

# 2004 FAPA LEGISLATIVE PROGRAM and POLICIES

Recommended by the FAPA Executive Committee on June 20, 2003  
Following Review and Recommendations from the FAPA Legislative Policy Committee on  
June 19, 2003

## ***Introduction and User Summary:***

*FAPA's Legislative Program and Policies represent the Chapter's positions on professional planning issues, especially related to the State's annual Legislative Session. Developed over time, most remain essentially the same and offer background and guidance as issues emerge or change annually. Similarly, the Chapter's major priorities remain constant, unless significant legislative initiatives surface requiring reordering.*

*The Program is voted on by the members as part of the annual meeting at the FAPA's Annual Conference. This ensures that it remains timely and enjoys support. It is regularly reviewed and updated by the Chapter's Legislative Policy Committee (LPC), made up of representatives of each local Section and three or more at-large appointments ensuring depth and breadth of expertise. The LPC submits the Program for review to FAPA's elected Executive Committee before the annual meeting, where it is adopted as is or with amendments. Members unable to attend the annual meeting may vote on it by proxy.*

*Except for updating time-related statements and occasional edits for clarity and consistency, the "Proposed 2004 FAPA Legislative Program and Policies" is essentially the same as the member-adopted 2003 version, with the following notable changes. The first Key Position Statement was revised and a sixth added to better convey the Chapter's position to non-planners. The Primary Priorities were expanded to include statements on Preemption, State Merger, Trust Funds, Annexation, Everglades Restoration, and Takings. Several statements had been adopted by the FAPA Executive Committee, March 14, 2003, relative to issues arising before the Florida Legislature at that time. The Secondary Priorities were expanded to include statements on the Florida Forever Act and on Redevelopment and Platted Lands; Professional Regulation was removed; and the Energy Policy statement was substantially revised. Guiding Principles on Notice Requirements and on Judicial Review were eliminated but re-stated more succinctly by adding a Citizen Participation principle.*

*The six Key Position Statements are intended as an easy aid for any member to use to maximize their impact as each may briefly have the attention of one of their legislators. It also simplifies a member's focus and fosters use of FAPA's positions to assess issues arising before local and regional decision-makers. This format has been successful in broadening FAPA's impact and increasing its effectiveness as the Chapter works with its Sections to expand the planning constituency participating in the legislative process.*

*The balance of the Program and Policies assist and guide members, the Executive Committee, the Legislative Representative, and the Chapter Office in allocating time and resources when responding to and prioritizing the overwhelming volume of issues that develop in the course of the annual 60-day Legislative Session. It enables the FAPA leadership to refine and adapt the*

*Chapter's legislative focus to meet its most pressing needs and those of the profession. It further benefits the Executive Committee and Legislative Policy Committee, which convene on a year round basis, in establishing policy between annual meetings.*

## **KEY POSITION STATEMENTS**

1. FAPA is committed to the promotion, protection, and preservation of high quality neighborhoods, communities, cities, and rural and natural areas throughout Florida that fairly meet the needs of the state relative to the manmade and natural environments.
2. FAPA supports legislative revisions that streamline, improve, and integrate current planning processes.
3. FAPA supports a balance among public and private sector values in state, regional, and local planning, policy development, and decision-making.
4. FAPA supports better integration of water, transportation, and land use planning at the state, regional, and local levels.
5. FAPA supports planning policy that better integrates the siting of schools into neighborhoods and communities and includes greater cooperation and accountability between local governments and school boards.
6. FAPA is committed to the advancement of the practice of planning by trained and qualified planning professionals.

## **GENERAL BACKGROUND GUIDANCE POSITIONS**

FAPA is more specifically committed to the following:

- Vision-based, consensus-driven planning as the benchmark for state, regional, and local policy determinations.
- An integrated, performance-measured regulatory framework for implementing local, regional and state land use plans.
- Effective long-term natural resource protection and management.
- Ensuring diverse and adequate fiscal resources to effect sound planning.
- Balancing public and private sector values in state, regional and local decision-making and policy-setting.

Toward these ends, the Chapter's:

### **Primary Priorities Are:**

#### **1. Sound Planning**

FAPA supports revisions to those statutes and rules, especially growth management, which promote effective planning and which streamline, improve and integrate current planning processes. This includes the following concepts: fiscal impact analysis used as part of a sound planning program; the update and adoption of a state plan that clearly provides policy and budgetary guidance on state priorities; and adequate funding to prepare and implement local comprehensive plans and regional policy plans.

