

THE OLD PLANNERS' ALMANAC

A Chronology of Growth Management, Environmental Policy and Property Rights in Florida

by Max Forgey

- 1969: January 20 Inauguration of Richard Nixon as thirty-seventh President of the United States.
- June 23 Warren E. Burger takes oath as Chief Justice of the United States, succeeding Earl Warren.
- July 16 Apollo 11 launched from the Kennedy Space Center. First manned lunar landing takes place on July 20.
- December Congress adopts National Environmental Policy Act (NEPA).
- Master promoters Jack and Leonard Rosen, developers of Cape Coral and Golden Gate land sales subdivisions, sell their development company—Gulf American Land Corporation—to GAC, an Allentown, Pennsylvania-based mortgage company.
- 1970: January 1 President Nixon signs National Environmental Policy Act (NEPA), creating Council on Environmental Quality (CEQ) and requiring Federal agencies to evaluate the impact of their actions upon the environment. The CEQ begins promulgating rules that create the environmental impact statement (EIS), and the finding of no significant impact (FONSI).
- April 1 *US Census—Florida's population 6,789,443.*
- April 22 Earth Day focuses national attention on environmental issues.
- November 3 Oklahoma native Reubin O'D. Askew of Pensacola, a Democrat, is elected governor, defeating incumbent Claude Kirk, a one-term Republican.
- December 2 President Nixon creates Environmental Protection Agency (EPA) by executive order. William Ruckelshaus, an Indianapolis attorney and former majority leader of the

Indiana House of Representatives, is appointed its first administrator.

December 18 Congress adopts Clean Air Act, effectively replacing the 1963 statute of the same name. For the first time the Federal government assumes responsibility for air pollution policy. The Act also establishes by statute mobile source emission standards for automobiles and provides incentives for states to create their own implementation plans.

An agreement by the US Departments of Interior and Transportation, the State of Florida, and Dade County effectively halts work on the Collier Dade International Airport in the middle of the Everglades.

1971 January 19 President Nixon halts work on the Cross Florida Barge Canal, a New Deal public works project.

Governor Askew convenes the “Miami Conference” on water management in South Florida, urging the drafting of enforceable land use and water supply plans for South Florida, directing the attention of the public and legislature to the need for stricter environmental permitting.

Environmental Land Management Study (ELMS I):

- Legislature creates a 15-member committee to study environmental policy.
- Committee reviews land use laws nationwide.

October 1 Disney World opens.

1972 Environmental Land and Water Management Act (Ch. 380, *Florida Statutes*) adopted by legislature:

- Creates Developments of Regional Impact (DRIs), allowing interjurisdictional review of large development applications.
- Enhances role of Regional Planning Councils (RPCs).
- Creates “areas of critical state concern.”

Legislature adopts Florida Water Resources Act (Ch. 373), Land Conservation Act (Ch. 250), and State Comprehensive Planning Act (Ch. 23).

- October 12 Congress adopts Coastal Zone Management Act to be administered by the National Oceanographic and Atmospheric Administration (NOAA). The Act provides Federal funds to support coastal zone planning and research.
- October 17 Congress overrides a presidential veto to adopt the Water Pollution Control Amendments, better known as the Clean Water Act, establishing as a national goal the elimination of discharge of pollution into navigable waters by 1985. The Act provides financial assistance to finance publicly owned wastewater treatment plants. (Funding reaches its peak in FY 1975 with \$7 billion nationwide.) The Act also establishes the paperwork-intensive National Pollutant Discharge Elimination System (NPDES) for the issuance of permits within wetlands.
- November 7 Richard Nixon re-elected president, carrying forty-nine states.
- November 7 Florida voters approve EEL (Environmentally Endangered Lands), a \$240 million bond issue to fund the purchase of conservation and recreation lands.
- 1973 April 27 William Ruckelshaus leaves EPA to become Acting FBI Director.
- Legislature establishes the first Area of Critical State Concern—the Big Cypress Swamp in Southwest Florida—initiating massive purchase and new regulation. Subsequent areas include the Florida Keys, the City of Key West, Apalachicola Bay in the Panhandle, and the Green Swamp in Central Florida.
- August 21 Approval of Florida’s first DRI—Windsong, a 2,450-acre development in Orange County.
- September 18 Congress adopts Endangered Species Act. In the years to follow, the Act will be the subject of an enormous body of property rights litigation.
- General Development Corporation (GDC), Florida’s largest marketer of land-sales subdivisions (including Port St. Lucie in St. Lucie County, North Port in Sarasota County, and Port LaBelle in Hendry County) signs a settlement

agreement halting all dredge and fill activities in the Charlotte Harbor estuary at its Port Charlotte development in Charlotte County. The undevelopable land is eventually purchased to form the nucleus of the Charlotte Harbor Aquatic Preserve.

