

As you all have been reading in the newspapers, once again we have a "gutted" GM bill thanks to last minute negotiations between the House and the Senate. At 11:00 pm Friday, the two Chambers reached an agreement and passed the GM bill at 11:56 pm. Session ended at midnight.

What do I think of our new bill? I asked myself two questions:

- 1) Is there anything so harmful in this bill that it can't wait until next year to fix? Answer: No.
- 2) Does this bill move us forward, even if a baby step from where we are? Answer: Yes.

The original bill was intended to tie a five year capital improvements plan from the local governments to approved development in the same time period so that the infrastructure would be in place with all parties paying their fair share. The state money (\$1.5 billion) was to be used in part as matching funds as an incentive to local governments who were doing their part in trying to keep up with infrastructure deficit. This would have been hard concurrency as it was meant in our original growth management act.

The bill that passed disconnects that five year fiscal planning with only requiring three years of "committed funds" and the last two as "planned" funds. The first phases of "Pay and Go" by developers is now in place so that if the developer pays his proportionate share of impact and the local government has issued a building permit, then the infrastructure for that development MUST be in place in three years from the date of the permit. This may not be a problem for small developments, but this will enormously impact the eastern half of our county and its cities from north to south (Thonotosassa, Plant City, most of south county).

What happens if the local government doesn't fulfill its part? Let's think about the financial ramifications...the development is already partially or maybe even totally completed. The developer would more likely than not have to pay fully for the infrastructure to complete his project, or he will have to sue the government to complete its end of the infrastructure and probably for damages as well. In addition, the penalty for the local government not paying timely is that no more plan amendments can be adopted in the comp plan until the local government is in compliance. Who does that hurt? The local government, the developer who allegedly did his part, and the economy as our tax dollars get tied up in needless litigation.

We have a chance next session to try and reconnect the parts that will make this concurrency work.

There are some very good things in this bill for water, school concurrency and for the first time, we have funding being directed at the infrastructure deficit. Because of the disconnect in the bill, most of the money from the state will be going for state projects, i.e.. interstates and bridges, and a little money will go toward regional transportation initiatives. The local governments are still on their own for local roads. Also, there is an incentive for each local government to adopt a "Community Vision" into its comp plan. For those of you familiar with "Liveable Communities" or "Sustainable Communities" directive five years ago, the language guiding the elements of the community vision are pretty much the same. This vision is tied to DRI exemptions in urban infill and redevelopment areas.

A study commission for impact fees and a separate commission for growth management has been established in this bill. See a train wreck coming on this issue?

I recommend we be involved at the comp plan level to work on the capital improvement element. Once the capital improvement element has been adopted into the comp plan, we will need to participate in the development of rules and procedures in the rezoning process and permitting process.

What I've learned over the years is that there is no such thing as a perfect bill. The growth management bill IS a tiny step in the right direction, and will continue to be a work in progress. Below is the direct link to SB 360, 5/6/05 amendment on the floor.

http://www.flsenate.gov/cgi-bin/view_page.pl?Tab=session&Submenu=1&FT=D&File=session/2005/Senate/bills/amendments/html/sb0360e2444308.html

Any questions, please contact me. More on this bill will be coming as it relates to issues we will be working on.
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