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**OUTLINE OF SENATE BILL 360 – “THE COMMUNITY RENEWAL ACT”**

**1. Amends Definition of Urban Service Area**

Urban Service Area as amended means built up areas where public facilities and services, including, but not limited to, central water and sewer capacity and roads are already in place or are committed in the first 3 years of the capital improvement schedule. In addition, for counties that qualify as dense urban land areas, the non-rural area of a county which has adopted into the county charter a rural area designation or areas identified in the comprehensive plan as urban service areas or urban growth boundaries on or before July 1, 2009, are also urban service areas under this definition.

**2. Establishes Definition / Process for designation of Dense Urban Land Areas**

Defines a dense urban land area as the following:

- A municipality with an average of at least 1,000 people per square mile and a minimum total population of 5,000 people
- A county, including the municipalities, with an average of 1,000 people per square mile
- A county, including the municipalities, with a population of at least 1 million (this would currently apply to Broward, Dade, Hillsborough, Orange and Palm Beach)

DCA shall publish list of designated communities by July 1<sup>st</sup> of this year and every year thereafter.

**3. Defers annual update to comprehensive plan until December 1, 2011**

Clarifies that the annual update to the comprehensive plan need not comply with the financial feasibility requirement until December 1, 2011. It also defers the prohibition of plan amendments for failing to update the capital improvements schedule until December 1, 2011.

**4. School Concurrency**

Expands waiver for school concurrency

DCA may provide a waiver even if the growth rate for the 5-year capital outlay exceeds 10% when the student enrollment is less than 2,000 students and the capacity rate for all schools in the tenth year for the school district will not exceed 100% capacity

Removes prohibition from amending comp plan for failure to address school requirements

Removes prohibition from amending comp plan for not addressing public school requirements. Instead, DCA can ask for cause for failure to address requirements from local government and school board and take the matter before the Administration Commission

Portables and Charter Schools

Allows a local government to use within the first 3 years of school concurrency implementation relocatable facilities as part of the school capacity, provided the portables were purchased after 1998 and they meet the standards for long-term use pursuant to s.1013.20.

Allows the construction of a charter school that complies with the requirements of s.1002.33(18) as acceptable mitigation option.

**5. Transportation Concurrency Exception Areas (TCEA)**

Automatic TCEAs

Establishes automatic transportation concurrency exception areas for:

- Municipality designated as dense urban land area (DULA)
- An urban service area that meets the revised definition that has been adopted into the comprehensive plan and located within a county designated as a dense urban land area
- A County and its municipalities with a population of at least 900,000 and qualifies as a dense urban land area but does not have an urban service area designated in the local comp plan

Optional TCEAs

Provides the option for municipalities not designated as a DULA to establish a TCEA for the following areas:

- Urban infill
- Community Redevelopment Areas
- Downtown Revitalization Areas
- Urban infill and redevelopment areas and
- Urban service areas as defined in 360

Provides the option for counties not designated as a DULA to establish a TCEA for the following areas:

- urban infill
- urban infill and redevelopment areas and

- urban service areas as defined in 360

#### Two Years to adopt strategies in comprehensive plan

Local governments with TCEAs established under 360 have two years from the designation of the TCEA to adopt into their local comprehensive plans land use and transportation strategies to support and fund mobility within the exception area, including alternative modes of transportation. DCA may go to Administration Commission if strategies are not adopted within 2 years and they have sufficient cause to take such action.

#### Clarifies the LOS standard to be achieved in a TCEA

A local government's comprehensive plan and plan amendments within a TCEA designated and maintained in accordance with s.163.3180(5) shall be deemed to meet the requirement to achieve and maintain level of service standards for transportation.

#### Exemptions

TCEAs do not apply to designated transportation concurrency districts located within a county that has a population of at least 1.5 million and has implemented their TCEA program. It also does not apply in any county that has exempted more than 40% of the area inside the urban service area from transportation concurrency for the purpose of infill development. (Exemptions for Broward and Dade counties)

#### Other Issues

TCEAs established under the current process (not under 360) have an additional requirement. The local government must now consult with DCA and FDOT on the impact of regionally significant transportation facilities in addition to SIS facilities. The local government must establish a plan for mitigation of impacts to SIS including, if appropriate, access management, parallel reliever roads, transportation demand management, and other measures

Designation of a TCEA does not limit local government's home rule power to adopt ordinances or impose fees.

OPPAGA must issue a report by 2/1/15 on TCEAs created pursuant to this section.

### **6. Concurrency Exemption for OTTED projects**

For non-TCEA areas, if OTTED concurs in writing with the local government that the project is qualified project under 288.0656 or s.403.973, after consultation with FDOT, the local government may allow for a waiver of transportation concurrency for the project for SIS facilities.