1974

Legislature adopts State Minimum Building Code, requiring local adoption, amendment and enforcement of State selected model codes—the South Florida Building Code (for Broward and Dade Counties) and the Standard Building Code everywhere else. (Prior to 1974, building codes were a local option.)

August 9 Richard Nixon resigns; Gerald Ford, a long-time member of the US Congress from Michigan, succeeds him as the thirty-eighth President of the United States.

November 5 Reubin Askew re-elected governor.

December Congress adopts Safe Drinking Water Act. Federal drinking water standards are applied to all public water supplies.

1975

Legislature adopts Local Government Comprehensive Planning Act (LGCPA) mandating the adoption of comprehensive plans in all counties and municipalities, with major revisions at least once every five years.

After years of declining revenues and questionable management practices, GAC files for Chapter 11 bankruptcy.

December 19 John Paul Stevens, a Federal judge from Illinois, joins the US Supreme Court.

1976

February 25 *Contractors' and Builders' Association of Pinellas County v. City of Dunedin*—Florida Supreme Court rules that impact fees are constitutional.

September 27 Congress adopts Resource Conservation and Recovery Act (RCRA) giving EPA the authority to regulate municipal solid waste, including underground storage tanks and medical waste.

November 2 Former Georgia governor Jimmy Carter, a Democrat, is elected president, defeating Gerald Ford.

- Voters amend the Florida constitution to allow the state's five water management districts to levy property taxes.
- 1977
- Congress amends Clean Air and Clean Water Acts, extending deadlines for non-attainment of national standards.
- Local government comprehensive plans are adopted statewide and forwarded to regional planning councils for review. Adoption and review continues until about 1980.
- September Effective date of Broward County's parks impact fee. Although some municipalities have had impact fees as early as 1953 (for parks in Pensacola), this is the first impact fee imposed by a county government.
- 1978 June 26 *Penn Central Transportation Co v. City of New York*—US Supreme Court's seminal decision regarding regulatory takings. The City of New York is not required to issue building permits allowing property owner (railroad giant Penn Central) to build in the air space over Grand Central Terminal. In an opinion by Justice Brennan, the Court rules that the denial of the permit is not a taking because it did not deny Penn Central the use of the property and that the City, in protecting an architectural and historical landmark, had provided other outlets to the company, including transfer of development rights.
- November 7 Democrat Bob Graham, a state senator from Miami Lakes with strong ties to agriculture, land development, and publishing, is elected governor. (Reubin Askew is constitutionally barred from seeking a third term.)
- 1979 March 28 A non-fatal accident at the Three Mile Island power plant near Harrisburg, Pennsylvania provokes a national debate about the safety of nuclear power.
- Legislature creates CARL (Conservation and Recreation Lands) program as a successor to EEL, which has been tainted with scandal. To keep the program free of outside influence, the enabling act prescribes an elaborate method for evaluating potential acquisitions.
- 1980 April 1 *US Census. Florida's population—9,746,342.*

Regional Councils Act recognizes the existence of Florida's eleven regional planning councils.

Mariel boatlift brings 120,000 Cuban exiles to South Florida, straining infrastructure and law enforcement.

- November 4 Republican Ronald Reagan, former movie actor and two-term governor of California, is elected president, defeating Jimmy Carter.
- December 3 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) adopted by Congress, creating a "Superfund" with initial funding of \$1.6 billion to pay for five-years' worth of clean-up, which EPA may perform at the owner's expense.
- 1981 President Reagan appoints Ann Gorsuch (Burford) EPA Administrator and James Watt Secretary of the Interior.
- Governor Graham appoints the second ELMS (or ELMS II) Committee.
- April 16 The Florida Supreme Court, in *Graham v. Estuary Properties, Inc.*, strongly affirms the right of a local governing body (the Lee County Commission) to deny building permits based upon the potential for environmental destruction. The Estuaries, a 6,500-acre mangrove wetland on the mainland near Sanibel Island, is never developed.
- 1982 ELMS II, a 17-member study group, begins work. "Growth management" is the recurring theme of its deliberations.
- Legislature adopts Save Our Rivers Act, providing approximately \$300 million over a decade to acquire river flood plains and water management lands.
- Legislature adopts Save Our Coasts Act, appropriating \$200 million over a decade to purchase beaches and barrier islands.
- November 2 Governor Graham re-elected.
- 1983 April Governor Graham appoints Florida Atlantic University Professor John DeGrove, a nationally recognized authority

on growth management, as secretary of the Department of Veterans and Community Affairs, the state's planning agency.

