

Best Practices for Citizen Participation in Community Planning

Modern Tools for Effective Engagement

Executive Summary

The integrity of the planning process in communities across Florida depends on how well it accommodates the participation of citizens in those communities to implement their will. Since our founding in 1986, 1000 Friends of Florida has strived to encourage a meaningful role for citizens in shaping the futures of their communities and state. This report reflects our ongoing commitment to that priority.

As this report is being written, local governments across Florida are continuing to adjust to the ongoing COVID-19 pandemic. Responses vary by region and decisions have been made on a week-by-week basis. This document will be updated over the coming months to include examples of best practices for effective citizen engagement in the planning process as we continue to learn of them.

Based on our research, feedback from a citizens' survey we conducted and discussions with other citizen advocacy organizations, here are our recommendations for incorporating best practices for citizen participation in planning in your community:

- Adopt or update a public participation ordinance for local governments, including written guidelines for communications media technologies (CMTs) and other robust and diverse participation options.
- Emulate real-time, in-person meetings as much as possible in participation procedures.
- Supplement traditional forms of participation with modern tools, to encourage innovation without isolating or excluding citizens engaged with traditional modes of participation.
- Maintain consistency in public participation procedures across the planning process. Hearing formats and participation methods implemented in the early workshoping process should be the same from start to finish, all the way to the final county or municipal decision.
- Update public notice procedures to include modern forms of media communications beyond publication in printed newspapers.
- Consider adopting a Citizen's Planning Bill of Rights to empower community members to participate early in the planning process and protect the right to shape the future of their communities.

Comprehensive Planning in Florida

Florida law requires each county and municipality to adopt and maintain a Local Comprehensive Plan with state and regional plans. These plans are intended to:

- Guide and control future development.
- Preserve, promote, protect and improve the public health, safety, comfort and good order.
- Overcome existing problems and deal effectively with future problems that may result from the use and development of land.
- Protect human, environmental, social, and economic resources.

Local comprehensive plans include a series of required elements dealing with various components of community planning (e.g. capital improvements, future land use, transportation, natural resource conservation, among others). A series of goals, objectives, and specific policies outlines how the local government will accomplish the intent of the element. As part of its local comprehensive plan, each local government must adopt a Future Land Use Map (FLUM) that shows the “proposed distribution, location, and extent of the various categories of land” that the community has included in its local comprehensive plan.

If a local government desires to change its patterns of future growth or to allow a proposed development that is inconsistent with the current plan, it must make an amendment to the local comprehensive plan. It may amend the plan at any time over the course of the year through either a small-scale amendment process for parcels of land 10 acres and smaller, or during one of two annual large-scale amendment processes (expedited or state-coordinated) for parcels greater than 10 acres.

Citizen Participation in Community Planning

Citizen participation in the governing process is enshrined in federal, state and local law. Nowhere is this right more exercised and valued than at the county or municipal level of government, where issues under consideration can have the most immediate and direct impact on citizens. A local government’s planning decisions dictate the future growth and character of a community. Floridians’ rights to participate in determining the future of their communities are codified in Florida’s land use planning and regulatory procedures.

“It is the intent of the Legislature that the public participate in the comprehensive planning process to the fullest extent possible. Towards this end, local planning agencies and local governmental units are directed to adopt procedures designed to provide effective public participation in the comprehensive planning process and to provide real property owners with notice of all official actions which will regulate the use of their property...” (Section 163.3181, Florida Statutes)

During the Spring of 2020, citizen participation procedures were disrupted due to safety concerns raised by the COVID-19 pandemic. In “normal” circumstances, Florida’s planning

process allows citizens to voice their concerns and comments about growth and development proposals in their communities face-to-face with decision makers in public hearings. But amid the pandemic, in-person gatherings were considered unsafe. On March 20, 2020, Governor DeSantis issued Executive Order 20-69 allowing local governments to satisfy quorum requirements for conducting official government business by utilizing communications media technologies (CMTs). At the time of publication, this Executive Order permitting cyber quorums has been extended while pandemic circumstances continue.

