The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Community Affairs Committee

BILL:	PCS for SB 474
INTRODUCER:	Senator Garcia
SUBJECT:	Growth Management
DATE:	March 19, 2008
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Herrin	Yeatman	CA	**Pre-meeting**
2.				
3.				
4.				
5.				
6.				

I. Summary:

The proposed committee substitute (PCS) makes a number of revisions to the Growth Management Act, including enhanced participation by citizens in the plan amendment process, limitations on the frequency of plan amendments, incentives for the development of additional affordable housing units, designation of certain urban areas as transportation concurrency exception areas, and the creation of a process for studying and developing a mobility fee as a more effective means to mitigate traffic impacts.

Specifically, the PCS:

- Prohibits members of the governing body of a local government from also serving on a local planning agency;
- Encourages counties to adopt a rural sub-element as part of the future land use plan;
- Authorizes the Department of Community Affairs (DCA or state land planning agency) to amend its administrative rules to establish different minimum planning criteria for local governments based on population projections, amount of undeveloped land, and the services provided by a local government;
- Revises provisions related to accessory dwelling units;
- Revises applicable criteria for a plan amendment that uses an alternative method for hazard mitigation instead of satisfying the state coastal high-hazard provisions under ch. 9J-5, Florida Administrative Code;
- Extends the deadline for local governments to incorporate a revised definition of "coastal high-hazard area" in their future land use map and coastal management element;
- Designates certain urban areas identified for urban infill in the comprehensive plan as transportation concurrency exception areas;

- Removes the requirement that a local government submit a summary of its de minimus records to show it has not exceeded the 110-percent threshold for transportation impacts;
- Increases the requirement that 110 percent of the actual transportation impact caused by previously existing development be reserved for redevelopment to 150 percent;
- Allows proportionate fair-share mitigation to be calculated using a vehicle and people miles traveled methodology or an alternative methodology in a local comprehensive plan;
- Incorporates the transportation concurrency incentives from s. 339.282, F.S., into s. 163.3180, F.S.;
- Directs DCA and the Florida Department of Transportation (FDOT) to study and develop a mobility fee and make recommendations to the Legislature by February 15, 2009, regarding the collection of the fee, distribution of the fee, and its relationship to impact fees;
- Requires each local government to adopt an ordinance requiring a community or neighborhood meeting before filing an application for a future land use map amendment;
- Provides that a comprehensive plan or plan amendment is deemed abandoned if a local government fails to adopt the comprehensive plan or plan amendment within 120 days after receiving written comments from DCA, but allows a 60-day extension for good and sufficient cause;
- Requires a proposed substantial or material change to a plan or amendment that will be considered by a local government to be filed with the local government and made available to the public at least 5 business days before the hearing;
- Requires a super majority vote of the members of the governing body of the local government present at a hearing for certain plan amendments;
- Limits plan amendments to once per year with some exceptions and narrows the number of exceptions;
- Removes the "demonstration project" status of optional sector planning and increases the minimum acreage for a plan to 10,000 contiguous acres;
- Discontinues the Local Government Comprehensive Planning Certification Program, but allows the four municipalities that are currently certified communities to continue adopting plan amendments using the process currently in statute and their certification agreement or notice;
- Requires expedited plan amendment review for certain developments that include at least 15 percent long-term affordable housing units in counties with a population greater than 75,000 and municipalities within those counties;
- Provides for optional expedited review for certain developments that include at least 15 percent long-term affordable housing units in counties with a population fewer than 75,000;
- Requires local governments, by July 1, 2009, to provide for the unified and expedited review of certain developments that include at least 15 percent long-term affordable housing units;
- Requires local governments to amend their comprehensive plans by July 1, 2009, to provide a 15-percent density bonus if land is donated for the development of affordable housing and for residential or mixed-use development located within 2 miles of an existing employment center or an employment center that has received site plan approval;
- Revises the window for agency comments using the alternative state review process and allows certain types of plan amendments to be reviewed using this process;

- Provides a penalty for failing to comply with provisions relating to the preparation of an inventory list and disposition of county and municipal property for affordable housing;
- Requires the siting of certain charter schools to be consistent with the local comprehensive plan; and
- Repeals s. 339.282, F.S., relating to transportation concurrency incentives, and s. 420.615, F.S., relating to affordable housing land donation density bonus incentives.