Legislature adopts Save Our Everglades Act, including funding for the restoration of the Kissimmee River to its original (non-channeled) condition. This is the third of the three major land acquisition programs of the Graham administration, all of which are funded by the sale of documentary stamps on real estate transactions.

1984

Florida's Wetlands Protection Act assigns responsibility for regulating Florida's wetlands to the Department of Environmental Regulation (DER) and to the state's five water management districts.

October 5

Congress adopts the Hazardous Solid Waste Amendments statute amending the RCRA, incorporating an unusual level of specificity for a Federal statute. The law contains a "hammer" provision to induce action from EPA.

November 6

Ronald Reagan re-elected president by a forty-nine state landslide, defeating former Vice President Walter Mondale.

1985

Legislature adopts Local Government Comprehensive Planning and Land Development Regulation Act (LGCPRDA, colloquially known as the "Growth Management Act") in response to ELMS II recommendations. For the first time, local governments are required to adopt Future Land Use Maps (FLUMs); measurable levels of service (LOS) standards for roads, parks, potable water, sanitary sewer, drainage, solid waste, and aquifer recharge; and a five year Capital Improvement Element. Coastal Communities are required to adopt Coastal Management Elements. "State planning agency" (the reorganized Department of Community Affairs, or DCA) delegated to prepare rules to govern the review—and therefore the contents—of local government plans.

Legislature adopts Florida State Plan, a policy document without maps, level of service standards, or a capital improvement program.

July

John DeGrove leaves DCA to return to academic life. Tom Lewis, Jr., an architect, succeeds him.

1986

“Glitch Act” revises the Growth Management Act to allow more time for local governments to complete their revised plans.

DCA promulgates Rule 9J-5, a 60-page checklist which guides the contents of local government comprehensive plans.

September 26 Associate Justice William H. Rehnquist succeeds Warren Burger as Chief Justice of the United States. His vacant seat is filled by Antonin Scalia.

November 4 Tampa Mayor Bob Martinez, a former schoolteacher and restaurateur, is elected governor, succeeding Bob Graham, who is elected to the US Senate. A recent convert to the Republican party, Martinez is only the second Republican to hold that office since Reconstruction.

1000 Friends of Florida, a pro-growth management lobbying group, is founded. Nathaniel Prior Reed of Hobe Sound, a former Assistant Secretary of the Interior, is its first president.

1987

February

Thomas G. Pelham, a prominent Tallahassee land use lawyer, is appointed DCA secretary.

After years of virtual silence concerning property rights, the US Supreme Court issues three important decisions:

- *Keystone Bituminous Coal v. DeBenedictus*—in an opinion by Justice John Paul Stevens, the Court rules that the legitimate exercise of police powers (Pennsylvania’s regulation of the amount of coal that can be removed under the surface) does not constitute a taking. (March 9).
- *First English Evangelical Lutheran Church v. Los Angeles County*—in an opinion by Chief Justice Rehnquist, the Court determines that even a temporary prohibition of use (denying a building permit in a floodplain) can constitute a taking. (June 9).
- *Nollan v. California Coastal Commission*—in an opinion by Justice Scalia, the Court rules that a

landowner exaction (i.e. mandatory public beach access as a condition of issuance of a building permit) is a taking unless it advances a legitimate governmental purpose. (June 26).

Florida's regional planning councils adopt Regional Comprehensive Policy Plans.

State agencies promulgate "agency functional plans" to guide their activities. These plans are promptly disregarded by all parties.

June 24: Comedian Jackie Gleason, who brought his popular Saturday night television show to Miami Beach in 1964, dies in Lauderhill.

1988 South Florida Water Management District begins designing the Everglades Nutrient Removal Project, a manmade wetland to remove phosphorus from waters entering the Everglades.

