

Follow up to Questions from the 2020 Legislative Session webinar (March 31, 2020)

SB 410 – Property Rights Element

- 1) Question: What does the next plan amendment mean? Does this mean at the next time the EAR process is done or with the next small-scale or large-scale amendment?

Response: The bill language does not define what constitutes “the next plan amendment”. A webinar attendee reached out to the Chapter Office and indicated that Seminole County staff asked DEO, related to this requirement, if a future land use map amendment is considered a “proposed plan amendment.” In response, DEO staff indicated that large scale map changes require a proposed transmittal hearing as well as an adoption hearing pursuant to Section 163.3184, Florida Statutes, and the only land use change that would not require a proposed plan amendment would be small scale amendments adopted pursuant to Section 163.3187, Florida Statutes.

We recommend that you talk to your local government land use attorney or ask DEO for guidance on this provision.

- 2) Question: SB 410's provision regarding incorporating development orders seems targeted to the village of Estero. Is that true? It is difficult to interpret. What if development actually was built at less density/intensity than its rezoning? Does the zoning still have to apply, and the unused density/intensity hang around forever?

Response: We do not know what prompted this provision. We recommend that you talk to your local government land use attorney or ask DEO for guidance on implementing this provision.

- 3) Question: I haven't read the language regarding development orders being incorporated, but if anyone could explain what this really means in layman's terms that would be helpful.

Response: Last year, as part of HB 7103, s.163.3167 (3) was amended to require that a comprehensive plan **adopted** after January 1, 2019, and all land development regulations adopted to implement the comprehensive plan must incorporate each development order existing before the comprehensive plan's effective date, may not

impair the completion of a development in accordance with such existing development order, and must vest the density and intensity approved by such development order existing on the effective date of the comprehensive plan without limitation or modification.

SB 410 changes “adopted after January 1, 2019” to “effective after January 1, 2019”.

HB 1193 – Food Trucks

- 1) Can local governments require trucks to get a business tax receipt in order to operate?

The discussion in the final House staff [analysis](#) of HB 1193 (beginning on page 33) may help you. We also suggest contacting the Division of Hotels and Restaurants within the Department of Business and Professional Regulation.

HB 1339 – Community Development and Housing

- 1) Question: Can you explain how affordable housing could be approved for areas 'zoned' other than residential - how does the text in the bill relate to density which may or may not be present due to the Future Land Use - which the 'zoning' has to be consistent with?

Response: The discussion in the final House staff [analysis](#) may provide some insight into the bill sponsor's intent.

- 2) Question: Does HB 1339 preempt local/federal elevation requirements for replacing storm-damaged mobile home?

Response: The bill creates s.723.041(5) to state that a mobile home park that is damaged or destroyed due to wind, water, or other natural force may be rebuilt on the same site with the same density as was approved, permitted, and built before the park was damaged or destroyed. It also provides, in s 723.014(6) that this section does not limit the regulation of the 1316 uniform fire safety standards established under s. 633.206, but supersedes any other density, separation, setback, or lot size regulation adopted after initial permitting and construction of the mobile home park.

The bill does not specifically address any other regulations that might be applicable.

SB 1066 – Impact fees

- 1) Question: What is meant by “current or pending permits”. What counts as pending – could something in site plan review qualify?

Response: The bill states that, unless the result is to reduce the total mitigation costs or impact fees imposed on an applicant, new or increased impact fees may not apply to current or pending permit applications submitted before the effective date of an ordinance or resolution imposing a new or increased impact fee. The bill does not define “current or pending”.

We suggest you consult your local government land use attorney to determine what this term means for your community.

SB 426 – Economic Development

- 1) Question: I would like to hear more about this bill.

Response: The Senate final bill [summary](#) provides an good synopsis of the [bill](#).

Budget

- 1) Question: How much money was set aside for M-CORES in this year’s budget?

Response: Last year, SB 7068 set out funding for the M-CORES projects. Based on the Senate [summary](#) of the final bill, the bill authorizes corridor project funding, including redirecting to the State Transportation Trust Fund (STTF), on a phased-in schedule, portions of motor vehicle license taxes currently deposited into the General Revenue (GR) Fund. The bill specifies how and when the increased revenues available from the State Transportation Trust Fund are to be distributed. This shift of revenues will be over a multiyear schedule:

- 2019-2020: \$45M to STTF & \$83.9M to GR
- 2020-2021: \$90M to STTF & \$40.12M to GR

- 2021-2022 and thereafter: \$132.5M to STTF

After being fully phased-in by Fiscal Year 2022- 2023, about \$135 million will be annually available to fund M-CORES and other transportation programs. The bill also authorized annual funding for programs benefiting rural areas:

- \$10 million annually for the Small County Road Assistance Program (SCRAP)
- \$10 million annually for the Small County Outreach Program (SCOP)
- \$10 million annually for the Transportation Disadvantaged (TD) Program.

COVID- 19

- 1) Question: Will a similar summary of COVI-related emergency rules be provided?

Response: The Florida League of Cities has an excellent compilation of the [executive orders](#) issued related to the virus, and the League keeps the list up-to date.