

A historical map of a city grid, likely from the early 20th century, serves as the background. The map shows a dense network of streets, with some areas labeled 'RESERVED' and others 'BUSINESS AREAS'. A large green rectangular overlay is centered on the map, containing the text '1000 FRIENDS of FLORIDA' in white serif font. The number '1000' is in a larger font size than the words 'FRIENDS' and 'of FLORIDA'.

1000 FRIENDS of FLORIDA

Growth management laws and process
SWCC Smart Growth Forum
Wednesday, May 15, 2019



**Growth
management**

Florida's rules

**Opportunities
for citizens to
participate**



**Growth
management**

disinvestment
in cities

sedentary
lifestyles

segregation by
income & race

loss of geographic
identity

escalating cost of
local government

loss of
wilderness

placeless
sprawl

one integrated
land use problem

inability to
walk

automobile
dependence

Unsustainable
water use

loss of
farmland

traffic
deaths

Build better communities



- allow mixed-use development
- design for people, not cars



- preserve history
- provide great public spaces



- invest in efficient transit
- focus on design that makes walking safe

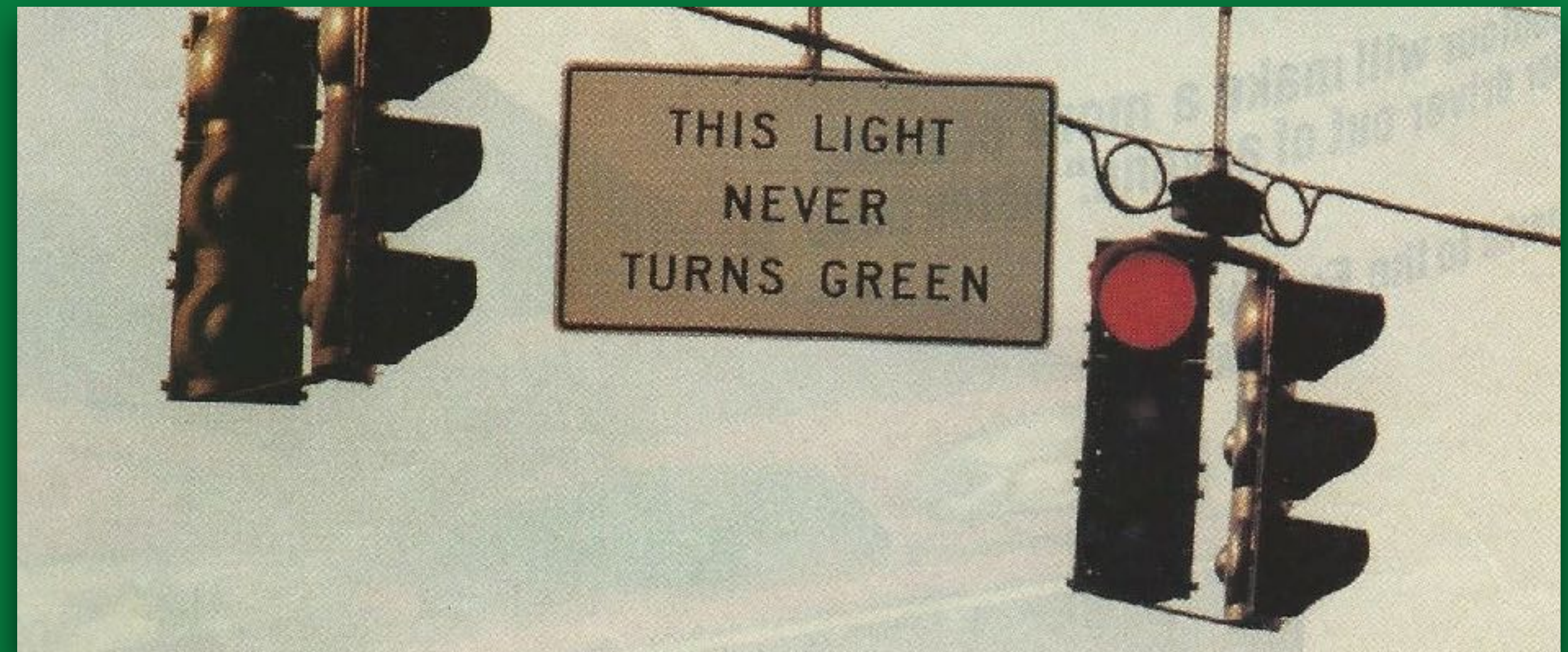


Benefits from compact development

- Conservation of agricultural, rural, and environmental land
- Lower costs for taxpayers
- More transportation options

We can't afford the roads

- Florida's cities need \$126.4 billion in unfunded transportation capital investment through 2035.
- Between 1997 and 2012, the shortfall grew by a cumulative 300 percent.



Three tests for good urbanism

1. Would you choose to walk?
2. Would you choose to walk?
3. Would you choose to walk?











Florida's rules



Compliance

&

Consistency

Compliance

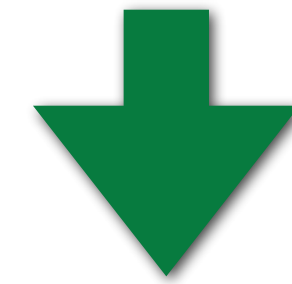
- Requirement that local government comprehensive plans **comply** with minimum standards set by state law
- Primary enforcement by State of Florida
- Citizens may also petition for review

Consistency

- Requirement that all local government development orders be **consistent** with the applicable comprehensive plan
- No state enforcement
- Only enforcement is by citizens using Florida Statutes section 163.3215