August 23 Indialantic is the first municipality to adopt a comprehensive plan prepared under the terms of the Growth Management Act. "Growth Management" plans begin to trickle into DCA for review by state agencies.

September 8 Brevard is the first county to adopt a growth management plan. (The Indialantic and Brevard plans are found "not in compliance" by DCA in its initial review. On August 30, Palm Shores adopts the first plan to be found in compliance.)

November 8 Vice President George H. W. Bush, a Republican, defeats Massachusetts Governor Michael Dukakis to become the forty-first President of the United States. During his campaign, he proclaims that he wants to be the "environmental president".

1989 President Bush appoints William K. Reilly, former World Wildlife Fund President, as EPA administrator.

DCA demonstrates its resolve to enforce the Growth Management Act, challenging the comprehensive plan of Charlotte County on the Gulf Coast in Southwest Florida. After an exhaustive public hearing before a state hearing examiner, the Governor and Cabinet find the plan to be

“not in compliance” with state law. (Charlotte County enters into a joint agreement with DCA, pledging to adopt tougher environmental regulations in 1990. The Governor and Cabinet, with DCA’s approval, finally find the Charlotte County plan in compliance with state law in December 1994.)

- 1990 April 1 *US Census: Florida’s population 12,937,926.*
- Legislature adopts, and Governor Martinez signs, the Preservation 2000 Act, authorizing the expenditure of \$3 billion over ten years for the acquisition of conservation lands. Documentary stamps are the funding source for P-2000, which incorporates the earlier CARL and Save Our Coasts/Rivers/Everglades programs.
- July 20 Associate Justice William Brennan, Jr. retires from the US Supreme Court after thirty-three years on the high court.
- October 22 Congress amends the Clean Air Act for the first time since the Carter administration. Amendments address toxic air pollution, nonattainment areas, and ozone layer depletion; and seek to combat acid rain through the creation of marketable pollution allowances.
- November 6 Governor Martinez is defeated in his bid for re-election by former three-term US Senator Lawton Chiles, a Lakeland Democrat.
- 1991 January Governor Chiles appoints Carol Browner to head the Department of Environmental Regulation. Later that year, DER is merged with the Department of Natural Resources to become the Florida Department of Environmental Protection.
- January William Sadowski, a Dade County attorney and a former legislator known as an advocate for affordable housing, is appointed secretary of the Department of Community Affairs.
- Legislature creates a 52-member ELMS III committee to study Florida’s planning and growth management programs.
- August 6 *Jennings v. Dade County*—Florida’s Third District Court of Appeals effectively prohibits the *ex parte* lobbying of

elected officials in land use cases, such as rezonings, by any interested party. Although the Florida Supreme Court never rules on the matter, the court's directions are followed by governing bodies statewide.

- 1992: Water Resources Development Act of 1992 authorizes the Kissimmee River Restoration Project and the Central and South Florida Project Comprehensive Review Study, commonly known now as "The Restudy".
- April 9 Secretary Sadowski dies in a plane crash. Governor Chiles appoints Linda Loomis Shelley, a Tallahassee lawyer and vice chair of the ELMS III committee, to succeed him.
- June 29 *Lucas v. South Carolina Coastal Commission*—the US Supreme Court, in an opinion written by Justice Scalia, holds that when a trial court determines that a regulation has rendered a property valueless, a compensable taking has occurred. In determining damages, courts may consider "investment backed expectations".
- July 7 Governor Chiles signs Sadowski Affordable Housing Act. Documentary stamp revenues are made available to local governments to start their own housing corporations.
- August Hurricane Andrew, an early-season Category IV storm, smashes into South Dade County, resulting in \$15 billion in insured property damage and the loss of at least 42 lives. In its wake, public attention is focused on the inadequacy of existing building codes, which are strengthened in Dade County and other South Florida communities.
- November 2 President Bush is defeated in his bid for reelection by Arkansas Governor Bill Clinton. Florida voters adopt Save Our Homes initiative, capping the annual increase in homestead valuations. Voters also approve an amendment to the state constitution which imposes an eight-year lifetime limit on service in each house of the legislature.
- December "Building Successful Communities", the final report of the ELMS III committee, proposes the elimination of DRIs and a reduction in the role of regional planning councils.
- Because of a 20-20 tie, the Florida Senate is no longer exclusively controlled by Democrats for the first time since Reconstruction.

