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## **Comprehensive Planning and Water Management Planning in Florida<sup>1</sup>**

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Roy R. Carriker<sup>2</sup>

For the past two decades, officials of state and local governments in Florida have been busy complying with state legislation that requires them to develop and adopt comprehensive plans to guide growth in Florida. State regulations require that plans include elements that pertain to the protection of potable water well fields, environmentally sensitive lands, natural drainage features of the land, and groundwater recharge areas. This planning process is continuous since plans may be amended twice per year and must be updated every five years.

The planning process, and the plans themselves, can be controversial. Proposals to protect and conserve natural resources almost always require people to make some sacrifices or to accept some reduction in the range of options available for using the resource. Issues of fairness and effectiveness abound, and the stakes are often high enough to keep the planning process under the political spotlight. In the past, plans sometimes gathered dust on the shelf, apparently because no one was able or willing to implement them. Failure to implement plans may have resulted from the inability of elected officials to agree on the appropriate ordinances for doing so. The choice of public policy measures for implementing

plans can be as controversial as the plans themselves.

Everyone has a stake in plans for water management, but effective management requires broad public support for the necessary measures to protect and conserve natural resources. To bring planning efforts into perspective, this paper takes an historical look at comprehensive planning and water resource planning in Florida.

### **Who Is Responsible for Planning?**

Planning for water management in Florida has been conducted by agencies with responsibilities for water management and by other agencies and units of government in the context of comprehensive planning. The state's five water management districts and 11 Regional Planning Councils, the Florida Department of Environmental Protection (DEP), the Florida Department of Community Affairs, and, more recently, local governments have been important players in the process.

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  2. Roy R. Carriker, professor, Department of Food and Resource Economics, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida, Gainesville, FL.

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## **State Comprehensive Plans and Water Management Plans: The Early Years**

Throughout much of its history, the state of Florida operated without an explicit statement or clear conception of its goals and policies. The Florida Legislature sought to solve this problem when it passed the Florida State Comprehensive Planning Act of 1972. This Act directed the Division of State Planning of the Florida Department of Administration to prepare a state comprehensive plan designed to provide long-range guidance for the orderly social, economic, and physical growth of the state, setting forth goals, objectives, and policies (Chapter 72-295, 1972 Florida Laws). This plan was to contain eighteen major sections, one of which was to be a water element.

While the Division of State Planning began its efforts to comply with the 1972 Act, the Department of Environmental Regulation (DER, which became the Department of Environmental Protection in 1993) and the state's five water management districts were responding to a separate planning requirement mandated by an entirely different area of legislation—the Florida Water Resources Act of 1972. This Act required the development of a State Water Use Plan to serve as the basis for the comprehensive management of water resources contemplated by the legislation that created Florida's system of administrative water law.

The Department of Environmental Regulation reached an agreement with the Division of State Planning to use the water element of the State Comprehensive Plan as the policy basis of the State Water Use Plan. DER also reached agreement with the five water management districts, reaffirming their delegated authority to develop plans for their respective districts, but providing for some standardization of format. DER, in turn, was to take the five water management district plans, together with the water element of the State Comprehensive Plan, and synthesize a State Water Use Plan.

The effort to make the State Water Use Plan consistent with the water element was largely unsuccessful. The water element developed by the

Division of State Planning was at variance with the established policies of the water management districts. When asked to adjust their plans in compliance to the water element, the districts objected. Subsequent efforts to achieve a compromise water section for the State Comprehensive Plan were cancelled when a new governor assumed office in 1979. In any event, the State Comprehensive Plan was never implemented. Although the outgoing administration of Rubin Askew had approved the plan and duly submitted it to the legislature, the legislature refused to approve the Plan and specifically directed that no part of it be implemented. Thus, eight years after the 1972 legislation calling for a State Comprehensive Plan and a State Water Use Plan, there was still no effective plan in either instance.

One reason for the apparent failure of the planning process was that there was never a clear conception of how the plan was to be implemented—of what actions of state government the plan would guide and by what means the plan would be used to control those actions. Second, the plan was not drafted by those in a position to implement it. The Division of State Planning was an independent planning group that was administratively separate from the agencies that make program decisions, and the latter were reluctant to embrace the plan. This was especially the case with water management districts. Finally, by the end of the 1970s, the legislature's enthusiasm for planning and environmental protection had declined, at least temporarily.

## **Local Government Comprehensive Planning: The Early Years**

While the unsuccessful attempt to adopt a State Comprehensive Plan (and a State Water Use Plan) was underway (and before its fate was evident), the legislature passed the Local Government Comprehensive Planning Act of 1975. This legislation recognized the traditional role of local government in land use control and was intended to stimulate and guide the development and implementation of comprehensive plans by local government. It contained two essential mandates: local governments were to adopt comprehensive

plans and development must conform to the plan. The act specified a number of elements to be included such as sewer, solid waste, drainage, and potable water facilities which, in turn, were to be correlated with the land use element. Plans were to be adopted by July 1, 1979, and elaborate requirements for review and coordination with plans developed by other entities were specified.

