



North Central Florida Regional Planning Council



2012 Growth Management Legislation



Sandra Joseph, Senior Planner
Local Government
Comprehensive Planning

Overview

- Environmental Regulation
House Bill 503
- Agricultural Enclaves / Development of Regional Impact
House Bill 979
- Septic Tank / Department of Health
House Bill 1263
- Military Installations
House Bill 7075
- Glitch Bill
House Bill 7081



Environmental Regulation

House Bill 503

Permits

- **Cannot** condition local development order on federal or state permit.
- **Can** condition commencement of development on federal or state permit.

Environmental Regulation

House Bill 503

Stormwater

- Authorizes **stormwater permit** for projects less than ten acres without agency action.
 - Less than two acres of impervious surface;
 - No wetlands or surface water impacts;
 - No water quality or flooding impacts; and
 - Not part of a larger development.

Environmental Regulation

House Bill 503

Extension

- Applies to permits with expiration date between January 1, 2012 and January 1, 2014.
- Authorizes **two-year extension** of Florida Department of Environmental Protection and water management district permits.
- Authorizes two-year extension of local government **building permits**.

Environmental Regulation

House Bill 503

Extension

- Can be added to previous extensions.
- Cannot exceed four years of extensions.
- Cannot require fee for extensions.
- Permit holder must notify agency or local government in writing by December 31, 2012.
- HB Bill 503 effective date: **July 1, 2012.**

Agricultural Enclaves

House Bill 979

- Owners of parcels that qualify as **agricultural enclaves** may apply for a comprehensive plan amendment.
- Amendment is presumed to **not be** urban sprawl if:
 - The proposed land uses and intensities of use are **consistent with the existing uses** and intensities of use; or
 - The proposed uses and intensities are consistent with **industrial, commercial or residential** areas that surround the parcel.

Agricultural Enclaves

House Bill 979

- If the parcel is abutted on all sides by only one land use, that same land use designation **must be** presumed to be appropriate.
- Owner must submit an application to county by **January 1, 2013.**

Agricultural Enclaves

House Bill 979

- Parcel of land must:
 - Be located in unincorporated county;
 - Be owned by a **single person or entity**;
 - Has been in continuous use for bona fide agricultural purposes for at least **five years**;
 - Is surrounded on at least 95 percent of its perimeter by property designated as or developed for **industrial, commercial, or residential** purposes; and
 - Does **not exceed 640 acres**, but is no **smaller than 500 acres**.
- HB Bill 979 effective date: **July 1, 2012**.



Septic Tank

House Bill 1263

- By January 1, 2013, local governments with a **first magnitude spring** must adopt an onsite sewage treatment and disposal system evaluation and assessment program ordinance.
 - First magnitude spring flow is 100 cubic feet per second.
 - Applies to Alacuja, Columbia, Gilchrist, Hamilton, Lafayette, Madison, Suwannee and Taylor Counties.
- Ordinance may apply **within all or part** of the local government's geographic area.

Septic Tank

House Bill 1263

- Local governments with ordinances that meet the **grandfathering** requirements or have chosen to **opt out** are exempt from this requirement.
- To **opt out** a local government must adopt **resolution** by 60 percent vote.
- Transmit resolution to the Secretary of State.
- Any local government that has opted out, but **later chooses to adopt** an evaluation and assessment program ordinance must do so only pursuant the requirements.

Septic Tank

House Bill 1263

- Existing programs adopted prior to July 1, 2011 may continue to be enforced, provided such program does not require an evaluation at the **point of sale in a real estate** transaction.
- Any local government may **repeal** the program if the Secretary of State is notified by letter of the repeal.

Septic Tank

House Bill 1263

- Requirements for an onsite sewage treatment and disposal system evaluation and assessment program:
 - **Evaluations** of each onsite sewage treatment and disposal system every five years by qualified contractor.
 - May not require a **repair, modification, or replacement** of system as result of evaluation, unless evaluation identifies system failure.
 - Allowable **remedial measures** to resolve a system failure are limited to what is necessary to resolve the failure.

