

## **Will Florida Deregulation Fever Include Deregulating Commercial Land Development? HB 7129 and SB 1122 May Become Law**

April 26, 2011 by [Rosa Schechter](#)

It's not a surprise to anyone that the new Governor of Florida is a fan of deregulation, and that lawmakers in Tallahassee have been [proposing a series of laws aimed at deregulating Florida land development](#) that conform to Governor Rick Scott's vision of less government for a better economy.

It's also no surprise that lots of people are very concerned about what this hands-off approach will mean for Florida's future -- just read through [the comments to our recent posts concerning the proposed deregulation of travel agencies, landscape architects](#), and the like to get a gist of what's going on here.

### ***Proposed Laws Will Deregulate Florida Land Development: HB 7129 and SB1122***

This month, [proposed legislation is traveling through the Florida Legislature](#) that has lots of conservation groups very upset because these laws, if they become a reality, will substantially deregulate land development in Florida. There are active campaigns to stop this from happening.

HB 7129 and SB 1122 are the two versions of this new deregulation legislation, and you can read the full text of these proposed laws online:

[Read HB 7129](#) - and [follow its progress through the Florida Legislative process here](#).

[Read SB 1122](#) - and [follow its progress through the Florida Legislative process here](#).

These two bills do not propose the exact same legislation. Admittedly, each offers some sweet stuff for developers that consider themselves to be heavily regulated by Florida laws today.

The House version, for example, would cut back on state review of local land use decisions (e.g., those that currently halt development in the wetlands) and it would free counties to approve development plans whenever they choose to do so (right now, they can only do this biannually). The House Bill also frees land developers from some of the burden of having to pay for the defined cost of urban sprawl (concurrency) of roads, parks, etc.

### ***What Do The Proposed New Laws Do For Florida Land Development?***

Governor Scott and his followers take the position that removing 25-year old growth management laws will free private enterprise to move forward, boosting the local economy in various ways - including creating more jobs for out of work Floridians.

We need jobs. Land development generates jobs: building, construction, surveying, engineering, etc., and after that, work in the various concerns that have been created: salespeople, waitpersons, valets, office workers, teachers, and more. Less law will mean more incentives for investors to develop commercial properties here in Florida -- and residential ones, as well.

This is necessary for Florida's economy. No one is really debating that Florida's economy needs help, and needs help badly.

***However, conservationists are terrified of the aftermath if the proposed deregulation becomes law.***

Environmentalists point with fear at what might happen to the Florida Everglades. National groups, like the Sierra Club, are worried that deregulating Florida land developers will effectively erase protections that have been in place for over two decades -- and that precious natural resources are being sacrificed because of economic panic.

They are instituting campaigns (write your representative type stuff) to thwart the deregulation proposals. To learn more about their position, [read the opinion piece published in the Palm Beach Post by a representative of 1000 Friends for Florida](#). To report that the opposition is riled up is an understatement.

***New Laws Don't Stop Regulation -- Cities and Counties are Free to Regulate Development in Their Area***

However, what is missing in the fight is recognition that the proposed laws do not mean a free-for-all for land developers in this state. Instead, consider this:

1. the proposals may help environmentally in some situations, because current laws that attempted to protect against urban sprawl in the past actually *pushed* land development into rural areas where there was less legal regulatory protection, causing an invasion of development into pristine natural areas that might otherwise been left alone.
2. the proposals simply release the state from some legal oversight burdens; the ability of local counties, cities, etc. to regulate land development remains. Some areas may even become more regulated as a result of these new laws if the community is willing to enact statutes and regulations to protect the local area.