During both normal circumstances and periods of pandemic, economic hardship, or natural disaster, Floridians have a fundamental right to exercise their civic power by participating in the planning of their communities. At 1000 Friends of Florida, we advocate that citizens be empowered — through information and access — to take an active role in charting the course for their communities. Local government decision-making determines what our neighborhoods look like, the quality of schools our children attend, the access to social services and programs and how to meet our infrastructure needs. In essence, these are the decisions that define the character of our communities and how they will evolve over time. At this moment in history, the avoidance of physical social spaces has resulted in an increase in virtual social interactions. State and local officials have pivoted, adjusting to using internet-based technologies to deliver social services, communicate policy, encourage distance learning in school systems and conduct governing business.

1000 Friends of Florida has closely followed local governments' shift to using CMTs in counties and municipalities across the state. We have heard from members who saw the rapid implementation of virtual meeting technologies such as Zoom or Go-To-Webinar in their communities. We were notified about instances where citizen participation procedures were left out of new governing procedures. We also tracked success stories by member feedback and consultation with experts in county and municipal procedures and noted how modern tools allowed local governments to abide by open government laws.

In this report, we examine the adoption of modern tools for citizen engagement in communities across Florida through a critical lens of “meaningful participation,” and consider how some adaptations may be here to stay for the long-term betterment of civic engagement. In each step of the planning process, from the public noticing phase to post-hearing actions, we assess engagement procedures for their ability to ensure meaningful participation while recognizing that this is not a legal term and is elusive to define. This report is particularly for citizen advocates and local government leaders and is intended to promote best practices when incorporating citizen participation in the local planning process — during normal times and when traditional engagement procedures are not feasible.

Informed Citizenry

While the initial obligation of participation falls on the citizen, local governments should adopt procedures to encourage transparency and increase information-sharing about the planning

process well before a decision is made and do so in a manner as accessible as possible to the public. Early communication and dialogue between stakeholders can save time, build trust and prevent frustration.

Communications about the process should make available answers to the following questions:

- How is the comprehensive plan created and updated?
- What are the local planning agencies that provide oversight of the comprehensive plan?
- How do municipal and county commissions work with the local planning agency on development decisions?
- Are these agencies open for public participation, and how? (i.e. can citizens join by nomination or election?)
- How and why are changes made to the comprehensive plan?
- Are officials (elected or appointed) of local planning agencies accessible to the public for dialogue? If quasi-judicial body, is it clear how citizens can provide public comment?
- How do governing bodies make decisions?
- How frequently do planning agencies and governing bodies meet?
- Throughout the planning process, is the timeline for a project/application/decision clearly communicated? (i.e., what is the “next step?”)

It is more important than ever that answers to the above questions are readily available and communicated during periods when the local government and planning process has been disrupted, when traditional communication channels might not be available. Local governments need to make use of alternatives to traditional channels to ensure citizens continue to have access to essential information.

Modern Tools & Best Practices

Civic participation rates have steadily fallen nationwide. As a whole, Florida ranks in the lowest 10% of states whose citizens attend public meetings, according to the 2015-2016 “Current Population Survey” conducted by the U.S Census Bureau. Yet, efforts made by local governments to encourage an informed citizenry have been seen here in Florida:

- **CivicCon (City of Pensacola)** – A speaker series promoting civic engagement, it resulted in the creation of a CivicCon Center to continue the series while adding courses on civic engagement and workshops on community issues.
- **Citizen Academies**– Dozens of counties and a growing list of cities are creating citizen academies across Florida. These programs are typically free or low-cost courses for residents to learn about local government operations, budgeting, how decisions are made and about the services provided by local government. These courses are a useful tool for active citizens looking to educate themselves about their community. They also benefit local government leaders by building trust among their constituents.
- **Developer/Applicant Workshops** – In some communities, developers or applicants for a project are required to prepare a citizen participation plan and take the lead in notifying impacted property owners and neighborhood associations. For example, the City of Sarasota requires applicants to hold community workshops for comprehensive plan amendment requests, rezoning ordinance amendments, and amendments to the text of

the Sarasota City Plan. Workshops allow citizens to learn more about the intent behind a project and give developers key insight into the local fabric of a community.

- **CivicPro** – An example of private innovation, CivicPro is an online tracking platform for local legislation using software to scan government meeting agendas by keywords and summarize items in user-friendly format. The app currently covers eleven local governments in South Florida and is intended to help residents and community groups keep track of key issues.

