Jobs, Jobs, Jobs!
Local Government Economic Development Incentives and Strategies
Nassau County, Florida, A Case Study

David A. Hallman[*]
Paolo S. Soria[**]

Introduction

In the face of the Great Recession of 2008, local governments responded by increasing use of business incentives as well as other comprehensive economic stimulus approaches.[1] This paper provides a case study of economic development strategies in recessionary times, with a focus on the regulatory setup in Florida, state and local economic development initiatives, and specific job creation and business attraction actions and strategies taken by Nassau County, Florida. Additionally, it explores the trend in Florida brought on by recent legislation towards more local government control of economic development strategies and control over impact to

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[*] David A. Hallman is the County Attorney for Nassau County, Florida. He has represented four Florida municipalities and two counties since his admission to The Florida Bar in 1989. He is board certified as a specialist in City, County & Local Government Law, and holds the *Martindale Hubbell AV-Preeminent* peer review rating. Hallman is a past president of the Florida Association of County Attorneys. He is currently the Vice Chair of The Florida Bar's statewide Standing Committee on Professionalism and has been nominated four times for appointment to state court vacancies.

Florida Governor Rick Scott has fundamentally changed the way government and business interact, and this new perspective is restoring local government to its roots, as a service provider to job creating business. The Nassau County Commission is unqualifiedly pro-business and committed to smart growth. None of the economic development accomplishments discussed in this paper would have happened without the hard work of Commissioners Daniel B. Leeper, Stephen W. Kelley, Stacy T. Johnson, Walter J. Boatright and Barry V. Holloway. The county's economic development staff, led by Executive Director Steve Rieck, and planning staff, led by Director Peter J. King, are creative thinkers and hard workers. Former County Attorney Michael S. Mullin, now in private law practice with Rogers Towers, P.A., Nassau County Planning and Zoning Board Chairman Tom Ford, and former Secretary of the Florida Department of Community Affairs Billy Buzzett were critical to key elements of these accomplishments. Private sector partners at Rayonier and TerraPointe Services (the real estate arm of Rayonier), Omni Managing Director Tim Digby, Eli and Toney Sleiman of Sleiman Enterprises, Inc. have played key roles.

This paper would never have been completed had it not been for the monumental contributions of Paolo Soria, Interim Assistant County Attorney. He is an amazing lawyer, scholar and writer, and I am honored to work with him.

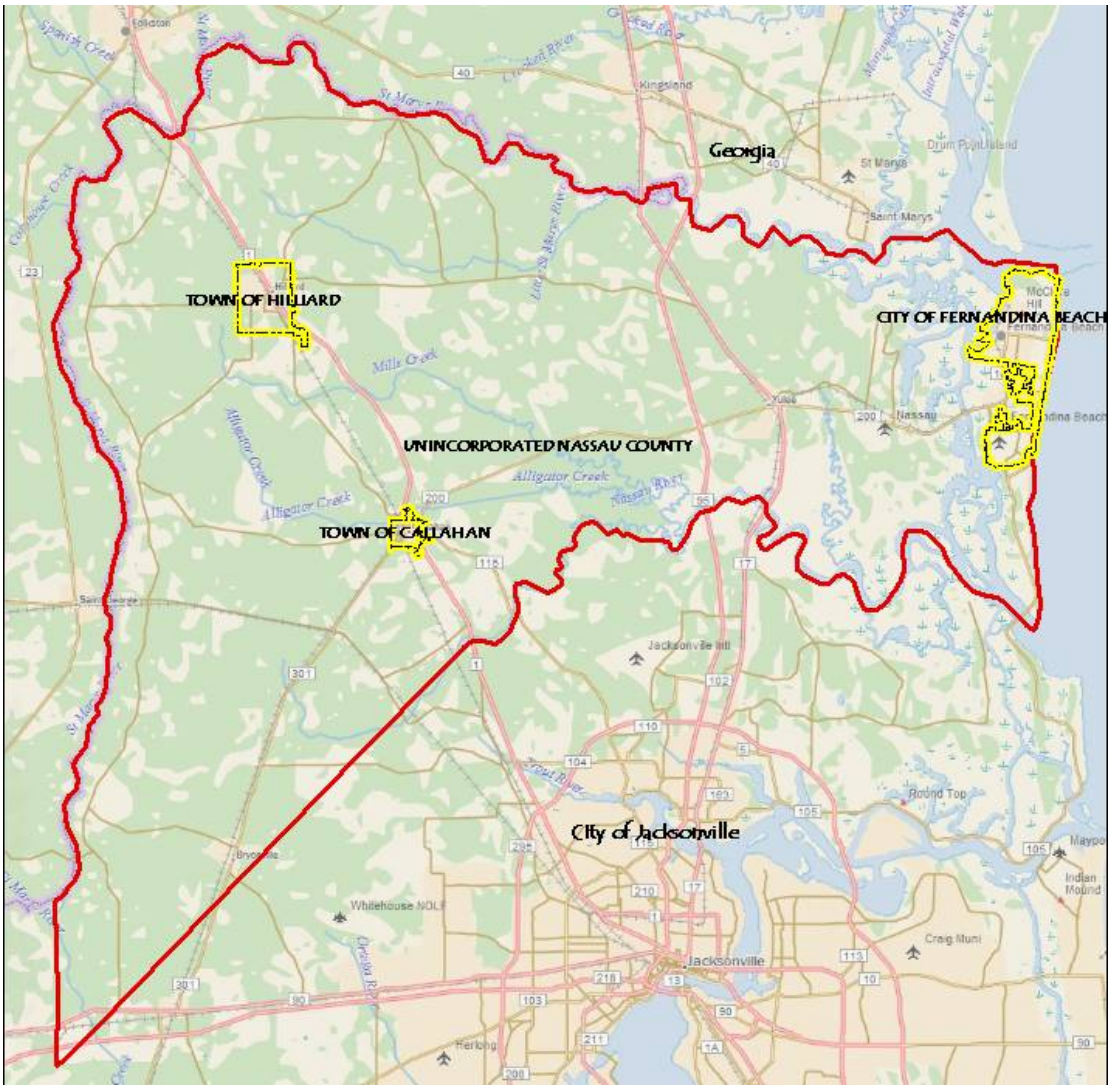
[**] Paolo S. Soria is Interim Assistant County Attorney for Nassau County, Florida. He received his B.A. and J.D. from the University of Florida.