This bill substantially amends sections 125.379, 163.3174, 163.3177, 163.31771, 163.3178, 163.3180, 163.3181, 163.3184, 163.3187, 163.3245, 163.3246, 163.32465, 166.0451, 288.975, 380.06, and 1002.33; creates section 163.32461; and repeals sections 339.282 and 420.625 of the Florida Statutes.

II. Present Situation:

Disposition of County and Municipal Property for Affordable Housing
In 2006, the Legislature enacted provisions requiring counties and municipalities to prepare an inventory every three years of the property to which they hold fee simple title. The inventory has to include the address and legal description of the real property, whether it is vacant or unimproved, and appropriate for affordable housing. The governing body of the local government must review the inventory list at a public hearing and review that list at a public meeting. Any properties identified as appropriate for use as affordable housing may be offered for sale as and the proceeds used to purchase land for affordable housing, to increase the local government fund earmarked for affordable housing, sold with a restriction that requires the property to be developed as affordable housing, or donated to a non-profit organization for the development of permanent affordable housing.

Local Planning Agencies
Currently, the governing body of a local government may designate itself as the local planning agency with the addition of a nonvoting school board representative. A local planning agency prepares a comprehensive plan or amendment after the required hearings and makes recommendations to the local governing body regarding the adoption or amendment of the local plan.

Plan Amendments
A local government may amend its comprehensive plan provided certain conditions are met including two advertised public hearings on a proposed amendment before its adoption and mandatory review by the DCA. A local government may amend its comprehensive plan only twice per year with certain exceptions. Small-scale plan amendments are treated differently. These amendments may not change goals, policies, or objectives of the local government's comprehensive plan. Instead, these amendments propose changes to the future land use map for site-specific small scale development activity. The DCA does not issue a notice of intent for small scale development amendments.

Accessory Dwelling Units
In 2006, the Legislature authorized local governments to allow accessory dwelling units in any area zoned for single-family residential use based upon a finding that there is a shortage of affordable rental units in the jurisdiction. Building permit applications for a unit authorized under

an ordinance adopted pursuant to this provision requires an affidavit from the applicant attesting the unit will be rented at an affordable rate. Units allowed under such an ordinance count towards a local government's affordable housing component in the housing element of its local comprehensive plan.

Coastal High Hazard Areas

Section 163.3178, F.S., provides for the mitigation of a comprehensive plan amendment in coastal high-hazard areas. Subsection (9) of s. 163.3178, F.S., provides an alternative for complying with rule 9J-5.012(3)(b)6. and 7., F.S. Local governments are required to amend their future land use maps and coastal management elements by July 1, 2008, to include the definition of coastal high hazard area as provided in s. 163.3178, F.S.

Transportation Concurrency

The Growth Management Act of 1985 requires local governments to use a systematic process to ensure new development does not occur unless adequate infrastructure is in place to support the growth. The requirement for public facilities and infrastructure to be available concurrent with new development is known as concurrency. Transportation concurrency uses a graded scale of roadway level of service (LOS) standards assigned to all public roads. The LOS standards are a proxy for the allowable level of congestion on a given road in a given area. Stringent standards (i.e., fewer vehicles allowed) are applied in rural areas and easier standards (i.e., more vehicles) are allowed in urban areas to help promote compact urban development.

