

TAB 1

2011 Legislative Update

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| Growth Management Reform (HB 7207) |
| 2011 Legislative Session and Governor adopted wholesale changes to growth management. |
| Makes concurrency for parks and recreation, schools, and transportation facilities optional for local governments. |
| Cities and counties will have the discretion to continue to include these programs. |
| If maintaining, must meet minimum state requirements for transportation and concurrency. |
| Interlocal agreements remain. |
| Urban services boundaries are no longer encouraged. |
| Capital Improvements Element changes: |
| Must adopt LOS Standards for Potable Water, Wastewater, Drainage, and Solid Waste. |
| CIP covers a five year period, no longer required to process as comprehensive plan amendment. |
| Deletes the requirement that comprehensive plans be financially feasible. |
| The Comprehensive Plan can be amended any time without restriction. No longer limited to twice per year plan amendment cycle. (Can they maintain this policy though?) |
| Prohibits local governments from having referenda for local comprehensive plan amendments. |
| Repeals Rule 9J-5 and Rule 11.023. |
| Incorporates certain provisions into the bill. |
| Applies and revises the expedited comprehensive plan amendment process statewide. |
| Local government required to review plan every seven (7) years. |
| Allows additional planning periods for specific parts of the comprehensive plan. |
| Encourages planning innovation technical assistance. |
| Revises the small scale amendment process. |

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| <p>Small Area Review Process: 10 acres or less Review does not require transmittal hearing One public hearing Affected parties may file a petition with DOAH - State may not intervene</p> |
| <p>State Coordinated Review Process: Required for amendments In an Area of Critical State Concern Propose a Rural Land Stewardship Area Update a Comprehensive Plan for evaluation and appraisal report New municipalities</p> |
| <p>Process includes: Transmittal to reviewing agencies after a transmittal public hearing (include reference to state coordinated review process). Reviewing agency shall comment to state land planning agency and to local government. State land planning agency shall issue a ORC report (broader review than under normal "expedited" process). Local government will hold a second public hearing and adopt, adopt with changes, or deny the amendment. Amendments will be sent to state land planning agency. State land planning agency makes a determination of completeness, then determination of compliance with Chapter 163. If found in compliance by state land planning agency, state land planning agency will issue a notice of intent on its website and it is then effective.</p> |
| <p>Expands and revises the optional sector plan process.</p> |
| <p>Sector Plans Optional Areas of at least 15,000 acres Plan shall: Emphasize urban form Protect regional resources and provide for public facilities</p> |
| <p>Regional Planning Council has a scoping meeting and makes recommendations on issues requested by the local government. Sector plans include: Long term master plan Two or more detailed plans</p> |

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| <p>This process is generally as follows: Local planning agency prepares and recommends a comprehensive plan or amendment to the local governing body. After the transmittal public hearing, local governing body then transmits the proposed comprehensive plan or plan amendment to the various state, regional, and local agencies for review.</p> |
| <p>The reviewing agencies review the proposed plan amendment upon request of the local government, a regional planning council or an affected person. The reviewing agencies may provide comments. Each state and regional agency is largely limited to reviewing how the plan amendment impacts on important state or regional resources of the facility respectively.</p> |
| <p>After review of written comments, including those of the state land planning agency, and after a second public hearing, the local government may adopt the amendment, adopt the amendment with changes or not adopt the amendment.</p> |
| <p>After adoption by the local government, the state land planning agency reviews and determines whether the plan amendment is in compliance with Chapter 163. The state land planning agency notifies the local government that the amendment is either in compliance or not in compliance with Chapter 163.</p> |
| <p>If found in compliance, any affected person may file a petition with the agency within 30 days after the publication of the Notice to challenge its determination. If an appeal, Division of Administrative Hearings is forwarded the matter.</p> |
| <p>Specifies that population projections should be a floor for requisite development except for areas of critical state concern.</p> |
| <p>Reduces the requirements of the evaluation and appraisal process.</p> |
| <p>Revises the rural land stewardship program.</p> |
| <p>Restricts the state's ability to interpret joint planning agreements.</p> |
| <p>Clarifies and broadens the window for permit extensions.</p> |
| <p>Adds a new 2-year permit extension, but caps the maximum extension at 4 years.</p> |
| <p>Creates a 4-year development of regional impact permit extension.</p> |
| <p>Removes industrial areas, hotels/motels, and theaters from the list of developments of regional impact.</p> |
| <p>Creates an exemption from the DRI process for mining projects and allows those mines to enter into agreements with the Department of Transportation.</p> |
| <p>Clarifies requirements for adopting criteria to address compatibility of lands relating to military installations.</p> |

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| Allows a certain plan amendment to be readopted by a local government without being resubmitted to the state land planning agency. |
| Clarifies when a local government can reject a proposed change to a development of regional impact. |
| State planning agency in HB 7207 is DCA. SB 2156 created the Department of Economic Opportunity (effective July 1, 2011). |
| DCA will transition to DEO with reorganization to be completed by October 1, 2011. |
| DEO, instead of DCA, is now designated as the state land planning agency to administer Florida's local government comprehensive planning, DRI and other growth management plans. |
| DOT to submit a report on recommended changes to or alternatives for calculating the proportionate-share contributions for transportation mitigation to the Senate President and House Speaker no later than December 15, 2011. |
| Governmental Reorganization - Economic Development (SB 2156) |
| Comprehensive legislation streamlining, repealing, and redefining various agency duties and functions. |
| New state agency, the Florida Department of Economic Opportunity. |
| DEO is responsible for the consolidation of state government, reducing regulations and avoiding duplicative oversight. |
| Transition period for the transfer of agencies to be completed by October 1, 2011. |
| State Financial Information (SB 2096) |
| An act relating to state financial information; amending s. 11.45, F.S.; requiring that the Auditor General annually provide to the Legislature and the Department of Financial Services a list of specified entities that have failed to comply with certain financial transparency requirements. |
| Amending s. 215.985, F.S., relating to the Transparency Florida Act; |
| Revising the definition of the term "governmental entity." |
| Adding additional governmental entities to those for which the Legislative Auditing Committee recommends a format for collecting and displaying financial information. |
| Revising the schedule for adding information to the state's official website. |
| Revising provisions exempting certain municipalities and special districts from the Transparency Florida Act. |

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| Requiring each water management district to submit monthly detailed financial statements to its governing board and post such statement on its website. |
| Requiring the Chief Financial Officer to provide public access to a state contract management system; providing the information that must be available on the system; requiring agency procurement staff to update data in the system. |
| Regulation of Firearms and Ammunition (CS/CS/CS/HB 45) |
| Imposes a financial penalty on governments, elected officials or staff that adopt policies or take enforcement action that violates the existing state law preemption of firearm and ammunition regulation. (Personally liable.) |
| Vacation Rentals (CS/CS/CS/HB 883) |
| Preempts local governments from treating vacation rentals differently than other residential properties based solely on their classification, use or occupancy. |
| Local governments with ordinances regulation vacation rentals existing prior to June 1, 2011 are grandfathered. |
| Pain Management Clinics (CS/CS/HB 7095) |
| Provides medical standards and operational restrictions for pain-management clinics. |
| Requires more stringent regulations for permitting community pharmacies to be conformed under the new standard by July 2012. |
| Pain-management clinic can be declared a public nuisance if the clinic has been the site of multiple criminal incidences within six months. |
| Criminal penalties to be imposed on doctors that overprescribe narcotics and violate medical standards of care. |
| Bans dispensing of Schedule II and III controlled substances by a physician, makes such dispensing a third degree felony and grounds for licensure discipline. |
| Dispensing physicians must return existing inventories of these controlled substances to wholesale distributors within 1- days of enactment of the bill or to law enforcement to be destroyed. |
| Wholesale distributors are required to buy back at the practitioner's purchase price. |
| Provides standards for obtaining and maintaining a pharmacy permit, including onsite inspections, financial disclosures, and exclusions based on criminal or permitting discipline history. |
| Bill directs Dept. of Health to declare a public health emergency on the third day after enactment of the law. |

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| Mobile Home Park Lot Tenancies (CS/SB 650) |
| Requires local government to cite the appropriate violator for ordinance violations within mobile home parks. |
| Prohibits local governments from bringing liens, penalties, fines, or other administrative or civil proceedings against a party if the violation is not the party's responsibility. |
| Pension Reform (CS/CS/SB 1128) not yet signed by Governor (6.15.2011) |
| Local plans' actuarial reports are required to include the present value of all benefits using a standard rate of return, to promote comparisons between plans. |
| DMS is required to post on their website a five-year history of each plan's funded ratio, and local plans are required to link to this DMS website. |
| Actuarial or cash surpluses in a local plan may not be used outside the plan. |
| Local plans may not reduce contributions required to fund normal cost. |
| For all local plans, accrued sick or annual leave may not be included in calculations of retirement benefits; overtime may be included, but is capped at 300 hours. |
| With approval of the members, firefighter and police plans are allowed to increase member contributions without increasing member benefits. |
| The bill changes the date in 1939 by which local law plans are deemed to be in compliance with Chapters 175 and 185. |
| The bill creates a Task Force on Public Employee Disability Presumptions to study and make recommendations on statutory disability presumptions. |
| The Department of Management Services is required to create a plan for providing standardized ratings for the financial strength of all local government defined benefit plans in Florida, and provide recommendations to the Legislature in January 2012. |
| Public Officers/Severance Pay (CS/CS/CS/SB 88) not yet signed by Governor (6.15.2011) |
| Restricts severance pay for any public officer, agent, employee or contractor. |
| Allows up to 20 weeks of severance pay under limited circumstances. |
| Employment contracts entered into before July 1, 2011, that have severance pay provisions are grandfathered, but contract renewal or renegotiation after that date, requires compliance with the restriction. |
| Permits severance pay if it represents settlement of an employment dispute, but the severance is limited to six weeks. |

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| Establishes standards for bonus programs offered by governmental entities. |
| Prohibits confidentiality clauses in agreements for extra compensation entered into after July 1, 2011. |
| Bert Harris Private Property Rights Act (CS/CS/CS/HB 239) not yet signed by Governor (6.15.2011) |
| Revises the Bert Harris Private Property Rights Act, originally enacted in 1995. |
| Includes language for temporary burden. |
| Narrows timeframe to negotiate settlement. |
| Allows settlement to be achieved through a change in zoning, density, ordinance or monetary settlement. |
| Clarifies “enacting ordinance” and “applying an ordinance”. |
| Clearly states that sovereign immunity does not apply to Bert Harris Act claims. |
| Local Government Accountability (CS/SB 224) not yet signed by Governor (6.15.2011) |
| Changes the schedule for submitting a local governmental entity’s annual audit report and annual financial report from 12 months to 9 months, changes provisions relating to the preparation of municipal budgets and requires the budgets to be posted on the website of the municipality. |
| Gun Bill (CS/CS/SB 234) not yet signed by Governor (6.15.2011) |
| Licensed concealed weapons permit holders cannot be charged with a crime if their concealed firearm is briefly and openly displayed to another person, unless intentionally in an angry or threatening manner. |
| Allows permit holders to carry or store firearms in their vehicle for lawful purposes. |