

The Local Government Comprehensive Planning Certification Program

Report 24-08

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OPPAGA

Office of Program Policy Analysis and Government Accountability

The Local Government Comprehensive Planning Certification Program

EXECUTIVE SUMMARY

The Legislature created the Local Government Comprehensive Planning Certification Program to reduce state and regional oversight of certified local governments and expedite approval of comprehensive plan amendments for participants. The program exempts certified local governments from regional and state oversight, including objections, recommendations, and comments from FloridaCommerce on proposed plan amendments.

Three local governments currently have program certification: the City of Freeport, the City of Lakeland, and a portion of Pasco County. Since the program's inception, only 5 of over 400 local governments have applied for certification. No new local governments have applied for certification since 2003. Program certification can also be achieved through legislative designation. The Legislature designated the City of Freeport as certified in 2006 and the Connected-City Corridor in Pasco County as certified in 2015.

Stakeholders reported that the Local Government Comprehensive Planning Certification Program was initially beneficial, but legislative changes—including an expedited review process for comprehensive plan amendments and an alternative process for developments of regional impact—have decreased the need for the program. Specifically, stakeholders reported that the statutory changes provide similar benefits to those offered by the program without completing an application and reporting process. Consequently, the program no longer served the needs of some certified entities. Stakeholders provided suggestions to improve program awareness and support but did not offer recommendations for statutory changes to the program. Given the low participation in the Local Government Comprehensive Planning Certification Program and legislative changes to comprehensive planning, the Legislature could consider eliminating the program.

REPORT SCOPE

As directed by the Legislature, OPPAGA reviewed the Local Government Comprehensive Planning Certification Program, including the advantages and disadvantages of the program for currently and formerly certified local governments.

BACKGROUND

Florida has a long history of establishing local comprehensive planning and growth management laws

The Legislature enacted the first land use planning programs in the 1970s. The Environmental Land and Water Management Act of 1972 created the Developments of Regional Impact (DRI) Program, which provides for increased oversight in the planning and approval of large developments that affect more than one county.¹ In addition, the Local Government Comprehensive Planning and Land Development Regulation Act of 1985 established a comprehensive planning process to address long-term issues such as environmental protection and economic development. The act required local government comprehensive plans to provide the policy foundation for local planning and land use decisions on capital improvements, conservation, intergovernmental coordination, recreation, open space, future land use, housing, transportation, coastal management (where applicable), and public facilities.²

The 1985 act designated the Department of Community Affairs (DCA) as the state land planning agency responsible for certifying whether local government comprehensive plans followed statutory requirements.³ DCA adopted detailed rules that set the minimum criteria for approval of plans and amendments. DCA had to approve the plans and any amendments before plans were legally effective, and the local governments could subsequently approve any development. To provide stability and predictability in the implementation of comprehensive plans, Florida law only allowed local governments to submit comprehensive plan amendments for review to the state land planning agency and other review agencies twice a year.⁴

Over the years, the Legislature established programs to expedite the comprehensive plan amendment review process. For example, the Legislature created the Local Government Comprehensive Planning Certification Program in 2002 to allow certified local governments to expedite the approval of comprehensive plan amendments by exempting them from state and regional oversight.⁵ Similarly, the 2007 Legislature created the Alternative State Review Process Pilot Program to provide an alternate expedited process for comprehensive plan amendments based on streamlined state agency review.⁶

Further, the Community Planning Act of 2011 substantially amended Ch. 163, Part II, *Florida Statutes*, to modernize Florida's growth management laws. The revisions incorporated the experience of local government planning efforts, streamlined processes, and removed provisions that delayed economic and urban development. Specifically, the act removed the twice-a-year limitation on local government adoption of comprehensive plan amendments and limited state review comments. The act maintained

¹ Section [380.06](#), *F.S.*, defines DRI as any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county.

² Section [163.3161](#), *F.S.*

³ In 2011, the Department of Economic Opportunity was formed from three previously existing entities, including the Department of Community Affairs. Chapter [2023-173](#), *Laws of Florida*, renamed the Department of Economic Opportunity the Department of Commerce.

