

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members AGENDA ITEM 12

From: Staff

Date: December 12, 2008 Council Meeting

Subject: Florida Department of Community Affairs Sunset Review

Introduction

In 2007, the Florida Legislature passed House Bill 7177; the Florida Government Accountability Act. In part, the Act: 1) creates a schedule for the review of state agencies and advisory committees relating to their continuation, modification or termination; and 2) establishes a system of three “sunset review committees” to oversee the review process, conduct independent reviews and make recommendations. Language in the Bill also states that any agency subject to sunset review by the Legislature shall be abolished on June 30 following the date of review unless the Legislature continues the agency; however, an agency may not be abolished unless the Legislature finds, pursuant to law, that all state laws the agency had responsibility to implement or enforce have been repealed, revised, or reassigned to another remaining agency and that adequate provision has been made for the transfer to a successor agency. The review period for the Florida Department of Community Affairs (DCA) concludes on July 1, 2010.

Overview

The DCA is the designated “state land planning agency” for Florida. The DCA is to ensure that growth and development achieves Florida’s planning goals and complies with the State’s Growth Management Act. They are the only state agency with regulatory and enforcement powers related to developments of regional impact (DRIs) and local comprehensive plans. They are the most important check and balance cog in Florida’s growth management system.

The DCA also carries out a number of other statutory programs statewide related to planning assistance, community investment, revitalizing infrastructure, building code compliance and hazard mitigation, land preservation and acquisition, affordable housing and rehabilitation, energy initiatives, and administration of other grants and programs designed to improve and strengthen communities. The DCA also provides administrative support services to the Division of Emergency Management, a separate entity whose Director reports directly to the Governor. The DCA’s budget for fiscal year 2007-08 was \$195,977,405.

Discussion

There has already been wide speculation about the fate of DCA resulting from the legislated sunset review. Some have already suggested the DCA has too much growth management authority, while others suggest its planning authority should be strengthened and broadened to better coordinate the State's transportation, water management, environmental and public infrastructure decisions. One topic of discussion has been a reassignment of some or all responsibilities for local comprehensive plan amendment reviews from DCA to the regional planning councils (RPCs). Another has been to return appeal authority to the RPCs related to DRI development orders issued by local governments. Executing these ideas under a modified growth management system come with a number of questions that must be answered. Following are some questions. There are likely to be many others.

1. What should the RPCs role be in growth management?
2. How should the RPCs statutory responsibilities be redefined?
3. Are the RPCs willing and able to accept these additional responsibilities?
4. How would new responsibilities change RPC relationships with its local governments?
5. Would RPC membership be changed?
6. Would local dues structure change?
7. How would formal disagreements over plan amendments and DRI development orders be resolved locally?
8. How much will it cost?
9. What would be the source of funding to carry out new responsibilities?

Conclusion

No public or private agency is perfect in its operation and management. As discussed above, the DCA has a long and diverse set of important responsibilities. It is appropriate to examine those responsibilities and determine if they are suitable. It would be a mistake, however, for the State to function without a state land planning agency. Modifications to the DCA's operations may be proposed as a result of the sunset review. The Florida Regional Councils Association (FRCA) should closely monitor the work of the legislative sunset review committees. FRCA should also have complete answers to the questions raised above and to the many others that will likely arise from DCA's sunset review.

Recommendation

This agenda item was produced to generate discussion among the Council members about the future of DCA and the RPCs.