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**RESOLUTION NO. 09-50**

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REQUESTING **GOVERNOR CHARLIE CRIST TO VETO SENATE BILL 360 AND HOUSE BILL 0073** AND ANY OTHER SIMILAR LEGISLATION RELATING TO GROWTH MANAGEMENT PROTOCOLS; EXPRESSING STRONG CONCERNS REGARDING SB 360, 362 AND SB 1306; AND, HB 0073 AND 0227 AND SIMILAR LEGISLATION THAT WOULD AFFECT GROWTH MANAGEMENT BY MUNICIPALITIES; IF ENACTED, THE LAW WOULD NO LONGER REQUIRE DEVELOPERS TO ADD ROAD CAPACITY IN NEARLY HALF OF THE STATE'S MUNICIPALITIES, AND IN SEVERAL ENTIRE COUNTIES AND WOULD PROPOSE A STATE FEE, YET TO BE CALCULATED, WHICH FEE MAY NOT BE PROVIDED TO THE LOCAL MUNICIPALITIES FOR IMPLEMENTATION; URGING THE FLORIDA LEGISLATURE NOT TO PASS SUCH LEGISLATION; PROVIDING FOR THE DISTRIBUTION OF THIS RESOLUTION TO THE VILLAGE'S LOBBYISTS, THE STATE LEGISLATURE, THE MUNICIPAL LEAGUE OF CITIES, MIAMI-DADE COUNTY, AND OUR SISTER CITIES; PROVIDING AN EFFECTIVE DATE. [Sponsored by Mayor Eugene P. Flinn, Jr.].

**WHEREAS**, Florida Senate Bill 360 and SB 1306 relating to Growth Management and transportation concurrency has been filed for consideration during the 2009 state legislative by Senator Mike Bennett (R-Bradenton); and,

**WHEREAS**, the Village of Palmetto Bay is concerned over Senate Bill 360 and House Bills 0073 and 0027, which was passed by both the House and Senate on May 1<sup>st</sup>, 2009; and,

**WHEREAS**, Senate Bill 1306, also sponsored by Senator Bennett, proposes that transportation concurrency exception areas (TCEAs), which would include the Village and Miami-Dade County, are automatically created in geographic areas that are designated in a local plan for urban infill development, urban redevelopment, downtown revitalization, or urban infill and redevelopment, and includes the definitions of "dense urban land areas" as proposed in SB 360; and,

**WHEREAS**, if the new law is signed by Governor Crist, Florida will no longer require developers to add road capacity in nearly half the state's municipalities and several counties, including the Village; and,

**WHEREAS**, the bills could strip away regional and state planning reviews of Developments of Regional Impact (DRIs) where local governments disregard transportation impacts and in effect would eliminate reviews of DRIs that could affect our community, and undermine proper Growth Management practices; and,

**WHEREAS**, the proposed laws would automatically allow developers in seven of Florida's 67 counties, and nearly half of its 410 municipalities to add more residents and traffic without

1 expanding or adding roads, they will instead pay a "mobility fee," which the state has yet to decide  
2 how to calculate; and,  
3

4 **WHEREAS**, it would provide a mechanism to designate urban areas where new  
5 development impacts on roads could be overlooked, in favor of the developer; and,  
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7 **WHEREAS**, by not forcing developers to deal with the traffic problems created by their  
8 construction, the state will dump road widenings, traffic signals and other costly byproducts of  
9 construction into the laps of cash strapped local governments; and,  
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11 **WHEREAS**, the bills remove transportation impacts as a factor in development approvals  
12 in cities and counties averaging at least 1,000 residents per square mile, which would affect Miami-  
13 Dade County; and,  
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15 **WHEREAS**, passage of these bills would mean that fewer funds are available to the  
16 municipality to address new infrastructure projects, as the local communities would have to shoulder  
17 the developer's transportation development costs; and,  
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19 **WHEREAS**, passage of these bills or similar legislation also could have the effect of  
20 stopping infrastructure projects already planned or being constructed, with further corresponding  
21 job losses; and,  
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23 **WHEREAS**, studies have shown that reducing government spending by reducing fees and  
24 taxes does not stimulate the economy and that the opposite is actually true; spending government  
25 funds on needed infrastructure projects acts to stimulate the economy; and,  
26

27 **WHEREAS**, passage of these bills or similar legislation would result in reduced  
28 infrastructure projects and a loss of construction jobs at a time when stimulus package are being  
29 proposed at the federal, state and local levels to increase infrastructure funding and associated jobs.  
30

31 **WHEREAS**, the Mayor and Village Council oppose passed Senate Bill 360 and urge  
32 Governor Crist to not sign the bill into law; and urge the Senate and Governor, to veto Senate Bills  
33 362 and 1306, and House Bills 0073 and 0227 should they proceed forward.  
34

35 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE**  
36 **COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**  
37

38 Section 1. Expresses strong concerns regarding Florida Senate Bills 360, 362, 1306 and  
39 House Bills 0073 and 0227 and similar legislation that would impact local governments and seriously  
40 undermine proper Growth Management practices, including in areas of transportation in urban  
41 communities. The Mayor and Village Council urges the legislature not to pass any further legislation  
42 that would infringe upon

1 proper growth management practices and further intrude on local municipal and county control of  
2 growth in their communities.

3  
4 Section 2. EXPRESS THEIR REQUEST TO GOVERNOR CHARLIE CRIST TO  
5 VETO SENATE BILL 360 INTO LAW; and further encourages the Governor to reject any such  
6 similar legislation that may come before him, including Senate Bill 362 and 1306.

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8 Section 3. Directs the Village Clerk to transmit a certified copy of this resolution to the  
9 Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade County  
10 State Legislative Delegation, Senator Mike Bennett, the Presiding Officer and Members of the  
11 municipalities in Miami-Dade County and the Executive Director of the Miami-League of Cities.

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13 Section 4. Directs the Village's state lobbyists, and state legislators to oppose the  
14 legislation set forth in Section 1 above, and authorizes and directs that the 2009 State Legislative  
15 Package be amended to include this item.

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17 Section 5. This resolution shall take effect immediately upon approval.

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20 PASSED and ADOPTED this 4<sup>th</sup> day of May, 2009.

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23 Attest:

24 Meighan Rader  
25 Village Clerk

26 Eugene P. Flinn, Jr.  
27 Mayor

28 APPROVED AS TO FORM:

29 Eve A. Boutsis  
30 Eve A. Boutsis,  
31 Office of Village Attorney

32  
33 FINAL VOTE AT ADOPTION:

34 Council Member Ed Feller YES  
35 Council Member Howard Tendrich YES  
36 Council Member Shelley Stanczyk YES  
37 Vice-Mayor Brian W. Pariser YES  
38 Mayor Eugene P. Flinn, Jr. YES