Over the years it became apparent that irrespective of the easier standards in urban areas, new developments are often located in rural areas due to an abundance of highway capacity on rural roads. In 1992, Transportation Concurrency Management Areas were authorized, allowing an areawide LOS standard (rather than facility-specific) to promote urban infill and redevelopment and provide greater mobility in those areas through alternatives such as public transit systems. Subsequently, two additional relaxations of concurrency were authorized: Transportation Concurrency Exception Areas (TCEA) and Long-term Transportation Concurrency Management Systems. Specifically, the TCEA is intended to "reduce the adverse impact transportation concurrency may have on urban infill and redevelopment" by exempting certain areas from the concurrency requirement. Long-term Transportation Concurrency Management Systems are intended to address significant backlogs.

In 2005, SB 360 revised transportation concurrency requirements. Specifically, it requires transportation facilities to be in place or under actual construction within 3 years from the local government's approval of a building permit or its functional equivalent that results in traffic generation. Each local government was required to adopt a methodology for assessing proportionate fair-share mitigation options by December 1, 2006.

Proportionate Fair-Share Mitigation

SB 360 also provided a method for mitigating the impacts of development on transportation facilities through the cooperative efforts of the public and private sectors. This method, called proportionate fair-share mitigation, can be used by a local government to determine a developer's fair-share of costs to meet concurrency. The developer's fair-share may be combined with public funds to construct future improvements; however, the improvements must be part of a plan or program adopted by the local government or FDOT. If an improvement is not part of

the local government's plan or program, the developer may still enter into a binding agreement at the local government's option provided the improvement satisfies part II of ch. 163, F.S., and:

- the proposed improvement satisfies the significant benefit test; or
- the local government plans for additional contributions or payments from developers to fully mitigate transportation impacts in the area within 10 years.

Proportionate Share Mitigation

Section 380.06, F.S., governs the DRI program and establishes the basic process for DRI review. The DRI program is a vehicle that provides state and regional review of local land use decisions regarding large developments that, because of their character, magnitude, or location, would have a substantial effect on the health, safety, or welfare of the citizens of more than one county.[1] Multi-use developments contain a mix of land uses and multi-use DRIs meeting certain criteria are eligible to satisfy transportation concurrency requirements under s. 163.3180(12), F.S. The proportionate share option under subsection (12) has been used to allow the mitigation collected from certain multiuse DRIs to be "pipelined" or used to make a single improvement that mitigates the impact of the development because this may be the best option where there are insufficient funds to improve all of the impacted roadways.

Strategic Intermodal System

The Florida Department of Transportation (FDOT) is responsible for establishing level-of-service standards on the highway component of SIS and for developing guidelines to be used by local governments on other roads. The SIS consists of statewide and interregionally significant transportation facilities and services and plays a critical role in moving people and goods to and from other states and nations, as well as between major economic regions in Florida.

Optional Sector Plans

The optional sector planning process is designed to avoid the duplicative data and analysis for developments of regional impact while ensuring adequate mitigation of a development's impacts. The current minimum threshold for an optional sector plan is 5,000 acres. This process involves the development of a long-term, build-out overlay and detailed specific area plans.

Local Government Comprehensive Planning Certification Program

The Local Government Comprehensive Planning Certification Program was created as a successor to the Florida Sustainable Communities Demonstration Project. The purpose of this program was to designate areas appropriate for contiguous, compact urban growth and development within a 10-year planning timeframe. This program has had limited participation. There are currently four certified communities – Freeport, Lakeland, Miramar, and Orlando.

III. Effect of Proposed Changes:

Disposition of County Property for Affordable Housing

Section 125.379, F.S., is renumbered as s. 163.32431, F.S., and requires a county to complete the required inventory list and any update of all real property the county owns in fee simple which

[1] S. 380.06(1), F.S.

may be appropriate for affordable housing as a precondition to receiving any state affordable housing funding.

Local Planning Agencies
Section 163.3174, F.S., is amended to prohibit members of the governing body of a local government from also serving on the local planning agency.

