

2008 APA FLORIDA LEGISLATIVE PROGRAM & POLICIES

Introduction and User Overview:

APA Florida'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 on an annual basis. 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 business meeting at APA Florida'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 numerous at-large appointments ensuring depth and breadth of expertise. The LPC submits the Program for review to APA Florida'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.

As a result of the white papers written by APA Florida in 2004, the extensive effort made in 2005 to amend growth management laws and the resulting passage of Senate Bill 360, numerous revisions were made to APA Florida's 2005 Legislative Program and Policies in preparation for the 2006 Session. Key position statements were added to address visioning, natural resource protection, infrastructure funding and citizen participation. During the 2006 Legislative Session, the APA Florida Executive Committee took formal positions on community redevelopment agencies and the adjustment of regional boundaries, which have been incorporated into this document. The Key Position Statements are intended as an easy aid for any APA Florida member to use to maximize his or her impact when having the attention of one of their Legislators. It also simplifies a member's focus and fosters the use of APA Florida's positions to assess issues arising before local and regional decision-makers. This format has been successful in broadening APA Florida'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 APA Florida 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. APA Florida is committed to the promotion, protection and preservation of well-planned neighborhoods, communities, cities and rural areas and high quality natural areas throughout Florida that fairly meet the needs of the state relative to the manmade and natural environments.
2. APA Florida supports efforts that promote visioning at the state, regional and local levels, and the creation of a mechanism for the periodic review of those visions. The state's vision should set the framework for the future growth and settlement of Florida.
3. APA Florida supports legislative revisions that streamline, improve and integrate current planning processes.
4. APA Florida supports a balance among public and private sector values in state, regional and local planning, policy development and decision-making that do not preempt local government authority.
5. APA Florida supports better integration of water, transportation and land use planning at the state, regional and local levels.
6. APA Florida supports long-range land and resource management that will conserve, protect, and enhance the state's natural resources.
7. APA Florida supports planning policy that better integrates the siting and planning of significant land uses and includes greater cooperation and accountability among public and private entities.
8. APA Florida supports the development of diverse and adequate fiscal resources to fully fund existing and future infrastructure needs of the State of Florida.
9. APA Florida is committed to the advancement of the practice of planning by trained and qualified planning professionals.
10. APA Florida supports an open and collaborative planning process that includes meaningful citizen participation.

PRIORITIES

Toward these ends, the Chapter's priorities are (and these are in no particular order):

- ◆ **Affordable Housing:** Shelter is a basic human need. To that end, APA Florida supports statutes, rules and programs, which seek to provide adequate affordable housing for Florida's citizens, such as the Sadowski Affordable Housing Act and its dedicated funding source. APA Florida supports full funding of the Sadowski Affordable Housing Trust Fund.
- ◆ **Agricultural Enclaves:** APA Florida opposes legislation that preempts local government decision making authority with regard to regulating land use. APA Florida also opposes legislation that creates the potential for urban sprawl and leads to the premature conversion of agricultural lands. APA Florida recognizes that agriculture is not only a land use but a business. When the amortized value of potential development on a piece of agricultural land exceeds the agricultural value of that land, it becomes less feasible for a farmer to continue farming. However, any changes to land use designations proposed in future legislation will only be supported by APA Florida if accomplished in a manner that is consistent with the established procedures and standards of the Growth Management Act.
- ◆ **Annexation:** APA Florida supports annexation policies or legislation that provide coordinated land use planning and efficient provision of infrastructure and services between cities and counties.
- ◆ **Citizen Standing/Public Participation:** Citizen standing and public participation are fundamental to an effective growth management process. APA Florida supports the rights of citizens to meaningfully participate in the planning process and will oppose proposals to weaken citizen standing.

- ◆ **Concurrency:** The primary purpose of concurrency is to ensure that the impacts of new developments are mitigated in a timely manner. APA Florida supports revisions to Florida's concurrency laws provided they assure accountability and a dedicated, recurring source of funding.
- ◆ **Developments of Regional Impact:** Reviews of the DRI process have pointed to the need for its improvement or development of alternatives. APA Florida supports either approach as further explained herein. 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, APA Florida 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. APA Florida supports using Optional Sector Plans and the Rural Land Stewardship program as alternatives to the DRI process.
- ◆ **Energy Policy:** APA Florida supports a State Energy Policy to meet the needs of the population of the State of Florida consistent with efficient conservation of natural resources, transportation and local land use planning.
- ◆ **Equity:** Economic, environmental and social equity are paramount. APA Florida supports statutes and rules that promote equity. With regard to private property rights, APA Florida supports balancing individual property rights and the interests of the public-at-large.
- ◆ **Everglades Restoration:** APA Florida supports Everglades Restoration and, to that end, encourages affected local governments to incorporate the needs of this restoration program into its land use decisions and comprehensive planning processes.
- ◆ **Finance & Taxation:** Florida's tax policy has a significant impact on all Floridians in many aspects. The capacity of local governments to respond to community-based needs, the quality of our environment, the status of our economy, our ability to address social service needs, the availability of public infrastructure and services, and the preservation of productive agricultural lands and open space are all significantly influenced by Florida's approach to finance and taxation. APA Florida has long supported tax reform to better address such needs. APA Florida supports positions to advance sound planning and growth management that result from such task force or other similar processes.
- ◆ **Financial Feasibility:** APA Florida supports requiring local governments to have financially feasible plans provided adequate state funding is made available to assist with this task.
- ◆ **Florida Forever Act:** APA Florida is a member of the Florida Forever Coalition and supports the reauthorization of and increased funding for the Florida Forever Act. Furthermore, APA Florida opposes any diversion of funds from this program for other uses. APA Florida supports innovative land protection acquisition strategies.
- ◆ **Impact Fees:** APA Florida supports an impact fee structure, which allows local governments to establish a system of impact fees based on local needs in accordance with existing case law.

