



The Coastal Advocate

A legislative bill overview

February 2022
Issue 3

Photo Project: The Bay,
Sarasota, FL

Authors: *Danielle Irwin, CFM, PWS, LEED AP, WEDG
Katie Britt Williams, CFM, WEDG*

Topics: *FY 2022-23 coastal management and resilience legislation*

Summary: *The Coastal Advocate is a 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 provides highlights on legislation coastal communities may find applicable to their work.*

Policy changes affect each coastal community differently, whether it be an opportunity for new project funding or regulatory changes. Cummins Cederberg will continue tracking important legislation and its' transition into Florida law and implementation.

Cummins Cederberg is also well versed in preparing grant applications to seek funding for your community needs. Recent announcements indicate that awards are anticipated from both FDEO CDBG-Mitigation and FDEP Resilient Florida grant programs. Contact us for more information on eligible applicants, grant parameters, scoring criteria, and more.

References: myfloridahouse.gov and flsenate.gov

Contact: info@CumminsCederberg.com
+1 850-852-0095

Capitol Headlines

Governor DeSantis' proposed \$99.7 billion FY 2022-23 [Freedom First Budget](#) provides \$550 million for the planning and implementation of resiliency projects to adapt to flooding and sea level rise. Proposed investments include support for planning and capital projects identified through the *Resilient Florida Grant Program* in addition to beach restoration and protection of coral reefs.

In December 2021, the Resilient Florida Program submitted to the legislature the first FY 2022-23 **Statewide Flooding and Sea Level Rise Resilience Plan** with 76 capital projects totaling \$266.4 million, in addition to \$1.95 million for regional resilience entities.

The 2022 State of Florida legislative session convened January 11 and is scheduled to end on March 11, 2022. As always, there is a rolling process of committee substitutes and amendments to track and monitor.

Legislative Highlights

SB 840/HB 841

Residential Property Riparian Rights Sen. Albritton (R) / Rep. DiCiegale (R)

A general Senate bill (House bill identical): *"Requiring land surveyors to give preference to using the prolongation-of-property-line method to establish a property owner's riparian rights along a channel under certain circumstances; requiring courts to award reasonable attorney fees and costs to a prevailing party in a civil action under certain circumstances, etc."*

This bill proposes significant changes to the way residential riparian property rights are determined after July 1, 2022. A few key points that may warrant further study:

1. FDEP's 'Guidelines for Allocation of Riparian Rights' (2013) may have limited relevance or applicability.

2. Although property lines must be established by "ordinary" high watermarks, there is no mention of climate change or of sea level rise.
3. Preference for the prolongation-of-property-line method is required but "inequitable apportionment" is not defined or addressed.

This bill proposes substantial amendments to section 253.141, F.S., and purportedly reenacts a subsection of s. 403.813, F.S.

Other bill citations include CS/SB 198 and CS/HB 349 affecting sovereign submerged lands, seagrass mitigation banks, and dock permitting requirements.

Stakeholders Influenced: Residential property owners and developers with navigable canal or channel waterfront lands.

CS/SB 198 and CS/HB 349

Water Resources Management

Sen. Rodriquez (R)

Rep. Sirpis/Overdorf (R) and Tant (D)

A general Senate bill (House bill similar): *"Authorizing the Board of Trustees of the Internal Improvement Trust Fund to grant easements on sovereignty submerged lands for specified mitigation banks under certain conditions; exempting certain docks on recorded easements from certain permit and verification requirements; requiring authorization for certain docks to use submerged lands upon approval of the board; providing that the compliance of certain structures associated with a dock on a parcel of land with certain provisions creates a presumption of compliance with certain environmental impact requirements, etc."* This bill would also amend sections 253.03 and 403.813, F.S.

Stakeholders Influenced: Coastal municipalities, developers, condominiums, and homeowners; mitigation banks.

More Bills to Watch

SB 1434/HB 1077

Public Financing of Potentially At-risk Structures and Infrastructure

Sen. Rodriguez (R) / Rep. Mooney (R)

A general Senate bill (House bill identical): *“Providing that certain areas are at risk due to sea-level rise and structures and infrastructure within those areas are potentially at risk; providing an additional requirement for the standard for conducting a SLIP study, etc.”*

SB 882/HB 761

Inventories of Critical Wetlands

Sen. Brodeur (R) / Rep. Truenow (R)

A general Senate bill (House bill identical): *“Requiring each water management district governing board, in cooperation with local governments, to develop a list of critical wetlands for acquisition using funds from the Land Acquisition Trust Fund; requiring the boards to consider certain criteria when including wetlands on the list, etc.”*

SB 1432/HB 1065

Vessel Anchoring

Sen. Rodriguez (R) / Rep. Mooney (R)

A general Senate bill (House bill similar): *“Providing tenancy and lease conditions for approved and permitted mooring and mooring fields in Monroe County; requiring certain anchored vessels in Monroe County to be re-anchored in a new location that meets certain requirements according to a specified timeframe; requiring the Fish and Wildlife Conservation Commission, in consultation with certain entities, to establish designated anchoring areas within the county by rule; providing an exception for certain domiciled vessels; requiring certain vessels equipped with marine sanitation devices to maintain specified records of such devices, etc.”*

SB 442/HB 571

Powers of Land Authorities

Sen. Rodriguez (R) / Rep. Mooney (R)

A general Senate bill (House bill identical): *“Authorizing land authorities to assist the counties in which they are located with certain activities addressing flooding and sea-level rise, etc.”*

SB 1454/HB 1081

Office of the Blue Economy

Sen. Ausley (D) / Rep. Skidmore (D)

A general Senate bill (House bill identical): *“Establishing the office within the Department of Economic Opportunity; defining the term “blue economy”; providing duties of the office; requiring the Office of Economic and Demographic Research to conduct a biennial evaluation of the blue economy for inclusion in a certain assessment, etc.”*

SB 1238/HB 1019

Saltwater Intrusion Vulnerability Assessments

Sen. Polsky (D) / Rep. Duggan (R)

A general Senate bill (House bill identical): *“Requiring coastal counties to conduct vulnerability assessments analyzing the effects of saltwater intrusion on their water supplies and their preparedness to respond to threats, by a specified date; requiring each coastal county to provide copies of its assessment to the Department of Environmental Protection and the respective water management districts; requiring the water management districts, in collaboration with the coastal counties, to submit certain projects to the department based on the assessments by a specified date; requiring the department to provide cost-share funding up to a specified amount for certain coastal counties, etc.”*