituent local governments. Two-thirds of the Board of Governors of each RPC is composed of local elected officials, and the remaining third are gubernatorial appointees. Generally, the primary functions of RPCs fall into the following three major categories:

- economic development/job creation;
- emergency preparedness planning, training and exercise; and
- land development and growth related activities.[58]

Economic Development and Job Creation

Section 186.502(5), F.S., provides that RPCs have "a duty to assist local governments with activities designed to promote and facilitate economic development in the geographic area covered by the council." RPCs carry out this duty in a number of ways. For example, each RPC is a designated Economic Development District by the United States Economic Development Administration. As part of this function, the RPCs engage in grant writing and administration, which result in economic development and infrastructure funds being awarded to the state that would not otherwise have been received. RPCs also administer federal revolving loan funds, including those for Brownfields.[59] In addition, RPCs conduct regional economic impact analysis modeling to help local governments and economic development organizations make decisions regarding incentives for new or expanding economic development projects.

RPCs also played a vital role in the implementation of the Florida Strategic Plan for Economic Development. In addition to providing the Comprehensive Economic Development Strategies used by the plan, RPCs held public forums at which extensive public input was received.[60] Several of the councils partnered with other organizations in their respective areas to create "regional prosperity plans," including the Seven50 plan, created in part by the South Florida Regional Planning Council and the Treasure Coast Regional Planning Council; the Regional Business Plan for Tampa Bay, created under the leadership of the Tampa Bay Regional Planning Council; and the Innovate Northeast Florida initiative, created in partnership with the Northeast Florida Regional Planning Council.[61]

Emergency Preparedness Planning, Training and Exercise

Section 186.505(11), F.S., states that RPCs have the duty "[t]o cooperate, in the exercise of [their] planning functions, with federal and state agencies in planning for emergency management as defined in s. 252.34." RPCs fulfill this duty by serving as the state's Local Emergency Planning Committees.[62] As part of their duties in this role, the RPCs perform the following tasks:

- engage in public outreach;

[55] Sections 186.501-186.513, F.S.
[56] Section 186.502(a), F.S.
[57] Section 186.502(b), F.S.
[58] Memo from Ronald Book, the Executive Director of the Florida Regional Councils Association, at 1-2. Memo on file with the Economic Development and Tourism Subcommittee.
[59] *Id.*
[60] *Florida Strategic Plan for Economic Development*, Florida Department of Economic Opportunity, *available at* www.floridajobs.org/Business/FL5yrPlan/FL_5yrEcoPlan.pdf.
[61] *Id.*
[62] Memo from Ronald Book at 1-2.

- provide technical assistance to local governments;
- engage in hazards analysis/planning; and
- conduct training exercises.

Florida is recognized as having the leading hazardous materials planning process in the nation.[63]

Land Development and Growth Management

Section 186.502(4), F.S., recognizes Florida's RPCs as the state's "only multipurpose regional entity that is in a position to plan for and coordinate intergovernmental solutions to growth-related problems on greater-than-local issues, provide technical assistance to local governments, and meet other needs of the communities in each region." As part of their duties, RPCs are directed to do the following:

- act in an advisory capacity to the constituent local governments in regional, metropolitan, county, and municipal planning matters;[64]
- conduct studies of the resources of the region;[65]
- provide technical assistance to local governments on growth management matters;[66]
- perform a coordinating function among other regional entities relating to preparation and assurance of regular review of the strategic regional policy plan, with the entities to be coordinated determined by the topics addressed in the strategic regional policy plan;[67]
- coordinate land development and transportation policies in a manner that fosters region-wide transportation systems;[68]
- review plans of independent transportation authorities and metropolitan planning organizations to identify inconsistencies between those agencies' plans and applicable local government plans;[69] and
- provide consulting services to private developers or landowners for certain projects.[70]

In addition, s. 186.507, F.S., directs RPCs to develop a strategic regional policy plan. The plan is required to "contain regional goals and policies that shall address affordable housing, economic development, emergency preparedness, natural resources of regional significance, and regional transportation" and are required to "identify and address significant regional resources and facilities."[71]

RPCs also play a role in the review and analysis of local government comprehensive plans and amendments to such plans,[72] as well as proposed developments of regional impact.[73]

Effect of Proposed Changes

The bill deletes s. 163.3175(9), F.S., which requires a local government and certain other parties to enter into mediation if the local government does not address the compatibility of lands adjacent to

[63] *Id.*
[64] Section 186.505(10), F.S.
[65] Section 186.505(16), F.S.
[66] Section 186.505(20), F.S.
[67] Section 185.505(21), F.S.
[68] Section 186.505(23), F.S.
[69] Section 186.505(24), F.S.
[70] Section 186.505(26), F.S.
[71] Section 186.507(1), F.S.
[72] Section 163.3184, F.S.
[73] Section 380.06, F.S.

military installations in its future land use plans. All local governments adjacent to military installations have already completed this task.

