

2012 APA FLORIDA LEGISLATIVE PROGRAM & POSITION STATEMENTS

Introduction and User Overview:

APA Florida's Legislative Program and Positions represent the Chapter's views 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 adopted by the members as part of the annual business meeting at APA Florida's Annual Conference. This ensures regular updates and timely 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.

The Key Position Statements are intended as an easy aid for any APA Florida member to use to maximize their 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 Positions 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 being able to take a stand on issues between annual meetings.

KEY POSITION STATEMENTS

APA Florida is committed to the advancement of the practice of planning throughout the State by trained and qualified planning professionals.

Foremost, APA Florida is committed to an integrated planning system in Florida with clearly delineated state, regional and local planning responsibilities, and which promotes, protects and preserves well-planned neighborhoods, communities, cities and rural areas, high quality natural areas and resilient and sustainable economies throughout Florida. Meaningful state oversight functions should be performed by a single state land planning agency.

We also consistently support efforts that promote visioning at the state, regional and local levels, and mechanisms for the periodic review of those visions in order to foster economic development, create jobs, and promote a healthy statewide economy. The state's vision should be incorporated in the State Comprehensive Plan and set the framework for future growth, economic development, settlement patterns and preservation of a high quality of life for all Floridians.

APA Florida believes that local government should have maximum funding flexibility for the fiscal resources necessary to fully fund existing and future infrastructure needs. Most importantly, APA Florida is committed to promoting sustainable communities through sound planning principles that promote alternative energy usage and production, efficient resource utilization, and sustainable resource management practices.

To accomplish these goals and maintain a proper accountability and efficiencies among all levels of government and the private sector, APA Florida supports:

- ◆ Legislative revisions that streamline, improve and integrate current planning processes consistent with Florida's long-standing commitment to growth management, sustainable economic development, and healthy communities.
- ◆ A balance among public and private sector perspectives in state, regional and local planning, policy development and decision-making that does not preempt local government authority.
- ◆ Better integration of water, natural resources, transportation, hazard mitigation, and land use planning at the state, regional and local levels.
- ◆ Long-range land and resource management that will conserve, protect, and enhance the state's natural resources.
- ◆ Planning policy that better integrates the siting and planning of significant land uses and includes greater cooperation and accountability among public and private entities.
- ◆ An open and collaborative planning process that includes meaningful citizen participation.

POLICIES

Toward these ends, the Chapter's policies are listed below in alphabetical order (not in order of priority):

- ◆ **Adequate Public Facilities:** APA Florida supports programs that ensure that the impacts to public infrastructure and facilities (in particular transportation, water and wastewater) that occur as a result of new development are adequately mitigated in a timely and financially feasible manner and the construction of infrastructure that is compatible with the character of the local community. APA Florida supports revisions to Florida's growth management laws provided the revisions assure accountability to the public and a dedicated, recurring source of funding for the mitigation.
- ◆ **Affordable Housing:** Shelter is a basic human need. In spite of the recent economic shift, housing issues remain tantamount in meeting the needs of the State's current and future workforce. APA Florida supports efforts to incentivize the location efficient siting of affordable housing options, such as the Sadowski Affordable Housing 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.
- ◆ **Brownfields:** Brownfields are abandoned, idled, or underused industrial and commercial properties where expansion, reuse, or redevelopment may be complicated by real or perceived environmental contamination. They are a tool for local governments to use for marketing and enhancing redevelopment and economic development of existing developed sites previously overlooked due to perceived environmental problems or past activities that might have created environmental concerns. While cleanup of contaminated sites is the ultimate goal of Brownfields activities, the program itself is primarily designed to allow redevelopment and revitalization of community areas that have been abandoned by commerce and industry. APA Florida supports funding to provide sufficient additional tax credit and other incentives to ensure the continued success of Florida's Brownfield Programs in the future.
- ◆ **Carbon Sequestration/Credits:** Water and carbon management are of rising importance to institutional investors and result in benefits such as cost savings and energy efficiencies. To promote Florida as a desirable location for investment by institutional investors and for economic development, APA Florida supports laws, regulations, and policies that reward companies for implementing programs such as those that reduce energy use in their supply chain, invest in energy efficiencies, voluntarily reporting their carbon emissions that can be independently verified, and have internal practices that incentivize emission reductions. APA Florida supports the promotion of carbon sequestration and a carbon credit system, through the use of agriculture, silviculture, urban forestry practices and the continued protection of natural systems, and the

implementation of cap-and-trade and other methods of achieving GHG reduction targets which create a market for carbon credits.

