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Florida Legislature

## Cities sue to block lawmakers' growth management repeal

Gov. Crist signed the bill to scale back growth laws

By Aaron Deslatte

Tallahassee Bureau

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TALLAHASSEE

A group of local governments has sued to block a new law that critics said could force the public to pay more for roads serving new strip malls, planned communities and other developments.

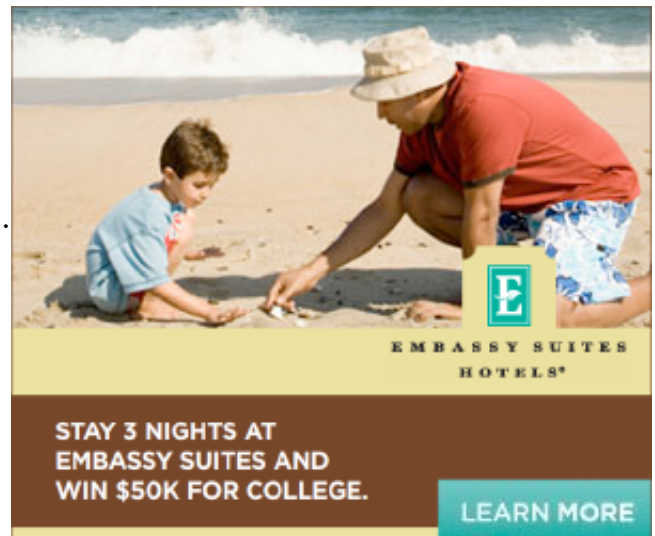
The lawsuit, filed in Leon County Circuit Court, accuses Gov. Charlie Crist and legislative leaders of imposing an "unfunded mandate" on local governments by forcing them to pay for transportation projects previously financed by developers.

For two decades, Florida's so-called "transportation concurrency" law has required builders to pay local governments to help offset the cost of the extra traffic they put on a community's roads. But developers have long claimed their money often goes to relieve existing gridlock and not the traffic their projects generate. And many environmental groups say the law has steered development into rural areas where it is cheaper to meet the requirements -- thus fueling more sprawl.

Among many other changes, the bill (SB 360) repeals transportation concurrency for the state's big and medium-sized metropolitan areas -- including most Central Florida counties -- which green groups and even the state's top growth planner said went too far. Nonetheless, Crist signed the bill in June, saying it had more positives than negatives.

Crist spokeswoman Erin Isaac said Wednesday the governor's office was reviewing the lawsuit but had not been served yet.

When they passed the bill in May, lawmakers claimed that it would help jump-start the state's stagnant development industry.



The challenge was filed late Tuesday on behalf of Lee County, six South Florida municipalities -- Weston, Key Biscayne, Cutler Bay, Deerfield Beach, Miami Gardens and Parkland -- and Fruitland Park in Lake County.

The suit argues that the legislation would harm local governments by forcing them to pay for infrastructure needed to support growth -- once it returns.

"It's a terrible bill that just shifts a lot of the cost of development away from developers and onto taxpayers," lead lawyer Jamie A. Cole said Wednesday.

Indeed, attorneys for Orange County have said the bill requires that up to \$20.5 million in payments by developers to finance future road work must be refunded. The county will also not collect \$32.5 million in future fees from developers.

But Orange County will not join the lawsuit, said county attorney Tom Drage. "I don't think we need to get involved," Drage said. "We need to let the cities carry the ball on this issue."

Weston City Manager John Flint said his Broward County city joined the suit because the law repeals a "Development of Regional Impact" review process, which gave neighboring local governments some say-so on big projects that could impact more than one community.

Flint said a proposed 2 million-square-foot office park, retail, and hotel development on the edge of Davie could funnel more than 32,000 vehicles a day to and from Weston --requiring wider roads that Davie will have to pay for.

"It's going to cost our taxpayers money when we derive absolutely no benefit from it because it's in another jurisdiction," said Flint. "That's simply not fair..."

Fruitland Park joined the suit at Weston's urging and because it too must deal with traffic from developments in neighboring communities like Lady Lake, Leesburg and The Villages, said city manager Ralph Bowers.

"As they grow, it dumps more traffic on our routes," he said. "The way they described the bill, then it would be up to our developers to make up for that traffic. I think that's an inappropriate thing to have happen."

The local governments also claim lawmakers violated a constitutional prohibition by combining several different bills -- dealing with growth management, affordable housing and security cameras -- into one.

"This is a classic case of violation of the single-subject rule," Cole said. "It was done at the last hours of the session... It's a blatant case."

State Sen. Mike Bennett, R-Bradenton, the Senate sponsor of the bill, said the "unfunded mandate" argument didn't wash because local governments could still charge developers impact fees and impose their own transportation rules.

"What we're doing is shifting the responsibility for them to make the decision" about how to tax developers, said Bennett, himself a developer. "You cannot continue to expect me to pay for the county's past mistakes. I should be responsible for paying for the cost that I cause."

Christine Show and David Damron of the Sentinel staff contributed to this story. Aaron Deslatte can be

reached at 850-222-5564 or [adeslatte@orlandosentinel.com](mailto:adeslatte@orlandosentinel.com).

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