The bill amends s. 163.3246(11), F.S., to delete requirements related to an application for development approval filed by a developer proposing a project that would have been subject to review pursuant to s. 380.06, F.S., if the local government with jurisdiction over the project had not been certified to review such projects pursuant to s. 163.3246, F.S. Current law requires the developer to notify the RPC of submitting such an application to the local government. The RPC is required to coordinate with the developer and the local government to ensure that all concurrency and environmental permit requirements are met. The bill deletes these requirements.

The bill amends s. 163.3248(4), F.S., to remove a statutory reference to regional planning councils related to rural land stewardship areas. The reference is unnecessary because the action it purports to authorize can be performed with or without the reference.

The bill amends s. 186.505(22), F.S., to delete the duty of RPCs to establish and conduct a cross-acceptance negotiation process with local governments.

The bill creates s. 186.512, F.S., to designate 10 RPCs and their constituent counties. The bill provides for transitional language to reflect the reduction in number of RPCs.

The bill amends s. 186.513, F.S., to delete the requirement that RPCs make a joint report and recommendations to the appropriate legislative committees. However, the RPCs must still make individual reports to the state land planning agency.

The bill amends s. 253.7828, F.S., to delete the specific mandate that RPCs, among other state agencies, recognize the special character of the Cross Florida Greenways State Recreation and Conservation Area.

The bill amends s. 339.135(4), F.S., to delete language related to the 2014-2015 transportation work program that was set to expire on July 1, 2015.

The bill amends s. 339.155(4), F.S., to delete the requirement that RPCs review urbanized area transportation plans and any other planning products stipulated in s. 339.175, F.S., and provide written recommendations. It also deletes the requirement that RPCs directly assist local governments that are not part of a metropolitan area transportation planning process in the development of the transportation element of their comprehensive plans.

The bill amends s. 380.06(18), F.S., to delete the requirement that an RPC notify a local government if it does not receive a biennial report from a developer related to a development of regional impact.

The bill amends s. 403.50663(2) and (3), F.S., to delete the statutory option that an RPC hold an informational public meeting if a local government elects not to do so. The bill also provides that it is the legislative intent that local governments hold such a meeting, rather than local governments or RPCs.

The bill deletes s. 403.507(2)(a)5., F.S., which requires that an RPC prepare a report regarding the impacts of a proposed electrical power plant and its consistency with the strategic regional policy plan.

The bill amends s. 403.508(3)(a) and (4)(a), F.S., to delete the requirement that RPCs participate in land use and certification hearings regarding a proposed power plant facility. Several other state agencies remain required to participate.

The bill amends s. 403.5115(5), F.S., to delete the requirement that an RPC publish a notice of an informational public hearing. Local governments holding a hearing are still required to publish a notice of the hearing.

The bill deletes s. 403.526(2)(a)6., F.S., which requires that RPCs prepare a report on the impacts of a proposed electrical transmission line or corridor and its consistency with the strategic regional policy plan.

The bill amends s. 403.527(2)(a) and (3)(a), F.S., to delete the requirement that RPCs participate in land use and certification hearings regarding a proposed electrical transmission line or corridor. A number of state agencies remain required to participate.

The bill amends s. 403.5272(2) and (3), F.S., to delete the option that an RPC hold an informational public meeting if a local government elects not to do so. The bill also alters the statute to state that it is the legislative intent that local government holds such a meeting, rather than local governments or RPCs.

The bill deletes s. 403.7264(4), F.S., which requires RPCs to assist the Department of Environmental Protection (DEP) in site selection, public awareness and program coordination related to amnesty days for purging small quantities of hazardous wastes.

The bill deletes s. 403.941(2)(a)6., F.S., which requires RPCs to present a report on the impacts of a proposed natural gas transmission pipeline or corridor and the pipeline or corridor's consistency with the strategic regional policy plan.