[1] Mildred E. Warner and Lingwen Zheng, *Economic Development Strategies for Recessionary Times: Survey Results from 2009*, *in* THE MUNICIPAL YEAR BOOK 2011 33, 33 (Washington, D.C.: ICMA, 2011)

infrastructure, as well as a trend towards a broadening use of the variety of economic development strategies[2] by local governments. Nassau County is working within those trends, using a broad array of strategies in the face of recessionary times and limited resources. It is hoped that given the similarities between Florida's challenges and its regulatory and tax structure, that this case study will be of value to local governments elsewhere.

Nassau County, Florida has a population of 73,314 according to the 2010 decennial census, with three small municipalities and Amelia Island, a well-known tourist destination. While it has two long established pulp and paper mills constituting an industrial base, much of its economy is dependent on tourism. In fact, it is twice as dependent on tourism as the Florida state average. Geographically, Nassau County is sandwiched between the port city of Jacksonville, with its consolidated government, greater resources, jobs, and infrastructure, and the State of Georgia, with its low level of business and land use regulation. Nassau County's historically low jobs-to-housing ratio is the result of these factors and because it serves as a bedroom community to Jacksonville. Over 20,000 residents commute daily out of the county for work and to shop.

[2] Lingwen Zheng and Mildred Warner, *Business Incentive Use Among U.S. Local Governments: A story of Accountability and Policy Learning*, 24 ECONOMIC DEVELOPMENT QUARTERLY 324, 333 (2010).



Additionally Nassau County works with a small staff. Currently it employs one full-time and one part-time attorney for legal representation of all practice types, and has a planning staff of three AICP planners and two planner technicians. For economic promotion it relies on a non-profit public-private Nassau County Economic Development Board.

Nassau County's challenges along with its long history of tension with the state planning agency makes it a good case study for economic development strategies by a local government with limited resources. Dramatic decreases in the value of residential property, which Nassau County primarily relies on for *ad valorem* tax revenue, and its historical status as a bedroom

community make it essential to improve the jobs-to-housing ratio and to grow the non-residential tax base. Given rising gasoline and transportation costs, there is pressure to create jobs within close geographic proximity to residences. Increasing local government control over planning and development has given Nassau County more opportunities and more options for new economic development strategies.

Revenue Sources in Nassau County

Under the Florida Constitution local governments are expressly authorized to levy *ad valorem* taxes, but general law authorization is required for local governments to levy any other taxes.[3] In general, the primary revenue sources for Florida local governments are *ad valorem* taxes, sales taxes, fuel taxes, and fees or assessments.[4] Legally, the only non-tax revenue sources available to local governments are fees, charges, or special assessments. This particular mix of revenue sources is typical of local governments around the country.[5]

Since the majority of Nassau County's *ad valorem* revenue (51%) is from residential rather than commercial property, Nassau County has a strong incentive to promote job creation and business growth and to increase industrial, office, and retail property values. Such heavy reliance on residential *ad valorem* taxes is unsustainable and indefensible in the face of the mortgage foreclosure crisis, rising gasoline and transportation costs, and the fact that a large portion of Nassau County citizens commute outside the county for work.[6]

[3] Fla. Const. Art. VII, § 9(a).
[4] *See Id*.; Fla. Stat. § 212.054(2) (2011) (Local Options Sales Tax); Fla. Const. Art XII, § 9(c); Fla. Stat. §§ 206.41 and 206.60;
[5] Warner and Zheng, *Supra* note 1, at 35. 91% of responding local governments report property tax as primary revenue source. 52% of responding local governments report collecting a local sales tax.
[6] Fishkind and Associates, Inc., *Nassau County Fiscal Sustainability Study*, September 2, 2008.

