

**DETAILED SUMMARY OF SIGNIFICANT
GROWTH MANAGEMENT LEGISLATION
2006 LEGISLATIVE SESSION**

prepared by the
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Pursuant to Article III, section 8, of the Florida Constitution, "Every bill passed by the legislature shall be presented to the governor for approval and shall become a law if the governor approves and signs it, or fails to veto it within seven consecutive days after presentation. If during that period or on the seventh day the legislature adjourns sine die or takes a recess of more than thirty days, the governor shall have fifteen consecutive days from the date of presentation to act on the bill." To check the status of a bill, go to www.flsenate.gov or www.myfloridahouse.gov and enter the bill number in the "bill finder" section, which is located in the left hand column of the Florida House of Representative's and Florida Senate's respective web sites.

GROWTH MANAGEMENT

HB 683 (Relating to Growth Management) Traviesa

This bill primarily makes numerous changes to the DRI process and was developed through extensive negotiations among the stakeholders, ably guided by Senator Bennett and Representative Traviesa, who were instrumental in striking a balance among the many competing interests. Some of its key provisions are as follows:

Surface Water

- encourages local governments that have a coastal management element in their comprehensive plan to adopt recreational surface water use policies that include criteria addressing natural resources, manatee protection needs, protection of working waterfronts and public access, and recreation and economic demands. The criteria for manatee protection must reflect the applicable guidance in the Boat Facility Siting Guide prepared by the Fish and Wildlife Conservation Commission.
- provides that local government comprehensive plan amendments adopting recreational surface water policies are exempt from the limitation on the frequency of amendments.
- provides that local governments adopting recreational surface water policies may be eligible for assistance with the development of such policies through the Florida Coastal Management Program.
- requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to submit a report of the adoption of recreational surface water use policies to the President of the Senate, the Speaker of the House of Representatives, and the majority and minority leaders of the Senate and the House of Representatives no later than December 1, 2010.

Community Development Districts

- allows a property owner having real property located within the boundaries of a community development district (CDD) and a special road and bridge district to select the CDD to provide road and drainage improvements to the property.

- provides criteria and a process for removing the real property from the special road and bridge district as well as a process for the governing body of the special road and bridge district to file a written objection regarding the proposed withdrawal within a specified time period.

Rural Land Stewardship Areas

- authorizes inclusion of the anticipated effect of proposed receiving areas within a rural land stewardship area when considering the total amount of transferable rural land use credits within a rural land stewardship area.

Dry Storage Facility Permitting

- creates a dry storage facility permitting program
- requires a permit for the construction, alteration, operation, maintenance, abandonment, or removal of a dry storage facility for 10 or more vessels that is functionally associated with a boat launching area.
- requires applicant for a permit to provide reasonable assurance that the secondary impacts from the facility will not cause adverse impacts to wetlands, surface waters, or manatees.

Build-Out

- allows a local government or the developer to ask DCA to make an informal determination as to whether a DRI meets the criteria to be “essentially built out.”
- replaces the term “termination date” with “buildout date.”
- authorizes either a developer or the local government having jurisdiction over a DRI to request a determination from DCA as to whether the local government may issue permits for development subsequent to the buildout date.
- provides additional criteria for a local government to issue a development permit subsequent to the buildout date in the development order.
- specifies when the single-family portions of a development may be considered essentially built out.

Substantial Deviations

- increases the percentage and unit thresholds for substantial deviations relating to the following developments: attraction or recreational facilities; industrial developments; mines; storage capacity for chemical or petroleum storage facilities; dwelling units; affordable workforce housing dwelling units; commercial development; hotel or motel rooms; recreational vehicle park areas; and approved multiuse DRIs.
- increases the percentages and thresholds that trigger DRI review by approximately 10 percent for proposed changes to a previously approved development.
- allows for an increase in residential units without going through DRI review if the proposed increase is below the statutory threshold and a specified percentage of those units are dedicated to affordable housing.
- deletes the percentage and unit thresholds for substantial deviations relating to hospitals and waterport or wet storage.
- revises the substantial deviation numerical standards to include certain types of development as eligible for a 100-percent or 50-percent increase in the standards for projects located in specific areas.
- creates percentage and unit thresholds for substantial deviations relating to affordable workforce housing dwelling units (i.e., an increase in residential units for a project does not constitute a substantial deviation that requires additional DRI review if all of the units are dedicated to affordable housing and the increase does not exceed 200 percent of the substantial deviation threshold.)