#### **2. Preemption**

FAPA supports local government authority to implement sound planning practices and opposes preemption of this authority.

#### **3. State Merger**

FAPA supports initiatives that improve growth management in Florida. If the merger of the Department of Community Affairs and Department of State accomplishes that end, then we support it. FAPA also fully supports the Governor's stated commitment that growth management will be a priority issue in the coming year.

**4. Trust Funds**

FAPA supports the integrity of all Trust Funds for their stated use.

**5. Annexation**

FAPA supports annexation that provides coordinated land use planning and efficient provision of infrastructure and services. To that end, FAPA supports legislation that carries forward any annexation proposal agreed to by both the Florida League of Cities and Florida Association of Counties.

**6. Everglades Restoration**

FAPA supports Everglades Restoration and, to that end, reconciliation of the Everglades Restoration program with the comprehensive plans of affected local governments.

**7. Takings**

FAPA supports the balancing of public interests with private property rights and opposes any expansion of the takings and just compensation definitions contained in the Bert Harris Act.

**8. Equity**

Economic, environmental and social equity are paramount. FAPA supports statutes and rules that promote equity. With regard to private property rights, FAPA supports balancing individual property rights and the interests of the public-at-large.

**9. Integrated Water, Transportation, and Land Use Systems**

FAPA supports and advocates statutes and rules that provide integrated water, transportation, and land use planning. FAPA advocates greater sustainability in water-related decisions and improved linkages among water, transportation, and land use policies and actions.

**10. Water Resources**

FAPA promotes and supports statutes and rules which seek to provide for an adequate supply of water resources for all existing and future reasonable beneficial uses, while protecting and maintaining water resources and related natural systems.

**Secondary Priorities Are:**

**11. Florida Forever Act**

FAPA supports the continuation and implementation of the Florida Forever Act and opposes any diversion of funds for other uses.

**12. Redevelopment and Platted Lands**

FAPA supports statutes and rules that promote redevelopment and the deplating of antiquated subdivisions and that provide a balance of land uses, essential services, and water management systems while protecting private property rights.

**13. Citizen Standing**

Citizen standing and participation is fundamental to an effective growth management process. Legislation has been proposed in recent years that would impair citizen standing. Such proposed legislation was far reaching in scope, affecting not only growth management, but also environmental regulations, public health and a range of other public policy concerns. FAPA supports the rights of citizens to stand up for environmental quality and public health, and will oppose proposals to weaken citizen standing and other regulations that foster public participation.

**14. Finance & Taxation**

Florida's tax policy has a significant impact on all Floridians in many aspects. The quality of our environment, the status of our economy, our ability to address social service needs, the availability of public infrastructure and services, the preservation of agricultural lands and open space, and the capacity of local governments to respond to community-based needs are all significantly influenced by Florida's approach to finance and taxation. FAPA has long supported tax reform to better address such needs. FAPA supports positions to advance sound planning and growth management that result from such task force or other similar processes.

**15. Energy Policy**

FAPA supports a State Energy Policy to meet the needs of the population of the State of Florida consistent with efficient water use and local land use planning.

**16. Submerged Lands**

FAPA opposes any legislation that would alter current state policy on submerged lands and remove such lands out of public ownership and/or control.

**17. Transportation**

The future of the State of Florida as a livable and attractive place for new businesses and opportunities depends on the existence of a modern, well-maintained and forward-looking transportation system. FAPA supports funding on a statewide level for new transportation initiatives, such as new rail construction and re-use of existing transportation rights-of-way and infrastructure. FAPA also supports new sources of funding for future highway projects, such as congestion pricing for tolls, extra automobile use fees and parking taxes. "Smart growth" planning should be encouraged in order to reach Federal NAAQS goals, which will reduce the number of automobile trips statewide. Initiatives that promote transportation modal-choice, including the implementation of multi-modal level of service standards, are also supported.

In addition to the preceding first and secondary priorities, the Chapter advocates sound planning encompassing the following:

**Guiding Principles:**

- Funding:** Effective planning and growth management requires adequate funding to address the challenges of Florida's fast paced growth. Funding resources that were to accompany

passage of the Growth Management Act were not provided and serious shortfalls have occurred at the State and local levels. Although steps have been taken to provide targeted funding in certain areas (e.g., land acquisition, road building), a greater commitment to funding of sound planning and growth management is needed.

