



May 17, 2019

Governor Ron DeSantis

State of Florida

The Capitol

400 S. Monroe Street

Tallahassee, Florida 32399

Re: Request for veto of House Bill 7103

Dear Governor DeSantis:

It was a pleasure seeing you again at the reception at Marshall Field's home on Jupiter Island, having initially met you on Fishers Island, in New York, last summer. I particularly appreciated your response to my inquiry about your position on the well-established concept of home rule.

The Guardians of Martin County is a non-profit organization consisting of over 1,200 Martin County residents whose principled and passionate concern for our environment has led to our excellent quality of life in this wonderful place we call home. We enjoy high property values, a low crime rate and high educational standards, while we especially hold dear the mission of conserving our environment. These elements all combine to make Martin County a most special place in which to live on Florida's Treasure Coast.

Having worked collaboratively with our County's leaders for more than a decade, and in full recognition that growth management is an ever-evolving process, we support responsible growth and its related changes in the County as part of an orderly process. In this context, however, we oppose a particular provision in HB 7103 that would require citizens, who bring comprehensive plan enforcement action but lose their case, automatically to pay the legal fees of the prevailing party. As we outline in the attached Memorandum, adoption of this provision would not only stifle, but clearly intimidate citizens from engaging in the very kind of citizen participation which has helped to preserve everything we all enjoy.

On behalf of all The Guardians of Martin County, we respectfully request that you veto HB 7103.

Yours most sincerely,

Peter H. Conze, Jr.

President

♦ PROTECTING THE MARTIN COUNTY DIFFERENCE SINCE 2003 ♦

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## Guardians of Martin County Comments on Senate Bill 7103

The Martin County Comprehensive Growth Management Plan lays out our community agreement - reached through decades-long collaboration between elected officials, property owners, residents, and county staff - on issues that include:

- Protection of water, including drinking water, aquifer recharge to address salt-water intrusion, septic-to-sewer conversions, and the vitality of the St. Lucie Estuary and Indian River Lagoon;
- Fiscally responsible growth, including protections to ensure county government doesn't commit to paying for services that we cannot afford to provide;
- Preservation of our community character, including a four-story height limit that protects our quality of life and access to our beaches and visibly sets us apart from neighboring counties; and
- Conservation, including preservation of wetlands, rare and endangered upland habitats and acquisition, management and sustainable use of state and regional parks.

Unfortunately, HB 7103 threatens the defensibility of our Comprehensive Plan. Under Florida law, the possibility of citizen enforcement through legal challenge is a key tool that ensures that local governments comply with their comprehensive plans. But HB 7103 would require citizen groups like ours must automatically pay a local government's legal fees, and those of a challenged developer, if we were to bring a lawsuit to enforce the Martin County Comprehensive Growth Management Plan and lose. This increased risk of litigation stands in the way of our rights to see growth in the county that is consistent with the law.

In recent years the Guardians have worked closely with our elected officials regarding large-scale development proposals. For example, we have helped to facilitate the Pineland Prairie project, a proposal to build a mixed-use community on 3,411 acres in northern Martin County. The developer of that project worked with the community to refine a plan that builds upon the strengths of our unique part of Florida. In contrast, we have advised against, and continue to advise against, portions of the Harmony Ranch project - a proposal to build thousands of homes on existing agricultural lands outside our urban services boundary and in violation of our Comprehensive Plan.

We did not participate in litigation in either of these proposals. However, our mere ability to bring a comprehensive plan enforcement action ensured that our elected officials and their staff engaged with us as citizen partners, hearing and thoughtfully considering our concerns. We do not support obstructionist litigation, and of course, frivolous litigation is prohibited under existing law. But recourse to the law must be available to weigh our good-faith participation in local government hearings and to enable us to enjoy our First Amendment right of free speech, while simultaneously our state Constitution guarantees our rights as citizens to have unfettered access to the courts.

The Guardians believe that development in Florida should leverage our state's current strengths and should build outward from existing infrastructure and services. While growth is important, its progress must respect private property rights. But how and where we grow concerns us all, and those decisions should be the subject of earnest public debate. We understand that the mandatory attorney fees provision in HB 7103 was adopted as a last-minute amendment, with the Legislature failing to consider the implications of this provision, and in this context, considering the harmful effects of this bill, in this area and with regard to affordable housing as well, we respectfully request that you redress these oversights, and veto HB 7103.