- ◆ **Integrated Water, Transportation and Land Use Systems:** APA Florida supports and advocates statutes and rules that provide integrated water, transportation and land use planning. APA Florida advocates for greater sustainability in water-related decisions and improved linkages among water, transportation and land use policies and actions. In addition, multi-jurisdictional approaches to water supply planning and development are becoming essential as alternative supplies must be developed in areas where traditional groundwater sources are becoming limited. Therefore, APA Florida supports regional approaches to water supply planning and development.
- ◆ **Land Use Board of Appeals:** APA Florida supports the creation of a Land Use Board of Appeals to settle disputes on certain local or state land use decisions.
- ◆ **Platted Lands and Redevelopment:** APA Florida 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. Furthermore, APA Florida supports legislation that preserves the home rule powers of municipalities to create and effectively use community redevelopment agencies to redevelop and revitalize their urban areas, including the use of tax increment financing. APA Florida further supports local control and disposition of any disputes between local governments over the use of such agencies and financing.
- ◆ **Preemption of Local Government Authority:** APA Florida supports local government authority to fund and implement sound planning practices and opposes preemption or incremental erosion of local planning and regulatory authority, as this substantially diminishes the ability of local governments to carry out comprehensive planning activities.
- ◆ **Referenda to Address Planning Concerns:** APA Florida supports local government authority to fund and implement sound planning practices and opposes preemption of this authority. Furthermore, APA Florida strongly supports citizen access and public input to the comprehensive planning process and is committed to improving citizen involvement through local planning initiatives and legislative changes to Florida's growth management framework. However, APA Florida strongly opposes efforts to require referenda for comprehensive plan amendments. APA Florida believes that approval of comprehensive plans by referenda will be counterproductive to quality community planning initiatives and will not produce better land use decisions. The use of referenda is not an effective growth management tool.
- ◆ **Regional Boundaries:** APA Florida opposes changes to regional boundaries unless a compelling rationale, such as demonstrating that more effective regional governing structures would result, can be demonstrated. APA Florida believes that effective coordination and cooperation among Florida's regional entities can be accomplished under the existing structure and that the State's energies should focus on ensuring regional cooperation by promoting, supporting and funding regional visioning and regional initiatives, including priority funding for infrastructure projects that are regionally planned.
- ◆ **Sound Planning:** APA Florida supports 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.

- ◆ **Takings:** APA Florida supports the balancing of public interests with private property rights and adherence to a thorough, open and transparent planning process before invoking the use of eminent domain. Furthermore, APA Florida opposes any expansion of takings and just compensation laws.
- ◆ **Transportation:** APA Florida supports funding on a statewide level for new transportation initiatives, such as transit and rail construction and re-use of existing transportation rights-of-way and infrastructure. “Smart growth” planning should be encouraged in order to reduce the growth of automobile trips statewide. APA Florida strongly supports initiatives that promote transportation modal-choice, including the implementation of multi-modal level of service standards
- ◆ **Trust Funds:** APA Florida supports the integrity of all Trust Funds for their stated use.
- ◆ **Water Resource Protection:** APA Florida 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.

GUIDING PRINCIPLES:

The Chapter also advocates sound planning encompassing the following principles:

Citizen Participation: APA Florida supports an open and collaborative planning process that includes meaningful citizen participation through reasonable notice, open public records and accessibility to all stages of the planning process.

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, particularly at the state level.

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 and begun to legislate changes to its role that involve devolution of selected duties to the local level as a reward for good planning. APA Florida 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.

Plan Amendment Review Process: APA Florida 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.

Regional Delegation: APA Florida supports expanding the role of Regional Planning Councils (RPCs) to promote enhanced regional planning and better address regional needs. APA Florida supports efforts that give more authority to Regional Planning Councils along with the funding necessary to support any new duties and responsibilities, including the delegation of local plan amendment review authority under an appropriate scenario of restructured governmental roles (per the above) with a certification program that sets forth appropriate qualifications, monitoring and appeals processes.

Rural Policy: In the recent past, significant attention has been drawn to challenges and needs facing rural Florida in relation to growth, economic development and the preservation of community character. APA Florida also supports the continued use of the Rural Land Stewardship Program, Transfer of Development Rights Programs, conservation easements and other incentives to preserve agriculture and open space and to help plan for future growth outside urban areas.

Schools: APA Florida supports strengthening the link between school siting and land use planning. Toward this end, greater cooperation and accountability of local school boards should be achieved through better planning, including adoption of a school facilities element in local plans, and through sharing growth-related data. Greater flexibility for school construction and siting is also needed to promote quality schools. APA Florida supports legislation and rules that expand the ability of the Department of Education and local school boards to be more proactive in the acquisition of land and construction of schools as well as create new or expanded funding sources to address school capital facilities. APA Florida also supports revitalization and expansion of older schools in urban areas with adequate funding to support this effort.

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 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.

State Priority Interests: Proposals involving the designation of "state priority interests" and revamping the roles of government in growth management in the context of this framework continue to be discussed. APA Florida believes that state priority interests should be compelling and designated for long-term planning purposes.

Sustainable Communities: Economic, environmental and social issues are interdependent and integrated. A sustainable community is one that persists over generations, enjoying a prosperous economy, healthy environment, and vibrant civic life. It is a community that believes today's growth must not be achieved at tomorrow's expense. APA Florida 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.

Urban Policy: APA Florida supports policies and programs and the development of policies that encourage development and redevelopment of underutilized urban land. In particular, APA Florida supports and encourages policies and programs that maximize the use of existing infrastructure, including transportation facilities, utilities, public safety resources, parks, schools and other community facilities.