⁴ The additional agencies included the Department of Environmental Protection, the Department of State, the Department of Transportation, and regional planning councils and water management districts. Other agencies included in the review process were the Department of Education (if the amendment affected schools), the Department of Agriculture and Consumer Services, and the Fish and Wildlife Conservation Commission (for county amendments); county governments (for municipal amendments); and the commanding officer of any affected military installation.

⁵ Chapter [2002-296](#), *Laws of Florida*.

⁶ Chapter [2007-204](#), *Laws of Florida*.

the Local Government Comprehensive Planning Certification Program and renamed the Alternative State Review Pilot Program process the Expedited State Review process and expanded the process statewide. This process is currently used for most comprehensive plan amendments.⁷ The act also established an alternative to the DRI program.⁸

The Local Government Comprehensive Planning Certification Program exempts certified local governments from certain comprehensive plan amendment processes

The Legislature established the Local Government Comprehensive Planning Certification Program to allow certified local governments more expediency and flexibility when responding to community needs. The Department of Commerce's (FloridaCommerce) Division of Community Development administers the program; FloridaCommerce is the state's land planning agency. The program exempts certified local governments from regional and state oversight, including objections, recommendations, and comments from the department on proposed plan amendments. To become certified, a local government must apply for certification or be designated by the Legislature. To apply for certification, a local government must submit its comprehensive plan, land development regulations, and interlocal agreements to FloridaCommerce. In addition, the local government must

- demonstrate a record of effectively adopting, implementing, and enforcing its comprehensive plan;
- demonstrate technical, financial, and administrative expertise to implement local government comprehensive planning without state oversight;
- obtain comments from state and regional review agencies regarding the appropriateness of the proposed certification;
- hold at least one public hearing soliciting public input concerning the local government's proposal for certification; and
- demonstrate that it has adopted programs in its local comprehensive plan and land development regulations that address specific concerns, such as promoting development, economic diversity, and intergovernmental coordination.

After FloridaCommerce approves a local government's application, the local government is required to establish a certification agreement with the department. This agreement outlines the boundaries of the certified area, baseline conditions of the area, and the criteria that will be used to evaluate the certification's effectiveness for achieving area community development goals. Local governments are certified for up to 10 years, after which the local government must renew the certification. Section 163.3246, *Florida Statutes*, requires certified local governments to provide annual or biennial reports to FloridaCommerce summarizing any adopted plan amendments. The department must also provide the Governor and the Legislature biennial reports that list the currently certified local governments, evaluate the effectiveness of the certification, and make recommendations for legislative actions.

⁷ Local governments and the state land planning agency must follow the state coordinated review process in s. [163.3184\(4\)](#), *F.S.*, for certain specific comprehensive plan amendments, such as new plans for newly incorporated municipalities. This process is similar to the expedited review process but provides a longer review period and requires all agency comments to be coordinated by the state land planning agency rather than communicated directly to the permitting local government by each individual reviewing agency.

⁸ Section [163.3245](#), *F.S.*, authorizes local governments to adopt sector plans into their comprehensive plans. Development within the geographic boundaries of a sector plan is not subject to Developments of Regional Impact review.

FINDINGS

Few local governments have participated in the Local Government Comprehensive Planning Certification Program since its inception

Since the Local Government Comprehensive Planning Certification Program's inception, only 5 of over 400 local governments have applied for certification. Of these, three cities received a certification and two did not receive certification. The cities of Orlando and Lakeland became certified in 2004, and the City of Miramar became certified in 2005.⁹ The City of Sarasota applied in 2003 but declined to participate in the program. Although current city staff were unable to provide information on the city's application, a 2007 OPPAGA report noted that the city declined to participate because it viewed the certification process as burdensome.¹⁰ The City of Naples also applied in 2003 but withdrew its application. OPPAGA contacted current city staff to request an interview but did not receive a response.