Examples of local governments clearly explaining to their citizenry the process, duties and format of local planning agencies include:

- **Winter Springs** — Its website is easily navigable to locate information about the city’s [comprehensive plan](#) (complete with land use terminology definitions) and the planning and zoning board’s responsibilities as codified in the city’s code of ordinances. Meeting dates and links to relevant agenda documents are listed on the same page. This information allows citizens to understand the process through which land use planning decisions are made.
- **Venice** — Its website details the Planning Commission Board’s operating timeline, what their responsibilities are and includes a [“Development/Growth Fact Sheet”](#) with answers to frequently asked questions.

Citizens educated well in advance about the planning process can ask questions, air concerns and participate in meaningful dialogue with officials and developers. Given enough time, conflicting points of view may even encourage creative problem-solving and lead to better outcomes for all involved. It is worth noting, however, that engagement requires all parties to be active in the pursuit of information and dialogue, and even the most innovative outreach campaign will not achieve its aim if efforts are one-sided.

Notice & Access

Local governments are required to publish notices in the local newspaper when they intend to amend their local comprehensive plan, amend land development regulations, or issue or deny some types of development order (s. 163.3184(6)(c), F.S.). Notices for plan amendments and zoning actions that change the text or involve more than 10 acres of land must be at least two columns wide and 10 inches in length and must have a heading such as “Notice of Land Use Change,” “Notice of Plan Amendments,” “Notice of Zoning Change,” or something similar. Florida’s Sunshine Law (s. 286.011, F.S.) requires “reasonable notice” for public meetings. However, the Sunshine Law does not expressly define what notice is “reasonable.” Court rulings have determined that notice must be “sufficient to inform” those who are interested in attending the hearing and should be reasonable in terms of its release and placement in the public sphere.

During a pandemic or periods when physical interactions are discouraged, access to office buildings to obtain documents, agendas, municipal or county ordinances and codes may be

limited. When citizens are unable to make it to public places during “regular” working hours, a virtual clearinghouse of information should be available and easily located online. Additionally, local officials are no longer holding traditional office hours and might not be available for face-to-face meetings to discuss concerns with a planning project. Local governments should ensure that all information that one would need for the review of planning projects is easily located or made readily available in an expedient manner. Local governments should pursue alternative means for engaging with their constituents, particularly to provide access for those invested in planning the future of their community.

Modern Tools & Best Practices

Good public noticing practices should encompass a range of media types, and innovative approaches may explore providing notice in nontraditional manners to ensure robust public access.

- **Assess newspaper access** — Local governments should determine if their constituency can access the newspaper where land use change notices are published. The University of North Carolina’s Hussman School of Journalism and Media recently published a report of the findings from a national study of community access to newspapers. According to the report, in 2019, Florida had 36 newspapers that published on a daily basis, a 34% decrease from 2004. Five Florida counties were without a local newspaper and 22 counties only had access to one newspaper. With traditional news media readership declining, local governments should move beyond the minimum notice requirements and determine the best way to reach their residents.
- **Two-way engagement via social media** — Local governments’ use of social media has rapidly evolved over the past couple of decades as membership in platforms such as Facebook and Twitter have skyrocketed. Social media serves as a convenient way for pushing information out to constituents, but also allows community members to interact with local government by commenting on posts, sharing with connections and adding events to their calendar. Some local ordinances about land use or development changes only require notice to community members within a certain geographic radius of the site. Some platforms allow for hyperlocal messaging, such as Nextdoor, where users are grouped by zip code and/or neighborhood. Traditional methods of sharing hyperlocal notices include mailings, property signage and listing in the newspaper. Stronger noticing practice will include nontraditional methods such as listing on localized social media platforms such as Nextdoor.

