



North Central Florida Regional Planning Council



2013 Growth Management Legislation



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Local Government
Comprehensive Planning

Overview

- ❑ Internet Cafes
House Bill 155
- ❑ Water Management Districts
Senate Bill 244
- ❑ Community Transportation Projects
House Bill 319
- ❑ Manufacturing Development
House Bill 357
- ❑ Referendum Prohibition
House Bill 537
- ❑ Agritourism
Senate Bill 1106
- ❑ Development Permits
House Bill 7019

Internet Cafes

House Bill 155

Clarifies the current law regarding:

- ❑ Charitable or nonprofit organizations fund raising raffles to carry out their charitable or nonprofit purpose;
- ❑ Game promotions or sweepstakes conducted by for-profit commercial entities on a limited and occasional basis as an advertising and marketing tool and incidental to substantial bona fide sales of consumer goods; and
- ❑ Arcade amusement games.

Internet Cafes

House Bill 155

Clarifies the current law regarding:

- ❑ The bill states that the current law was not intended to provide a vehicle for the establishment of places of ongoing gambling or gaming.
- ❑ The bill provides clarification to ensure that charitable drawing by chance, game promotion in connection with the sale of a consumer product or service, and arcade amusement games are not subject to abuse or interpreted in any manner as creating an exception to Florida's general prohibitions against gambling.

Water Management Districts

Senate Bill 244

- ❑ Requires districts to include proposed water reservations and water bodies that may be affected by water withdrawals in an adjacent district in their annual minimum flows and levels priority lists.
- ❑ Requires a district to provide technical information and staff support to the Florida Department of Environmental Protection when the department proposes adoption by rule a reservation, minimum flow level, or recovery or prevention strategy.

Water Management Districts

Senate Bill 244

- ❑ Provides legislative authority for districts to enter into interagency agreements to share funding and resource management responsibilities for activities, studies, or projects for resources that affect multiple districts in a geographic area.
- ❑ Allows districts to provide funding assistance to another district for resource management activities, studies, or projects if the funding district receives some or all of the benefits of the resources management activities.

Water Management Districts

Senate Bill 244

- Requires all districts to develop jointly with the regional water supply authority the water supply development component of a regional water supply plan, when the plan deals with or affects public utilities and public water supply for those areas served by a regional water supply authority.

Community Transportation Projects

House Bill 319

- ❑ For local governments that have transportation concurrency, this bill does the following:
 - ❑ Allows an applicant for a development agreement to satisfy concurrency requirement through proportionate share.
 - ❑ Amends the requirement that an applicant enter into an agreement to pay or construct its proportionate share in order to meet concurrency to simply require that the applicant “in good faith offers to enter” into the agreement.
 - ❑ Allows local governments to accept contributions from multiple applicants for a planned improvement to a regionally significant transportation facility if it maintains a separate account designated for that purpose.

Community Transportation Projects

House Bill 319

- ❑ Requires local governments to provide the basis upon which land owners will be assessed a proportionate share of cost addressing the transportation impacts from a proposed development.
- ❑ Clarifies that a local government is not required to approve new development that, for reasons other than transportation impacts, is not qualified for approval pursuant to the applicable local comprehensive plan and land development regulations.

Community Transportation Projects

House Bill 319

- ❑ For local governments who elect to repeal transportation concurrency, this bill does the following:
 - ❑ Encourages the adoption of an alternative mobility funding system that uses one or more of the tools identified in Section 163.3180(5)(f), Florida Statutes;
 - ❑ Prohibits using any adopted alternative mobility funding system to deny, time, or phase an application for site plan approval, plat approval, final subdivision approval, building permits, or the functional equivalent of such approvals provided that the developer agrees to pay for the identified transportation impacts of the development via the funding mechanism implemented by the local government;

Community Transportation Projects

House Bill 319

- ❑ Requires that the revenue from the funding mechanism used in the alternative system must be used to implement the needs of a local government comprehensive plan which serves as the basis for the fee imposed.
- ❑ Requires that mobility fee-based funding system must comply with the dual rational nexus test applicable to impact fees.
- ❑ Prohibits an alternative system that is not mobility fee-based from being applied in a manner that imposes upon new development any responsibility for funding an existing transportation deficiency.

