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State official explains Florida's new growth management law

By [Larry Hannan](#) ([Contact](#))

Wednesday, February 8, 2006

No one can fully explain a growth management law that went into effect in Florida in 2005.

But Thaddeus Cohen, secretary of the Florida Department of Community Affairs, knows the new law better than most.

Cohen believes, despite vociferous criticism from Collier officials, the growth management law has a chance to be beneficial to all of Florida. On Tuesday he met with the Naples Daily News editorial board.

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The law has been roundly criticized by Collier officials, who believe it will damage their concurrency management system of collecting impact fees and prohibiting growth until capacity improvements are made to an area.

DCA will be responsible for enforcing the new law.

Cohen said the law, often referred to as Senate Bill 360, needs time to work before changes are made. He said the county commissioners have some valid concerns, but they haven't looked into some of the benefits of the new law.

"We don't think this is a strait jacket," Cohen said of the law.

Throughout most of the state, the new law has been received positively. Collier is the exception.

"You are unique," Cohen said, speaking of Collier County. "We have not had this in other places."

Collier's main complaint is that the law doesn't let the county create a tougher growth management program than the state allows. Collier County's current program is tougher than the state's, so commissioners fear the local program will become moot and they'll have to abide by weaker state requirements under the new law.

If the law is given a chance to work, Collier might be surprised at how much the county benefits, Cohen said.

The key to the new law is the paying of proportionate fair share mitigation. That means a developer or homeowner has to pay a fair amount to the local government so capacity improvements can be made to offset the effect of the new development.

If the fair share payment is made, development can proceed, even if the capacity improvements have not

yet been made.

“This says everybody pays because everybody impacts the system,” Cohen said.

“Under proportionate fair share, local governments can handle backlogs (of infrastructure needs).”

Impact fees can't do that because by law they only can pay for future infrastructure needs, not existing needs.

“A lot of people were unhappy with growth management throughout the state (before this law was passed),” Cohen said. “There was a sense that people were taking advantage of the system.”

Under the new law, it will be easier to get funding for schools, water and road improvements needed because of the growth within the state, Cohen said.

Collier officials are pushing for a glitch bill in the next legislative session that would make changes to Senate Bill 360. That bill would address their concerns and allow them to keep collecting impact fees.

Cohen isn't thrilled about the idea of a glitch bill. He thinks it's too soon.

If a glitch bill is passed, he'd like it to be narrowly focused.

Collier Commissioner Fred Coyle has been vocal in his criticism of the new growth management law. Coyle believes it will decimate the county's concurrency management system.

Coyle said he wants two things from a glitch bill.

“We want to retain our impact fee system,” Coyle said. “We also want the ability to have a concurrency system that guarantees transportation capacity before development is approved.”

The existing law prohibits Collier from doing both, Coyle said.

If the county can get those things, it will be fine with the rest of the growth management law, he said.

Coyle said sacrificing impact fees for proportionate fair share makes no sense.

“We know our impact fee system works,” he said. “Why should we give it up for something that we're not sure works.”

Coyle also said the proportionate fair share system isn't as effective.

If one development pays \$1 million for proportionate fair share, that's not enough to make a road improvement. But that development could be up and operating before they get money from other developers, Coyle said.

“We'd have to wait for a lot of developments to pay their fair share,” Coyle said. “The system we have now is better.”

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Is access to the beach a problem in Collier County?

- Yes. We need public access in more areas.
- Yes. We need to find solutions to solve the problem.
- It's only a problem at peak times. We don't need drastic changes.
- No. Beach access isn't a problem in Collier.

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