Examples of local governments clearly increasing accessibility and improving notice procedures to alert citizens of public hearings:

- **Collier County e-notifications** – Collier County encourages citizens to opt-in to their [e-notification system](#) to receive alerts either by email or text message. Citizens can select from over a dozen type of calendar or news alerts, including topics such as county meetings, county workshops, Board of County Commission Agenda publications and Growth Management Department news releases.
- **Gadsden County notification of neighborhood associations** – Gadsden County has adopted 1000 Friends’ recommended Citizens Bill of Rights and therefore requires a community meeting 30 calendar days prior the filing of an application for a

comprehensive plan amendment request. Neighborhood associations are notified by county staff within 10 days of the filing. The applicant is then responsible for conducting the community participation meeting, notifying by mail all surrounding property owners, publishing in at least one newspaper of general circulation within the County and providing proof of all actions to the planning agency. This sort of notice and pre-project public analysis can allow the developer to try and address issues raised by citizens, allowing unresolved issues to become the focus of the planning agency's discussion rather than an afterthought expressed in a limited public hearing setting.

- **Town of Bay Harbor Islands notice summaries** – Sometimes local government notices can be filled with legal jargon and do not clearly and quickly outline the topic at hand. The Town of Bay Harbor Islands' Planning and Zoning Board meeting notices and online descriptions of meetings include a concise summary of the topic for discussion, indicating within the first sentence what the board will be acting upon. Additional materials such as agendas and supporting documents are [linked on the same page](#).
- **"Winter Park Sunshine"** - As a result of citizens voicing their concerns with the news coverage of the City of Winter Park, [Winter Park Sunshine](#) began as a partnership project with the University of Central Florida's Nicholson School of Communication and Media to organize the city's upcoming agendas, action items, meeting minutes and relevant documents on an easy-to-use online platform. The project aims to increase transparency and accessibility of Winter Park's governing procedures.

The strategies and methods for public notice might vary across the state, depending on the different needs of the community. Importantly, local leaders should be wary of how notice procedures and access to meetings have changed since the pandemic and should be careful not to assume that the switch to virtual, online engagement platforms will instantly increase accessibility. For example, posting the notice for a public hearing on a bulletin board at a community center is likely no longer the best option since public spaces do not receive as much traffic due to social distancing restrictions. Officials should consider the stakeholder groups who have traditionally attended public hearings and assess if they are still present in virtual meetings, asking questions such as "Who is not at the table now and who ought to be here?"

Public Hearings

The right to be heard is codified in Florida's Sunshine Laws, a nationally recognized open government policy for transparency and accessible governing (s. 286.0114, F.S.). Local governments can establish rules of conduct and procedure at public hearings such as setting time limits and locations of presentations, require that public meetings be "civil," limit the amount of time an individual can speak if a large amount of people attend and also wish to speak, as long as participation is "meaningful." These procedures are established in local government charters and ordinances.

In response to the COVID-19 pandemic, many local governments issued emergency resolutions for county or municipal use of CMTs during public meetings. CMTs are defined in Florida Statutes as “the electronic transmission of printed matter, audio, full-motion video, freeze frame video, compressed video, and digital video by any method available,” (s. 120.54(5) F.S.). Some resolutions include public participation elements that strengthen the government’s existing procedures by expanding the means through which citizens can participate in public hearings. Local governments could strengthen procedures by making permanent resolutions made during the State of Emergency, and formally adopt or update local ordinances to increase the means and opportunities for virtual public participation.

Modern Tools & Best Practices

Below are suggested best practices and examples of municipal and county governments going beyond the minimum requirements for public hearings in Florida law:

- **Emulate real-time, human interaction** – Public hearings should be set up to include the social exchanges that would normally occur during in-person meetings. When parties attend via live video stream, it allows participants to read body language and can minimize people speaking on top of one another. When it is not possible for an individual to appear via live video, an alternative is to upload a headshot photo to appear when speaking. These practices demonstrate attentiveness and engagement by hearing hosts and attendees and can cultivate mutual respect.
- **Inclusivity** – Local governments are familiar with the legal requirements for ensuring marginalized community members can attend and participate in public hearings. With virtual meetings, the same attention must be given to ensure CMTs are compliant with the Americans With Disabilities Act (e.g. closed captioning), and multilingual options are available for both listening and providing comment, to name a couple of examples. Additionally, there should always be an option for members of the public without internet access, such as a conference line phone number.
- **Seminole County’s Tips for Virtual Communication in Public Hearings** – When public meeting times are posted for the public on Seminole County’s website, all relevant information for webinar registration, agenda materials and participation instructions are presented in a concise, single location. The County has assembled detailed instructions for familiarizing oneself with the Zoom platform, complete with “how-to” screenshots of Zoom icons, as well as general etiquette tips for making effective virtual comment.
- **Miami Lakes video comment** - In 2014, the Town of Miami Lakes became the first municipality in Florida to accept comments for public hearings via pre-recorded video. This innovative idea encouraged community members to incorporate visual elements into their comments. For example, a resident concerned about dangerous traffic patterns was able to film himself speaking in front of the local road, showing the cars speeding by in the background to emphasize his point. As a result of the pandemic, many local governments across Florida now offer multiple methods for submitting comment, including pre-recorded audio messages submitted via voicemail, pre-recorded videos to play over the webinar platform during the meeting in addition to submitting written comment prior to the meeting.

