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Legislative Reporter

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APA Florida Bill Tracking Report

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Legislative Updates

There are three weeks left in the 2015 Legislative Session, which is scheduled to end on May 1. Committee meetings are beginning to wind down so those bills that have had little or no action are likely not to pass this session.

Growth Management:

Since the last Legislative Update, a number of growth management bills have been amended or filed. Of significance:

[CS/CS/HB 933](#) (Representative. LaRosa), which is the House growth management bill, was moved favorably by the House Transportation & Economic Development Appropriations Subcommittee on April 7. The revised bill deleted the language dealing with constrained agriculture parcels in its entirety. It also deleted the language related to the appropriation of \$2.5 million dollars for regional planning councils. The bill is now in its last committee of reference, House Economic Affairs Committee.

Through an [amendment](#) to [CS/SB 1216](#) (the connected-city corridor bill) which was moved favorably by the Senate Committee on Fiscal Policy on April 9, Senator Simpson consolidated four of his other bills into this one bill. The four other bills and their individual status are as follows:

- [SB 404](#) (relating to Improvements to Real Property Damage by Sinkhole Activity): moved favorably by the Senate Committee on Rules on April 9.
- [CS/CS/SB 484](#) (relating to Regional Planning Councils): in its last committee of reference
- [SB 562](#) (relating to DRIs): on the Senate Calendar on 2nd Reading

- [CS/SB 832](#) (relating to Sector Plans): in its last committee of reference

As part of the amended language, the bill also includes a provision that if a local government is moved from one regional planning council to another, the prior strategic regional policy plan applies until the successor regional council amends its plan to include the affected local government. This amended bill has no additional committees of reference.

[CS/CS/CS/SB 1094](#) (Senator Brandes), which would add specific requirements to the redevelopment component of a coastal management element, was moved favorably by the Senate Committee on Rules on April 3. The revised bill added language to require the component to require that any construction activities seaward of the coastal construction control lines established pursuant to s. 6 161.053 be consistent with chapter 161. It also included language to encourage local governments to participate in the National Flood Insurance Program Community Rating System. [CS/HB 895](#) (Representative Ahern), a similar bill, does not include any of the language related to the redevelopment component. This bill is now in the House Regulatory Affairs Committee, while CS/CS/CS/SB 1094 was placed on the Senate Calendar on 2nd Reading.

[CS/SB 510](#) (Senator Garcia) and [CS/HB 359](#) (Representative Diaz), both deal with development within the Miami-Dade County Lake Belt Area. The bills have been amended to be virtually identical. CS/HB 359 was placed on the House Calendar on 2nd Reading. CS/SB 510 was moved favorably by Senate Committee on Community Affairs on April 7 and is now in the Senate Appropriations Committee, its last committee of reference.

[CS/SB 832](#) (Senator Simpson), which deals with Sector Plans (and now also incorporated into CS/CS/SB 1216) was a strike-all amendment that was moved favorably by the Senate Community Affairs Committee on March 31 and the Senate Environmental Preservation and Conservation Committee on April 8. The revised bill eliminated a number of the previously proposed changes and would now only do the following:

- Includes language to state the long-term master plan and DSAPs do not have to address other requirements of chapter 163 that are inconsistent with or superseded by the planning standards in paragraph 163.3245(3)(a) and (b) respectively.
- Allow conservation easements to be based on rectified aerial photographs and may also include a right of adjustment to substitute property covered under the easement under certain conditions.
- Require applicants for DSAPs to transmit copies to specific reviewing agencies for review and comment as to whether the DSAP is consistent with the comprehensive plan and the long-term master plan. Agencies have a 30 day comment period.
- Allow certain agencies to accept conservation easements as mitigation for permitting purpose without considering whether a conservation easement may have already been recorded.
- Allow new agriculture or silviculture uses consistent with the approved sector plans to be established after the adoption of a long-term master plan or DSAP.
- Allow the applicant with an approved master development order to request the applicable water management district issue a consumptive use for the same period of time as the approved master development order.
- Allow a local government to require data and analysis beyond the minimum criteria outlined in s.163.3245(3.)
- Create s.373.236 (8) which would allow a water management district to issue a permit for the same period of time as an applicant's approved master development order if the order was issued by a county designated as a rural area of opportunity at the time, was not located in an area encompassed by a regional water supply plan and was not located with the basin area management plan of a first-order magnitude spring. The District may phase in water allocation over the duration of the permit to correspond to actual projected needs, and this provision does not supersede the public interest test.

The bill now moves to the Senate Fiscal Policy Committee, its last committee of reference.