Community Planning Act

Standards for growth management in ch. 163,
Florida Statutes



Compliance

Local government comprehensive plan

Local plan for growth



Consistency

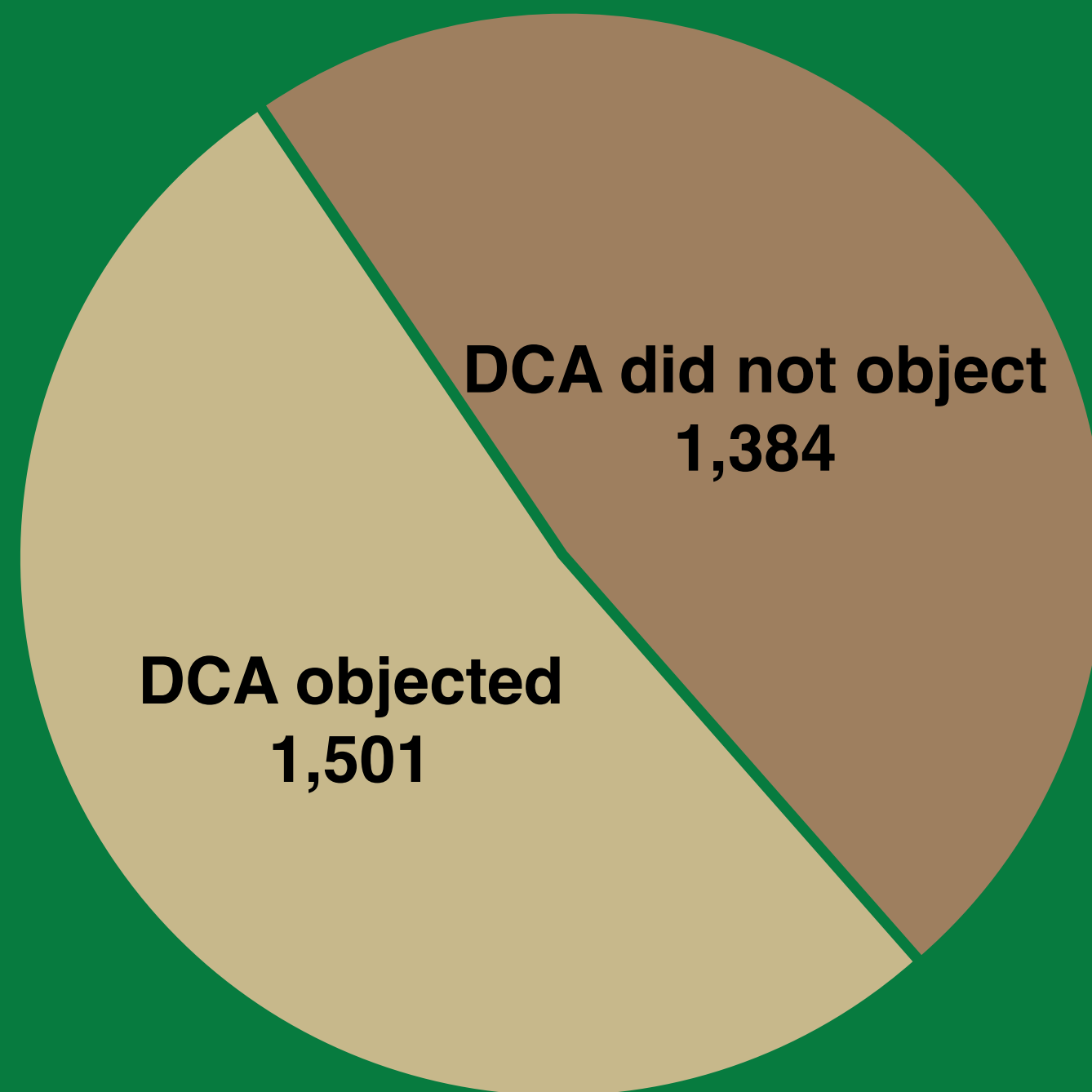
Development orders