- provides that certain changes that modify boundaries of DRIs, which changes are based on science-based refinement of such areas by survey, habitat evaluation, other recognized assessment methodology, or an environmental assessment, do not constitute substantial deviations.
- requires DCA to consult with the Regional Planning Council before agreeing in writing that a proposed change does not constitute a substantial deviation.

Exemptions

- provides that if a use is exempt from review as a DRI under s. 380.06(24), F.S., but is a part of a larger project to be reviewed as a DRI, the impact of the exempt use must be included in the review of the larger project.
- removes waterport and marina development, including dry storage facilities, from DRI review.
- creates five new exemptions from DRI review for the following developments: self storage warehousing; nursing home or assisted living facility; developments within an airport master plan's developments within a campus master plan; developments within a specific area plan; and developments within a research and development park.
- creates a partial exemption for DRI review, by providing a 12-month period during which a local government may negotiate a binding agreement with impacted jurisdictions to address transportation impacts in order to enjoy an exemption from DRI review for projects located within an urban service boundary, a designated urban infill and redevelopment area, or a rural land stewardship area. In the absence of an agreement or at the option of the local government, the DRI review may proceed but will address transportation impacts only.

Streamlining and Other Issues

- streamlines the process to abandon a DRI in an industrial zone located in a coastal high hazard zone in a county of critical economic concern if DCA agrees and all mitigation has been completed.
- amends how certain statewide guidelines and standards are applied to determine whether a development must undergo DRI review.
- provides that vested rights are not abridged or modified by a change in the DRI guidelines and standards.
- provides legislative findings and amends the definition of "recreational and commercial working waterfront," and creates a tax deferral for "public lodging establishments" within working waterfronts.
- provides for an increase in the applicable residential development guidelines and standards and the thresholds for substantial deviations for residential development if a specified percentage of those units are dedicated to workforce housing.
- provides that if a circuit court action has been filed concerning a development order, then DCA will intervene as a party in the circuit court action and address its consistency issues in that forum rather than filing a separate action in Florida Land and Water Adjudicatory Commission.
- amends process for abandoning a DRI development order to require a local government to rescind a DRI at the request of the developer or landowner if all the required mitigation has been completed proportionate to the amount of development existing on the proposed date of rescission.
- provides for a limitation to an existing exemption for the construction of private docks and seawalls in artificially created waterways.

If approved by the Governor, these provisions take effect July 1, 2006.

SB 1194 (Relating to Growth Management) Constantine

This service delivery/annexation bill was amended to include the “Florida Impact Fee Act,” which essentially implements the recommendations of the Impact Fee Task Force. More specifically, the bill does the following:

Service Delivery/Annexation

- creates the “Interlocal Service Boundary Agreement Act” as part II of Chapter 171, F.S., to provide an alternative process for annexation that allows counties and municipalities to negotiate in good faith to identify municipal service areas and unincorporated service areas, resolve which local government is responsible for providing services and facilities within the municipal service areas, and reduce the number of enclaves (note: the negotiating parties are not required to reach an agreement).
- defines “invited local government” to mean an invited county or municipality, or special district and any other local government designated as such in an initiating resolution or a responding resolution that invites the local government to participate in the negotiation of an interlocal service boundary agreement.”
- defines a “municipal service area” as an unincorporated area that has been identified by a municipality that is party to the agreement as an area to be annexed or to receive municipal services from a municipality or its designee.
- provides that land within a municipal service area may be annexed by a municipality if consent is obtained using a process for annexation consistent with part I of ch. 171, F.S., or a flexible process, as determined by the agreement, that includes one or more of the following:
 - petition for annexation signed by more than 50 percent of the registered voters in the area proposed for annexation;
 - petition for annexation signed by more than 50 percent of the property owners in the area proposed for annexation; or
 - Approval by a majority of the registered voters in the area proposed for annexation.
- provides for an enclave consisting of 20 acres or more within a designated municipal service area to be annexed if the consent requirements of part I of Chapter 171, F.S., are met, one or more of the provisions for annexing land within a municipal service area are met, or the municipality receives a petition from one or more property owners who own real property in excess of 50 percent of the total real property in the area proposed for annexation.
- provides that enclaves consisting of less than 20 acres and with fewer than 100 registered voters, within a designated municipal service area, may be annexed using a flexible process for securing the consent of the voters, as provided in the interlocal service boundary agreement (Note: no voter approval is required).

