

Local governments sue over Florida's new growth-management law

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A group of local governments, including several from South Florida, sued Gov. Charlie Crist and the Legislature on Wednesday, accusing the state of violating its constitution in passing a growth-management law that opponents bash as a developer-relief act.

Crist signed the bill into law June 1 to the delight of builders and business groups. They said the rewrite of Florida's 25-year-old growth laws was needed to spur the state's development-based economy.

Titled the "Community Renewal Act," the law largely exempts builders from having to widen roads to accommodate traffic from new construction and eliminates the review process for some large developments.

Environmentalists and local governments predict the new law will lead to sprawl and clogged roads.

'AN EXCUSE'

"Supporters of this law are using the economy as an excuse to make it easier for developers to develop," said Jamie Cole, the lawyer leading the suit on behalf of the city of Weston and seven other local governments.

Crist and House Speaker Larry Cretul declined to comment, saying through spokeswoman that they hadn't seen the suit. Senate President Jeff Atwater issued a statement saying he was reviewing the suit and has "great respect" for local governments.

The lawsuit barely touches on the debate over sprawl and the economy. Instead, the suit focused on two provisions of the state Constitution that check the Legislature's lawmaking powers:

- One provision says the Legislature can't pass a single law that encompasses multiple unrelated subjects. Lawmakers broke the so-called "single subject rule" by adding language about security cameras at private businesses and affordable housing to the growth-management bill, the suit says.
- Another provision limits so called "unfunded mandates" -- that is, new laws that are imposed on local governments without any new source of money to pay for them. The Legislature can skirt this requirement by a two-thirds vote in each chamber.

But the Legislature didn't pass the law with the required two-thirds votes, the lawsuit says, nor did it provide a funding source for local governments to pay the costs of revising their growth plans.

DAVIE COMMONS

Weston, in a battle with the town of Davie over a massive mixed-use development called Davie Commons, was joined in the suit by Key Biscayne, Cutler Bay, Lee County, Deerfield Beach, Miami Gardens, Fruitland Park and Parkland.

Cole has asked the Tallahassee circuit court, where the case is filed, for an expedited hearing to block the law. He said local governments throughout Florida are "struggling" to interpret the act, so the sooner the court weighs in, the better.

Miami Republican Rep. Erik Fresen, among the many lawmakers who voted for the act, acknowledged there is confusion over just what it does. He held a Wednesday forum in Coral Gables so local government officials, citizens and developers could talk.

Fresen said he had concerns over the bill, but they were "assuaged" by the fact that it allows local governments to increase fees developers pay to help defray the costs of growth, such as for road-widening. He said the old growth-management laws were too outdated.

"I think the bill has elements that may entice the development industry to reengage in Florida without the fear of moving-target growth-management policies," Fresen said.

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