



Legislative Reporter

APA Florida Bill Tracking Report

APA Florida's latest Bill Tracking Report is dated Feb. 26 and is posted [here](#). These reports are updated and posted weekly on the website. You may also check the status of a bill or review bill text and amendments on the Florida Legislature's website at www.leg.state.fl.us as things can change quickly. Finally APA Florida's Legislative Program and Policies are always at your disposal on [APA Florida's Legislative webpage](#). Please bookmark these sites for continued access throughout the 2016 Legislative Session.

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Legislative Updates

There are only two weeks left in the 2016 Legislative Session which is scheduled to end on March 11. Committee meetings have basically drawn to a close so proposed bills that have not made progress through their committees of reference are likely not to be approved this year.

Senate President Andy Gardiner and House Speaker Steve Crisafulli released a joint message regarding the budget negotiations on Feb. 25. Both indicated that they were optimistic that the budget conference would begin this weekend. House and Senate leaders have not yet released budget allocations. A budget will need to be done no later than March 8 in order for lawmakers to vote on one before session is scheduled to end March 11.

Since the last update posted on the APA Florida [website](#), a number of growth management bills have had action. Of significance:

Agricultural Lands:

[CS/CS/HB 59](#) (Rep. Combee), which would prohibit a local government from enforcing a local ordinance or other regulations prohibiting or restricting certain agritourism activities, was passed by the House on Jan. 27 and received by the Senate on Feb. 3. The Senate withdrew the bill from all committees of reference, substituted it for SB 304, a similar bill, and adopted an amendment to it on Second Reading on Feb. 18. The [amended bill](#) adds livestock operations, training and exhibition activities to the previously enumerated types of agritourism activities in the House version. The amended bill was passed by the Senate on Feb. 23 and is in returning messages back to the House.

[CS/SB 1664](#) (Sen. Stargel), which would prohibit counties and municipalities from collecting special assessments for fire protection services on lands classified as agricultural lands under s.193.461 unless the property contains a nonresidential farm building whose just value

exceeds \$25,000, was moved favorably by the Senate Committee on Finance and Tax on Feb. 16 and the Senate Committee on Fiscal Policy, its last committee of reference, on Feb. 24. It is now on the Calendar on 2nd Reading. A similar bill, [HB 773](#) (Rep. Albritton), was [amended](#) and moved favorably by the House State Affairs Committee, its last committee of reference, on Feb. 25. The bill was amended to include similar language to CS/SB 1664 but identifies the just value threshold to be \$10,000.

Comprehensive Plans/Local Regulation:

[HB 1325E1](#) (Rep. Boyd), which deals with a variety of economic incentives, was passed by the House on Feb. 24. Included in the provisions is language that would impact a local government's ability to apply transportation concurrency. Specifically, the bill prohibits a local government from applying transportation concurrency or requiring a proportionate -share contribution or construction for a new business development before July 1, 2019 unless authorized by majority vote. To be eligible, a new business must be no larger than 6,000 square feet, employ no more than 12 full-time employees, and receive a certificate of occupancy on or before July 1, 2020. This provision would not apply to a proportionate-share contribution or construction assessed on an existing development before July 1, 2016. It would also not apply if it results in a reduction of previously pledged revenue of a local government authority for outstanding bonds or notes or to a local government with a mobility fee-based funding system in place on or before Jan. 1, 2016. The bill also includes a prohibition against application of new or existing impact fees or new or existing fees associated with mitigation of transportation impacts by a county, municipality or special district before July 1, 2019 unless authorized by majority vote of the governing authority. Any governing authority imposing an impact fee in existence on July 1, 2016 must reauthorize the imposition of the fee. This prohibition would not apply to an impact fee or fee associated with transportation mitigation enacted by law, ordinance, or resolution, assessed on an existing business development before July 1, 2016. Both of these provisions would expire on July 1, 2020.

[CS/SB 1174](#) (Sen. Diaz de la Portilla), which would amend the site selection criteria of community residential homes, was passed by the Senate on Feb. 23 and is in Messages to the House. [CS/HB 885](#) (Rep. Avila), which is essentially identical, was moved favorably by the House Local & Federal Affairs Committee on Jan. 27 and placed on the Calendar on 2nd reading.

DRIs/Sector Plans:

[CS/SB 1190](#) (Sen. Diaz de la Portilla) will be heard by the Senate Rules Committee on Feb. 29, its last committee of reference. As discussed in previous Legislative Updates, it proposes a number of changes to the DRI, comprehensive planning, sector planning process, and the use of tax increment financing.

[CS/CS/HB 1361](#) (Rep. La Rosa) is similar to SB 1190 and was moved favorably by the House Economic Affairs Committee, its last committee of reference on Feb. 18 and has been placed on the Calendar on 2nd Reading. The committee added language dealing with the ability of a county to use tax increment financing similar to that in CS/SB 1190 but limited the designated areas to no more than 300 acres. It also added a provision that the Department of Transportation or the Florida Turnpike Enterprise may not impose transportation infrastructure fees or any other fees on commercial or retail development in these areas. The amended bill also added proposed changes to s.380.0555 dealing with the Apalachicola Bay Area of Critical State Concern. The proposed language would transfer certain responsibilities from the Administration Commission to the state land planning agency, including review of proposed changes to land development regulations or local comprehensive plans in this area.