Manufacturing Development

House Bill 357

- ❑ Establishes the Manufacturing Competitiveness Act, a process local governments can use to establish local manufacturing development programs.
- ❑ Directs the Florida Department of Economic Opportunity, by 12/1/2013, to create a model ordinance for local governments to use as a guide to establish local manufacturing development programs.
- ❑ Local governments can grant master development approval for the development or expansion of sites that are, or are proposed to be, operated by manufacturers at specified locations within the local government's jurisdiction.

Manufacturing Development

House Bill 357

- ❑ Local governments that elect to establish a local manufacturing development program are required to submit a copy of the ordinance establishing the program to Florida Department of Economic Opportunity within 20 days after the ordinance is enacted.
- ❑ For those local governments with an adopted ordinance establishing a local manufacturing development program before the effective date of the act, in order to qualify under this bill, a copy of the ordinance needs to be submitted to Florida Department of Economic Opportunity on or before 9/1/2013 for approval that it meets the minimum criteria.



Manufacturing Development

House Bill 357

- ❑ Prohibits a local government from abolishing a manufacturing development program until it has been in existence for at least 24 months.
- ❑ If the ordinance creating the program is repealed, then any application submitted prior to the effective date of repeal is treated as if the program were still in effect and the manufacturer is entitled to participate in the manufacturing development coordinated approval processes.

Manufacturing Development

House Bill 357

- ❑ Directs the Florida Department of Economic Opportunity to create a coordinated state development and permit approval process.
- ❑ Directs the Florida Department of Economic Opportunity to develop materials that identify each local government with a local manufacturing development program, and for those materials to be distributed by Enterprise Florida, Inc. to prospective, new, expanding, and relocating businesses.

Referendum Prohibition

House Bill 537

- ❑ This bill prohibits local government initiative or referendum processes for all development orders.
- ❑ This bill prohibits local government initiative or referendum processes for local comprehensive plan and map amendments EXCEPT
 - ❑ Amendments affecting more than 5 parcels of land that were expressly authorized by specific language regarding land use map amendment ordinances in a local government charter that was lawful and in effect as of 6/1/2011.

Referendum Prohibition

House Bill 537

- This bill provides that the prohibition on initiative and referendum is remedial in nature and applies retroactively to any initiative or referendum process commenced after 6/1/2011, and any such initiative or referendum process that has been commenced or completed thereafter is hereby deemed null and void and of no legal force and effect.

Agritourism

House Bill 1106

- ❑ The bill amends current law to provide that local governments may not adopt an ordinance, regulation, rule or policy that prohibits, restricts, regulates, or otherwise limits an agritourism activity on land classified as agricultural land under the greenbelt law.
- ❑ The bill provides that an agritourism operator or owner of land on which agritourism occurs is not liable for injury, death, damage, or loss to a participant resulting from the inherent risk of agritourism activities if a specific notice of risk is posted.

Development Permits

House Bill 7019

- ❑ When issuing a development permit, counties and municipalities must include a condition that all other applicable state or federal permits be obtained before development commences and include a disclaimer that the issuance the local permit does not waive any required state or federal permits.
- ❑ This bill also contains the referendum prohibition from HB 537.

Development Permits

House Bill 7019

- ❑ Extends the period for notifying the use of the two-year permit extension approved last year from December 31, 2012 to October 1, 2013.
- ❑ The permit extension from last year applied to building permits, Florida Department of Environmental Protection or Water Management District permits that had an expiration date from 1/1/2012 through 1/1/2013, and included any local government issued development order and certificates of level of service.

Summary

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