



AGENDA
PLANNING ADVISORY BOARD
REGULAR MEETING
JUNE 14, 2023
5:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034

- 1. CALL TO ORDER / ROLL CALL / DETERMINATION OF QUORUM**
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF MEETING MINUTES**
 - 3.1 Approval of Minutes for the PAB + HDC Joint Special Meeting of April 26, 2023.
 - 3.2 Approval of Minutes from the Regular Meeting of May 10, 2023.
- 4. OLD BUSINESS**
- 5. NEW BUSINESS**
- 6. BOARD BUSINESS**
 - 6.1 **Discussion**
 - Task Force on Safe Biking and Walking - Updates from Chair Spino
- 7. STAFF REPORT**
 - 7.1 **Update on Staff Items**
 - LDC Restructuring
 - Legislative Update - Affordable Housing Round Table
 - Conservation Land Purchase
 - Commercial Redevelopment Language
- 8. PUBLIC COMMENT**
- 9. ADJOURNMENT**

NEXT PAB REGULAR MEETING IS SCHEDULED FOR JULY 5, 2023

All members of the public are invited to be present and be heard. Persons with disabilities requiring accommodations in order to participate in this program or activity should contact the City Clerk at (904) 310-3115 or TTY/TDD 711 (for the

hearing or speech impaired). All interested parties may appear at said meeting and be heard as to the advisability of any action, which may be considered with respect to such matter. For information regarding this matter, please contact the Planning Department (904) 310-3135.



**MINUTES
HISTORIC DISTRICT COUNCIL &
PLANNING ADVISORY BOARD JOINT
SPECIAL MEETING
APRIL 26, 2023**

1. CALL TO ORDER 5:00

2. ROLL CALL

MEMBERS PRESENT

Historic District Council (HDC)

Froilan Esclusa (Vice-chair), James Pozzetta, Tammi Kosack, Tim Poynter (Alt 1), Michael Harrison

Planning Advisory Board (PAB)

Victoria Robas (Chair), Peter Stevenson (Vice-Chair), Barbara Gingher, John Boylan, Richard Doster, Mark Bennett

MEMBERS ABSENT:

Michael Spino (HDC Chair), Nick Gillette (PAB)

OTHERS PRESENT:

Tammi Bach-City Attorney, Sal Cumella-Historic Preservation Planner, Daphne Forehand-Planner, Taylor Hartmann-Recording Secretary

3. PLEDGE OF ALLEGIANCE

4. DISCUSSION/ACTION ITEMS

4.1 FOLLOW UP ON PAB/CC JOINT ACTION ITEMS

Ms. Forehand provided all members with a brief review of the action items identified during the PAB and City Commission Joint Meeting in February 2023.

Chair Robas stated that at the last regular PAB meeting, significant time was spent reviewing current LDC standards for commercial redevelopment and recommending amendments to the City Commission.

Vice-chair Froilan discussed his involvement with the county's affordable housing committee.

Members discussed current conflicting community priorities of conservation of land versus maximizing the buildable area of vacant parcels.

4.2 HISTORIC PRESERVATION PLAN

Board members discussed the feasibility of preserving various neighborhood characteristics through incentives instead of LDC guidelines.

Mr. Cumella, Member Filkoff, and Member Kosack will meet to identify key aspects of a preservation plan.

4.3 CONTINUATION OF JOINT MEETINGS

Members agreed that joint meetings are very beneficial and should be continued.

5. OTHER DISCUSSION ITEMS

A meeting between the PAB, HDC, and BOA will take place on May 17, 2023, to discuss the LDC's variance criteria.

6. PUBLIC COMMENT

Margaret Kirkland, spoke on behalf of Conserve Amelia.

Chip Ross, 210 N. 3rd Street, spoke about having lots of plans, but lacking execution and funding for them.

7. ADJOURNMENT 6:42

Taylor Hartmann, Recording Secretary

Froilan Esclusa, Vice-chair of the HDC

Victoria Robas, Chair of the PAB



**MINUTES
PLANNING ADVISORY BOARD
REGULAR MEETING
MAY 10, 2023
CITY HALL COMMISSION CHAMBERS**

- 1. CALL TO ORDER 5:00 PM**
- 2. ROLL CALL / DETERMINATION OF QUORUM**

MEMBERS PRESENT:

Victoria Robas (Chair)	Peter Stevenson (Vice-Chair)
Barbara Gingher	John Boylan
Richard Doster	Mark Bennett

MEMBERS ABSENT:

Nick Gillette

OTHERS PRESENT:

Kelly Gibson, Planning & Conservation Deputy Director
Tammi Bach, City Attorney
Daphne Forehand, City Planner
Taylor Hartmann, Recording Secretary

- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVAL OF MEETING MINUTES**

- 4.1 Approval of Minutes from the Regular Meeting of April 12, 2023

ACTION TAKEN: A motion was made by Member Stevenson seconded by Member Gingher to approve the Minutes as presented.

Vote upon passage of the motion was taken by voice vote, and being all ayes, carried.

- 5. OLD BUSINESS**

There were no Old Business items to discuss.

- 6. NEW BUSINESS**

- 6.1 **PAB 2023-0042 - CITY OF FERNANDINA BEACH, S. FRONT STREET, WATER LOTS 31-34, "LOT D".**
Request for Change to Future Land Use Map and Zoning Map from Industrial Waterfront (I-W) to Recreation (REC) for 3.65 acres of City owned land.

Ms. Forehand provided the Board with a review of the requested action.

ACTION TAKEN: A motion was made by Member Stevenson, seconded by Member Bennett to recommend approval of PAB case 2023-0042 to the City Commission; AND that PAB case 2023-0042 as presented is sufficiently

DRAFT

compliant with the Comprehensive Plan and Land Development Code and applicable Florida Statutes to be approved at this time.

Vote upon passage of the motion was taken by voice vote, and being all ayes, carried.

7. BOARD BUSINESS

Vice-chair Stevenson asked other members whether there was any interest in investigating alternative parking requirements and solutions. All Board members expressed interest in this topic.

Wayne Speight, Ft. Myers, spoke about alternative transit options he's experienced in other Florida cities.

8. STAFF REPORT

9. PUBLIC COMMENT

Margaret Kirkland, 1377 Plantation Point Drive, spoke in favor of exploring public transit options and programs.

Wayne Speight, Ft. Myers, spoke about existing conferences called Keeping History Above Water and said it would be interesting to find out if one of those conferences can be hosted locally. He also suggested that a dog park located downtown would be a good addition.

Chair Robas spoke of the upcoming City Commission meeting of May 16, 2023, and encouraged members to attend.

