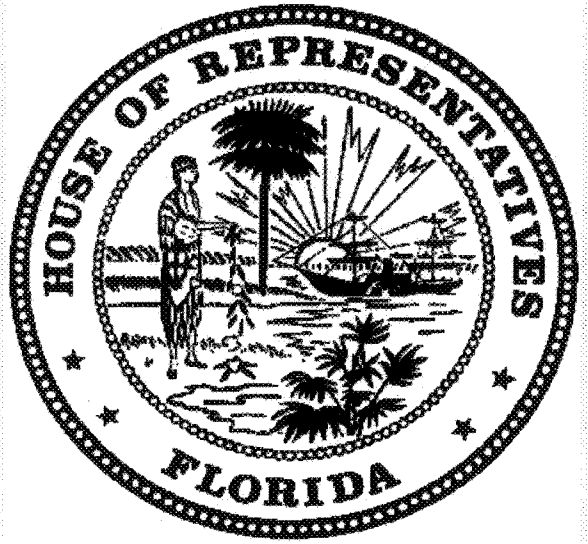
Growth Management Committee

Thursday January 26, 2006
1:00 PM – 2:00 PM
212 Knott Building

Allan G. Bense
Speaker

Randy Johnson
Chair

State Infrastructure Council
Growth Management Committee
2005 Interim Projects Update
– January 26, 2006



Randy Johnson, Chair

Mike Davis, Vice Chair

2005 Interim Projects

- The Committee had 2 interim projects:
  - Post Session Review CS/CS/CS SB 360
  - Development of Regional Impact Affordable Housing Mitigation

- Draft reports are scheduled to be submitted to the Speakers' Office this week for review. The information contained in this update is subject to change pending approval by the Speaker.

Post Session Review of CS/CS/CS SB 360

- Purpose: conduct a review of CS/CS/CS SB 360 (Act) with Senate staff, state agencies and interested parties to determine if additional legislation is necessary and what issue would be appropriate for inclusion into such legislation.

Post Session Review of CS/CS/CS SB 360

- Committee staff widely distributed a request for comments, suggestions, and recommendations.
- 19 Individuals/Entities replied by November 2005.

Post Session Review of CS/CS/CS SB 360

- Comments are sorted into three groups:
  - Glitch.
  - Policy Refinements.
  - New Issues.

  - The Speaker approved the Committee to work on 3 proposed committee bills that follow a general description of the three categories listed above.

Post Session Review of CS/CS/CS SB 360

- Glitch
  - Citation Errors
  - Nomenclature
  - Funding

Post Session Review of CS/CS/CS SB 360

- Citation Errors:

4 Citation Errors in CS/CS/CS SB 360			
Section of the Act	**Statute Section Amended**	**Erroneous Citation**	**Corrected Citation**
5	163.3180(13)(f)1.	163.31777(6)	163.31777
5	163.3180(16)(b)1.	163.164(32)	163.3164(32)
6	163.3184(17)	163.31773(13)	163.3177(13)
12	339.2819(4)(a)2.	163.3177(9)	163.3180(9)

Post Session Review of CS/CS/CS SB 360

- Nomenclature – The Act includes the use of 6 different terms for the proportionate share concept:
  - proportionate fair-share mitigation
  - proportionate share
  - mitigation proportionate to
  - proportionate share mitigation
  - proportionate fair-share contributions
  - proportionate share agreement

Act Section	Statute Section	Term(s) Used
1	163.3164(32)	"proportionate share"
5	163.3180(13)(e)	"mitigation proportionate to" & "proportionate-share mitigation"
5	163.3180(13)(e)1	"proportionate – share mitigation"
5	163.3180(13)(e)2	"proportionate – share mitigation"
5	163.3180(13)(e)3	"proportionate – share mitigation"
5	163.3180(13)(g)8	"proportionate – share mitigation"
5	163.3180(16)	"proportionate fair – share mitigation"
5	163.3180(16)(a)	"proportionate fair – share mitigation"
5	163.3180(16)(b)1	"proportionate fair – share mitigation" & "proportionate fair – share contributions"
5	163.3180(16)(b)2	"proportionate fair-share mitigation"
5	163.3180(16)(c)	"proportionate fair – share mitigation" & "proportionate fair-share contribution"
5	163.3180(16)(f)	"proportionate share agreement" & "proportionate share"
17	380.06(24)(l), (m), & (n)	"proportionate share"

Post Session Review of CS/CS/CS SB 360

- Funding
  - FDOT nonrecurring SIS is $200M, but was supposed to be $175M.
  - FDOT SIB appropriation was nonrecurring with recurring transfer.
  - Classrooms for Kids $41.65M recurring appropriation with $75M recurring transfer.
  - High Growth Dist. Capital Outlay Assistance Grant Program has a $30M transfer with no appropriation.
  - DCA has $50K nonrecurring cash in trust fund for vetoed School Concurrency Task Force.
  - DCA had $250K TF transfer for Century Commission with no recurring appropriation.

Post Session Review of CS/CS/CS SB 360

- Policy Refinement:
  - Urban Infill Incentives.
  - Capital Improvement Element (CIE)/Comprehensive Plan.
  - 3rd Party Challenge to CIE/Comprehensive Plan.
  - Century Commission
  - Long Term Concurrency Management Plans.

Post Session Review of CS/CS/CS SB 360

- Policy Refinements (cont.)
  - "Financial feasibility" definition.
  - Rural Land Stewardship.
  - Community Vision.
  - School Concurrency.
  - Water Concurrency.
  - Transportation Concurrency.

Post Session Review of CS/CS/CS SB 360

- New Issues
  - Realignment of Regional Boundaries.
  - Impact Fees.
  - Annexation.
  - Regionalism.
  - County Preemption.
  - Affordable Housing.

Development of Regional Impact Affordable Housing Mitigation

- Statutory and regulatory provisions require certain developments of regional impact (DRI) to undergo an analysis of the need for, and the required provision of (mitigation), affordable housing generated in conjunction with the DRI project.

Development of Regional Impact Affordable Housing Mitigation

- Committee staff learned that the Department of Community Affairs (DCA) and the 11 regional planning councils (RPC) have different implementation methodologies for accomplishing the analysis and calculating the mitigation.

Methodology Used by Individual RPCs [1]

Methodology Used	Regional Planning Council
East Central Methodology Only	East Central Florida West Florida Central Florida Withlacoochee Northeast Florida [2]
East Central Methodology Encouraged or Recommended	North Central Florida Tampa Bay [3]
DCA or East Central Methodology	Apalachee [4] South Florida [5]
3 Option Approach [6]	Southwest Florida

[1] Information was not supplied for the Treasure Coast RPC.

[2] The counties within the Northeast Florida RPC utilize the East Central Methodology except for St. Johns County. The survey results noted that "most applicants will manipulate the project phasing schedule to guarantee that Phase 1 of their development will not have a significant impact to affordable housing based on the East Central Methodology's measure of significance. St. Johns County takes a more aggressive approach that disregards the minimum mitigation requirements of either the DCA or the East Central Methodology and employs other means to address the affordable housing impacts associated with DRIs.

[3] Tampa Bay RPC does not require, but strongly recommends the use of the East Central Methodology. The few applicants that choose a different methodology have it approved at the pre-application conference. If analysis shows an unmitigated need, the applicant is required to recommend mitigation in the form of developer commitments. This RPC does not allow expansions of the 10-mile/20 minute radius.

[4] Apalachee RPC requires compliance with either the DCA or the East Central Methodology. According to the survey results, most applicants normally choose the East Central Methodology.

[5] South Florida reported allowing developers to use either the DCA or the East Central Methodology or some alternative (i.e., East Miramar Areawide DRI, Increment II utilized an alternative methodology).

[6] The Southwest Florida RPC does not use either the DCA or the East Central Methodology. In Southwest Florida, the developer must choose one of three options to address DRI affordable housing impacts: 1) supply an appropriate number of on-site affordable housing units; 2) supply an appropriate number of off-site affordable housing units; or 3) provide a negotiated financial contribution to the local government for affordable housing.

Development of Regional Impact Affordable Housing Mitigation

- Committee staff worked with the DCA, the RPCs, and representatives of the development community to review and attempt to find resolution to issues addressed by both the agencies and the development community.

- The issues fell into 3 categories: data issues, assumption issues, and mitigation issues.

- Several telephone conferences provided an opportunity for collaborative review and resulted in a potential template for resolution of these issues.

Development of Regional Impact Affordable Housing Mitigation

- The report will present the various issues and the potential resolution status as of the date of the report.

- The parties agreed to continue conducting telephone conferences in an effort to resolve any remaining issues.