### **7. Developments of Regional Impact**

## Transportation Methodology

The levels of service in the transportation methodology shall be the same levels of service used to evaluate concurrency in accordance with s.163.3180.

## Exemption of DRI impacts

The impacts of a use exempted from DRI review but located within a DRI, must be included in the review of the larger project, except when the use involves a DRI that has entered into a funding agreement with OTTED under the Innovation Incentive Program and the agreement contemplates an award of at least \$50 million.

## Areas exempt from DRI review (automatic)

The following areas are deemed to be exempt from DRI review

- Any proposed development in a municipality designated as a dense urban land area
- Any proposed development within a county that qualifies as a dense urban land area that is located within an urban service area that qualifies for the new definition and has been adopted into the comprehensive plan
- Any proposed development within a county, including the municipalities, which has a population of at least 900,000, which qualifies as a dense urban land area, but does not have an urban service area designed in the comprehensive plan

## Optional areas exempt from DRI review

A municipality has the option to exempt the following areas from DRI review in their comprehensive plan:

- Urban infill
- Community redevelopment area
- Downtown revitalization area
- Urban infill and redevelopment area
- Urban service areas as defined in s.163.3164 or areas within a designated urban service boundary under s.163.3177(14)

A county has the option to exempt the following areas from DRI review in their comprehensive plan:

- Urban infill
- Urban infill and redevelopment
- Urban service areas as defined in s.163.3164

## Additional Requirements

A development that is located partially outside of an exemption area must undergo DRI review

Any previously approved DRIs within an exempted area are still in effect, but the developer has the option to request the local government to rescind the development order pursuant to s.380.115(1).

A developer of a pending but not approved DRI may remove their project from the DRI process pursuant to s.380.115(2). If the developer has a pending application for a comprehensive plan amendment, the amendment is exempt from the twice per year limitation on plan amendments for the year following the effective date of the exemption.

A local government must submit the development order to the DCA if the project exceeds 120% of the DRI thresholds. The DCA may appeal the development order if the project is inconsistent with the comprehensive plan.

If a local government no longer qualifies as a dense urban land area, then any development located within that area which has a complete, pending application may maintain the exemption if the developer is continuing the application process in good faith or the development is approved.

### Exemption

The DRI exemption does not apply within areas of critical state concern, the Wekiva Study Area, and within two miles of the Everglades Protection Area.

## **8. 2 year extension of permits**

Any permit issued by the DEP and Water Management District under 373 Part IV, a local government issued development order or building permit, or build out dates and buildout date extensions previously granted under s.380.06(19)(c), that has an expiration date between September 1, 2008 through January 1, 2012, is extended and renewed for a period of two years following its date of expiration.

Commencement and completion dates for any required mitigation shall be extended so that mitigation takes place in the same timeframe as originally permitted.

The permit holder or authorized agent must notify the authorizing agency in writing no later than December 31, 2009, identifying the authorization that the permit holder intends to use the extension and the anticipated timeframe for acting on the authorization.

Permit extension does not apply to permits issued by the Army Corps of Engineers, a permit in significant noncompliance with the conditions of the permit as established through a warning letter, formal enforcement or other equivalent action, or an extension that would delay compliance with a court order.

## **9. Intergovernmental Coordination Element must include a dispute resolution process**

Makes it mandatory for a local government to provide a dispute resolution process within the comprehensive plan for addressing intergovernmental disputes.

### **10. Impact Fees**

Allows a local government to decrease, suspend or eliminate an impact fee with less than 90 days notice. The Legislature also amended requirements for challenging an impact fee. In HB 227, the Legislature established in any action challenging an impact fee, the local government has the burden of proving by a preponderance of the evidence that the imposition or amount of the fee meets the requirements of state legal precedent or this section.

## **11. Security Cameras**

Prohibits a local government from adopting or maintaining in effect an ordinance or rule that establishes standards for security cameras that requires a business to expend funds to enhance the services or functions provided by local government unless specifically provided by general law. This does not limit the ability of a local government to adopt standards in publicly operated facilities (such as airports and port facilities) including private businesses operating within public facilities

## **12. Addresses a glitch in the definition of “In compliance”**

Deletes reference to a local government adopting an educational facilities element as part of the definition of “In compliance”

## **13. Concurrent Zoning**

At the request of an applicant, a local government must consider an application for zoning change concurrent with a comprehensive plan amendment. The zoning is contingent on the comprehensive plan or plan amendment being transmitted and becoming effective.

## **14. Exemptions from Twice per year limitation on comprehensive plans**

The following amendments would be exempt from the twice per year limitation on comprehensive plan amendments:

- Amendments to designate an urban service area as a TCEA and
- Amendments to designate an area exempt from the development of regional impact review

## **15. Alternative State Review Process (s.163.32465)**

Any local government may use the alternative state review process to designate an urban service area pursuant to the new definition.

