

SIERRA CLUB ALERT

SITUATION:

The Department of Community Affairs (DCA) is the agency that balances the competing objectives of local governments, development interests, the preservation of natural resources, and citizen participation in the planning process. Shunting it into another agency with no experience or background in land use issues is a recipe for failure. DCA must remain autonomous and independent to carry out its role in implementing Florida's Growth Management and Environmental Land and Water Management Acts.

DCA has been a thorn in the side of developers and their allies in the legislature for years. The Department is responsible for enforcing the growth management laws of Florida and has been the cause of the denial of bad comprehensive plan amendments and projects. As a result, the agency has been subjected to budget cuts over the past few years. Now the agency is threatened with being merged into the Department of State which is responsible for elections, libraries, and maintaining the history and records of Florida.

Legislators in the House have alleged that DCA does not have a lot to do right now because of the housing slump. This is not true. Comprehensive plan amendments are coming in for review steadily and some of them are huge projects. Examples are the 100,000 home Destiny project in Osceola and a 6,000 acre Ormond Beach project.

Environmental permitting is not the cause of the recession and neither is excess regulation. The regulations and permitting requirements are the same as during the recent economic and development boom.

The recession and its impact on Florida is largely due to a speculative housing bubble, the sub-prime mortgage crisis, and ensuing bank failures. The resulting credit crunch caused turmoil in the manufacturing and retail sectors which led to increased unemployment and reduced consumer spending. None of these problems were caused by excess or duplicative regulation by the Department of Community Affairs which is now squarely in the crosshairs of the House and Senate.

ACTION NEEDED!

Please compose your own message from the talking points below and either phone or email the Representatives listed below ASAP!

Include your local perspective. Inform the Representative or aide of bad projects avoided or projects that were improved because of DCA's intervention.

If you send an email, put "Preserve DCA agency status" in the subject line. That way, the aide will see your basic message even if the email is deleted. (A phone call or visit is a surer way to convey your message.) Remember to be friendly and polite.

TALKING POINTS:

What is DCA?

The Department of Community Affairs (DCA) is designated by law as the state's land planning agency. It consists of:

- Division of Community Planning
- Division of Housing and Community Development
- Division of Emergency Management.

The Division of Community Planning is the target of the development community and their allies in the legislature because they are the growth management police

The Division of Community Planning works with local governments to ensure Florida's Growth Management Act (Chapter 163 F.S.) is followed. The Act covers land use and development, coastal zone management, water supply, transportation, public schools and multi-jurisdictional planning. The policies embedded in the Act make possible a sustainable higher quality of life than would occur under policies dictated solely by short term profits.

DCA has the authority to challenge comprehensive plan amendments if they do not comply with statutory requirements. When an amendment is challenged by DCA or an affected party, the matter is referred for an administrative hearing. If DCA is eliminated or weakened, land use decisions that change densities and intensity of land use will proceed without anyone making sure they are in compliance with state policies.

DCA protects citizens' right to participate in the planning process that will affect them and their communities. DCA also enforces the legal rights of affected parties under the comprehensive planning program.

DCA is responsible for compliance with the state's Environmental Land and Water Management Act (Chapter 380, Part I, F.S.) The agency has authority under this Act to review Developments of Regional Impact (DRI) which have substantial effect on the health, safety, or welfare of citizens of more than one county.

Eliminating DRI review by the Department would mean there would be no effective state oversight of large scale developments that affect more than one local government and natural resources and public facilities of regional significance. Less well managed development would result in negative fiscal impacts on localities in the form of unnecessarily high demands for services and infrastructure that better planning would have avoided.

DCA's oversight of Areas of Critical State Concern including Big Cypress Swamp, the Green Swamp, the Florida Keys and the City of Key West, and the Apalachicola Bay Area is also authorized in Chapter 380. Weakening or eliminating DCA would mean the protections for environmental resources such as parks, wildlife refuges, rivers and estuaries, wildlife refuges, Outstanding Florida Waters, and aquifer recharge areas would be endangered because the review of comprehensive plans, land use regulations, and development permits would be compromised.

DCA also provides technical assistance to many local governments to help them improve their ability to comply with the Growth Management Act in the areas of involving citizens in the planning process, updating the Capital Improvements Element (CIE), and enhancement of the Waterfronts Florida Program. This assistance is especially important for small local governments, many of whom have either small or non-existent planning staff.