- ◆ **Citizen Participation:** APA Florida strongly supports citizen access and public input to the planning process and is committed to improving citizen involvement through local planning initiatives and legislative changes to Florida's growth management framework. 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, as well as promoting the use of citizen participation best practices at the local level.
- ◆ **Citizen Standing:** 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.
- ◆ **Climate Change:** Climate and atmospheric scientists agree that the earth's climate is warming and the majority of scientists agree that the predominate cause of this phenomenon is human-induced greenhouse gas (GHG) emissions. A warming climate causes a variety of impacts that are expected to be long-term and increase in intensity over time. Florida is particularly vulnerable to impacts associated with climate change such as more heat waves and droughts, stronger tropical storms and higher storm surges, drier conditions in some regions and wetter conditions in others, and rising sea levels as water formerly bound up in ice flows off the land into the oceans and the ocean waters warm and expand. These circumstances, which will affect both the natural and built environments, must be addressed in order to maintain a safe and attractive environment for residents and businesses in the State. Addressing the impacts of climate change and its consequences is important for the State's overall economy and business investment, if we are to maintain and create jobs. APA Florida supports a growth management system at the state, regional and local level which recognizes and provides plans, incentives, standards, and regulations that address climate change mitigation and adaptation. APA Florida supports policies and programs, including APA's Climate Change Policy Guide, which will reduce long term risk, promotes economic development and sustainability, and provides transparent disclosure of the risk associated with climate change. APA Florida also supports state, regional and local policies, plans and safe development practices that promote sustainable Disaster Resistant Communities and climate change resilience.
- ◆ **Developments of Regional Impact:** The DRI process needs to be revisited after a thorough analysis of the strengths and weaknesses of the program in order to ensure the new process is clearly better than its predecessor. 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 be based on sound evidence to assure that the intent of the DRI statute

regarding regional review and intergovernmental coordination is maintained. APA Florida supports the use of Sector Plans and the Rural Lands Stewardship program as alternatives to the DRI process.

- ◆ **Economic Development:** APA Florida supports sound planning principles and incentives that allow for a mix of land uses to diversify the economic base of the state and local communities while sustaining the quality of life that defines Florida. APA Florida believes that sustainable and quality economic development requires good planning. To achieve economic diversity and sustainability in the global market place and create more high quality jobs, APA Florida supports attracting, retaining and expanding targeted industries by ensuring the availability of appropriately entitled land, adequate infrastructure which includes efficient transportation corridors (including multi-modal facilities), conservation of Florida's irreplaceable natural land areas and coastlines that attract employers and tourists alike, an appropriate mix of housing choices, and the availability of affordable quality education and training.
- ◆ **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, multi-modal forms of transportation and flexible local land use planning programs that encourage a mix of uses. A statewide Energy Policy should provide statutory incentives for renewable energy projects and programs that create jobs, redevelop existing buildings and infrastructure, attract and retain existing businesses, and bring new industries to Florida. State policies should encourage the manufacturing, distribution and use of alternative and renewable energy sources.
- ◆ **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:** APA Florida supports an equitable approach to finance and taxation that enables communities to adequately address local needs and priorities. APA Florida supports simplifying and stabilizing Florida's state and local revenue structure to provide diverse and adequate fiscal resources to fully fund the existing and future infrastructure needs of the state. APA Florida supports the re-examination of Florida's tax system to address inequities in such areas as ad valorem taxation and sales tax exemptions. APA Florida supports the creation of local options for taxation that may be necessary to enable communities to finance local infrastructure needs.