Other areas of the state became certified through legislative action. In 2005, the Legislature amended s. 163.3246(10), *Florida Statutes*, to consider a municipality certified if it was designated as a Rural Area of Critical Economic Concern and located within a county eligible to levy the Small County Surtax. The City of Freeport met these statutory provisions and was certified in 2006.^{11,12} In 2015, the Legislature designated the Connected City Corridor in Pasco County as certified through additional amendments to s. 163.3246(14), *Florida Statutes*.^{13,14}

As of May 2024, three local governments remain certified: the City of Freeport, the City of Lakeland, and a portion of Pasco County. (See Exhibit 1.) Program certification for the cities of Orlando and Miramar expired in 2014 and 2015, respectively. The City of Freeport will remain a certified community for the duration of its designation as a rural area of opportunity. The City of Lakeland is the only city to date that has renewed its certification, which it did in 2012 and 2024; its current certification expires in 2034. Pasco County's Connected City Corridor certification expires in 2025; county officials reported that they have not yet considered reapplying for certification.¹⁵

⁹ Lands within the Green Swamp Area of Critical State Concern are excluded from Lakeland's certification.

¹⁰ *Local Government Comprehensive Planning Program Has Limited Participation*, OPPAGA Report [07-47](#), December 2007.

¹¹ See Ch. [2005-157](#), *Laws of Florida*.

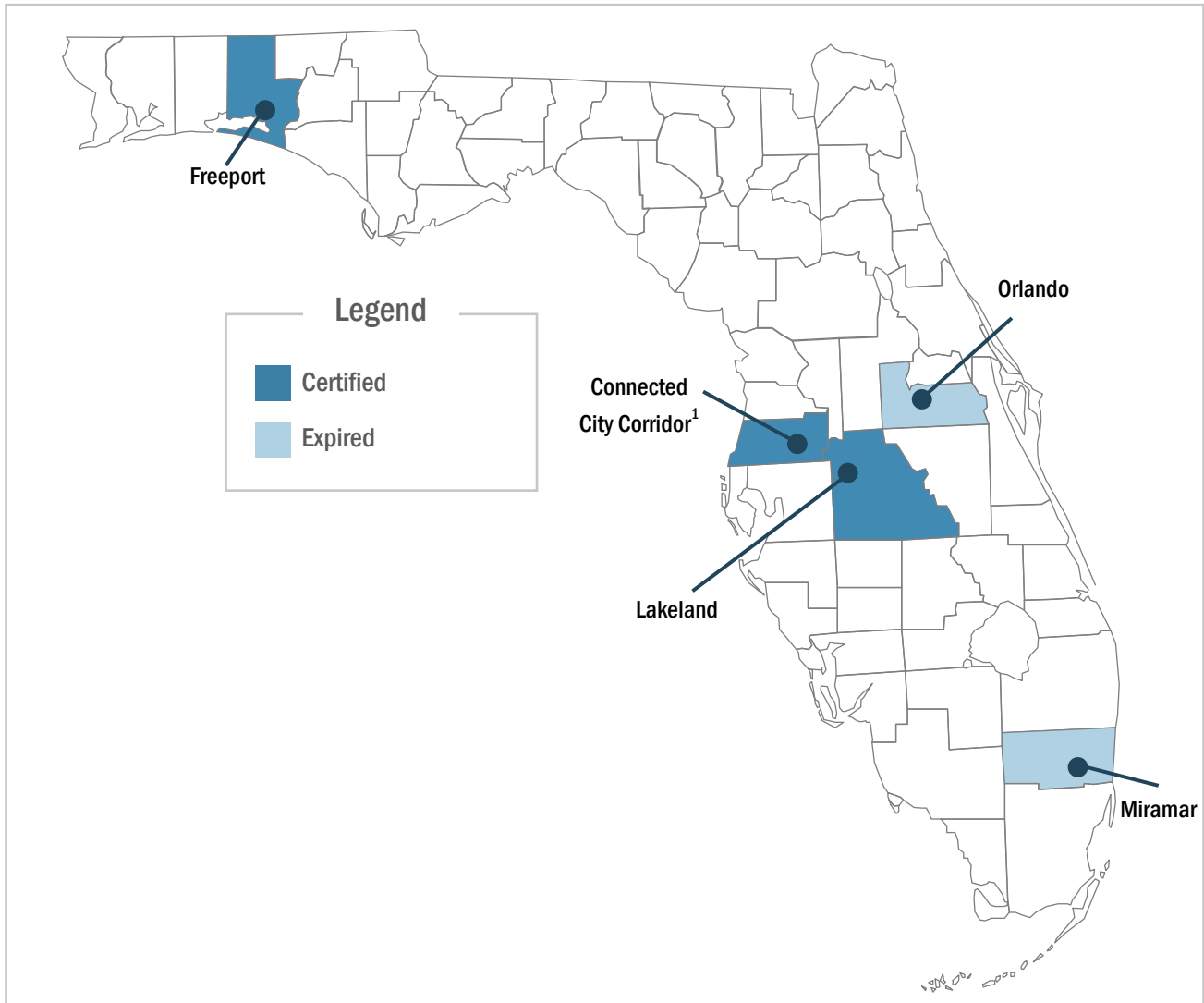
¹² Rural Area of Critical Economic Concern was renamed Rural Area of Opportunity in 2014. This term means a rural community, or a region of rural communities, designated by the Governor, which has been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster or that presents a unique economic development opportunity of regional impact. The Small County Surtax applies to each county that had a population of 50,000 or less on April 1, 1992. DEO notified the City of Freeport that effective January 1, 2006, it was a certified local government under the Local Government Comprehensive Planning Certification Program. Unlike the other certified local governments, the city is certified under s. [163.3246\(10\)](#), *F.S.*, and does not need to renew its certification every 10 years.

