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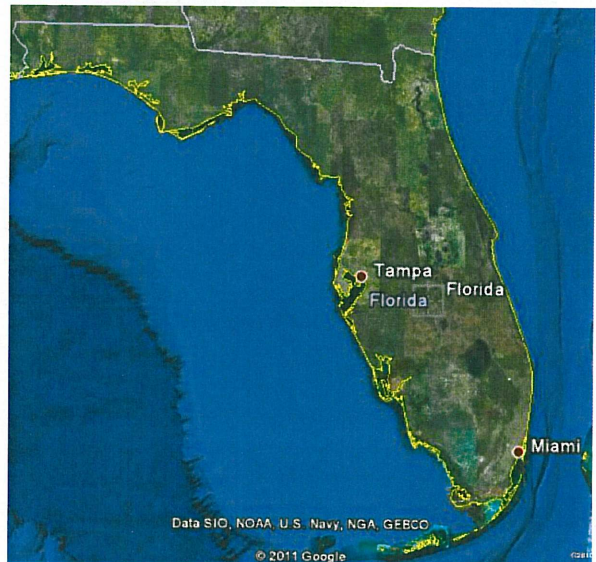
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Land Use Bulletin

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Florida's New Community Planning Act

On June 2, 2011, Governor Rick Scott signed into law House Bill 7207 resulting in the most significant changes in Florida's growth management legislation in 25 years. This legislation amended the name of the Act from the "Local Government Comprehensive Planning and Land Development Regulation Act" to the "Community Planning Act", and the name reflects the shift in growth management control from State oversight to local governmental control of the planning and growth management process.



The State's new role is intended to focus on "protecting the functions of important state resources and facilities." Notably, the Act's purpose is to now "manage future development consistent with the proper role of local government," versus the Act's prior purpose which was to "control future development."

Some of the most significant changes to the State's growth management laws are as follows:

- Concurrency becomes optional for local governments relating to parks and recreation, schools and transportation facilities.
- The expedited comprehensive plan amendment process is now a statewide process.

- The twice a year limitation on comprehensive plan amendments has been eliminated.
- The small scale plan amendment process has been revised.
- The comprehensive plan evaluation and appraisal process will include a less formal review.
- Development of Regional Impact (DRI) guidelines and standards thresholds have changed for several uses.
- At a developer's option, all commencement, phase, buildout and expiration dates for valid DRI's are extended for four (4) years, regardless of any previous extensions. A developer must notify the local government in writing by December 31, 2011 to receive the extension.
- An extension of permit approval for an additional two (2) years for any permit extended under Section 14, Chapter 2009-96 is provided, for a total of four (4) years if the holder of permit notifies the authorizing agency in writing by December 31, 2011.
- The Act eliminates any future "Hometown Democracy" scenario as it prohibits any initiatives or referendums on a development order or comprehensive plan amendment.
- It extends the available term of a Chapter 163 Development Agreement from twenty (20) to thirty (30) years.
- Planning innovations are encouraged to address future development areas.

These changes should provide local government with more control of their own growth management functions and destinies. In addition, they should also assist the State in its economic recovery by eliminating expensive, time consuming State review processes, which will encourage and facilitate new development.

If you would like additional information on these changes or any land use matter, please contact our firm at (813) 223-5050 or mbentley@bentleylawfirm.net