Regulatory Framework in Florida

Local governments around the country have been in tension with state authorities over constitutional and statutory changes that would give local governments greater control and discretion over services, policies, finances, and development.[7] Trends show that more responsibility is being transferred from state to local governments.[8] Florida plainly exemplifies these trends, with the Community Planning Act of 2011 transferring authority over growth management planning decisions to local governments and dramatically limiting state oversight.[9]

In 1985 the Florida Legislature adopted the Local Government Comprehensive Planning and Land Development Regulation Act[10] in response to continued rapid growth and the challenges of state and local governments to adequately address development impacts. The Act gave more state oversight and control of the planning process to the state land planning agency, the Department of Community Affairs (DCA). Every county and municipality was required to adopt a local government comprehensive plan to guide future growth and development, with review and comment by the DCA. Additionally, local governments were mandated to meet concurrency requirements for development. Concurrency requirements are defined as general infrastructure requirements that any particular comprehensive plan must ensure are present, *concurrent* with actual development. For example, an owner of commercial property is prohibited from developing that property until the necessary concurrency requirements are met.

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[7] David N. Ammons, Karl W. Smith, and Carl W. Stenberg., *Local Governments in the Wake of the Great Recession: Are Big Changes Ahead* 15, prepared for The Alliance for Innovation Big Ideas: The future of Local Government, October 14-16, 2011

[8] *Id*. However, this paper notes that accompanying greater responsibility is that "states are increasingly withdrawing state-shared taxes and fees, 'borrowing' from state-funded local government accounts, and imposing new financial requirements on local governments." *Id*. (Citing Kearney, et al. 2011).

[9] 2011 Fla. Laws 2011-139, Fla. HB 7207 (2011).

[10] *See* Fla. Stat. Ch. 163, pt II.

For transportation concurrency this would require an increase to a road's carrying capacity, by requiring the developer to fund the capacity-adding addition to the roadway.

State review procedures and comprehensive plan requirements hindered the ability of local governments to effectively manage growth and promote economic development within their communities.[11] The Act was an "an ongoing source of friction and anxiety to local government officials and planners" and the recently elected Governor Rick Scott made it clear that he would support eliminating the Department of Community Affairs.[12] Additionally, Scott touted job creation, driven primarily by reduction of state oversight and creation of a business friendly climate, as the centerpiece of his campaign. Governor Scott's job creation efforts are showing significant signs of success and Florida's unemployment rate is one of the most significant nationwide year-over-year decreases in unemployment.[13] Florida was one of the few states in August 2012 that saw an increase in job demand as well as positive annual job growth for 24 consecutive months.[14]

[11] Linda Loomis Shelley and Karen Brodeen, *Home Rule Redux: The Community Planning Act of 2011* 49, 49, in FLORIDA BAR JOURNAL, July/August 2011
[12] *Id*.
[13] Jeff Harrington, *Florida Unemployment Drops Again, Reaching 8.6 Percent*, Tampa Bay Times, Saturday June 16, 2012 *available at* http://www.tampabay.com/news/business/workinglife/florida-unemployment-drops-again-reaching-86-percent/1235529; *see also* Katie Sanders, *Scott's Jobs Promise takes a hit despite May growth*, http://www.politifact.com/florida/promises/scott-o-meter/promise/588/create-over-700000-jobs/, June 18, 2012.
[14] Florida Department of Economic Opportunity, *Overall Job Trend is Positive Despite Slight Uptick in Unemployment Rate*, August 17, 2012, http://floridajobs.org/news-center/news-feed/2012/08/17/overall-job-trend-is-positive-despite-slight-uptick-in-unemployment-rate.



Groundbreaking of $85 million OMNI-Amelia expansion

In 2011 the Florida Legislature adopted the Community Planning Act of 2011[15] (CPA) and made sweeping changes to Florida's growth management laws by greatly reducing state oversight and giving authority over comprehensive planning decisions to local governments. State comment on a local government's proposed comprehensive plan amendment is now limited to "important state resources and functions". It is worth noting that the Florida Legislature deliberately chose not to provide a definition of the term "important state resources and functions", clearly signaling a desire to be more hands-off where it comes to local development issues.[16] Moreover, the CPA eliminated the state mandate for concurrency for transportation, schools, and parks and recreation facilities. Concurrency for these is optional and a local government may rescind concurrency through a comprehensive plan amendment. The state still mandates concurrency for sanitary sewer, solid waste, drainage, and potable water.