•**State Plan:** The State Comprehensive Plan is an integral component of Florida’s planning and growth management policy framework. An update of the Plan is long overdue. Restructuring of this long-standing statute (Chapter 187, F.S.) is also needed to link the plan to the state budget, to officially designate it as the “state planning document” (contemplated by a Constitutional amendment of years past) and to clearly delineate state level priorities, within and beyond the growth management realm.

•**Governmental Roles:** The State of Florida, local governments, Regional Planning Councils, and other entities of Florida government each have a vital role to play in planning and growth management matters. The State has proposed substantial changes to its role, involving devolution of selected duties to the local level. FAPA supports adjusting governmental roles in a way that acknowledges and respects the capabilities of local and regional entities and the vision of individual communities, while also ensuring that needs of the public at large are met long-term. A cohesive, well thought out plan is needed toward this end, including appropriate incentives, safeguards and evaluation mechanisms.

•**Compelling State Interests:** Proposals involving the designation of “compelling state interests” and revamping the roles of government in growth management in the context of this new framework have arisen in the past. If ever implemented, FAPA believes that a broader range of interests should be designated than those proposed and that more careful attention is needed in the definition of such interests and how they would be utilized in the growth management process. In addition, when considering such proposed approaches, FAPA also believes that alternatives to it should be identified and examined, with the advantages and disadvantages of each carefully weighed in relation to the other.

•**Sustainable Communities:** FAPA is a strong supporter of incentives and other initiatives for the creation of sustainable communities, including redevelopment and revitalization of urban areas and local mitigation planning. In addition, FAPA supports the idea of establishing a Sustainable or Livable Communities Certification Program for qualified local governments. Proposed legislation from the 2001 Legislative Session could serve as a starting point in developing any new statutory language toward this end.

•**Regional Delegation:** FAPA supports expanding the role of Regional Planning Councils (RPCs) as a means of better addressing regional needs and evaluating local issues and opportunities from a regional perspective. FAPA supports delegation of local plan amendment review authority to RPCs under an appropriate scenario of restructured governmental roles (per the above) with a certification program that sets forth appropriate qualifications, monitoring, and appeals processes, and with provisions for appropriate funding to carry out these additional duties.

•**Plan Amendment Review Process:** FAPA continues to support maintaining such a process but also believes that it should be streamlined to avoid unnecessary reviews (such as for routine matters of purely local concern) and, possibly, to reassign certain review duties to the regional level. A certification program or other such program to specify areas exempt from state review should be examined.

•**Developments of Regional Impact:** Reviews of the DRI process have pointed to the need for its improvement or replacement. FAPA supports either approach. If the program is to be replaced, the alternative approach should be thoroughly researched and designed so that the intended purposes for which the DRI program was originally established are achieved, and so that the new process is clearly better than its predecessor. In addition, FAPA objects to creating exemptions to the current process that eliminate or weaken regional reviews and intergovernmental coordination for development projects that have regional impacts. Any proposed changes to DRI thresholds should include a thorough analysis of what specific review processes are already in place to assure that the intent of the DRI statute regarding regional review and intergovernmental coordination is maintained.

•**Schools:** FAPA supports providing for better integration of schools into neighborhoods and communities. Toward this end, FAPA supports legislation to ensure greater cooperation and accountability of local governments and school boards through better planning (including a school facilities element in local plans) and through sharing of growth-related data. Greater flexibility for school construction and siting is also needed to promote quality inner city schools. FAPA supports legislation and rules that create new or expanded funding sources to address school capital facilities. FAPA also supports revitalization and expansion of older schools in urban areas.

•**Citizen Participation:** FAPA supports an open and collaborative planning process that includes active citizen participation through reasonable notice, open public records, and accessibility to all stages of the planning process.

•**Rural Policy:** In the recent past, significant attention has been drawn to challenges and needs facing rural Florida in relation to growth, development, and growth management concerns. FAPA believes the State could benefit from a cohesive rural policy that addresses growth-related impacts and opportunities. Progress toward development of such a policy was made in the 2001 Legislative Session, and FAPA welcomes the continued opportunity to work in support of such a policy.

•**Small Scale Amendments:** Legislation has been proposed over the years to increase the statutory thresholds for small scale amendments to local government comprehensive plans. Increases were approved several years ago and more have been sought in recent Legislative Sessions. FAPA supports allowing small scale amendments to be exempt from the statutory twice-per-year limitation on comprehensive plan amendments but believes that the current thresholds are adequate and that broad expansions conflict with the purposes of the law.