

fore  
sight

THE NEWSLETTER OF 1000 FRIENDS OF FLORIDA



SPRING/SUMMER 2008 VOLUME 21 NUMBER 1



SAVING SPECIAL PLACES. FIGHTING SPRAWL. BUILDING BETTER COMMUNITIES.

## From the President



BETSY BARFIELD

**Charles G. Pattison, FAICP**

The 2008 session has ended with a major triumph—not just for the conservation community but for all Floridians—the renewal of the country’s largest public land acquisition and protection program. Governor Crist will be on solid ground in signing HB 597 into law as the successor program to Florida Forever. In light of our own *Florida 2060* report and the analyses done by the Florida Forever Coalition, this legislation represents the minimum funding necessary to keep this highly successful program moving forward. Many thanks need to be extended to all members of the coalition that worked so hard and diligently to convince legislators that this program, even in the face of unprecedented budget cuts, deserved to be extended for another ten years. Of course, don’t forget to thank your legislators as well, as they faced many tough choices but understood that Florida Forever was a winning vote everywhere.

On the growth management front, we were disappointed that the “citizen planning bill of rights” and several other good DCA proposals did not move forward, especially the one that would have added some sanity to the overly generous optional coastal development standards. We applaud Secretary Pelham for standing firm on these concepts even though many compromises were made in the process, including a reluctant acceptance of the loss of the “super majority” concept on plan amendment approvals.

So we move on, and the coming months promise more challenges than usual with the likelihood of many new faces in the Legislature, scrutiny of DCA in the sunset review process, and the ongoing effort to reign in greenhouse gas emissions through better land use and transportation planning. A special point of emphasis for 1000 Friends will continue to be a push for all of the “citizen planning bill of rights” provisions in the coming session, including others that DCA did not include. At the top of that list is anti-SLAPP suit protections for the public, something we see as critical to improving the public’s voice in the decision-making process.

**Yellow-Crowned Night Heron stalking prey on a spring run that flows into the Santa Fe River.**



COVER PHOTO COURTESY ERIC ZAMORA

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# 1000 Friends Intervenes in Case to Protect Barrier Island from Over-Development

Perdido Key, a slim barrier island in the far-western Panhandle, is home to the Gulf Island National Seashore, Perdido Key State Park, and Fort Pickens State Park Aquatic Preserve. Like any barrier island in a coastal high hazard area (CHHA), Perdido Key is extremely vulnerable to hurricanes. In fact, Perdido Key fell victim to two recent hurricanes – Ivan in 2004 and Dennis in 2005 – which caused significant flooding and damage on the Key.

Currently, as the result of a 1998 compliance agreement with the Department of Community Affairs (DCA), a density cap limits residential and lodging development on the Key. This cap helps to protect the sensitive natural environment, including critical habitat for endangered species, as well as limit public expenditures in the CHHA, as required by state law.

In December, 2007, Escambia County adopted a comprehensive plan amendment to remove the density cap and allow substantially increased development on the Key, including residential, lodging, and commercial growth. When the DCA found the amendment not in

compliance and initiated an administrative proceeding, 1000 Friends filed a petition to intervene in support of the DCA's position, as did the local citizens organization, Perdido Key Association. 1000 Friends believes one of DCA's critical roles is to guide development in Florida's vulnerable coastal communities. 1000 Friends Legal Director Uma Outka notes, "The outcome of this case could have statewide implications as to how the growth management laws affecting CHHAs are applied."



Dragonfly on the Suwannee River.

PHOTO COURTESY OF ERIC ZAMORA

## Photographer In Focus: Eric Zamora

Eric Zamora's passion for photography is the result of his love for the outdoors, interest in different cultures, and desire for a viable business that is holistic in its approach to society. Photography is to see, and seeing means more than to just look, it means to understand. The pursuit of photography has opened Eric's eyes to the frailty of our natural world and the scarcity of its truly wild places.

Eric Zamora has lived in Florida his entire life. Despite an adventurous spirit to travel, he always yearned for Florida. The beaches, springs, subtropical climate, swamps, lakes, prairies, and wildlife have inspired and comforted him as much as any place he's travelled to. Florida is a dynamic and miraculous place indeed! The environmental issues facing Florida are dire, and the people who live here all have a stake in the outcome. Eric believes that with our preservation efforts, we have an opportunity to make a statement to the world about what's important to us as Floridians. Clean water, biodiversity, sustainable development--all of these goals, if achieved, will give us a future that we can be proud of. You can see a wide selection of Eric's work on the Web at [www.ericzamora.com](http://www.ericzamora.com).