1993

In response to the devastation of Hurricane Andrew, Miami-Dade County adopts improved roof system requirements. New state law requires licensing and certification of building code enforcement officials.

President Clinton appoints Carol Browner Administrator of EPA.

The ELMS Act, phasing out DRIs and replacing them with complex Intergovernmental Coordination Element (ICE) protocols, is adopted. Another feature requires local governments to review the status of their adopted plans at least once every five years in the elaborate Evaluation and Appraisal Reports (EARs). Although EARs have been a part of Florida law since 1975, no rules had previously been promulgated prescribing their contents.

September Fall enrollment in Florida public schools (K-12) exceeds 2,000,000 for the first time.

October 7 *Board of County Commissioners of Brevard County v. Snyder*—Florida’s Supreme Court rules that rezonings, small-scale amendments, and other land use actions are quasi-judicial—and not legislative—in nature.

1994

May 3 Governor Chiles signs the “Everglades Forever Act”, calling for the acquisition of 44,000 acres of farmland to filter phosphorous runoff into Lake Okeechobee. Total long-term cost of the project is estimated at \$774 million, of which sugar farmers would pay \$237 million. Environmental activists, dissatisfied with the Act, vow to take their case for a one cent per pound tax on sugar to the voters in 1996.

The Everglades Nutrient Removal Project, the first of many stormwater treatment projects, begins operations. During the first four years of operation, the project removes 63 metric tons of phosphorus

June 24 *Dolan v. City of Tigard*—in a case originating in Oregon, the US Supreme Court by a 5-4 vote introduces the “rough proportionality” test to takings law. Justice Scalia composes the majority opinion.

DCA promulgates new rules regarding EARs.

- November 8 Republicans win both houses of the US Congress. Proclaiming himself the “He Coon”, Lawton Chiles is re-elected governor in a very close election, defeating former Florida Commerce Secretary Jeb Bush. Republicans gain outright control of the State Senate. Florida voters ratify a constitutional ban on saltwater net fishing.
- 1995 Legislature adopts Bert J. Harris, Jr. Private Property Rights Act.
- Legislature adopts the ironically named Mangrove Protection Act, pre-empting local control of mangrove trimming on private and public lands.
- August James F. Murley appointed Secretary of the Department of Community Affairs.
- 1996 Legislature reinstates DRIs, begins a pilot project with the concept of “sustainable communities.”
- Legislature revises Mangrove Protection Act—private citizens may not trim mangroves on public lands.
- Federal Water Resources Development Act authorizes \$75 million for Critical Restoration Projects related to the Everglades.
- November 5 Bill Clinton re-elected, defeating former US Senator Bob Dole of Kansas. Republicans retain both houses of congress.
- November 5 Republicans keep control of the State Senate and gain control of the Florida House of Representatives for the first time since Reconstruction.
- November 5 Following the most expensive campaign in state history, voters reject the penny per pound tax on sugar, but approve an amendment that “those...who cause water pollution within the Everglades Protection Area or the Everglades Agricultural Area shall be primarily responsible for paying the costs of the abatement of that pollution.”
- Federal Farm Bill appropriates \$200 million for the Department of the Interior to purchase lands from willing sellers. Lands purchased with these funds include the

Talisman land in the Everglades Agricultural Area, Southern Golden Gates Estates in Collier County and the then east coast buffer lands now known as the Water Preserve Areas located eastward of the Everglades flood control levee in the lower east coast of Florida. Land assembly at Southern Golden Gates Estates, a platted land sales subdivision, is eventually completed by the Department of Environmental Protection through condemnation using other funds.

1997

Legislature adopts \$2.7 billion appropriation to alleviate school crowding.

Legislature amends Ch. 373 mandating district-wide water supply assessments that form the data base for the 20-year Regional Water Supply Plans (RWSPs) which are prepared by the five water management districts between 1998 and 2001.

Medfly and pine beetle outbreaks threaten citrus and forestry industries.

1998

Medfly outbreak foiled by the release of millions of sterile insects.

May 4

Marjorie Stoneman Douglas, Coral Gables environmental activist and author of *The Everglades: River of Grass*, dies at the age of 108.

Late spring and early summer wildfires concentrated in Volusia and Flagler Counties burn 460,000 acres, causing \$393 million in damage to homes and property.