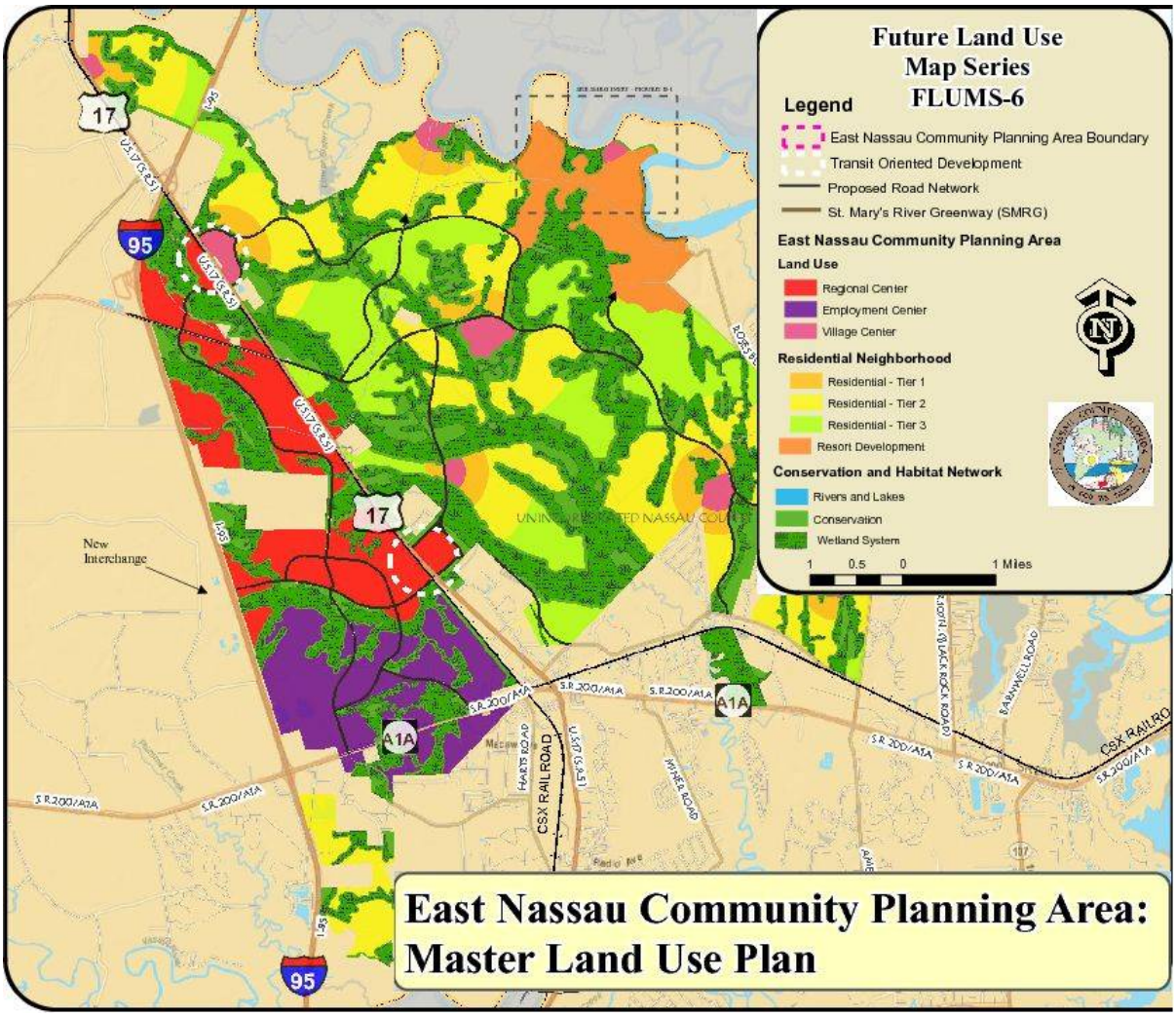
The CPA revised a local government's control over sector plans. Sector Planning was previously a limited pilot program allowing a local government long-term flexible planning for

[15] 2011 Fla. Laws 2011-139, Fla. HB 7207 (2011).
[16] *Id.*; *see also* Shelley and Brodeen, *Supra* note 11, at 49.

development over a single, unified large geographic area. The Florida Legislature established Sector Planning as an alternative to the much more laborious review of developments of regional impact process.[17] Currently any local government or combination of local governments may adopt a sector plan for a large geographic area of at least 15,000 acres. Development within an approved sector plan is not subject to development of regional impact review,[18] the net impact being a dramatic speeding up of permitting, entitlement vesting, and project approval. The CPA provided for a conversion from a long-term master plan to a sector plan by agreement with the Department of Economic Opportunity if the plan was adopted prior to July 1, 2011 and contained at least 15,000 acres. Nassau County played a significant role in securing this legislative change.

