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# **LOCAL GOVERNMENT AFFAIRS SUBCOMMITTEE**

## **ACTION PACKET**

**Monday, February 1, 2016  
11:30 a.m.  
Webster Hall (212 Knott)**

**Steve Crisafulli  
Speaker**

**Debbie Mayfield  
Chair**



**COMMITTEE MEETING REPORT**  
**Local Government Affairs Subcommittee**  
**2/1/2016 11:30:00AM**

**Location:** Webster Hall (212 Knott)

**Attendance:**

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Debbie Mayfield (Chair)	X		
Matt Caldwell	X		
Daphne Campbell	X		
Jose Diaz	X		
Dwight Dudley	X		
George Moraitis, Jr.	X		
Amanda Murphy	X		
Cary Pigman	X		
Kevin Rader	X		
Lake Ray	X		
Jimmie Smith	X		
Charlie Stone	X		
Jennifer Sullivan	X		
<b>Totals:</b>	<b>13</b>	<b>0</b>	<b>0</b>

**COMMITTEE MEETING REPORT**  
**Local Government Affairs Subcommittee**  
**2/1/2016 11:30:00AM**

**Location:** Webster Hall (212 Knott)

**HB 483 : Local Government Neighborhood Improvement Districts**

*Not Considered*

**COMMITTEE MEETING REPORT**  
**Local Government Affairs Subcommittee**  
**2/1/2016 11:30:00AM**

**Location:** Webster Hall (212 Knott)

**HB 1015 : Determination of Maximum Millage Rates**

*Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Matt Caldwell	X				
Daphne Campbell		X			
Jose Diaz			X		
Dwight Dudley		X			
George Moraitis, Jr.	X				
Amanda Murphy		X			
Cary Pigman	X				
Kevin Rader		X			
Lake Ray	X				
Jimmie Smith	X				
Charlie Stone	X				
Jennifer Sullivan	X				
Debbie Mayfield (Chair)	X				
	<b>Total Yeas: 8</b>	<b>Total Nays: 4</b>			

**HB 1015 Amendments**

**Amendment 148805**

*Adopted Without Objection*

**Appearances:**

Determination of Maximum Millage Rates

McCarty, Jess (Lobbyist) - Opponent

Miami-Dade County

111 NW 1st St

Miami FL 33128

Phone: 305-979-7110

Determination of Maximum Millage Rates

Hughes, Amber (Lobbyist) - Opponent

Florida League of Cities

Senior Legislative Advocate

PO Box 7156

Tallahassee FL 32302

Phone: 850-701-3621

Committee meeting was reported out: Monday, February 01, 2016 3:38:26PM

**COMMITTEE MEETING REPORT**  
**Local Government Affairs Subcommittee**  
**2/1/2016 11:30:00AM**

**Location:** Webster Hall (212 Knott)

**HB 1015 : Determination of Maximum Millage Rates (continued)**

**Appearances: (continued)**

Determination of Maximum Millage Rates

Suggs, Davin (Lobbyist) - Opponent

Florida Association of Counties

Fiscal Policy Director

100 South Monroe Street

Tallahassee FL 32301

Phone: 850-320-2635

Committee meeting was reported out: Monday, February 01, 2016 3:38:26PM



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COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

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1 Committee/Subcommittee hearing bill: Local Government Affairs  
2 Subcommittee  
3 Representative Nuñez offered the following:

**Amendment**

Remove everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (5) of section 200.065, Florida Statutes, is amended to read:

200.065 Method of fixing millage.-

(5) In each fiscal year:

(a) The maximum millage rate that a county, municipality, special district dependent to a county or municipality, municipal service taxing unit, or independent special district may levy is a rolled-back rate based on the amount of taxes actually ~~which would have been~~ levied in the prior year ~~if the maximum millage rate had been applied~~, adjusted for change in



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18 | per capita Florida personal income, unless the change in per  
19 | capita Florida personal income is negative ~~a higher rate was~~  
20 | ~~adopted~~, in which case the maximum is the rolled-back ~~adopted~~  
21 | rate. The maximum millage rate applicable to a county authorized  
22 | to levy a county public hospital surtax under s. 212.055 and  
23 | which did so in fiscal year 2007 shall exclude the revenues  
24 | required to be contributed to the county public general hospital  
25 | in the current fiscal year for the purposes of making the  
26 | maximum millage rate calculation, but shall be added back to the  
27 | maximum millage rate allowed after the roll back has been  
28 | applied, the total of which shall be considered the maximum  
29 | millage rate for such a county for purposes of this subsection.  
30 | The revenue required to be contributed to the county public  
31 | general hospital for the upcoming fiscal year shall be  
32 | calculated as 11.873 percent times the millage rate levied for  
33 | countywide purposes in fiscal year 2007 times 95 percent of the  
34 | preliminary tax roll for the upcoming fiscal year. A higher rate  
35 | may be adopted only under the following conditions:

36 |       1. A rate of not more than 110 percent of the rolled-back  
37 | rate based on the amount of taxes actually levied in the prior  
38 | year ~~previous year's maximum millage rate~~, adjusted for change  
39 | in per capita Florida personal income, may be adopted if  
40 | approved by a two-thirds vote of the membership of the governing  
41 | body of the county, municipality, or independent district; or

42 |       2. A rate in excess of 110 percent may be adopted if  
43 | approved by a unanimous vote of the membership of the governing



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44 body of the county, municipality, or independent district or by  
45 a three-fourths vote of the membership of the governing body if  
46 the governing body has nine or more members, or if the rate is  
47 approved by a referendum.

