

Eagle Audubon Society
Environmental Legislation April 28 2023

Updates on Legislation Mentioned Previously

Information provided by Florida Audubon

HB 1379 Addresses Water Quality and Land Acquisition

HB 1379, Environmental Protection, by Rep. Steele (R-Dade City) and Rep. Overdorf (R-Palm City) has passed its last committee of reference. This comprehensive bill contains several provisions requested by DEP and implements provisions of the Governor's Executive Order 23-06.

The bill aims to improve requirements for several issues including wastewater, septic tanks, sanitary sewer services, and basin management action plans. HB 1379 expands the scope of the wastewater grant program and includes provisions targeting water quality improvements for the Indian River Lagoon, an estuary that has long been plagued with water quality issues and more recently by tragic manatee losses. Lastly, the bill expedites the process of acquisition of conservation land.

An amendment to the bill expands the land acquisition components by adding all of the provisions of the committee bill **HB 7047**, State Lands Acquisition, to HB 1379. It ensures consistent funding of \$100 million annually to the Florida Forever Program, requires DEP to disclose appraisals during negotiations to the sellers, and allows DEP or the Board of Trustees to acquire parcels for the full value as determined by the highest appraisal.

Its Senate companion, **SB 1632**, sponsored by Sen. Brodeur (R-Sanford), was voted on favorably in the **Appropriations Committee on Agriculture, Environment, and General Government**.

Watershed Protections in Biosolids Bill Stripped from the Legislation

A condensed **HB 1405**, Biosolids, by Rep. Tuck (R-Lake Placid), passed the **Infrastructure Committee** this week.

The policy language that would have prohibited DEP from authorizing land application site permits for Class B biosolids (sewage sludge) within the watershed or upstream of impaired waterbodies was stripped from the bill. Retained in this bill was a grant program (subject to appropriation) that authorizes DEP to provide grants for projects that convert wastewater residuals to fertilizer and other uses.

Improvements to the grant program section would not just incentivize conversion to Class AA, but would also incentivize conversion to other uses, like Waste-to-Energy solutions, and include a reporting program to ensure we know where these materials end up. **SB 0880**, by Sen. Brodeur, has been referenced to **Appropriations**.

Land Acquisition Remains a Legislative Focus

This session has seen a host of bills relating to land acquisition programs. The Rural and Family Lands Protection Program, the Florida Wildlife Corridor, and the Florida Forever Program have put the spotlight on the many avenues the state has to protect land and put it into conservation.

SB 1476, State Acquisition of Lands, by Sen. Simon (R-Tallahassee), and its companion **HB 1271**, by Rep. Canady (R-Lakeland), would amend the state's land acquisition process to require DEP to disclose appraisal reports to private landowners or their representatives during acquisition negotiations. The bills would require private landowners or their representatives to maintain confidentiality of appraisal reports, and would allow the final purchase price be the fair market value as determined by the highest approved appraisal.

However, unlike HB 7047 and the provisions in SB 1379, this bill does *not* allocate specific funding to the Florida Forever Program.

HB 1476 passed the **Senate Appropriations Committee on Agriculture, Environment, and General Government** (Chair, Sen. Brodeur (R-Sanford)), and has been referred to the **Committee on Fiscal Policy**.

Sprawl Bill Advances Despite Environmental Concerns

HB 0439, Land Use and Development Regulations, by Rep. McClain (R-Ocala), and its Senate companion, **SB 1604**, by Sen. Ingoglia (R-Springhill), have been racing towards passage, with substantial amendments as they've gone through their committees of reference. The original versions of the bills had several elements of concern for smart growth advocates:

- Relaxing the definitions of density and urban sprawl.
- Expanding what would qualify for growth management exemptions as agricultural enclaves.
- Eliminating cities 'and counties 'ability to deny a development application because of insufficient infrastructure like roads, schools, or wastewater facilities.
- Limiting the ability of local governments to be heard in court if applicants appeal their permit denials.

SB 1604 was amended in its last two committees to address that vast majority of the concerns. This bill is now on the Senate calendar on second reading. As amended, SB 1604 revises local comprehensive planning requirements by increasing the two required planning periods to a 10-year and 20-year period, from five and ten, and prohibiting local governments that fail to update their comprehensive plans in accordance with the 7-year evaluation and appraisal process from initiating or adopting any publicly initiated plan amendments.

Additionally, the bill prescribes certain procedures for the Department of Economic Opportunity to apply when local governments remain out of compliance with comprehensive planning updates. The bill also prohibits local governments from requiring specified building design elements for residential dwellings in planned unit developments, master planned communities, and communities with a design review board or architectural review board created on or after January 1, 2020.

This week, HB 0439 was also amended to:

- Allows developers of an affordable housing project to expand the project onto an adjacent parcel, regardless of its existing land use category. There are implications to consider if the adjacent property is conservation land.
- Revise the electric substation approval process.

These bills have also become the vehicle for language addressing the ongoing dispute between the state and the former Reedy Creek Improvement District with the addition of the following provision: The bill says an independent special district cannot comply with the terms of a development agreement executed within three months of a law modifying the way that the governing body of the special district selects its members, and requires the new governing body to vote on whether to seek re-adoption of such development agreement within four months of taking office. These provisions expire on July 1, 2028, unless reviewed and reenacted by the Legislature.

The bill takes effect on July 1, 2023, except for the provisions concerning independent special districts, which take effect upon becoming law.

HB 439 was passed by the **State Affairs Committee** (Chair, Rep. Lawrence McClure (R-Dover)) this week while SB 1604 was passed by the **Rules Committee** (Chair, Sen. Mayfield (R-Vero Beach)).