10. ADJOURNMENT 5:42

Taylor Hartmann, Recording Secretary

Victoria Robas, Chair

RECOMMENDATIONS FOR
IMPROVEMENTS

Citizens' Task Force for Safe Walking & Biking



June 12, 2023 – City Commission Chambers

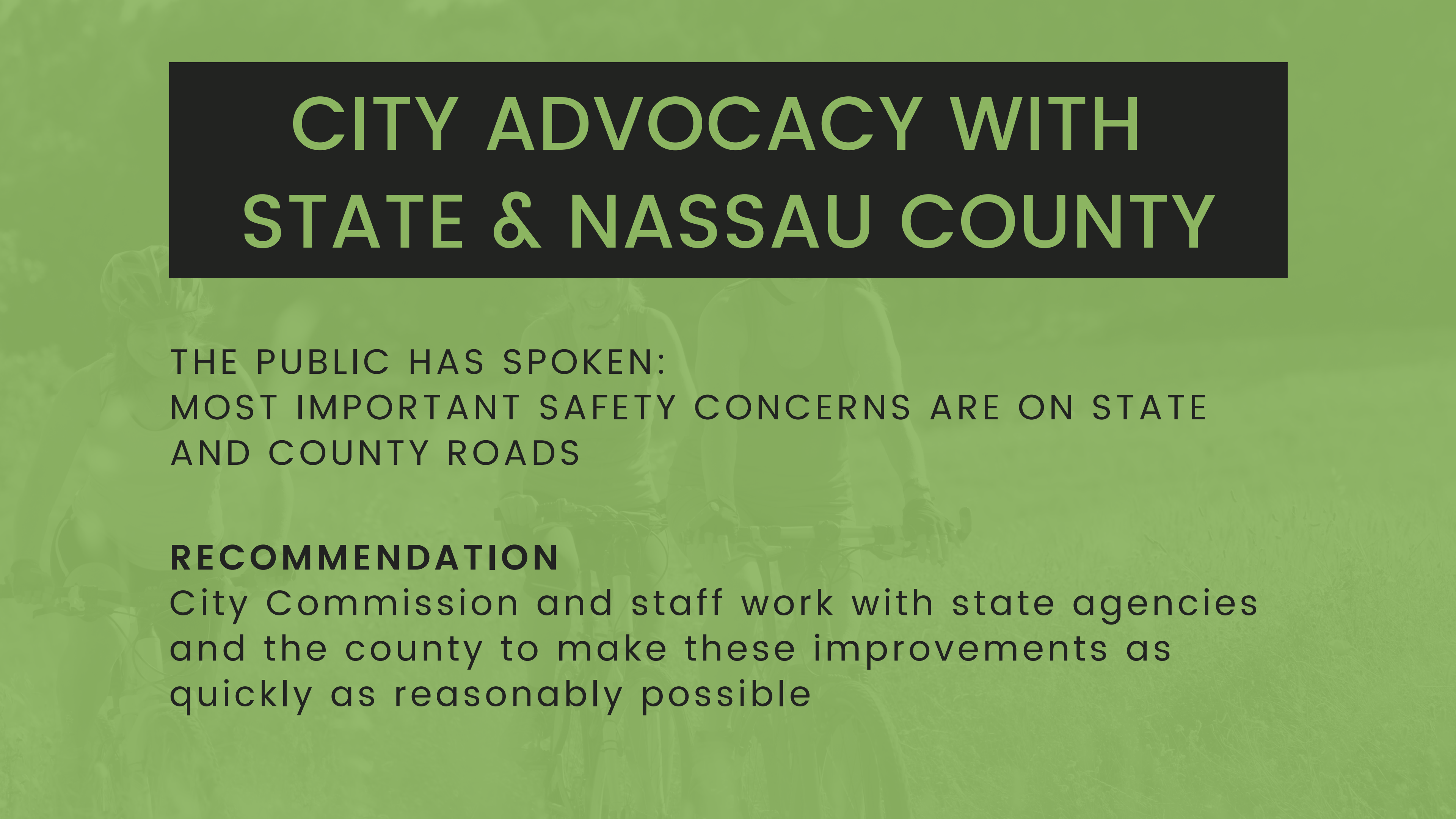


SURVEY RESULTS



142 PARTICIPANTS

Safety Survey May 16, 2023 Results			
Fletcher	55	20%	
Citrona	35	13%	
Trails	38	14%	
Rules	25	9%	
Maintenance	22	8%	
Speeding	21	8%	
N. 14th	15	5%	
Atlantic	12	4%	80%
Shave Bridge	8	3%	
Crosswalks	9	3%	
Lime St.	5	2%	
Bike racks	5	2%	
Beech St.	10	4%	
Sidewalks	11	4%	
8th St.	3	1%	
15th	5	2%	
	279	100%	
General/Other	88		
	367		

A background image showing a group of cyclists riding on a paved path through a grassy field. The image is semi-transparent, allowing the text to be overlaid.

CITY ADVOCACY WITH STATE & NASSAU COUNTY

THE PUBLIC HAS SPOKEN:
MOST IMPORTANT SAFETY CONCERNS ARE ON STATE
AND COUNTY ROADS

RECOMMENDATION

City Commission and staff work with state agencies
and the county to make these improvements as
quickly as reasonably possible

STATE & COUNTY ROAD IMPROVEMENTS

FDOT INDICATES THAT S. FLETCHER WILL NOT BE REPAVED UNTIL 2028

RECOMMENDATION

- The City should ask FDOT to repair S. Fletcher Ave. as quickly as possible
- Smooth & repave South Fletcher from Main Beach- emphasis on 6 storm water drain covers
- Uneven bike lines- bikers forced into traffic lanes
- Sidewalks should also be reviewed for runners/walkers
- High visibility & other crosswalks should be added at the beach accesses & traffic calming devices added along S. Fletcher.
- A sidewalk should be added south of Sadler Rd.

A black and white close-up photograph of bicycle wheels and spokes, serving as a background for the text overlay.

ATLANTIC AVE REPAVING & RENOVATION

FROM 8TH ST. TO S. FLETCHER

RECOMMENDATION

- The City should ask for a safety study
- Ask FDOT to measure vehicle, pedestrian and bike traffic as part of study
- Signage, lights, and crosswalks should be added
- Should also determine the safe speed for this zone

ATLANTIC AVE REPAVING & RENOVATION



**Atlantic Ave: high volume of
cars/bikes/pedestrians**

There are no crosswalks to any of the amenities on
Atlantic Ave

No east bound turn lane into Fort Clinch State Park



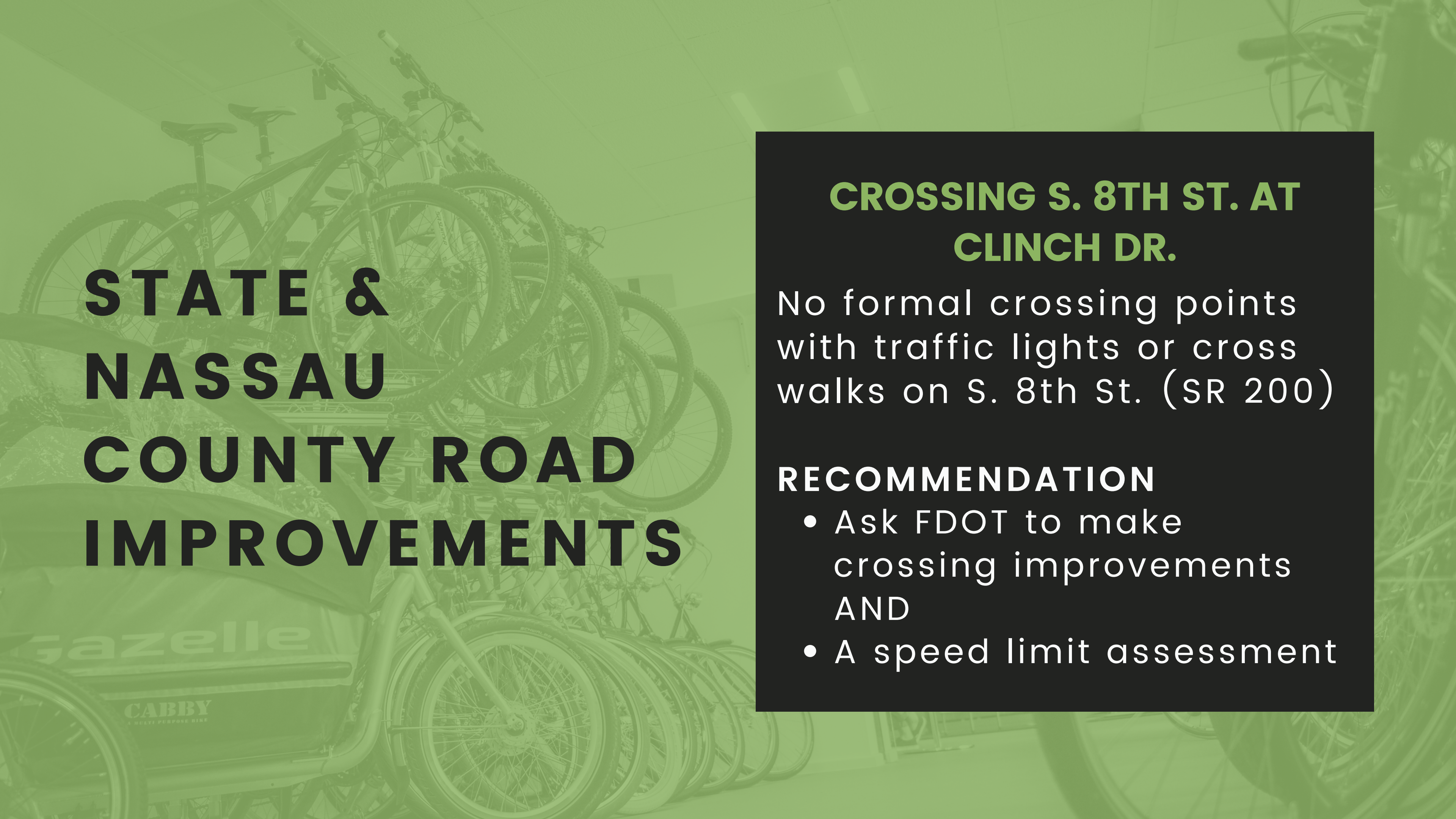


CITRONA DRIVE SAFETY IMPROVEMENTS

**MULTIPLE RESIDENTS HAVE IDENTIFIED SAFETY CONCERNS ALONG
CITRONA INCLUDING LIGHTING, LACK OF BICYCLE LANES AND SIDEWALKS**

RECOMMENDATION

The City should ask the county to focus on improving Citrona - an important biking and walking route for children to our schools



STATE & NASSAU COUNTY ROAD IMPROVEMENTS

CROSSING S. 8TH ST. AT CLINCH DR.

No formal crossing points with traffic lights or cross walks on S. 8th St. (SR 200)

RECOMMENDATION

- Ask FDOT to make crossing improvements
AND
- A speed limit assessment

Bicycle Commuters Use the Shave Bridge and Ride in Danger



SHAVE BRIDGE IS ONE OF THE MOST
USED CYCLING ROUTES ON THE ISLAND

It is also part of the East Coast Greenway (bicycle
Route from Florida to Maine)

NO BIKE LANE OR SIDEWALK

No bike lane or sidewalk on the west side approach to
the bridge on S. 8th from the Amelia Island Parkway

EAST BOUND BIKE LANE FROM THE
BRIDGE IS DANGEROUS

RECOMMENDATION:

The City should ask the state to add bike lanes or a
trail on S. 8th from the AIP to the Shave Bridge

SHORT TERM CITY PROJECTS – SIMPLE LOW COST & HELPFUL



TEXTMYGOV

City staff currently implementing to make community safer. Residents can report safety problems in real time

LIME ST. CONNECTOR

400' paved path from Lime St. to S. 7th St.
Currently in process with the city staff
Cost approx 10–20k

PROMOTE CYCLING TO THE BEACH – TDC

AITDC should promote cycling to beach/bike racks at every beach access where feasible

RECOMMENDATION

City should ask the AITDC to put weather resistant bike racks at every beach parking access & to promote cycling to the beach

MEDIUM TERM – MORE COMPLICATED, FUNDING REQUIRED



SUPPORT CITY STAFF

To improve Beech St. from S. 8th to S. 10th to maximize the available parking, add landscaping to slow traffic and provide a trail for safe walking and biking

15TH ST. CONNECTOR AMELIA PARK-BOSQUE BELLO

Rough estimate of cost is \$20 - \$40K

SCHOOLS TO DOWNTOWN WATERFRONT TRAIL

Preliminary design study completed in 2019 – proposal feasible

Trail is on the County/TPO list for funding in the future

RECOMMENDATION

The City should continue to advocate for this project with the County and the TPO

MEDIUM TERM – MORE COMPLICATED, FUNDING REQUIRED



N. 14TH ST. TRAIL

Connecting Atlantic Ave. to the Dee Bartels
Boat Ramp

Cyclists and walkers are at risk as trucks head
to the poggy plant and boats are pulled to
the ramp

Old Town residents want a trail and the truck
drivers want the walkers and cyclists off the
narrow road

RECOMMENDATION

The City should support the
County in an effort to put a trail
on N. 14th St.



Nassau County, Florida
Board of County Commissioners

Amelia Island Trail Network Plan and Status

Robert T. Companion, PE
Deputy County Manager - County Engineer
Nassau County | Board of County Commissioners
96135 Nassau Place | Yulee, FL 32097
P: (904) 530-6010 E: rcompanion@nassaucountyfl.com



How do we
plan for
needed
Infrastructure?

- Roadways
- Sidewalks
- **Multi-Use Trails / Shared Use Paths**
- Electrical
- Water / Sewer / Reuse
- Stormwater Drainage
- Communication
- **Parks & Recreation Facilities**
- Schools
- Fire Stations
- Police Facilities
- Jails

**All infrastructure need determinations, planning, funding, and execution follows similar path.*



Transportation Planning 101



North Florida Transportation Planning Organization

- Independent regional transportation planning agency
- Federally required for cities with population greater than 50,000
- TPO for Duval, Clay, Nassau, and St. Johns Counties and linked municipalities.
- Covers an area of 3,000 square miles and serves 1.4 million people
- TIP – Transportation Improvement Program
- FDOT 5-year plan – updated annually
- L RTP- Long Range Transportation Plan
- 20-year plan – updated every 5 years
- Project must be included in TPO to receive Federal and State grant funding*



FHWA – Federal Highway Administration

- FHWA LAP (Local Agency Program) Grants

FDOT – Florida Department of Transportation

- SCOP (Small County Outreach Program)
- SCRAP (Small County Road Assistance Program)
- CIGP (County Incentive Grant Program)
- Other

**Projects MUST be on the NFTPO L RTP for current 5-year TIP before grants are considered.*



NASSAU COUNTY
Planning Department
FLORIDA

Nassau County Comprehensive Plan

- Every local government is required by Florida law to adopt and maintain a Comprehensive Plan.
- The Comprehensive Plan establishes policies and priorities for the future physical, economic, and social development of the County.
- This includes Transportation infrastructure which is detailed in the Transportation Element and the **Future Transportation Map Series (FTMS)**.
- The NFTPO L RTP, the County Comp Plan, and the FTMS maps should all agree.*

Nassau County Capital Improvement Plan (CIP)

- After being added to the Nassau County L RTP, the TPO L RTP, and evaluating for eligibility for grant funding, the Board of County Commissioners can place a roadway improvement project on the CIP.
- The (CIP) is a five year plan for the County's Capital projects. While roadway improvement projects make up a large portion of the CIP, capital projects to construct or improve parks, County facilities, Fire Stations, and more are also an integral part of the County's CIP.

Nassau County Mobility Plan

- In 2014 the Board of County Commissioners passed the Mobility Ordinance, with the goal of making growth pay for itself .
- A fee is assessed according to the number of vehicle miles that a given development will add to the transportation network.
- Those fees are used to fund capacity adding projects that will mitigate the impacts growth has on the existing transportation network.



Concept to Construction

01 Project Proposed Based on Need

02 Project Prioritized & Added to LRTP / Mobility Plan

03 Project Added to the NFTPO

04 Project Prioritized into a Fiscal Year

05 Project is Eligible for Grants in Assigned Fiscal Year

06 Grant Approved - Project Added to County CIP & FDOT 5 Year Work Plan

07 Grant Provided - Design, ROW Acquisition, and Permitting

08 Design is Complete Construction Begins



Funding & 5-Year Capital Improvement Plan

04 Project Prioritized into a Fiscal Year

05 Project is Eligible for Grants in Assigned Fiscal Year

06 Grant Approved - Project Added to County CIP & FDOT 5 Year Work Plan



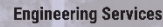
CAPITAL IMPROVEMENT PLAN

Fiscal Years 2022/2023 through 2026/2027





- 04 Project Prioritized into a Fiscal Year
- 05 Project is Eligible for Grants in Assigned Fiscal Year
- 06 Grant Approved - Project Added to County CIP & FDOT 5 Year Work Plan



5
EAST ZONE

\$21,305 (resurface every 22 years)

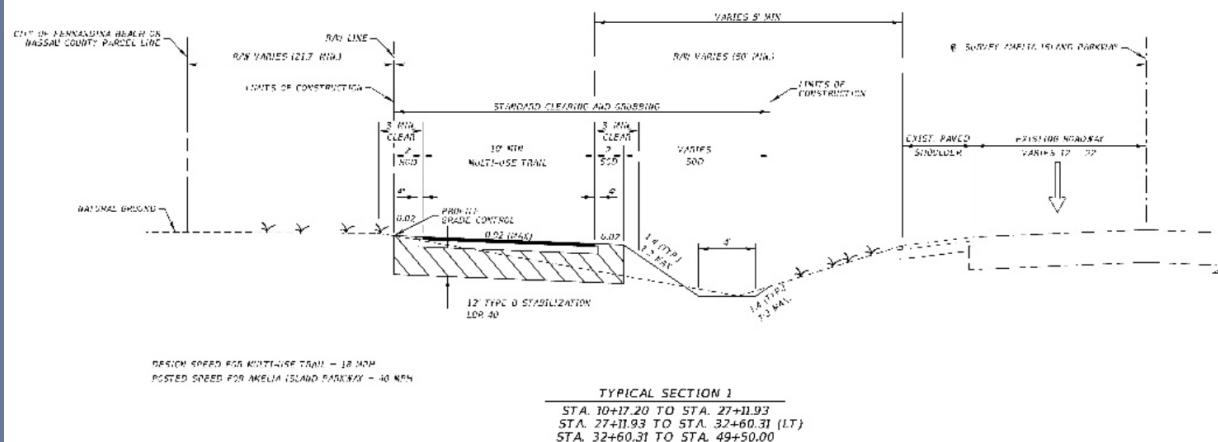
Project Manager: Robert T. Companion, PE



Design & Construction

07 Grant Provided - Design, ROW Acquisition, and Permitting

08 Design is Complete Construction Begins

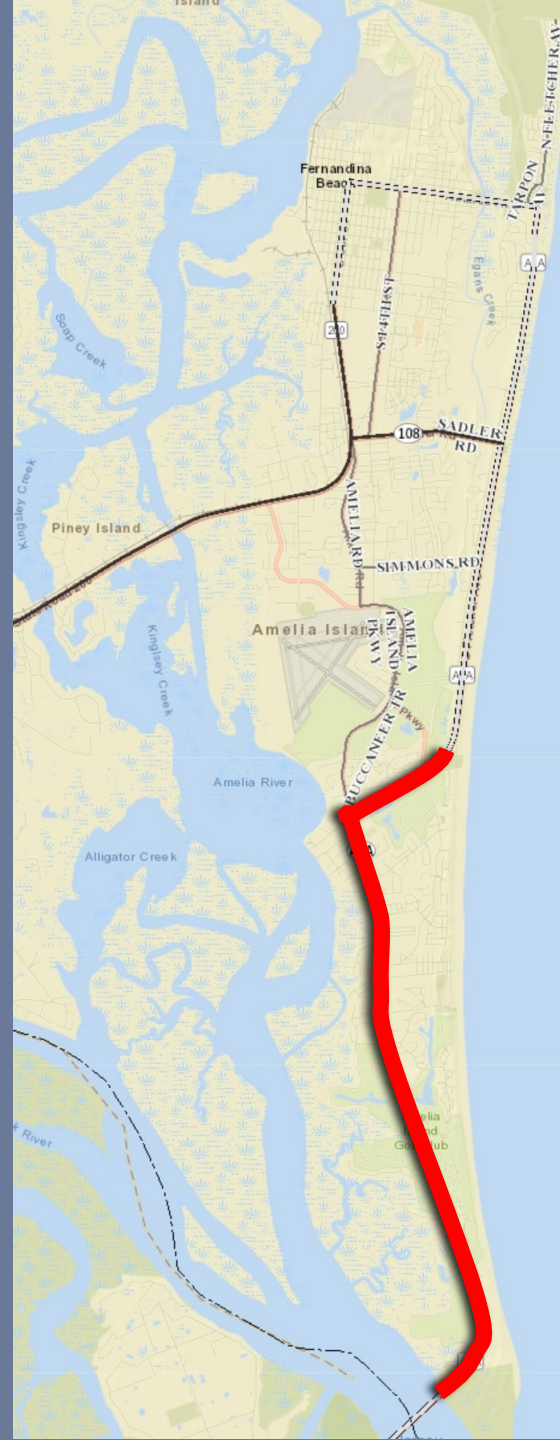




EXISTING

AIT Phase 1

South End to
Peters Point



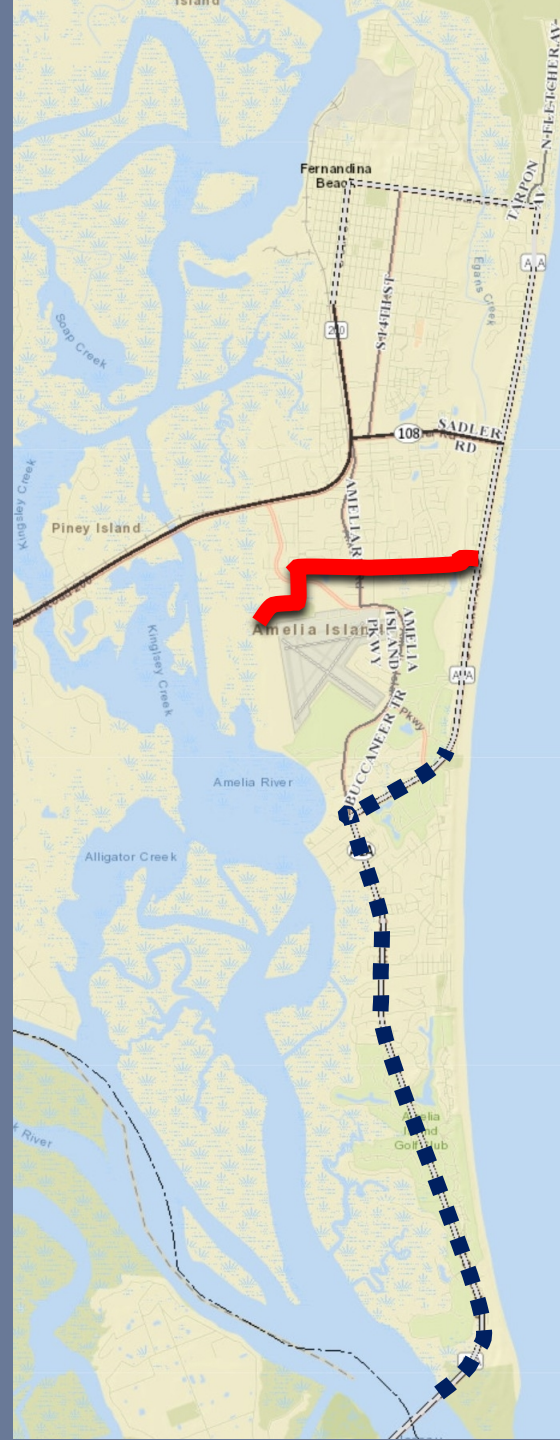


EXISTING

AIT Phase 2

Amelia River to
Sea Trail

Crane Island to
Simmons Road
Beach Access





AIT Phase 3

Amelia Island Parkway Trail

South Fletcher to 8th Street





2023

AIT Phase 3.1

Amelia Island Parkway Trail – Segment 1

South Fletcher Via
Del Rey





2024

AIT Phase 3.2

Amelia Island Parkway Trail – Segment 2

Via Del Rey to S.
14th Street





DESIGN

AIT Phase 3.3

Amelia Island Parkway Trail – Segment 3

S. 14th Street to
Bailey Road





DESIGN

AIT Phase 3.4

Amelia Island Parkway Trail – Segment 4

Bailey Road to 8th
Street



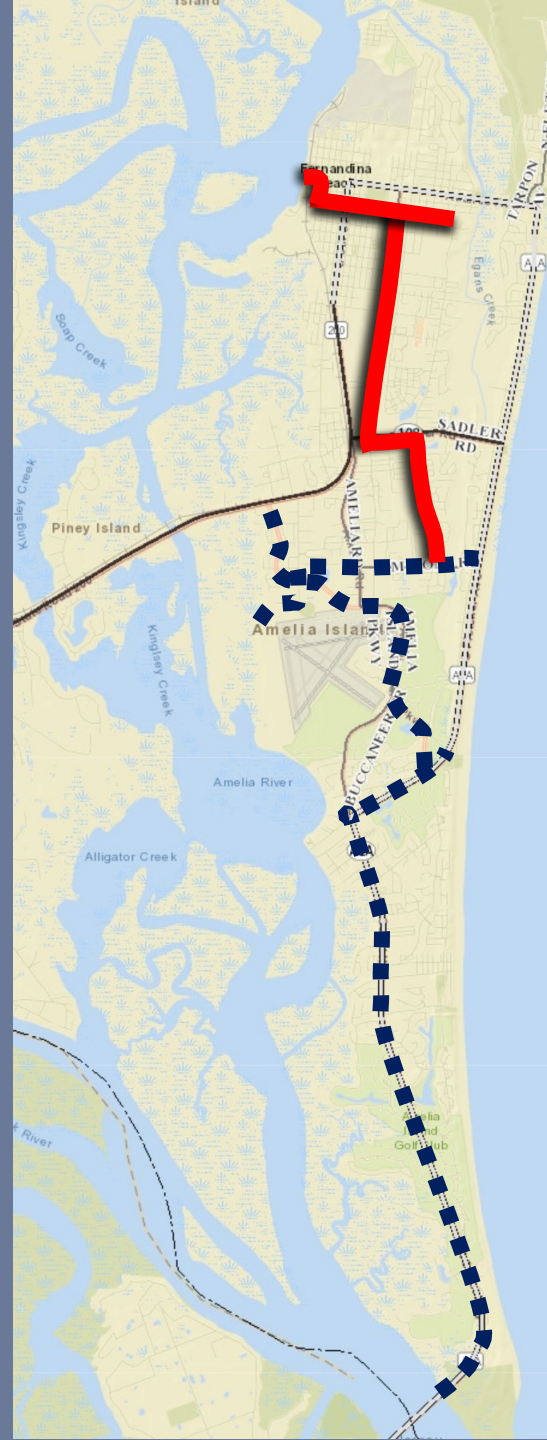


PLANNING

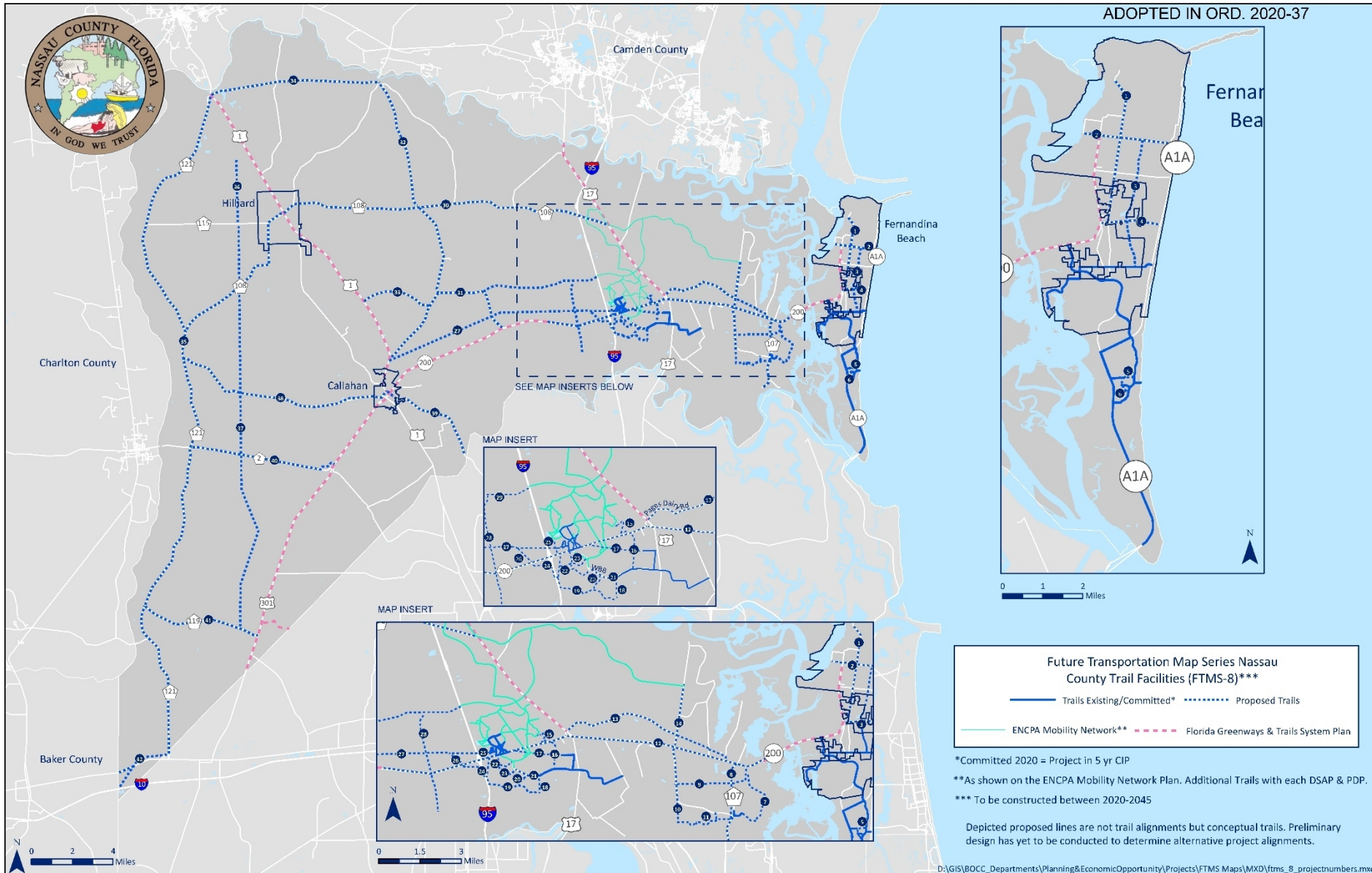
AIT Phase 4

Will Hardee,
Sadler Road, S.
14th Street

Connect to COFB
Schools to
Waterfront Trail



Beyond the AIT





Questions?

- **Helpful Links**

- https://www.nassaucountyfl.com/DocumentCenter/View/22074/Nassau-Co-Mobility-Plan-Update-Report_FINAL-DRAFT?bidId=
- <https://www.nassaucountyfl.com/DocumentCenter/View/23380/CIP-Guidebook---Fiscal-Year-2022-2027-DRAFT-08302022-0847>

- **Please feel free to send questions to rcompanion@nassaucountyfl.com**

Note: This presentation is a summary of legislation based on the bills and legislative staff reports. Any legal interpretations should be consulted with your local land use attorneys. You are strongly encouraged to view the actual bills for the issues in which you are interested.

APA Florida

2023 SESSION OVERVIEW



May 23, 2023



American Planning Association
Florida Chapter

Creating Great Communities for All



Whit Blanton, FAICP

APA Florida President



Allara Mills-Gutcher AICP

APA Florida President-Elect



Thomas Hawkins, AICP, JD

University of Florida Department
of Urban and Regional Planning



Lester Abberger

APA Florida Legislative
Representative



Alex Magee

Retried APA Florida Executive Director

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2023 Session Bill Statistics

Senate and House Bills	Filed	Passed Both Chambers
Concurrent Resolutions	6	1
Resolutions (One chamber)	65	0
General Bills	1,679	320
Local Bills	42	28
Joint Resolutions	14	2
Memorials	22	5
Appropriation Projects (House)	0	0
TOTALS	1,828	356*

* One Chamber Resolutions Not Included

Session Overview

Session Context

Budget

Legislative Budget

- **\$117 billion**
- **\$7 billion more than FY 2022-2023**



What Died?



Bills that died would:

- Allow local governments to require **vacation rental** owners to provide contact information for responsible party (SB 92/HB 105) and allow “grandfathered” local ordinances to be amended to be less restrictive, allow restriction of maximum occupancy of vacation rental if restriction applies uniformly to residential properties and allow local vacation rental registration programs. (SB 714)
 - Require that plans and plan amendments proposed by Miami-Dade County, or an municipality located therein, which apply to land within, or within 2 miles of, the Everglades Protection Area must follow the **state coordinated review process**. (SB 192, HB 175)
 - Allow local governments who repeal concurrency to adopt an **alternative mobility funding system** that is not mobility plan and fee based. (SB 350, HB 235)
 - Create tax credit against corporate income taxes and insurance premiums for qualified expenses incurred in the rehabilitation of a **certified historic structure**. (SB 288, HB 499)
 - Amend local government **building permit** review timeframes, fees, and processing. (SB 682, SB 570, HB 765, HB 671)
- 

Bills that died would:

- Revise minimum program requirements for local evaluation and rehabilitation programs for **sanitary sewer laterals**. (SB 1420, HB 661)
 - Require that **referendum** to reenact or increase specified taxes must be placed on general election ballot. (SB 698, HB 731)
 - Authorize DEP to provide grants to coastal counties for **saltwater intrusion vulnerability assessments**. (SB 734, HB 1079)
 - **Prohibit drilling or exploration** for, or production of, oil, gas, or other petroleum products on lands and waters of the state, and require that 100% of electricity used in the state be generated from 100% renewable energy by 2050. (SB 970, HB 957)
 - Authorize FDOT to fund the planning and construction of public-use **vertiports**. (SB 1122, HB 349)
- 

Bills that died would:

- Authorize the establishment of citizen-initiated infrastructure **resilience districts** and condominiums resilience districts to provide financing to solve infrastructure and resilience problems affecting the district's public infrastructure or condominiums (SB 1200, HB 1147)
- Create the “**Resiliency and Safe Structures Act**” to provide that local government may not prohibit, restrict, or prevent the demolition of certain structures for any reason other than public safety. (SB 1346, HB 1317)
- Require the Public Service Commission to adopt rules for **electric vehicle charging stations** which meet certain requirements. (SB 1176, HB 1591)
- Propose a **constitutional amendment** to increase the percentage of votes required to approve amendment or constitutional revision from 60% to 66.67%. (SB 1410, HB 129)



What
Did
Pass?



Building Construction—House Bill 89 (Senate Bill 512)

- Applies to Florida Building Code, Florida Fire Prevention Code, and Life Safety Code review
- If government finds noncompliance or requires changes, government
 - Must identify specific plan features
 - Must cite to applicable code
 - Must communicate in writing
- Applies before and after government issues permit
- Administrator, inspector, or examiner who does not comply may be subject to discipline related to certification

Local Ordinances—Senate Bill 170 (House Bill 1515)

Three changes:

- Continuing hearing on ordinance or resolution does not require new notice.
- Business impact statements.
- Challenging ordinances.

Continuing hearings

A county or city may continue a hearing on an ordinance or resolution without further notice:

- Must publicly state new date, time, and place of hearing.
- Must include hearing on the future agenda.

Local Ordinances—Senate Bill 170 (House Bill 1515) *continued*

- Cities and counties must prepare and publish on their website a business impact statement for every ordinance (unless exemption exists).
- No accountant or other financial consultant required.

Business impact statement

Ordinance summary including public purpose. Must give a direct economic impact estimate

- Businesses' compliance cost.
 - New charges or fees.
 - Government costs and revenues.
 - Number of impacted businesses estimate.
- 

Local Ordinances—Senate Bill 170 (House Bill 1515) *continued*

Subjects exempted

- Compliance with federal or state law or regulation
 - Debt, budget, procurement
 - Implementing contract
 - Emergency ordinance
 - Implementing Community Planning Act (and rest of Ch. 163, Pt. II)
 - Creating or terminating a Community Development District
 - Florida Building Code
 - Florida Fire Prevention Code
- 
- A decorative border at the bottom of the slide consisting of numerous parallel diagonal lines in a teal color.

Irony

“Business impact estimates will require staffing time and resources for each ordinance passed by a local government. The negative economic impact is indeterminate at this time.”

— *Professional Staff of the Committee on Rules, Bill Analysis and Fiscal Impact Statement, CS/CS/SB 170, at 9 (Feb. 23, 2023).*

A series of parallel diagonal lines in a teal color, slanted from the bottom-left towards the top-right, spanning the entire width of the slide at the bottom.

Local Ordinances—Senate Bill 170 (House Bill 1515) *continued*

Challenging ordinances

Applies to challenges on grounds ordinance is "expressly preempted" or is "arbitrary or unreasonable."

- Lawsuit suspends enforcement.
- Up to \$50,000 attorney fees available to prevailing plaintiff (but not to local government).
- Many subjects (including growth management) excluded.

Local Ordinances—Senate Bill 170 (House Bill 1515) *continued*

Preemption basics

Express preemption

Legislature directly says state has exclusive authority over subject.

Implied preemption

State regulates to the extent local ordinance creates risk of conflict.



Local Ordinances—Senate Bill 170 (House Bill 1515) *concluded*

"Arbitrary or unreasonable" basics

Words borrowed from "fairly debatable" substantive due process standard.

Two requirements

- Ordinance must have public purpose (low bar, must not be purely private purpose or without purpose).
- Plausible connection must exist between ordinance and purpose (low bar, does not require "best" method or supporting data).

Local Government—Senate Bill 718 (Senate Bill 856, House Bill 41, House Bill 653)

Three changes

- Prohibits referenda on land development regulation.
- Defines annexation "Feasibility study"
- Municipal contraction of area where owners of 70% of land are not electors (i.e., are businesses or are not registered to vote) requires consent of owners of at least 50% of land.

Land Use and Development Regulations — Chapter 2023-31

Laws of Florida (Senate Bill 1604, House Bill 439)

Four changes:

- Comprehensive planning periods extended.
- Revised evaluation and appraisal process.
- Electric substations.
- Reedy Creek Improvement District development agreement.

Land Use and Development Regulations—Chapter 2023-31

Laws of Florida (Senate Bill 1604, House Bill 439) *continued*

Comprehensive planning periods extended

- Comprehensive planning periods extended to 10 and 20 years (from 5 and 10 years).

Revised evaluation and appraisal process

- City mayor or county commission chair must attest in writing that comprehensive plan uses correct planning periods and population data.
 - If government does not follow evaluation and appraisal process, it must not adopt "publicly initiated" plan amendments but may adopt "privately initiated" plan amendments.
 - Emphasis of change is ensuring population projections are appropriately "high."
- 

Land Use and Development Regulations—Chapter 2023-31 Laws of Florida (Senate Bill 1604, House Bill 439) *concluded*

Electric substations

- State law already expressly preempted local governments from barring electric substation except in areas designated preservation, conservation, or historic preservation.
- Definition of "electric substation" expanded to include accessory buildings, uses, and structures.

Reedy Creek Improvement District development agreement

- Central Florida Tourism Oversight District must not comply with terms of development agreement the Reedy Creek Improvement District entered into with Walt Disney Parks and Resorts U.S., Inc.

Natural Emergencies (SB 250):

- Makes various changes throughout Florida Statutes regarding the preparation and response activities of state and local government when natural emergencies impact the state.
- Requires the Division of Emergency Management to post on its website a model debris removal contract for the benefit of local governments.
- Encourages local governments to create emergency financial plans in preparation for major natural disasters.
- Provides that counties and municipalities cannot prohibit a resident from placing a temporary residential structure on their property for up to 36 months following a natural emergency under certain circumstances.

Natural Emergencies (SB 250):

Authorizes local governments to create specialized building inspection teams following a natural disaster and encourages interlocal agreements for additional building inspection services during a state of emergency.

Following a state of emergency declarations for a natural disaster, local governments are required to approve special permitting processes to expedite the issuance of permits that do not require technical review including, but not limited to, roof repairs, reroofing, electrical repairs, service changes, or the replacement of one window or one door.

SB 250 continued:

- Amends s.252.363 (1)(a) to increase the extension of specified permits and authorizations following a declaration of a state of emergency from six to 24 months and caps such extension at 48 months in the event of multiple natural emergencies; provides that the tolling and extension of permits and other authorizations applies retroactively to Sept. 28, 2022.
- Prohibits counties and municipalities within the disaster declaration for Hurricane Ian or Hurricane Nicole from increasing building inspection fees until Oct. 1, 2024; this provision expires June 30, 2025.
- Prohibits counties and municipalities located entirely or partially within 100 miles of where either Hurricane Ian or Hurricane Nicole made landfall from proposing or adopting before Oct. 1, 2024:
 - a moratorium on construction, reconstruction, or redevelopment of property damaged by the hurricane;
 - more restrictive or burdensome procedures to its comprehensive plan or land development regulations; or
 - more restrictive or burdensome procedures concerning review, approval, or issuance of a site plan, development permit, or development order;

This provision applies retroactively to Sept. 28, 2022, and any such action is null and void. This provision takes effect upon the bill becoming law and expires on June 30, 2025

SB 250 continued:

- Makes the Local Government Emergency Bridge Loan Program a revolving program and makes funds available for local governments impacted by federally declared disasters until July 1, 2038, and appropriates \$50 million in nonrecurring funds from the General Revenue Fund to the program for FY 2023-24.
- Directs the Division of Emergency Management to administer a revolving loan program for local government hazard mitigation projects, appropriates \$1,000,000 in nonrecurring funds from the General Revenue Fund and \$10,000,000 in nonrecurring funds from the Federal Grants Trust Fund for such activity for FY 2023-24.

Effective Date: July 1, 2023, except for the provisions related to local governments located within 100 miles of Hurricane Ian or Nicole's landfall which takes effect upon becoming law.

Not yet transmitted to Governor as of May 22.

A decorative graphic at the bottom of the slide consisting of numerous parallel diagonal lines in a teal color, slanting from the bottom-left towards the top-right.

Local Government Comprehensive Plans (SB 540):

- Amends ss.163.3184(5) and ss.163.3187(5) to provide that the prevailing party in administrative challenges to a comprehensive plan or amendment including small-scale amendments, is entitled to recover attorney fees and costs in challenging or defending the order, including reasonable appellate attorney fees and costs.
- Adds language to s.163.3202 to state that land development regulations related to any characteristic of development other than use, or intensity or density of use, do not apply to the Florida College System institutions as defined in s.1000.21.
- Amends s.163.3215 to resolve a split among Florida district courts of appeal by clarifying that the scope of review for a challenge to a local government decision to grant or deny a development order is limited to whether the development order would materially alter the use, density, or intensity of a property in a manner not consistent with the comprehensive plan.

Effective Date: July 1, 2023

Submitted to Governor on May 9 and action must be taken by May 24.

Rural Development (HB 1209):

- Amends s.215.971 to require agency agreements that provide state or federal financial assistance to a county or municipality which is a rural community or rural area of opportunity to include a provision allowing for the payment of certain invoices to the county, municipality or rural area of opportunity for verified and eligible performance completed in accordance with the agreement.
- Makes several changes related to the Rural Infrastructure Fund in s.288.0655 to:
 - allow DEO to award grants for up to 75 percent of the total infrastructure project cost, an increase from 50 percent;
 - allow DEO to award grants for up to 100 percent of the total infrastructure project cost for a project located in a rural community located in a fiscally constrained county or a rural area of opportunity;
 - remove the requirement that eligible projects must be related to specific job creation or job opportunities
 - remove projects related to broadband internet services from those eligible for funding;
 - allow DEO to award grants of up to \$300,000 for infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation activities; and
 - provide that project grants in rural areas of opportunity for surveys, feasibility studies, and other activities related to the identification and preclearance review of land do not require a match of local funds.

Effective Date: July 1, 2023. | Not yet transmitted to Governor as of May 22.

Environmental Protection (HB 1379):

- Amends ss.163.3177(3)(a) to include that, where applicable, the capital improvements schedule must include a list of projects necessary to achieve the pollutant load reduction attributable to the local government, as established in a basin management action plan pursuant to s.403.067(7).
- Amends ss.163.3177(6)(c) to require that the sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element addresses coordinating the treatment or upgrade in treatment of facilities to meet future needs and prioritizing advanced waste treatment for increased capacity.
- Amends s.375.041 to dedicate \$100 million annually to DEP from the Land Acquisition Trust Fund for the acquisition of lands through the Florida Forever Program.

HB 1379 continued:

- Creates ss.163.3177(6)(c)(3) to require that in the sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element, for any development of more than 50 residential lots, built or unbuilt, with more than 1 onsite sewage treatment and disposal system per 1 acre, the element must:
 - consider the feasibility of providing sanitary sewer services within a 10- year planning horizon;
 - an onsite sewage treatment and disposal system is presumed to exist on a parcel if sanitary sewer services are not available at or adjacent to the parcel boundary;
 - must identify the name and location of the intended wastewater facility to receive sanitary sewer flows:
 - after connection; the capacity of the facility and any associated transmission facilities; the projected wastewater flow at that facility for the next 20 years, inclusive of expected future new construction and connections of onsite sewage treatment and disposal systems to sanitary sewer; and a timeline for the construction of the sanitary sewer system;
 - be updated in the comprehensive plan to include this information by July 1, 2024; and
 - these new requirements do not apply to a local government designated as a rural area of opportunity.

HB 1379 continued:

- Amends s.259.105 to require Acquisition and Restoration Council to give lands located within the Florida wildlife corridor increased priority.
- Amends s.570.71 and s.570.715 related to conservation easements and agreements, to allow DEP to give preference to lands in imminent danger of development or degradation, or lands within the Florida wildlife corridor.

Effective Date: July 1, 2023

Submitted to Governor on May 16 and action required by May 31.



Flooding and Sea Level Rise Vulnerability Studies (HB 111):

- Expands the Resilient Florida Grant Program, in ss.380.093(3) to include funding to:
 - municipalities and counties for feasibility studies and permitting costs for nature-based solutions that reduce the impact of flooding and sea level rise; and
 - water management districts to support local government adaptation planning, which may be conducted by the water management district or by a third party on behalf of the water management district. These grants must be used for the express purpose of supporting the Florida Flood Hub for Applied Research and Innovation and DEP through data creation and collection, modeling, and the implementation of statewide standards. Priority must be given to filling critical data gaps identified by the Florida Flood Hub.
- Beginning July 1, 2024, a state-financed constructor may not commence construction of a potentially-at-risk structure or infrastructure without:
 - conducting a sea level impact projection (SLIP) study that meets FDEP requirements submitting the study to FDEP; and
 - receiving notification from FDEP that the study was received and published on the department's website for at least 30 days.

HB 111 continued:

- Requires DEP to develop by rule the standard by which the SLIP studies must be conducted and may require that a professional engineer sign off on the study; rule would only apply to projects not yet commenced as of the date the rule is finalized and may not apply retroactively.
- Provides that the state-financier constructor is solely responsible for ensuring that the study submitted to DEP meets the study requirements.
- Requires DEP to publish and maintain a copy of each SLIP study on its website for at least ten years after the date it is received.

HB 111 continued:

Identifies minimum criteria for what DEP's standard must require be done in each SLIP study

- If a state-financed constructor commences construction of a potentially at-risk structure or infrastructure without complying with the SLIP study requirement, the FDEP can bring a civil action to:
 - seek injunctive relief to cease further construction or to enforce compliance with this requirement or rules adopted pursuant to this section; and
 - seek recovery of all or a portion of the state funds expended if the potentially at-risk structure or infrastructure has been completed or substantially completed.

Effective Date: July 1, 2023.

Not yet transmitted to Governor as of May 22.

Housing (SB 102):

- Amends s.125.0103 and s.166.043 to remove the authority of local government to enact ordinances controlling the price of rents.
- Amend s.125.01055(6) and 166.04151(6) to provide that a county or municipality may approve the development of affordable housing, including but not limited to a mixed -use development, on any parcel zoned for commercial or industrial use, so long as at least 10 percent of the housing units in the project are affordable.
This provision is self-executing and does not require the local government to adopt an ordinance or regulation.

SB 102 continued:

- Creates ss. 125.01055(7) and ss.166.04151(7) to:
 - require counties and municipalities to authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily rental development are, for a period of at least 30 years, affordable as defined in s.420.0004;
 - prohibit a county or municipality from requiring the proposed multifamily development to get a zoning or land-use change, special exception, conditional use approval, variance or comprehensive plan amendment for the building height, zoning, and densities;
 - require that at least 65 percent of the total square footage in a mixed-use residential project must be used for residential purposes;
 - prohibit a county or municipality from restricting the density of a proposed development authorized under these subsections below the highest allowed density on county unincorporated land or land within the municipality respectively where residential development is allowed;

SB 102 continued:

- prohibit a county or municipality from restricting the height of a proposed development authorized under these subsections below the highest currently allowed height for a commercial or residential development in its jurisdiction within 1 mile of the proposed development or three stories, whichever is higher;
- prohibit a county or municipality from restricting the height of a proposed development authorized under these subsections below the highest currently allowed height for a commercial or residential development in its jurisdiction within 1 mile of the proposed development or three stories, whichever is higher;
- specify that except as otherwise provided in these subsections, a development authorized under these provisions must comply with all applicable state and local laws and regulations;
- specify that these subsections do not apply to property defined as recreational and commercial working waterfront in s.342.201(2)(b) in any area zoned as industrial; and
- state that these subsections expire on Oct. 1, 2033.

SB 102 continued:

- Amends ss.553.792(1)(a) to require that a local government must maintain on its website a policy containing the procedures and expectations for expedited processing of those building permits and development orders required by law to be expedited.
- Amends s.125.379 and s.166.0451 to:
 - provide that counties and cities must produce their real property inventory list identifying property that is appropriate for affordable housing by Oct. 1, 2023, and every three years after;
 - require that the list be made publicly available on the applicable county or city website;
 - require that counties and cities must include real property owned by dependent special districts within their boundaries on the inventory lists;
 - provide that acceptable uses of property identified as appropriate for affordable housing includes utilization through a long-term land lease requiring the development and maintenance of affordable housing; and
 - encourage counties and cities to adopt best practices for surplus land programs, with the bill providing examples.

SB 102 continued:

- Amends s.196.1978 to provide two new property tax exemptions:
 - nonprofit land lease exemption for land that is leased for at least 99 years for the purpose of and predominately used for, providing affordable housing and is owned entirely by a nonprofit entity that is a corporation not for profit that meets other specified conditions – first applies to the 2024 tax roll and is repealed on Dec. 31, 2059; and
 - tax exemption that applies to rent-restricted units within newly constructed or substantially rehabilitated developments setting aside at least 70 units for affordable housing for households earning 120 percent of area median income– first applies to the 2024 tax roll and is repealed on Dec. 31, 2059.
- Creates s.196.1979 to authorize a county or municipality to adopt a local ordinance to exempt those portions of property used to provide affordable housing meeting certain requirements – first applies to the 2024 tax roll and expires the fourth January 1 after adoption; however governing body may adopt a new ordinance to renew the exemption.

SB 102 continued:

- Provides that the Department of Economic Opportunity's Keys Workforce Housing Initiative, approved by the Administration Commission on June 13, 2018, is considered an exception to the evacuation time constraints of s. 380.0552(9)(a)2 by requiring deed-restrictive affordable workforce housing properties receiving permit allocations to agree to evacuate at least 48 hours in advance of hurricane landfall.

Effective Date: July 1 , 2023 unless otherwise provided.

Signed by Governor on March 29.

Department of Transportation (HB 1305):

- Allows the FDOT to provide 100 percent of project costs, under the Intermodal Logistics Center Infrastructure Support Program, for eligible projects in rural areas of opportunity.
- Authorizes the Florida Development Finance Corporation to finance certain DOT-related public private partnership projects.
- Provides that FDOT may not, when granting airport site approval, require a written memorandum of understanding or letter of agreement with other airport sites regarding air traffic pattern separation procedures unless it is required by the FAA or is deemed necessary by FDOT.
- Allows the FDOT to fund up to 100 percent of eligible project costs of all of the following at a publicly owned, publicly operated airport located in a rural community as defined in s.288.0656 which does not have any scheduled commercial service:
 - capital cost of runway and taxiway projects that add capacity. Such projects must be prioritized based on the amount of available nonstate matching funds; and
 - economic development transportation projects pursuant to s.339.2821.

HB 1305 continued:

- Increases from \$120 million to \$200 million the cap on innovative transportation project contracts that FDOT may annually award and deletes the cap exemption for low-bid design build milling and resurfacing contracts.
- Increases FDOT's contracting cap where it is not required to receive competitive bids in certain circumstance from \$250,000 to \$500,000.
- Expands the potential use of phased design-build by FDOT by authorizing them for any FDOT project, not just specified ones, and providing options for phased design-build contracts.
- Requires that, by Dec. 31, 2023, the MPOs serving Hillsborough, Pasco and Pinellas Counties must submit a feasibility report exploring the benefits, costs, and process of consolidation into a single MPO serving the contiguous urbanized area to the Governor, Senate President and House Speaker.
- Requires that FDOT adopt by rule minimum safety standards for any governmentally or privately owned fixed-guideway transportation systems located within an independent special district created by local act which has boundaries within two contiguous counties.

HB 1305 continued:

- Transfers the Santa Rosa Bay Bridge Authority's bridge system to FDOT upon the bill becoming law and authorizes FDOT to transfer it to the Florida Turnpike Enterprise.
- Provides that, upon the bill becoming law, the Greater Miami Expressway Agency is reestablished subject to revised powers and duties outlined in the bill.

Effective Date: July 1, 2023 unless otherwise provided.

Approved by Governor on May 11.

Florida Shared-Use Nonmotorized Trail Network (SB 106):

- Prioritizes the development of “regionally significant trails” which are defined as trails crossing multiple counties; serving economic and ecotourism development; showcasing the state’s wildlife areas, ecology, and natural resources; and serving as main corridors for trail connectedness across the state.
- Enhances the planning, coordination, and marketing of the state’s bicycle and pedestrian trail system and the Wildlife Corridor.
- Stipulates that trails developed within the Wildlife Corridor maximize the use of previously disturbed lands, such as abandoned roads and railroads, canal corridors, and drainage berms, and be compatible with applicable land use provisions.
- Requires the Florida Department of Transportation to erect uniform signage identifying trails that are part of the SUN Trail Network and to submit a periodic report on the status of the SUN Trail Network.

SB 106 continued:

- Authorizes the FDOT and local governments to enter into sponsorship agreements, instead of the current concession agreements, for trails and to use associated revenues for maintenance, signage, and related amenities.
- Recognizes “trail town” communities and directs specified entities to promote the use of trails as economic assets, including the promotion of trail-based tourism.
- Increases recurring funding for the SUN Trail Network from \$25 million to \$50 million and provides a non-recurring appropriation of \$200 million to plan, design, and construct the SUN Trail Network.

Effective Date: July 1, 2023.

Signed by Governor on April 11.

Transportation (HB 425):

- Expands Florida's existing Move Over Law to include disabled vehicles.
- Requires the Florida Department of Transportation to coordinate with specified entities to establish standards by which the State Highway System will be graded according to their compatibility with the operation of autonomous vehicles.
- Amends s.333.03(2) dealing with the adoption of airport zoning regulations, to provide that where a specified noise study has not been conducted for a public-use airport, the mitigation, versus prohibition, of potential incompatible uses associated with residential construction and educational facilities should be considered in the airport land use compatibility zoning regulations.
- Codifies in s.334.066 the Implementing Solutions from Transportation Research and Evaluating Emerging Technologies Living Lab (ISTREET) within the University of Florida and provides for its duties relating to transportation research, education, workforce development, and related issues.
- Authorizes FDOT to share up to 10 percent of construction cost savings due to a change in contract design and scope, initiated after contract execution. with design, construction engineering, or inspection consultants whose input was involved in realizing the cost savings.

HB 425 continued:

- Deletes current statutory language that prohibits FDOT from requesting legislative approval of a proposed turnpike project until the design phase of the project is at least 30 percent complete.
- Amends s.339.175 dealing with metropolitan planning agencies (MPOs) to:
 - require that, where more than one MPO is designated within an existing urbanized area, each MPO designated for the area to:
 - consult with every other MPO designated for the area and the state to coordinate plans and transportation improvement programs; and
 - ensure, to the maximum extent practicable, the consistency of data used in the planning process, including data used in forecasting travel demand within the urbanized area.
 - provide that an MPO may not perform project production or delivery for capital improvement projects on the State Highway System;
 - require that, in developing the long-range transportation plan and transportation improvement program, MPOs must consider the contiguous urbanized metropolitan area and project/strategies for improving the resilience of transportation infrastructure;
 - require that membership of an MPO technical advisory committee must consider the proportional representation of the area's population and include intermodal logistics centers representation whenever possible;

HB 425 continued:

- require a report, due by Dec. 31, 2023, regarding the consolidation of the MPOs serving Hillsborough, Pasco, and Pinellas Counties which explores the benefits, costs, and process of consolidation into a single MPO serving the contiguous urbanized area. The report is to be done by these three MPOs and submitted to the Governor, Senate President and House Speaker; and
 - revise provisions regarding the powers and duties of the MPO Advisory Council.
- Creates s.339.651 Strategic Intermodal System supply-chain demands, to require that the FDOT must specifically address the movement and storage of construction aggregate materials essential for building roadways in its transportation plans.

Effective Date: July 1, 2023.

Not yet transmitted to Governor as of May 22.

Enforcement of School Zone Speed Limits (HB 657)

- Authorizes counties and municipalities to use speed detection systems, similar to red light cameras, to enforce school zone speed limits for violations in excess of 10 miles per hour when children are going to or from school and during the entirety of the school day.
- Requires county or municipality to enact an ordinance regarding the placement or installation of speed detection devices and to make a determination that the location of such a system warrants additional enforcement action.
- Requires a public awareness campaign prior to commencing speed zone enforcement.
- Requires local government to hold public meetings regarding contracts and data reported to Department of Highway Safety and Motor Vehicles.
- Prohibits points from being imposed for violation and prohibits violations from being used to set motor vehicle insurance rates.

Effective Date: July 1, 2023 | Presented to Governor on May 16 and action required by May 31.

Enforcement of School Bus Passing Infractions (SB 766)

- Authorizes school districts to install and operate a school bus infraction detection system to capture violations of drivers failing to stop for a school bus.
- Requires the school district to enter an interlocal agreement with a law enforcement agency authorized to enforce school bus stop signal violations within the school district to establish enforcement responsibilities and cost reimbursement.
- Requires that the systems meet specifications established by the State Board of Education.
- Provides that school districts make a public announcement and conduct a 30-day public awareness campaign before commencing initial enforcement using such systems.
- Specifies that school buses with such operational systems have high-visibility reflective signage on the rear of the school bus indicating system use.
- Outlines enforcement process, penalties, and reporting requirements.

Effective Date: July 1, 2023. | Presented to Governor on May 16 and action required by May 31.

Also passed and submitted to Governor with action required by May 31:

- **Abandoned and Historic Cemeteries (CS/CS/CS/HB 49, Rep. Driskell):** Creates Historic Cemeteries Program with the Division of Historical Resources and authorizes certain entities to acquire conservation easements to preserve cemeteries. *Effective July 1, 2023.*
- **Tampa Bay Regional Transit Authority (CS/HB 155 ER, Rep. Holcomb):** Dissolves the Tampa Bay Regional Transit Authority. *Effective July 1, 2023.*
- **Public Construction (CS/CS/SB 346 ER, Sen. DiCeglie):** Amends construction services contract and payment requirements between local government entity and contractor. *Effective July 1, 2023.*
- **Disposal of Property (SB 678 ER, Sen. Powell):** Provides that the Florida Department of Transportation may convey property to a governmental entity without consideration if the property is to be used for affordable housing. *Effective July 1, 2023.*
- **Vessel Regulations (CS/CS/HB 847 ER, Rep. Stark):** Allows a municipality or county to adopt an ordinance that establishes a slow speed, minimum wake boating-restricted area, if the area is within 500 feet of a sewage pump-out station at any public or private nonresidential marina if the sewage pump-out station is within 100 feet of the marked channel of the Florida Intracoastal Waterway. *Effective July 1, 2023.*

Also passed but not yet submitted to Governor:

- **Economic Programs (CS/CS/HB 5 ER, Rep. Esposito):** Eliminates Enterprise Florida, Inc. and transfers all its duties and functions to the Department of Economic Opportunity; renames DEO as Department of Commerce. *Effective July 1, 2023.*
- **Commercial Service Airport Transparency and Accountability (CS/CS/HB 1123 ER, Rep. Gossett-Seidman):** Changes information that needs to be posted on the airport's website and amends the requirements for receiving governing body approval for commodity or contractual services contracts. *Effective July 1, 2023.*
- **Regional Transportation Planning (CS/HB 1397 ER, Rep. McClure):** Requires the Department of Transportation, or its consultant, to conduct a study on the potential dissolution of HART and submit a report detailing the results of the study to the Governor, the President of the Senate, and the Speaker of the House of Representatives by Jan. 1, 2024. *Effective July 1, 2023.*
- **Designation of Brevard Barrier Island Area as Area of Critical State Concern (CS/CS/HB 1489, Rep. Brackett):** Creates the area of critical state concern designation for this area and provides the guiding principles for development within the area. *Effective July 1, 2023.*

Questions?

1 Law CM or 1.5 CM

Event #9270122

On-Demand Event #9270255



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