

Growth Management Bills 2011

Source: Palm Beach County's growth management summary April 1, 2011

HB 7129 attempts to streamline the growth management process and enhance home rule by:

- Focusing the state oversight role on significant state or regional resources.
- Eliminating the twice-a-year limitation on local government adoption on plan amendments.
- Eliminating state mandated concurrency traffic concurrency at the state level as a requirement.
- Amending the Future Land Use element component to modify the determination of "urban sprawl."
- Modifying the need requirement to require that planning be based upon a specified minimum population.
- Removing the financial feasibility requirement in the capital improvements element, and instead requiring local governments to list their funded and unfunded capital improvements.
- Removing specific provisions for optional elements within a local government's comprehensive plan.
- Encouraging Sector Plans and Rural Land Stewardship plans (also see CS/SB 1904, reported below).
- Repealing rule 9J-5 of the Florida Administrative Code and incorporating relevant definitions and provisions of the rule into statute.
- Changing the requirements for the sector plan process and rural land stewardship programs to encourage the use of those programs.
- Focusing state-level review and challenges on important state resources and facilities.
- Removing state-mandated concurrency for transportation, parks and recreation, and schools.
- Allowing the local application of concurrency for transportation and other facilities, subject to certain guidelines.
- Removing the requirement to adopt an evaluation and appraisal report, while still requiring local governments to evaluate their comprehensive plans once every seven years and to those updates that may be needed.
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The major changes in the CS/SB 1122 would:

- Make concurrency for parks and recreation, schools, and transportation facilities optional for local governments.
- Apply an expedited comprehensive plan amendment process statewide.
- Specify that population projections should be covered for a 10-year window and act as a floor for requisite development except for areas of critical state concern.
- Allow additional planning periods for specific parts of the comprehensive plan.
- Abolish 9J-5, F.A.C. However, the bill does re-incorporate some of its relevant & substantive provisions.
- Allow the capital improvements element (CIE) to be updated by ordinance and moving the CIE deadline to 2013.

- Remove many of the state specifications and requirements for optional elements in the comprehensive plan, but allow local governments to continue to include optional elements.
- Allow for mass transit projects to extend outside a transportation deficiency area.
- Exempt transit-oriented developments from transportation impact review in the development of regional impact (DRI) process.
- Expand and revise the optional sector plan process (also see CS/SB 1904, reported below).
- Reduce the requirements of the 7-year evaluation and appraisal process.
- Make Revisions to the rural land stewardship program.
- Restrict the state's ability to interpret joint planning agreements.
- Prohibit local governments from increasing or creating new impact fees for nonresidential development for two years.
- Make DCA the sole agency for reviewing commercial/industrial uses for purposes of the Highway Beautification Act.
- Revise the make-up of the RPCs allowing for representation of commercial and business entities.
- Re-enact language relating to the burden of proof for impact fees.
- Clarify and broaden the window for permit extensions.
- Remove certain requirements relating to energy efficiency and green house gas reductions.
- Remove the optional provisions relating to recreational surface water use policies.
- Repeal the Local Government Comprehensive Planning Certification Program.
- Prohibit local governments from having referenda for local comprehensive plan amendments or requiring a super majority vote for the adoption of comprehensive plan amendments.
- Encourage planning innovation technical assistance.
- Clarify that a landowner seeking certification of a water and/or wastewater utility from the Public Service Commission for at least 1,000 acres may seek such certification for planning purposes, in order to be prepared to provide service on its property, without being required to show an immediate need for service.