The bill amends s. 403.9411(4)(a) and (6), F.S., to delete the requirement that RPCs participate in a certification hearing regarding siting of natural gas transmission pipeline corridors.

The bill amends s. 419.001(6), F.S., to delete statutory authorization for a community residential home and a local government to utilize dispute resolution procedures provided by an RPC.

The bill amends s. 985.682(4), F.S., to delete statutory authorization for the Department of Juvenile Justice and local governments to utilize dispute resolution procedures provided by an RPC.

The bill repeals s. 186.0201, F.S., which requires electric utilities to provide RPCs with advisory reports on their plans for electric utility substation development over the next five years.

The bill repeals s. 260.018, F.S., which requires all local governments, state agencies and RPCs to recognize the special character of the state's greenways and trails.

Community Redevelopment Areas

Present Situation

Community Redevelopment Act

Part III of ch. 163, F.S., the Community Redevelopment Act of 1969 ("Act"), authorizes a county or municipality to create community redevelopment areas ("CRAs") as a means of redeveloping slums or blighted areas. CRAs are not permitted to levy or collect taxes; however, the local governing body is permitted to establish a community redevelopment trust fund utilizing revenues derived from tax increment financing.[74]

Further, counties and municipalities are prohibited from exercising the powers conferred by the Act until after the governing body has adopted a resolution finding the following:

[74] Section 163.387, F.S.

- one or more slum or blighted areas, or one or more areas in which there is a shortage of housing affordable to residents of low or moderate income, including the elderly, exist in such county or municipality;[75] and
- the rehabilitation, conservation, or redevelopment, or a combination thereof, of such area or areas, including, if appropriate, the development of housing which residents of low or moderate income, including the elderly, can afford, is necessary in the interest of the public health, safety, morals, or welfare of the residents of such county or municipality. [76]

Section 163.340(8), F.S., defines "blighted area" as an area in which there are a substantial number of deteriorated, or deteriorating structures and in which two or more of the following factors are present:

- predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;
- aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions;
- faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- unsanitary or unsafe conditions;
- deterioration of site or other improvements;
- inadequate and outdated building density patterns;
- falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality;
- tax or special assessment delinquency exceeding the fair value of the land;
- residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality;
- incidence of crime in the area higher than in the remainder of the county or municipality;
- fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality;
- a greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality;
- diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; or
- governmentally owned property with adverse environmental conditions caused by a public or private entity.

Subsidence and Sinkholes

Florida law defines a sinkhole as "a landform created by subsidence of soil, sediment, or rock as underlying strata are dissolved by groundwater."[77] Sinkholes are a common feature in Florida's landscape, due to erosional processes associated with the chemical weathering and dissolution of carbonate rocks below Florida's surface such as limestone, dolomite, and gypsum.[78] Over geologic periods of time, persistent erosion created extensive underground voids and drainage systems throughout Florida.[79] A sinkhole forms when sediments overlying such a void collapse. Because

[75] Section 163.355(1), F.S.
[76] Section 163.355(2), F.S.
[77] Section 627.706(2)(h), F.S.
[78] Florida Department of Environmental Protection, *Sinkholes,* can be found at: http://www.dep.state.fl.us/geology/geologictopics/sinkhole.htm (last accessed Mar. 18, 2015)
[79] *Id.*

"groundwater that feeds springs is recharged . . . through direct conduits such as sinkholes," the Florida Legislature has expressed a desire to promote good stewardship, effective planning strategies, and best management practices with respect to sinkholes and the springs they recharge, which may be "threatened by actual and potential flow reductions and declining water quality."[80]

The two primary repair methods for sinkhole remediation are grouting and underpinning.[81] Under the grouting procedure, a grout mixture (either cement-based or a chemical resin that expands into foam) is injected into the ground to stabilize the subsurface soils to minimize further subsidence damage by increasing the density of the soils beneath the building as well as sealing the top of the limestone surface to minimize future raveling.[82] Underpinning consists of steel piers drilled or pushed into the ground to stabilize the building's foundation. One end of the steel pipe connects to the foundation of the structure with the other end resting on solid limestone.[83] Underpinning repairs, when performed, are usually combined with grouting. Professional engineers do not typically recommend underpinning unless there is damage involving significant differential settlement or significant structural damage.[84]

Effect of Proposed Changes

The bill amends s. 163.340, F.S., adding sinkhole activity to the list of factors that define a "blighted area" for purposes of the Community Redevelopment Act. Specifically, the bill provides that one of the two required factors for characterization as a blighted area may include areas containing "[a] substantial number or percentage of properties damaged by sinkhole activity which have not been adequately repaired or stabilized."

