



CFLCA General Membership

8/13/2019 @630PM

8<sup>th</sup> Floor Conference Room

Recording of Meeting Available at [www.cflca.org](http://www.cflca.org)

- Pledge of Allegiance
- Roll Call Quorum Met of Association (all meetings are recorded and will be online)
  - Board Members: Lockwood, Cummings, Concannon, Albetta (announcement as Parliamentarian), Stubbs, Manning, Eichelbaum, Ulmer, Peloquin, Mammano, Currie
  - Absent: Rosenbaum
- 6/11/19 General Minutes are Approved w/o objection
- Treasurer Report \$6771.82 plus rate
- Police Report- McCarthy Staffing all schools this week cover of statistics (they are online)
- Guests (Maglione, Lagerbloom, Jorge H. also in attendance)
  - Keith Farrell, Sr. Mgmt. Fellow @ City FTL CM office on NLA application process. @ G.E. Park & [www.fortlauderdale.gov/nla\\_opening\\_for\\_20-22](http://www.fortlauderdale.gov/nla_opening_for_20-22) people for each session. Applications open until last day of August.
  - Alain Boileau, City Attorney FTL (AV rated-appellate- 19yrs experience) 2001 w/ City of FTL Review of HB 7103 Summary \*Powerpoint presentation posted on CFLCA.ORG on 8/14/19
    - Invited b/c of concerns raised by CFLCA & will clarify concerns/misunderstandings.
    - 16 areas and black in PPT affect us more
    - 166.033 dvlmt permits and orders
      - New timeline sort of truncates process which will be tougher for staff but both parties can agree to an extended schedule
      - Practical applications
      - Need written findings (against case law) now for decision- findings in writings after p&z hearings/commission meetings
    - 166.04151 affordable housing
      - Now we don't have inclusionary housing ordinance or mandate affordable housing units so this does affect us but would in future

- Would be required to fully offset costs and problem is now that is not defined incentive examples are provided.
- 252.363 tolling and extension of permits and other authorizations-
  - Will be kind of helpful to us. Limited to natural emergencies but not defined.
- 163.31801 impact fees
  - Codifies 70.45 case law impact fees have to be proportional & reasonably connected or rational basis required and impact fee expenditure must earmarked and not for existing debt or cover previously earmarked unless connected
  - Codifies the logical
  - Waiver for aff. Hsg. Impact fees
- 163.3215 standing to enforce comp. plan through devel. Orders
  - Gives any adversely affected party right to sue City for it's development decisions which materially alter use or density not consist. w/ comp. plan.
  - Summary procedure either party can now get
  - Prevailing party gets fees
- 718.112 bylaws fire sprinkler
- Questions:
  - 166.033 practical application
  - 163.3215 prevailing party legit. Argument decision is inconsistent w/ comp. plan WHEN LOCAL GOVT. IS SUED
    - Q- multiple parties sue city and then losing party will pay fees for all parties who are joined or intervened.
      - If association winds court decides who pays association
    - Q- association and individuals aren't subject to liab. Unless there is a lawsuit
      - Not a risk in just for speaking
      - Injunction is lawsuit
  - Impact fees n/a to services
  - Does this give a greater benefit to developers than other states? Depends who you ask.
  - Does say how to calculate impact fees 163.31801 impact fees- note not affecting us now
  - Genesis of this whole thing? 16 different statutes in it didn't map out who sponsor was and all participants along way.
  - Fort Lauderdale opposed this legislation.
  - Affordable housing- impact fees only for developer not homeowner
  - Request to streamline process to consider how staff contributes to delays.

