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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2021	.	
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The Committee on Community Affairs (Bradley) recommended the following:

**Senate Amendment (with directory and title amendments)**

Delete lines 157 - 471  
and insert:  
division must give funding priority to projects in regional  
planning council regions, as such regions existed on January 1, 2021, that have shelter deficits and to projects that maximize the use of state funds.

Section 5. Paragraph (b) of subsection (2) and subsection (3) of section 252.385, Florida Statutes, are amended to read:



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11 252.385 Public shelter space.—

12 (2)

13 (b) By January 31 of each even-numbered year, the division  
14 shall prepare and submit a statewide emergency shelter plan to  
15 the Governor and Cabinet for approval, subject to the  
16 requirements for approval in s. 1013.37(2). The plan shall  
17 identify the general location and square footage of special  
18 needs shelters, by regional planning council region, as such  
19 regions existed on January 1, 2021, during the next 5 years. The  
20 plan shall also include information on the availability of  
21 shelters that accept pets. The Department of Health shall assist  
22 the division in determining the estimated need for special needs  
23 shelter space and the adequacy of facilities to meet the needs  
24 of persons with special needs based on information from the  
25 registries of persons with special needs and other information.

26 (3) The division shall annually provide to the President of  
27 the Senate, the Speaker of the House of Representatives, and the  
28 Governor a list of facilities recommended to be retrofitted  
29 using state funds. State funds should be maximized and targeted  
30 to regional planning council regions, as such regions existed on  
31 January 1, 2021, with hurricane evacuation shelter deficits.  
32 Retrofitting facilities in regions with public hurricane  
33 evacuation shelter deficits shall be given first priority and  
34 should be completed by 2003. All recommended facilities should  
35 be retrofitted by 2008. The owner or lessee of a public  
36 hurricane evacuation shelter that is included on the list of  
37 facilities recommended for retrofitting is not required to  
38 perform any recommended improvements.

39 Section 6. Paragraph (b) of subsection (26) of section



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40 320.08058, Florida Statutes, is amended to read:

41 320.08058 Specialty license plates.—

42 (26) TAMPA BAY ESTUARY LICENSE PLATES.—

43 (b) The annual use fees shall be distributed to the Tampa  
44 Bay Estuary Program created by s. 163.01.

45 1. A maximum of 5 percent of such fees may be used for  
46 marketing the plate.

47 ~~2. Twenty percent of the proceeds from the annual use fee,~~  
48 ~~not to exceed \$50,000, shall be provided to the Tampa Bay~~  
49 ~~Regional Planning Council for activities of the Agency on Bay~~  
50 ~~Management implementing the Council/Agency Action Plan for the~~  
51 ~~restoration of the Tampa Bay estuary, as approved by the Tampa~~  
52 ~~Bay Estuary Program Policy Board.~~

53 ~~3.~~ The remaining proceeds must be used to implement the  
54 Comprehensive Conservation and Management Plan for Tampa Bay,  
55 pursuant to priorities approved by the Tampa Bay Estuary Program  
56 Policy Board.

57 Section 7. Subsection (3) of section 369.307, Florida  
58 Statutes, is amended to read:

59 369.307 Developments of regional impact in the Wekiva River  
60 Protection Area; land acquisition.—

61 (3) The Wekiva River Protection Area is hereby declared to  
62 be a natural resource of state and regional importance. The St.  
63 Johns River Water Management District East-Central Florida  
64 ~~Regional Planning Council~~ shall adopt policies that ~~as part of~~  
65 ~~its strategic regional policy plan and regional issues list~~  
66 ~~which~~ will protect the water quantity, water quality, hydrology,  
67 wetlands, aquatic and wetland-dependent wildlife species,  
68 habitat of species ~~designated pursuant to rules 39-27.003, 39-~~



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69 ~~27.004, and 39-27.005, Florida Administrative Code,~~ and native  
70 vegetation in the Wekiva River Protection Area. The water  
71 management district council shall also cooperate with the  
72 department in the department's implementation of ~~the provisions~~  
73 ~~of~~ s. 369.305.

