

## Community Planning Act HB 7207

The 2011 Legislature made sweeping changes to Florida's 25-year-old institution of Growth Management. SB 2156 directs a massive state government overhaul, including elimination of the Department of Community Affairs. HB 7207 represents wholesale changes to Part II of Chapter 163, Fl. Stat. HB 7207 takes effect on becoming law.

SB 2156		Amends Section 161.54 to Designate the Department of Economic Opportunity as the "State Land Planning Agency"
HB 7207		Community Planning Act
Section 4	163.3161	<ul style="list-style-type: none"><li>• Changes name to Community Planning Act</li><li>• Purpose: strengthen role of local government while limiting state government oversight.</li><li>• Comprehensive plan amendments may constitute an "inordinate burden" reviewable under the Bert Harris Act</li></ul>
Section 5	163.3162	Agricultural Lands and Practices <ul style="list-style-type: none"><li>• Presumption that an agricultural enclave is not urban sprawl</li></ul>
Section 6	163.3164	Definitions. Some new definitions and some old definitions are borrowed from Rule 9J-5 <ul style="list-style-type: none"><li>• Adaptation Action Area: relates to actions required by sea level rise</li><li>• Antiquated Subdivision: subdivision recorded more than 20 years ago which has substantially failed to be built out</li><li>• New Town: new urban activity center of sufficient size, capacity and land use composition to support a range of activities</li><li>• Urban Service Area: areas where public facilities are in place to serve development</li><li>• Urban Sprawl: low-density development pattern</li><li>• "Financial feasibility" definition is eliminated</li></ul>
Section 7	163.3167	Scope of Act <ul style="list-style-type: none"><li>• Eliminates a number of obsolete provisions</li><li>• Repeals visioning provisions</li><li>• Prohibits public referendum process for a development order or comprehensive plan amendment</li></ul>
Section 8	163.3168	Technical Assistance <ul style="list-style-type: none"><li>• Encourages use of innovative planning techniques such as visioning, sector planning, rural lands stewardship, urban growth boundaries and mixed-use development</li></ul>

- State land planning agency shall provide technical assistance to local governments on ways to create more vibrant and healthy communities
- Section 9      163.7171      Authority
- State agencies may not interpret or invalidate joint planning agreements between local governments or use them as a basis for finding plans not in compliance
- Section 10      163.3174      Local Planning Agency
- Minor changes to section of local planning agency
- Section 11      163.3175      Military Installations
- Military commander's comments are not binding on local governments
  - Military installation plans must be sensitive to private property rights
- Section 12      163.3177      Required and Optional Elements of Comprehensive Plans
- Plans shall include strategies for implementation of the plan
  - Plans should be formatted as goals, objectives, policies and strategies
  - Elements must be supported by relevant and appropriate data and analysis
  - Local governments are not required to duplicate a federal, state, or regional regulatory program
  - Plans shall be based on permanent and seasonable population estimates from BEBR
  - Capital improvements shall be updated annually by ordinance rather than plan amendment
  - Two planning periods (five and 10 years) are required and additional planning periods are permissible
  - Lands designated for development in the FLUE shall accommodate at least the BEBR medium population projections
  - Public School Facilities Element is eliminated
  - Urban Sprawl is defined with 13 indicators; if four listed strategies for discouraging sprawl are used, then the plan is deemed to not encourage urban sprawl
  - Local governments may establish adaptation areas to deal with issues of storm surge and rising sea level