Nassau County successfully converted its approved master plan for the East Nassau Community Planning Area (ENCPA) to a sector plan by agreement with the newly created Department of Economic Opportunity. At this writing, Nassau County is one of only three approved sector plan conversions granted through the Community Planning Act of 2011.[19] The ENCPA sector plan provides the necessary infrastructure and mixed-use planning for Nassau County to be competitive in attracting new business growth. Additionally, Nassau County created a very flexible Industrial Park zoning category to increase the competitiveness of the county in the southeastern United States, to attract job-creating uses and reduce barriers to site approval and planning.[20]

[17] Fla. Stat. § 380.06; Fla. Stat. § 163.3245.
[18] Fla. Stat. § 163.3245(3).
[19] Florida Sector Planning Program, http://floridajobs.org/community-planning-and-development/programs/technical-assistance/planning-initiatives/rural-planning/sector-planning-program, visited August 22, 2012.
[20] Nassau County Ordinance 2012-25.



Nassau County Economic Development Strategies and Successes

The clear trend for local governments in response to recessionary times and a shrinking tax base is to implement a broad array of development strategies,[21] from traditional business incentives to more comprehensive approaches such as quality of life and business retention. Nassau County is no exception, and in fact represents a true incubator model of these efforts. With the addition of a sudden increase in local government control over community and land planning decisions, especially over infrastructure planning,[22] Nassau County implemented a

[21] Zheng and Warner, *Supra* note 2, at 333-34.
[22] 2011 Fla. Laws. Ch. 2011-139, Fla. HB 7207 (2011).

variety of strategies for economic development: direct business incentives; elimination of growth management requirements and fees; long-term planning for large areas; and permit assistance and quality of life enrichment.[23]

Traditional business incentives remain a well-used method of economic development, and their use by governments has only increased in recessionary times.[24] The most popular type of economic development practice is "business service support" which includes site selection assistance, procurement support, and government lobbying[25] and research support[26] and zoning and permit assistance to facilitate the development process.[27] Although many local governments still practice traditional strategies such as tax and business incentives, they also simultaneously engage in novel or "trendy" development initiatives.[28] Recently, Nassau County succeeded in convincing a Buffalo, New York company, Science First, to move its operations and employees south. Additionally, suspension of impact fees and a public private partnership with another commercial developer resulted in creation of 400 new, commercial retail jobs and the addition of a new retail center to Nassau.

[23] Warner and Zheng, *Supra* note 1, at 38, note that "more recent research shows that it is investment in the fundamentals – schools, physical infrastructure, and social services – that makes communities more economically vibrant over the long term and supports their well-being" and "a majority of respondents (73%) in 2009 reported that their local governments give top priority to programs supporting quality of life." Nassau County is fortunate that its schools are rated "A" on the scale used by the State of Florida, ranking 14th overall in top Florida School Districts. Florida Department of Education District Rankings, https://app2.fldoe.org/Ranking/Districts/.
[24] Warner and Zheng, *Supra* note 1, at 37.
[25] Nassau County has engaged its own lobbyist to advance legislative proposals to enhance sector planning, and to authorize public private road construction projects
[26] Elizabeth Currid-Halkett and Kevin Stolarick, *The Great Divide: Economic Development Theory Versus Practice – A Survey of the Current Landscape*, 25 ECONOMIC DEVELOPMENT QUARTERLY 143, 151 (2011).
[27] Warner and Zheng, *Supra* note 1, at 37.
[28] Currid-Halkett and Stolarick, *Supra* note 26, at 151.



New York company relocates operations, jobs to Nassau County

Shortened permit approval time frame and quality of life

The ICMA Economic Development Survey 2009[29] reported that zoning and permit assistance is the primary focus of reporting local governments.[30] Nassau County, like many other local governments, uses a non-profit economic development board for assistance with site selection and permitting/zoning for interested new or expanding businesses. The county is typical of the trend towards broader strategies of economic development,[31] incorporating direct business incentives, quality of life, and permit and development assistance. Moreover, the county places as much emphasis as it can on schools, infrastructure, and social services to attract businesses.[32]

[29] *See* Warner and Zheng, *Supra* note 1, at 34 (summarizing the Internatinal City/Council Management Association Economic Development Survey 2009. The survey was sent to chief administrative officers of all municipalities with a population of 10,000 or more in October 2009)
[30] *Id*. at 37.
[31] Zheng and Warner, *Supra* note 2, at 333.
[32] *See* Warner and Zheng, *Supra* note 1, at 38 ("schools, physical infrastructure, and social services makes communities more economically vibrant over the long term").



