Comprehensive Planning/Growth Management Statement

According to the Florida governor’s office, Florida is one of the fastest growing states in the country. Managing that growth will be key to maintaining the quality of life that people seek when moving there. In May 2002, Florida enacted SB 1906 to increase cooperation among local governments, school boards, developers and other agencies on community growth and planning, and addresses school facility coordination and capacity issues. The new legislation requires county and city governments, as well as school boards to join into “inter-local agreements” to plan for future growth. These agreements will allow for a more coordinated and active approach to school planning. They will maximize local opportunities to address school needs, provide for better sharing of information about school renovations and closures, and share school, county or city facilities. Through these agreements, local agencies will also work together to better address population projections and local emergency officials will also be better able to identify additional emergency shelter space within schools.

A Florida legislative staff report indicates that this Act also makes available to owners, developers, and applicants the same methods available to third parties to appeal and challenge the consistency of a development order with a local comprehensive plan. The bill allows local governments to establish a special master process to address quasi-judicial proceedings associated with development order challenges. If a local government establishes such a process, the bill provides that the sole method by which an aggrieved and adversely affected party may challenge any decision of a local government granting or denying an application for a development order, which materially alters the use or density or intensity of use on a particular piece of property, on the basis that it is not consistent with the comprehensive plan is by a petition for certiorari filed in circuit court no later than 30 days following rendition of a development order or other written decision of the local government, or when all local administrative appeals are exhausted, whichever occurs later.

If a local government enacts a special master process, third parties would lose their right to a “trial de novo.” Instead, third parties, as well as owners, developers, and development order applicants’ right to appeal would be by certiorari review. If a local government does not establish a special master process consistent with the requirements of the bill, then all aggrieved or adversely affected parties, including third parties and owners, developers, and applicants for development orders, would have the same right to maintain an action for declaratory, injunctive or other relief against any local government to challenge any decision of local government granting or denying an application for, or to prevent such local government from taking any action on, a development order which materially alters the use or density or intensity of use on a particular piece of property which is not consistent with the comprehensive plan.