Septic Tank

House Bill 1263

- Exemption from evaluation requirements:
 - Any system that is required to obtain an **operating permit** from the Department of Health.
 - **Connection** to the sewer system is imminent.
 - System serving residential dwelling unit on lot with ratio of **one bedroom per acre or greater**.

Septic Tank

House Bill 1263

- Local government that **adopts ordinance** must notify the Florida Department of Environmental Protection, the Department of Health and the County Health Department .
- Florida Department of Environmental Protection will inform the local government of program **funds under the Clean Water State Revolving Fund** and provide guidance with application process.



Military Installations

House Bill 7075

- Military base commanding officer may provide advisory comments, based on appropriate data and analyses, to local government on impacts of proposed development (comprehensive plan amendments) on **mission of military installation**.
- Advisory comments to be considered in **same manner** as comments received from other reviewing agencies.

Glitch Bill

House Bill 7081

- **“Glitch”** bill to 2011 Community Planning Act.
- Grandfathers local charter provisions in effect as of June 1, 2011 for **referendums** related to development orders or comprehensive plan amendments.
- Clarifies that comments by military base **commanding officers** on proposed amendments are **advisory**.

Glitch Bill

House Bill 7081

- Population estimates and projections are no longer to be based those published by **University of Florida, Bureau of Economic and Business Research**.
- Population estimates and projections are to be based on those published by the **Office of Economic and Demographic Research**.

Glitch Bill

House Bill 7081

- Absent physical limitations on population growth, population projections for each municipality and the unincorporated area within a county must, at a minimum, **be proportional share of total county population.**

Glitch Bill

House Bill 7081

- **Housing inventory** is no longer required to be based on the latest decennial United States Census.

Glitch Bill

House Bill 7081

- Amendments **rescinding optional concurrency** are to be processed under the Expedited State Review process, but not required to be transmitted to reviewing agencies for comments.
- **Informational copy** of adopted amendment provided to state land planning agency (Florida Department of Economic Opportunity).

Glitch Bill

House Bill 7081

- Choice of one or more municipalities to not adopt school concurrency **does not preclude** the implementation of school concurrency within other jurisdictions.
- Local government comprehensive plan amendment **transmittal timeframes** are ten working days, not ten calendar days.

Glitch Bill

House Bill 7081

- Changes timeframe for Administration Commission and state land planning agency to enter **final order** from 45 days after receipt of recommended order to “expeditiously”.
- Requires state land planning agency to issue cumulative notice of intent for remedial amendments within 20 days after receiving a complete comprehensive plan amendment adopted pursuant to a **compliance agreement**.

Glitch Bill

House Bill 7081

- Requires **special districts** to update public facilities report every seven years.
- HB 7081 effective date: **April 6, 2012.**

Summary

■ Environmental Regulation

- Prohibits conditioning development approval on state or federal permits.
- Grants two-year extension for permits.
- General permit for stormwater management not required for less than ten acres.

■ Agricultural Enclaves

- Agricultural enclave comprehensive plan amendments to nonagricultural use presumed to not be urban sprawl.
- Amendment application must be submitted by January 1, 2013.

■ Septic Tank

- Requires, by January 1, 2013, counties or municipalities that contain a first magnitude spring to adopt onsite sewage treatment and disposal system evaluation and assessment program ordinance.
- Local government may opt out.

Summary (continued)

■ **Military Installations**

- Commanding officer's comments on proposed land use changes are advisory.
- Advisory comments must be based upon appropriate data and analysis.

■ **Glitch Bill**

- Makes several corrections and clarifications
- Grandfathers referendum for comprehensive plan amendments.
- Plan amendments rescinding concurrency use Expedited State Review process with no requirement to transmit amendment to reviewing agencies for comment unless requested.



North Central Florida Regional Planning Council

2009 NW 67th Place
Gainesville, FL 32653-1603
352.955.2200, ext. 111
joseph@ncfrpc.org
www.ncfrpc.org

