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Land Use Bulletin April 2011

Legislation Proposed to Repeal Florida's Concurrency Requirement

Legislation that will dramatically change Florida's growth management laws may soon be enacted by Governor Scott.

Among the most significant of these proposed changes is the elimination of Concurrency for several public facilities.

Concurrency in Florida is now required for sanitary, sewer, solid waste, drainage, potable water, parks and recreation, schools and transportation. Concurrency is tied to provisions requiring local governments to adopt level of service standards, addressing existing deficiencies and providing infrastructure to accommodate new growth that has been identified in a comprehensive plan.



Strict application of transportation concurrency has frequently resulted in developers seeking infrastructure capacity in undeveloped suburban areas. Also, transportation concurrency requirements have created unintended consequences as compliance in urban areas is generally significantly more costly and functionally more difficult than in non-urbanized areas. As a result, transportation concurrency has encouraged urban sprawl and discouraged urban development.

If enacted, the new law will maintain the state requirements for sanitary, sewer, solid waste, drainage and potable water. However, this law will eliminate Concurrency requirements for parks and recreation, schools and transportation facilities.

The proposed law will, however, allow local governments the option to continue to apply Concurrency. Also, local governments that have existing transportation concurrency exception areas (TCEAs) may still opt to continue to utilize them as an exception to locally mandated transportation concurrency. In the event a local government should desire to eliminate Concurrency, it is required to adopt a comprehensive plan amendment.

The elimination of the transportation concurrency requirement is just one of the Florida Legislature's many proposed changes to the state's growth management laws.

If you would like additional information on these proposed changes or any land use matter, please contact our firm at (813) 223-5050 or mbentley@bentleylawfirm.net.