48

49 Any unit of government operating under a home rule charter  
50 adopted pursuant to ss. 10, 11, and 24, Art. VIII of the State  
51 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the  
52 State Constitution of 1968, which is granted the authority in  
53 the State Constitution to exercise all the powers conferred now  
54 or hereafter by general law upon municipalities and which  
55 exercises such powers in the unincorporated area shall be  
56 recognized as a municipality under this subsection. For a  
57 downtown development authority established before the effective  
58 date of the 1968 State Constitution which has a millage that  
59 must be approved by a municipality, the governing body of that  
60 municipality shall be considered the governing body of the  
61 downtown development authority for purposes of this subsection.

62 Section 2. This act shall take effect on July 1, 2016.

63

**COMMITTEE MEETING REPORT**  
**Local Government Affairs Subcommittee**  
**2/1/2016 11:30:00AM**

**Location:** Webster Hall (212 Knott)

**HB 1321 : Discounts on Public Park Entrance Fees and Transportation Fares**

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Matt Caldwell	X				
Daphne Campbell	X				
Jose Diaz	X				
Dwight Dudley	X				
George Moraitis, Jr.			X		
Amanda Murphy	X				
Cary Pigman	X				
Kevin Rader	X				
Lake Ray	X				
Jimmie Smith	X				
Charlie Stone	X				
Jennifer Sullivan	X				
Debbie Mayfield (Chair)	X				
<b>Total Yeas: 12</b>					
<b>Total Nays: 0</b>					

**Appearances:**

Discounts on Public Park Entrance Fees and Transportation  
 Day, Justin (Lobbyist) - Waive In Support  
 Hillsborough Area Regional Transit Authority  
 Director  
 701 S. Howard Avenue Suite 106-326  
 Tampa FL 33606  
 Phone: 850-222-8900

Discounts on Public Park Entrance Fees and Transportation  
 Prendergast, Mike (Lobbyist) - Waive In Support  
 Department of Veterans' Affairs  
 Executive Director  
 Ste 2105B The Capitol 400 S Monroe St  
 Tallahassee FL 32399  
 Phone: 850-487-1533

Discounts on Public Park Entrance Fees and Transportation  
 Salvatori, Rocco (Lobbyist) - Waive In Support  
 Florida Professional Firefighters  
 Firefighter  
 345 W Madison Street  
 Tallahassee FL  
 Phone: 850-224-7333

Committee meeting was reported out: Monday, February 01, 2016 3:38:26PM

**COMMITTEE MEETING REPORT**  
**Local Government Affairs Subcommittee**  
**2/1/2016 11:30:00AM**

**Location:** Webster Hall (212 Knott)

**HB 1361 : Growth Management**

*Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Matt Caldwell	X				
Daphne Campbell	X				
Jose Diaz			X		
Dwight Dudley	X				
George Moraitis, Jr.	X				
Amanda Murphy	X				
Cary Pigman	X				
Kevin Rader	X				
Lake Ray	X				
Jimmie Smith	X				
Charlie Stone	X				
Jennifer Sullivan	X				
Debbie Mayfield (Chair)	X				
<b>Total Yeas: 12</b>		<b>Total Nays: 0</b>			

**HB 1361 Amendments**

**Amendment 193329**

*Adopted Without Objection*

**Appearances:**

Growth Management  
 Poole, Eric (Lobbyist) - Information Only  
 Florida Association of Counties  
 Assistant Legislative Director  
 100 S Monroe St  
 Tallahassee FL 32301  
 Phone: 850-922-4300

Growth Management  
 Emmanuel, Christopher (Lobbyist) - Waive In Support  
 Florida Chamber of Commerce  
 Policy Director  
 136 S. Bronough Street  
 Tallahassee FL 32301  
 Phone: 850-933-1223

Committee meeting was reported out: Monday, February 01, 2016 3:38:26PM

**COMMITTEE MEETING REPORT**  
**Local Government Affairs Subcommittee**  
**2/1/2016 11:30:00AM**

**Location:** Webster Hall (212 Knott)

**HB 1361 : Growth Management (continued)**

**Appearances: (continued)**

Linnan, Nancy (Lobbyist) - Waive In Support  
The Villages & Howard Group  
215 S Monroe St, Ste 500  
Tallahassee FL 32301  
Phone: 850-212-7631

Growth Management  
Hunter, Gary (Lobbyist) - Waive In Support  
Association of Florida Community Developers, Inc  
Attorney  
119 S Monroe Street Suite 300  
Tallahassee FL 32301  
Phone: 850-222-7500

Growth Management  
Smart, Ryan (Lobbyist) - Waive In Support  
1000 Friends of Florida  
President  
308 N. Monroe Street  
Tallahassee FL 32301  
Phone: 850-222-6277

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1361 (2016)

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COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	✓	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Committee/Subcommittee hearing bill: Local Government Affairs  
2 Subcommittee

3 Representative La Rosa offered the following:

4  
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (c) of subsection (2), paragraph  
8 (e) of subsection (5), and paragraph (d) of subsection (7) of  
9 section 163.3184, Florida Statutes, are amended to read:

10 163.3184 Process for adoption of comprehensive plan or  
11 plan amendment.—

12 (2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—

13 (c) Plan amendments that are in an area of critical state  
14 concern designated pursuant to s. 380.05; propose a rural land  
15 stewardship area pursuant to s. 163.3248; propose a sector plan

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16 pursuant to s. 163.3245 or an amendment to an adopted sector  
17 plan; update a comprehensive plan based on an evaluation and  
18 appraisal pursuant to s. 163.3191; propose a development that is  
19 subject to the state coordinated review process ~~qualifies as a~~  
20 ~~development of regional impact~~ pursuant to s. 380.06; or are new  
21 plans for newly incorporated municipalities adopted pursuant to  
22 s. 163.3167 must ~~shall~~ follow the state coordinated review  
23 process in subsection (4).