Connected-City Corridors

Present Situation

Comprehensive Plan Amendment Process

State law requires a proposed comprehensive plan amendment to receive three public hearings, the first of which is held by the local planning board.[85] The local commission (city or county) must then hold its "initial" public hearing (the second overall hearing) regarding the proposed amendment and subsequently transmit it to several statutorily identified reviewing agencies.[86]

The state agencies review the proposed amendment for impacts related to their statutory purview. The regional planning council with jurisdiction reviews the amendment specifically for "extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region" as well as adverse effects on regional resources or facilities.[87] Upon receipt of the reports from the various agencies, the local government holds a second public hearing at which the governing body votes to approve the amendment or not. If the amendment receives a favorable vote it is transmitted to the Department of Economic Opportunity ("DEO") for final review.[88] The DEO then has either 31 days or 45 days (depending on the review process to which the amendment is subject) to determine whether the proposed comprehensive plan amendment is in compliance with all relevant agency rules and laws.[89]

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[80] *Id.*
[81] Citizens Property Insurance Corporation, *Sinkhole Repairs: Underpinning and Grouting*, can be found at: https://www.citizensfla.com/shared/sinkhole/documents/GroutVersusUnderpinning.pdf (last accessed Mar. 18, 2015)
[82] *Id.*
[83] *Id.*
[84] *Id.*
[85] Section 163.3174(4)(a), F.S.
[86] Section 163.3184, F.S.
[87] Section 163.3184(3)(b)3.a., F.S.
[88] Section 163.3184, F.S.
[89] *Id.*

Special Districts

Special districts are local units of special purpose government, within limited geographical areas, which are used to manage, own, operate, maintain, and finance basic capital infrastructure, facilities, and services. Special districts have existed in Florida since 1845 when the Legislature authorized five commissioners to drain the "Alachua Savannah" also known as Paynes Prairie. The project was financed by special assessments made on landowners based on the number of acres owned and the benefit derived. Since that time, special districts have been used by local governments to provide a broad range of government services. All special districts must comply with the requirements of the Uniform Special District Accountability Act of 1989, which the Legislature enacted to reform and consolidate laws relating to special districts. Chapter 189, F.S., applies to the formation, governance, administration, supervision, merger and dissolution of special districts unless otherwise expressly provided in law.[90] The Act includes an extensive statement of legislative intent emphasizing improved accountability to state and local governments, better communication and coordination in monitoring required reporting of special districts, and improved uniformity in special district elections and non-ad valorem assessments. The statement also specifies the elements required in the charter of each new district.[91]

Special districts serve a limited purpose, function as an administrative unit separate and apart from the county or city in which they may be located, and are often referred to as a local unit of special purpose. Special districts may be created by general law (an act of the Legislature), by special act (a law enacted by the Legislature at the request of a local government and affecting only that local government), by local ordinance, or by rule of the Governor and Cabinet.

The Special District Information Program within the DEO serves as the clearinghouse for special district information, and maintains a list of special districts categorized by function which can include community development districts (575), community redevelopment districts (213), downtown development districts (14), drainage and water control districts (86), economic development districts (11), fire control and rescue districts (65), mosquito control districts (18), and soil and water conservation districts (62).[92] There are a total of 1,634 special districts in Florida.

Community Development Districts

Community Development Districts ("CDDs") are a type of special district controlled by Ch. 190, F.S. The purpose of a CDD is to provide an "alternative method to manage and finance basic services for community development."[93] Counties and cities may create community development districts of less than 1,000 acres.[94] CDDs larger than 1,000 acres can only be created by the Governor and the Cabinet, sitting as the Florida Land and Water Adjudicatory Commission.[95] Chapter 190 provides that CDDs must comply with many of the same requirements that apply to other special districts.

