

Local perspectives

TALLAHASSEE

CITIES RIGHT TO CHALLENGE GROWTH LAW

Cities in South Florida and other parts of Florida filed suit this week in Tallahassee claiming that Gov. Charlie Crist and the Legislature violated the state Constitution with a new growth-management law. Good for them.

Usually, going to court should be the last resort, but the bill the Legislature passed and the governor signed deserves legal challenge. The so-called Community Renewal Act is an open invitation to sprawl creeping across Florida's remaining open spaces. It's been dubbed the "Developer Relief Act."

Citing the recession, lawmakers argued that weakening growth-management laws would jump-start the economy. They apparently overlooked the fact that the construction industry is governed by the market. Florida is saturated with vacant homes and empty office complexes.

The new law lets developers off the hook for building roads and other infrastructure that their new developments necessitate. Instead, local taxpayers would have to foot the bill for these essentials.

It also removes state oversight of Developments of Regional Impact -- big projects that affect traffic, schools, water and sewer demand and even hurricane evacuation times.

Rather than go after the objectionable sections of the law, however, the lawsuit focuses on two constitutional provisions related to the Legislature's powers.

First, the Constitution prohibits lawmakers from passing a single law that includes several unrelated subjects. The suit says the Legislature violated the so-called "single-subject rule" by adding language to the bill about affordable housing and security cameras at private businesses.

Second, the Constitution says the Legislature can't burden local governments with "unfunded mandates" -- that is, adopt a law without creating new funding to enforce it.

The Legislature can get around this with a two-thirds vote in each chamber, but the growth-management bill passed by less than that. Nor does it provide new funding for its mandates on local government.

The cities have asked for an expedited hearing to block the law from going into effect.

That would be a prudent step for the courts to take. It's a bad law worth derailing.