## **16. Recording of Annexations**

A copy of the revision of the charter boundary article through annexation or contraction must be submitted to the Office of Economic and Demographic Research along with a statement of the population census effect and the affected land area.

## **17. Mobility Fees**

Provides direction to the DCA and FDOT to establish a methodology for implementing a mobility fee to replace transportation concurrency. The agencies must file a joint report on the mobility fee methodology study by December 1, 2009 including recommended legislation and a plan to implement the mobility fee as a replacement for transportation concurrency.

## Outline of HB 1021 (Growth Management Provisions)

### 1. Airports

- Requires the Future Land Use Element address the compatibility of lands adjacent to an airport as defined in s.330.35 and consistent with s.333.02.
- Requires the Future Land Use Element to include criteria to be used to achieve the compatibility of lands adjacent or closely proximate to lands adjacent to an airport as defined in s.330.35 and consistent with s.333.02.
- Local governments required to update or amend their comprehensive plan to include criteria and address compatibility of lands adjacent to an airport as defined in s.330.35 and consistent with s.333.02, in their future land use element and shall transmit the amendment to DCA by June 30, 2012.
- The Intergovernmental Coordination Element shall provide for recognition of airport master plans under paragraph (k).
- The Intergovernmental Coordination Element shall provide for Interlocal Agreements as established pursuant to s.333.03(1)(b).
- The Transportation Element must address airports, projected airport and aviation development , which includes areas defined in s. 333.01 and 333.02.

### 2. Port Facilities

- Facilities determined by the DCA and applicable general-purpose local government to be port-related industrial or commercial projects located within 3 miles of or in a port master plan which rely upon the use of port and Intermodal transportation facilities shall not be designated as a DRI if such expansions, projects, or facilities are consistent with comprehensive master plans in compliance with s.163.3178

### 3. Transportation Concurrency Backlog Authorities

- Permits Transportation Concurrency Backlog Authorities to issue debt obligations such as bonds, notes, certificates and similar debt instruments.
- Permits the debt for Concurrency Backlog Authority for a maximum of 40 years after the debt is incurred as long as the schedule provides for elimination of all transportation concurrency backlogs within 10 years after adoption of the concurrency backlog plan
- An established local trust fund administered by the Backlog Authority must continue to be funded as long as the projects are not completed or the debt is no longer outstanding, whichever occurs later.
- Limits the tax increment portion to the Backlog Authority to 25% unless the affected taxing authorities agree under an interlocal agreement for more than 25%
- Adds a definition of “backlog” for transportation facilities to the statutes. The term is defined as “a facility or facilities on which the adopted level-of-service standard is exceeded by the existing trips, plus additional projected background trips from any source other than the development project under review that are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida Bureau of Economic and Business Research medium population projections. Additional projected background trips are to be

coincident with the particular stage or phase of development under review.” The statute already states that proportionate share mitigation shall be limited to ensure that a DRI mitigates its impact on the transportation system “but is not responsible for the additional cost of reducing or eliminating backlogs”.

### **Outline of HB 7053**

#### Establishes Rural Agricultural Industrial Centers

- Defines rural agricultural industrial centers as a developed parcel of land in an unincorporated area where an operating industrial facility exists that employs at least 200 full-time employees.
- The parcel must be located within, or within 10 miles of, a rural area of critical economic concern.
- A landowner is located within a rural agricultural industrial center may apply for an amendment to the comprehensive plan to designate and expanding the existing agricultural industrial facilities
- May include industrial uses or facilities not dependent upon but are compatible with agriculture and the existing uses and facilities
- The comprehensive plan amendment must:
  - Not increase the physical area of the existing rural agricultural industrial center by more than 50% or 320 acres, whichever is greater
  - Propose a project that would, upon completion, create at least 50 new full-time jobs
  - Demonstrate that sufficient infrastructure capacity exists or will be provided to support the expanded center at the level of service standards adopted in the local government comprehensive plan
  - Contain goals, objectives and policies that will ensure that any adverse environmental impacts of the expanded center will be adequately addressed and mitigation implemented or demonstrate that the local government comprehensive plan contains such provisions.
- Within six months after receiving an application, the local government must transmit the application to DCA for review pursuant to 163 along with any amendments needed to the comp plan
- Must include goals, objectives and policies that provide for the expansion of rural agricultural industrial centers and discourage urban sprawl in the surrounding areas
- An amendment that meets the requirements of this subsection is presumed to be consistent with Rule 9J-5.006(5) which is the Urban Sprawl Analysis
- This does not apply to an optional sector plan, a rural land stewardship area or any comprehensive plan amendment that includes an inland port terminal or affiliated port development