

# **2011 Growth Management Law Changes: City Impacts**

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## 2011 Growth Management Law Changes

- How plans became law
- Why the massive changes?
- What are the changes?
- Where does that leave Florida cities?

## How Plans Became Law

- Florida has had four major land booms
- Three occurred with little or no planning
- The 1960s and the defeat of pork chop rule
- People lost trust in local government

## Four Florida Booms

- Post Civil War Frontier Boom
- Cocoanuts – The Roaring 20s Florida Boom
- Post World War II Boom
- The Fourth Florida Boom – Subprime in the Sunshine State

## Frontier Florida and Pioneer Florida Developers

- Land rich, cash poor state with third-world education system
- Will trade land for cash at good rates
- Will trade land for inland canals
- Will trade land for railroads
- Florida farmers get the shaft
- 19<sup>th</sup> century “robber barons” make out like bandits
- Beginnings of “pork chop” small-county power bloc vs. everybody else

## The Cocoanuts – The Second Boom

- The car comes to Florida
- First state highway map dates to 1917 – US1, the “Dixie Highway”
- The birth of “sprawl”
- Tin can tourist camps
- AAA – trade organization that lobbies for roads

# And Now, In the Center Ring, It's... The Promoters

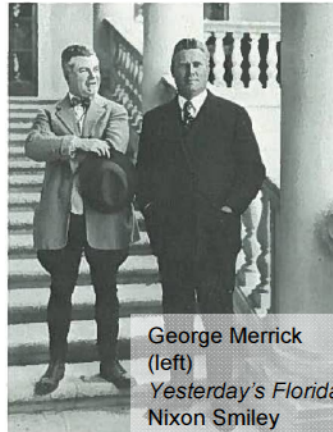
- John Ringling
- Carl Fisher
- George Merrick
- "Doc" Davis
- Charles Ponzi



Source:  
<http://www.ringling.org/About2.aspx?id=108>



Carl Fisher  
*Yesterday's Florida*  
Nixon Smiley

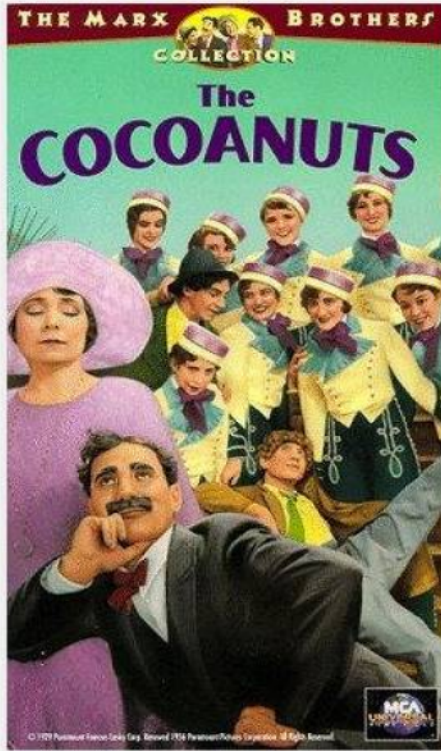


George Merrick  
(left)  
*Yesterday's Florida*  
Nixon Smiley



Credit: Boston Public Library/Print  
Department/From "Ponzi's Scheme"

# Marx Took a Different View

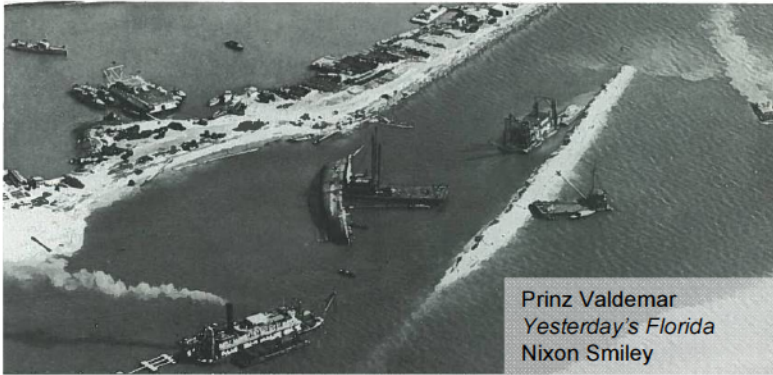


Source: <http://www.imdb.com/title/tt0019777/mediaindex>



## It Had to End

- The sinking of the Prinz Valdemar blocked Miami Harbor, January 10, 1926
- Railroads only shipping food; no building supplies
- Hurricane of 1926 burst the bubble



## It Had to End continued...

- Massive lot buyer defaults
- Matched by the Great 1929 Stock Sell-Off
- Groucho & Harpo were wiped out by margin calls
- “All I lost was \$240,000. I would have lost more but that was all I had.”