[CS/CS/SB 7000](#) (Senate Committee on Community Affairs), another DRI-related bill, was moved favorably by the Senate Rules Committee on Feb. 24 and placed on the Calendar on 2nd Reading. The amended bill includes the language that states a proposed development that is consistent with the comprehensive plan as provided in s.163.3194 is not required to undergo review pursuant to s.163.3184(4) or s.380.06. This subsection would not apply to amendments to a development order governing an existing development of regional impact. The Rules Committee removed the previously proposed tax increment financing language and removed the previously proposed language which would increase the enclave annexation threshold in s. 171.046(2) from 10 acres to 150 acres.

[SB 1598](#) (Sen. Margolis), which would amend language in s.509.032(7)(b) to authorize local governments to prohibit vacation rentals and regulate the duration or frequency of rental of vacation rentals, was withdrawn from further consideration on Feb. 10. [HB 4045](#) (Rep. Richardson), an identical bill, has yet to be heard in committee.

Airport Zoning:

Two similar bills related to airport protection zoning and airport land use compatibility

zoning, [HB 1379](#) (Rep. Miller) and [CS/SB 1508](#) (Sen. Simpson), make significant changes to the requirements for these types of regulations. Among these changes, the bills specify that local governments who are required to adopt airport zoning regulations must provide a process to issue permits consistent with s.333.07, provide FDOT of a copy of a complete permit application, and enforce the issuance or denial of a permit. The proposed language also provides for appeals. Any zoning regulation in effect on July 1, 2016 must be amended to conform with by July 1, 2017. Any political subdivision having an airport which has not adopted airport zoning regulations must do so by July 1, 2017. For those local governments that have not adopted airport zoning regulations pursuant to chapter 333, F.S., FDOT will administer the permitting process for obstructions outlined in s.333.25. HB 1379 was moved favorably by the House Economic Affairs Committee on Feb. 18 and placed on the Calendar on 2nd Reading. CS/SB 1508 was moved favorably by the Senate Appropriations Committee, its last committee of reference, on Feb. 25.

Natural Resources:

[HB 989](#) (Rep. Harrell) and [CS/SB 1168](#) (Sen. Negron) are similar bills relating to the implementation of the Water and Land Conservation constitutional amendment. Currently funds distributed to the Land Acquisition Trust Fund must initially be used to pay specific obligations related to Florida Forever and Everglades restoration bonds. These bills would require that of the funds remaining after these payments, a minimum of the lesser of 25 percent or \$200 million shall be appropriated annually for certain Everglades projects. Additionally, the bills would require DEP and the SFWMD to give preference to those Everglades restoration projects that reduce harmful discharges of water from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner. CS/SB 1168 would also require that a minimum of the lesser of 7.6 percent or \$75 million must be appropriated annually for spring restoration, protection and management projects. HB 989 was moved favorably by the House Appropriation Committee, its last committee of reference, on Feb. 10 and placed on the Calendar on 2nd Reading. CS/SB 1168 will be heard by the Senate Appropriations Subcommittee on General Government, its second committee of reference, on Feb. 29.

[SB 318](#) (Sen. Richter), which relates to the regulation of gas and oil reserves, was narrowly voted down by the Senate Appropriations Committee on Feb. 25, with 9 Yeas and 10 Nays. Subsequent to the vote, Sen. Lizbeth Benacquisto moved to reconsider her vote against the bill, which would allow to the committee to call up the bill again at a later time. Committee Chairman Sen. Lee stated during a press conference that his inclination would be to re-agenda the bill for the March 1 meeting but only hear it if there is a compromise that would alter the outcome of the vote. [HB 191E1](#) (Rep. Rodrigues), a similar bill, was approved by the House on Jan. 27. It was received by the Senate and referred to three committees.

[CS/SB 190](#) (Sen. Hutson), which would delete a requirement that an exemption for a conservation easement must be renewed annually, was approved by the Senate on Jan. 21 and is now in Messages. An identical bill, [HB 501](#) (Rep. McGhee), was moved favorably by the House State Affairs Committee, its last committee, on Feb. 10 and placed the Calendar on 2nd Reading.

[CS/CS/HB 749](#) (Rep. Raburn) would, among other things, revise the definition of conservation easements in s.704.069(e) to allow land to remain in agriculture (including livestock grazing under certain circumstances.) The bill was moved favorably by the House State Affairs Committee on Feb. 18, its last committee of reference, and placed on the Calendar on 2nd Reading. [CS/SB 1310](#) (Sen. Hutson), which includes similar language, was moved favorably by the Senate Appropriations Subcommittee on General Government on Feb. 17 and is scheduled in the Senate Appropriations Committee, its last committee of reference, on March 1.

Legislative Newsclips

[Florida Senate committee rejects fracking bill](#)

Associated Press, Florida Today, Feb. 25

[Florida House, Senate "optimistic" budget conferences could start this weekend](#)

Kristen M. Clark, Miami Herald, Feb. 26

[Senate Leaders send medical pot proposal ready for floor vote back to committee](#)

Michael Auslen and Kristen Clark, Tampa Bay Times, Feb. 24

[Quiet condo amendment exemplifies late-session chaos](#)

Matt Dixon, POLITICO Florida, Feb. 26

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