Some Key Changes to Growth Management

A. Local Government Comprehensive Plans

1) Plan must be based on at least the minimum amount of land required to accommodate the Bureau of Business and Economic Research medium projections for a 10-year planning period.
2) Population estimates and projections must be consistent in all areas of plan.
3) Annual updates to the Capital Improvements Schedule must be adopted; but not considered a comp plan amendment and need not be submitted to State Land Planning Agency (SLPA).
4) Deletes requirements to address energy efficient land use patterns; greenhouse gas reduction.
5) Deletes requirements for a Public School Facilities Element.
6) Transportation, school and recreation/open space concurrency are now optional.
7) Deletes financial feasibility requirements.
8) Amends the definition of urban service area to all areas identified in the local comprehensive plan.
9) Deletes Chapter 9J-5, Florida Administrative Code, but incorporates “indicators of urban sprawl” into Chapter 163.

B. Local Government Comprehensive Plan Amendments

1) Deletes twice per year limitation on plan amendment cycle.
2) Local governments have 180 days to adopt amendments after receiving agency comments (rather than 60). Development of Regional Impact (DRI) amendments are exempt.
3) All amendments go through a new expedited review process, except those that:
   a. Propose a Sector Plan
   b. Propose a Rural Land Stewardship Area (RLSA)
   c. Are in an area of critical state concern
   d. Update the plan based on an evaluation and appraisal
   e. Are for a newly incorporated municipality
   f. Are a small scale amendment

4) No Objections, Recommendations and Comments report or Notice of Intent for expedited review process amendments (SLPA may still challenge).
5) SLPA and Regional Planning Council (RPC) comments limited to adverse effects on important state, regional resources and facilities (and extrajurisdictional impacts for RPCs).
6) Other review agency comments limited.
7) Third party may challenge but fairly debatable standard applies and Department of Community Affairs (DCA) may not intervene.

C. Evaluation and Appraisal

1) Local governments must still review plan at least once every 7 years; but primarily to determine if changes in state requirements necessitate amendments.
2) Local governments “encouraged” to make changes to reflect changing local conditions.
3) No formal Evaluation and Appraisal (EAR) process; all detailed provisions regarding preparation of EAR are deleted. No review of evaluation by SLPA.

D. Concurrency

1) State requirement of concurrency for transportation, public schools, park/recreation eliminated.
2) If local government elects to retain transportation concurrency, proportionate fair share contributions required (as are other requirements).
3) If school concurrency is maintained, certain requirements apply.

E. Developments of Regional Impact

1) Retain (from SB 360 of 2009) the DRI exemption in Dense Urban Land Areas. Also, not subject to review in Urban Service Areas.
2) Exempts solid mineral mines and expansions from DRI review.
3) Eliminates industrial, hotel/motel, and movie theaters from DRI review.
4) Increases substantial deviation thresholds for all attractions or recreational facility, office, commercial uses.
5) Provides a four-year extension to commencement, phasing, build-out and expiration dates and mitigation requirements upon request.

F. Sector Planning

1) No longer a “pilot” program.
2) Minimum size increased from 5,000 to 15,000 acres.
3) Only general information required at the master plan level.
4) Neither master plan nor detailed specific area plan required to demonstrate need.
5) Scoping meeting no longer mandatory.
G. Rural Land Stewardship Area

1) Requirement for an agreement with DCA is eliminated.
2) Future Land Use Overlay designation for RLSA does not require a demonstration of need.
3) One or more landowners can apply.
4) Area can include more than one county.

H. Permit Extensions

1) Provides an additional two-year permit extension for those that received an extension via SB 360.
2) Provides a two-year extension to any permit issued by Department of Environmental Protection or a water management district which has an expiration date between 2012 and 2014.

I. Other Changes

1) SLPA given 60 days to review and dismiss, if appropriate, pending administrative and judicial proceedings if issues raised are not consistent with new statutory requirements.
2) Voter referendums for land use amendments are prohibited.
Some Key Provisions in
Senate Bill 2156 “Governmental Reorganization” Bill

1. Transfer from DCA to the new Department of Economic Opportunity.
   a. The Florida Housing Finance Corporation
   b. The Division of Housing and Community Development
   c. The Division of Community Planning

2. Transfer from DCA to the DEP
   a. Florida Communities Trust
   b. Working Waterfronts Program

3. Transfer from DCA to Governor’s Office
   a. Division of Emergency Management

4. Creates Department of Economic Opportunity with the divisions of:
   a. Strategic Business Development
   b. Community Development
   c. Workforce Services
   d. Finance and Administration

5. Transfers Eight Trust Funds from DCA to the Department of Economic Opportunity

6. 186.504 Regional Planning Council Membership
   a. Governor is to appoint an ex-officio, non-voting member nominated
      by the Department of Economic Opportunity.