Ribbon cutting for new commercial center

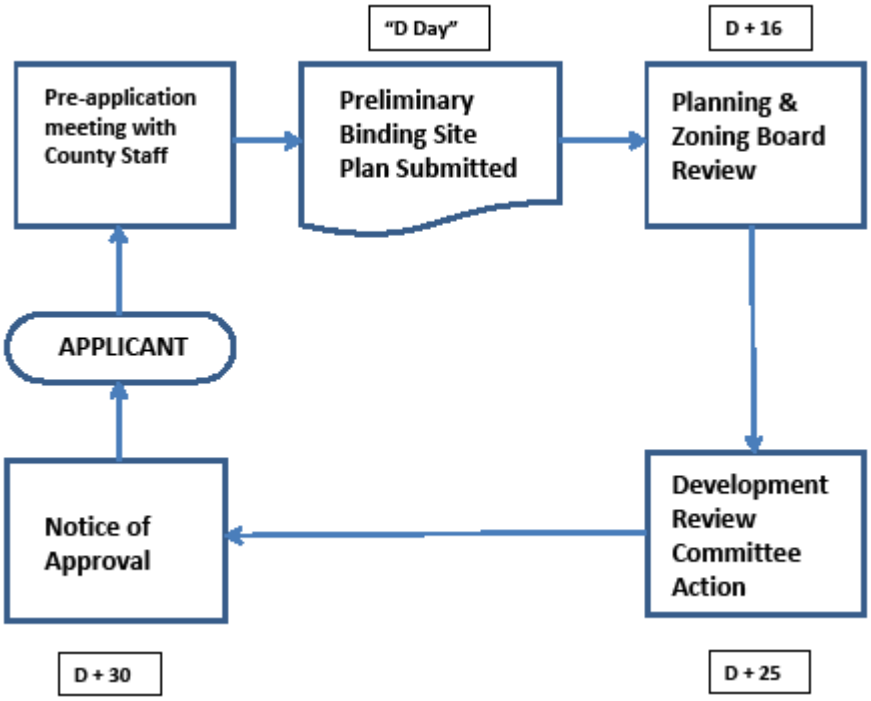
Nassau County has developed a streamlined permit process in response to the economic downturn and also to changes in state law. In 2010 the county re-wrote its procedures for site plan approval in an effort to expedite plans and shorten approval times. The county allowed early public participation in the process, allowed investors to secure conceptual approval before undertaking larger final engineering costs, and promoted an interactive review process to discuss land code requirements and board policy without intermittent delays.[33] The ordinance created an accelerated review and approval process for economic development and affordable housing proposals.[34] Notably, County Commission review was removed from all projects (except Planned Unit Developments), a simplified conceptual site plan was added, and the Planning Board (made up of community volunteers) was installed at the beginning of this site plan review

[33] Nassau County Ordinance 2010-08, § 3

[34] *See* Warner and Zheng, *Supra* note 1, at 38 ("from an economic development perspective, affordable housing is a critical component of local economic development strategy.)

process to catch any possible issues before the conceptual plan moved to the final engineering stage.[35] For large projects like Planned Unit Developments (PUD) only site plan considerations would be required for approval by the Nassau Board of County Commissioners, allowing final engineering and platting to follow, rather than precede, board approval.[36] In addition, the incumbent practice of the Development Review Coordinator's holding of plans until the next Development Review Committee (DRC) meeting was eliminated in favor of hand delivery to each individual department immediately upon receipt of the plans from applicants. The result has been an improved time frame for applicants that are prepared to follow the process and have licensed engineers to ensure that state and county regulations are represented on the plans. These changes trimmed many weeks from the typical approval times for development projects and has made the process more predictable. In most circumstances, Nassau County will issue a notice of approval or other final decision within thirty (30) days of submission of a development permit application. For most site plans, the following chart represents the maximum length of the current process.

[35] Nassau County Ordinance 2010-08, §3.
[36] *Id*.



Economic Development Grant incentive package

The ICMA 2009 survey[37] reports that 95% of reporting local governments use business incentives, a rise from the 2004 survey where use was reported at 72%.[38] As the use of business incentives increase, so then does accountability for business incentives become a major concern for state and local governments.[39] In August 2012, Florida launched its public economic development incentives portal which gives public access to incentive projects from 1996 to 2012 that have completed their performance phases.[40] All businesses participating in the incentive program are paid based upon verified performance and all incentive agreements have sanction

[37] *See* Warner and Zheng, *Supra* note 1, at 34 (summarizing the International City/Council Management Association Economic Development Survey 2009. The survey was sent to chief administrative officers of all municipalities with a population of 10,000 or more in October 2009).
[38] *Id*. at 36-37.
[39] *Id*. at 41; *See also* Elaine B. Sharp and Kevin Mullinix, *Holding Their Feet to the Fire: Explaining Variation in City Governments' Use of Controls on Economic Development Subsidies*, 26 ECONOMIC DEVELOPMENT QUARTERLY 138 (2012) (explaining that while important, incentive controls may be constrained by citizen participation and local competition).
[40] www.floridajobs.org/incentivesportal.

and clawback provisions to protect the state's investment.[41] Florida is typical in implementation of accountability measures such as performance and clawback agreements as a condition of providing business incentives.[42] Florida's use of performance agreements provides a more direct mechanism for accountability and its use of clawback provisions protects the state's investment.[43] Nassau County has used clawback provisions to recover contributed real property when the land it had conveyed for the creation of jobs at a local tourism based business did not meet the timetable embedded in the development agreement.

