

Eagle Audubon Society

Conservation Legislation March 2023

Information provided by Florida Audubon, the Florida Senate Website and 1000 Friends of Florida.

The 2023 Florida Legislative Session has officially begun!

Land and Water Funding

In 2014, the Water and Land Legacy Amendment, passed with 75 percent approval from Florida's voters. Since 2001, more than 800,000 acres have been protected through the Florida Forever program. This important funding source also supports projects that protect and restore our springs and rivers, coasts, and Everglades. This year, some of the related proposed legislation includes:

SB 320 (Sen. Harrell, R-Stuart) and HB 547 (Rep. Sirois, R-Merritt Island) require an annual appropriation of \$50 million from the Land Acquisition Trust Fund to implement the Indian River Lagoon Comprehensive Conservation Management Plan, which would include capital improvement projects to reduce nutrients degrading water quality.

SB 602 (Sen. Burton, R-Lakeland) and HB 557 (Rep. Bell, R-Fort Meade) require an annual appropriation of \$20 million to the Florida Department of Environmental Protection (DEP) from the Land Acquisition Trust Fund to implement the Heartland Headwaters Protection and Sustainability Act (which according to Florida Audubon is good) and finance the cost of water supply projects in Central Florida (which Florida Audubon believes may be beyond the scope of voters' intent for this funding).

SB 928 (Sen. Stewart, D-Orlando) and HB 559 (Rep. Roth, R-West Palm Beach) extend the retirement date of the bond to fund the Florida Forever Act but also revise the distributions for various programs funded by the Land Acquisition Trust Fund, with the biggest change being the \$300 million set aside for the Rural and Family Lands Protection Program.

Water protection and restoration are important but local government obligations like wastewater and septic-to-sewer conversions have other funding sources and according to Florida Audubon shouldn't take Land Acquisition Trust Fund dollars that voters intended for land and water protection and restoration.

Everglades Protection on the Agenda

The Senate Committee on Community Affairs, chaired by Sen. Calatayud (R-Miami) had several bills of interest on the agenda, including SB 192.

SB 192, Everglades Protection Area, sponsored by Sen. Avila (R-Miami Springs) will require comprehensive plans and amendments covering land within two miles of the Everglades

Protection Area to follow the more rigorous State Coordinated Review Process instead of the Expedited State Review Process, to protect Everglades resources from sprawl.

The bill requires the Florida Department of Environmental Protection (DEP) to review land use proposals and amendments covering land within two miles of the Everglades Protection Area to evaluate whether they would adversely impact Everglades restoration. Additionally, the bill requires DEP to direct the local government how to eliminate or mitigate any adverse impacts to Everglades restoration; the local government will be required to modify the proposed plan or plan amendment to include mitigation measures identified by DEP to avoid adverse impacts to the Everglades.

With billions of dollars of investments made to date using state and federal funds to restore the Everglades, this bill is necessary to protect those investments and to ensure that unilateral decisions are not made at the local level without oversight and engagement by DEP that will reverse these gains.

These protections would include the boundary of the Everglades Protection area within Miami-Dade, Broward, and Palm Beach counties.

The House companion, HB 175, is sponsored by Rep. Busatta Cabrera (R-Coral Gables).

Growth Management Bills

Florida was once a national leader and model in Growth Management. Growth Management is a technique to keep the pace and location of urban development in line with the financial ability of communities to manage infrastructure and to protect environmental assets and quality. Florida has since largely abandoned a model of Growth Management that protects the environment and fiscal integrity of communities.

Legislators discussed HB 439, Land Use and Development Regulations, sponsored by Rep. Stan McClain (R-Ocala) in the House Local Administration, Federal Affairs & Special Districts Subcommittee chaired by Rep. Jenna Persons-Mulicka (R-Ft. Myers).

This bill as filed makes a number of changes to comprehensive planning statutes:

- Changes the current definitions of density.
- Redefines urban sprawl as an unplanned development that requires an extension of public facilities by a local government.
- Expands the definition of an agricultural enclave from 1,000 residents to 1,000 residential units.
- Removes local governments' ability to deny a development application based on level of service used for planning (this means that insufficient infrastructure such as roads, schools, etc. cannot be the reason a local government denies a development request).

- Requires municipalities to comply with special magistrate decisions should a petitioner challenge a denial for a land use application.

According to Florida Audubon, several improvements were made in committee, including retaining the current ability of the locality to reject the special magistrate's recommendation and removing the change in definition of an agricultural enclave.

However, more changes are needed to this bill to ensure that cities and towns govern their own land use decisions.

Audubon is following this legislation and many other growth management bills that attempt to take away local control from municipalities and counties. Stay tuned in the next edition of the Advocate newsletter!

Mangrove Restoration Bill Passes Committee

On the agenda for the Senate Committee on Environment and Natural Resources (Chair, Sen. Ana Maria Rodriguez (R-Doral)) on Monday was the Mangrove Replanting and Restoration bill, SB 100, filed by Sen. Ileana Garcia (R-Miami).

The bill requires Florida DEP to adopt new rules related to mangrove restoration to complement existing regulations, further goals of Everglades and Biscayne Bay restoration, and address significant erosion in areas of critical state concern. The bill contains several provisions to expand mangrove protections across the state.

An amendment clarifying that bill requirements would not adversely impact Intercoastal Waterway navigability also passed the committee.

The bill passed with unanimous approval.

The House companion, HB 561, was filed by Rep. Mooney (R-Key Largo) but has not been heard in Committee.

Funding for the Safeguarding Tomorrow through Ongoing Risk Mitigation Revolving Loan Fund

The Senate Select Committee on Resiliency (Chair, Sen. Ben Albritton (R-Wauchula)) met on Wednesday to listen to presentations on topics that included climate resilience, emergency management funding, and hurricane impacts.

Kevin Guthrie, Director, Division of Emergency Management, provided the Committee with an overview of the Safeguarding Tomorrow through Ongoing Risk Mitigation (STORM) Revolving Loan Fund.

The FEMA program authorizes grants to local governments for the purpose of establishing low-interest loans for hazard mitigation process and land use updates. Examples of this would include building resilient infrastructure and flood mitigation measures. The associated updates will ultimately reduce risks from natural disasters.

Director Guthrie announced that Florida has been approved for \$10 million of the national \$50 million program but requires state legislation to match funds of 10% (\$1 million) to participate.

Recovering America's Wildlife Act

The Recovering America's Wildlife Act died in Congress last year because Congress couldn't agree on how to fund it. It had passed the House with bipartisan support. The bill would provide state wildlife agencies a total of \$1.3 billion a year by 2026, based on the state's size, human population, and the number of federally threatened species. RAWA also includes nearly \$100 million for the nation's Native American tribes, who own or help manage nearly 140 million acres of land in the US (equal to about 7 percent of the continental US).

One feature of RAWA that makes it so useful, according to environmental advocates, is that it requires states to protect animals that are imperiled, whether or not they're targeted by hunters and fishers. <https://www.vox.com/down-to-earth/2023/1/11/23546413/recovering-americas-wildlife-act-congress-2023>