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Senators learn growth management overhaul doesn't do what they thought it did

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TALLAHASSEE – There seems some confusion over the growth-management overhaul lawmakers passed last spring, which gutted Florida's transportation-planning mandates and immediately drew a lawsuit from some local governments.

Senate Community Affairs Chairman **Mike Bennett**, R-Bradenton, and others wanted to know Tuesday morning why the bill, SB 360, hasn't also done away with local "transportation concurrency" requirements that developers and locals pay towards building roadway to handle traffic from their projects.

When they passed the bill in May, lawmakers claimed that it would help jump-start the state's stagnant development industry. Among many other changes, the law repeals state "transportation concurrency" in the state's big and medium-size metropolitan areas -- including most Central Florida counties. But it also leaves local governments free to keep their own road-building rules in place, if they want to, state officials said.

But senators Tuesday claimed that local rules -- plus the lawsuit -- hadn't freed developers as they'd intended.

"The idea was to stimulate economic development. So, I'd like to know when we're stimulated," Sen. **Ronda Storms**, R-Valrico, said.

Florida Community Affairs Secretary **Tom Pelham** said it was his department's legal opinion that the law got rid of only the state mandate, but left local governments free to keep their own road-building requirements in place.

"It would be a radical act for the Legislature to reach down into every local comprehensive plan and change it," Pelham said.

"I think it would create a great deal of confusion at the local level. I think in the long run it could thwart what we're actually trying to achieve."

The act was designed to try and get local governments moving toward enacting "mobility fees" that in the future could be used to finance modes of public transportation like buses, bike paths and commuter rail.

But the act is in limbo thanks to the lawsuit, and lawmakers clearly weren't pleased to hear the news that the bill didn't cut out enough "red tape" for development.

Pelham held up Orange County as one example of a "home rule" county responding well to the message the bill sent. The county has submitted a planning amendment to designate its entire so-called "urban-service" boundary as an "exemption area" where the transportation mandate would not apply. The county is also ahead of others in developing mobility-fee standards, he said.

"They are ahead of the game in that respect," Pelham said.

A group of 17 local governments -- including Lee County, the cities of Weston, Key Biscayne, Cutler Bay, Deerfield Beach, Miami Gardens, Parkland and Fruitland Park in Lake County -- sued last July to block the new law, saying it could force the public to pay more to build roads to serve new strip shopping centers, planned communities and other developments.

The lawsuit, filed in Leon County Circuit Court, accused Gov. **Charlie Crist** and legislative leaders of imposing an "unfunded mandate" on local governments by forcing them to pay for transportation projects previously financed by developers.

A judge held a hearing on the lawsuit a couple weeks ago, but there has been no ruling yet.



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