24 (5) ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN  
25 AMENDMENTS.—

26 (e) If the administrative law judge recommends that the  
27 amendment be found in compliance, the judge shall submit the  
28 recommended order to the state land planning agency.

29 1. If the state land planning agency determines that the  
30 plan amendment should be found not in compliance, the agency  
31 shall make every effort to refer the recommended order and its  
32 determination expeditiously to the Administration Commission for  
33 final agency action, but at a minimum within the time period  
34 provided by s. 120.569.

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35           2. If the state land planning agency determines that the  
36 plan amendment should be found in compliance, the agency shall  
37 make every effort to enter its final order expeditiously, but at  
38 a minimum within the time period provided by s. 120.569.

39           3. The recommended order submitted under this paragraph  
40 becomes a final order 90 days after issuance unless the state  
41 land planning agency acts as provided in subparagraph 1. or  
42 subparagraph 2., or all parties consent in writing to an  
43 extension of the 90-day period.

44           (7) MEDIATION AND EXPEDITIOUS RESOLUTION.-

45           (d) For a case following the procedures under this  
46 subsection, absent a showing of extraordinary circumstances or  
47 written consent of the parties, if the administrative law judge  
48 recommends that the amendment be found not in compliance, the  
49 Administration Commission shall issue a final order, ~~in a case~~  
50 ~~proceeding under subsection (5),~~ within 45 days after the  
51 issuance of the recommended order, ~~unless the parties agree in~~  
52 ~~writing to a longer time.~~ If the administrative law judge  
53 recommends that the amendment be found in compliance, the state  
54 land planning agency shall issue a final order within 45 days

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55 after the issuance of the recommended order. If the state land  
56 planning agency fails to timely issue a final order, the  
57 recommended order finding the amendment to be in compliance  
58 immediately becomes final.

59 Section 2. Subsection (1) of section 163.3245, Florida  
60 Statutes, is amended to read:

61 163.3245 Sector plans.—

62 (1) In recognition of the benefits of long-range planning  
63 for specific areas, local governments or combinations of local  
64 governments may adopt into their comprehensive plans a sector  
65 plan in accordance with this section. This section is intended  
66 to promote and encourage long-term planning for conservation,  
67 development, and agriculture on a landscape scale; to further  
68 support innovative and flexible planning and development  
69 strategies, and the purposes of this part and part I of chapter  
70 380; to facilitate protection of regionally significant  
71 resources, including, but not limited to, regionally significant  
72 water courses and wildlife corridors; and to avoid duplication  
73 of effort in terms of the level of data and analysis required  
74 for a development of regional impact, while ensuring the

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75 adequate mitigation of impacts to applicable regional resources  
76 and facilities, including those within the jurisdiction of other  
77 local governments, as would otherwise be provided. Sector plans  
78 are intended for substantial geographic areas that include at  
79 least 5,000 ~~15,000~~ acres of one or more local governmental  
80 jurisdictions and are to emphasize urban form and protection of  
81 regionally significant resources and public facilities. A sector  
82 plan may not be adopted in an area of critical state concern.

83 Section 3. Subsection (2) of section 171.046, Florida  
84 Statutes, is amended to read:

85 171.046 Annexation of enclaves.—

86 (2) In order to expedite the annexation of enclaves of  
87 110 ~~10~~ acres or less into the most appropriate incorporated  
88 jurisdiction, based upon existing or proposed service provision  
89 arrangements, a municipality may:

90 (a) Annex an enclave by interlocal agreement with the  
91 county having jurisdiction of the enclave; or

92 (b) Annex an enclave with fewer than 25 registered voters  
93 by municipal ordinance when the annexation is approved in a

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94 referendum by at least 60 percent of the registered voters who  
95 reside in the enclave.

96 Section 4. Subsection (14), paragraph (g) of subsection  
97 (15), paragraphs (b) and (e) of subsection (19), and subsection  
98 (30) of section 380.06, Florida Statutes, are amended to read:

99 380.06 Developments of regional impact.—

100 (14) CRITERIA OUTSIDE AREAS OF CRITICAL STATE CONCERN.—

101 If the development is not located in an area of critical state  
102 concern, in considering whether the development is ~~shall be~~  
103 approved, denied, or approved subject to conditions,  
104 restrictions, or limitations, the local government shall  
105 consider whether, and the extent to which:

106 (a) The development is consistent with the local  
107 comprehensive plan and local land development regulations.;

108 (b) The development is consistent with the report and  
109 recommendations of the regional planning agency submitted  
110 pursuant to subsection (12). ~~and~~

111 (c) The development is consistent with the State  
112 Comprehensive Plan. In consistency determinations, the plan  
113 shall be construed and applied in accordance with s. 187.101(3).

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114 However, a local government may approve a change to a  
115 development authorized as a development of regional impact if  
116 the change has the effect of reducing the originally approved  
117 height, density, or intensity of the development, and if the  
118 revised development would have been consistent with the  
119 comprehensive plan in effect when the development was originally  
120 approved. If the revised development is approved, the developer  
121 may proceed as provided in s. 163.3167(5).