Required and Optional Elements of the Local Comprehensive Plan
Section 163.3177, F.S., is amended to include the discouragement of urban sprawl and energy efficient land use patterns as part of the basis of a local government's future land use plan. Also, counties are encouraged to adopt a rural sub-element as part of the future land use plan. This sub-element would apply to agricultural, rural, and open lands or a similar land use. The sub-element shall include goals, objectives, and policies to enhance rural economies, promote the viability of agriculture, promote appropriate economic development, discourage urban sprawl, and protect natural resources. Rural, agricultural, and conservation areas that may be converting to an urban land use and appropriate sites for affordable housing are to be identified in the sub-element, along with areas that may considered for the rural land stewardship program, sector planning, or a new community or town.

Under this PCS, the conservation element is amended to require certain local governments within or adjacent to the Everglades Protection Area or within the Lake Okeechobee, Caloosahatchee River, St. Lucie River or Kissimmee River basin watershed to amend their comprehensive plans to include goals, objectives, and policies that further the restoration and protection of the Everglades ecosystem. Analyses submitted in support of such a plan amendment must demonstrate consistency with the Everglades Forever Act, Northern Everglades and Estuaries Protection Program, and the Comprehensive Everglades Restoration Plan.

The housing element requirement for local comprehensive plans is revised to include compliance with ss. 163.32431 or 163.32432 that requires an inventory list of appropriate affordable housing sites owned in fee simple by the local government. The penalty language for certain counties required to adopt a plan by July 1, 2008, for ensuring affordable workforce housing is clarified so that completion of the plan is a precondition to receiving any state affordable housing funding. Also, the PCS requires the housing element of a local government's comprehensive plan to address senior affordable housing with supporting infrastructure and public facilities.

Minimum Planning Criteria
DCA is authorized to amend ch. 9J-5, Florida Administrative Code, to establish different minimum planning criteria for local governments based on current and projected population, size of the local jurisdiction, the amount and nature of undeveloped land, and the scale of public services provided by the local government. Provisions relating to the optional development of a community vision and designation of an urban service boundary are deleted.

Accessory Dwelling Units
Section 163.31771, F.S., is amended to require a local government to amend its comprehensive plan, rather than adopting an ordinance, to allow accessory dwelling units in an area zoned for single-family residential use. If an accessory dwelling unit is subject to a recorded land use restriction agreement limiting its use to affordable housing, the unit is exempt from

transportation concurrency and impact fees. Accessory dwelling units may not be located on land within a coastal high-hazard area, an area of critical state concern, or on lands identified as environmentally sensitive in the local comprehensive plan.

Coastal High-Hazard Areas

The PCS includes all lands from the mean low-water line to the inland extent of the category 1 storm surge area as depicted in the most current SLOSH Storm Surge Atlas. The PCS revises the criteria applicable to a plan amendment using an alternative method for mitigation instead of satisfying the state coastal high-hazard provisions under rule 9J-5.012(b)6. and 7., Florida Administrative Code. Specifically, the area subject to the plan amendment may not be within a designated area of critical state concern, include areas within the FEMA velocity zones, subject to coastal erosion, seaward of the coastal construction control line, or subject to repetitive damage from coastal storms and floods. The local government must have adopted, as part of its comprehensive plan, hazard mitigation strategies that address unsafe structures subject to repetitive losses, measures to reduce exposure to hazards, and a post disaster redevelopment plan. Further, the plan amendment will not be found in compliance unless certain evacuation times are met or the appropriate mitigation is provided to achieve these evacuation times in a category 5 event. The deadline for local governments to include the definition of "coastal high-hazard area" in their future land use map and coastal management element is extended to July 1, 2009.

Transportation Concurrency Exception Areas

Effective July 1, 2008, TCEAs are established for any areas identified in a municipality's comprehensive plan as urban infill development, urban redevelopment, downtown revitalization, and urban infill and redevelopment. In the remaining areas, a local government may also establish a TCEA in a municipality or unincorporated area of the county by designating an area in its comprehensive plan as urban infill development, urban redevelopment, downtown revitalization, urban infill and redevelopment, or an urban service specifically designated as an exception area to accommodate compact urban development for projected population growth within a 10-year planning period.

