



The Coastal Advocate

A legislative bill overview

*April 2021
Issue 1*

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Topics: *Coastal management and resilience bill overviews*

Summary: *The Coastal Advocate is a quarterly summary of key legislative topics for coastal communities to use as a resource and educational tool for funding, updates, and new policy initiatives. This issue features Florida legislative bills our policy experts are tracking through the ongoing Florida Legislative Session.*

Policy changes affect each coastal community differently, whether it be an opportunity for new project funding or a law change requiring mandatory compliance. Our policy experts will not only track these important legislative updates for you but are well versed in grant applications and funding mechanisms for your community needs.

Future issues will include legislative bill updates and potential upcoming grant deadlines. As Cummins Cederberg expands its advocacy and policy expertise, we look forward to providing our Florida coastal communities a bulletin that is both practical and informational.

References: <https://www.flsenate.gov/Session/Bills/2021>

SB 1252/H 7019

Statewide Flooding and SL Rise Resilience/ Inland and Coastal Flood Control Funding Assessment; Rep. Bartleman(D)/ Sen. Rodrigues(R)

This bill would expand the Resilient Florida Grant Program within the Department of Environmental Protection. It would require the Department to:

- Develop a Statewide Flooding and Sea-Level Rise Resilience Plan and annually submit the plan to the Governor and Legislature by a specified date
- Establish the Florida Flood Hub for Applied Research and Innovation within the University of South Florida College of Marine Science for a specified purpose
- Initiate the Office of Economic and Demographic Research to include specified information relating to inland and coastal flood control in certain assessments, etc.

Stakeholders Influenced: Coastal and Bay Municipalities

HB1335/SB1668

Seagrass Mitigation Banks; Rep. Sirois(R)/ Sen. Rodriguez(R)

This bill authorizes the Board of Trustees of the Internal Improvement Trust Fund to establish seagrass mitigation banks to ensure the preservation and regeneration of seagrass and to offset the unavoidable impacts of projects when seagrass banks meet the public interest requirements related to state-owned lands.

- The Board is responsible for acquiring and managing state-owned lands in a manner that serves the public interest
- Among the Board's responsibilities is the duty to preserve and regenerate seagrass as an essential ecosystem for Florida's oceans, estuaries, and shorelines
- Mitigation banking is a practice in which an environmental enhancement and preservation project is conducted by a public agency or private entity (banker) to provide mitigation for unavoidable

environmental impacts within a defined region referred to as a mitigation service area

- The bank is the site itself, and the currency sold by the banker to the ERP applicant is a credit
- The number of potential credits permitted for the bank and the credit required for ERPs are determined by DEP or a water management district

Stakeholders Influenced: Mitigation Banks, Coastal Municipalities

HB223/SB578

Marina Evacuations; Plasencia(R)/ Sen. Wright(R)

This bill would prohibit vessels under a specified weight from remaining in certain marinas that have been deemed unsuitable for refuge during a hurricane after the issuance of a hurricane watch.

- It would require a marina owner, operator, employee, or agent to remove specified vessels under certain circumstances; providing that such owner, operator, employee, or agent may charge the vessel owner a reasonable fee for such removal and may not be held liable for any damages because of such removal

Stakeholders Influenced: Marina Owners, Marina Users, Boaters, Coastal Municipalities

HB1177/SB1482

Biscayne Bay; Rep. Avila(R)/Sen. Garcia(R)

The bill creates the Biscayne Bay Commission as an advisory council within DEP to serve as the official coordinating clearinghouse for all public policy and projects related to Biscayne Bay.

- Specifies the establishment of the commission does not affect or supersede the regulatory authority of any governmental agency or any local government, and any responsibilities of any governmental entity relating to

Biscayne Bay will remain with the respective governmental entity

- Requires the commission to consist of nine members and to meet at least quarterly
- The commission must complete a semiannual report describing the accomplishments of the commission and each member agency, as well as the status of each pending task. The first report must be submitted by January 15, 2022
- Prohibits facilities for sanitary sewage disposal from disposing of waste into Biscayne Bay without providing advanced waste treatment

Stakeholders Influenced: Biscayne Bay users and surrounding municipalities

HB55/SB284

Building Design; Sen. Perry(R)

This bill prohibits local governments from adopting land development regulations that require specific building design elements for single- and two- family dwellings unless certain conditions are met, and provides local governments may adopt land development regulations requiring certain building design elements to single- and two-family dwellings when:

- The dwelling is a historic property or located in a historic district
- The regulations are adopted in order to implement the National Flood Insurance Program
- The regulations are adopted in accordance and compliance with the procedures for adopting local

amendments to the Florida Building Code

- The dwelling is in a community redevelopment area; or
- The dwelling is in planned unit development or a master planned community created by a local government ordinance that is enacted on or before July 1, 2021
- Defines the term “building design elements” to mean exterior color, type or style of exterior cladding, style or material of roof structures or porches, exterior nonstructural architectural ornamentation, location or architectural styling of windows or doors, location and orientation of the garage, and number, type, and layout of rooms
- Provides that the term “building design elements” does not include setback including the height, bulk, orientation, location on a zoning lot, or the use of buffering or screening to minimize potential adverse physical or visual impacts or protect the privacy of neighbors
- Defines “planned unit development” and “master planned community” as an area of land that is planned and developed as a single entity or in approved stages with uses and structures substantially related to the character of the entire development, or a self-contained development in which the subdivision and zoning controls are applied to the project as a whole rather than to individual lots

Stakeholders Influenced: Landscape Architects, Civil Engineers, Housing Developers