122 (15) LOCAL GOVERNMENT DEVELOPMENT ORDER.-

123 (g) A local government may ~~shall~~ not issue a permit  
124 ~~permits~~ for a development subsequent to the buildout date  
125 contained in the development order unless:

126 1. The proposed development has been evaluated  
127 cumulatively with existing development under the substantial  
128 deviation provisions of subsection (19) after ~~subsequent to~~ the  
129 termination or expiration date;

130 2. The proposed development is consistent with an  
131 abandonment of development order that has been issued in  
132 accordance with ~~the provisions of~~ subsection (26);

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133           3. The development of regional impact is essentially  
134 built out, in that all the mitigation requirements in the  
135 development order have been satisfied, all developers are in  
136 compliance with all applicable terms and conditions of the  
137 development order except the buildout date, and the amount of  
138 proposed development that remains to be built is less than 40  
139 percent of any applicable development-of-regional-impact  
140 threshold; or

141           4. The project has been determined to be an essentially  
142 built out ~~built-out~~ development of regional impact through an  
143 agreement executed by the developer, the state land planning  
144 agency, and the local government, in accordance with s. 380.032,  
145 which will establish the terms and conditions under which the  
146 development may be continued. If the project is determined to be  
147 essentially built out, development may proceed pursuant to the  
148 s. 380.032 agreement after the termination or expiration date  
149 contained in the development order without further development  
150 of-regional-impact review subject to the local government  
151 comprehensive plan and land development regulations ~~or subject~~  
152 ~~to a modified development of regional impact analysis.~~ The

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153 parties may amend the agreement without submission, review, or  
154 approval of a notification of proposed change pursuant to  
155 subsection (19). For the purposes of ~~As used in~~ this paragraph,  
156 a an "~~essentially built out~~" development of regional impact ~~is~~  
157 essentially built out, if ~~means~~:

158           a. The developers are in compliance with all applicable  
159 terms and conditions of the development order except the  
160 buildout date; and

161           b.(I) The amount of development that remains to be built  
162 is less than the substantial deviation threshold specified in  
163 paragraph (19)(b) for each individual land use category, or, for  
164 a multiuse development, the sum total of all unbuilt land uses  
165 as a percentage of the applicable substantial deviation  
166 threshold is equal to or less than 100 percent; or

167           (II) The state land planning agency and the local  
168 government have agreed in writing that the amount of development  
169 to be built does not create the likelihood of any additional  
170 regional impact not previously reviewed.

171

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172 The single-family residential portions of a development may be  
173 considered "essentially built out" if all of the workforce  
174 housing obligations and all of the infrastructure and horizontal  
175 development have been completed, at least 50 percent of the  
176 dwelling units have been completed, and more than 80 percent of  
177 the lots have been conveyed to third-party individual lot owners  
178 or to individual builders who own no more than 40 lots at the  
179 time of the determination. The mobile home park portions of a  
180 development may be considered "essentially built out" if all  
181 the infrastructure and horizontal development has been  
182 completed, and at least 50 percent of the lots are leased to  
183 individual mobile home owners. In order to accommodate changing  
184 market demands and achieve maximum land use efficiency in an  
185 essentially built out project, when a developer is building out  
186 a project, a local government, without the concurrence of the  
187 state land planning agency, may adopt a resolution authorizing  
188 the developer to exchange one approved land use for another  
189 approved land use specified in the agreement. Before issuance of  
190 a building permit pursuant to an exchange, the developer must  
191 demonstrate to the local government that the exchange ratio will

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192 not result in a net increase in impacts to public facilities and  
193 will meet all applicable requirements of the comprehensive plan  
194 and land development code. For developments previously  
195 determined to impact strategic intermodal facilities as defined  
196 in s. 339.63, the local government shall consult with the  
197 Department of Transportation in approving this change.

198 (19) SUBSTANTIAL DEVIATIONS.—

199 (b) Any proposed change to a previously approved  
200 development of regional impact or development order condition  
201 which, either individually or cumulatively with other changes,  
202 exceeds any of the ~~following~~ criteria in subparagraphs 1.-11.  
203 constitutes ~~shall constitute~~ a substantial deviation and shall  
204 cause the development to be subject to further development-of  
205 regional-impact review through the notice of proposed change  
206 process under this subsection. ~~without the necessity for a~~  
207 ~~finding of same by the local government:~~

208 1. An increase in the number of parking spaces at an  
209 attraction or recreational facility by 15 percent or 500 spaces,  
210 whichever is greater, or an increase in the number of spectators

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211 that may be accommodated at such a facility by 15 percent or  
212 1,500 spectators, whichever is greater.

213 2. A new runway, a new terminal facility, a 25 percent  
214 lengthening of an existing runway, or a 25 percent increase in  
215 the number of gates of an existing terminal, but only if the  
216 increase adds at least three additional gates.

217 3. An increase in land area for office development by 15  
218 percent or an increase of gross floor area of office development  
219 by 15 percent or 100,000 gross square feet, whichever is  
220 greater.

221 4. An increase in the number of dwelling units by 10  
222 percent or 55 dwelling units, whichever is greater.