Development of Regional Impact Background

As noted above, a development of regional impact ("DRI") is defined in s. 380.06, F.S., as "any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county." Section 380.06, F.S., provides for both state and regional review of local land use decisions involving DRIs. Regional planning councils coordinate the review process with local, regional, state and federal agencies and recommend

[90] For example, the creation of community development districts and their charters is exclusively controlled by ch. 190, F.S. Section 190.004, F.S.
[91] Section 189.402(2), F.S.
[92] Information relating to special districts and their functions can be found in the SDIP online publication "Florida Special District Handbook Online" which can be found at http://www.floridaspecialdistricts.org/handbook/ (last visited March 12, 2015).
[93] Section 190.002(3), F.S.
[94] Section 190.005(2), F.S.
[95] Section 190.005(1), F.S.

conditions of approval or denial to local governments. DRIs are also reviewed by the Department of Economic Opportunity for compliance with state law and to identify the regional and state impacts of large-scale developments. Local DRI development orders may be appealed by the owner, the developer, or the state land planning agency to the Governor and Cabinet, sitting as the Florida Land and Water Adjudicatory Commission.[96] Section 380.06(24), F.S., exempts numerous types of projects from DRI review.

Effect of Proposed Changes

The bill amends s. 163.3246, F.S., to create a 10-year pilot project for connected-city corridor plan amendments. The bill names Pasco County as a pilot community that may adopt connected-city corridor plan amendments. Such amendments may be based on a planning period longer than the generally applicable planning period of a local government comprehensive plan.

The bill requires Pasco County to submit an annual or biennial monitoring report to the Department of Economic Opportunity. If Pasco County adopts a long-term transportation network plan and financial feasibility plan, then projects within the connected-city corridor are deemed to have satisfied all concurrency and transportation mitigation requirements. Projects located within the connected-city corridor are exempt from DRI review requirements.

The bill directs the Office of Program Policy Analysis and Government Accountability ("OPPAGA") to submit a report to the Governor and Legislature by December 1, 2024, regarding the pilot project.

The bill amends s. 190.005, F.S., to provide that the exclusive method of establishing a community development district of 2,000 acres or less within a connected-city corridor is by adoption of an ordinance by the county commission. The bill also exempts community development districts within both a connected-city corridor and the jurisdiction of more than one city from a requirement that the petition establishing the district be filed with the Florida Land and Water Adjudicatory Commission.

Water Supply Facilities

Present Situation

[96] Section 380.07(2), F.S.

Role of Water Management Districts in Water Supply and Water Resource Development

Current law states that it is the intent of the Legislature that sufficient water be available for all existing and future reasonable-beneficial uses and the natural systems, and that the adverse effects of competition for water supplies be avoided.[97] The Legislature has divided the responsibility for water resource development and water supply development between the Water Management Districts ("WMD") and local governments, regional water supply authorities, and publically and privately owned water utilities.[98]

Water resource development is the formulation and implementation of regional water resource management strategies, which includes the following:

- the collection and evaluation of surface water and groundwater data;
- structural and nonstructural programs to protect and manage water resources;
- the development of regional water resource implementation programs;
- the construction, operation, and maintenance of major public works facilities to provide for flood control, surface and underground water storage, and groundwater recharge augmentation; and
- related technical assistance to local governments and to government-owned and privately owned water utilities.[99]

Water supply development is the planning, design, construction, operation, and maintenance of public or private facilities for water collection, production, treatment, transmission, or distribution for sale, resale, or end use.[100]

WMDs take the lead in water supply planning and in identifying and implementing water resource development projects, and in securing the necessary funding for regionally significant water resource development projects.[101] Local governments, regional water supply authorities, and water utilities, both private and public, take the lead in securing funding for and implementing water supply development projects.[102]

WMDs are also required to fund and expeditiously implement water resource development projects in areas subject to regional water supply plans ("RWSP").[103] Water supply development projects that are consistent with RWSPs are to receive priority funding assistance, from the state or WMD, if the project accomplishes any of the following:

- supports a dependable, sustainable supply of water that is not financially feasible;
- provides substantial environmental benefits, but requires assistance to be economically competitive; or
- significantly implements reuse, storage, recharge, or conservation of water that contributes to the sustainability of regional water sources.[104]

Additionally, if a water supply development project meets one of the above criteria and either brings about replacement of existing sources aiding in the implementation of minimum flows and levels

[97] Section 373.705(2)(a), F.S.
[98] Sections 373.705(1)(a)-(b), F.S.
[99] Section 373.019(24), F.S.
[100] Section 373.019(26), F.S.
[101] Sections 373.705(2)(b) and (3), F.S.
[102] Section 373.705(2)(c), F.S.
[103] Section 373.705(3), F.S.
[104] Section 373.705(4)(a), F.S.