After 1926 hurricane  
*Yesterday's Florida*  
Nixon Smiley

# Depression

- 42 cities are abolished, dissolved, or abandoned by 1935 to avoid bonded indebtedness
- Florida hits bottom
- “Bone-dry” prohibition tossed to begin raising tax revenue
- Not until WWII do things begin to recover
- The “Boom” did indeed have an end
- Ball vs. Pepper: Timber, railroads, and banks

Source: Oil on canvas, Marshall Bouldin III, 1985, Collection of U.S. House of Representatives



## Post WWII Boom – Why?

- Military Bases – Jacksonville, Tampa, Pensacola, Orlando, panhandle
- A/C
- Turnpike
- Interstate highways
- Rebirth of tourism
- Space race
- Disney

# Mega Developers

- Mackles
- Rosens
- I.T.T.



Jack Rosen

Source: <http://www.news-press.com/article/20091121/SS23/91120070/Influential-locals-Jack-and-Leonard-Rosen>



Leonard Rosen

Source: <http://www.news-press.com/article/20091121/SS23/91120070/Influential-locals-Jack-and-Leonard-Rosen>



Elliott, Robert and Frank Jr. Mackle

Source: [http://www.themacklecompany.com/femjrstorypublic/personalstories/his\\_brothers.htm](http://www.themacklecompany.com/femjrstorypublic/personalstories/his_brothers.htm)

## The “New Communities”

- GAC (Rosens)
  - Golden Gate Estates
  - Cape Coral
  - River Ranch Acres
  - Barefoot Bay
  - Poinciana
- GDC (Mackles)
  - Port Charlotte
  - Port St. Lucie
  - Port Malabar
  - Port LaBelle
- Deltona (Mackles)
  - Deltona Lakes
  - Marco Island
  - Spring Hill
  - Citrus Springs
  - Sunny Hills
  - St. Augustine Shores
  - Marion Oaks
- Others
  - Winter Springs
  - Coral Springs
  - Palm Coast
  - Wellington

## **Local Government's Inability to Regulate Mega Developments Leads to Comp. Plan Mandate**

- 1969 Act authorizes comprehensive land use plans
- 1975 LGCPA mandates plans but doesn't subject local land use decisions to plan
- 1984 West Palm Beach case

## **The Big Change—The Local Government Comprehensive Planning and Land Development Regulation Act of 1985 (85-55, Laws of FLA.)**

- All local governments have to adopt plans
- All plans have to contain certain essential elements
- DCA must declare all plans “in compliance” subject to administrative and judicial review



## The Big Change continued...

- After adoption, all development must be consistent with the plan, including regulations and orders
- Local government land regulatory authority declared subservient to the comprehensive plan
- Public participation to the fullest degree possible

## 1985 Law Ushers in Era of “Compliance Determinations”

- Lengthy
- Complicated
- Controlled by Pelham & 9J-5
- Millions of dollars in consulting and legal fees

## The 1993 Amendments

- Mounting complaints from local governments and private citizens
- A wary legislature
- Proposed sunset of the RPC's
- The Elms III Committee
- The Elms II Bill
- Compromise

## 1994-2006 No New Direction

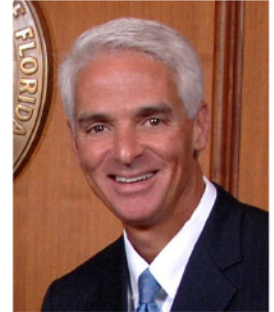
- Increasingly complex
- RPCs “replaced” with WMDs and DOT
- Concurrency tightens
- Tallahassee decisions increasingly criticized
- DCA “leadership” begins to falter
- Plans as law becomes totemic and virtually untouchable