223 5. An increase in the number of dwelling units by 50  
224 percent or 200 units, whichever is greater, provided that 15  
225 percent of the proposed additional dwelling units are dedicated  
226 to affordable workforce housing, subject to a recorded land use  
227 restriction that shall be for a period of not less than 20 years  
228 and that includes resale provisions to ensure long-term  
229 affordability for income-eligible homeowners and renters and  
230 provisions for the workforce housing to be commenced before

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231 ~~prior to~~ the completion of 50 percent of the market rate  
232 dwelling. For purposes of this subparagraph, the term  
233 "affordable workforce housing" means housing that is affordable  
234 to a person who earns less than 120 percent of the area median  
235 income, or less than 140 percent of the area median income if  
236 located in a county in which the median purchase price for a  
237 single-family existing home exceeds the statewide median  
238 purchase price of a single-family existing home. For purposes of  
239 this subparagraph, the term "statewide median purchase price of  
240 a single-family existing home" means the statewide purchase  
241 price as determined in the Florida Sales Report, Single-Family  
242 Existing Homes, released each January by the Florida Association  
243 of Realtors and the University of Florida Real Estate Research  
244 Center.

245           6. An increase in commercial development by 60,000 square  
246 feet of gross floor area or of parking spaces provided for  
247 customers for 425 cars or a 10 percent increase, whichever is  
248 greater.

249           7. An increase in a recreational vehicle park area by 10  
250 percent or 110 vehicle spaces, whichever is less.

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251 | 8. A decrease in the area set aside for open space of 5  
252 | percent or 20 acres, whichever is less.

253 | 9. A proposed increase to an approved multiuse  
254 | development of regional impact where the sum of the increases of  
255 | each land use as a percentage of the applicable substantial  
256 | deviation criteria is equal to or exceeds 110 percent. The  
257 | percentage of any decrease in the amount of open space shall be  
258 | treated as an increase for purposes of determining when 110  
259 | percent has been reached or exceeded.

260 | 10. A 15 percent increase in the number of external  
261 | vehicle trips generated by the development above that which was  
262 | projected during the original development-of-regional-impact  
263 | review.

264 | 11. Any change that would result in development of any  
265 | area which was specifically set aside in the application for  
266 | development approval or in the development order for  
267 | preservation or special protection of endangered or threatened  
268 | plants or animals designated as endangered, threatened, or  
269 | species of special concern and their habitat, any species  
270 | protected by 16 U.S.C. ss. 668a-668d, primary dunes, or

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271 archaeological and historical sites designated as significant by  
272 the Division of Historical Resources of the Department of State.  
273 The refinement of the boundaries and configuration of such areas  
274 shall be considered under sub-subparagraph (e)2.j.

275

276 The substantial deviation numerical standards in subparagraphs  
277 3., 6., and 9., excluding residential uses, and in subparagraph  
278 10., are increased by 100 percent for a project certified under  
279 s. 403.973 which creates jobs and meets criteria established by  
280 the Department of Economic Opportunity as to its impact on an  
281 area's economy, employment, and prevailing wage and skill  
282 levels. The substantial deviation numerical standards in  
283 subparagraphs 3., 4., 5., 6., 9., and 10. are increased by 50  
284 percent for a project located wholly within an urban infill and  
285 redevelopment area designated on the applicable adopted local  
286 comprehensive plan future land use map and not located within  
287 the coastal high hazard area.

288 (e)1. Except for a development order rendered pursuant to  
289 subsection (22) or subsection (25), a proposed change to a  
290 development order which individually or cumulatively with any

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291 previous change is less than any numerical criterion contained  
292 in subparagraphs (b)1.-10. and does not exceed any other  
293 criterion, or which involves an extension of the buildout date  
294 of a development, or any phase thereof, of less than 5 years is  
295 not subject to the public hearing requirements of subparagraph  
296 (f)3., and is not subject to a determination pursuant to  
297 subparagraph (f)5. Notice of the proposed change shall be made  
298 to the regional planning council and the state land planning  
299 agency. Such notice must include a description of previous  
300 individual changes made to the development, including changes  
301 previously approved by the local government, and must include  
302 appropriate amendments to the development order.

303 2. The following changes, individually or cumulatively  
304 with any previous changes, are not substantial deviations:

305 a. Changes in the name of the project, developer, owner,  
306 or monitoring official.

307 b. Changes to a setback which do not affect noise  
308 buffers, environmental protection or mitigation areas, or  
309 archaeological or historical resources.

310 c. Changes to minimum lot sizes.

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311 d. Changes in the configuration of internal roads which  
312 do not affect external access points.

313 e. Changes to the building design or orientation which  
314 stay approximately within the approved area designated for such  
315 building and parking lot, and which do not affect historical  
316 buildings designated as significant by the Division of  
317 Historical Resources of the Department of State.

318 f. Changes to increase the acreage in the development, if  
319 no development is proposed on the acreage to be added.

320 g. Changes to eliminate an approved land use, if there  
321 are no additional regional impacts.

322 h. Changes required to conform to permits approved by any  
323 federal, state, or regional permitting agency, if these changes  
324 do not create additional regional impacts.

325 i. Any renovation or redevelopment of development within  
326 a previously approved development of regional impact which does  
327 not change land use or increase density or intensity of use.

328 j. Changes that modify boundaries and configuration of  
329 areas described in subparagraph (b)11. due to science-based  
330 refinement of such areas by survey, by habitat evaluation, by

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331 other recognized assessment methodology, or by an environmental  
332 assessment. In order for changes to qualify under this sub  
333 subparagraph, the survey, habitat evaluation, or assessment must  
334 occur before the time that a conservation easement protecting  
335 such lands is recorded and must not result in any net decrease  
336 in the total acreage of the lands specifically set aside for  
337 permanent preservation in the final development order.

338 k. Changes that do not increase the number of external  
339 peak hour trips and do not reduce open space and conserved areas  
340 within the project except as otherwise permitted by sub-  
341 subparagraph j.