- ◆ **Fiscally Sound Planning:** APA Florida supports comprehensive planning as an important foundation for economic development and job creation. These goals can only be realized if community infrastructure needs are fully funded. Local governments should be able to pursue flexible state and local option revenue sources to meet these important goals.
- ◆ **Florida Forever Act:** APA Florida is a member of the Florida Forever Coalition and supports 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.
- ◆ **Funding:** Effective planning and growth management requires adequate funding to address the challenges of Florida's 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 and 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 play a vital role in planning and growth management matters. APA Florida supports adjusting governmental roles to acknowledge and respect the capabilities of local and regional entities, implementing the vision of individual communities, and meeting the long-term needs of the public at large. Legislative authority to support local planning options within the state framework is preferable to legislative mandate. A cohesive, well conceived plan is needed toward this end, including appropriate incentives, safeguards and evaluation mechanisms.
- ◆ **Hazard Mitigation:** APA Florida supports the integration of hazard mitigation principles into the local comprehensive planning process, including post-disaster redevelopment planning for both coastal and inland communities.
- ◆ **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.
- ◆ **Infrastructure Planning:** One of the most essential roles of planning, which is to protect the public health, safety and welfare, is fundamentally served through effective infrastructure planning. Planners are uniquely situated to achieve success by promoting intergovernmental coordination to secure and allocate scarce resources for the construction of more sustainable infrastructure such as roads, bridges, transit systems, trails and sidewalks, stormwater and wastewater reuse systems, schools and other infrastructure. Only through more efficient capital improvements planning, intergovernmental coordination, governmental and public-private partnerships, shared use of systems, and the application of a wide range of funding tools including bonding, grants, tax increment financing, and matching appropriation from multiple governmental

levels, can Florida's communities hope to satisfy the demand for infrastructure maintenance and improvements.

- ◆ **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. APA Florida advocates the close coordination of MPOs, transit, transportation authorities, FDOT and local governments to ensure integration of land use and transportation planning. 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:** In an effort to further streamline the development process, APA Florida supports the creation of a Land Use Board of Appeals as an efficient and expert means to settle disputes on certain local or state land use decisions.
- ◆ **Plan Amendment Review Process:** APA Florida continues to support maintaining such a process but also believes that it should be streamlined to avoid unnecessary duplicative reviews (such as for routine matters of purely local concern) and, possibly, to assign certain review duties to the regional level.
- ◆ **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, regulatory and taxing authority, as this substantially diminishes the ability of local governments to carry out comprehensive planning activities.
- ◆ **Redevelopment and Community Redevelopment Agencies:** APA Florida supports statutes and rules that promote redevelopment of places suffering from blight, decay or economic decline. Some areas of the state contain vast antiquated subdivisions that now need new and better forms of development patterns. Infill development and redevelopment of decayed or abandoned properties often can result in a mix of land uses, essential services and new water management systems needed for community sustainability. While protecting private property rights, the need for eliminating and preventing decay and blight is paramount to the economic viability and vitality of our state and our ability to grow and create jobs. APA Florida supports initiatives that promote quality urban development and redevelopment within our cities, especially new statutory and regulatory incentives for projects that involve infill development, job creation, and economic development.

Furthermore, APA Florida supports legislation that preserves the home rule powers of local governments to create and effectively use community

redevelopment agencies to redevelop and revitalize their declining 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 and, to that end, supports current mechanisms for cities and counties to negotiate, establish, operate, and fund Community Redevelopment Agencies.

- ◆ **Referenda for Comprehensive Planning:** APA Florida believes the use of referenda is neither an effective growth management tool nor a means for effective citizen participation in the community planning process. APA Florida strongly opposes measures that would require referenda for local comprehensive plan amendments. APA Florida supports local government authority to fund and implement sound planning practices and opposes preemption of this authority by referenda. 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.
- ◆ **Regional Boundaries:** Improved regional integrated planning for jobs creation and economic development, integrated and efficient transportation systems, and environmental resource management would result in more efficient and strategic selection of infrastructure improvements and the associated allocation of fiscal resources. APA Florida opposes changes to regional jurisdictional boundaries unless a compelling rationale can be demonstrated, such as achieving more effective regional governing structures or intergovernmental coordination. APA Florida believes that effective coordination and cooperation among Florida's regional entities can be accomplished under the existing structure. Instead of re-drawing boundaries, the Legislature should promote regional cooperation by supporting and funding regional visioning and regional planning initiatives.
- ◆ **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 Lands:** APA Florida recognizes that Florida's rural lands require long-range planning for sustainability, opportunities for economic development and diversification, and supports efforts to preserve and protect Florida's scenic, natural and environmentally significant areas. Such sustainable planning must achieve the following: 1) protect environmentally valuable lands and resources; 2) maintain and enhance the economic viability of agricultural and other predominantly rural land uses; 3) promote economic diversification while reducing premature urban conversion; 4) allow limited future development in appropriate locations using a compact mixed-use form that pays particular

attention to compatibility with surrounding rural lands; and 5) provide cost-efficient delivery of public facilities and services.