## Why Did It Happen?

- Hometown democracy
- Pelham's second term
- Crushing Regulatory Costs
- 2008 Recession
- 2010 Election

## Crist and Pelham

- “Blank check”
- Brought back “needs” guru Pennock
- Used pending amendment four as excuse to implement scorched earth policies



## “DCA” Becomes “DPW”

- Pelham’s way
- Personal whim
- Hammer rural counties
- Hammer legislature
- Hammer cities
- Hammer anyone who stood up to him

## The Great Recession of 2008 Brings Political Change

- State economy based on real estate and tourism implodes
- Unemployment rates not seen since Great Depression
- Government tax projections crater
- Florida's retiree population swings for candidate promising the most radical tax cuts
- Amendment 4 crushed
- Conservative Republicans seize Capitol



## It's A "New" Day

- Scott seizes control
- Pelham gone
- DCA gone
- HSR gone
- Even airplane gone



## Florida Conservatives Rewrite Plan Law

- Chamber and business lobby and FLC combine
- By session's end, bill balloons to 349 pgs
- Changes unthinkable in 2010 become no big deal in 2011

## What The Cities (and Counties) Got

- Elimination of local referenda
- Virtual elimination of State planning oversight on everything but:
  - USA changes
  - Sector Plans
  - EAR based amendments
  - Areas of critical state concern
  - Rural land stewardship areas
  - Plans for new cities
- Expedited review for state and regional issues
- No more:
  - EAR sufficiency
  - ORCs
  - CIEs in plan
  - Financial feasibility
  - Twice a year limit
  - DCA

## But That's Not All....

- 9J-5 repealed, rule power stripped
- Sprawl rule softened and converted to statute
- Concurrency optional
- Restoration of fairly debatable standard
- JPAs made independent of comp plans

# What the Developer's Got

- No need to show need
- Concurrency now optional
- More favorable assumptions for proportionate share deals
- Substantive plan and requirements significantly removed
- Big projects easier to approve
- DRI exemptions for industrial projects, hotels, mines, DULAs
- Relaxed DRI aggregation rule
- 180-day adoption process
- State agency comments limited – no more DoT / WMD “piling on”
- More planning period flexibility
- Repealed climate change mandate
- DRI and permit extensions

# Comp Plan Litigation Will Change

- Effected person must file in 30 days from adoption
- DCA cannot intervene
- DCA can only challenge expedited CPAs based on adverse impact to important state resource or facility within 30 days
- DCA gets 45 days for other CPAs
- Third party? Fairly debatable
- DCA? Preponderance of evidence
- State resource flash facility? Clear and convincing evidence
- No more DCA civil suits

## Was It:

- Redux?
- Reform?
- Home rule?
- Payback?
- Delete?
- End of an Era?

## Where Does that Leave Florida Cities?

- Pendulum swing
- But still have housing oversupply
- Still have high unemployment
- DCA gone, but no scapegoat either
- Land use practice area severely reduced
- Press hates it but conservative Republicans could care less what press thinks



## The Future

- Only 67,000 votes put Scott in office
- Pendulum bound to swing back
- Unlikely that any lasting harm will befall Florida's environment
- But conservative Republicans will still have to confront lack of new jobs
- Meanwhile, it's back to 478 different interpretations

STEVEN SPIELBERG Presents

# BACK TO THE FUTURE THE FUTURE

a ROBERT ZEMECKIS Film

He was never in time  
for his classes...

He wasn't in time  
for his dinner...

There was day...  
he wasn't in his  
time at all.



"BACK TO THE FUTURE" Story by MICHAEL J. FOX  
CHRISTOPHER LLOYD · LEA THOMPSON · CRISPIN GLOVER  
Directed by ROBERT ZEMECKIS & BOB GALE Music by ALAN SILVESTRI Edited by BOB GALE Produced by NEIL CANTON  
Produced by STEVEN SPIELBERG · KATHLEEN KENNEDY · FRANK MARSHALL  
Directed by ROBERT ZEMECKIS A UNIVERSAL PICTURE

