



March 18, 2020

Honorable Ron DeSantis, Governor
State of Florida
The Capitol
Tallahassee, Florida 32399

Via Electronic Mail and UPSPS

Re: SB 410 Veto Request

Dear Governor DeSantis:

1000 Friends of Florida respectfully requests that you veto Senate Bill 410.

SB 410 and its House counterpart (HB 203) initially sought to amend Florida's growth management statutes by requiring all local governments to include an element in their comprehensive plans regarding private property rights. The majority of the debate during the committee hearing process revolved around the potential cost to the local governments for implementing this mandate, which is superfluous considering the existing, strong protections for private property rights in our federal and state constitutions and state law.

However, during the waning days of the 2020 legislative session, there were various amendments adopted on the Senate floor that would significantly worsen the impact of the bill on local governments and threaten to thwart efforts to achieve your priority of protecting and improving water quality throughout Florida.

Among other things, the amendments provide as follows:

- (1) A county is prohibited from adopting any regulation that would serve as a limitation on a municipality to establish land use and zoning on the lands located within the municipality, unless the municipality itself agrees;
- (2) A county may not limit land uses, density and intensity allowed on lands annexed into the municipality.

The amendments serve to essentially preempt the land use policy decisions made by counties. A county's infrastructure restraints and capacity are vastly different than what might exist within a more urbanized municipality within its jurisdiction. If the county adopts a land use ordinance that creates a transitional density buffer around the urban service area of a municipality in order to phase and lessen the infrastructure demands, under SB 410, the city must now affirmatively act to accept such an ordinance. This cumbersome process creates bureaucratic red tape for the local governments and divests local governments from proper authority within their jurisdictions.

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In addition, SB 410 is unconstitutional. Article VIII(1)(g) of the Florida Constitution requires charters to specify which ordinances prevail in the event of a conflict between a county and municipal ordinance — including those relating to land use, density and intensity. SB 410 jeopardizes the legality of existing charters approved by voters within charter counties, and further complicates matters for non-charter counties that are seeking to adopt a charter that pertains to land use, density and intensity.

1000 Friends of Florida has worked tirelessly to educate and promote awareness regarding the intrinsic link between managed growth and water quality. As development pressures intensify, so do the impacts to our lands and water supply. Sustainable development in urban areas coupled with protection of farmland, rural communities and natural lands will reduce the pressure to sprawl out and impair our natural resources, including water. The inability for local governments to wisely self-govern within their jurisdictions to accomplish these objectives will result in poor planning decisions with damaging environmental impacts.

The voters in charter counties have already decided that the best way to protect their natural resources and promote sustainable communities is through land use policies that are implemented thoughtfully by their locally elected officials rather than dictated by an outside entity. SB 410 jeopardizes the will of voters in charter counties and in counties that seek to adopt a charter that contains land use policies. Thwarting the voter's intent in such a manner will only result in litigation over this bill for years to come.

To avoid costly litigation and damaging impacts to Florida's land and waters, and to honor the will of voters and their elected representatives, we urge you to veto SB 410.

If you have any questions concerning this legislation or our request, please don't hesitate to contact 1000 Friends' Policy and Planning Director, Jane West, Esq., at jwest@1000fof.org or 904-671-4008.

Sincerely,

A handwritten signature in cursive script that reads "Paul Owens". The signature is written in black ink and is positioned above the typed name and title.

Paul Owens
President