Impact Fees

- codifies certain provisions relating to the imposition of impact fees by local governments.
- provides legislative findings and intent relating to the adoption of a local ordinance levying an impact fee.
- stipulates that such an ordinance must, at a minimum:
 - require that the calculation of the impact fee be based on the most recent and localized data;
 - provide for accounting and reporting of impact fee collections and expenditures;
 - limit administrative charges for the collection of impact fees to actual costs; and

- require that notice be provided at least 90 days before the effective date of a new or amended impact fee.
- requires that audits of financial statements of local governments and school districts include an affidavit signed by the chief financial officer of the local government or school board stating that the entity has complied with s. 163.31801, F.S., relating to impact fee ordinances.

If approved by the Governor, these provisions take effect upon becoming law.

HB 1015 (Relating to Agricultural Economic Development) Pickens

This “agricultural enclave” bill passed the Florida Legislature two years ago and was vetoed by the Governor. While it failed last year, its primary proponent, the Florida Farm Bureau was successful in securing its passage this year. FAPA has consistently opposed this bill, which preempts local government decision-making authority and may encourage the premature development of agricultural lands. The final version of the bill contained the following provisions:

- reduces the notice period from 180 to 90 days for property classified as agricultural under the Bert Harris Private Property Rights Protection Act.
- defines an agricultural enclave as a land parcel up to 1,280 acres in size, with public services available, that has been in bona fide agriculture for 5 years, and which is owned by a person or entity and is surrounded on its perimeter by a least 75 percent property that has existing industrial, commercial, or residential development.
- states that an agricultural enclave may not exceed 1,280 acres, unless the property is surrounded by existing or authorized residential development that will result in a density at buildout of at least 1,000 residents per square mile, then the area is determined to be urban and the parcel may not exceed 4,480 acres.
- authorizes landowners of agricultural enclaves to apply for a comprehensive plan amendment that includes land uses and intensities of use consistent with uses and intensities of use of surrounding industrial, commercial, or residential uses.
- stipulates the property must meet Greenbelt criteria
- provides for good faith negotiations between the local government and the landowner, with certain criteria to be met regarding the negotiations and upon completion of negotiations, regardless of the outcome, the comprehensive plan amendment must be transmitted to DCA for a review at the first available transmittal cycle.
- presumes the amendment to be consistent with DCA rules relating to urban sprawl, unless rebutted by clear and convincing evidence.
- provides economic protection to an agricultural lessee when property for which an agricultural lease exists is purchased by the state or an agency of the state and requires the purchasing agency to allow the lease to remain in full force for the remainder of the lease term.
- provides that where consistent with the purposes for which the property was acquired, the purchasing agency must make reasonable efforts to keep lands in agricultural production which are in agricultural production at the time of the purchase.
- establishes in law that agricultural self-supplied water users have limitations on their ability to develop alternative water supplies.
- requires water management districts to notify agricultural applicants for consumptive use permits of the right to apply for permits valid for 20 years.

- Requires by July 1, 2007, each water management district to enter into a memorandum of agreement with the Department of Agriculture and Consumer Services to determine whether an existing or proposed activity qualifies for the agricultural wetlands exemption set forth in law.
- includes the Department of Agriculture and Consumer Services as an agent to collect monies for the Department of Citrus and gives both departments rulemaking authority to implement the provisions of payment collection.

If approved by the Governor, these provisions take effect upon becoming law.