342 l. A phase date extension, if the state land planning  
343 agency, in consultation with the regional planning council and  
344 subject to the written concurrence of the Department of  
345 Transportation, agrees that the traffic impact is not  
346 significant and adverse under applicable state agency rules.

347 m.~~l.~~ Any other change that the state land planning  
348 agency, in consultation with the regional planning council,  
349 agrees in writing is similar in nature, impact, or character to  
350 the changes enumerated in sub-subparagraphs a.-l. ~~a.-k.~~ and that

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351 does not create the likelihood of any additional regional  
352 impact.

353

354 This subsection does not require the filing of a notice of  
355 proposed change but requires an application to the local  
356 government to amend the development order in accordance with the  
357 local government's procedures for amendment of a development  
358 order. In accordance with the local government's procedures,  
359 including requirements for notice to the applicant and the  
360 public, the local government shall either deny the application  
361 for amendment or adopt an amendment to the development order  
362 which approves the application with or without conditions.

363 Following adoption, the local government shall render to the  
364 state land planning agency the amendment to the development  
365 order. The state land planning agency may appeal, pursuant to s.  
366 380.07(3), the amendment to the development order if the  
367 amendment involves sub-subparagraph g., sub-subparagraph h., sub-  
368 subparagraph j., sub-subparagraph k., or sub-subparagraph m. ~~l.~~  
369 and if the agency believes that the change creates a reasonable  
370 likelihood of new or additional regional impacts.

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371           3. Except for the change authorized by sub-subparagraph  
372 2.f., any addition of land not previously reviewed or any change  
373 not specified in paragraph (b) or paragraph (c) shall be  
374 presumed to create a substantial deviation. This presumption may  
375 be rebutted by clear and convincing evidence.

376           4. Any submittal of a proposed change to a previously  
377 approved development must include a description of individual  
378 changes previously made to the development, including changes  
379 previously approved by the local government. The local  
380 government shall consider the previous and current proposed  
381 changes in deciding whether such changes cumulatively constitute  
382 a substantial deviation requiring further development-of  
383 regional-impact review.

384           5. The following changes to an approved development of  
385 regional impact shall be presumed to create a substantial  
386 deviation. Such presumption may be rebutted by clear and  
387 convincing evidence:—

388           a. A change proposed for 15 percent or more of the  
389 acreage to a land use not previously approved in the development

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390 order. Changes of less than 15 percent shall be presumed not to  
391 create a substantial deviation.

392 b. Notwithstanding any provision of paragraph (b) to the  
393 contrary, a proposed change consisting of simultaneous increases  
394 and decreases of at least two of the uses within an authorized  
395 multiuse development of regional impact which was originally  
396 approved with three or more uses specified in s. 380.0651(3)(c)  
397 and (d) and residential use.

398 6. If a local government agrees to a proposed change, a  
399 change in the transportation proportionate share calculation and  
400 mitigation plan in an adopted development order as a result of  
401 recalculation of the proportionate share contribution meeting  
402 the requirements of s. 163.3180(5)(h) in effect as of the date  
403 of such change shall be presumed not to create a substantial  
404 deviation. For purposes of this subsection, the proposed change  
405 in the proportionate share calculation or mitigation plan may  
406 not be considered an additional regional transportation impact.

407 (30) ~~NEW~~ PROPOSED DEVELOPMENTS.— A ~~new~~ proposed  
408 development otherwise subject to the review requirements of this  
409 section shall be approved by a local government pursuant to s.

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410 163.3184(4) in lieu of proceeding in accordance with this  
411 section. However, if the proposed development is consistent with  
412 the comprehensive plan as provided in s. 163.3194(3)(b), the  
413 development is not required to undergo review pursuant to s.  
414 163.3184(4) or this section. This subsection does not apply to  
415 amendments to a development order governing an existing  
416 development of regional impact.

417 Section 5. Paragraph (c) of subsection (4) of section  
418 380.0651, Florida Statutes, is amended to read:

419 380.0651 Statewide guidelines and standards.-

420 (4) Two or more developments, represented by their owners  
421 or developers to be separate developments, shall be aggregated  
422 and treated as a single development under this chapter when they  
423 are determined to be part of a unified plan of development and  
424 are physically proximate to one other.

425 (c) Aggregation is not applicable when the following  
426 circumstances and provisions of this chapter apply are  
427 applicable:

428 1. Developments that ~~which~~ are otherwise subject to  
429 aggregation with a development of regional impact which has

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430 received approval through the issuance of a final development  
431 order may ~~shall~~ not be aggregated with the approved development  
432 of regional impact. However, ~~nothing contained in this~~  
433 subparagraph does not ~~shall~~ preclude the state land planning  
434 agency from evaluating an allegedly separate development as a  
435 substantial deviation pursuant to s. 380.06(19) or as an  
436 independent development of regional impact.

437           2. Two or more developments, each of which is  
438 independently a development of regional impact that has or will  
439 obtain a development order pursuant to s. 380.06.

440           3. Completion of any development that has been vested  
441 pursuant to s. 380.05 or s. 380.06, including vested rights  
442 arising out of agreements entered into with the state land  
443 planning agency for purposes of resolving vested rights issues.  
444 Development-of-regional-impact review of additions to vested  
445 developments of regional impact shall not include review of the  
446 impacts resulting from the vested portions of the development.

447           4. The developments sought to be aggregated were  
448 authorized to commence development before ~~prior to~~ September 1,

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449 1988, and could not have been required to be aggregated under  
450 the law existing before ~~prior to~~ that date.