Decision whether to approve development

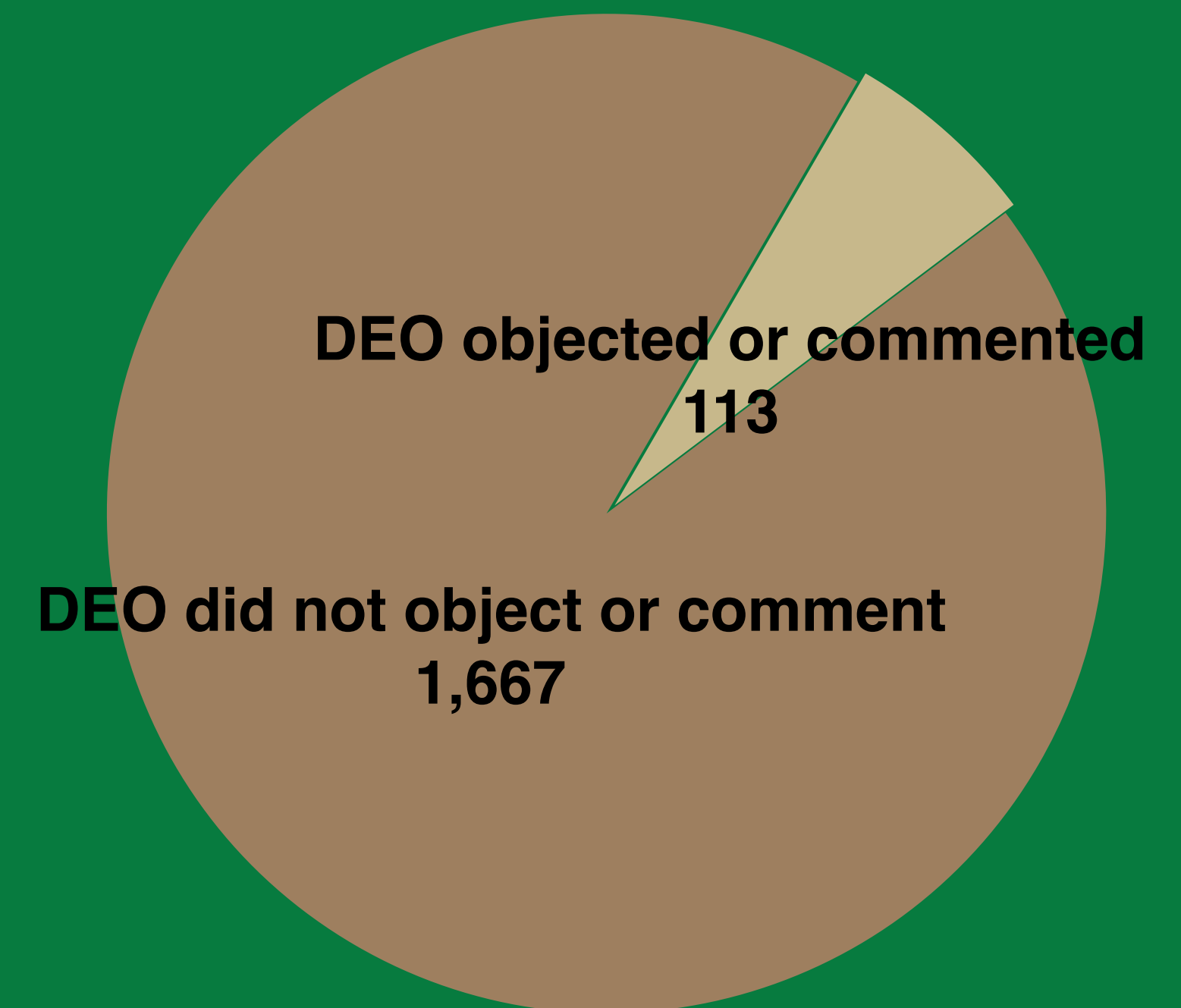
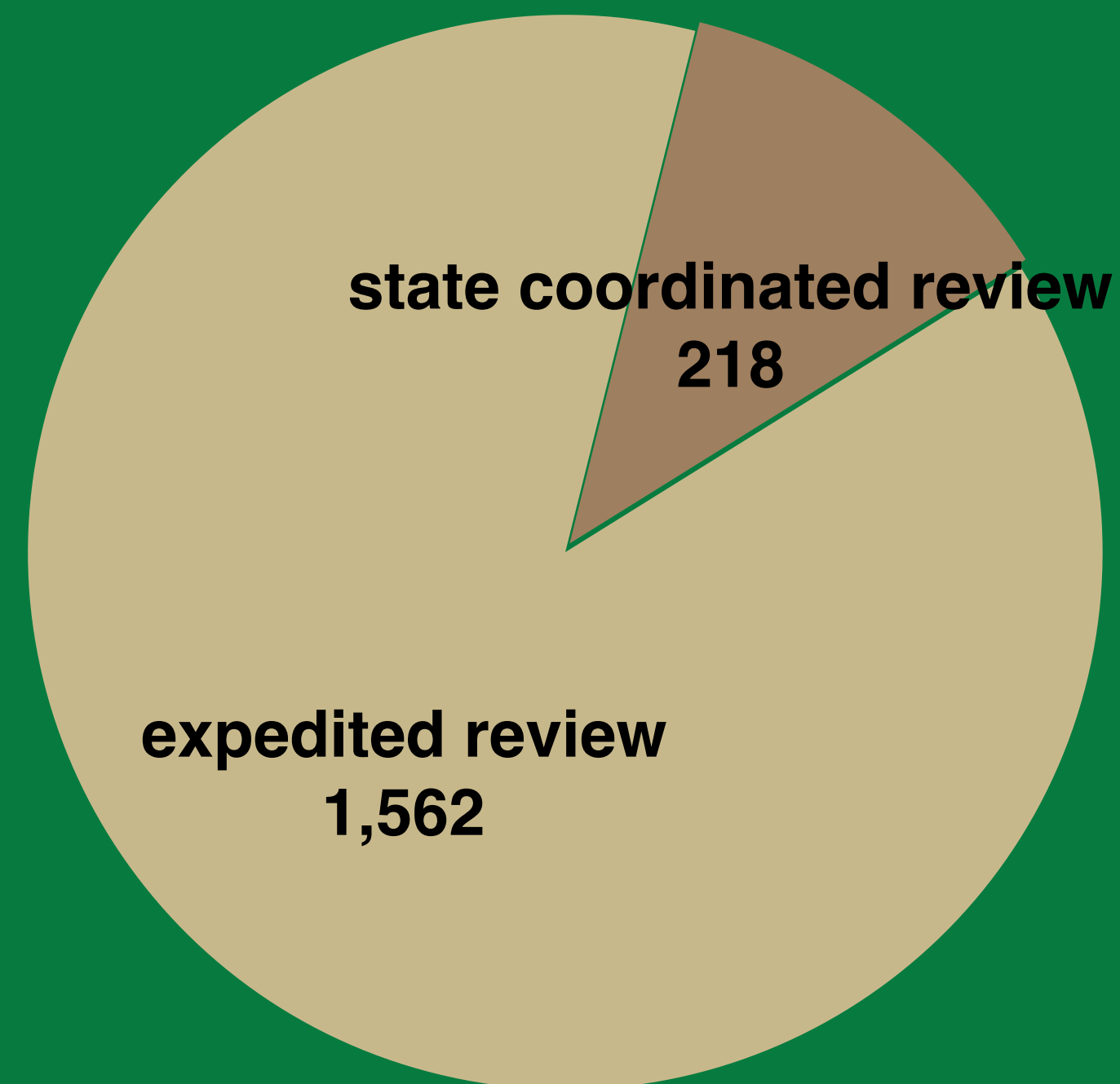


