

THE DEATH KNEEL FOR SMART GROWTH IN FLORIDA:

Why Governor DeSantis should VETO SB 540

May 2, 2023

SB 540 would threaten ordinary Floridians with financial ruin for exercising their right to legally challenge amendments that they believe conflict with comprehensive plans — the blueprints for growth created with citizen input in their communities. Because comprehensive plans are typically amended to pave the way for expanded development, this bill would eliminate a crucial check on growth in Florida's community planning process, dealing a devastating blow to effective citizen engagement.

If this bill becomes law, citizens who exercise their right to legally challenge amendments to their communities' comprehensive plans and lose could get clobbered with the expense of covering the attorney fees and costs for the winning side, which would include the local government and could also include any other parties who chose to intervene in the case. It's not unusual for developers to intervene, hiring lawyers at \$600-\$800 an hour and racking up tens or hundreds of thousands of dollars defending comprehensive plan amendments intended to greenlight their developments. The practical impact of this enormous financial risk would be to put an end to citizen challenges, removing the only effective enforcement mechanism for comprehensive plans.

This bill would be especially damaging to the multibillion-dollar taxpayer-funded effort to restore the Everglades; developers have proposed a series of comprehensive plan amendments in Miami-Dade County to build major developments on land needed to restore the River of Grass. But it would have dire consequences for water quality, traffic congestion and other environmental and quality of life issues throughout Florida. Without feasible citizen challenges as a check, unsustainable developments permitted by legally flawed amendments to comprehensive plans might very well come to pass.

Good community planning requires citizen engagement in all steps of the process, from the visioning and plan-making phase to the application and enforcement of those comprehensive plans. The timing couldn't be worse for a bill that would stifle citizen engagement in planning for the future of their communities, when Florida is adding at least 1,000 residents a day and sea level rise, flooding and stronger storms demand more thoughtful planning.

Please join us in urging Governor DeSantis to veto SB 540 now.

Please [sign the petition urging Governor DeSantis](#) to VETO SB 540.

(You may also contact him at 850-717-9337 or
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