

# Developers Score One Legislative Win

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Kasdin

When the 2009 session of the Florida Legislature ended May 8, commercial real estate leaders were able to claim one significant victory. A possible second will have to wait until next year, when the voters have their say.

State lawmakers passed the Community Renewal Act, a modification to state law that directly affects developments of regional impact and local governments' ability to collect impact fees. The measure awaits Gov. Charlie Crist's signature, and although he has assured key lawmakers that he will sign Senate Bill 360 into law, some county commissions were trying to talk him out of it.

The measure was fully supported by Naiop Florida, which represents commercial development interests. It basically eliminates the DRI requirement for projects in densely populated areas, creates a new definition of "dense urban land areas" as having at least 1,000 residents per square mile, and takes away local authority to charge developers for new roads and schools related to their projects.

"The amendments are a game-changer for the pattern of development in this state," observes Neisen Kasdin, chair of the land use and entitlements practice at Akerman Senterfitt in Miami. He adds that the bill was intended to encourage infill development, thereby countering much of the sprawl that has occurred throughout rural areas of Florida in recent years.

Although the bill passed both the House and Senate in the final vote of this year's session, some lawmakers expressed concern that it will have adverse affects on statewide development in decades to come. Opponents argued that the bill cuts out local oversight of development, while supporters said it merely reduces layers of bureaucracy in stimulating economic growth.

"I have this abiding worry that we're going to pave over most of Florida under the claim of putting people back to work," state Sen. Dan Gelber, D-Miami Beach, told the Daily Business Review. "In our rush to promote development, my fear is we'll promote sprawl and overdevelopment."

Naiop Florida also supported the passage of the proposed SunRail bill (SB 1212), which would have cleared the way for development of high-speed rail lines to major metropolitan areas as well as connecting local light-rail systems. Those rail lines would presumably spark development around train stations, in particular multifamily, retail and mixed-use projects.

"We saw this as a first step," says Jeff Rogo, Naiop Florida's government affairs director in Tampa. But the measure ultimately failed because many lawmakers saw the plan, supported by billions of dollars in federal infrastructure funding, as being more lucrative for Jacksonville-based CSX Corp. than state taxpayers.

One other measure supported by Naiop, a 5% property tax cap on non-homesteaded properties, including commercial buildings and land, did get through the Legislature. But it will be up to voters to approve the cap in a referendum on the 2010 general election ballot.

Also related to commercial development was the Seminole Tribe of Florida's proposal to pay the state government hundreds of millions of dollars in exchange for granting exclusive rights to Las Vegas-style card games at its casinos. Legislators approved annual payments of at least \$150 million over the next 15 years.

At stake in the gambling pact was expansion of the tribe's current casinos, including a proposed 1,000-room hotel addition at the Seminole Hard Rock along Interstate 4 on Tampa's east side. Tribal leaders have until Aug. 31 to finalize the agreement with Crist, who originally approved the pact in 2007, after which the Florida Supreme Court struck it down.