LOCAL GOVERNMENT

CS/CS/HB 313 — Homestead Exemption/Elderly Housing

by Smarter Government Council; Local Government & Veterans Affairs Committee; and Rep. Gibson and others (CS/SB 506 by Comprehensive Planning, Local & Military Affairs Committee and Senators Brown-Waite, Cowin, and Crist)

This is the implementing bill associated with Committee Substitute for House Joint Resolution 317, which allows counties to provide for a reduction in the assessed value of homestead property where the value is associated from the construction or reconstruction of the property for the purposes of providing living quarters for the parents or grandparents of the owner of the property or the owner's spouse. The bill provides that the value to be excluded may not exceed the lesser of: a) the increase in assessed value resulting from the construction or reconstruction of the property or b) twenty percent of the total assessed value of the property as improved. The bill provides an application procedure for perfecting the exemption, penalties for false applications, and a recapture provision for placing the just value of the improvements excluded back on the ad valorem rolls after the property no longer qualifies for the exemption. The recapture provision requires that when the property owner no longer qualifies for the reduction in assessed value for living quarters of parents or grandparents, the previously excluded just value of the improvements as of the first January 1 after the improvements were substantially completed shall be added back to the assessed value of the property.

If approved by the Governor, these provisions take effect on the effective date of the constitutional amendment contained within CS/HJR 317.
Vote: Senate 32-0; House 116-0

CS/HJR 317 — Homestead Property/Elderly Housing

by Local Government & Veterans Affairs Committee and Rep. Gibson and others (CS/SJR 504 by Comprehensive Planning, Local & Military Affairs Committee and Senators Brown-Waite and Cowin)

This joint resolution proposes a constitutional amendment to give counties the option of reducing the assessed value of homestead property resulting from the construction or reconstruction of property for the purposes of housing the natural or "adoptive" parents or grandparents of the owner of the property or the owner's spouse. To qualify for the exemption the individual for whom the living quarters are provided must be 62 years of age or older.

The reduction in property assessment cannot exceed the lesser of:

- The increase in the assessed value resulting from construction or reconstruction of the property.

- Twenty percent of the total assessed value of the property as improved.

The Senate Joint Resolution will be submitted to the electors at the next general election or at an earlier special election authorized by law for that purpose.
Vote: Senate 32-1; House 115-3

CS/SB 460 — Special Assessments

by Comprehensive Planning, Local & Military Affairs Committee and Senator Carlton

This bill provides that recreational vehicle parks regulated under ch. 513, F.S., for the enforcement of public health laws, be assessed by counties and cities as a commercial entity in the same manner as a hotel, motel, or other similar facility.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 36-0; House 119-0

CS/HB 491 — Civil Legal Assistance Act

by Smarter Government Council and Rep. Goodlette and others (CS/CS/SB 512 by Judiciary Committee; Comprehensive Planning, Local & Military Affairs Committee; and Senators Saunders, Lawson, Sanderson, Peaden, Rossin, Sullivan, Dawson, Miller, Holzendorf, Mitchell, Wise, Campbell, Garcia, and Crist)

This bill creates the Florida Access to Civil Legal Assistance Act to create an administrative framework in the Department of Community Affairs to distribute public funds to pay for the delivery of civil legal assistance to poor or indigent persons through nonprofit legal aid organizations.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 36-0; House 114-1

SB 954 — County and Municipal Employees and Contractors

by Senator Smith

This bill authorizes a county or municipality to require, by ordinance, screening of employee applicants or appointments if the position is found to be critical to security or public safety, or screening of any private contractor, employee of a private contractor, vendor, repair person, or delivery person who has access to any public facility or publicly operated facility if the facility is found to be critical to security or public safety.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 38-0; House 118-0

CS/HB 1307 — Building Code Development

by Smarter Government Council and Rep. Cantens and others (CS/CS/SB 2078 by Governmental Oversight & Productivity Committee; Comprehensive Planning, Local & Military Affairs Committee; and Senator Constantine)

This bill addresses a number of issues relating to building code development and administration. Specifically, it:

- Exempts modular structures used as temporary offices from the requirements of the Florida Building Code;

- Requires the Florida Building Commission to develop building code provisions to facilitate rehabilitation and use of existing structures;

