

Akerman Practice Update

FLORIDA LAND USE & ENTITLEMENTS

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Reenactment of SB 360 Development Provisions Approved by Legislature

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On March 30, the Senate took up and passed HB 7001, which reenacts the development-related provisions of SB 360, a significant and controversial piece of growth management legislation from the 2009 session. The House passed the bill on March 16, so it will now go to Governor Scott for approval.

Senate Bill 360 (Chapter 2009-96, Laws of Florida) gave certain “dense urban land areas” regulatory relief in the form of DRI exemptions and transportation concurrency exception areas (TCEAs) and provided a 2-year extension to many development approvals. The bill also contained provisions relative to security cameras and affordable housing. The law was challenged by a group of local governments for allegedly violating the single subject and unfunded mandate provisions of the Florida Constitution. The court ruled in favor of the local governments, but due to a pending appeal, the law has remained in effect. Nevertheless, the suit has had a chilling effect on implementation.

In order to address the single subject issue, three bills were filed this year to separate the different subject areas. In order to enact an unfunded mandate, the Legislature must approve the measure by a two-thirds majority vote in both houses. The two-thirds majority was achieved in both the House and Senate votes on HB 7001. If signed by the Governor, which appears likely, this legislation could open the door for wider implementation of transportation concurrency exception areas and DRI exemption areas throughout the state.



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Additional changes to growth management are likely during this legislative session. There are numerous growth management bills still working their way through the legislative process, including HB 7129 and SB 1122, similar bills that substantially rewrite Florida’s growth management laws. Under these two bills, state oversight of local comprehensive planning would be significantly limited and the process would be streamlined. In addition, concurrency would become optional throughout the state for transportation, public school facilities and parks and recreation.

Development interests should closely monitor these changes in order to take advantage of opportunities that may be created for existing, pending and new projects. Akerman will be monitoring proposed legislation throughout the legislative session and can assist clients in understanding and taking advantage of these new opportunities. Akerman also offers a full array of lobbying services to represent clients’ interests with regulatory agencies and in the legislative arena.

For more information, please contact a member of our Florida Land Use & Entitlements practice.

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