("MFL")[105], or implements reuse assisting in the elimination of a domestic wastewater ocean outfall, the project will be given first consideration for state or WMD funding assistance.[106]

As part of the water supply planning role, each WMD is charged with developing a water management plan for the water resources within its district.[107] This plan assesses existing and future water supply needs, evaluates the adequacy of existing and potential water sources to meet future needs, and ensures the sustainability of water resources and the related natural systems.[108] The plan is based on a 20 year projection and is updated at least every five years.[109] The plan must include scientific methodologies for establishing MFLs and any established MFL, identification of water supply planning regions that encompass the entire district, a districtwide water supply assessment, and any completed RWSP.[110]

WMD Water Supply Assessments

As part of the WMDs' water management plan, a districtwide water supply assessment is conducted to determine whether water supplies will be adequate to satisfy water demands and maintain healthy conditions of the natural systems.[111] If a water supply assessment reveals that existing sources of water are inadequate to supply water for all existing and future reasonable beneficial uses and to sustain the water resources and related natural systems for the 20 year planning period, the WMD must develop a RWSP.[112]

Development of Regional Water Supply Plans

A RWSP is based on at least a 20-year projection.[113] The plan must include the following:

- a water supply development component;
- a water resource development component;
- a recovery and prevention strategy;
- a funding strategy for water resource development projects;
- consideration of how water supply development projects serve the public interest or save costs by preventing the loss of natural resources or avoid greater future costs for water resource or development;
- technical data and information necessary to support the RWSP;
- MFLs established within each planning region;
- reservations of water adopted within each planning region;
- identification of surface waters or aquifers for which MFLs are scheduled for adoption; and
- an analysis of areas where variances may be used to create water supply or resource development projects.[114]

The water supply development component of the RWSP must include the following:

[105] A minimum flow of a surface water is the limit at which further water withdrawals would be significantly harmful to the water resource or ecology of the area. A minimum level is the level of groundwater in an aquifer and the surface water at which further water withdrawals would be significantly harmful to the water resources of the area. Section 373.042(1), F.S.
[106] Section 373.705(4)(b), F.S.
[107] Section 373.036(2)(a), F.S.
[108] Section 373.036(2)(b)4., F.S.
[109] Section 373.036(2)(a),F.S.
[110] Section 373.036(2)(b), F.S.
[111] Section 373.036(2)(b)4., F.S.
[112] Section 373.709(1), F.S.
[113] Section 373.709(2), F.S.
[114] Section 373.709(2)(a)-(j), F.S.

- a quantification of water supply needs for all existing and future reasonable beneficial uses projected through the 20 year planning period based on best available data;
- a list of water supply development project options for local governments, utilities, regional water supply authorities, self-suppliers, and others to choose from for water supply development; and
- for each water supply development project listed there must be the following:
    - an estimated amount of water to be made available through the project;
    - the timeframe for implementation of the project, and the estimated costs for the project, including operation and maintenance;
    - an analysis of funding needs and sources of possible funding options; and
    - identification of who should implement the project, as well as the current status of implementation.[115]

The water resource development component of the RWSP must include the following:

- a list of water resource development projects that support water supply development; and
- for each water resource development project listed there must be:
    - an estimated amount of water to be made available through the project;
    - the timeframe for implementation of the project, and the estimated costs for the project, including operation and maintenance;
    - an analysis of funding needs and possible sources of funding; and
    - identification of who should implement the project, as well as the current status of implementation.[116]

WMDs are required to annually report the status of water resource and water supply development projects identified in their RWSPs.[117] The annual report must include estimated costs and potential sources of funding for the projects, percentage and amount of WMD funds for the development of alternative water supplies, a description of the WMDs' progress in achieving water resource development objectives, including implementation of its five year water resource development work program, and an overall assessment of progress on water supply development.[118]

Amending a Local Comprehensive Plan to Reflect RWSP

Pursuant to Ch. 163, Part II, F.S., local governments must amend their comprehensive plans to address water supply sources needed to meet existing and projected water needs for the established planning period. Within six months of RWSP adoption, a water management district must notify local water suppliers about projects identified in the plan. Local government water suppliers can choose from the plan's projects or propose their own, and must incorporate the selected projects into a local water supply facilities work plan, as required by section 163.3177(6)(c)3., F.S. Within 12 months of notification, local governments must notify the districts about their intentions to develop projects in the RWSP or provide a list of other projects or methods that will meet their future water needs.[119] One advantage of selecting a RWSP project is the water supplier can have confidence that the project is feasible and the supplier likely will be able to obtain a permit.[120]

[115] Section 373.709(2)(a), F.S.
[116] Section 373.709(2)(b), F.S.
[117] Section 373.709(6), F.S.
[118] *Id*.
[119] Section 163.3177(6)(c)3., F.S.
[120] Florida Department of Environmental Protection, 2014 Annual Report on Regional Water Supply Planning at 18. On file with Economic Development and Tourism Subcommittee Staff.