The requirement in s. 163.3180(5), F.S., to implement long-term strategies to fund mobility in a TCEA, including alternative modes of transportation, does not apply to those areas statutorily designated as an exception area on July 1, 2008. Areas designated after that date require long-term strategies for mobility and DCA and FDOT must be consulted regarding the effect of a proposed TCEA on SIS facilities. The comprehensive plan amendment establishing the TCEA must provide for mitigation of impacts to SIS facilities.

A local government is no longer required to submit a summary of its de minimus records to show it has not exceeded the 110-percent threshold as part of the annual update to the capital improvements element. Local governments are required to consult with DCA, in addition to FDOT, regarding the impact a proposed concurrency management area will have on SIS facilities and the development of a plan to mitigate any impacts.

In s. 163.3180(8), F.S., the requirement that 110 percent of the actual transportation impact caused by previously existing development be reserved for redevelopment is increased to 150 percent. Local governments must coordinate a long-term transportation concurrency

management system that corrects existing deficiencies and prioritizes addressing backlogged facilities with the appropriate metropolitan planning organization.

The proportionate-share contribution provisions for DRIs under s. 163.3180(12), F.S. are revised to provide that such contribution is sufficient if it pays for an improvement benefiting a network of regionally significant transportation facilities if the impacts on SIS, the Florida Intrastate Highway System, and other regionally significant roadways outside of the local government's jurisdiction are mitigated based on priority improvements recommended by a regional planning council. Also, obsolete deadlines for transportation concurrency management areas and multimodal transportation districts are deleted.

Section 163.3180(16), F.S., is amended to allow, in addition to the method in subsection (12), proportionate fair-share mitigation to be calculated using a vehicle and people miles traveled methodology or an alternative methodology in a local government's comprehensive plan that ensures development impacts on transportation facilities are mitigated.

Transportation Concurrency Initiatives
A new subsection (17) is added to s. 163.3180, F.S., to allow a developer or property owner who voluntarily contributes right-of-way and constructs or expands a state transportation facility or segment that:

- Improves traffic flow, capacity, or safety, then the contribution may be applied as a credit against future transportation requirements if certain conditions are met; or
- Is identified in the capital improvements schedule and other conditions are met, then a contribution to the local government collector and the arterial system may be applied as a credit toward any future transportation concurrency requirements.

Transportation Mobility Fee
DCA is directed in this PCS to study and develop a methodology for a mobility fee system. DCA and FDOT will convene a study group with representatives from the regional planning councils, local governments, the development community, land use and transportation professionals, and the Legislature. This study group shall develop a uniform mobility fee methodology that will apply statewide and replace the existing transportation concurrency management system. The mobility fee shall provide for mobility needs, ensure development mitigates its impacts on the transportation system, and promote compact, energy efficient development. By February 15, 2009, DCA shall provide recommendations to the Legislature regarding the appropriate uniform mobility fee methodology, whether the mobility fee system should be applied statewide, a schedule for local governments to amend their comprehensive plans to incorporate the mobility fee, a system for collecting and allocating the fees among state and local transportation facilities, and the relationship between mobility fees and transportation impact fees.

Public Participation in the Comprehensive Planning Process
Section 163.3181, F.S., is amended to provide that each local government must adopt an ordinance requiring a community or neighborhood meeting before filing an application for a future land use map amendment.

Local Government Adoption of Comprehensive Plan Amendments

Section 163.3184, F.S., is amended to require applicants for a future land use map amendment to conduct a noticed community or neighborhood meeting for the purpose of presenting, discussing, and soliciting public comment on the proposed amendment. Such meeting shall be held at least 30 calendar days before the application is filed and the application must contain a certification that the meeting was held with the required notice period. At least 15 calendar days before an adoption hearing on a plan amendment, the applicant must hold a second noticed community or neighborhood meeting to discuss the map amendment application as filed. Before the adoption hearing, the applicant shall certify to the local government that a second meeting has been held and noticed in accordance with the local government's applicable ordinance. These provisions apply to all map amendments filed after January 1, 2009.