## 1000 Friends Asks Governor to Veto DRI Bill

1000 Friends has called on Governor Charlie Crist to veto SB 1706, relating to Developments of Regional Impact (DRI). The legislation exempts from the DRI process any development within a county having a population greater than 1.25 million that has an office or laboratory appropriate for medical technology or similar uses. The development also must be located in an area designated for intensive growth, be close to bus or light rail transit, and use approved green technology. 1000 Friends opposes this legislation for two primary reasons: the exemption precludes meaningful public involvement in such projects, and it exposes local governments to unanticipated legal and financial considerations.

## Florida Forever Reauthorized!

Your calls really made a difference. In one of the tightest budget years in recent history, the legislature passed a ten-year, \$3 billion successor to the Florida Forever. SB 542 moves this vital program forward, establishing a funding mechanism for working waterfronts and for rural and family easements. Leadership from the Florida Forever Coalition and support from citizens across the state kept this urgent effort alive and well. Thank you for vocalizing your support.



Sunset at Cape Sable, Everglades National Park.

PHOTO COURTESY OF ERIC ZAMORA

## Disappointing Defeat of Citizen Planning Bill of Rights

The “Citizen Planning Bill of Rights,” intended to increase the role of citizens in the local planning process, was defeated in the final days of the session. 1000 Friends of Florida had worked closely with Department of Community Affairs Secretary Tom Pelham on drafting and advocating for this legislation. The Senate came close to passing a version of the bill, but after several controversial amendments appeared, SB 474 never made it to the third and final reading.

“We will push for passage of similar legislation during the 2009 session,” 1000 Friends President Charles Pattison announced. “Time is running out. Our state leaders must have the vision and courage to bring about positive change in the way Florida manages growth and develop-

ment while giving citizens a greater voice in the process,” he insisted.

SB 474 included requirements for additional neighborhood meetings for map amendments, a five-day cooling-off period for changes to amendments before hearings, and initially required a supermajority vote for plan amendments. The legislation also would have limited plan amendments to one cycle per year and eliminated many exemptions to the twice per year plan amendment cycles. Additionally, it would have prohibited the Local Planning Agency in communities greater than 10,000 from being the same as the elected body, improved the Coastal High Hazard Area (CHHA) definition, strengthened requirements for development within CHHAs, and allowed for an optional rural sub-element.

# Landmark Bills Address Climate Change and Energy Policy

In a positive move, the 2008 Legislature passed two pieces of far-reaching legislation addressing the impacts of land use and transportation on climate change. House Bill 697 includes requirements that the Future Land Use and Transportation Elements of local comprehensive plans address energy efficient land use patterns and greenhouse gas reductions. Larger communities with Traffic Circulation Elements also must include strategies to reduce greenhouse gases from the transportation sector.

The second bill, HB 7135, focuses on energy issues and requires that the State Comprehensive Plan be amended to address energy issues and global climate change. 1000 Friends President Charles Pattison,

who serves on the Florida Governor's Action Team on Energy and Climate Change and its Transportation and Land Use Subcommittee, anticipates additional recommendations to be included in the State Climate Plan, which will be released in October.

"It is exciting to be part of this cutting-edge effort to address climate change at the state and local levels," said Pattison. The bills give broad and as yet undefined authority for the Department of Community Affairs and local governments to address the impacts of global warming.

"We look forward," he added, "to working closely with state and local officials to craft creative and workable ways to address climate change in a

meaningful way."

A high priority for Governor Charlie Crist, HB 7135 also implements the Governor's executive orders related to reduction targets for greenhouse gas emissions and the development of a regulatory rule to cap electric utility greenhouse gas emissions. In addition, it creates a Florida Energy and Climate Commission composed of 9 members, to be appointed by the Governor, Commissioner of Agriculture, and Chief Financial Officer. This body will be charged with the implementation of energy-related issues.

Another provision in HB 7135 calls for gasoline sold in Florida to contain ten percent ethanol by 2011.

## A Rough Session for Affordable Housing

The 2008 Legislative Session proved to be a rough one for affordable housing. The 2008 Appropriations Bill that passed included \$303 million for housing—a 22 percent cut from current funding. The Florida Legislature also swept \$250 million from funds dedicated for affordable housing to general revenue, leaving less than \$30 million in the state and local housing trust funds. Had that \$250 million been appropriated for housing, it would have created over \$2 billion in economic stimulus. "Using housing money for housing would have been the best thing the Legislature could have done for

Florida's economy," said 1000 Friends Affordable Housing Director Jaimie Ross.