Compare DCA and DEO

How DCA reviewed
comprehensive plans
from 2006 to 2010



How DEO reviewed comprehensive plans
from 2011 to 2016





The Local Government Comprehensive Planning Act of 1975
“failed to provide state government with any *teeth* to enforce
effective local government planning.”

— *Richard G. RuBino and Earl M. Starnes, in Lessons Learned*

Origins of consistency challenge

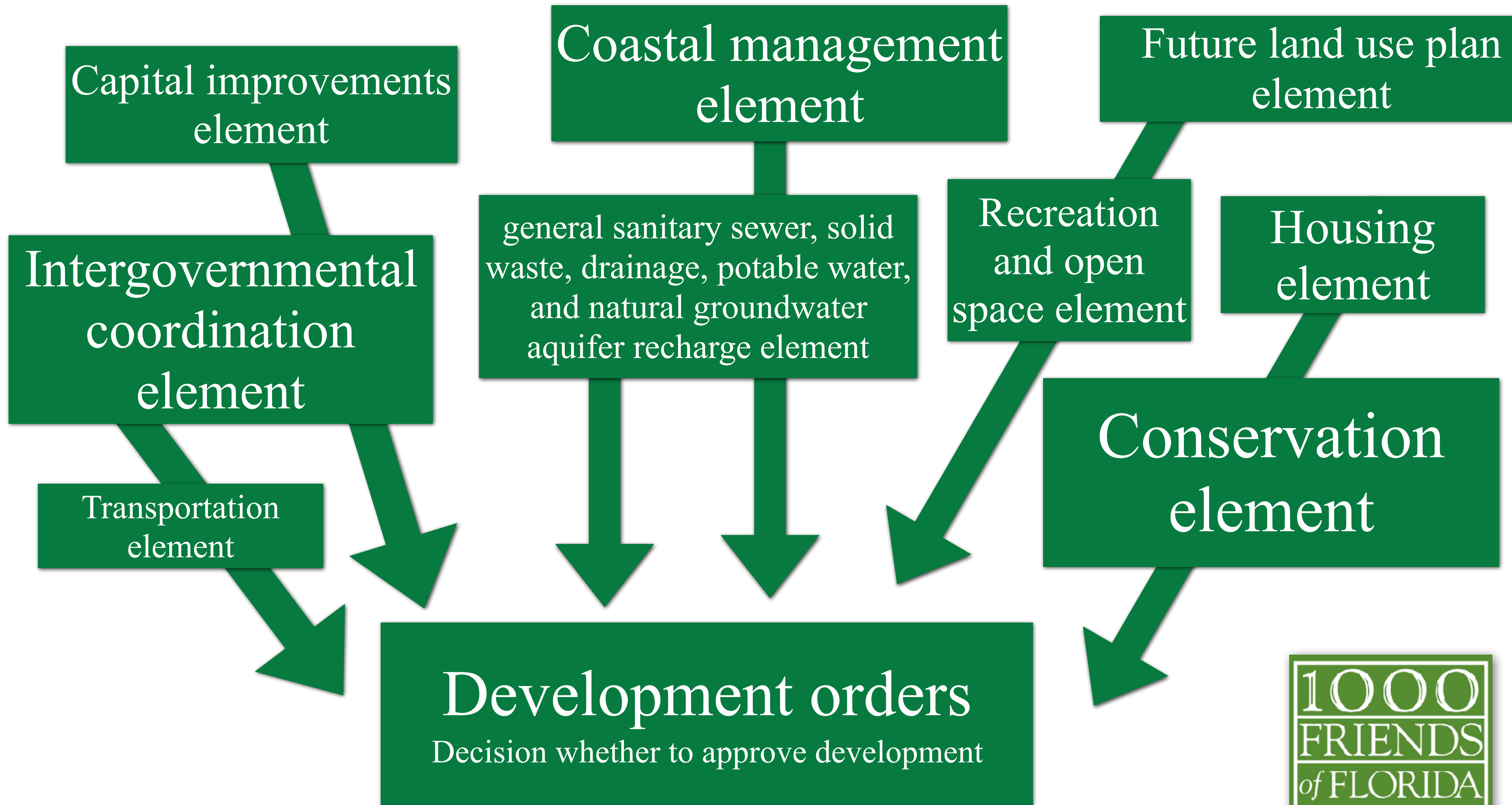
[C]itizens ... have a legally recognizable expectation that local government decisions that affect them will be consistent with the public policy expressed in the local comprehensive plan. Otherwise, public participation in the planning process may be rendered meaningless by a series of decisions in ordinance or development orders that do not comply with the plan.

Final Report of the Environmental Land Management Study Committee (ELMS II), 24-25 (Feb. 1984).



Courts limit consistency challenge

- Affected party may only challenge consistency on the basis of use, density, and intensity. *Heine v. Lee County*, 221 So.3d 1254, 1257 (Fla. 2nd DCA 2017).
- Followed in Third District in unpublished opinion. *Cruz v. City of Miami*, Case No. 3D17-2708 (Fla. 3rd DCA 2018).
- Followed by trial court in First District. *Imhof, et al. v. Walton County*, 18-CA-000012 (Fla. 1st Cir. Ct. 2018).





