

Homestead joins suit against development law

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Homestead is joining a lawsuit contesting a new law that has loosened requirements for developers to provide new roads or infrastructure upgrades for new buildings and homes and also ends state oversight for large projects.

That means Florida's eight largest counties and more than 200 of its cities won't have to follow long-standing growth management rules because of Senate Bill 360, which Gov. Charlie Crist signed into law on June 1.

The Homestead City Council's unanimous decision came during Tuesday's Committee of the Whole meeting. Council members Judy Waldman and Melvyn McCormick were absent.

Two reasons for joining the fight: City leaders don't want taxpayers to foot the bill for road and infrastructure improvements needed for developers' new projects. And they say it is unclear how the new law will affect Homestead and Miami-Dade County.

"I think a lawsuit could settle the ambiguity," Homestead Mayor Lynda Bell said.

Homestead follows 15 other cities that have joined the litigation, including Weston, Parkland, Miami Gardens, Key Biscayne, Cutler Bay and Palmetto Bay.

Weston is taking the lead on the lawsuit and has asked other cities to pay \$2,500 to join.

Critics of the law have said it scuttles important features of the 1985 Growth Management Act -- namely, the review of developments of regional impact by the state's Department of Community Affairs and transportation concurrency requirements in "dense urban land areas." This covers cities with more than 1,000 people per square mile or counties with more than one million people.

Generally speaking, transportation concurrency requirements force local governments to show that nearby roads can handle traffic generated by new developments.

When future traffic exceeds the roads' capacity, developers typically pay to widen or create roads and improve the area's infrastructure surrounding their new projects.

Supporters of the new law, including its sponsor, Sen. Michael Bennett, R-Bradenton, who is a developer, have said it is needed because transportation concurrency has failed.

For example, when businesses can't afford to improve roads to handle more traffic congestion, they move away from urban centers -- and create more sprawl, Bennett said.

In a May 23 letter to The Palm Beach Post, Bennett also criticized the review of large projects, known as developments of regional impact.

He wrote, "Florida now uses comprehensive planning and the DRI process is costly, duplicative and outdated."

Within the city council, the new law has created some confusion because various people -- developers and state lawmakers -- have given conflicting interpretations to council members.

Councilwoman Wendy Lobos said State Rep. Juan Zapata had told her the law did not apply to Miami-Dade County.

The text of the new law shows there are specific exemptions for Miami-Dade and Broward counties. According to the state's Department of Community Affairs, all of Miami-Dade is exempted from the law. Transportation concurrency districts in Broward also get a pass.

But City Attorney Richard Weiss, whose law firm Weiss Serota Helfman Pastoriza Cole & Boniske, is suing the state on Weston's behalf, said the Miami-Dade exception "doesn't cover everything."

He added: "We are concerned that the bill would not allow Homestead to have traffic concurrency. Our position is the law is unconstitutional. It's an unfunded mandate on cities."

Lobos said Homestead's participation in the lawsuit is a wise move.

"When you think of what could actually happen, [\$2,500] would go a long way," she said.