



North Central Florida Regional Planning Council



2018 Growth Management Legislation



**North
Central
Florida
Regional
Planning
Council**

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Overview

BILLS PASSED

- Developments of Regional Impact
House Bill 1151

- Linear Facilities
House Bill 405



Overview

BILLS FAILED

- ❑ Community Redevelopment Agencies
Senate Bill 432/House Bill 17

- ❑ Private Property Comprehensive Plan
Senate Bill 362/House Bill 207



Overview

BILLS FAILED

- Impact Fees

Senate Bill 324/House Bill 697

- Tree Trimming

Senate Bill 574/House Bill 521



House Bill 1151 (Passed)

Developments of Regional Impact:

□ Background -

- In 2015, Florida Legislature eliminated the development of regional impact process for new proposed developments.
- Process replaced with state coordinated review process for comprehensive plan amendments.
- Existing developments of regional impact were not affected.



House Bill 1151 (Passed)

Developments of Regional Impact:

□ Background -

- In 2016, legislation was passed to allow local governments to approve changes to existing developments of regional impact that seek to reduce density, height, or intensity if the change is consistent with the comprehensive plan in effect when the developments of regional impact was originally approved.
- For built out developments of regional impact , local government could swap one approved land use for another, if applicant can demonstrate no net increase of impacts to public facilities.



House Bill 1151 (Passed)

Developments of Regional Impact:

- ❑ In 2018, legislation eliminated provisions related to state land planning agency (Florida Department of Economic Opportunity) and regional planning council role in the review of existing developments of regional impacts.
- ❑ Transfers implementation of, and amendments to existing developments of regional impact development orders to local governments.



House Bill 1151 (Passed)

Developments of Regional Impact:

- Any proposed change to an existing development of regional impact must be reviewed by local government based on standards and procedures in adopted comprehensive plan and adopted land development regulations including, but not limited to, procedures for notice to applicant and public regarding the issuance of development orders.



House Bill 1151 (Passed)

Developments of Regional Impact:

- ❑ However, changes to originally approved height, density, or intensity of development must be reviewed by local government based on standards in comprehensive plan at time development was originally approved, and if change would be consistent with comprehensive plan in effect when development was originally approved.
- ❑ Preserves all entitlements, vested rights and other protections for existing Developments of Regional Impact.



House Bill 405 (Passed)

Linear Facilities:

- Revised development definition -
 - Excluded work by certain utility providers on utility infrastructure in certain rights-of-way or corridors.
 - Excludes creation or termination of distribution and transmission corridors.
- Revised Florida Electrical Power Plant Siting Act to clarify exclusive jurisdiction of the Florida Public Service Commission to require underground transmission lines.
- Removed local government comprehensive planning authority over utility siting.



Senate Bill 432/House Bill 17 (Failed)

Community Redevelopment Agencies:

❑ House Bill 17

- ❑ Would have phased out all existing community redevelopment agencies by 2038 unless reauthorized by super majority vote of local government that created community redevelopment agency.
- ❑ Would have required special act of the Legislature to create new community redevelopment agency.



Senate Bill 432/House Bill 17 (Failed)

Community Redevelopment Agencies:

❑ Senate Bill 432

- ❑ Would have required management changes such as:
 - ❑ Using the same procurement policies as local government;
 - ❑ Cap administrative spending at 18 percent; and
 - ❑ Prohibit tax increment expenditures on festivals, street parties, grants to promote tourism or grants to socially beneficial programs.
- ❑ Would have required appointment of two non-elected board members.
- ❑ Would have required community redevelopment agency board member ethics training.



Senate Bill 362/House Bill 207 (Failed)

Private Property Comprehensive Plan Element:

- ❑ Would have required local governments to address protection of private property rights in comprehensive plans.
- ❑ Would have amended Chapter 163, Florida Statutes to required new mandatory element in comprehensive plan.
- ❑ Would have required local governments to adopt or amend land development regulations consistent with private property rights element.



Senate Bill 324/House Bill 697(Failed)

Impact Fee:

- ❑ Would have set a uniform time for local governments to levy impact fees at no sooner than issuance of a building permit.
- ❑ Would have codified the dual rational nexus test - a legal standard impact fees must meet.
 - ❑ Must be reasonably connected to, or have a rational nexus with, **the need for additional capital facilities and increased impact generated by** new residential or commercial construction.



Senate Bill 324/House Bill 697 (Failed)

Impact Fee:

- ❑ Must be reasonably connected to, or have a rational nexus with, **expenditures of funds collected and benefits accruing to** new residential or commercial construction.
- ❑ Would have prohibited use of impact fee revenues to pay existing debt or be used for prior approved projects unless expenditure is reasonably connect to, or has a rational nexus with, increased impact generated by new residential or commercial construction.



Senate Bill 574/House Bill 521 (Failed)

Tree Trimming:

- ❑ Would have preempted all local government regulation of tree trimming and removal.
- ❑ Would have prohibited local governments from requiring permits or other approvals for tree and vegetation maintenance within certain established flood and drainage rights-of-way managed by water management districts, water control districts, or special districts for drainage and flood control purposes.



Senate Bill 574/House Bill 521 (Failed)

Tree Trimming:

- ❑ Would have required water management district, water control district, or special district to provide at least a five-day advance notice before conducting scheduled routine tree and vegetation maintenance.



Summary

- Bills Passed
 - Developments of Regional Impact
 - Linear Facilities

- Bills Failed
 - Community Redevelopment Agencies
 - Private Property Comprehensive Plan
 - Impact Fees
 - Tree Trimming





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