- Section 13    163.31777    Public Schools Interlocal Agreement
- A number of specific requirements of the interlocal agreement have been deleted
  - No longer approved by DCA
  - No longer implements school concurrency
- Section 14    163.3178    Coastal Management
- Minor amendments to coastal management element dealing with hurricane evacuation
- Section 15    163.3180    Concurrency
- Keeps the concurrency requirements for potable water, solid waste, drainage and sanitary sewer
  - Transportation, schools and parks concurrency is optional
  - Financial feasibility requirements are eliminated
  - For transportation concurrency, development projects can satisfy concurrency requirements through a proportionate-share formula, which deducts costs of providing for "transportation deficiencies"
  - If school concurrency is maintained, portable classrooms can count toward level of service
- Section 16    163.3182    Transportation Deficiencies
- The term transportation deficiencies is used instead of concurrency backlog
  - Provides options to create transportation sufficiency plan
- Section 17    163.3184    Process for Adoption of Comprehensive Plan
- Most amendments will go through the new expedited process
  - State coordinated review process for Rural Land Stewardship Areas, Areas of Critical Concern and EAR-Based Amendments
  - Two amendments per year limitation is removed
  - State agency comments are optional and limited in scope to the following:
    - Regional Planning Council: adverse effects on regional resources or facilities
    - Department of Environmental Protection: air and water pollution; wetlands and other surface waters; federal and state-owned lands and interest in lands, including state parks, greenways and trails, and conservation easements; solid waste; water and wastewater treatment; and the Everglades ecosystem restoration

- Department of State: historic and archaeological resources
- Department of Transportation: issues within its jurisdiction as it relates to transportation resources and facilities of state importance
- Fish and Wildlife Conservation Commission: fish and wildlife habitat and listed species and their habitat
- Department of Agriculture and Consumer Services: agriculture, forestry and aquaculture issues
- Department of Education: public school facilities
- Water management districts: flood protection and floodplain management, wetlands and other surface waters, and regional water supply
- State land planning agency: important state resources and facilities outside the jurisdiction of other commenting state agencies; may include comments on countervailing planning policies and objectives served by the plan amendment that should be balanced against potential adverse impacts to important state resources and facilities

Section 18	163.3187	<p>Small Scale Amendments</p> <ul style="list-style-type: none"> <li>• Small Scale Plan Amendment Process is streamlined</li> <li>• Twice per year limitation removed</li> <li>• Allows amendments totaling up to 120 acres annually for each locality</li> <li>• Text changes directly related to a map amendment are allowed</li> </ul>
Section 19	163.3191	<p>Evaluation and Appraisal Reports Is Repealed</p>
Section 20	163.3189	<p>Evaluation and Appraisal Based Amendments</p> <ul style="list-style-type: none"> <li>• Local governments shall evaluate plans every seven years to determine if they need to be updated</li> <li>• Amendments shall be made within one year</li> </ul>
Section 24	163.3221	<p>Development Agreements</p> <ul style="list-style-type: none"> <li>• Increases allowable duration of Development Agreements from 20 to 30 years; ability for parties to mutually extend this timeframe remains intact</li> </ul>
Section 28	163.3245	<p>Sector Plans</p> <ul style="list-style-type: none"> <li>• Removes the pilot project limitations for Sector Plans</li> <li>• Sector Plans must be at least 15,000 acres</li> </ul>

- Promotes long term planning – "a landscape scale" – to facilitate protection of regionally significant resources
- Long-term master plan adopted through the coordinated review process
- Detailed specific area plan adopted later by development order
- Authorizes long-term planning horizons and eliminates need as a consideration

Section 30    163.32465    Alternative State Review Pilot Program Is Repealed

Section 31    163.3264    Century Commission for a Sustainable Florida Repealed June 30, 2013

Section 32    163.3248    Rural Land Stewardship Areas

- Removes requirement for DCA to approve up front
- Must be 10,000 acres outside of a municipality or urban service area
- Revised concept of "stewardship credits" to incentivize landowners by trading agricultural and environmental protection for increased density or intensity

Section 54    380.06    Developments of Regional Impact

- Four-year extension on all commencement, phase, buildout and expiration dates for DRIs
- Doubles the essentially built out threshold
- Relaxes several substantial deviation criteria
- Increases threshold for industrial areas, hotels/motels and theaters
- Exemption for solid minerals mining projects

Sections 73 and 79  
Chapter 2009-96/2010-147,  
Laws of Florida

Permit Extensions

- Permits extended and renewed for an additional period of two years after its previously scheduled expiration date
- Extension is in addition to the two-year permit extension provided under Section 14 of Chapter 2009-96, Laws of Florida and Section 47 of Chapter 2010-147, Laws of Florida
- No more than four years total permitted, including prior extensions