Legislature limits consistency challenge

- House Bill 7103 would require losing parties in comprehensive plan enforcement litigation to pay the prevailing party's attorney fees.
- Florida Statutes section 57.105(1) already provides for the award of attorney fees to discourage unsupported claims. Florida Statutes section 163.3215(6) already provides for the award of attorney fees in consistency challenges when landowners or residents file the lawsuit for an improper purpose.
- Still time to call Governor DeSantis!**



**Opportunities
for citizens to
participate**

Speak
directly to
elected officials

Do your homework

Build coalitions



Citizen Planning Bill of Rights

1. The right to shape changes to your neighborhood, community and region
2. The right to a process free of last-minute changes
3. The right to a supermajority vote on major decisions
4. The right to more easily challenge decisions made by your local government
5. The right to be free of fear of unwarranted legal retaliation





Build relationship
before and after
election

Meet in person

Speak by phone

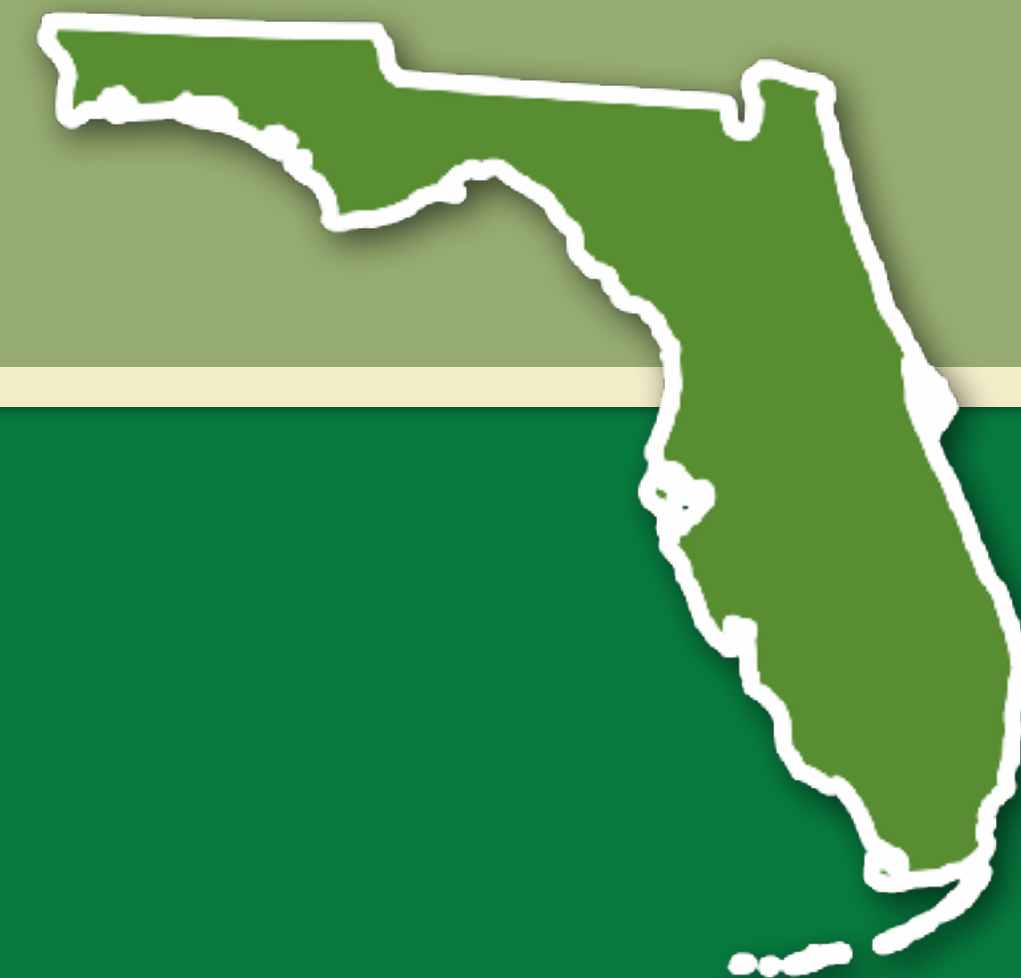
Send email

Online
petition

Attend meeting



It's about democracy!



- Neighborhood associations, community groups, and civic organizations
- Candidate forums
- Take positions
- Speak with one voice
- Spread the word
 - Social media
 - Letters to the editor
- Focus on long term
- Vote!

Thank you for attending!

