

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members  
From: Staff  
Date: March 20, 2009 Council Meeting  
Subject: Update on Growth Management Legislation

AGENDA ITEM 9

Background

At the Treasure Coast Regional Planning Council (Council) meeting of February 20, 2009, staff alerted the Council that draft Senate Bill 360, the "Community Renewal Act," proposed some significant changes to Florida Growth Management Statutes. The most significant proposed changes, according to staff were:

- 1) the definition of dense urban land areas;
- 2) the creation of Transportation Concurrency Exception Areas (TCEAs) in all dense urban land areas;
- 3) the exemption of development within dense urban land areas from the Development of Regional Impact (DRI) process; and
- 4) the application of the alternative state review process to comprehensive plan map amendments in those dense urban land areas.

Staff indicated that Senate Bill 360 had been heard in Committee on 2/17/09 and 2/19/07. It was reported that Senate Bill 360 had strong support among leadership in the Senate. There was currently no companion House Bill. The Florida Regional Councils Association staff was providing updated information to the regional planning councils on this and other legislation.

After a good deal of discussion on the merits of the proposed legislation and the appropriate action that should be taken by Council, a motion was unanimously approved to inform the legislature that the Council opposes the exemption of the Development of Regional Impact requirements in all dense urban land areas, as defined (see Attachment A).

Status

Since the February 20, 2009 Council meeting, Senate Bill 360 has gone through additional committee meetings and had some additional amendments proposed. Additional Growth Management Legislation has also appeared. Senate Bill 1306 proposes changes to statutory language in Chapter 163 regarding TCEAs, proportionate share contributions for transportation

improvements, proportionate fair-share mitigation, and a transportation mobility fee. House Bill 1019 addresses a number of similar provisions to Senate Bill 1306.

The House Military and Local Affairs Committee voted to introduce PCB MLA 09-01 as a House Bill after a brief hearing on March 11, 2009. Not yet assigned a bill number, this proposed legislation includes provisions that address some of the same matters that are addressed in Senate Bill 360. However, there are notable differences. Some of the provisions of the proposed House Bill are to streamline the comprehensive plan amendment process, modify transportation concurrency including allowing for the establishment of TCEAs and calling for the future establishment of a mobility fee, and allow a three-year extension for development orders and building permits. Unlike Senate Bill 360, there are no provisions to exempt areas from the DRI statutes.

The proposed House Bill also transfers many of the primary responsibilities of the Department of Community Affairs (DCA). The Division of Emergency Management in DCA is transferred to a new Office of Emergency Management to be created within the Executive Office of the Governor. The DCA Divisions of Community Planning, and Housing and Community Development would become divisions within the Department of State. Council previously provided a letter in support of the Department of Community Affairs (see Attachment B).

A number of other bills have been filed that are of interest to regional planning councils.

### Summary

It is still very early in the legislative session. Proposed legislation is subject to amendments and new bills continue to surface. Rather than providing additional detail on proposed legislation in this report, staff will provide the Council with the most up-to-date information available on growth management legislation at the March 20, 2009 meeting.

### Recommendation

For informational purposes.

Attachments

TREASURE COAST REGIONAL PLANNING COUNCIL  
INDIAN RIVER - MARTIN - PALM BEACH - ST. LUCIE

February 24, 2009

The Honorable Michael Bennett, Senator  
The Florida Senate  
306 Senate Office Building  
404 South Monroe Street  
Tallahassee, Florida 32399-1100

Subject: Senate Bill 360

Dear Senator Bennett:

At its regular meeting held on February 20, 2009, the members of the Treasure Coast Regional Planning Council discussed the provisions of Senate Bill 360 (CS/SB 360), the Community Renewal Act. Their focus was on the discontinuation of the Development of Regional Impact (DRI) process in "Dense Urban Land Areas." This will result in elimination of the required multi-jurisdictional (i.e. regional) assessment and sharing of infrastructure and natural resource impacts and costs. This requirement is perhaps the most valuable aspect of the DRI process, yet no replacement for this critical growth management and intergovernmental coordination requirement is proposed in the bill.

Council concluded the provision to exempt development from the DRI program in all areas defined as "Dense Urban Land Areas" is not in the best interests of the citizens and local governments of the Treasure Coast Region. A motion to oppose the elimination of DRI program requirements from all Dense Urban Land Areas was unanimously approved by the Treasure Coast Regional Planning Council.

Council respectfully requests that you not support such a change to the DRI statutes.

Sincerely,



Michael J. Busha, AICP  
Executive Director

MJB:lg

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TREASURE COAST REGIONAL PLANNING COUNCIL  
INDIAN RIVER - MARTIN - PALM BEACH - ST. LUCIE

February 20, 2009

The Honorable Charlie Crist  
Governor, State of Florida  
The Capitol - 400 S. Monroe Street  
Tallahassee, Florida 32399-0001

Subject: Florida Department of Community Affairs Sunset Review

Dear Governor Crist:

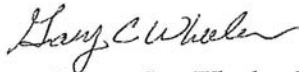
At its December 12, 2008 meeting, the Treasure Coast Regional Planning Council voted to express a clear message in support of the Department of Community Affairs (DCA).

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.

No public or private agency is perfect in its operation and management. The DCA has a long and diverse set of important responsibilities. It is appropriate to examine those responsibilities and determine if there is room for improvement. It would be a mistake, however, for the State to function without a state land planning agency.

Thank you for your consideration in this matter. If the Council can be of any assistance please call.

Sincerely,



Commissioner Gary Wheeler, Chairman  
Treasure Coast Regional Planning Council

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