Also disturbing, in the last few hours of the last day of the session, legislation related to affordable housing died due to last minute amendments. The omnibus housing bill, SB 482/HB 699, would have provided further guidance to local property appraisers when evaluating Community Land Trust properties, exempted accessory dwelling units from local impact fees and transportation currency, and made certain public lands available for affordable housing and provided penalties for non-compliance.

"There was no opposition to the need for community land trust ad valorem legislation, or to the land use reforms needed to make accessory dwelling units more attractive to developers, so we hope to see these provisions passed in the 2009 session," noted Ross. The unsuccessful legislation also included a variety of growth management and regulatory incentives, such as increased density in exchange for donated land, and amendments to the SHIP statute expanding eligibility for and uses of the funds.



Unnamed spring along the Santa Fe River.

PHOTO COURTESY OF ERIC ZAVIORA

## Springs Protection Legislation Fails

1000 Friends was disappointed when legislation authorizing the Springs Protection Act and Task Force failed to pass. Among the provisions of HB 31/SB 2394 and SB 2078 was the creation of a pilot program for Silver Springs and Rainbow Springs in Marion County in which the Department of Environmental Protection would adopt spring protection zones and basin management action plans for the delineated springsheds. It also called for a task force to collect and inventory data, identify zones of influence for each of Florida's first magnitude springs, and identify best management practices for land uses in the springsheds. 1000 Friends intends to support passage of comparable legislation in 2009.

## Citizen Calls Derail Aggregate Mining Bills

Two bills related to aggregate mining died in the Senate Environmental Preservation and Conservation Commission, thanks to a rash of phone calls from concerned citizens. SB 774 and SB 2406 would have prohibited local governments from taking any actions to bar limestone mining in certain lands zoned for mining. "This would have set the dangerous precedent of pre-empting local government regulatory authority," said 1000 Friends President Charles Pattison. "We commend all the citizens who took the time to voice their concerns on this important matter."

# Gov. Crist Vetoes Transportation Bill

Governor Crist has vetoed the multi-faceted transportation bill, SB 682. In his letter, he noted there were many positive aspects to the bill, including tools to reduce roadway congestion, and modernizing the toll collection systems. Gov. Crist explained he vetoed the bill because of provisions relating to the selection process for fuel, food and other service contracts

along the Florida Turnpike.

SB 682 had included several growth management-related provisions. It was amended on the last day of the session to include language dealing with the compatibility of lands adjacent to airports. It also would have exempted DRI requirements for certain "port related activities," and relieved new devel-

opment from responsibility for fixing backlogged transportation facilities. The unsuccessful bill also directed the Florida Department of Transportation to develop a methodology to show how DRIs could achieve a greater than 30 percent internal trip capture, and authorized the use of hybrid vehicles in HOV lanes, regardless of the number of passengers.



The Big Bend Coast near Steinhatchee.

PHOTO COURTESY OF ERIC ZAMORA

## Standing Up for the EAA

The 700,000-acre Everglades Agricultural Area (EAA) is a key parcel in the sensitive Everglades ecosystem. For decades, these drained lands in the heart of the Everglades have been used for agriculture, producing more than 50 percent of the sugar cane used nationally, and numerous other crops.

Responding to increasing threats to the area, including proposals for rock mining and inappropriate development, an alliance of local, state and national conservation and environmental organizations launched an effort to protect the integrity of the EAA. The 45-member Everglades Coalition, including 1000 Friends of Florida, is dedicated to full

restoration of the greater Everglades ecosystem.

There is much at stake, says 1000 Friends of Florida Community Planner Joanne Davis. "The EAA is facing piece-by-piece attack without consideration of the larger picture, and it is incumbent on us to protect the heart of this national treasure."

1000 Friends is assisting the Everglades Coalition with drafting a White Paper outlining some of the most pressing issues facing the EAA and identifying "consensus recommendations."

The Coalition has asked the Secretary of the Department of Community Affairs (DCA) to consider designating

the EAA as an Area of Critical State Concern (ACSC) which would enable a comprehensive, formal review of the area. Coalition members 1000 Friends of Florida, the Sierra Club and the Florida Wildlife Federation have filed a series of law suits to protest Palm Beach County's approval of rock mining in the EAA (see below). Additionally, 1000 Friends, The Nature Conservancy, Florida Wildlife Federation and Everglades Foundation have penned a letter to the Army Corps of Engineers stressing the importance of the EAA and the need for a comprehensive evaluation of any projects impacting the area.



Sunset over the Emerald Coast, Destin.