- Amends ch. 399, F.S., to transfer from DBPR to the private sector the responsibility for inspecting elevators for temporary use while it is installed or under alteration; to allow a local government that assumes elevator inspection duties to hire a private inspector to conduct inspections; to require an annual inspection for all elevators, regardless as to whether they are under service maintenance contracts; to restrict the use of elevator inspection program revenue to program uses; and to make a number of technical changes and clarifications;

- Requires the Florida Building Commission to grant a waiver from the accessibility requirements of the Florida Building Code if the applicant demonstrates an economic hardship in accordance with the federal law;

- Specifies additional criteria for, and effective dates of, local amendments to the Florida Building Code;

- Changes the membership of the Florida Building Commission;

- Requires the Building Commission to establish an informal process of rendering non-binding interpretations of the Florida Building Code;

- Prescribes an alternative method for the use of private professionals to perform building code inspection services, and prescribes requirements for private professionals, duties of local officials, and procedures for review and appeal of private code inspection services;

- Amends s. 533.842, F.S., to specify that product approval reports, certification marks, or listing of an approved certification agency is equivalent to a test report and test procedure as referenced in the Florida Building Code;

- Narrows the definition of non-residential farm buildings, which are exempt from the requirements of the Florida Building Code; and

- Revises the timeframe for rate filing for residential property insurance.

If approved by the Governor, these provisions take effect upon becoming law, except as otherwise provided.
Vote: Senate 31-2; House 107-9

CS/HB 1341 — Community Redevelopment

by Smarter Government Council and Reps. Dockery, Clarke, and others (CS/SB 102 by Comprehensive Planning, Local & Military Affairs Committee and Senator Constantine)

This bill revises statutory provisions relating to community redevelopment agencies (CRAs). Current definitions of "slum area" and "blighted area" are substantially amended to restrict the areas to which these definitions apply. In order to meet the definition of "blighted area," two of a list of 14 factors, such as falling property values, high incidence of crime, and high number of building code violations must be present. If the taxing entities that must contribute tax increment revenue to the CRA agree by interlocal agreement with the agency, the presence of one of the factors may qualify as a "blighted area."

The bill revises current statutory provisions governing a finding of necessity to require a local government to adopt a resolution, supported by a detailed justification that finds that conditions in the area meet the revised definition of a "slum area" or of a "blighted area" prior to establishing a CRA.

The bill also requires that before a community redevelopment plan is modified, the CRA must notify each taxing authority of the proposed modification and requires that any change in the boundaries of the redevelopment area to add land must be supported by a resolution with accompanying justification.

The bill expands the maximum number of commissioners sitting on the board of a CRA from seven to nine, and allows a charter county having a population less than or equal to 1.6 million to create more than one CRA.

The bill also limits the time period each taxing authority is required to appropriate incremental ad valorem tax revenues to a redevelopment trust fund to no more than 40 years after the fiscal

year in which the plan is approved or adopted. Similarly, the maturity date for redevelopment revenue bonds and repayment bonds issued by CRAs created on or after July 1, 2002 is limited to 40 years.

This bill includes a number of specific exclusions to application of the provisions of the bill including: to any ordinance or resolution authorizing the issuance of any bond, note, or other form of indebtedness to which are pledged increment revenues pursuant to a community redevelopment plan, or amendment or modification thereto, as approved or adopted before July 1, 2002; to agreements effective before July 1, 2002 which provide for the delegation of community redevelopment powers, and to Miami-Dade County. In addition, certain sections of the bill do not apply to existing CRAs or community redevelopment plans that were in place before the effective date of the bill, unless the community redevelopment area is expanded, in which case only changes relating to the definition of slum and blight and changes to the finding of necessity apply to the new area.

The bill also extends the life of the coastal resort area redevelopment pilot project created by s. 163.336, F.S., by 4 years, from December 31, 2002 to December 31, 2006. The purpose of the pilot project is to determine the feasibility of encouraging redevelopment of economically distressed coastal resort and tourist area. The Department of Environmental Protection is required to administer the pilot project between the St. John's entrance and Ponce de Leon Inlet.

The bill increases the number of businesses potentially eligible for brownfield redevelopment bonus refunds by replacing certain wage requirement thresholds with a criterion that an eligible business provides benefits to its employees; and distinguishes between brownfield redevelopment bonus refunds to qualified target industry businesses and other eligible businesses. For other eligible businesses, defined as those businesses with a fixed capital investment of at least $2 million in mixed use business activities and who provide benefits to their employees, the bill provides that a bonus refund of up to $2,500 must be allowed for each new Florida job created in a brownfield. The amount of the refund must be equal to 20 percent of the average annual wage for the jobs created.