74 Section 8. Subsections (1) and (4) of section 369.324,  
75 Florida Statutes, are amended to read:

76 369.324 Wekiva River Basin Commission.—

77 (1) The Wekiva River Basin Commission is created to monitor  
78 and ensure the implementation of the recommendations of the  
79 Wekiva River Basin Coordinating Committee for the Wekiva Study  
80 Area. The St. Johns River Water Management District ~~East-Central~~  
81 ~~Florida Regional Planning Council~~ shall provide staff support to  
82 the commission with funding assistance from the Department of  
83 Economic Opportunity. The commission shall be comprised of a  
84 total of 18 members appointed by the Governor, 9 of whom shall  
85 be voting members and 9 shall be ad hoc nonvoting members. The  
86 voting members shall include:

87 (a) One member of each of the Boards of County  
88 Commissioners for Lake, Orange, and Seminole Counties.

89 (b) One municipal elected official to serve as a  
90 representative of the municipalities located within the Wekiva  
91 Study Area of Lake County.

92 (c) One municipal elected official to serve as a  
93 representative of the municipalities located within the Wekiva  
94 Study Area of Orange County.

95 (d) One municipal elected official to serve as a  
96 representative of the municipalities located within the Wekiva  
97 Study Area of Seminole County.



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98 (e) One citizen representing an environmental or  
99 conservation organization, one citizen representing a local  
100 property owner, a land developer, or an agricultural entity, and  
101 one at-large citizen who shall serve as chair of the council.

102 (f) The ad hoc nonvoting members shall include one  
103 representative from each of the following entities:

- 104 1. St. Johns River Management District.
- 105 2. Department of Economic Opportunity.
- 106 3. Department of Environmental Protection.
- 107 4. Department of Health.
- 108 5. Department of Agriculture and Consumer Services.
- 109 6. Fish and Wildlife Conservation Commission.
- 110 7. Department of Transportation.
- 111 8. MetroPlan Orlando.
- 112 9. Central Florida Expressway Authority.

113 (4) To assist the commission in its mission, the St. Johns  
114 River Water Management District ~~East Central Florida Regional~~  
115 ~~Planning Council~~, in coordination with the applicable regional  
116 and state agencies, shall serve as a clearinghouse of baseline  
117 or specialized studies through modeling and simulation,  
118 including collecting and disseminating data on the demographics,  
119 economics, and the environment of the Wekiva Study Area  
120 including the changing conditions of the Wekiva River surface  
121 and groundwater basin and associated influence on the Wekiva  
122 River and the Wekiva Springs.

123 Section 9. Subsections (3), (4), (7), (8), and (12) of  
124 section 380.05, Florida Statutes, are amended to read:

125 380.05 Areas of critical state concern.—

126 (3) Each local government ~~regional planning agency~~ may



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127 ~~recommend to the state land planning agency from time to time~~  
128 ~~areas wholly or partially within its jurisdiction that meet the~~  
129 ~~criteria for areas of critical state concern as defined in this~~  
130 ~~section. Each regional planning agency shall solicit from the~~  
131 ~~local governments within its jurisdiction suggestions as to~~  
132 ~~areas to be recommended. A local government in an area where~~  
133 ~~there is no regional planning agency may recommend to the state~~  
134 land planning agency from time to time areas wholly or partially  
135 within its jurisdiction that meet the criteria for areas of  
136 critical state concern as defined in this section. If the state  
137 land planning agency does not recommend to the commission as an  
138 area of critical state concern an area substantially similar to  
139 one that has been recommended, it shall respond in writing as to  
140 its reasons therefor.

141 (4) Before ~~Prior to~~ submitting any recommendation to the  
142 commission under subsection (1), the state land planning agency  
143 shall give notice to any committee appointed pursuant to s.  
144 380.045 and to all local governments ~~and regional planning~~  
145 ~~agencies~~ that include within their boundaries any part of any  
146 area of critical state concern proposed to be designated by the  
147 rule, in addition to any notice otherwise required under chapter  
148 120.

