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2012 Growth Management Bills Become Law

May 15, 2012

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On May 4, 2012, Governor Scott signed into law HB 503, the last of the growth management bills highlighted in our Practice Update of March 30, 2012, Florida Legislative Session Clarifies Growth Management, Provides New Opportunities. The Governor had previously signed two other important growth management bills discussed in that Practice Update. A brief summary of the three bills follows. For more information please see the previous Practice Update.

HB 503 (Chapter 2012-205, Laws of Florida)

Signed on May 4, this bill deals primarily with environmental issues, but also contains a new 2-year extension opportunity for certain development approvals and permits. The extension requires written notification to the authorizing agency by December 31, 2012. The bill prohibits local government from charging for the new extension or for the 2-year extensions provided under Sections 73 and 79 of the Community Planning Act. It also prohibits local governments from requiring a permit or approval from a federal or state agency as a condition of processing or issuing a development approval, unless the state or federal agency has already denied the permit or approval. The bill becomes effective on July 1, 2012.

HB 7081 (Chapter 2012-99, Laws of Florida)

This bill was signed on April 6. For the most part, this is a true "glitch" bill for the 2011 Community Planning Act, consisting primarily of clarifications and consistency fixes, in addition to a few minor statutory refinements. The bill also seeks to resolve a legal challenge to the Community Planning Act, relative to its prohibition on local charter provisions that require an initiative or referendum process for development orders or comprehensive plan amendments. HB 7081 grandfathers such provisions in effect as of June 1, 2011. The bill became effective upon becoming a law.

HB 979 (Chapter 2012-75, Laws of Florida)

This bill was also signed on April 6, and creates a new DRI exemption for projects that are the subject of a tax refund agreement for qualified target industry businesses, pursuant to s. 288.106(5), F.S. The project must also meet other criteria, including execution of an agreement between the applicant, the local government and the state land planning agency and approval as a comprehensive plan amendment under the state coordinated review process. The bill provides that changes to DRIs that do not increase

external peak hour trips and do not reduce open space and conserved area are not substantial deviations. It provides for recission of DRIs that are exempt under the statutory exemption provisions (s. 380.06(24), F.S). For recission of DRIs, the legislation allows mitigation of impacts to be ensured pursuant to an enforceable permit or authorization, rather than requiring that mitigation be completed prior to rescission. The bill also addresses a number of regulatory consistency issues in the DRI process and creates a new time-limited opportunity relating to "agricultural enclaves." The bill's effective date is July 1, 2012.

Florida's growth management framework has undergone enormous changes in the past few legislative sessions. Akerman can assist development interests and local governments in understanding and taking advantage of these changes and the opportunities they create, including the potential extension offered by HB 503. Akerman also offers a full array of lobbying services to represent clients' interests with regulatory agencies and in the legislative arena.