



Legislative Reporter

APA Florida Bill Tracking Report

APA Florida's latest Bill Tracking Report is dated Jan. 15 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 2015 Legislative Session.

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Legislative Updates

The 2016 Legislative Session began this week on Jan. 12. Gov. Scott gave his State of the State speech, focusing on continuing to diversify the economy and cutting taxes. He proposed a new \$250 million Florida Enterprise Fund to help small businesses grow, as well as a \$1 Billion Tax Cut Package to cut costs for manufacturers, innovators and entrepreneurs. The text of his speech can be read [here](#).

Since the last Legislative Update posted on the APA Florida website, a number of growth management bills have been filed or 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 moved favorably by the House State Affairs Committee on Jan. 13. This was its last committee of reference. The bill states that this prohibition does not limit the power and duties of a local government to address "substantial offsite impacts" of agritourism activities; adds civic and ceremonial activities to the enumerated types of agritourism activities under s. 570.86, F.S.; and specifies that lands classified as agricultural under s. 193.461, F.S., cannot be divested of that classification as long as the land remains used primarily for bona fide agricultural purposes. A similar bill, [CS/CS/SB 304](#) (Sen. Stargel), was amended on Jan. 14 by the Senate Committee on Fiscal Policy, the last committee of reference, and reflects the language in CS/CS/HB 59.

[SB 1164](#) (Sen. Stargel) was filed on Jan. 8, prohibiting counties and municipalities from collecting special assessments for fire protection services on lands classified as agricultural lands under

s.193.461. This bill is identical to [HB 773](#) (Rep. Albritton); neither bill has been heard in committee.

[SB 1680](#) (Sen. Sachs), filed on Jan. 8, would require that land jointly used for commercial nonagricultural purposes and bona fide agricultural purposes directly related to apiculture as defined in s.586.02(2) shall be classified agricultural, regardless if such land is used primarily for commercial nonagricultural purposes. Committees of reference have not been assigned.

Comprehensive Plans:

[SB 1560](#) (Sen. Evers) and [HB 1173](#) (Rep. Perry) are identical bills that would require local governments to address the protection of private property rights in their comprehensive plans. Local governments would be required to adopt a property rights element at its next evaluation and appraisal update review or by July 2018, whichever comes first. Within one year of adoption, land development regulations must be adopted. In addition, the bills include specific goal objective and policy language for the element that, if substantially followed by a local government, the state land planning agency must approve. Neither bill has been heard in committee. (Both sponsors filed bills related to this issue last year which died in committee.)

Several bills which deal with local government's current inability to regulate vacation rentals in s.509.032(7)(b) have been filed. Sen. Altman has filed [SB 348](#), which revises this paragraph to add that setting a minimum stay requirement of more than 7 days for vacation rentals would be prohibited. The paragraph would not apply to provisions in laws, ordinances or regulations adopted on or before June 1, 2011 or the subsequent amendment of such provisions. In contrast, [SB 1598](#) (Sen. Margolis) and [HB 4045](#) (Rep. Richardson) revises language in s.509.032 (7)(b) to allow local laws, ordinances and regulations to prohibit vacation rentals and regulate the duration or frequency of rental of these uses. None of the bills have been heard in committee.

DRIs/Sector Plans:

[SB 1190](#) (Sen. Diaz de la Portilla), which has not yet been heard in committee, proposes a number of changes to the DRI, comprehensive planning and sector planning process:

DRIs

- Provides that a person does not lose the right to proceed with a development authorized as a DRI if a change is made to the development that only has the effect of reducing height, density, or intensity of the development from that originally approved
- Allows parties to amend an essentially-built out agreement without submitting a notice of proposed change
- Allows one approved land use to be exchanged for another approved land use in developing unbuilt land uses identified in an essentially built out agreement. The exchange must be done in a ratio that insures no increase in net external transportation impacts and the developer must demonstrate this to the local government before building permits related to this exchange are issued
- Changes the automatic substantial deviation thresholds in s.380.06(19)(b) to a rebuttable presumption
- Adds language to s.380.06(19)(e)(2) to state that a phase date extension, if the state land planning agency, in consultation with the regional planning council and with the written concurrence of the Department of Transportation, agrees that the traffic impact is not significant and adverse under applicable state agency rules, is not a substantial deviation
- Amends s.380.06(30) to state that 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
- Amends s.(380.0651(4)(c) to provide that newly acquired lands that comprise an area that is less than or equal to 10 percent of the total acreage that is subject to the existing development of regional-impact development order, are not aggregable if these lands were acquired subsequent to the development of an existing development of regional impact
- Adds language to state that developments that elect to rescind the development order are governed by the procedures identified in s.380.115(1)