- Associations can email him questions for a talk but cannot give legal advice.
- Chris Lagerbloom, Review of City Proposed Budget
  - 9/30 ends of fiscal year
  - How budget was built: challenge – taking \$ from utility and transfer into general fund and now this commission want to stop it. Amounts to \$20 million figure broken over years. Took out \$5 mill rather than the mill rate increase last year.
  - Recommendation to hold millage rate this year and then structurally remove little more than the \$10 million they asked for.
    - Typically in re-election years commissions don't support millage increases
    - Property tax increased \$10mil & so did CBA wage & healthcare costs which took up the \$10mil.
    - Fire assessment fee restructure looking @ cost of fighting fires. No support to increase from \$256 to \$311 over step up, done in 1<sup>st</sup> year.
    - \$3.5 million not allocated
  - Transportation and mobility restructuring 738pm
    - Looked for duplication
    - Sur tax stuff all done through MPO
    - Will be implementers of transportation
    - Has gone to staff and said not about losing just leveraging talents differently and will find places for them in this organization
    - Next tues 1130 joint budget meeting 9/3 and 9/12 public hearings
  - Opportunity to not have GF subsize PW to aim for true cost
  - Line items that seems like never use
    - Travel and training of employees add a formula to calculate and comes to ½ the cost
  - Budget highlights commission top priorities for the year
  - Q- allocation of costs of project how does is save \$ when you have to pay salary anyways. Mid to smaller projects city does all design but work they do it billed to project and yes they are still on salary. \$ comes out of enterprise fund for the project itself and not out of general fund
  - Feedback urging associations to support Millage rate increase. Concern of burden to those who are more economically burdened.
    - Add back to agenda
- Chief Maglione into Danielle Wolf, SaferWatch [Danielle@saferwatchapp.com](mailto:Danielle@saferwatchapp.com)  
[www.saferwatchapp.com](http://www.saferwatchapp.com)
  - Neighbors can report tips that wouldn't normally necessitate a 911 call
  - Alert Feature
  - FLPD official platform for emergency notification
  - 2018 lowest crime rates since stats in 1970's

- Danielle
  - Geo-fences around neighborhoods to sign up for neighborhood specific alerts
    - Information your receive is only from PD, can choose any geofenced area not restricted to your neighborhood, if you have app then you will get the update wherever you are that participates in app.
    - Privacy/public records- anonymous means you are anonymous and LEO can request information from SW.
    - Cost of this is on FLPD
    - What about CodeRed? CodeRed is not ONLY FLPD this is.
- Reports
  - President's- nothing
  - Membership- 3 outstanding and 1 has moved to Colorado & LM w/ other 2 here tonight
  - Committee- nothing
- New Business
  - Offsite Comp. Plan Review Feedback- Sept. meeting will have finalized CFLCA comments
  - Special Meeting proposed ILA w/ Broward MPO 8/22/19 445PM 8<sup>th</sup> Floor- Announced
- Old Business- nothing
- For the Good of Community- nothing.
- Adjourn 830PM
- Next BM 8/26/19 GM 9/10/19

Minutes submitted by Christina Currie



CITY OF FORT LAUDERDALE

CITY ATTORNEY'S OFFICE

# HOUSE BILL NO. 7103 CHAPTER 2019-165

**City of Fort Lauderdale Council of Civic Associations**

**August 13, 2019**

Alain E. Boileau, City Attorney

## HOUSE BILL NO. 7103 AMENDS THE FOLLOWING 16 STATUTES:

- Sec. 125.0155 - Affordable Housing (County only)
- Sec. 125.022 - Development permits and orders (County only)
- Sec. 163.3167 - Scope of Act (incorporation of existing development orders)
- Sec. 163.3180 - Concurrency
- **Sec. 163.31801** - **Impact Fees**
- Sec. 163.3202 - Land Development Regulations
- **Sec. 163.3215** - **Standing to enforce local comprehensive plans**
- **Sec. 166.033** - **Development permits and orders**
- **Sec. 166.04151** - **Affordable Housing (municipalities)**
- Sec. 420.502 - Legislative findings (state housing finance strategy)
- Sec. 420.503 - Definitions (state housing finance strategy)
- Sec. 420.5095 - Community Workforce Housing Innovative Pilot Program
- **Sec. 252.363** - **Tolling and extension of permits and other authorizations**
- Sec. 553.791 - Alternative plans review and inspection
- **Sec. 718.112** - **Bylaws (firesafety)**
- Sec. 718.1085 - Certain regulations not to be retroactively applied

# Sec. 166.033 - Development permits and orders

## NEW TIMELINE

- Within **30 days** after receiving an application for approval of a development permit or development order, a municipality must review the application for completeness and issue a letter in response thereto either indicating compliance or identifying deficiencies.
- If the application is deficient, the applicant has **30 days** to address the deficiencies submitting the required information.
- Within **120 days** after the municipality has deemed the application complete, OR **180 days** for applications that require final action through a quasi-judicial hearing or a public hearing, the municipality must approve, approve with conditions, or deny the application for a development permit or development order.
- Both parties can agree to a reasonable request for an extension of time.