HB 1583 (Relating to Community Redevelopment) M. Davis

This bill substantially revises the Community Redevelopment Act (Act), found in Chapter 163, F.S., which provides a mechanism for cities and counties to redevelop slum or blighted areas in Florida. HB 1583 implements certain checks and balances in the Act to ensure that redevelopment occurs in a manner that benefits the entire community. This bill does not affect cities that are in the process of creating a new Community Redevelopment Agency or expanding an existing Community Redevelopment Area. In addition, the bill does not affect eminent domain authority of Community Redevelopment Agencies, which was addressed in HB 1567 and HJR 1569 as passed the Legislature this session (and summarized later in this report). In summary, the bill:

- reduces intergovernmental pressures that exist between cities and non-charter counties regarding the creation, expansion, and funding of Community Redevelopment Agencies;
- revises procedures for creating a new Community Redevelopment Agency or expanding an existing community redevelopment area in charter and non-charter counties;
- limits the required contribution of a non-charter county to the amount contributed by the city to a new Community Redevelopment Agency or to a Community Redevelopment Agency to provide funding for an expanded redevelopment area;
- allows a county to limit the growth in tax increment after 24 years for a new or expanded Community Redevelopment Agency; and
- authorizes a county commissioner to serve on a city Community Redevelopment Agency as an additional duty of office.

If approved by the Governor, these provisions take July 1, 2006.

HB 1359 (Relating to Hazard Mitigation/Coasts/Hurricanes) Benson

Due to a requirement in this bill that local governments adopt levels of service relating to the capacity of the road and highway infrastructure to ensure timely hurricane evacuation, there is concern that this bill could be damaging to rural and undeveloped parts of the state by making coastal development easier in these areas, particularly in the undeveloped parts of the panhandle, and more difficult in urbanized coastal areas due to a coastal density limitation. The bill does the following:

- requires municipalities to install or authorize the installation of rigid coastal armoring structures during an emergency and gives DEP the power to revoke the authority if they determine the structures harm or interfere with the beach dune system, adjacent properties, public beach access, native coastal vegetation, or nesting marine turtles.
- requires the Division of Emergency Management to manage the update of regional hurricane evacuation studies, which are to be done in a consistent manner using the National Hurricane Center's methodology and storm surge model known as Sea, Lake and Overland Surges from Hurricanes (SLOSH).

- revises the definition of a coastal high-hazard area to incorporate the storm surge predictive accuracy of the SLOSH model and requires this new definition to be included in local governments' future land use maps and coastal management elements no later than July 1, 2008.
- provides a process whereby local governments shall adopt levels of service relating to the capacity of the road and highway infrastructure to ensure timely hurricane evacuation and for those local governments that have not established a level of service for out-of-county hurricane evacuation by July 1, 2008, the evacuation level of service will be no greater than 16 hours for a category 5 storm event.
- allows DEP to favorably consider placing beach quality sand material on adjacent properties under the Coast Resort Area Redevelopment Pilot Project provided a permittee demonstrates every reasonable effort to use all material on site to enhance the beach and dune system and prepare a comprehensive plan for beach and dune nourishment for the adjoining area.
- requires DEP and affected local governments to provide an independent economic and environmental impact analysis of the pilot project and report to the Legislature's presiding officers by February 1, 2008.
- requires that issuance of an onsite sewage treatment and disposal system work permit by the Department of Health, seaward of the coastal construction control line, be contingent upon receipt of any required DEP permits.

If approved by the Governor, these provisions take effect upon becoming law.

HB 1299 (Relating to Areas of Critical State Concern) Sorensen

This bill does not prohibit the future redesignation as an area of critical state concern and is the product of a compromise between DCA, DEP, Audubon of Florida, World Wildlife Fund-US, 1000 Friends of Florida, Last Stand, and the Everglades Trust. The Florida Keys Area was designated as an area of critical state concern over 30 years ago for the purpose of providing state policies to guide decision making at the local level to protect natural resources and the environment, reverse the deterioration of water quality, and facilitate orderly, well-planned growth while protecting property rights. Current law provides that while any land development regulation or element of a local comprehensive plan in the Florida Keys may be enacted, amended or rescinded by the local government, the regulation or element is not effective until approved by DCA, and that all local development regulations or comprehensive plans must be in compliance with statutory principles for guiding development. Current law also establishes a process for removing the designation as an area of critical state concern upon the approval of the Administration Commission. However, this bill affects these provisions as follows:

- creates a new process for removing the designation of the Florida Keys Area as an area of critical state concern and removes designation as of October 1, 2009, unless the Florida Administration Commission finds that substantial progress toward achieving specified goals has not been achieved.
- provides for continued state review of local regulations for compliance with wastewater treatment and hurricane evacuation goals.
- provides that a county that has levied the tourist impact tax in an area or areas designated as an area of critical state concern for at least 20 consecutive years prior to removal of the designation may continue to levy the tourist impact tax for 20 years, and may continue to levy the tax if the county adopts an ordinance reauthorizing levy of the tax and the continued levy is approved at a referendum of the voters.
- provides that a county that was designated as an area of critical state concern for at least 20 consecutive years prior to removal of the designation, and that qualified to use the local government infrastructure

surtax for any public purpose at the time of the removal of the designation, may continue to use up to 10 percent of the surtax proceeds for any public purpose other than for infrastructure after removal of the designation for 20 years, and may continue to do so if the county adopts an ordinance providing for such continued use.

- allows a land authority to acquire property when necessary or appropriate to provide affordable housing to families whose income does not exceed 160 percent of the median family income for the area, however, the land authority may only acquire property located within an area designated as an area of critical state concern at the time of acquisition or within an area that was designated as an area of critical state concern for at least 20 consecutive years prior to removal of the designation.
- provides that a land authority created by a county in which one or more areas have been designated as an area of critical state concern for at least 20 consecutive years prior to removal of the designation may continue to exist and exercise all powers granted by law until terminated by law or action of the governing board.
- allows an area that was designated as an area of critical state concern for at least 20 consecutive years prior to removal of the designation to enact an ordinance governing sewerage systems. preserves existing state liability, if any, in regulatory takings cases if local regulations are unchanged.

If approved by the Governor, these provisions take July 1, 2006.

EMINENT DOMAIN

HB 1567 (Relating to Eminent Domain) Rubio

This bill significantly restricts the use of eminent domain by local governments to address public nuisances, slum, and blight and was passed by the legislature in reaction to the June 2005 U.S. Supreme Court decision in the case of *Kelo v. City of New London*. The Court found that a taking of private property for the purpose of economic development does not violate the U.S. Constitution. Florida was just one of many states to react to this decision by addressing the protection of private property rights. The key provisions in this bill are summarized as follows:

- prohibits the transfer of any property taken by eminent domain to private parties unless the property is used for common carrier services; transportation purposes; public or private utility services; public infrastructure; or providing goods or services to the public in an incidental part of a public facility.
- requires taken property to be held for 10 years; however, taken property may be transferred to a private entity within 10 years after taking if the property owner has the opportunity to repurchase the property for the amount the property owner received, the condemning authority documents that the property is no longer needed, and the sale is subject to competitive bidding and public notice.
- prohibits the taking of private property by eminent domain for the purpose of eliminating or abating a public nuisance but explicitly preserves the power of cities and counties to enact ordinances to abate or eliminate public nuisances to the extent the ordinances do not authorize the taking of property by eminent domain.
- prohibits taking private property by eminent domain for the purpose of eliminating slum or blight conditions in this state.

The provisions of the bill do not apply to pending judicial proceedings in which the petition of taking was filed prior to the effective date of the bill. Furthermore, although the bill significantly restricts the power of eminent domain under the Community Redevelopment Act, the bill does not alter the manner in which community redevelopment areas are created, funded, modified, or otherwise governed. Finally, the bill should be read in conjunction with HJR 1569, which proposes an amendment to the Florida Constitution

to prohibit the transfer of property taken by eminent domain to a private party except as provided by general law passed by a three-fifths vote of the membership of each house of the Legislature. The constitutional prohibition will apply only to property taken under a petition of taking filed on or after January 2, 2007.