- **Pasco County Rules and Procedures for Hybrid Virtual Meetings** – In June 2020, Pasco County Commissioners adopted a [resolution](#) defining uniform rules and procedures for remote public hearings. According to the hybrid meeting rules, the public can participate via WebEx (virtual meeting platform), emailing comments or evidence prior to the start of the meeting, or by providing comment during the meeting at a public kiosk installed with CMT. Having an established standard is a good step for outlining expectations and establishes consistency between county planning boards, ensuring that the public notice, meeting procedures and public comment processes are fair and accessible.
- **Avoiding “Zoom Bombing” in Alachua County** – When local governments first transitioned to virtual public hearings, there were reports of people intentionally disrupting and/or hacking meetings by broadcasting inflammatory and upsetting content over the video platform. As a solution, Alachua County contracted a third-party call-in moderator to operate its Zoom platform. The company allows the public to call a phone number, advertised prior to the meeting, which is then patched through to the live meeting. The moderator is able to better screen for disruptions and can quickly pull the plug on an unruly participant.

The formal adoption of CMT procedures requires overcoming the initial hurdle of acquiring appropriate equipment, ensuring staff have been trained in their use and dedicating time to the selection of technologies tailored to the needs of the community. Basic assumptions in the adoption of CMTs are that the government and residents have stable and reliable access to internet or cellular connections. Importantly, updated laws and procedures should protect the ability of citizens to comment *in real time*. When pandemic conditions abate, local governments should consider increasing the options for public engagement by making CMTs a permanent element in the public hearing process.

Virtual Quasi-judicial Hearings

A variety of land use decisions are made by local government boards and committees. In Florida, rezonings, variances, master plans, conditional use approvals and similar land use actions must be decided in quasi-judicial hearings. The core function of a quasi-judicial land use hearing is to gather evidence on and reach a decision about the application of existing regulations for a specific development application. This means the quasi-judicial process is subjected to a higher level of scrutiny in its upholding of federal, state and local laws, as well as a requirement of being supported by competent and substantial evidence. When the pandemic disrupted in-person hearings, quasi-judicial hearings also adapted to accommodate virtual meetings.

Certain unique elements of quasi-judicial hearings require careful attention when shifting to virtual hearings, such as the swearing in and cross-examination of witnesses and the submission of digital evidence to the court recorder.

Modern Tools & Best Practices

- **Provide the option to defer hearing** – Local governments should allow deferring quasi-judicial proceedings until in-person hearings can resume. When careful, narrow scrutiny of evidence is required, in-person proceedings appear to be the best format for quasi-

judicial hearings. The recommendation to defer can be written into county or municipal emergency resolutions and ordinances (for example, the Village of Tequesta recommends deferring “if possible”).

- **Clearly establish the role of all participants** – During a virtual proceeding, it should be made evidently clear who the elected, appointed and paid representatives of each party are from the very beginning of a hearing. In-person proceedings allow physical positioning of individuals in the room to make known the roles of participants.
- **Outline quasi-judicial purpose and procedures** – Two months after Governor DeSantis’s initial declaration of emergency, the City of Aventura amended its adopted emergency procedures for public hearings to include procedures for quasi-judicial hearings. This amendment established the intent of quasi-judicial hearings (to insure procedural due process and maintain citizen access), listed all definitions of hearing terminology (defined “evidence,” “ex-parte communication,” “applicant,” etc.) and effectively streamlined hearing procedures to bring order and structure to the process.