# Sec. 166.033 - Development permits and orders (cont'd)

## NEW REQUIREMENT FOR DEVELOPMENT APPROVALS

- An approval, approval with conditions, or denial of the application for a development permit or development order must include **written findings** supporting the municipality's decision.
- In addition to new written findings requirement, the City is still required, when denying an application, to provide the applicant a written notice, which includes a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial.
- **Practical Applications**
  - ❖ City Commission – new Resolution language
  - ❖ Planning & Zoning Board – decisions will now be memorialized in orders or resolutions



## Sec. 166.04151 - Affordable Housing

- (2) An **inclusionary housing ordinance** may require a developer to provide a specified number or percentage of affordable housing units to be included in a development or allow a developer to contribute to a housing fund or other alternatives in lieu of building the affordable housing units. However, in exchange, a municipality must provide incentives to **fully offset all costs** to the developer of its affordable housing contribution. Such incentives may include, but are not limited to:
- (a) Allowing the developer density or intensity bonus incentives or more floor space than allowed under the current or proposed future land use designation or zoning;
  - (b) Reducing or waiving fees, such as impact fees or water and sewer charges; or
  - (c) Granting other incentives.

**THE CITY DOES NOT CURRENTLY HAVE AN INCLUSIONARY HOUSING ORDINANCE NOR DO WE MANDATE AFFORDABLE HOUSING UNITS.**

## Sec. 252.363 - Tolling and extension of permits and other authorizations

- (1)(a) The declaration of a state of emergency issued by the Governor **for a natural emergency** tolls the period remaining to exercise the rights under a permit or other authorization for the duration of the emergency declaration. Further, the emergency declaration extends to the period remaining to exercise the rights under a permit or other authorization for 6 months in addition to the tolled period. This paragraph applies to the following:
1. The expiration of a development order issued by a local government.
  2. The expiration of a building permit.

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## Sec. 163.31801 - Impact Fees

- Collection of the impact fee may not be required to occur earlier than the date of issuance of the building permit for the property that is subject to the fee
- The impact fee must be **proportional and reasonably connected to, or have a rational nexus with, the need for the additional capital facilities and the increased impact** generated by the new residential or commercial construction.
- The impact fee must be **proportional and reasonably connected to, or have a rational nexus with, the expenditures of the funds collected and the benefits accruing** to the new residential or nonresidential construction.
- The local government **must specifically earmark funds** collected under the impact fee for use in **acquiring, constructing, or improving capital facilities to benefit new users.**

## Sec. 163.31801 - Impact Fees (cont'd)

- Revenues generated by the impact fee **may not be used**, in whole or in part, **to pay existing debt or for previously approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increase impact generated** by the new residential or nonresidential construction.
- A county, municipality, or special district may provide an exception or **waiver for an impact fee for the development or construction of housing that is affordable**. If a county, municipality, or special district provides such an except or waiver, it is not required to use any revenues to offset the impact.

# Sec. 163.3215 – Standing to enforce local comprehensive plans through development orders

## The Basics

- (3) **Any aggrieved or adversely affected party** may maintain a de novo action for declaratory, injunctive, or other relief against any local government to challenge any decision of such local government granting or denying an application for, or to prevent such local government from taking any action on, a development order, as defined in s. 163.3164, **which materially alters the use or density or intensity of use on a particular piece of property which is not consistent with the comprehensive plan adopted under this part.** The de novo action must be filed no later than 30 days following rendition of a development order or other written decision, or when all local administrative appeals, if any, are exhausted, whichever occurs later.

## Sec. 163.3215 – Standing to enforce local comprehensive plans through development orders (cont'd)

- Either party is now entitled to the summary procedure provided in Sec. 51.011, Fla.Stat.
  - The **prevailing party** in a challenge to a development order filed under subsection (3) is **entitled to recover reasonable attorney fees and costs** incurred in challenging or defending the order, including reasonable appellate attorney fees and costs.
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## Sec. 718.112 – Bylaws (Condominiums)

- An association must ensure compliance with the Florida Fire Prevention Code. As to a residential condominium building that is a high-rise building as defined under the Florida Fire Prevention Code, the association **must retrofit either a fire sprinkler system or an engineered life safety system** as specified in the Florida Prevention Code.
- The local authority having jurisdiction **may not require completion of retrofitting with a fire sprinkler system or an engineered life safety system before January 1, 2024.**

## Ch. 2019-165 - Sec. 17

By July 1, 2019, the State Fire Marshall shall issue a data call to all local fire officials to **collect data regarding high-rise condominiums greater than 75 feet in height which have not retrofitted with a fire sprinkler system or an engineered life safety system** in accordance with ss. 633.208(5) and 718.112(2)(1), Florida Statutes. Local fire officials shall submit such data to the State Fire Marshal and shall include, for each individual building, the address, the number of units, and the number of stories. **By July 1, 2020, all data must be received and compiled into a report by city and county.** By September 1, 2020, the report must be sent to the Governor, the President of the Senate, and the Speaker of the House of Representatives.