¹³ See Ch. [2015-30](#), *Laws of Florida*.

¹⁴ The certified portion of Pasco County is located along the I-75 corridor. This area is a pilot community known as the Connected City Corridor.

¹⁵ DEO and Pasco County did not complete the required certification agreement. Pasco County officials reported that the county did not need a certification agreement because such an agreement was not specified in s. [163.3246\(14\)](#), *F.S.* Pasco County officials also reported that certification has not significantly affected the Connected City Corridor's plan amendment process. The county has not submitted a comprehensive plan amendment since 2017.

Exhibit 1
Three Local Municipalities Currently Participate in the Local Government Comprehensive Planning Certification Program



¹ The Connected City Corridor is an area within Pasco County bordered by State Road 52 on the north and Interstate 75 on the west.
Source: OPPAGA analysis of Local Government Comprehensive Planning Certification Program reports.

Several factors may explain why more local governments have not applied for program certification. For example, several stakeholders that OPPAGA interviewed reported that low program participation may have been due to local governments being unaware of the program. In addition, some stakeholders reported that smaller communities may have lacked the staffing resources and technical knowledge to complete the application and satisfy reporting requirements. A 2008 Florida Senate report made similar conclusions, finding that the lack of participation was because local governments did not perceive sufficient benefits associated with the certification program compared to the lengthy process required for certification.¹⁶

In addition, program eligibility requirements could have hindered program participation. The Department of Economic Opportunity's (DEO) 2013 biennial *Local Government Comprehensive Planning Certification Program Report* noted that very few local governments had been able to meet the criteria required for program participation.¹⁷ The report also stated that the program had not been

¹⁶ *Local Government Comprehensive Planning Certification Program*, Florida Senate Interim Project Report [2008-111](#), October 2007.

¹⁷ Chapter [2023-173](#), *Laws of Florida*, renamed the Department of Economic Opportunity as the Department of Commerce, which does business as FloridaCommerce.

as successful as originally envisioned due to lack of participation and challenges for local governments in meeting certification criteria. The report recommended that the Legislature revisit the criteria for becoming a certified community to determine if changes were warranted.

Stakeholders reported that the program was initially beneficial, but legislative changes have decreased the need for the program

While program participation was low, certified entities reported that the Local Government Comprehensive Planning Certification Program was originally beneficial. For example, officials from currently and formerly certified local governments reported that the program streamlined the comprehensive plan amendment process and reduced approval time. These officials also reported that having the certification demonstrates that their governments had a strong comprehensive planning process, thereby making their localities more attractive to citizens and businesses. In addition, stakeholders reported that the certification supported area development and provided guidance for development while communities were growing.¹⁸

However, DEO noted in 2015 and 2017 Local Government Comprehensive Planning Certification Program reports that fewer local governments had shown an interest in the program due to comprehensive planning changes that the Legislature enacted in 2011. The reports noted that the 2011 Community Planning Act expedited the state comprehensive plan amendment review process, which eliminated a major benefit of program certification for local governments. The act removed the limitation that restricted local governments to two comprehensive plan amendments per year, shortened the state review period for plan amendments, and limited agency comments to those related to important state resources and facilities.