Certain deficiencies hampered the effectiveness of the Local Government Comprehensive Planning Act. First, there was no provision for controlling the substance of plans. It was possible for a local government to go through the required procedures of planning without ever altering the existing pattern of development. Second, there was no method to ensure consistency of plans among planning entities. In many cases the plans were incompatible.

### **Learning from Experience: Reformation of Comprehensive Planning**

Shortly after taking office in January 1979, Governor Bob Graham appointed a Resource Management Task Force and asked it to review Florida's system of planning, land use, and environmental management. One major conclusion of the task force was that Florida needed integrated state, regional, and local planning for resource management. With respect to water management planning, the task force recommended that the state develop a state water policy through the combined efforts of DER, the water management districts, the regulated interests, and the public. The policy would be part of the integrated policy framework for the state and would be formally adopted as a state rule under the Administrative Procedures Act.

Later, in 1982, an Environmental Land Management Study Committee was appointed to assess the impact of legislation enacted during the preceding decade. Its assessment paralleled that of the earlier task force.

In response, the legislature enacted the State and Regional Planning Act of 1984 (codified at Chapter 186, Florida Statutes). It called for the development of a State Comprehensive Plan and directed the

Executive Office of the Governor to prepare a draft within six months. The version adopted by the legislature in 1985 established goals for 10- and 15-year planning periods on 25 subject areas, including water.

The 1984 State and Regional Planning Act also required that each state agency prepare an agency functional plan within six months to one year from legislative adoption of the State Comprehensive Plan. These agency functional plans were to demonstrate the manner in which agency programs and budget allocations would pursue the goals established in the State Comprehensive Plan. By having the plans developed by the same agencies that would implement them, the 1984 comprehensive planning legislation attempted to avoid a major flaw in previous comprehensive planning efforts.

Incidentally, in 1982, the DER adopted a general water policy, by rule. The policy is set forth at Chapter 17-40, Florida Administrative Code. Each water management district was subject to the water policy because it became a part of the DER's 1986 State Water Use Plan. Later amendments to the state's water policy required each water management district to produce its own agency plan to implement the policies of the State Water Use Plan. The first of these plans were due in 1994 and were to be updated at least every five years thereafter. The 1984 State and Regional Planning Act also required that Comprehensive Regional Policy Plans be completed within 18 months from the date of adoption of the State Plan and submitted for approval by the legislature. This meant that the 11 regional planning councils in the state were required to have their plans available in 1986.

In 1985, the legislature passed the Local Government Comprehensive Planning and Land Development Act (codified at Chapter 163, Florida Statutes), which substantially amended the 1975 Local Government Comprehensive Planning Act. It required local governments to amend their existing plans to ensure consistency with the State and Regional plans. Failure to do so would result in loss of state revenue-sharing to local governments and loss of grant money controlled by the state government.

The 1985 Act required that local government comprehensive plans be certified by the Florida Department of Community Affairs as being in compliance with statutory requirements. The Department of Community Affairs adopted detailed rules, setting up minimum criteria for approval of local plans. Chapter 9 J-5, Florida Administrative Code, is entitled "Minimum Criteria for Review of Local Government Comprehensive Plans and Determination of Compliance." With respect to the local government comprehensive plans, there were eight mandatory elements. One of these was the 'Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Groundwater Aquifer Recharge Element.' The water element was to identify groundwater recharge areas and assess the adequacy of local government programs to "maintain the functions of natural drainage features and groundwater recharge areas." The Act also required local governments to enact the necessary implementing ordinances within one year of submitting their plans to the Department of Community Affairs. These provisions sought to plug loopholes that had thwarted implementation of previous comprehensive plans.

State rules require the water management districts to help local governments prepare their plans. Accordingly, the districts provide technical assistance to local planners and review local government comprehensive plans. District comments are considered by the Florida Department of Community Affairs, which administers the review process.

### **Other Water Management Planning Initiatives**

In addition to the strategic planning required by both planning legislation and water management legislation, the water management districts engage in at least two other planning functions. One of these is in response to the Surface Water Improvement and Management Act of 1987 (SWIM). The districts, with DEP oversight, develop and update detailed plans for improving water quality in those water bodies deemed to be in greatest need of re-mediation.

The water management districts also develop and maintain operational plans used internally to coordinate the functions of the various departments within the districts and to support budget requests submitted to the governing boards or to the legislature.