PHOTO COURTESY OF ERIC ZAMORA

## 1000 Friends Joins Suit Over Rock Mining in the Everglades

In late May, 1000 Friends of Florida joined the Sierra Club and Florida Wildlife Federation in filing lawsuits over newly authorized rock mining in the Everglades Agricultural Area (EAA), a 700,000-acre area south of Lake Okeechobee in Palm Beach County. 1000 Friends Community Planner Joanne Davis explained, "These mines could have serious negative impacts on the Everglades and its long-term restoration."

One suit contends that the Palm Beach County Commission failed to fully consider the impacts of the rock mining when it voted to approve the land use changes

in April of 2008. "Consideration should have been given to the ramifications of the mining on drinking water and Everglades restoration, as well as possible impacts to the nearby Arthur R. Marshall Loxahatchee National Wildlife Refuge," says Davis.

South Bay Quarry, operated by Rinker Materials, would cover 3,773 acres. Florida Rock Industries would operate the second mine, Lake Harbor Quarry, which encompasses 7,351 acres near Belle Glade. The sand and rock from the mines would be used for roads and construction, and the remaining holes would supposedly be used for water storage.

# 1000 Friends Files Amicus in Support of Inclusionary Housing Ordinance

The Florida Home Builders Association (FHBA) filed a legal challenge against the City of Tallahassee's inclusionary housing ordinance which requires that developments of fifty or more units make 10 percent of those units affordable housing. The FHBA claimed that it was an unlawful taking, a violation of substantive due process, and an unlawful tax.

The trial court found in favor of the City on all three counts, and noted that the ordinance provides a number of benefits to the developer. In exchange for requiring 10 percent of the units to be affordable, the

Tallahassee ordinance provides a 25 percent density bonus as well as housing type design flexibility, including relief from set back and minimum lot size requirements.

Having lost its challenge, the FHBA recently appealed the decision to the First District Court of Appeals. In its amicus brief filed on behalf of the City of Tallahassee, 1000 Friends of Florida has set forth the land use planning context for inclusionary housing ordinances. The amicus brief notes that inclusionary housing implements planning laws in accordance with Florida's growth management act,

and points to precedents set in California, which has had more than 170 of these local ordinances enacted.

1000 Friends of Florida Affordable Housing Director Jaimie Ross explains that land use laws can and should be used to encourage the development of affordable housing so that businesses are able to recruit and retain employees by boasting vibrant communities with a range of housing choices. "Inclusionary housing ordinances will withstand legal challenge provided they are well crafted," says Ross.



Chasshowitzka National Wildlife Refuge.

PHOTO COURTESY OF ERIC ZAVORA

# Report Finds Florida Metro Area Residents Big Contributors to Global Warming

Residents of Florida's largest metropolitan areas should be hearing a wake-up call to start reducing their carbon footprint. According to a first-of-its-kind report from the Brookings Institution, entitled *Shrinking the Carbon Footprint of Metropolitan America*, metro Floridians emitted more greenhouse gases per person than typical residents of other cities in the nation's 100 largest metropolitan areas.

Between 2000 and 2005, these Floridians dramatically raised their per capita carbon footprints. The biggest increase was from transportation, ranging from a 4.6 percent rise in Jacksonville to a whopping 58.6 percent in Sarasota-Bradenton-Venice. By comparison, the average increase in the nation's 100 largest metro areas was 2.4 percent.

"Because of Florida's sprawling

development patterns, we are saddled with larger-than-average carbon footprints," said 1000 Friends of Florida President Charles Pattison. "The good news is that we can have a huge positive impact by taking steps that will make our lives better as well."

Pattison emphasized that the Brookings report clearly illustrates the need for Floridians to take action. In 2005 Jacksonville ranked 95th among large metro areas in emissions from highway transportation, with 1.902 tons of carbon per person. Just below was Sarasota-Bradenton-Venice at 94th, with 1.897 tons per capita from this source.

Surprisingly, Miami-Fort Lauderdale-Miami Beach ranked the best of the Florida metro areas in terms of per capita tons of carbon, coming in at 30th, with 1.295 tons

from transportation. Other Florida metro areas among the "top 100" are Cape Coral-Fort Myers, Palm Bay-Melbourne-Titusville, Orlando, and Tampa-St. Petersburg-Clearwater metro areas, ranked 86th, 84th, 84th, and 53rd, respectively, in terms of tons of carbon per person from highway transportation.

