

FOR IMMEDIATE RELEASE

Coalition of Local Governments File Lawsuit Challenging Developer-Friendly Growth Management Law

Eight local governments throughout the State of Florida, led by the City of Weston, filed a law suit today against Governor Charlie Crist, Secretary of State Kurt Browning, President of the Senate Jeff Atwater and Speaker of the House Larry Cretul, seeking to declare that the enactment of Senate Bill 360, an “Act Relating to Growth Management” (the “Act”), was unconstitutional. The bill, which was signed into law by Governor Crist on June 1, 2009, made sweeping changes in Florida’s growth management laws and was designed to shift some of the burdens of development from developers to local government taxpayers.

The Complaint, which was filed in Circuit Court in Tallahassee by the law firm of Weiss Serota Helfman Pastoriza Cole & Boniske, PL, was filed on behalf of the City of Weston, the Village of Key Biscayne, the Town of Cutler Bay, Lee County, the City of Deerfield Beach, the City of Miami Gardens, the City of Fruitland Park and City of Parkland. More local governments are expected to join the lawsuit in the next couple of weeks.

According to Jamie A. Cole, the lead attorney for the Coalition of local government plaintiffs, the bill makes significant and wide-reaching changes to growth management laws that negatively impact local governments. “We believe that the enactment of the Act was unconstitutional, violating both Article III, Section 6 of the Florida Constitution, which requires that every law embrace only one subject, and Article VII, Section 18, which prevents the legislature from imposing unfunded mandates on local governments without following certain procedures,” he said.

Weston City Manager John R. Flint expressed concern that officials in Tallahassee completely disregarded the cities’ and taxpayers’ objections. “Despite strong and vocal disapproval from numerous Florida cities and counties, the Legislature passed and the Governor signed this bill, essentially dismantling thirty years of growth management and now allowing relatively unrestricted growth without concern for taxpayer issues,” he said.

Lawmakers passed the Act with only minutes to go at the end of the legislative session, approving numerous amendments and adding provisions unrelated to growth management to the Act.

Cole said that failure of the Legislature to follow the Constitutionally required procedures in enacting such a far-reaching change in Florida Law necessitates the filing of the lawsuit.

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About Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.:

Weiss Serota Helfman Pastoriza Cole & Boniske, P.L., is a prominent Florida law firm serving corporate, governmental and individual clients with an integrated array of professional services including commercial litigation, land-use and real estate law, communications and cable law, labor and employment law, government law and governmental relations. The firm has offices in Coral Gables and Ft. Lauderdale. For more information, visit www.wsh-law.com.

Media Contact: Tracy Longin or Caren Berg of Boardroom Communications at 954-370-8999 or tlongin@boardroompr.com or cberg@boardroompr.com.