November 3

Jeb Bush, Republican, son of former President George Bush and brother of Texas Governor George W. Bush, is elected governor, defeating Lt. Governor McKay.

December 12

Lawton Chiles dies of a heart attack in the Governor's Mansion. Lt. Governor Kenneth "Buddy" McKay becomes governor for three weeks.

1999

January 5

Texas-born John Ellis "Jeb" Bush inaugurated governor.

January

Governor Bush appoints Steve Siebert, a Pinellas County commissioner, DCA secretary.

Charles Pattison, former chief of DCA's Division of Resource Planning and Management, is appointed executive director of 1000 Friends of Florida.

- 2000 April 1 *US Census—Florida's population 15,982,400.* Florida is the fourth most populous state in the Union, after California, Texas, and New York.
- Land purchases throughout the jurisdiction of the South Florida Water Management District, in approximate numbers, add up to 3.4 million acres acquired by the State and 1.4 million acres by the Federal government. These figures include lands in the Kissimmee basin, and along the Gulf and Atlantic coasts. (Lands covered by the Comprehensive Everglades Restoration Plan are included in these totals.)
- July 3 Governor Bush appoints Growth Management Study Commission. For some reason, it is not called ELMS IV.
- November 7 Voters go to the polls nationwide to choose the forty-third President of the United States. By the end of the evening, the race is a dead heat between Vice President Al Gore and Texas Governor George W. Bush. The eventual outcome depends upon Florida's 27 electoral votes.
- November 7 By a 53-47 % margin, Florida voters approve a referendum to build a "statewide high speed monorail, fixed guideway or magnetic levitation system" linking Florida's five largest urban areas. Construction is scheduled to begin by November 1, 2003.
- November 8 National attention focuses on Florida as the state struggles to declare a winner in the presidential election. Governor Bush, Secretary of State Katherine Harris, election boards in Dade, Broward, and Palm Beach counties, the state legislature and the Supreme Court are alternately lionized and vilified by the media and the various Gore and Bush spokespersons.
- December 11 President Clinton signs Water Resource Development Act, which includes the Comprehensive Everglades Restoration Plan, a program which is expected to cost \$1,375,918,000 in Federal and state revenues.

- December 12 The US Supreme Court ends the Florida recount by a 5-4 vote. George W. Bush wins Florida by 537 votes, more or less.
- 2001 January 20 Inauguration of George W. Bush as forty-third President of the United States.
- The Florida legislature convenes. No member has more than six years of experience in either house.
- September 11 Attacks on the United States focus national attention on terrorism and on the need for homeland security.
- 2002 March 1 After a decade of study commissions, legislative review, and legal challenges, Florida's State Building Code takes effect, pre-empts all local codes. Features of the new code include higher design wind pressures in South Florida and most coastal areas, windborne debris protection of windows in all coastal areas, improved roof covering systems requirements, a product approval system to comply with wind resistance requirements, and improved window performance labeling. The '2001' building code is subsequently updated in 2004 and 2007.
- April 23 *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency*—in a 6-3 decision written by Justice Stevens, with Justices Rehnquist, Scalia, and Thomas dissenting, US Supreme Court rules that development moratoria are not unconstitutional *per se*.
- November 5 Jeb Bush re-elected governor, defeating Tampa attorney Bill McBride by a 13 percent margin.
- Florida voters approve two constitutional amendments relating to public education:
- Class size amendment—18 student maximum for pre-kindergarten through third grade up to a maximum of 25 in high school. The legislature is charged with providing the appropriate fund no later than the 2003-2004 school year.
 - “Every four year old child in Florida shall be provided by the State a high quality pre kindergarten learning opportunity...” The amendment must be implemented no later than the 2005-2006 school year.

