

Florida lawmakers seek to streamline environmental, growth regulations

March 2 2009, By Curtis Morgan

Two lobbying heavyweights will square off over the Florida's controversial Big Sugar land buy, but another battle in the legislative session opening Tuesday could have broader impacts. Call it jobs vs. environment.

To light a fire under the frozen economy, some lawmakers are seeking to "streamline" a slew of environmental and growth regulations. Proposals call for erasing or weakening everything from wetlands and wildlife protections to requirements that developers improve roads to handle the traffic glut of new projects.

One already drawn up, Senate Bill 360, could have major implications for urban counties like Miami-Dade and Broward, virtually eliminating state oversight of new mega-developments. Other proposed measures could bar Miami-Dade County, which has its own strict wetland ordinances, from enforcing environmental rules tougher than state standards.

Advocates argue a regulatory overhaul, which is backed by builder and industry groups, could spur growth and jobs by making "duplicative" permitting processes for homes, offices and other buildings cheaper and faster.

"There are only three ways to make money. You can either raise the price, increase the volume or decrease the cost," said Sen. Mike Bennett, R-Bradenton, sponsor of several reform measures. "The first thing

government should do is decrease the cost of government."

Environmental groups and the Florida League of Cities warn the moves could produce more of the uncontrolled sprawl that earned foreclosure-ridden Florida the "Ponzi State" label in a recent New Yorker magazine piece.

"You've got this myth that somehow environmental rules are what is hindering our economy," said Eric Draper, a lobbyist for Audubon of Florida. "That's just not true. Everything that was booming two years ago was booming under the same sets of rules."

The proposals are sweeping enough to overshadow the high-stakes fight over Gov. Charlie Crist's \$1.34 billion bid to buy 180,000 acres for Everglades restoration from the U.S. Sugar Corp -- a deal fiercely opposed by rival grower Florida Crystals.

The two political powerhouses, usually on the same side in Tallahassee, have beefed up typically formidable forces. U.S. Sugar, seeking to cement support for a deal that would put it back in the black and offer years of profitable farming from a cut-rate \$50-an-acre annual lease, has registered 39 lobbyists. Florida Crystals, bent on blocking the deal or cutting one better serving its business interests, has 20.

A third company, The Lawrence Group of Tennessee, also is angling to buy U.S. Sugar and has hired influential Miami lobbyist Ron Book.

"Florida Crystals and U.S. Sugar are locked in mortal combat," said Thom Rumberger, a lawyer and lobbyist for The Everglades Trust, which has doubled its own lobbying staff to eight to support a deal environmentalists say can solve the Everglades' water shortage and pollution problems.

But even lawmakers who argue the price is too high in a state slashing funds for schools and the elderly are uncertain what they can do to block it.

Bennett and Rep. Trudi Williams, R-Fort Myers, have co-sponsored a bill that would limit the ability of water management districts to issue certificates of participation. The South Florida Water Management District plans to use the certificates, which are similar to bonds, to bankroll the deal.

Williams, who served as chair of the district's appointed board under Gov. Jeb Bush, acknowledged Crist can veto bills to protect a deal he brokered.

"To be honest, the Legislature has no oversight or authority over the districts, so the governor can basically do what he wants," she said.

But that could change. Some lawmakers expect to try to curb the authority of water districts and a governor's influence over them. Some possibilities: proposals for elected boards or lawmaker-approved budgets or land buys.

Water districts won't be the only agencies in the cross hairs.

Another big target is the state's growth management authority, the Department of Community Affairs, which reviews county growth amendments and large projects called Developments of Regional Impact (DRIs) such as Parkland in Southwest Miami-Dade. DCA criticism has played a key role over the last few years in blocking projects beyond Miami-Dade's urban development boundary.

Under Bennett's bill, it would be up to counties to decide whether to seek the opinion of the agency. The bill also would ease rules and permitting

for "urban infill."

However, legislators and regulators say the shaky finance and housing markets make it unlikely that such mega-developments would move forward in the near future in any event.

Charles Pattison, executive director of 1,000 Friends of Florida, an advocacy group that promotes "smart growth" policy, said he supported encouraging construction in cities, but said the bill's definition of "urban" could wind up promoting more sprawl.

A standard of 1,000 people per square mile would apply to areas with just 1.5 houses per acre, he said, pushing dense development into rural suburbs and small towns.

"This is like trying to build our way out of the problem," Pattison said. "What we did in the past didn't work, so let's do it again, only more of it."

But Bennett and Williams both see broad regulatory relief, at least temporarily, as a key to sparking investment and hiring.

Two weeks ago, Williams chaired a House committee on streamlining permits. The idea list from builders, industries and businesses ranged from expediting approval of rock mines to prohibiting local government or state agencies from writing tougher rules without legislative approval until 2010.

Williams doesn't embrace every idea but said she will push for speedier approvals of projects affecting wetlands smaller than five acres, multiyear extensions for expiring permits and an overall reduction in red tape.

"I don't think anybody is suggesting we destroy wetlands," she said.
"Making sure that there is no duplication of effort or assisting someone to build something doesn't necessarily do anything to the environment."

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