Stakeholders reported that the expedited review process provides similar benefits to being certified without the need to complete the burdensome application and reporting process and that the Local Government Comprehensive Planning Certification Program no longer served the needs of some certified entities. After the passage of the Community Planning Act, the cities of Orlando and Miramar opted not to renew certification agreements, which expired in 2014 and 2015, respectively. Biennial program reports from DEO stated that these cities did not renew certification agreements because the benefits of the 2011 statutory changes duplicated the benefits of certification.

Additionally, DEO's 2019 program report stated that the City of Freeport and Pasco County initially benefited from certification because the localities were exempted from state and regional review of Developments of Regional Impact, unless the governments specifically requested a review.¹⁹ However, changes to Ch. 380, *Florida Statutes*, in 2015, 2016, and 2018 limited and then eliminated the Developments of Regional Impact review process, thereby extending some of the benefits of program certification to all Florida cities, regardless of certification. These legislative changes further reduced the need for the program.

Stakeholders did not offer recommendations for program modification

OPPAGA reviewed previous reports on the program, consulted with FloridaCommerce, interviewed representatives from current and former certified entities, and interviewed industry stakeholders to identify recommendations for program modification. FloridaCommerce officials reported that the department does not have any recommendations regarding the appropriateness of certification for currently certified local governments or suggestions for additional local governments that should be

¹⁸ Representatives from some entities that applied to be certified in 2003 were able to provide limited information on their local governments' motivation for becoming certified due to staff turnover and the length of time that has passed since their participation in the program.

¹⁹ The DRI process required the state land planning agency to identify the regional and state impacts of large-scale developments and to ensure compliance with state law.

certified. Similarly, biennial program reports from 2019 to 2023 stated that the department had no recommendations for taking legislative action to improve or change the program.

Stakeholders, including representatives from the certified local governments, had suggestions to improve program awareness and support but did not offer recommendations for statutory changes to the program. Additionally, stakeholders reported that small communities experiencing or anticipating growth may benefit from certification. One stakeholder reported that any local governments with a strong urban growth boundary and a defined set of activity centers or redevelopment areas may be good candidates for the program.²⁰

Further, citizen feedback about the program's effectiveness and recommendations for improvement is lacking. For instance, Pasco County's Citizen Action Committee, identified by the Pasco County planning department to give citizen input on the program, did not respond to OPPAGA's requests for feedback. OPPAGA's review of the committee's meeting minutes from October 2021 through May 2024 did not identify any discussions regarding the program.²¹

RECOMMENDATIONS

Given the legislative changes to comprehensive planning and low participation in the Local Government Comprehensive Planning Certification Program, the Legislature could consider eliminating the program. Specifically, because of the introduction of the expedited state review process in 2011 and the removal of the Developments of Regional Impact process in 2018, the benefits provided by the certification program have been extended to all local governments and the program may no longer be needed.

AGENCY RESPONSE

In accordance with the provisions of s. 11.51(2), Florida Statutes, a draft of OPPAGA's report was submitted to FloridaCommerce for review and response. The department did not provide any feedback or submit an official response.

²⁰ An urban growth boundary is a regional boundary set to control development by designating the area inside the boundary for higher density urban development and the area outside for lower density development. An activity center is a focal point of activity in a community, such as a downtown or planned redevelopment district, with a mix of residential and commercial use. Development is designed to consider pedestrians, bicyclists, automobiles, and transit users. Local governments can designate areas in economic decline as redevelopment areas. These areas may be burdensome to local governments because the areas generate less in taxes due to lower property values yet often require more municipal services.

²¹ The Pasco County Citizens Advisory Committee serves as a review and advisory body to the county's Metropolitan Planning Organization in the continuous comprehensive and cooperative transportation planning process. Committee members are appointed persons comprised of private citizens representing a broad cross section of local residents.



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