Subsection (7) of s. 163.3184, F.S., is amended to provide that if a local government fails to adopt a comprehensive plan or plan amendment within 120 days after receiving written comments from DCA, the plan or plan amendment is deemed abandoned and may not be considered until the next amendment cycle.

Subsection (15) of s. 163.3184, F.S., is amended to require a proposed substantial or material change to a plan or amendment that will be considered by a local government to be filed with the local government and made available to the public at least 5 business days before the hearing, including through the local government's website if one is maintained. However, a local government may consider and take action on a change to a plan or amendment if the applicant and affected parties at the public hearing do not oppose the change. The local government must certify to DCA that it has complied with these provisions.

An exemption from state and regional oversight for certain plan amendments adopted by a local government that adopted a community vision and urban service boundary is deleted.

Section 163.3187, F.S., is amended to allow comprehensive plan amendments to be adopted by simple majority vote of a governing body except:

- A super majority vote of the members of the governing body of the local government present at the hearing if the local planning agency has recommended the plan amendment not be adopted; and
- A super majority of the members of the governing body of the local government present at the hearing to adopt any text amendment, except for special area text policies associated with a future land use map amendment, text amendments to the schedule of capital improvements, text amendments implementing recommendations in an evaluation and appraisal report, or those text amendments that implement a new statutory requirement.

The PCS limits plan amendments to no more than once per calendar year. It does allow plan amendments one time per calendar year in addition to the once-per-year limitation for:

- A future land map amendment and special area polices associated with urban development, urban redevelopment, downtown revitalization, urban infill and

redevelopment, or an urban service area designated pursuant to ss. 163.3164, 163.2517, or 163.3180, F.S.
- A plan amendment establishing or implementing a rural land stewardship area or a sector plan.

The PCS narrows the number of exceptions to the limitation on the frequency of plan amendments. The new list of exceptions from the once-per-year limitation include those mentioned immediately above and amendments: in the case of emergency, directly related to a proposed DRI, for small scale development, required by a compliance agreement, changing the schedule in the capital improvements element and those related directly to the schedule, for port transportation facilities, establishing public school concurrency, adopted pursuant to a final order issued by the Administration Commission or the Florida Land and Water Adjudicatory Commission, for up to 20 acres in an area designated as a rural area of critical economic concern, and plan amendments related to affordable housing.

Under the PCS, a small scale amendment is not effective until DCA has certified to the local government that the amendment complies with s. 163.3187, F.S. DCA must provide the certification or state the reason why the amendment does not qualify as a small scale amendment within 30 days after receiving the amendment from the local government.

Optional Sector Planning
Section 163.3245, F.S., is amended to remove the "demonstration project" status of the optional sector plan program. An optional sector plan must cover at least 10,000 contiguous acres. The terminology is revised to refer to a "conceptual long-term overlay plan." Following the adoption of a conceptual long-term overlay plan, the underlying future land use designations may only be used if consistent with the plan. The PCS revises the requirements for maps and text supported by data and analysis to support a conceptual long-term overlay plan.

Local Government Comprehensive Planning Certification Program
Section 163.3246, F.S., is amended to discontinue the Local Government Comprehensive Planning Certification Program. The four municipalities that are currently certified communities may continue to adopt plan amendments in accordance with s. 163.3246, F.S., and their certification agreement or notice.

Affordable Housing Growth Strategies
Section 163.32461, F.S., is created to provide expedited plan amendment review for certain developments that include at least 15 percent long-term affordable housing units in counties having a population greater than 75,000 and municipalities within those counties. Those counties with a population fewer than 75,000 may also receive expedited review of developments that provide the required affordable units if the county has adopted a rural sub-element.