451 5. Any development that qualifies for an exemption under  
452 s. 380.06(29).

453 6. Newly acquired lands intended for development in  
454 coordination with a developed and existing development of  
455 regional impact are not subject to aggregation if such newly  
456 acquired lands comprise an area equal to, or less than, 10  
457 percent of the total acreage subject to an existing development-  
458 of-regional impact development order.

459 Section 6. Subsection (1) of section 380.115, Florida  
460 Statutes, is amended to read:

461 380.115 Vested rights and duties; effect of size  
462 reduction, changes in guidelines and standards.

463 (1) A change in a development-of-regional-impact  
464 guideline and standard does not abridge or modify any vested or  
465 other right or any duty or obligation pursuant to any  
466 development order or agreement that is applicable to a  
467 development of regional impact. A development that has received  
468 a development of-regional-impact development order pursuant to

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469 s. 380.06~~7~~ but is no longer required to undergo development-of-  
470 regional-impact review by operation of a change in the  
471 guidelines and standards, a development that ~~ex~~ has reduced its  
472 size below the thresholds specified in s. 380.0651, ~~ex~~ a  
473 development that is exempt pursuant to s. 380.06(24) or (29), or  
474 a development that elects to rescind the development order are  
475 ~~shall be~~ governed by the following procedures:

476 (a) The development shall continue to be governed by the  
477 development-of-regional-impact development order and may be  
478 completed in reliance upon and pursuant to the development order  
479 unless the developer or landowner has followed the procedures  
480 for rescission in paragraph (b). Any proposed changes to those  
481 developments which continue to be governed by a development  
482 order must ~~shall~~ be approved pursuant to s. 380.06(19) as it  
483 existed before a change in the development-of-regional-impact  
484 guidelines and standards, except that all percentage criteria  
485 are ~~shall be~~ doubled and all other criteria are ~~shall be~~  
486 increased by 10 percent. The development-of-regional-impact  
487 development order may be enforced by the local government as  
488 provided in ~~by~~ ss. 380.06(17) and 380.11.

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489 (b) If requested by the developer or landowner, the  
490 development-of-regional-impact development order shall be  
491 rescinded by the local government having jurisdiction upon a  
492 showing that all required mitigation related to the amount of  
493 development that existed on the date of rescission has been  
494 completed or will be completed under an existing permit or  
495 equivalent authorization issued by a governmental agency as  
496 defined in s. 380.031(6), if ~~provided~~ such permit or  
497 authorization is subject to enforcement through administrative  
498 or judicial remedies.

499 Section 7. This act shall take effect July 1, 2016.

500

501

502

503

-----  
**T I T L E A M E N D M E N T**

504

Remove everything before the enacting clause and insert:

505

A bill to be entitled

506

An act relating to growth management; amending s. 163.3184,

507

F.S.; specifying that certain developments must follow the state

508

coordinated review process; providing timeframes within which

509

the Division of Administrative Hearings must transmit certain

510

recommended orders to the Administration Commission;

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511 establishing deadlines for the state land planning agency to  
512 take action on recommended orders relating to certain plan  
513 amendments; providing a procedure for issuing a final order if  
514 the state land planning agency fails to take action; amending s.  
515 163.3245, F.S.; revising the acreage thresholds for sector  
516 plans; amending s. 171.046, F.S.; revising the size of an  
517 enclave that a municipality may annex on an expedited basis;  
518 amending s. 380.06, F.S.; authorizing certain changes to  
519 approved developments of regional impact; authorizing parties to  
520 amend certain development agreements without submittal, review,  
521 or approval of a notification of proposed change; providing  
522 criteria under which one approved land use may be submitted for  
523 another approved land use in certain land development agreements  
524 under certain circumstances; specifying that certain proposed  
525 changes to certain developments are a substantial deviation;  
526 specifying that such developments must undergo further  
527 development-of-regional-impact review; providing that certain  
528 phase date extensions to amend a development order are not  
529 substantial deviations under certain circumstances; specifying  
530 conditions under which certain proposed developments are not  
531 required to undergo the state-coordinated review process;  
532 amending s. 380.0651, F.S.; providing that lands acquired for  
533 development are not subject to aggregation under certain  
534 circumstances; amending s. 380.115, F.S.; providing the  
535 procedures to be used by a development that elects to rescind a  
536 development order; providing an effective date.

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**COMMITTEE MEETING REPORT**  
**Local Government Affairs Subcommittee**

**2/1/2016 11:30:00AM**

**Location:** Webster Hall (212 Knott)

**HB 1433 : Martin County**

*Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Matt Caldwell	X				
Daphne Campbell	X				
Jose Diaz			X		
Dwight Dudley	X				
George Moraitis, Jr.			X		
Amanda Murphy	X				
Cary Pigman	X				
Kevin Rader	X				
Lake Ray	X				
Jimmie Smith	X				
Charlie Stone	X				
Jennifer Sullivan	X				
Debbie Mayfield (Chair)	X				
<b>Total Yeas: 11</b>		<b>Total Nays: 0</b>			

**Appearances:**

Martin County  
 Bracy, Carol (Lobbyist) - Waive In Support  
 Martin County Board of County Commissioners  
 Governmental Consultant  
 403 Park Avenue  
 Tallahassee FL 32301  
 Phone: 850-577-0444