APA Florida also supports the continued use of rural land programs, conservation easements and other incentive-based initiatives to preserve agriculture and rural lands and to help plan for future growth outside urban areas.

- ◆ **Schools:** APA Florida supports the provision of adequate school facilities to serve the existing and projected student population in Florida. Toward this end, the adoption and implementation of programs that provide for coordinated planning between local governments and school districts for school siting, construction and supporting infrastructure and the sharing of growth, development and demographic data will advance this goal. APA Florida supports efforts to maximize the co-location and joint use of both schools and public/civic facilities to serve the community. APA Florida supports legislation and rules that expand the ability of the Department of Education and local school districts to be more proactive in the acquisition of land and construction of schools and to explore and develop new or expanded funding sources to address the need for additional school capital facilities. APA Florida also supports revitalization and expansion of older schools in urban areas and adequate funding to support this effort.
- ◆ **Sound Planning:** APA Florida believes that sound planning is the foundation for the economic growth and stability of communities. APA Florida supports a fully-funded integrated state growth management program established in state statutes and rules. APA Florida can support changes to the program which promote effective planning and which streamline, improve and integrate current planning processes without sacrificing accountability on the local, regional and state scale. This includes the following concepts: fiscal impact analysis used as part of a sound planning program; the update and re-adoption of a State Comprehensive 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.
- ◆ **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 in accordance with Article III, Section 19(h) of the Florida Constitution, to officially designate it as the "state planning document" 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.

- ◆ **Sustainability:** Economic, environmental and social issues are interdependent and integrated. Effective and efficient optimization of scarce natural resources provides sustainability to human life and, in most cases, viability to rural/agricultural living. Additionally development within environmentally sensitive areas often raises financial, health and safety issues. A sustainable community is one that persists over generations, enjoying a prosperous economy, healthy environment, a balanced mix of land uses, disaster resiliency and vibrant civic life. APA Florida supports the incorporation of new community and redevelopment practices, standards, policy regulations, and measurable outcomes that balance the impact of the built environment on natural ecosystems, minimizes impacts to surrounding rural lands or water bodies, enhances natural biodiversity, and incorporates wise use of all resources to provide proper infrastructure and services. APA Florida strongly encourages and supports using a combination of sustainable and smart growth incentives and regulatory frameworks to mitigate problems caused by climate change and wasteful energy consumption, as well as fostering the redevelopment and revitalization of urban areas and local hazard mitigation and post-disaster redevelopment planning.

- ◆ **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:** Sustained economic development and job creation requires an efficient, interconnected, multi-modal network of transportation facilities including port, waterway, aviation, rail, highways, transit, trails, bicycle, and pedestrian modes of 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, local and regional government authority to fund and implement recurring revenue sources for the ongoing operations and development of multi-modal transportation systems that promote mobility for people and goods, coordinated transportation and land use initiatives that promote transportation modal-choice and the reduction of vehicle miles traveled, including the implementation of multi-modal level of service standards, and the use of vehicle miles traveled versus trips to measure development impacts.

- ◆ **Trust Funds:** APA Florida supports the integrity of all Trust Funds for their stated use.

- ◆ **Urban Policy:** APA Florida supports policies and programs 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. APA Florida supports legislation that promotes quality urban development and redevelopment within

our cities, especially new statutory and regulatory incentives for projects that involve infill development, job creation, and economic development.

- ◆ **Water Resource Protection:** Residential, commercial, industrial, agricultural, recreational, and other miscellaneous uses require fresh water. In return, land use change affects both water quality and quantity. Pollutants that are discharged directly or indirectly into water bodies affect living organisms and ultimately human population. Fresh water supplies are decreasing. APA Florida therefore supports planning efforts which seek to conserve water resources and provide for an adequate supply of water resources for all existing and future uses, while protecting and maintaining quality of water resources and related natural systems.