Since 2010, Florida law requires local governments to report economic development incentives in excess of $25,000 given to businesses.[44] The 2012 survey asked for four incentive types: Direct – monetary incentives including grants, loans, investments, loan insurance and guarantees, and training subsidies; Indirect – grants or loans that provides support or promotion; Fee or Tax-based incentives – credits, refunds, exemptions, or property tax abatements; and Below Market Rate Leases or Deeds.[45] The largest percentage of the incentives granted from counties was in the form of direct incentives at 53.0% of a total $46.2 million.[46] The largest percentage of incentives granted from municipalities was in the form of below market leases and deeds at 38.9% of a total $24.5 million.[47]

Nassau County, through the work of its own Economic Development Board (consisting of business, planning and public sector representatives) has authored and is poised to consider enactment of an Economic Development Grant (EDG) program in an effort to be competitive

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[41] *Id*.
[42] *See* Warner and Zheng, *Supra* note 1, at 41 (reporting 60% of respondents using clawback agreements).
[43] Elaine B. Sharp and Kevin Mullinix, *Holding Their Feet to the Fire: Explaining Variation in City Governments' Use of Controls on Economic Development Subsidies*, 26 ECONOMIC DEVELOPMENT QUARTERLY 138, 141 (2012).
[44] 2010 Fla. Laws Ch. 2010-147.
[45] Office of Economic and Demographic Research, Economic Incentives Report 2012, 2-3 (2012), *available at* http://edr.state.fl.us/Content/local-government/reports/econincentives11.pdf.
[46] *Id*.
[47] *Id*.

with business incentives from other local governments.[48] In the face of recession the vast majority of local governments use business incentives to increase the tax base and number of jobs.[49] While not a direct abatement of the property tax, the EDG incentive program provides a grant to a new or expanding business based on a percentage of the increase in the value of the property due to the presence of the business. The grant lasts for 5 to 15 years, depending on whether it is a new business and the capital investment and jobs created. The percentage of the increase in value awarded as a grant decreases year after year so the County receives more and more of the increase in the property value.[50] The EDG program implements performance measurements in terms of jobs created that pay a certain percentage of the county wage. The EDG not only applies to new businesses but to expanding businesses that expend capital and create jobs in Nassau County.



New commercial center creates 400 jobs

[48] *See* Warner and Zheng, *Supra* note 1, at 39 (noting respondents feeling slight increases in interlocal competition).
[49] *Id*. at 37.
[50] The County receives the entire property tax revenues for the base year (i.e. the value of the property absent the presence of the business).

For example, the grant can be given to existing/expanding businesses that create at least ten (10) new jobs paying at least 100% of the county average wage or invest at least $1 million. Over the next five years the business will be given 100% of the incremental change in taxable value created by the investment the first year, 80% of the increase in the second year, 60% the third, 40% the fourth, and 20% the fifth.[51] The county receives the tax on the property as if the business was not there, and sees an increasing amount of the value-added increase. New businesses must create a certain number of jobs that pay at least the average wage and invest a certain amount. The amount of the grant and the period for which the grant is available is dependent on the number of jobs and the capital invested as shown in the table below.[52]

Creating at least:		**And Paying at least:**	**Then Eligible for**	
Jobs	**And Capital Investment**	**Nassau's Average Wage**	**% E. D. Grant**	**For Number of Years**
10-20	$1 million - $2 million	100%	100/80/60/40/20%	Over 5 years
21-30	>$2 million - $5 million	115%	50%	7 years
31-50	>$5 million - $10 million	115%	50%	10 years
51-100	>$10 million - $20 million	115%	75%/50%	1st 5 years/2nd 5 yrs
101+	>$20 million	115%	75%/50%	1st 10 yrs/next 5 yrs

The grant only pays out upon verified performance, i.e., it only pays the business upon the verification of the created jobs. The public's interest is adequately protected because there is no up-front payment of the grant to the business since "[u]p front performance measures must be met and maintained by the applicant for the entire period of grant eligibility in order to receive the full amount of the annual grant."[53] The ordinance does not require the implementation of a clawback agreement which, "literally require incentive recipients to 'sign on the dotted line' for something that is potentially quite threatening to their financial bottom line."[54] However, a clawback agreement may be implemented into the actual Economic Development Grant

[51] Proposed Nassau County Economic Development Grant Ordinance, Table One.
[52] Proposed Nassau County Economic Development Grant Ordinance, Table Two.
[53] Proposed Nassau County Economic Development Grant Ordinance, Section 3.6.
[54] Sharp and Mullinix, *Supra* note 30, at 141-42.