All local governments are required to establish a process by July 1, 2009, for the unified and expedited review of certain developments that include at least 15 percent long-term affordable housing units. The PCS provides specific timeframes for reviewing a plan amendment at the local level, and requires the plan amendment adoption hearing and any rezoning to occur simultaneously. Local governments are also required to expedite applications for subdivision, site plan approval, and building permits for development that include the required affordable

housing units so that the approval, approval with conditions, or denial occurs in less than half the time it normally takes to process.

The PCS requires local governments to amend their comprehensive plans by July 1, 2009, to provide a 15-percent density bonus if land is donated for the development of affordable housing and the donated land meets certain criteria. The land receiving the density bonus has to be located in the same jurisdiction as the donated land and suitable for development as affordable housing. The local government may transfer all or part of the donated land to non-profit entity for development of housing and 30 percent of those units must be permanently affordable. Local governments must also amend their comprehensive plans to provide a 15-percent density bonus for residential or mixed-use development located within 2 miles of an existing employment center or an employment center that has received site plan approval.

Alternative State Review Process

Section 163.32465, F.S., is revised to provide for the review of the following types of plan amendments using the alternative state process: future land use map amendments related to certain urban infill development, affordable housing amendments, and future land use map amendments within an area designated as a rural area of critical economic concern. Language regarding the agency comment period under alternative state review is revised to start the 30-day period for comments on the date DCA notifies the local government that its plan amendment package is complete. Comments from state agencies and local governments must be transmitted to DCA. The plan amendment must be adopted by the local government within 120 days after receipt agency comments or the amendment is deemed abandoned and cannot be considered until the next available amendment cycle. DCA is authorized to adopt procedural rules to administer the alternative state review program.

Disposition of Municipal Property for Affordable Housing

Section 166.0451, F.S., is renumbered as s. 163.32432, F.S., and amended to require a municipality to complete the required inventory list and any update of all real property the municipality owns in fee simple which may be appropriate for affordable housing as a precondition to receiving any state affordable housing funding.

Section 1002.33, F.S., is amended to require the siting of certain charter schools to be consistent with the local comprehensive plan.

Section 288.975, F.S., is amended to narrow the list of exceptions to the limitation on the frequency of plan amendments.

Section 380.06, F.S., is amended to correct a cross-reference.

Section 339.282, F.S., relating to transportation concurrency incentives, is repealed.

Section 420.615, F.S., relating to affordable housing land donation density bonus incentives, is repealed.

This PCS shall take effect July 1, 2008.

Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The PCS requires some counties and municipalities to develop a process for expediting local review of certain types of plan amendments, subdivisions, site plan approvals, and building permits. It also requires local governments to amend their comprehensive plans to provide density bonuses in certain circumstances. Pursuant to s. 18, Art. VII of the State Constitution, a finding of important state interest and a two-thirds vote of the membership of each house is required to effectively bind local governments if the costs to comply with these provisions of the PCS exceed $1.8 million.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

IV. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The PCS contains provisions that may increase the availability of affordable housing and provide for streamlined review and expedited permitting for developments that include a specified percentage of long-term affordable housing units.

C. Government Sector Impact:

The PCS requires local governments to adopt a process for the unified and expedited review of certain developments that include at least 15 percent long-term affordable housing units. In addition, the PCS requires local governments to adopt an ordinance requiring applicants for a future land use map amendment to conduct a noticed community or neighborhood meeting for the purpose of presenting, discussing, and soliciting public comment on the proposed amendment.

Under this PCS, local governments must amend their comprehensive plans by July 1, 2009, to provide a 15-percent density bonus if land is donated for the development of affordable housing and the donated land meets certain criteria and a 15-percent density bonus for residential or mixed-use development located within 2 miles of an existing employment center or an employment center that has received site plan approval.

V. Technical Deficiencies:

None.

VI. Related Issues:

None.

VII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.