If approved by the Governor, these provisions take effect July 1, 2002.
Vote: Senate 34-1; House 109-6

CS/SB 1554 — Civil Penalties

by Criminal Justice Committee and Senator Silver

This bill provides that if a municipality maintains an independent 800-megahertz radio communication program that can communicate with the county's radio system or if the mutual-aid channels are compatible with the county's system, certain civil traffic penalties collected within the territorial jurisdiction of the municipality must be distributed to the municipality in

which the violation occurred and such funds must be used to fund local law enforcement automation.

In addition, this bill removes the current restriction against government entities providing a list of driver improvement schools or course providers.

If approved by the Governor, these provisions take effect July 1, 2002.
Vote: Senate 37-0; House 113-0

CS/SB's 1906 & 550 — Growth Management

by Comprehensive Planning, Local & Military Affairs Committee and Senators Peaden and Constantine

The bill makes a number of changes to part II of ch. 163, F.S., the Local Government Comprehensive Planning and Land Development Act of 1985, and the Development-of-Regional-Impact program contained in ch. 380, part I, F.S. A major purpose of the bill is to increase coordination between school districts and local governments in the planning of educational facilities.

The bill revises provisions in s. 163.3177(6), F.S., governing the inclusion of specific standards for the density or intensity of use allowed in each land category to clarify that the standards must relate to the control and distribution of population densities and building and structure intensities.

The bill requires local governments to amend their intergovernmental coordination, potable water and conservation elements to consider the appropriate water management district's regional water supply plan and to adopt, by January 1, 2005 or the Evaluation and Appraisal Report deadline, whichever occurs first, a 10-year or more workplan for constructing water supply facilities that are necessary to meet projected water demand.

The bill provides that the concurrency requirement, except for transportation facilities, as implemented in local government comprehensive plans, may be waived by a local government for urban infill and redevelopment areas, if such a waiver does not endanger public health or safety as defined by the local government in its local government comprehensive plan.

The bill broadens standing under the local government comprehensive planning act to abutting property owners (who may reside outside of the jurisdiction taking the comprehensive planning action).

This bill revises the process for adoption of local government comprehensive plans or plan amendments from a two-step to a one-step process decreasing the timeframes required for state review in some circumstances. In addition, the bill allows the Department of Community Affairs

(DCA) to publish notices of intent on the Internet in addition to legal notice advertising as an alternative to publishing larger and more expensive newspaper advertisements.

By January 1, 2004, local governments within counties with a population of 100,000 or greater are required to inventory their service delivery agreements and identify deficits or duplication in the provision of services. In addition, by February 1, 2003, representatives of municipalities and counties are to recommend statutory changes regarding annexation to the Legislature.

Local governments with areas within a coastal high hazard area are required to address in their evaluation and appraisal report, redevelopment feasibility taking into account whether any past reduction in land use density impairs the property rights of current residents. The property rights of current residents must be balanced with public safety considerations.

Amendments to a local government comprehensive plan directly related to providing transportation improvements to enhance life safety on Controlled Access Major Arterial Highways identified in the Florida Intrastate Highway System with a traffic fatality problem are exempt from the twice a year limitation on the adoption of comprehensive plan amendments.

Section 163.3194, F.S., regarding the legal status of a comprehensive plan, is amended to prevent a local government from denying a development order for a construction and demolition debris landfill when the facility has obtained a permit from the Department of Environmental Protection, and the local government has previously approved a land use change in its comprehensive plan or rezoned the property to allow such a landfill.

This bill makes available to owners, developers, and applicants the same methods available to third parties to appeal and challenge the consistency of a development order with a local comprehensive plan under s. 163.3215, F.S. Local governments are authorized to establish a special master process to address quasi-judicial proceedings associated with development order challenges. If a local government establishes such a process, the bill provides that the sole method by which an aggrieved and adversely affected party may challenge any decision of a local government granting or denying an application for a development order which materially alters the use or density or intensity of use on a particular piece of property on the basis that it is not consistent with the comprehensive plan, is by a petition for certiorari filed in circuit court. If the special master process is not adopted, circuit court challenges will be allowed to any aggrieved party under a “de novo” proceeding, rather than certiorari review based on the record below.

