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GOVERNMENT & REGULATORY ALERT

June 2008

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2008 Legislative Follow-up

Governor Crist Vetoes Developments of Regional Impact (DRI) Legislation

The week of June 23, the Governor vetoed SB 1706, a bill impacting development in the State. At the close of the 2008 Legislative Session, we sent out the following summary on SB 1706, pertaining to Developments of Regional Impact.

CS/SB 1706 - Developments of Regional Impact

This bill amends s.380.06, Florida Statutes, to exempt certain developments that include an office or laboratory appropriate for the research and development of medical technology, biotechnology, or life science applications from a development-of-regional impact (DRI) review if these specified conditions are met:

- The development must be located within a county having a population greater than 1.25 million (this currently qualifies Broward, Miami-Dade and Palm Beach counties).

- The land is located in a designated urban infill area or within five miles of a state supported biotechnical research facility or the local government adopts a resolution recognizing the land is located in a compact, high-intensity, and high density multi-use area.
- The land is located within three-fourths of one mile from one or more planned bus or light rail transit stops.
- The development is registered with the United States Green Building Council and there is intent to apply for certification of each building under the Leadership in Energy and Environmental Design program, or the development is registered by an alternate green building rating system that the local government approves by resolution.

The bill also clarifies the three-year extension provided in 2007 for the phase, buildout, commencement, and expiration

dates applied to DRI and related local approvals. Further, the bill modifies the qualifying developments to include Florida Quality Developments as defined by s.380.061, Florida Statutes, and developments for which a development order was adopted between January 1, 2006, and July 1, 2007, regardless of whether or not active construction has commenced.

Affected Parties

- Developers
- Specified Local Governments
- Medical Technology
- Biotechnology Industries

Status

Enrolled 04/30/08

Please click here to read, in PDF format, the Governor's Veto Message, which describes his administrative concerns and reasons for the veto.

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CHARLIE CRIST
GOVERNOR

June 25, 2008

Secretary Kurt S. Browning
Secretary of State
500 South Bronough Street
Tallahassee, FL 32399

Dear Secretary Browning:

By the authority vested in me as Governor of the state of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you my objections to Committee Substitute for Senate Bill 1706, enacted during the 40th Session of the Legislature of Florida, convened under the Constitution of 1968, during the Regular Session of 2008 and entitled:

An act relating to developments of regional impact ...

This bill includes provisions that are intended to promote biotechnical research development and green building, and I applaud these goals. However, this bill also includes provisions that affect our ability to create the well-planned communities that provide the foundation for a robust economy and maintain the quality of life that every Floridian deserves.

The bill expands the scope of the three year extension of build-out dates for developments of regional impact and Florida quality developments approved in 2007. This expansion affects communities across this state as they work to provide the roads, schools and public facilities needed to ensure that the effects of these new developments do not impair the quality of services provided to our current and future citizens. The bill also exempts certain developments in our most populous counties from development of regional impact review, which greatly limits the opportunity for citizen participation in decisions that may increase demand on existing school, transportation, and public infrastructure.

At a time when Florida's communities are struggling to find the resources to provide essential services, adequate water resources, and schools to educate our children, I am concerned that this bill may increase the burden on communities and shift the cost of new development from the people that benefit from the development to the citizens of our state. I look forward to working with the Legislature during the two years remaining on the current development of regional impact extension to ensure that we balance the vital elements of growth, while also encouraging prudent development.

For these reasons, I withhold my approval of Committee Substitute for Senate Bill 1706, and do hereby veto the same.

Sincerely,

A handwritten signature in black ink that reads "Charlie Crist".

Charlie Crist

THE CAPITOL

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