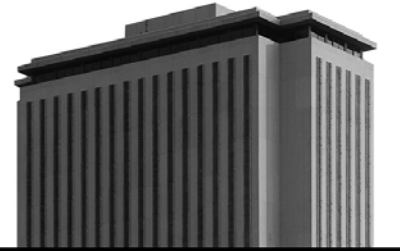




LEGISLATIVE ISSUE BRIEFS



Growth Management

The Florida League of Cities will support legislation that:

- fully funds state growth management mandates;
- increases technical assistance to municipalities for implementing state growth management requirements;
- provides municipalities with state and local option revenue sources to meet financial feasibility requirements and infrastructure demands;
- revises concurrency requirements in urban areas to address the unintended impact on sprawl, urban infill and redevelopment, and affordable housing;
- ensures equitable municipal representation in regional planning or visioning activities; and
- ensures municipalities maintain exclusive control over land use planning within their jurisdictions.

Background:

The House and Senate are developing bills that revise various provisions relating to growth management. The Senate released their growth management package in SB 474 the week of March 31. The House is still workshopping their growth management bill in the Economic Expansion and Infrastructure Council and have yet to assign the package a bill number. Some of the more notable changes being proposed are summarized below.

Unfunded Mandates

The Growth Management Act grows lengthier with each passing legislative session. New state mandates are continually layered on top of existing mandates, none of which are funded. While some of these mandates might actually work if they were properly funded, even technical assistance money has been meager to nonexistent. Time spent complying with state mandates leaves little time available for focusing on local planning priorities. The result? Taxpayer money is lost to state requirements that neither achieve the intended result nor afford time for true local innovation. This session there is discussion of adding two new unfunded elements to local comprehensive plans. The proposed elements would address veterans and seniors. The League opposes these new mandates.

Concurrency

Currently, there is a push to suspend transportation concurrency in specified urban areas and replace the transportation concurrency fee with a “mobility fee”. The League is working to ensure that mobility fees will be established only after comprehensive study, and are based on appropriate methodologies. It is unclear at this point whether the use of mobility fees would be limited to certain areas. Current language would establish automatic transportation concurrency exception areas (TCEA)

for all areas designated in a comprehensive plan for urban infill development; urban redevelopment; downtown revitalization; and urban infill and redevelopment. The League supports the establishment of automatic TCEAs, and supports the development and use of mobility fees as a local option. Ideally, both the mobility fee and automatic urban TCEAs should be thoroughly studied and tested in a pilot program prior to statewide application.

In the coming weeks we are likely to see an attempt to fully exempt schools from concurrency requirements that are applicable to all other developers statewide. The League opposes this concept and is working to fend off such unfriendly changes to the concurrency system

Impact Fees

The concept of limiting local government impact fees is gaining favor. The ideas range from abolishing impact fees completely to limiting the amount a local government may charge for impact fees. Most likely, the proposal will change either the deference given to the local government decision or modify the burden of proof in challenges to impact fees.

Citizens' Bill of Rights

Some stakeholders are supporting the development of a "Citizen's Bill of Rights" to address citizen frustration with growth issues. In general, the League supports increased citizen participation measures so long as they are fully funded and would not change current judicial review processes and standards.

Affordable Housing Preemption

The lack of affordable housing is an economic issue, not a zoning issue. For years, the League and its members have led efforts to ensure the availability of affordable housing (even before it was a popular subject with the legislature). Some have proposed preempting local land use authority over approval of projects that would provide some amount of affordable housing. The League opposes such preemptions, particularly when Florida is plagued by excess housing inventory. Again, the problem is an economic one and is better addressed by confronting homeowner financing and foreclosure issues. Other proposals include expedited review for development projects that include at least 15 percent affordable housing and "green" projects. Still other proposals would require density bonuses to be granted to developers who donate land to be used for the construction of affordable housing.

Status: The Senate bill, SB 474, will be heard by the Community Affairs Committee the week of April 7. The House bill will be workshopped by the Economic Expansion and Infrastructure Council the week of April 7 and will likely be given a bill number at that time.

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