Effect of Proposed Changes

The bill amends s. 163.3177, F.S., and provides that a local government is not required to amend its comprehensive plan in response to an updated regional water supply plan or to maintain a work plan if the following applies:

- the local government does not own, operate or maintain its own water supply facilities, including but not limited to wells, treatment facilities and distribution infrastructure;
- the local government is served by a public water utility with a permitted allocation of greater than 300 million gallons per day; and
- the local government's usage of water constitutes less than one percent of the public water utility's total permitted allocation.

However, the bill further provides that any such local government is required to cooperate with, and provide relevant data to, any local government or utility provider that provides service within its jurisdiction, and to keep its general sanitary sewer, solid waste, potable water, and natural groundwater aquifer recharge element update according to the method described in s. 163.3191, F.S.

Areas of Critical State Concern/Tourist Impact Tax

Present Situation

Areas of Critical State Concern Background

The Department of Economic Opportunity ("DEO" or "department"), which serves as the state's land planning agency, may from time to time recommend to the Administration Commission (i.e., the Governor and Cabinet) to designate specific areas as areas of "critical state concern."[121] If the Administration Commission so designates an area as an area of critical state concern, development in such area will be subject to certain development restrictions.[122]

In its recommendation, the department must include the following:

- recommendations with respect to the purchase of lands situated within the boundaries of the proposed area as environmentally endangered lands and outdoor recreation lands under the Land Conservation Act of 1972;
- any report or recommendation of a resource planning and management committee appointed pursuant to s. 380.045;
- the dangers that would result from uncontrolled or inadequate development of the area and the advantages that would be achieved from the development of the area in a coordinated manner;
- a detailed boundary description of the proposed area;
- specific principles for guiding development within the area;
- an inventory of lands owned by the state, federal, county, and municipal governments within the proposed area; and
- a list of the state agencies with programs that affect the purpose of the designation.[123]

The Administration Commission may only designate an area as an area of critical state concern for the following:

[121] Section 380.05(1)(a), F.S.
[122] Section 380.05, F.S.
[123] Section 380.05(1), F.S.

- an area containing, or having a significant impact upon, environmental or natural resources of regional or statewide importance, including, but not limited to, state or federal parks, forests, wildlife refuges, wilderness areas, aquatic preserves, major rivers and estuaries, state environmentally endangered lands, Outstanding Florida Waters, and aquifer recharge areas, the uncontrolled private or public development of which would cause substantial deterioration of such resources;
- an area containing, or having a significant impact upon, historical or archaeological resources, sites, or statutorily defined historical or archaeological districts, the private or public development of which would cause substantial deterioration or complete loss of such resources, sites, or districts; or
- an area having a significant impact upon, or being significantly impacted by, an existing or proposed major public facility or other area of major public investment including, but not limited to, highways, ports, airports, energy facilities, and water management projects.[124]

If the Administration Commission designates an area as an area of critical state concern, the department must recommend actions, which the local government and appropriate state and regional agencies must accomplish in order to implement the principles for guiding development within the area.[125] Such actions may include, but are not be limited to, revisions of the local comprehensive plan and adoption of land development regulations, density requirements, and special permitting requirements.[126]

Currently, Florida contains the following areas of critical state concern:

- the Big Cypress Area (portions of Collier, Miami-Dade, and Monroe Counties);
- the Green Swamp Area (portions of Polk and Lake Counties);
- the City of Key West and the Florida Keys Areas (Monroe County); and
- the Apalachicola Bay Area (Franklin County).[127]

Land Authorities

Florida law authorizes each county in which one or more areas of critical state concern are located to create, by ordinance, a land authority. Land authorities are governed by the governing board of the county[128] and primarily serve to assist in the implementation and creation of land use plans and affordable housing options.[129]

Each land authority possesses many powers and purposes, including but not limited to the following:

- to sue and be sued;
- to make and execute contracts;
- to undertake and carry out studies and analyses of county land planning needs within areas of critical state concern;
- to acquire and dispose of real and personal property or any interest therein when such acquisition is necessary or appropriate to protect the natural environment, provide public access or public recreational facilities, preserve wildlife habitat areas, provide affordable housing to

[124] Section 380.05(2), F.S.
[125] Section 380.05(1), (5), F.S.
[126] *Id.*
[127] Information obtained from the Department of Economic Opportunity's website at: http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern/city-of-key-west-and-the-florida-keys. (Last visited April 17, 2015).
[128] Section 380.0663(1), F.S.
[129] *See* s. 380.0666, F.S.

families whose income does not exceed 160 percent of the median family income for the area, or provide access to management of acquired lands;

- to acquire interests in land by means of land exchanges in certain circumstances;
- to borrow money through the issuance of bonds for the purposes provided in this act, to provide for and secure the payment thereof, and to provide for the rights of the holders thereof;
- to purchase bonds of the land authority out of any funds or moneys of the land authority available therefor and to hold, cancel, or resell such bonds;
- to invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, under certain circumstances;
- to contract for and to accept gifts, grants, loans, or other aid from the United States Government or any person or corporation, including gifts of real property or any interest therein;
- to insure and procure insurance against any loss in connection with any bonds of the land authority and the land authority's operations;
- to engage the services of private consultants on a contract basis for rendering professional and technical assistance and advice;
- to undertake any actions necessary to conduct a feasibility and design study for a solid waste management facility in an area of critical state concern and, if such project is feasible, to carry out such project; and
- to identify parcels of land within the area or areas of critical state concern that would be appropriate acquisitions by the state from the Conservation and Recreational Lands Trust Fund and recommend such acquisitions to the advisory council established pursuant to s. 259.035, F.S., or its successor.[130]

Tourist Impact Tax

Florida law authorizes any county that creates a land authority pursuant to s. 380.0663(1), F.S., to levy by ordinance, in the area or areas within such county designated as an area of critical state concern, a "tourist impact tax."[131] Such tourist impact tax applies to renting, leasing, or letting for consideration any living quarters or accommodations in any hotel, apartment hotel, motel, resort motel, apartment, apartment motel, roominghouse, mobile home park, recreational vehicle park, condominium, or timeshare resort for a term of six months or less.[132]

If the area or areas of critical state concern are greater than 50 percent of the land area of the county, the tax may be levied throughout the entire county.[133] In addition, such tax shall not be effective unless and until land development regulations and a local comprehensive plan that meet the requirements of chapter 380, F.S., have become effective and such tax is approved by referendum.[134]

Florida law requires the tax revenue to be distributed as follows:

- Fifty percent of the tax revenue is transferred to the land authority to be used to purchase property in the area of critical state concern for which the revenue is generated. An amount not to exceed five percent may be used for administration and other costs incident to such purchases.[135]

[130] Section 380.0666, F.S.
[131] Section 125.0108(1)(a), F.S.
[132] Section 125.0108(1)(b), F.S.
[133] Section 125.0108(1)(a), F.S.
[134] *Id.*
[135] Section 125.0108(3), F.S.

- Fifty percent of the tax revenue is distributed to the governing body of the county where the revenue was generated. Such proceeds must be used to offset the loss of ad valorem taxes due to land acquisitions made pursuant to The Florida Environmental Land and Water Management Act of 1972.[136]

Effect of Proposed Changes

The bill allows for the abovementioned fifty percent of the tourist impact tax revenue generated to purchase property in an area of critical state concern, to also be used for contribution to a land authority's most populous municipality or the housing authority of such municipality, at the request of the commission or council of such municipality, for the construction, redevelopment, or preservation of affordable housing in an area of critical state concern within such municipality.

The bill was approved by the Governor on May 14, 2015, ch. 2015-30, L.O.F., and became effective on that date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   According to the Department of Transportation, the bill will have an indeterminate negative fiscal impact on department revenues as the department will be unable to recover any impact fees within the geological boundaries of a connected-city corridor plan.[137]

2. Expenditures:

   None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

[136] *Id.* The Florida Environmental Land and Water Management Act of 1972 includes ss. 380.012, 380.021, 380.031, 380.04, 380.05, 380.06, 380.07, and 380.08, F.S.
[137] 2015 FDOT Legislative Bill Analysis, CS/SB 1216 Relating to Connected-City Corridors, at 4. April 3, 2015. On file with Economic Development and Tourism Subcommittee Staff.