149 (7) The state land planning agency ~~and any applicable~~  
150 ~~regional planning agency~~ shall, to the greatest extent possible,  
151 provide technical assistance to local governments in the  
152 preparation of the land development regulations and local  
153 comprehensive plan for areas of critical state concern.

154 (8) If any local government fails to submit land  
155 development regulations or a local comprehensive plan, or if the



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156 regulations or plan or plan amendment submitted do not comply  
157 with the principles for guiding development set out in the rule  
158 designating the area of critical state concern, within 120 days  
159 after the adoption of the rule designating an area of critical  
160 state concern, or within 120 days after the issuance of a  
161 recommended order on the compliance of the plan or plan  
162 amendment pursuant to s. 163.3184, or within 120 days after the  
163 effective date of an order rejecting a proposed land development  
164 regulation, the state land planning agency shall submit to the  
165 commission recommended land development regulations and a local  
166 comprehensive plan or portions thereof applicable to that local  
167 government's portion of the area of critical state concern.  
168 Within 45 days following receipt of the recommendation from the  
169 agency, the commission shall either reject the recommendation as  
170 tendered or adopt the recommendation with or without  
171 modification, and by rule establish land development regulations  
172 and a local comprehensive plan applicable to that local  
173 government's portion of the area of critical state concern.  
174 However, such rule shall not become effective before ~~prior to~~  
175 legislative review of an area of critical state concern pursuant  
176 to paragraph (1)(c). In the rule, the commission shall specify  
177 the extent to which its land development regulations, plans, or  
178 plan amendments will supersede, or will be supplementary to,  
179 local land development regulations and plans. Notice of any  
180 proposed rule issued under this section shall be given to all  
181 local governments and regional ~~planning~~ agencies in the area of  
182 critical state concern, in addition to any other notice required  
183 under chapter 120. The land development regulations and local  
184 comprehensive plan adopted by the commission under this section



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185 may include any type of regulation and plan that could have been  
186 adopted by the local government. Any land development  
187 regulations or local comprehensive plan or plan amendments  
188 adopted by the commission under this section shall be  
189 administered by the local government as part of, or in the  
190 absence of, the local land development regulations and local  
191 comprehensive plan.

192 (12) Upon the request of a substantially interested person  
193 pursuant to s. 120.54(7), a local government or regional  
194 ~~planning~~ agency within the designated area, or the state land  
195 planning agency, the commission may by rule remove, contract, or  
196 expand any designated boundary. Boundary expansions are subject  
197 to legislative review pursuant to paragraph (1)(c). No boundary  
198 may be modified without a specific finding by the commission  
199 that such changes are consistent with necessary resource  
200 protection. The total boundaries of an entire area of critical  
201 state concern shall not be removed by the commission unless a  
202 minimum time of 1 year has elapsed from the adoption of  
203 regulations and a local comprehensive plan pursuant to  
204 subsection (1), subsection (6), subsection (8), or subsection  
205 (10). Before totally removing such boundaries, the commission  
206 shall make findings that the regulations and plans adopted  
207 pursuant to subsection (1), subsection (6), subsection (8), or  
208 subsection (10) are being effectively implemented by local  
209 governments within the area of critical state concern to protect  
210 the area and that adopted local government comprehensive plans  
211 within the area have been conformed to principles for guiding  
212 development for the area.

213 Section 10. Subsections (3) and (6) of section 403.7225,





214 Florida Statutes, are amended to read:

215 403.7225 Local hazardous waste management assessments.—

216 (3) Each county ~~or regional planning council~~ shall  
217 coordinate the local hazardous waste management assessments  
218 within its jurisdiction according to guidelines established  
219 under s. 403.7226. If a county declines to perform the local  
220 hazardous waste management assessment, the county shall make  
221 arrangements with the department ~~its regional planning council~~  
222 to perform the assessment.