If approved by the Governor, these provisions take effect upon becoming law.

HJR 1569 (Relating to Eminent Domain) Rubio

HJR 1569 proposes an amendment to the Florida Constitution to prohibit the transfer of property taken by eminent domain to a private party except as provided by general law passed by a three-fifths vote of the membership of each house of the Legislature. The proposed amendment will be included on the November 2007 general election ballot and, if approved, will apply only to property taken under a petition of taking filed on or after January 2, 2007. The constitutional amendment proposed by HJR 1569 does not, however, restrict the exercise of eminent domain power for traditional uses nor does the proceedings. This joint resolution should be read in conjunction with HB 1567 (above). If the constitutional amendment is approved by the voters, the exceptions created in HB 1567 will remain in effect due to the fact that the bill was enacted by more than three-fifths of the membership of the House and Senate.

If approved by the voters at the general election in November 2006, the constitutional amendment will take effect January 2, 2007.

AFFORDABLE HOUSING

HB 1363 (Relating to Affordable Housing) M. Davis

HB 1363 addresses the issue of affordable housing in Florida by creating a pilot program to encourage the provision of workforce housing for essential service personnel; by creating a definition of extremely-low-income and extending housing assistance to individuals in that income level; and by providing other financial and regulatory incentives to encourage the provision of affordable housing to individuals in several income levels. It is an extremely lengthy bill but its major provisions are provided below:

COMMUNITY WORKFORCE HOUSING INNOVATION PILOT PROGRAM (CWHIPP): The bill creates, and appropriates \$50 million to fund, the CWHIPP, to provide financial and regulatory incentives for the provision of affordable rental and ownership housing for essential service personnel, as those personnel are identified in local housing assistance plans. CWHIPP will provide loans and incentives for construction or rehabilitation of workforce housing in eligible areas. Funding will target projects in areas where the disparity between the area median income and the median sales price for a single-family home is greatest.

EXTREMELY-LOW-INCOME DEFINITION: The bill provides a definition of “extremely low-income” persons as those with household incomes that do not exceed 30 percent of median annual adjusted gross income for households within the state and a series of changes to existing state and local housing programs to incentivize the development of extremely-low-income housing. Further, the bill expands the scope of various housing assistance programs to include extremely-low-income persons.

INDEPENDENT SPECIAL DISTRICTS: The bill authorizes certain independent special districts to provide housing or housing assistance to its employed personnel whose total annual household income

does not exceed 140% of the area median income, adjusted for family size. This authority applies to any independent special district created by special act or general law, for the purpose of providing urban infrastructure or services. The grant of authority includes, but is not limited to: special districts (Chapter 189, F.S.); community development districts (Chapter 190, F.S.); independent fire control districts, (Chapter 191, F.S.); or drainage and water control districts (Chapter 298, F.S.).

COUNTY AND MUNICIPAL PROPERTY INVENTORY: The bill requires counties and municipalities to prepare an inventory of all real property it holds in fee simple title that is appropriate for use as affordable housing by July 1, 2007, and every three years thereafter. The bill specifies what information must be included in the inventory and requires the adoption of a resolution containing the inventory following a public hearing. The bill provides for the use of or disposition of such properties for the production and preservation of permanent affordable housing.

STATE-OWNED LANDS: The bill includes affordable housing meeting the criteria of s. 420.0004(3), F.S., in the permissible uses of surplus state-owned lands, as provided in s. 253.034(6)(f)1., F.S. Further, the bill provides that a local government may request that state lands be specifically declared surplus lands for the purpose of providing affordable housing. The bill provides requirements and for the request and for the disposition of such lands.

ACCESSORY DWELLING UNITS: The bill includes extremely-low-income, as defined in s. 420.0004(8), F.S., in the categories for which the permitting of an accessory dwelling unit is encouraged in s. 163.31771, F.S.

SMALL SCALE AMENDMENT LIMITATION: The bill excludes the exemption from the comprehensive plan amendment frequency limitations of real property subject to certain extended use agreements, by virtue of the amendment to s. 163.3187(1)(c)1.f., F.S.

