



Audubon OF FLORIDA

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May 14, 2009

The Honorable Charlie Crist, Governor
Plaza Level 05, The Capitol
400 South Monroe Street
Tallahassee, FL 32399-0001

RE: CS/CS/SB360

Dear Governor Crist:

Audubon of Florida urges you to veto CS/CS/SB 360.

As this legislation first emerged from the Senate, it was a carefully crafted and well balanced product that attempted to modify Florida's growth management process to encourage more growth in the state's denser urban areas. By performing this function, Audubon had hoped that the bill would combat Florida's unfortunate history of urban sprawl that so often threatens our vital natural systems and remaining rural areas.

Unfortunately, the Senate product was modified in the House to violate some of the most key principles of "Smart Growth" and turn the legislation into a vehicle that may allow growth almost anywhere to take place in a manner that evades the "Development of Regional Impact (DRI)" process in Chapter 380, Florida Statutes. In an even more unfortunate action, the Senate acceded to the House language on the last day of the legislative session.

At lines 896-899 This legislation includes the following provision:

" ... **any local government** may use the alternative state review process to designate an urban service area as defined in s. 163.3164(29) in its comprehensive plan." (emphasis added)

At lines 1167-1169, the legislation creates a new exemption from the Development of Regional Impact Process for any project within a municipal jurisdiction that is located within "... Urban service areas as defined in s. 163.3164 or areas within a designated urban service boundary under s.163.3177(14)."

At line 1177, the legislation expands this complete exemption from the Development of Regional Impact (DRI) process to Counties for any project located within "... urban service areas as defined in s. 163.3164."

It should be noted that the "dense urban area" definition operational elsewhere in this legislation plays no part in the provisions cited above.

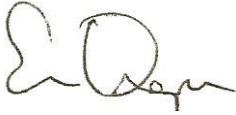
In summary, should CS/CS/SB360 become law, any county or city, regardless of whether it is a "dense urban area" or not, will be able to adopt a new "urban service area" within their comprehensive plan under an "alternative state review process" which severely limits the role of

the Department of Community Affairs to scrutinize such actions, Once such urban service areas are adopted, the Development of Regional Impact process is completely eliminated within such areas.

It is simply not appropriate to allow any small city or town, or any county no matter how rural, to establish a safe haven for large scale land development activities that escape the DRI process where no nexus exists to an already dense urban area.

Because the bill finally passed by both chambers of the Legislature completely abandoned good "smart growth" principles through the inclusion of these ill advised provisions, the protection of the public interest requires that it be vetoed.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Draper". The signature is fluid and cursive, with the first name "Eric" and last name "Draper" clearly distinguishable.

Eric Draper
Deputy Director