The bill creates a Local Government Comprehensive Planning Certification Program, as a successor to the Sustainable Communities Program, to be administered by DCA. The purpose of the program is to reward local governments who: 1) identify a geographic area for certification within which they commit to directing growth; 2) have a demonstrated record of effectively adopting, implementing, and enforcing their comprehensive plan; and 3) have a commitment to implement exemplary planning practices; with less state and regional oversight of the

comprehensive plan amendment process. Certification areas must be compact, contiguous, appropriate for urban growth and development and include areas within which public infrastructure is existing or planned within a 10-year time frame. The bill contains eligibility criteria, requires the execution of a certification agreement, and provides for the revocation of the certification if the local government does not substantially comply with the agreement. Upon certification, comprehensive plan amendments for lands within the boundaries of the certification area will be exempt from state and regional review. The bill provides for third party challenges to adopted comprehensive plan amendments and to challenge the compliance of the local government with the certification agreement.

A number of provisions designed to increase the coordination between local governments and school boards are included in the bill.

- All local planning agencies must include a voting or nonvoting representative of the school board to attend meetings at which the local planning agency considers comprehensive plan amendments and rezonings that could increase residential density on property. In addition, a school board member must be included on the board of each regional planning council.

- Local governments and school boards within the geographic jurisdiction of a school district are required to enter an interlocal agreement that addresses school siting, coordination between school board and local governments, and participation of the school district in the local government comprehensive plan-amendment, rezoning, and development approval processes. The interlocal agreement must be entered by deadlines established by DCA, beginning March 1, 2003 and concluding December 1, 2004. The Administration Commission is authorized to impose the withholding of at least 5 percent of state revenue available for infrastructure spending within the local government if the local government fails to comply with the interlocal agreement requirement and withhold from a district school board at least 5 percent in state education dollars.

- An optional public educational facilities element is created, which may be adopted by a county, in conjunction with the municipalities within the county. If adopted, the element must include how the local government will consider the existing and planned capacity of public schools when reviewing comprehensive plan amendments and rezonings that are likely to have an impact on the demand for public school facilities, and methodologies for determining school capacity. In addition, the local government must incorporate the obligations of the interlocal agreement with the school board into the intergovernmental coordination element of its comprehensive plan.

- A number of sections of ch. 235, F.S., governing the planning and siting of educational facilities are modified to combine the educational plant survey and education facility work program into a single document. Parallel language requiring school boards to enter interlocal agreements with local governments is included, that is identical to the language

in s. 163.31777, F.S., and district school boards are subject to the withholding of certain state education dollars if the school board fails to comply with the adoption schedule which begins March 1, 2003.

The bill makes a number of changes to the Development-of-Regional-Impact program. The bill revises the definition of what is not considered development under the DRI process; and provides a bright line test for developments that are between 80 and 100 percent of DRI thresholds by providing that they are not DRIs. The bill provides for biennial reports on DRIs rather than annual reports, unless otherwise specified. The bill eliminates acreage standards for office development and retail developments. The bill exempts marinas, petroleum storage facilities and any renovation or redevelopment within the same land parcel that does not change land use or increase density or intensity of use from DRI review. Marinas located in local government jurisdictions that have adopted a siting plan or policies are exempt from DRI review. Petroleum storage facilities are exempt if consistent with the local government comprehensive plan or part of an approved port master plan.

The bill authorizes counties and municipalities to create educational facilities benefit districts (benefit districts) to finance school construction by entering into an interlocal agreement with the school board and any local general purpose government within whose jurisdiction a portion of the benefit district is located, and adoption of an ordinance. Creation of a benefit district is conditioned upon the consent of the school board, all affected local general purpose governments, and all landowners within the benefit district. The governing board of any benefit district must include representation of the school board, each cooperating local general purpose government, and the landowners within the benefit district. If the school board confirms that the benefit district is committing its revenue for the construction of an educational facility, the benefit district or CDD receives, until the benefit district's financial obligations are completed:

- An annual amount equal to one-half of the remaining construction costs, up to the cost per student criteria established by the School Infrastructure Thrift (SIT) program; and

- All educational facilities impact fee revenue collected for new development within the benefit district or CDD.

