



The Florida Legislature passed SB 360 in 2009, despite objections from environmental and growth management advocates. This law contains a number of important changes in the Growth Management process at the local government level.

This guide discusses the changes relevant to natural resource conservation, and the increased importance of the role of citizen advocates in the growth management process.

What did SB 360 change?

- Local governments (counties and cities), regardless of their size or density, are given the ability to designate "Urban Service Areas." Formerly, Urban Service Areas did not affect the "Development of Regional Impact" (DRI) process or "transportation concurrency." Also, they could be designated by any local government. Now, these designations must be made through an amendment to the local government's comprehensive plan, and be found "in compliance" by the Florida Department of Community Affairs (DCA). As a result, Urban Service Areas will impose changes in DRI and/or concurrency requirements.
- Once an "Urban Service Area" is designated and found in compliance, that area will be exempt from the DRI process, and will not be subject to state requirements for transportation concurrency.

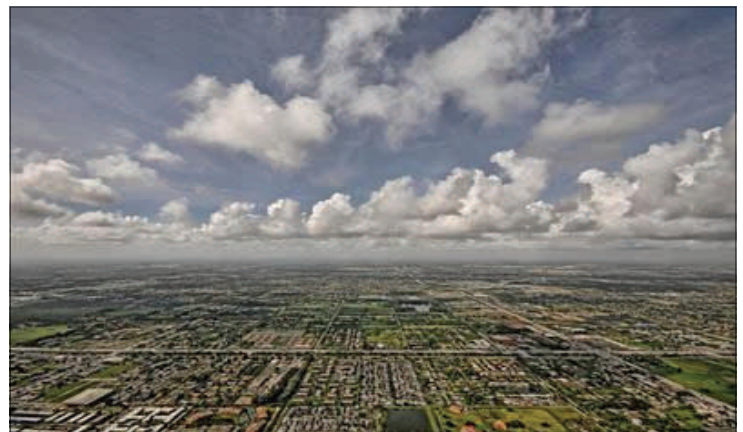
Implication: Local governments could help large developments avoid the environmental and growth management consideration required under the DRI process simply by moving the boundary of their "Urban Service Area." Because local governments may attempt to move the boundary long before a development is proposed in an area, it will be essential that advocates help DCA identify those boundary amendments that do not meet the definition of a true "Urban Service Area."

Glossary of Terms

Urban Service Area – Prior to SB 360, these designations simply meant where local governments intended growth to go. Subsequent to SB 360, they now also mean areas where the state process for giving intense review to "Developments of Regional Impact," or large scale developments, will no longer apply and where "Transportation Concurrency" will not be enforced by the state.

Transportation Concurrency – Requirement, enforced by the state through DCA, for developers to pay to construct road improvements to handle the traffic that development generates.

- Traditionally, DCA had a 45-day review period for these comp plan amendments. This included time for a "transmittal hearing" and to submit "Objections Recommendations and Comments" (ORC report) to the local government far enough in advance to influence their final decision. As a result of SB 360, any local government can now designate "Urban Service Areas" through an abbreviated process. DCA will only get one opportunity and a shorter review period AFTER "final adoption" by a local government to find an amendment "In Compliance" or "Not in Compliance." *NOTE: This abbreviated process ONLY applies to the "Urban Service Area" boundary amendments. It does NOT apply to other types of plan amendments.*





What It Boils Down To

The designation of “Urban Service Areas” will become one of the most important decisions in Growth Management. Urban service boundaries will become the dividing line: Land use decisions in the areas outside the line will be subject to greater state agency influence to preserve conservation values. Land use decisions inside that line will be subject to significantly less state oversight. Due to the short turnaround DCA has to approve or reject these “Urban Service Areas” and the abbreviated process giving the agency only "one shot" to review these proposals, it is essential that advocates be prepared to alert DCA to situations where “Urban Service Areas” are proposed containing lands that are not already significantly developed.

Know the Rules: What Legitimately Qualifies as an Urban Service Area

Fortunately, there is a very tight [definition](#) of what can be designated as an “Urban Service Area.” The law reads as follows:

“Urban Service Area means built-up areas where public facilities and services, including but not limited to central water and sewer capacity and roads are already in place or are committed in the first three years of the capital improvement schedule.”

DCA has pledged in public meetings and seminars conducted by Secretary Pelham and the agency’s general counsel to be vigilant in preventing the abuse of designation of “Urban Service Areas” in inappropriate locations. DCA staff believes that only built up areas (where there are already ample houses, roads, commercial buildings and water and sewer service) should be included within these lines, NOT areas where developers or communities want to urbanize. *This is where the “eyes and ears” of Audubon chapters and other advocates become very important.*

County and City Commission actions should be *carefully* monitored for proposals to establish or modify an Urban Service Area.

If You Think an Urban Service Area Proposal Doesn’t Meet the Definition

1. Notify DCA immediately via email. Time is of the essence because of the abbreviated review period created under SB 360.

Mike McDaniel: (850) 488-2356 or mike.mcdaniel@dca.state.fl.us;
Charles Gauthier: (850) 488-2356 or charles.gauthier@dca.state.fl.us

2. Follow up your email with a paper letter to the above DCA staff at the following address:

Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

The letter to DCA should specify why the proposed “Urban Service Area” being proposed by a local government is NOT consistent with the definition shown above. The letter should also detail the environmental resources that will be jeopardized if the “Urban Service Area” is found “in compliance” by DCA.

3. Direct your advocacy to local government officials such as city and county commissions. Let them know you are watching and raising concerns about inappropriate decisions. Inform them of the proper definition of “Urban Service Area” shown above, and share these concerns with your local media. Please contact Audubon’s Director of Advocacy, Charles Lee (clee@audubon.org or 407-620-5178), to report any instances where Urban Service Areas are proposed by local governments to inappropriately reach out into rural or undeveloped areas.