223 (6) Unless performed by the county pursuant to subsection  
224 (3), the department ~~the regional planning councils~~ shall upon  
225 successful arrangements with a county:

226 (a) Perform local hazardous waste management assessments;  
227 and

228 (b) Provide any technical expertise needed by the counties  
229 in developing the assessments.

230 Section 11. Subsection (2) of section 403.723, Florida  
231 Statutes, is amended to read:

232 403.723 Siting of hazardous waste facilities.—It is the  
233 intent of the Legislature to facilitate siting of proper  
234 hazardous waste storage facilities in each region and any  
235 additional storage, treatment, or disposal facilities as  
236 required. The Legislature recognizes the need for facilitating  
237 disposal of waste produced by small generators, reducing the  
238 volume of wastes generated in the state, reducing the toxicity  
239 of wastes generated in the state, and providing treatment and  
240 disposal facilities in the state.

241 (2) After each county designates areas for storage  
242 facilities, the department ~~each regional planning council~~ shall



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243 designate one or more sites at which a regional hazardous waste  
244 storage or treatment facility could be constructed.

245 Section 12. Subsections (1) and (2) of section 1013.372,  
246 Florida Statutes, are amended to read:

247 1013.372 Education facilities as emergency shelters.—

248 (1) The Department of Education shall, in consultation with  
249 boards and county and state emergency management offices,  
250 include within the standards to be developed under this  
251 subsection public shelter design criteria to be incorporated  
252 into the Florida Building Code. The new criteria must be  
253 designed to ensure that appropriate new educational facilities  
254 can serve as public shelters for emergency management purposes.  
255 A facility, or an appropriate area within a facility, for which  
256 a design contract is entered into after the effective date of  
257 the inclusion of the public shelter criteria in the code must be  
258 built in compliance with the amended code unless the facility or  
259 a part of it is exempted from using the new shelter criteria due  
260 to its location, size, or other characteristics by the  
261 applicable board with the concurrence of the applicable local  
262 emergency management agency or the Division of Emergency  
263 Management. Any educational facility located or proposed to be  
264 located in an identified category 1, 2, or 3 evacuation zone is  
265 not subject to the requirements of this subsection. If the  
266 regional planning council region in which the county is located,  
267 as such region existed on January 1, 2021, does not have a  
268 hurricane evacuation shelter deficit, as determined by the  
269 Division of Emergency Management, educational facilities within  
270 the planning council region are not required to incorporate the  
271 public shelter criteria.



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272 (2) By January 31 of each even-numbered year, the Division  
273 of Emergency Management shall prepare and submit a statewide  
274 emergency shelter plan to the Governor and the Cabinet for  
275 approval. The plan must identify the general location and square  
276 footage of existing shelters, by regional planning council  
277 region, as such regions existed on January 1, 2021, and the  
278 general location and square footage of needed shelters, by  
279 regional planning council region, as such regions existed on  
280 January 1, 2021, during the next 5 years. The plan must identify  
281 the types of public facilities that should be constructed to  
282 comply with emergency-shelter criteria and must recommend an  
283 appropriate and available source of funding for the additional  
284 cost of constructing emergency shelters within these public  
285 facilities. After the approval of the plan, a board may not be  
286 required to build more emergency-shelter space than identified  
287 as needed in the plan, and decisions pertaining to exemptions  
288 pursuant to subsection (1) must be guided by the plan.

289 Section 13. Paragraph (e) of subsection (2) of section  
290 1013.385, Florida Statutes, is amended to read:

291 1013.385 School district construction flexibility.—

292 (2) A resolution adopted under this section may propose  
293 implementation of exceptions to requirements of the uniform  
294 statewide building code for the planning and construction of  
295 public educational and ancillary plants adopted pursuant to ss.  
296 553.73 and 1013.37 relating to:

297 (e) Any other provisions that limit the ability of a school  
298 to operate in a facility on the same basis as a charter school  
299 pursuant to s. 1002.33(18) so long as the county ~~regional~~  
300 ~~planning council~~ determines that there is sufficient shelter



301 capacity within the school district as documented in the  
302 Statewide Emergency Shelter Plan.