**COMMITTEE MEETING REPORT**  
**Local Government Affairs Subcommittee**  
**2/1/2016 11:30:00AM**

**Location:** Webster Hall (212 Knott)

**HB 1435 : Village of Estero, Lee County**

*Temporarily Postponed*

**Committee meeting was reported out: Monday, February 01, 2016 3:38:26PM**

**COMMITTEE MEETING REPORT**  
**Local Government Affairs Subcommittee**  
**2/1/2016 11:30:00AM**

**Location:** Webster Hall (212 Knott)

**HB 1437 : Port of Palm Beach District, Palm Beach County**

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Matt Caldwell	X				
Daphne Campbell	X				
Jose Diaz	X				
Dwight Dudley	X				
George Moraitis, Jr.			X		
Amanda Murphy	X				
Cary Pigman	X				
Kevin Rader	X				
Lake Ray	X				
Jimmie Smith	X				
Charlie Stone	X				
Jennifer Sullivan		X			
Debbie Mayfield (Chair)	X				
<b>Total Yeas: 11</b>		<b>Total Nays: 1</b>			

**Appearances:**

Port of Palm Beach District  
Pinsky, Richard (Lobbyist) - Proponent  
Port of Palm Beach  
106 College Avenue Suite 1200  
Tallahassee FL 32301

**COMMITTEE MEETING REPORT**  
**Local Government Affairs Subcommittee**  
**2/1/2016 11:30:00AM**

**Location:** Webster Hall (212 Knott)

**HB 1439 : Hillsborough County Public Transportation Commission/Transportation Network Companies**

*Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Matt Caldwell	X				
Daphne Campbell	X				
Jose Diaz			X		
Dwight Dudley	X				
George Moraitis, Jr.	X				
Amanda Murphy	X				
Cary Pigman	X				
Kevin Rader	X				
Lake Ray	X				
Jimmie Smith	X				
Charlie Stone	X				
Jennifer Sullivan	X				
Debbie Mayfield (Chair)	X				
<b>Total Yeas: 12</b>		<b>Total Nays: 0</b>			

**HB 1439 Amendments**

**Amendment 457745**

*Adopted Without Objection*

**Appearances:**

Hillsborough County Public Transportation Commission/Transportation Network Companies

Fernandez, Cesar (Lobbyist) - Waive In Support

Uber Technologies

Public Policy Associate

80 SW 8th Street 18th Floor

Miami FL 33130

Phone: 786-262-6092

Hillsborough County Public Transportation Commission/Transportation Network Companies

Day, Justin (Lobbyist) - Waive In Support

Hillsborough County Aviation Authority

Director

701 S Howard Avenue Suite 106-326

Tampa FL 33606

Phone: 850-222-8900

Committee meeting was reported out: Monday, February 01, 2016 3:38:26PM



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COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Local Government Affairs  
2 Subcommittee

3 Representative Young offered the following:

4  
5 **Amendment (with directory amendment)**

6 Between lines 278 and 279, insert:

7 (2) Any person desiring to engage in the business of  
8 operating any public vehicle in the county must first acquire a  
9 certificate from the commission and must first make written  
10 application to the commission on a form provided by the  
11 commission for that purpose. Upon receipt of such application,  
12 the commission shall investigate the facts stated in the  
13 application and fix a date, time, and place for a public hearing  
14 on the application. Wrecker and handicab applications are  
15 specifically excluded from the public hearing requirement of  
16 this section. Not less than 20 days before the public hearing,  
17 the commission shall provide notice of the date, time, and place



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18 of such public hearing, to each current certificate holder and  
19 notice that the pending application is available for inspection  
20 and copying at the office of the commission. Any certificate  
21 holder possessing a certificate to operate the same type of  
22 service being applied for by the applicant and any certificate  
23 holder who can demonstrate financial interest may intervene in  
24 the public hearing process by filing a notice of intervention  
25 not later than five business days prior to the date of the  
26 public hearing and in such form and manner as required by the  
27 commission.

28 (a) Such public hearings may be held by the commission as  
29 a whole, by a committee made up of its members appointed by the  
30 commission for that purpose, or by a hearing officer as further  
31 provided by this act and any rules adopted in accordance with  
32 this act. The committee or hearing officer shall report findings  
33 and recommendations to the commission for approval, disapproval,  
34 or modification. The commission may conduct such further  
35 hearings and make such additional investigations as it deems  
36 necessary before taking final action. If the person applying for  
37 such certificate is not operating vehicles in the county at the  
38 time this act becomes law, or if such application is for a  
39 certificate to operate additional vehicles under a certificate  
40 previously issued, the commission shall determine, by the  
41 hearings and investigations whether or not public convenience  
42 and necessity will be promoted by the additional proposed  
43 service, and if the commission determines that public



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44 convenience and necessity will not be promoted by such  
45 additional proposed service, then a certificate shall not be  
46 granted. If the commission finds that public convenience and  
47 necessity requires such additional proposed service, then the  
48 certificate shall be granted, subject to the limitations imposed  
49 in other sections of this act and any rules adopted in  
50 accordance with this act.

51 (b) The applicant has the burden of establishing whether  
52 public convenience and necessity require the operation of public  
53 vehicles proposed in the application. Handicab applications are  
54 specifically excluded from the public convenience and necessity  
55 requirements of this section. The Commission by rule will  
56 establish reasonable financial, equipment and safety  
57 requirements in order to grant a certificate of public need and  
58 necessity to operate in the County for handicabs.

59

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61

D I R E C T O R Y A M E N D M E N T

62

Remove lines 276-277 and insert:

63

Section 3. Subsection (2) is amended and subsection (6) is  
64 added to section 7 of chapter 2001-299, Laws of Florida, to  
65 read: