

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: CS/SB 62

INTRODUCER: Community Affairs Committee and Senator Bradley

SUBJECT: Regional Planning Councils

DATE: January 27, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Paglialonga	Ryon	CA	Fav/CS
2.	_____	_____	JU	_____
3.	_____	_____	RC	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 62 removes Regional Planning Councils (RPCs) and all references thereto from Florida law. The ten existing RPCs would no longer be governed by state law. However, RPCs governed by an existing interlocal agreement will continue to function under the terms and conditions of the enabling agreement.

The bill reassigns RPC functions and duties under state law, where appropriate, to other state agencies and local governments. Currently, RPCs serve an administrative/advisory role, do not preempt local government land use authority, and have no regulatory powers.

The bill expressly provides that local governments may enter into agreements to create regional planning entities at the local level pursuant to ch. 163, F.S.

II. Present Situation:

The Florida Regional Planning Council Act

The Legislature passed the Florida Regional Planning Council Act in 1980.¹ The Legislature found that "the problems of growth and development often transcend the boundaries of individual units of local general-purpose government"² and that "there is a need for regional

¹ Sections 186.501-186.513, F.S.

² Section 186.502(a), F.S.

planning agencies to assist local governments to resolve their common problems, engage in area-wide comprehensive and functional planning, administer certain federal and state grants-in-aid, and provide a regional focus in regard to multiple programs undertaken on an area-wide basis."³

The Legislature designated each RPC's composition in s. 186.512, F.S., assigning every county in Florida to a council. These contiguous groups of counties make up the region within which an RPC operates. Florida is divided into 10 RPC regions,⁴ each functioning as an association of that region's counties, plus any municipalities that opt to become members. Under current law, all Florida counties must serve as members of the RPC where they are located.⁵ Municipalities may also become RPC members, but their membership is optional.

RPC Governance

The governing body of RPCs are made up of both voting and non-voting members. Two-thirds of the voting members are local elected officials (from member counties and municipalities) and the remaining third are gubernatorial appointees.⁶ In addition to the voting members, the Governor appoints representatives from the Department of Transportation, Department of Environmental Protection, Department of Economic Opportunity, the appropriate water management district(s), and other governmental entities to serve as non-voting members of the RPC.⁷

RPC Funding

RPCs generally receive funding through several different means. RPCs are authorized to "fix and collect membership dues, rents, or fees when appropriate."⁸ Thus, county and municipal RPC members are subject to any membership dues imposed by the RPC. Membership dues typically range from 16 to 41 cents per capita.

RPCs also receive state and federal grant funds to conduct research, analysis, planning, and administrative activities within their region. RPCs historically received state funds directly through state appropriation.⁹ However, in FY 2013-2014, this appropriation category was

³ Section 186.502(b), F.S.

⁴ See s. 186.512(1)(a)-(j), F.S. The 10 RPCs are the West Florida RPC, Apalachee RPC, North Central Florida RPC, East Central Florida RPC, Central Florida RPC, Tampa Bay RPC, Southwest Florida RPC, Treasure Coast RPC, and South Florida RPC. See also Florida Regional Councils Association, *RPCs Directory* (map of Florida with county membership), available at: <http://www.flregionalcouncils.org/directory/> (last visited Jan. 4, 2021).

⁵ In the 1980 original enactment of the Florida Regional Planning Council Act, the Legislature expressly stated that membership in a regional planning council was not mandatory: "(4) Nothing contained in this act shall be construed to mandate local general-purpose government membership or participation in a regional planning council." However, in 1984, the Legislature amended what was then section 160.01(4), now 186.504(5), to mandate county membership: "Nothing contained in this act shall be construed to mandate municipal local general-purpose government membership or participation in a regional planning council. However, each county shall be a member of the regional planning council created within the comprehensive planning district encompassing the county." See Chapter 84-257, Laws of Florida.

⁶ Section 186.504(2)(c), (3), F.S.

⁷ Section 186.504(4), F.S.

⁸ Section 186.505(12), F.S.

⁹ Between 2004-05 and 2010-11 Florida appropriated on average a total of \$2,860,000 a year for the operation of all RPCs in Florida.

eliminated, and state funds were made available to RPCs through grants administered by the Department of Economic Opportunity.

Finally, RPCs may charge fees for services provided to private developers and landowners.¹⁰ RPCs provide policy analysis and comprehensive planning services to private entities in such areas as housing, emergency management, economic development, water management, transportation, and other matters having a direct regional impact.

RPC Corporate Powers

The general powers and duties of RPCs are described in s. 186.505, F.S. This section of law provides RPCs broad corporate powers in the performance of their duties. These corporate powers include owning property, entering into private and public sector contracts, to sue and be sued in its own name, and to employ and to compensate such personnel, consultants, and technical and professional assistants as it deems necessary.

RPC Activities and Responsibilities

The activities and responsibilities of RPCs generally fall within the following three areas:

- Land development and community planning
- Emergency preparedness
- Economic development and analysis

Land Development and Community Planning

Florida law governs how the state and local governments manage land development.¹¹ Local comprehensive plans adopted by counties and municipalities are required by statute and intended to be the controlling land use laws within a locality.¹² Florida's Community Planning Act governs how local governments create and adopt their local comprehensive plans.¹³ Under Florida's Community Planning Act, each county and municipality must establish a local planning agency.¹⁴ The local planning agency is responsible for managing the comprehensive planning program.¹⁵

RPC Community Planning Assistance

The Florida Regional Planning Council Act recognizes the regional planning council as “Florida’s only multipurpose regional entity that is in a position to plan for and coordinate intergovernmental solutions to growth-related problems on greater-than-local issues.”¹⁶ RPCs are

¹⁰ Section 186.505(25), F.S.

¹¹ See chs. 186, 187, and 163, part II, F.S.

¹² Section 163.3167(1)(b), F.S.

¹³ See s. 163.3167, F.S., Scope of act.

¹⁴ Section 163.3174(1), F.S. If a county or municipality has entered into an interlocal agreement under s. 163.3171, F.S. to exercise its planning powers under the Community Planning Act, those counties and municipalities may establish a joint local planning agency.

¹⁵ Section 163.3174(4), F.S.

¹⁶ Section 186.502(4), F.S.

empowered to provide technical assistance to local governments and meet other needs of the communities in each region. As part of their duties, RPCs are directed to:

- Act in an advisory capacity to the constituent local governments in the regional, metropolitan, county, and municipal planning matters.¹⁷
- Conduct studies of the resources of the region.¹⁸
- Provide technical assistance to local governments on growth management matters.¹⁹
- Perform a coordinating function among other regional entities relating to preparation and assurance of regular review of the strategic regional policy plan, with the entities to be coordinated determined by the topics addressed in the strategic regional policy plan.²⁰
- Coordinate land development and transportation policies in a manner that fosters region wide transportation systems.²¹
- Review plans of independent transportation authorities and metropolitan planning organizations to identify inconsistencies between those agencies' plans and applicable local government plans.²²
- Provide consulting services to private developers or landowners.²³

RPCs also serve as one of several “reviewing agencies” authorized to review and provide comments to a local government regarding its comprehensive plan or plan amendments. These comments are strictly advisory in nature. Furthermore, RPC comments are limited to adverse effects on regional resources or facilities identified in the strategic regional policy plan and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region.²⁴

Strategic Regional Policy Plans

Among the statutory responsibilities of RPCs is the development of strategic regional policy plans.²⁵ Each RPC must develop a plan that contains regional goals and policies that shall address affordable housing, economic development, emergency preparedness, natural resources of regional significance, and regional transportation and must identify and address significant regional resources and facilities.

RPCs must review their strategic regional policy plans continuously and submit an evaluation report of its plan to the Executive Office of the Governor at least once every five years.²⁶ Strategic regional policy plans are advisory only and have no legally binding effect.²⁷ The

¹⁷ Section 186.505(10), F.S.

¹⁸ Section 186.505(16), F.S.

¹⁹ Section 186.505(20), F.S.

²⁰ Section 185.505(21), F.S.

²¹ Section 186.505(23), F.S.

²² Section 186.505(24), F.S.

²³ Section 186.505(26), F.S.

²⁴ Section 163.3184(3)(b)3.a., F.S.

²⁵ Section 186.507, F.S.

²⁶ Section 186.511, F.S. *See also* 27E-5.008, FAC

²⁷ *See* s. 186.507(13), F.S.: “Standards included in strategic regional policy plans may be used for planning purposes only and not for permitting or regulatory purposes.”

Governor reviews proposed regional policy plans to ensure consistency with the state's comprehensive plan and provides recommended revisions to the regional plans.²⁸

RPC Dispute Resolution Process

Each RPC must establish a dispute resolution process by rule to reconcile differences in planning and growth management issues between local governments, regional agencies, and private interests.²⁹ RPC dispute resolution procedures must include voluntary meetings among the disputing parties, mediation, arbitration, administrative proceedings, and judicial action, where appropriate. Nonetheless, resolving any issue through the RPC dispute resolution process is voluntary and does not alter any person's right to a judicial determination of any issue if that person is entitled to such a determination under statutory or common law.

Prior RPC Role with Developments of Regional Impact

Prior to 2015, RPCs had a significant role in the Development of Regional Impact approval process. Development of Regional Impact (DRI) is defined as "any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county."³⁰ The Legislature eliminated the DRI program in 2015.³¹

Before the Legislature ended the program, all developments that met the DRI thresholds and standards provided by statute³² and rules³³ were required to undergo DRI review. Florida's RPCs coordinated the multi-agency review of proposed DRIs. RPCs reviewed DRI applications for sufficiency and could request additional information if the application was deemed insufficient.³⁴ Furthermore, RPCs were required to prepare and submit a report and recommendations on the regional impact of the proposed development to the affected local governments.³⁵ RPCs were able to charge developers for some of the services performed for the DRI process. Completing this entire DRI process could take one to two years and required significant resources, both on private developers and state agencies, resulting in its eventual end in 2015.³⁶

Emergency Preparedness

Among the stated powers of RPCs is "[t]o cooperate, in the exercise of [their] planning functions, with federal and state agencies in planning for emergency management as defined in s. 252.34."

²⁸ Section 186.508(1), F.S.

²⁹ Section 186.509, F.S.

³⁰ Section 380.06, F.S.

³¹ Ch. 2015-30, Laws of Fla.

³² Section 380.0651, F.S.

³³ Rule 28-24, F.A.C.

³⁴ Section 380.06(10), F.S.

³⁵ Section 380.06(12), F.S.

³⁶ See Bill Analysis and Fiscal Impact Statement for Senate Bill 1216, *available at*: <https://www.flsenate.gov/Session/Bill/2015/1216/Analyses/2015s1216.fp.PDF> (last visited Jan. 6, 2021).

States are required to designate Local Emergency Planning Committees (LEPCs) pursuant to the federal Emergency Planning and Community Right-to-Know-Act.³⁷ LEPCs are responsible for preparing a regional hazardous materials emergency response plan, serving as a repository for regional hazardous materials information, and performing outreach functions to increase hazardous materials awareness.³⁸ The LEPC regional framework in Florida overlays the RPC framework and RPCs typically provide the staff support to LEPCs. LEPC membership consists of local professionals representing occupational categories such as firefighting, law enforcement, emergency management, health, and/or transportation.³⁹ In this role, RPCs, serving as the LEPC, are able to acquire federal grants to conduct a variety of activities concerning hazardous materials, such as providing no-cost hazard material response training for public sector employees.

RPCs have also historically produced regional evacuation studies in partnership with the Florida Division of Emergency Management. These studies analyze a region's evacuation population estimates, evacuation clearance times, public shelter demands, and other considerations for evacuations during natural disasters, such as hurricanes. These studies provide the data needed for each unit of local government in a region to develop its operational evacuation plan.

Additionally, pursuant to ss. 252.385(2) and 1013.372(2), F.S., the Division of Emergency Management must prepare and submit to the Governor and Cabinet for approval a biennial statewide emergency shelter plan. The plan must identify the general location and square footage of existing hurricane evacuation shelters by RPC region and location and square footage needs during the next 5 years. The plan is used to identify emergency shelter deficits throughout the state. Facilities in regional planning council regions with shelter deficits receive priority for state shelter retrofit funding.⁴⁰ Also, shelter deficits in a RPC region control whether or not an educational facility must be constructed in accordance with public shelter standards.⁴¹

Economic Development and Analysis

Section 186.502(5), F.S., provides that RPCs have "a duty to assist local governments with activities designed to promote and facilitate economic development in the geographic area covered by the council." In furtherance of this purpose, s. 186.505(8), F.S., provides RPCs the power to "[t]o accept and receive, in furtherance of its functions, funds, grants, and services from the Federal Government or its agencies; from departments, agencies, and instrumentalities of state, municipal, or local government; or from private or civic sources."⁴²

³⁷ See United States Environmental Protection Agency, *Local Emergency Planning Committees*, available at: <https://www.epa.gov/epcra/local-emergency-planning-committees> (last visited Jan. 6, 2021).

³⁸ <https://www.floridadisaster.org/dem/response/technological-hazards/serc/lepc/>

³⁹ *Id.*

⁴⁰ Section 252.385(3), F.S.

⁴¹ Sections 1013.372(1) and 1013.74(4), F.S.

⁴² See 186.505(15), F.S.: "To accept gifts, grants, assistance, funds, or bequests."

Each RPC is a designated Economic Development District (EDD) by the U.S. Economic Development Administration.⁴³ EDDs can submit grant applications to various federal agencies to receive federal funding for local projects and concerns.⁴⁴ Ultimately, the availability of Federal grants for EDDs is based on the adequacy of an EDD's grant application and the U.S. Economic Development Administration's approval.⁴⁵ Recently, more than half of Florida's RPCs received federal grants to respond to the COVID-19 pandemic.⁴⁶

Under s. 186.505(24), F.S., RPCs are also authorized to help local governments conduct economic analysis and development. Several RPCs have partnered with other organizations in their respective areas to create "regional prosperity plans" under this state law. These economic development plans analyze future private development and provide insight into future regional needs.⁴⁷

Interlocal Agreements

The Florida Interlocal Cooperation Act provides local governmental units the right to enter into mutually advantageous agreements to provide services or facilities to other localities.⁴⁸ This section of the law allows the state's public agencies to exercise joint governmental powers with any other public agency of the state, of any other state, or the United States Government.⁴⁹ To effectuate interlocal cooperation under this section, local governmental units jointly exercising power must form and execute a contract detailing the relationship's terms and conditions.⁵⁰

Furthermore, s. 163.01(9)(b), F.S., provides, in part: "An interlocal agreement does not relieve a public agency of any obligation or responsibility imposed upon it by law[.]" Meaning, state law takes precedence over conflicting provisions of an interlocal agreement.

RPCs in Florida predate the Regional Planning Council Act of 1980 and were initially established by interlocal agreement. As early as 1962, local governments voluntarily entered into interlocal agreements with each other to form regional entities to address planning and growth

⁴³ The Federal criteria to receive an EDD designation starts with meeting the definition of "District Organization" as outlined in 13 CFR § 304.2 and § 304.1. Under these federal regulations, a District Organization must be formed as a public organization through an inter-governmental agreement, state-enabling legislation, or a non-profit organization.

⁴⁴ Typically this requires a grant applicant to create a Comprehensive Economic Development Strategy (CEDs) to plan how federal development grants would be implemented. For example, EDDs seeking Investment Assistance from the U.S. Economic Development Administration under 13 CFR § 301.3, must conform to the particular levels of economic distress described therein.

⁴⁵ U.S. Economic Development Administration, *Economic Development Districts*, available at: <https://www.eda.gov/edd/> (last visited Jan. 4, 2021).

⁴⁶ On August 11, 2020, U.S. Secretary of Commerce Wilbur Ross announced that the U.S. Economic Development Administration awarded \$2.4 million in CARES Act Recovery Assistance grants to six RPCs across Florida to update economic development plans and fortify programs to assist communities in responding to the coronavirus pandemic. U.S. Economic Development Administration, *Press Release* (August 11, 2020), available at: <https://www.eda.gov/news/press-releases/2020/08/11/fl.htm> (last visited Jan. 5, 2021).

⁴⁷ These plans include the Seven50 plan, created in part by the South Florida Regional Planning Council and the Treasure Coast Regional Planning Council; the Regional Business Plan for Tampa Bay, created under the leadership of the Tampa Bay Regional Planning Council; and the Elevate Northeast Florida initiative, created in partnership with the Northeast Florida Regional Planning Council.

⁴⁸ Section 163.01, F.S. See also s. 163.02, F.S. Councils of local public officials.

⁴⁹ *Id.* at (4)

⁵⁰ *Id.* at (5)

management on regional levels. All 10 existing RPCs predate the 1980 legislation.⁵¹ Many of the interlocal agreements establishing RPCs prior to 1980 are still in effect.

The issue of an RPC interlocal agreement was recently the subject of a 2017 Advisory Legal Opinion issued by Florida Attorney General Pam Bondi in response to a legal question submitted by the Southwest Florida RPC.⁵²

III. Effect of Proposed Changes:

Section 1 amends s. 186.007, F.S., to remove regional planning agencies from the list of entities whose studies, reports, and plans the Governor must, to the extent feasible, consider when preparing and revising the State Comprehensive Plan.

Section 2 repeals the Florida Regional Planning Council Act, embodied in ss. 186.501, 186.502, 186.503, 186.504, 186.505, 186.506, 186.507, 186.508, 186.509, 186.511, 186.512, and 186.513, F.S.

Section 3 repeals s. 186.515, F.S., to conform to the repeal of the Florida Regional Planning Council Act.

Section 4 amends s. 215.559, F.S., to require the Division of Emergency Management to give priority funding for Hurricane Loss Mitigation Program projects in regional planning council regions, as such regions existed on January 1, 2021.

Section 5 amends s. 252.385, F.S., to revise the requirements for the statewide emergency shelter plan to include the general location and square footage of special needs shelters by regional planning council region, as such regions existed on January 1, 2021. This section also requires that state funds be maximized and targeted to regional planning council regions, as such regions existed on January 1, 2021, with hurricane evacuation shelter deficits.

⁵¹ Apalachee RPC established in 1977. Central Florida RPC established in 1974. East Central Florida RPC established in 1962. Emerald Coast RPC established in 1964. North Central Florida RPC established in 1969. Northeast Florida RPC established in 1977. South Florida RPC established in 1974. Southwest Florida RPC established in 1973. Tampa Bay RPC established in 1962. Treasure Coast RPC established in 1976.

⁵² See AGO 2017-08, *available at*:

<http://www.myfloridalegal.com/ago.nsf/Opinions/1F857CC31C83D42D852581E900711BD2> (last visited Jan. 4, 2021). The 1980 interlocal agreement establishing the Southwest Florida RPC includes a termination section, which describes how counties may terminate their RPC membership. Pursuant to this section, several counties sought to terminate their membership in the Southwest Florida RPC. In the subsequent Advisory Legal Opinion, Attorney General Pam Bondi concludes that county RPC membership is mandatory under state law. The opinion states that "the Legislature has created regional planning councils with mandatory county membership and has designated the particular council to which each county must belong. There is nothing in the Florida Regional Planning Council Act, sections 186.501 to 186.513, Florida Statutes, that allows a county to decline to participate in its council." Despite this opinion, the 2018-2019 financial audit of the Southwest Florida RPC notes, "[o]ver the course of the last two (2) fiscal years, the Council was informed that five (5) of the six (6) member counties and substantially all of the participating cities intended to withdraw future financial support from the Council... As a result of such action by its member governments the Council's operational shortfall has been funded by use of fundal balance for the year ended September 30, 2019. The Council's financial situation is continuing to deteriorate in fiscal year 2020. It is likely the Council will be forced to cease operations on or about September 30, 2021 without significant change in circumstances." Southwest Florida RPC FY2019-2018 Financial Audit, on file with Senate committee on Community Affairs.

Section 6 amends s. 320.08058, F.S., to remove the provision that directs 20 percent of the proceeds from the Tampa Bay Estuary License Plate to the Tampa Bay Regional Planning Council.

Section 7 amends s. 369.307, F.S., to direct the St. Johns River Water Management District, instead of the East Central Florida RPC, to adopt policies to protect the Wekiva River Protection Area.

Section 8 amends s. 369.324, F.S., to direct the St. Johns River Water Management District, instead of the East Central Florida RPC, to provide staff support to the Wekiva River Basin Commission. This section also requires that the district serve as a clearinghouse of baseline or specialized studies.

Section 9 amends s. 380.05, F.S., to allow local governments, instead of RPCs, to make recommendations to the Department of Economic Opportunity regarding areas of critical state concern.

Section 10 amends s. 403.7225, F.S., to require counties to make arrangements with the Department of Environmental Protection, instead of with an RPC, to perform the local hazardous waste management assessment program under certain circumstances.

Section 11 amends s. 403.723, F.S., to require the Department of Environmental Protection, instead of RPCs, to designate sites at which regional hazardous waste storage or treatment facilities could be constructed.

Section 12 amends s. 1013.372, F.S., to conform to the changes whereby emergency shelter deficits are measured by regional planning council region, as such regions existed on January 1, 2021.

Section 13 amends s. 1013.385, F.S., to conform to the changes whereby emergency shelter deficits are measured by regional planning council region, as such regions existed on January 1, 2021.

Section 14 amends s. 1013.74, F.S., to conform to the changes whereby emergency shelter deficits are measured by regional planning council region, as such regions existed on January 1, 2021.

Section 15 amends s. 68.082, F.S., to remove regional planning agency from the definition of "state" as used in the Florida False Claims Act.

Section 16 amends s. 120.52, F.S., to remove regional planning agency from the definition of "agency" as used in the Administrative Procedures Act.

Section 17 amends s. 120.525, F.S., to remove an exception to public meeting quorum requirements specifically granted to RPCs.

Section 18 amends s. 120.65, F.S., to remove RPCs from the list of entities which must reimburse the Division of Administrative Hearings for administrative law judge services and travel expenses.

Section 19 amends s. 163.3164, F.S., to remove the definition of "regional planning agency" from the Community Planning Act.

Section 20 amends s. 163.3177, F.S., to require local governments to provide in their comprehensive plan a dispute resolution process that is not the process established by an RPC in s. 186.509, F.S.

Section 21 amends s. 163.3178, F.S., to delete the requirement that a dispute resolution process to reconcile inconsistencies between port master plans and local comprehensive plans must conform to the requirements of s. 186.509.

Section 22 amends s. 163.3184, F.S., to conform to the elimination of RPCs by removing their standing as a "reviewing agency" for proposed local government comprehensive plans and plan amendments.

Section 23 amends s. 163.3245, F.S., to conform to the elimination of RCS by requiring the local government, instead of the RPC, to conduct a scoping meeting before preparation of a sector plan.

Section 24 amends s. 163.568, F.S., to remove the requirement that RPCs must review and approve the transportation plans of regional transportation authorities.

Section 25 amends s. 164.1031, F.S., to remove RPCs from the definition of "regional governmental entities" used within the Florida Governmental Conflict Resolution Act.

Section 26 amends s. 186.003, F.S., to remove RPCs from the definition of "regional planning agency" used within the Florida State Comprehensive Planning Act of 1972.

Section 27 amends s. 186.006, F.S., to remove the Governor's ability to designate RPCs as regional data clearinghouses.

Section 28 amends s. 186.008, F.S., to remove RPCs from the list of entities that receive the Governor's biennial recommended revisions to the State Comprehensive Plan.

Section 29 amends s. 186.803, F.S., to remove RPCs in reference to governmental entities' use of geographic information maps.

Section 30 amends s. 187.201, F.S., to remove RPCs in reference to the State Comprehensive Plan's goals and policies.

Section 31 amends s. 218.32, F.S., to remove RPCs from specific annual financial audit report requirements.

Section 32 amends s. 258.501, F.S., to remove the authority of the Tampa Bay RPC and the Southwest Florida RPC to appoint members to the Myakka River management coordinating council.

Section 33 amends s. 260.0142, F.S., to remove RPCs from the membership of the Florida Greenways and Trails Council.

Section 34 amends s. 288.0656, F.S., to remove the authority of the Florida Regional Planning Council Association to designate a staff person to serve as the Rural Economic Development Initiative representative for the association.

Section 35 amends s. 288.975, F.S., to remove reference to RPC strategic regional policy plans in relation to local government military base reuse plans.

Section 36 amends s. 335.188, F.S., to remove RPCs from the list of entities required to participate in the development of the access control classification system for the State Highway System.

Section 37 amends s. 338.2278, F.S., to remove RPC membership from the Multiuse Corridor of Regional Economic Significance task forces. This section also makes a non-substantive change to amend a report due date to conform to ch. 2020-114, L.O.F.

Section 38 amends s. 339.155, F.S., to remove the requirement that RPCs develop transportation goals and policies in their strategic regional policy plans.

Section 39 amends s. 339.175, F.S., to remove a reference to RPCs, which provides that the executive director and additional personnel of a metropolitan planning organization may be employed by a governmental entity such as a county, city, or RPC.

Section 40 amends s. 339.63, F.S., to remove RPCs from the list of entities involved in adding or removing facilities from the Strategic Intermodal System.

Section 41 amends s. 339.64, F.S., to remove RPC participation in the development of the Strategic Intermodal System Plan.

Section 42 amends s. 341.041, F.S., to remove the requirement that the Department of Transportation incorporate RPC strategic regional policy plans into its statewide plan for public transit and intercity bus service needs.

Section 43 amends s. 343.54, F.S., to remove the requirement that the South Florida Regional Transportation Authority cooperate and contract with RPCs, among other governmental entities.

Section 44 amends s. 369.303, F.S., to remove a reference to the East Central Florida Regional Planning Council in the Wekiva River Water Protection Act.

Section 45 amends s. 373.309, F.S., to remove a reference to RPCs, which requires the Department of Environmental Protection to make maps or other information on areas of contamination available to RPCs, among other entities.

Section 46 amends s. 377.703, F.S., to remove a reference to RPCs, which requires the Department of Agriculture and Consumer Services to provide assistance to RPCs, and other entities, to promote their energy planning activities.

Section 47 amends s. 378.411, F.S., to remove a reference to RPCs, which requires the Secretary of the Department of Environmental Protection to consult with the appropriate RPC, among other entities, in making determinations whether to grant certifications to local governments to receive notices of intent to mine.

Section 48 amends s. 380.031, F.S., to remove the definition of "regional planning agency" used within ch. 380, F.S., the Florida Environmental Land and Water Management Act of 1972.

Section 49 amends s. 380.045, F.S., to remove RPC participation from the resource planning and management committee, periodically organized to perform statutory duties when an area of critical state concern is under study by the Department of Economic Opportunity.

Section 50 amends s. 380.055, F.S., to remove a reference to regional planning agencies in relation to defining the boundaries of the Big Cypress Area of Critical State Concern.

Section 51 amends s. 380.06, F.S., to remove a reference to regional planning agency, which specifies that a developer is not required to submit an annual or biennial report on a development of regional impact to a local government, RPC, or Department of Economic Opportunity, unless required to do so by the relevant local government.

Section 52 amends s. 380.061, F.S., to remove a reference to regional planning agency in relation to residual Florida Quality Developments approved before April 6, 2018.

Section 53 amends s. 380.07, F.S., to remove a reference to regional planning agency, which requires a local government that issues a development order in an area of critical state concern to provide copies of such orders to the Department of Economic Opportunity, the regional planning agency, and the owner or developer of the property affected by the order.

Section 54 amends s. 380.507, F.S., to remove RPCs from the list of entities to which the Florida Communities Trust is empowered to provide technical and financial assistance.

Section 55 amends s. 403.0752, F.S., to remove RPCs from their voluntary participation in the Department of Environmental Protection's ecosystem management advisory teams.

Section 56 amends s. 403.503, F.S., to remove the definition of RPC from the Florida Electrical Power Plant Siting Act.

Section 57 amends s. 403.50663, F.S., to remove the option for an RPC, instead of the local government, to hold an information public meeting about the siting of a proposed electrical power plant.

Section 58 amends s. 403.507, F.S., to remove the option for the Department of Economic Opportunity to comment on the consistency of a proposed electrical power plant with the applicable strategic regional policy plans.

Section 59 amends s. 403.518, F.S., to remove the option for the Department of Environmental Protection to charge an applicant for a proposed power plant for expenses associated with any public meetings conducted by an RPC as a result of the application.

Section 60 amends s. 403.522, F.S., to remove the definition of RPC from the Florida Electric Transmission Line Siting Act.

Section 61 amends s. 403.526, F.S., to remove the option for the Department of Economic Opportunity to comment on the consistency of a proposed electrical transmission line or corridor with the applicable strategic regional policy plans.

Section 62 amends s. 403.5272, F.S., to remove the option for an RPC, instead of the local government, to hold an informational public meeting about a proposed electrical transmission line.

Section 63 amends s. 403.5363, F.S., to remove a reference to RPC in relation to noticing requirements for public RPC meetings held pursuant to s. 403.5272, F.S., regarding proposed electrical transmission lines.

Section 64 amends s. 403.5365, F.S., to remove a reference to RPCs pertaining to reimbursement from the Department of Environmental Protection for certain expenses for public RPC meetings held pursuant to the Florida Electric Transmission Line Siting Act.

Section 65 amends s. 403.537, F.S., to remove a reference to RPCs that requires the Florida Public Service Commission (PSC) to give notice to RPCs of a public PSC meeting to determine the need for an electrical transmission line.

Section 66 amends s. 403.704, F.S., to remove a reference to RPCs, which require the Department of Environmental Protection to coordinate the development of county hazardous waste management assessments with the appropriate RPC.

Section 67 amends s. 403.7226, F.S., to remove a reference to RPCs, which requires the Department of Environmental Protection to provide technical assistance to county governments and RPCs to ensure consistency in implementing local hazardous waste management assessments.

Section 68 amends s. 403.9403, F.S., to remove the definition of RPC from the Natural Gas Transmission Pipeline Siting Act.

Section 69 amends s. 403.941, F.S., to remove the option for the Department of Economic Opportunity to comment on the consistency of a proposed natural gas transmission pipeline or corridor with applicable strategic regional policy plans.

Section 70 amends s. 403.9422, F.S., to remove a reference to RPCs that requires the PSC to give notice to RPCs of a public PSC meeting to determine the need for a natural gas transmission pipeline.

Section 71 amends s. 403.973, F.S., to remove a reference to RPCs pertaining to regional permit action teams created by the Secretary of the Department of Environmental Protection for the purpose of expediting certain permit applications and local comprehensive plan amendments. This section removes the requirement that the Secretary solicit input from the appropriate RPC on the creation of an action team.

Section 72 amends s. 408.033, F.S., to remove the authority for local health councils to advise and assist RPCs that have elected to address health issues in their strategic regional policy plans.

Section 73 amends s. 420.609, F.S., to remove an RPC representative from the Affordable Housing Study Commission.

Section 74 amends s. 427.012, F.S., to remove RPCs from list of entities eligible to participate in technical working groups appointed by the Commission for the Transportation Disadvantaged.

Section 75 amends s. 501.171, F.S., to remove RPCs from the definition of "governmental entity," a term used in reference to the requirements of protecting and securing electronic data containing personal information and mandatory reporting of security breaches.

Section 76 amends s. 1013.30, F.S., to remove RPCs as one of the entities that must receive a copy of a draft campus master plan before it is adopted by a university.

Section 77 amends s. 339.285, F.S., to correct a cross-reference.

Section 78 amends s. 373.415, F.S., to correct a cross-reference.

Section 79 amends s. 403.5115, F.S., to correct a cross-reference.

Section 80 reenacts s. 57.105, F.S., for the purpose of incorporating the change to s. 120.52, F.S.

Section 81 reenacts s. 57.111, F.S., for the purpose of incorporating the change to s. 120.52, F.S.

Section 82 reenacts s. 216.241, F.S., for the purpose of incorporating the change to s. 120.52, F.S.

Section 83 reenacts s. 380.0552, F.S., for the purpose of incorporating the change to s. 380.045, F.S.

Section 84 creates an unnumbered section of the Laws of Florida to expressly provide that local governments may enter into agreements to create regional planning entities pursuant to the Florida Interlocal Cooperation Act in ch. 163, F.S.

Section 85 provides the bill takes effect on July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill removes RPCs from state law. Thus, given the absence or terminability of an existing RPC interlocal agreement, counties may not be subject to RPC membership and could avoid paying mandatory RPC dues, resulting in a net fiscal gain for counties.

The complete dissolution of RPCs may cause local governments to lose access to grant funds awarded by the state and federal governments. However, the bill provides that governmental entities may independently create regional planning entities through interlocal agreements, which may preserve access to existing RPC grant fund opportunities.

Local governments may need to amend current rules, policies, and processes relating to activities currently conducted by an RPC.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 68.082, 120.52, 120.525, 120.65, 163.3164, 163.3177, 163.3178, 163.3184, 163.3245, 163.568, 164.1031, 186.003, 186.006, 186.008, 186.803, 187.201, 215.559, 218.32, 252.385, 258.501, 260.0142, 288.0656, 288.975, 320.08058, 335.188, 338.2278, 339.155, 339.175, 339.285, 339.63, 339.64, 341.041, 343.54, 369.303, 369.307, 369.324, 373.309, F.S., 373.415, 377.703, 378.411, 380.031, 380.045, 380.05, 380.055, 380.06, 380.061, 380.07, 380.507, 403.0752, 403.503, 403.50663, 403.507, 403.518, 403.5115, 403.522, 403.526, 403.5272, 403.5363, 403.5365, 403.537, 403.704, 403.7225, 403.7226, 403.723, 403.9403, 403.941, 403.9422, 403.973, 408.033, 420.609, 427.012, 501.171, 1013.30, 1013.372, 1013.385, and 1013.74.

This bill repeals the following sections of the Florida Statutes: 186.501, 186.502, 186.503, 186.504, 186.505, 186.506, 186.507, 186.508, 186.509, 186.511, 186.512, 186.513, and 186.515.

This bill creates an undesignated section of the Laws of Florida.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Community Affairs on January 26, 2021:

The amendment retains the boundaries of regional planning council regions, as they existed on January 1, 2021, for the purpose of statewide emergency shelter planning. The Division of Emergency Management will continue to identify emergency shelters and related deficits by regional planning council region, as those regions currently exist.

- B. **Amendments:**

None.