303 Section 14. Subsection (4) of section 1013.74, Florida  
304 Statutes, is amended to read:

305 1013.74 University authorization for fixed capital outlay  
306 projects.—

307 (4) The university board of trustees shall, in consultation  
308 with local and state emergency management agencies, assess  
309 existing facilities to identify the extent to which each campus  
310 has public hurricane evacuation shelter space. The board shall  
311 submit to the Governor and the Legislature by August 1 of each  
312 year a 5-year capital improvements program that identifies new  
313 or retrofitted facilities that will incorporate enhanced  
314 hurricane resistance standards and that can be used as public  
315 hurricane evacuation shelters. Enhanced hurricane resistance  
316 standards include fixed passive protection for window and door  
317 applications to provide mitigation protection, security  
318 protection with egress, and energy efficiencies that meet  
319 standards required in the 130-mile-per-hour wind zone areas. The  
320 board must also submit proposed facility retrofit projects to  
321 the Division of Emergency Management for assessment and  
322 inclusion in the annual report prepared in accordance with s.  
323 252.385(3). Until a regional planning council region, as such  
324 region existed on January 1, 2021, in

325  
326 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

327 And the directory clause is amended as follows:

328 Delete lines 1145 - 1146

329 and insert:



330 335.188, Florida Statutes, is amended to read:

331  
332 ===== T I T L E A M E N D M E N T =====

333 And the title is amended as follows:

334 Delete lines 26 - 73

335 and insert:

336 projects in regional planning council regions, as such  
337 regions existed on January 1, 2021, that meet  
338 specified criteria; amending s. 252.385, F.S.;

339 revising the requirements for the statewide emergency  
340 shelter plan to include the general location and  
341 square footage of special needs shelters by regional  
342 planning council region, as such regions existed on  
343 January 1, 2021; requiring state funds to be maximized  
344 and targeted to regional planning council regions, as  
345 such regions existed on January 1, 2021; amending s.  
346 320.08058, F.S.; revising the distribution of annual  
347 use fees collected for the Tampa Bay Estuary license  
348 plate; amending s. 369.307, F.S.; requiring the St.  
349 Johns River Water Management District, rather than the  
350 East Central Florida Regional Planning Council, to  
351 adopt policies to protect the Wekiva River Protection  
352 Area; revising requirements for such policies;

353 amending s. 369.324, F.S.; requiring the St. Johns  
354 River Water Management District, rather than the East  
355 Central Florida Regional Planning Council, to provide  
356 staff support to the Wekiva River Basin Commission;  
357 requiring the district to serve as a clearinghouse of  
358 baseline or specialized studies; amending s. 380.05,



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359 F.S.; authorizing local governments to recommend areas  
360 of critical state concern to the state land planning  
361 agency; amending s. 403.7225, F.S.; requiring counties  
362 to make arrangements with the Department of  
363 Environmental Protection, rather than their regional  
364 planning councils, to perform hazardous waste  
365 management assessments; amending s. 403.723, F.S.;  
366 requiring the department, rather than regional  
367 planning councils, to designate sites for construction  
368 of regional hazardous waste storage or treatment  
369 facilities; amending s. 1013.372, F.S.; providing that  
370 if a regional planning council region, as such region  
371 existed on January 1, 2021, does not have a hurricane  
372 evacuation shelter deficit, educational facilities  
373 within the region are not required to incorporate the  
374 public shelter criteria; requiring the statewide  
375 emergency shelter plan to identify the general  
376 location and square footage of existing and needed  
377 shelters by regional planning council region, as such  
378 regions existed on January 1, 2021; amending s.  
379 1013.385, F.S.; authorizing counties, rather than  
380 regional planning councils, to determine whether there  
381 is sufficient shelter capacity in a school district;  
382 amending s. 1013.74, F.S.; requiring public hurricane  
383 evacuation shelters in certain regional planning  
384 council regions, as such regions existed on January 1,  
385 2021, to be constructed in accordance with public