HOMESTEAD TAX DEFERRAL: The bill amends s. 197.252(2), F.S., to broaden the applicability of the homestead ad valorem tax deferral by lowering the required applicant age to 65 from 70 years and by adjusting the eligible income to that designated for the additional homestead exemption for persons over 65 years of age.

DISABLED VETERANS FEE EXEMPTION: The bill amends s. 295.16, F.S., to provide relief for disabled veterans from paying certain license and permit fees on housing.

DEVELOPMENT OF REGIONAL IMPACT (DRI): The bill provides that when the number of dwelling units of an approved DRI are increased by the greater of 50% or 200 units and include 15% of the dwelling units dedicated to affordable workforce housing, then the development does not constitute a substantial deviation requiring additional DRI review. Further, when all additional dwelling units, up to 200 units, are dedicated to affordable workforce housing, the addition of those units to an approved DRI does not constitute a substantial deviation. Additionally, the bill creates a statewide guideline for workforce housing that will provide guidance in determining whether a particular development activity would constitute a DRI. The guideline provides a 50% increase in the applicable residential development guideline where at least 15% of the total residential dwelling units will be dedicated to affordable workforce housing.

FARMWORKER: The bill provides a cross reference of the state definition of “farmworker” with the federal definition of “domestic farm laborer” under certain circumstances. The bill also repeals s. 420.530, F.S., relating to the State Farmworker Housing Pilot Loan Program.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL): The bill authorizes SAIL mortgage loans at zero to 3% on a pro rata basis for units set aside for homeless residents under certain conditions; and one to 9% for projects targeted at other than farmworkers, commercial fishing workers, and the homeless. Further, the bill allows loans exceeding 25% of the project cost and to forgive certain indebtedness when serving extremely-low-income persons. Also, the bill authorizes certain rulemaking for the Florida Housing Finance Corporation.

STATE HOUSING INITIATIVES PARTNERSHIP (SHIP): The bill requires local housing assistance plans established under the SHIP to define essential service personnel; to provide strategies for recruitment and retention of these personnel; and to provide strategies to address the needs of persons who are deprived affordable housing due to the closure of a mobile home park or conversion of affordable rental units to condominiums.

DISTRICT SCHOOL BOARDS: The bill authorizes district school boards to use certain property for affordable housing for teachers and other district personnel.

LAND DONATION DENSITY BONUS: The bill provides local governments the discretion to allow a density bonus to any landowner who voluntarily donates fee simple interest in real property to the local government for the purpose of assisting in the provision of affordable housing and criteria and guidelines to be used for such density bonus.

APPROPRIATIONS: The bill appropriates:

- \$75.9 million for the Rental Recovery Loan Program.
- \$15 million for the Farmworker Housing Recovery Program and the Special Housing Assistance and Development Program.
- \$17 million for the Rental Recovery Program.
- \$82.904 million to meet the needs of communities impacted by Hurricanes Wilma and Katrina, consistent with identified requirements.
- \$50 million to implement the CHWIPP.
- \$30 million to assist in the production of housing units for extremely-low-income persons.
- \$250,000 of recurring and \$300,000 of nonrecurring funds for the Century Commission for a Sustainable Florida.

If approved by the Governor, these provisions take July 1, 2006, except as otherwise provided.

OTHER ISSUES

HB 749 (Relating to Sewage Treatment & Disposal) Bowen

This bill requires counties, municipalities, and sewer districts that propose to expand or build new central sewer facilities to provide information in a report, including:

- available information from the Department of Health (DOH) on the history of onsite sewage treatment and disposal systems currently in use in the area.

- a comparison of the projected costs to the owner of a typical lot or parcel of connecting to and using the proposed sewerage system versus installing, operating and properly maintaining an onsite sewage treatment system, approved by the DOH that provides for the comparable level of environmental and health protection as the proposed central sewerage system and other factors deemed relevant by the local authority.
- examination of any impaired bodies of water as defined under the Federal Clean Water Act as one of the issues addressed in the report before a new central plant not previously approved is being considered.