[CS/HB 569](#) (Representative Combee), which prohibits local governments from enforcing local ordinances, regulations,

rules, or policies that prohibit, restrict, regulate, or otherwise limit agritourism activities on land classified as agricultural land was passed by the House on April 9. [CS/SB 594](#) (Senator Stargel) is virtually identical and is on the Senate Calendar on 2nd Reading.

Economic Development/Enterprise Zones:

[CS/HB 833](#) (Representative Diaz) and [CS/CS/SB 278](#) (Senator Diaz de la Portilla) deal with downtown development districts, and have been amended to be virtually identical bills. The bills state that the governing body of a municipality with a population of more than 400,000 and located in a county as defined in s. 125.011(1) may, by ordinance, levy an ad valorem tax of up to 0.475 mills mill on the taxable value of all real and personal property located in a downtown development district to help finance the operation of the district. The district's millage may not exceed 0.475 mills and may not exceed the limitations contained in s. 200.001(8)(d) for dependent special districts. CS/HB 833 has one more committee of reference while CS/CS/SB 278 was approved by its last committee on April 9.

While the Senate has taken no real action with respect to enterprise zones, [HB 7067](#) (Representative La Rosa) focuses on economic development in a variety of ways and was moved favorably by the House Transportation & Economic Development Appropriations Subcommittee on March 31. It is now in the House Economic Affairs Committee, its last committee of reference. Among its provisions, the bill creates ss. 290.50 and 290.60, F.S., which establish the Local Enterprise Zone program and the Enterprise Zone Certification program respectively. These changes appear to let the existing Enterprise Zone program sunset this year, moving enterprise zones to the local level and creating a new state-level certification process for said zones. A local government may adopt a resolution to create a local enterprise zone program and designate one or more local enterprise zones. A local enterprise zone program must exempt all newly established or expanding businesses within these zones from eight specified ordinances, taxes, and fees imposed by the local government for a minimum of 24 consecutive months, including impact fees, building permit fees, business taxes, and sign ordinance fees.

The bill would also create a three-year window exempting certain new development from satisfying transportation concurrency requirements and contributing to its corresponding proportionate share. It also extends, for the sixth time since 2009, the expiration date by two years for any environmental resource permit issued by DEP or a WMD with an expiration date from Jan. 1, 2016, through Jan. 1, 2018. The extension includes local government-issued development orders or building permits, including certificates of level of service.

Property Rights

[CS/CS/CS HB 383](#) (Representative Edwards), which amends the Bert Harris Act to create a new avenue for property owners to recover damages, was moved favorably by the House Judiciary Committee on April 8. The amended bill revised the provisions related to the creation of a new s.70.45, FS, Government Exactions. The amendment revised the definition of "damages" to clarify that they are in addition to the right of injunctive relief. It clarifies that this new section does not apply to impact fees or non-ad valorem assessments. Provisions requiring that any claim needs to be filed no later than 180 days after imposition of the prohibited exaction and requiring a local government respond in writing to a notice of claims were added. The provisions related to the award of attorneys' fees were changed. Finally a new provision was added that this new section applies to prohibited exactions imposed or required on or after Oct. 1, 2015. This bill has no additional committees of reference. [CS/SB 284](#) (Senator Diaz de la Portilla), which is a similar bill, has two more committees of reference.

Membership Associations

[CS/SB 1114](#) (Senator Stargel) focuses on new reporting requirements for non-profit membership associations whose members include elected or appointed officials. The amended language changes the definition of "membership association" to mean a non-profit corporation, including a department or division of such corporation, whose membership includes a majority of elected or appointed public officers and which receives 25 percent or more of its

annual revenue from public funds. CS/SB1114 was moved favorably by the Senate Appropriations Committee, its last committee of reference, on April 9. [CS/CS/CS/HB 549](#), a similar bill, was amended to define a membership association in part as a corporation not for profit where the majority of its board members are constitutional officers that operate, control and supervise public entities that receive specified annual state appropriations. This bill is on the House Calendar on 2nd Reading.

Legislative Newsclips

[Florida lawmakers set aside little for environmental land acquisition](#)

Jenna Buzzacco-Foerster, Tribune/Naples Daily News Capital Bureau, April 8, 2015

[Budget Standoff Will Rule Remainder of Legislative Session](#)

Jeff Henderson, Sunshine State News, April 5, 2015

[Bill Would Allow Coastal Cities to Ban Plastic Bags](#)

Ian Cummings, Sarasota Herald Tribune, April 8, 2015

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