

## House passes growth-management SB360 do-over bills

*Bruce Ritchie, 03/16/2011 - 05:53 PM*

The House on Wednesday passed bills to address a judge's ruling on 2009 growth management legislation.

Even though this year's action appears to be dwarfed by sweeping growth management reforms now being considered, an attorney representing cities and counties that challenged the 2009 law says the House vote is a significant recognition of the Florida Constitution's prohibition on unfunded mandates on local government.

SB 360 in 2009 created designated "dense urban land use" areas where larger developments were exempted from state review. Those designated areas also were exempted from state transportation concurrency requirements.

Supporters, including the Florida Home Builders Association and Florida Chamber of Commerce, said the bill would encourage development in urban areas. But opponents, including environmental groups, said the definition of dense urban areas was too loose and therefore encouraged urban sprawl into rural areas.

Twenty cities and counties filed a lawsuit challenging the bill for violating the constitution as an unfunded mandate and for containing more than one subject as prohibited by the Constitution. Circuit Judge Charles Francis last August ruled in favor of the plaintiffs, creating some uncertainty for developers and planners.

On Thursday, the House passed HB 7001 dealing with growth management, HB 7003 dealing with affordable housing, and HB 93 dealing with security cameras. The bills re-enact current law by allowing for separate passage of

the issues contained in SB 360, said Rep. Ritch Workman, R-Melbourne and chairman of the House Community and Military Affairs subcommittee.

There was little debate on the bills. On HB 7001, Rep. Evan Jenne, D-Dania Beach, argued that local government will be on the financial hook as a result of the growth management changes. The bill passed 80-39, exceeding the two-thirds margin required for unfunded mandates for local government. HB 7003 passed 116-0 and HB 93 passed 97-18.

On Friday, Workman's committee will consider PCB CMAS 11-04, a proposed committee bill that would reform state's growth management laws far beyond SB 360 by removing state oversight of local growth management decisions except in areas with significant state resources. Gov. Rick Scott has proposed eliminating the Florida Department of Community Affairs and substantially reducing its number of planners.

Even though the new growth reforms may dwarf SB 360, attorney **Susan L. Trevarthen** said the House action reflects the Legislature's new-found respect for the Constitution resulting from the judge's ruling. She represented the 20 cities and counties that sued the Legislature.

"There is an important aspect if the Legislature is more conscientious in following the Constitution in the future," she said. "We are protected from having laws adopted without our knowledge and from having obligations placed on local government for requirements they cannot fund."