In addition, the bill does the following:

- allows local governments to meet growth management concurrency requirements for “sanitary sewers” for new development through the use of any onsite treatment and disposal systems approved by the DOH.
- authorizes a local government to grant a variance to an owner of a performance based onsite sewage treatment and disposal system permitted by the DOH as long as the onsite system is functioning properly and satisfying the conditions of the operating permit; however, the bill explicitly provides that a local government is not required to issue a variance under any circumstance.
- adds the language "significantly degrades the ground water or surface water" as a standard for DOH enforcement.
- clarifies that a local government located within an area of critical state concern or located in an area that was designated as an area of critical state concern for at least 20 consecutive years prior to removal of the designation, or the Broward County C-11 basin, and an area designated by the Lake Okeechobee Protection Act, is not required to issue a variance under any circumstance, and nothing in this provision should be construed as limiting local government authority to enact ordinances under s. 4 of Chapter 99-395, Laws of Florida.
- clarifies the enforcement authority of the DOH when an onsite system has failed.
- increases the continuing education hours for septic tank contractors from six to twelve.

If approved by the Governor, these provisions take July 1, 2006.

SB 980 (Relating to Electric Transmission & Distribution) Alexander

Currently, electric substations for distribution lines are sited as a special use or a conditional use through the local government planning and zoning processes. Likewise, land development regulations and ordinances for vegetation maintenance vary among local governments. As originally filed, this bill would have allowed electrical substations in any land use category, however, it was successfully amended to exempt conservation and preservation land uses. The bill does the following:

- provides that electrical substations are a permissible land use in all land use categories and zoning districts, with specified exceptions and setback and landscape buffers as set forth in the bill unless a local government adopts reasonable standards.
- creates a process for siting a new distribution electric substation if the local government has adopted standards for setback and landscape buffers and provides timeframes for the process.
- requires the utility to consult the local government regarding site selection prior to submitting an application for a new distribution electric substation in a residential area.
- provides criteria regarding site selection and the negotiation process between the local government and the utility.
- prohibits a local governments from requiring a permit or other approval for vegetation management and tree trimming within an established right-of-way for an electric transmission or distribution line.

- requires a utility to give the local government advance notice before conducting vegetation-maintenance and tree trimming or pruning activities in an established right-of-way, specifies standards for such activities, and limits the types of trees or vegetation that may be planted in an established right-of-way for an electric utility.
- requires an electric utility to provide the applicable regional planning council with an annual report on the utility's 5-year plans for siting electric substations and this information is to be included in the regional planning council's annual report.

If approved by the Governor, these provisions take effect upon becoming law.

HB 273 (Relating to Outdoor Advertising Signs) Mayfield

This bill addresses issues related to obstructing the view of billboards. More specifically, the bill does the following:

- establishes "view zones" along the public rights-of-way of interstates, expressways, federal-aid primary highways and the State Highway System (note: privately owned and other publicly-owned property is not subject to this requirement).
- allows FDOT and sign owners to enter into agreements identifying the specific location of a billboard's view zone, meaning an unobstructed view by passing motorists, and specifies in statute the standard dimensions of a view zone.
- prohibits trees and other vegetation that are part of a beautification project from being planted in a billboard's view zone.
- requires any governmental entity violating the view zone provisions to pay the sign owner compensation equal to the lesser of either lost revenue or the sign's fair-market value.
- allows the owner of a lawfully erected billboard that conforms to state and federal requirements for land-use, size, height, and spacing to elevate the billboard at its permitted location if a sound wall blocks or screens the signage.
- directs FDOT to conduct a survey and a public hearing of property owners where a sound wall is proposed as part of a transportation project, and requires FDOT to alert property owners to their local government's options in handling legally erected billboards that may be impacted by erection of a sound wall (note: if the property owners prefer the sound wall, their local government's options would be to either: allow the billboard to be increased in violation of local ordinance; allow the billboard to be relocated and rebuilt if its owner approves; or pay the billboard owner fair-market value for the sign and any associated real property interest).
- specifies that the provisions of this act do not apply to any written agreement existing prior to July 1, 2006, between any local government and the owner of an outdoor advertising sign.

If approved by the Governor, these provisions take effect upon becoming law.