Agreement to protect the county's investment. The grant program meets legal review, and does not require a public referendum since it does not represent a direct refund of *ad valorem* taxes and contains the necessary language indicating that it is conditioned upon availability of funds.

Elimination of the Transportation Concurrency Requirement

Transportation concurrency, the requirement that road capacity infrastructure be in place before any development has begun, has operated as the practical limiting factor on business development and job creation in Nassau County. As road capacity is exhausted in central areas, development is pushed to outlying areas that still have capacity. The unintended net effect of transportation concurrency was a dramatic increase in urban sprawl into outlying areas, as developments had an incentive to expand further out, to less-impacted roads.

Additionally there was a growing sense that government has not fulfilled its part of the bargain. That is, property owners give up unlimited right to use property as part of zoning and urban planning, while government is supposed to ensure that the essential infrastructure is available for the remaining allowable uses. Nassau County had reached the point where it was essentially telling property owners that because infrastructure didn't exist, the property owner was not allowed to do *anything* with their property, except pay taxes on it. This writer passionately believes that governmentally imposed land use and zoning restrictions are fundamentally unfair where government fails to ensure that the property owner will have access to needed infrastructure when ready to use his or her land. The paradigm of state controlled growth management had failed, resulting in the complete and needed overhaul of the system with the Community Planning Act of 2011 by the Florida Legislature, and the elimination of the administering agency, the Department of Community Affairs, by newly elected Governor Rick Scott.

When given the option by the Community Planning Act,[55] the Nassau County Board of County Commissioners voted to remove the transportation concurrency requirement. By eliminating transportation concurrency, Nassau County gains more control over long-term transportation planning, prevented urban sprawl, and is better able to promote community design.[56] More importantly, it reduced the biggest practical barrier in Nassau County to attracting new businesses and jobs.[57]

Replacing the absolute requirements of transportation concurrency would be a mobility fee program.[58] A mobility fee is a specialized form of impact fee to account for the actual cost or impact that new development would necessarily have on existing roadways or infrastructure. Usage of impact fees in Florida by local governments is highly constrained and must meet the "dual rational nexus" test where there is 1) a reasonable need for additional capital facilities to accommodate the growth in population, and 2) a reasonable connection between the expenditure of the proceeds of the fee and the benefits accruing to the growth from those proceeds.[59] Additionally, the Florida Legislature enacted more restrictive rules governing the use of impact fees by local governments.[60] Rather than having to wait for transportation concurrency to become available prior to development,[61] local governments can support both businesses and infrastructure.

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[55] Fla. Laws Ch 2011-139, Fla. HB 7207 (2011).
[56] *See* Nassau County Economic Development Board website, www.expandinnassau.com.
[57] Garrett Pelican, *County Aims to Remove Transportation Rule*, Fernandina News Leader, Friday, November 11, 2011 at A5.
[58] An interim program between the repeal of transportation of concurrency and the implementation of a mobility fee is the Adequate Public Facilities (APF) program. Developments approved under the APF program will be transitioned over into the mobility fee program.
[59] *Home Builders and Contractors Assoc. of Palm Beach Co. v. Palm Beach Co*. 446 So. 2d 410 (Fla. 4th DCA 1983).
[60] Fla. Stat. § 163.31801 (2011).
[61] Note that a roadway may be considered at capacity and not have any available concurrency even if the road, in actuality, is not. This is because concurrency is allotted to existing developments that have not yet been built or will be built years in the future and the impact of these "ghost trips" to not-yet-existing businesses is factored in. These "ghost trips" prevented new businesses from being developed on technically at-capacity roads.

Conclusion

This paper has focused on the economic development efforts of one particular county in the face of recessionary times and an increase in local government control. Previously Nassau County's development efforts were stymied by the state regulatory framework that limited development and planning, especially with increasing competition for business by adjacent local governments. Governor Scott has led a revolution in state-level rethinking of how planning actually impacts business and local growth. Recognition that the old mindset did not yield better planned communities has resulted in legislative change that empowers local government. In an effort to correct its low jobs-to-housing ratio and to no longer rely to such a great extent on residential *ad valorem* tax revenue, the county, even with limited resources, is taking advantage of its new ability to plan for long term growth and infrastructure and to provide a more business friendly environment. Nassau County has already seen some early successes, with new construction of commercial and tourism facilities. A new and vital sense of partnership has been engendered among government and business. There is a clear recognition that local governments which are able to react quickly, substituting empowered leadership for bureaucratic thinking, will be the economic winners. Although challenges continue to exist, there is a general, if not universal, sense that progress is being made and the economic future is bright.