The bill authorizes several new enterprise zones. It authorizes Miami-Dade County to apply to the Office of Tourism, Trade, and Economic Development (OTTED) to make two amendments to expand its existing enterprise zone. One amendment may include up to four square miles for an area with a high concentration of Haitian immigrants. The other amendment may include up to four square miles for an area targeted for revitalization by the Miami River Commission. The bill authorizes Brevard County, the City of Cocoa, or Brevard County and the City of Cocoa jointly to apply for designation of one enterprise zone, including three community redevelopment areas, by December 31, 2002, and the City of Pensacola to apply, by December 31, 2002, for designation of an enterprise zone of up to 10 contiguous square miles within the city. In addition, the bill also authorizes Leon County, or Leon County and the City of

Tallahassee, jointly, to apply, by December 31, 2002, for designation of one enterprise zone, not to exceed 20 square miles.

The bill amends s. 373.4595, F.S., to provide that certain projects are eligible for available grants from coordinating agencies under the Lake Okeechobee Protection Program. For projects of otherwise equal priority, funding priority for such grants will be given to projects that involve public/private partnerships or that obtain federal match money. Preference ranking above the special funding priority must be given to projects located in a rural area of critical economic concern designated by the Governor. The Department of Health shall require entities disposing of septage within the Lake Okeechobee watershed and the remaining areas of Okeechobee, Glades and Hendry Counties, to develop and submit to that agency by July 2003, an agricultural use plan that limits applications based upon phosphorus loading. By July 1, 2005, phosphorus loading originating from these application sites and similar sites for the disposal of domestic wastewater residuals shall not exceed the limits established in the water management district's works-of-the-district program.

Several provisions relating to various water programs are included in the bill. The domestic wastewater treatment facility permit process is amended to require applicants to prepare a plan of study for the reuse feasibility study required under existing law. Nonpotable water used for fireflow purposes is exempt from Public Service Commission regulation. The water management districts are required to develop an information program on existing hydrologic conditions of major surface and groundwater sources in the state. Current limits on water management district funding of alternative water supply development to projects within water resource caution areas are removed and specific time requirements for encumbering and disbursing funds for these projects are established.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 32-4; House 116-0

CS/SB 2014 — Additional Homestead Exemption for Persons 65 or Older

by Comprehensive Planning, Local & Military Affairs Committee and Senator Futch

This bill revises the requirements with respect to the taxpayer's statement of household income and supporting documents required to obtain the additional homestead exemption for persons 65 and older in counties and municipalities that grant the exemption. This bill also provides for penalties and a lien on property for taxpayers who improperly take this exemption.

If approved by the Governor, these provisions take effect January 1, 2003.
Vote: Senate 34-0; House 113-0

CS/SB 2178 — Non-Ad Valorem Assessments
by Comprehensive Planning, Local & Military Affairs Committee and Senator Laurent

This bill creates a new section of law to allow certain rural counties to levy a special assessment to fund Emergency Medical Services.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 35-0; House 105-10

HOMEOWNERS' ASSOCIATIONS

CS/SB 148 — Homeowners' Associations
by Comprehensive Planning, Local & Military Affairs Committee and Senators Geller, Lee, Brown-Waite, Jones, Lawson, Miller, Klein, Silver, Smith, Mitchell, Campbell, and Meek

This bill provides that any homeowner may display a portable, removable US flag in a respectful way, regardless of any homeowner association restrictions. The bill applies retroactively.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 37-0; House 108-4

VETERANS

HB 165 — Ad Valorem Tax Exemption
by Rep. Paul and others (SB 136 by Senators Burt and Pruitt)

This bill increases from $500 to $5,000 the property tax exemption for certain disabled ex-service members.

If approved by the Governor, these provisions take effect January 1, 2003.
Vote: Senate 32-0; House 118-0

SB 496 — Educational Benefits for Dependent Children
by Senator Mitchell

This bill provides educational opportunity at state expense for dependent children of certain military personnel who die or suffer a service-connected 100-percent total and permanent disability in Operation Enduring Freedom, a military operation that began on October 7, 2001.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 36-0; House 119-0

SB 962 — Veterans

by Senator Sanderson

This bill revises provisions relating to the administration of state veterans' homes and revises the duties and procedures for the appointment of the homes' administrators. This bill also provides for the accounting of certain funds and deletes requirements for the deposit of certain interest into the Grants and Donations Trust Fund.

If approved by the Governor, these provisions take effect July 1, 2002.
Vote: Senate 37-0; House 115-0