Comprehensive Planning

- Amends the plan amendment challenge process in situations where the administrative judge recommends that the plan amendment be found in compliance to 1) require that if the state land planning agency determines the amendment should not be found in compliance, it must refer the recommended order and determination within 30 days of receiving the order, and 2) require that if the state land planning agency determines the amendment should be found in compliance, it enter its final order within 30 days of receiving the recommended order. If the state land planning agency fails to meet these time frames and all parties did not agree to extend these time periods, the recommended order is either transmitted to the Administrative Commission for final agency action (if finding non-compliance) or entered as the final order (if finding compliance).

Sector Plans

- Reduces the size threshold for sector plans from 15,000 acres to 5,000 acres

[CS/HB 1361](#) (Rep. La Rosa) is similar to SB 1190; one difference is that this bill does not include the proposed 30-day deadlines for action in challenges. It proposes that a recommended order becomes a final order within 90 days if the state land planning agency fails to act within the current timeframes. Additionally, it adds language to require, where mediation or expeditious resolution of a challenge has been requested, a recommended order with a finding of in compliance becomes final 45 days after issuance unless the state land planning agency acts or the parties agree in writing to extend the 45-day period.

[CS/SB 7000](#) (Senate Committee on Community Affairs) is another DRI-related bill but only 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. This bill was moved favorably by the Senate Appropriations Subcommittee on Transportation, Tourism and Economic Development on Jan. 13 and now moves to the Senate Fiscal Policy Committee.

Airport Zoning:

Two similar bills related to airport protection zoning and airport land use compatibility zoning, [HB 1379](#) (Rep. Miller) and [SB 1508](#) (Sen. Simpson), were recently filed. Both bills make significant changes to the requirements for these types of regulations, and are similar to provisions proposed last year in SB 1544 (Sen. Brandes) and HB 7039 (House Transportation & Ports Subcommittee.) 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. Neither bill has been heard in committee.

Natural Resources:

CS/CS/SB 552(Sen. Dean) which is the omnibus water reform bill, was passed by the Senate on Jan. 13. On Jan. 14, the House substituted the bill for HB 7005, passed and immediately certified it. The [enrolled bill](#) has been presented to the governor who must act on it by Jan. 21. The legislative staff analysis of this omnibus bill can be read [here](#).

[HB 989](#) (Rep. Harrell) and [SB 1168](#) (Sen. Negron) are identical bills recently filed and 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. Neither bill has been heard in committee.

[CS/SB 318](#) (Sen. Richter), which relates to the regulation of oil and gas reserves, was moved favorably by the Senate Environmental Preservation and Conservation Committee on Jan. 13. Among other things, this bill provides that all matters relating to the regulation of the exploration, development, production, processing, storage, and transportation of oil and gas are preempted to the state, to the exclusion of all existing and future ordinances or regulations relating thereto adopted by any county, municipality, or other political subdivision of the state. Any such existing ordinance or regulation is void. A county or municipality may, however, enforce an existing zoning ordinance adopted before Jan. 1, 2015, if the ordinance is otherwise valid. The bill now moves to the Senate Appropriations Subcommittee on General Government. A similar bill, [HB 191](#) (Rep. Rodrigues) is in the House State Affairs Committee, its last committee of reference.

[CS/SB 190](#) (Sen. Hutson), which would delete a requirement that an exemption for a conservation easement must be renewed annually, was moved favorably by the Senate Appropriations Committee, its last committee of reference, on November 19. It has been placed on the Special Order Calendar for Jan. 15, 2016. An identical bill, [HB 501](#) (Rep. McGhee), was moved favorably by the House Agriculture & Natural Resources Subcommittee on December 2, 2015 and is now in the House Finance and Tax Committee.

Legislative Newsclips

[Gov. Scott credits cutting taxes, red tape for creating 1 million jobs](#)

Antonio Fins, Palm Beach Post, Jan. 14

[Florida Water Policy Ready for Scott's Signature](#)

Jim Turner, News Service of Florida, Jan. 14

[A Watered Down Fracking Bill Moving in Senate](#)

Jim Ash, WFSU, Jan. 14

[Gardiner and Crisafulli Try to Move Past Discord of 2015](#)

Lynn Hatter, WFSU, Jan. 12

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