While there are undoubtedly some challenges in holding quasi-judicial hearings over virtual platforms, overall, the technologies employed for regular public hearings may lead to greater access and convenience for public participation in the long term. When pandemic conditions abate, local governments should consider increasing the options for public engagement by making CMTs a permanent element in the public hearing process and adopt uniform implementation procedures.

Post-Hearing: True consideration of public comments

Effective citizen engagement in the planning process should involve community members as early as possible. As outlined above, citizens have a right to shape their community and should be involved in the visioning and decision-making for new projects. Yet, the public’s involvement should not cease once a hearing has occurred and local officials have cast their votes. To build trust and goodwill, local governments should continue to engage with citizens post-hearing, explaining why decisions were made, particularly when it is a contentious or divided issue.

To assess meaningful post-hearing engagement, consider the following questions:

- Are public comments (in all CMT formats) substantively acknowledged and/or answered?
- Are meeting minutes published and shared in a timely manner? Are public comments (in all CMT formats) published with the meeting minutes?
- How are planning decisions shared with the public, particularly to those living in affected areas?

If a topic receives a great number of comments, public scrutiny and includes contrary viewpoints, local officials should give it more time for consideration. Citizens perceive when their comments are considered as an afterthought to the decision; most evidently during hearings where commenting takes hours, but votes are cast in seconds.

Modern Tools & Best Practices

- **Publish public comments as they are received** – This would be especially useful in the early stages of the planning process, during the workshopping and local planning agency review. Citizens could review different angles of the project, and gain insight into how a decision would affect different stakeholders within their community.
- **Incorporate revisions into a project** – Local planning officials can demonstrate a willingness to listen by incorporating citizen suggestions received during the public hearing, workshopping or charrette phases of project development.
- **Communicate citizens' options following a decision** – A last-resort option for citizens dissatisfied with the result of a planning hearing is to challenge the land use decision. Florida law had made it increasingly difficult for citizens to challenge decisions. Making land use challenge information known and available to residents can give the individual the capacity to pursue an action and avoid feeling powerless in their own community. At a minimum, a link on the local planning agency's website directing the individual to the Florida Department of Economic Opportunity's site describing challenge options can suffice.

An important piece of the planning process, post-hearing communication is as necessary as the front-end workshopping and noticing stages. Growth management and planning is a continuous process and is not complete after one project. To fragment a decision from future possible effects and upcoming related decisions is to alienate long-term residents who have been part of the community perhaps longer than elected and appointed planning representatives.

Conclusion

The disruption caused by the pandemic provides an opportunity to enhance the public participation procedures in the local government planning process. Our laws predate the internet era and do not take into account modern tools for public engagement. Challenges presented by the pandemic lockdowns and cancellation of in-person hearings should not result in the deferral of meaningful public participation. Instead, state and local governments should utilize this period as a chance to future-proof their community planning procedures.

At the heart of community planning are those who participate and seek to have their voices heard. In July 2020, 1000 Friends conducted an online survey of our members to gather information about how the COVID-19 pandemic affected the public hearing process in their counties and municipalities. A common concern expressed was that public input would have no impact. The concluding question asked: "What does meaningful public participation mean to you?" The majority of responses could be summarized as "the ability and opportunity to affect, shape or influence the process." Florida's local planning process must improve for citizens to feel that they are being heard in a consequential way.

Responsibility falls on both government and citizens to create the civic sphere and shape the future of their communities. We know that Florida needs a visionary and workable planning process that relies on an informed and active citizenry. Improvements to public participation by modernizing and updating public participation ordinances, increasing transparency by providing public notice in a broader range of media formats and empowering citizens through programs like the Citizen Planning Bill of Rights will move us closer to protecting and creating the vibrant, sustainable and livable communities that contribute to outstanding quality of life. This is the future which 1000 Friends of Florida, and thousands of citizen planners, are striving toward.

Notes

- **Citizen Planning Bill of Rights** - To move your city or county towards a path of encouraging greater public participation in shaping the future of the community, visit our website for additional information about the Citizen Planning Bill of Rights: 1000fof.org/citizens/bill/
- **Survey Results** - In July of 2020, 1000 Friends of Florida conducted an online survey of our members to gather information about how the COVID-19 pandemic affected the public hearing process in their counties and municipalities. We received **184 responses** from individuals in **40 counties** and **64 municipalities**. To review survey results, visit: 1000fof.org/citizens/