- 2003 January Colleen M. Castille appointed secretary of the Department of Community Affairs.
- Work does not begin on the high-speed rail program.
- 2004 February 13 Colleen Castille appointed Secretary of the Florida Department of Environmental Protection.
- More than 50 % of the lands needed to implement the Comprehensive Everglades Restoration Plan have been acquired.
- March 11 Thaddeus Cohen, a Palm Beach County architect, appointed secretary of the Department of Community Affairs.
- June 1-November 30 Atlantic Hurricane season. Four major storms tear through Florida and the Caribbean basin resulting in at least 3,132 deaths (47 of them in Florida) and \$45 billion in property damage in Florida alone. Floridians statewide spend six weeks preparing for, enduring, and responding to storms. The Gulf Coast is particularly hard hit.
- August 13 Hurricane *Charley*, the third storm of the 2004 hurricane season, makes landfall as a Category IV event near Port Charlotte on the Gulf Coast. Ten Florida deaths are attributed to Charley, which caused \$14 billion in damage to the state, the fourth costliest storm in Florida history to date.
- September 4 Hurricane *Frances*, a Category II storm, makes landfall between Fort Pierce and West Palm Beach. It continues its path of destruction through the peninsula, exiting on September 5 as a tropical storm. Four Florida deaths attributed to the storm.
- September 26 After causing more than 3000 deaths in Haiti alone, Hurricane *Jeanne*, a Category III storm, makes landfall on Hutchinson Island. Four Florida deaths are attributed to this storm.
- November 2 George W. Bush re-elected president, defeating Senator John Kerry of Massachusetts. After three terms in the US Senate, Bob Graham does not seek reelection and is succeeded by Cuban-born HUD Secretary Mel Martinez of

Orlando, who defeats former Education Commissioner Betty Castor in a close race.

- November 2 Florida voters repeal the high-speed rail referendum.
- 2005 June 24 Growth Management Act amended to include a school concurrency requirement. School boards and local governments are required to adopt Interlocal Agreements (ILAs) linked to local governments' Public School Facilities Elements (PSFEs) which must include levels of service standards for public schools.
- June 25 In a 5-4 ruling the US Supreme Court in *Kelo v. City of New London, Connecticut* rules that the taking of private property for transfer to another private owner consistent with a comprehensive redevelopment plan is constitutionally permissible and not a violation of the "takings" clause of the US Constitution. State legislatures and local governing bodies nationwide respond with legislation restricting private takings and transfers.
- 2006 November 7 Republican Attorney General Charlie Crist of St. Petersburg is elected governor, defeating US Representative Jim Davis of Tampa by a 7 percent margin.
- 2007 January Governor Crist appoints Tom Pelham to a second term as DCA secretary.
- 2008 According to the Florida Bureau of Economic and Business Research (BEBR) FY 2007-8 out-migration (438,085) exceeded in-migration (413,357) for a net out-migration of 24,728, the first in Florida since the end of World War II.
- November US Senator Barack Obama, Democrat from Illinois, defeats Senate colleague John McCain of Arizona to become the forty-fourth president. Florida awards its electoral vote to a Democrat for the first time since 1996.
- 2009 April 1 According to the annual BEBR estimate, Florida's population declines from 18,807,219 to 18,750,483, the first drop since just after World War II.
- May 12 Governor Crist announces that he will not seek re-election, but will pursue the Republican party's nomination for US Senate to succeed Mel Martinez, who has previously announced that he will not run for re-election.

- December 1 Florida Department of Education Office of Educational Facilities projects a decline in public school enrollment over the five years between FY 2008/9 and 2012/3 of .16%. There appears to be no concurrency to enforce.
- August 7 Senator Martinez announces his intent to resign from the US Senate. Governor Crist appoints George LeMieux to succeed him.
- September 10 George LeMieux takes office as US Senator.
- 2010 January 28 President Obama resurrects the High Speed Rail initiative, awarding Florida \$1.25 million to fund a portion of the Tampa to Orlando segment along the median of Interstate 4.
- April 20 A British Petroleum oil rig in the Gulf of Mexico explodes and collapses, killing eleven workers and setting off the worst oil spill in history. Florida's coastal areas brace for ecological disaster.
- May 13 Governor Crist formally leaves the Republican party.
- November 2 Governor Crist, running for US Senate as an independent is handily defeated by State Representative Mario Rubio. Former health care entrepreneur Rick Scott, Republican, narrowly defeats Alex Sink in the governor's race.
- 2011 January 4 Rick Scott, Illinois-born Republican, takes the oath of office as Florida's forty-fifth governor.
- February 16 Governor Scott rejects Federal funding for high speed rail.
- June 2 Governor Scott signs HB 7207, the Community Planning Act, which reduces DCA's role in local government planning, eliminates mandatory concurrency for most classes of infrastructure including transportation and schools, and repeals Rule 9J-5.
- July 31 Department of Community Affairs is absorbed into Department of Economic Opportunity.

Max Forgey, AICP, is a planning consultant based in Cape Coral, Florida.