"Florida needs to dramatically improve transportation patterns and invest in alternative transportation in order to help reduce its carbon footprint," said Pattison. He noted that it is a high priority for 1000 Friends to identify planning strategies that can be employed at the state and local level to address these issues.

*Shrinking the Carbon Footprint of Metropolitan America* is available at [www.brookings.edu/reports/2008/05\\_carbon\\_footprint\\_sarzynski.aspx](http://www.brookings.edu/reports/2008/05_carbon_footprint_sarzynski.aspx).



White Pelicans at Lower Suwannee National Wildlife Refuge.

PHOTO COURTESY OF ERIC ZAMORA

# Nathaniel Reed Honored as an "Everglades Legend"

At a star-studded February gala at Mar-a-Lago in Palm Beach, 1000 Friends Chairman Emeritus Nathaniel Reed received the Everglades Legend award from the Everglades Foundation. He was honored for his "pioneering environmental work and his refusal to 'accept no as an answer' when addressing the needs of the Greater

Everglades Ecosystem." In accepting the award, Reed reminded the more than 600 guests at the event that restoration is a "moral imperative." He also implored Gov. Crist, who was present, to "let the waters flow. It can if you believe it is possible."



Governor Charlie Crist, Paul Tudor Jones and Nathaniel Reed discuss Everglades Restoration.

PHOTO COURTESY OF EVERGLADES FOUNDATION



The Reed Family—Alita and Nat Reed, Lia Reed, and Adrian and Michelle Reed at the Everglades Foundation Gala.

PHOTO COURTESY OF EVERGLADES FOUNDATION

## Charles Pattison Named Fellow of the American Institute of Certified Planners

1000 Friends of Florida President Charles Pattison was named a Fellow of the American Institute of Certified Planners at the Annual Conference of the American Planning Association in Las Vegas, Nevada in April. One of the highest honors that the Institute bestows upon a member, a Fellow is "a model planner who has made significant contributions to planning and society."

Pattison also received several appointments and reappointments. He was named to the Florida Department of Environmental Protection's Technical Advisory Committee to assist with the development of a statewide stormwater rule to increase protections for Florida's surface waters. As a member of the Governor's Action Team on Energy and Climate Change, Pattison was asked to serve on the Transportation and Land Use Technical Working Group to help outline provisions for the Action Team's October 2008 plan. Finally, Pattison was reappointed to the Water Resources Advisory Commission of the South Florida Water Management District (WRAC/SFWMD). The Commission advises on implementation of programs to restore the Everglades ecosystem, assure adequate fresh water supplies, and provide water management services for the citizens of South Florida.



1000 Friends of Oregon Executive Director Bob Stacey and 1000 Friends of Florida President Charles Pattison were both inducted as Fellows of the American Institute of Certified Planners. 1000 Friends of Oregon was the nation's first 1000 Friends group, followed by 1000 Friends of Florida.



New Florida Fellows of the American Institute of Certified Planners include (rear) Richard Prosser, Charles Pattison, Link Walther, Robert Ansley, and Gene Boles, and (front) Rich Unger, Chris Silver and Marie York.

PHOTOS COURTESY OF FAPA

### Dr. John M. DeGrove Honored by the Palm Beaches

1000 Friends of Florida President Emeritus Dr. John M. DeGrove received the Outstanding Public Service Award given by the Forum Club of the Palm Beaches. The award was given in honor of his commitment to the community.

### Victoria Tschinkel Named 1000 Friends Chair

At its December 2007 meeting, the Board of Directors of 1000 Friends of Florida named Victoria Tschinkel to serve as Chair of the organization. Tschinkel is the past State Director of the Florida Chapter of The Nature Conservancy. She served as a senior

consultant specializing in environmental matters with the law firm of Landers and Parsons from 1988 to 2002, and as Secretary of the Florida Department of Environmental Regulation from 1981 to 1987.



Milissa Holland

### Milissa Holland Appointed to 1000 Friends Board

Milissa Holland of Palm Coast has been appointed to the Board of Directors of 1000 Friends of Florida. Holland is

the first woman elected to the Flagler County Board of County Commissioners. She is Chair and CFO of the James F. Holland Foundation, which provides grants and supports programs for children of Flagler County. She also serves on the boards of the Management Advisory Group for the Guana Tolomato Matanzas National Estuarine Research Reserve, Executive Board of Directors of Enterprise Flagler, Partnership with the University of Florida for Water, Agriculture, and Community Sustainability at "Hastings" Advisory Committee, and the Flagler County Sexual Assault Task Force. She is a former member of the Board of Directors of the Northeast Florida Regional Planning Council.

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Ms. Peggy Carr has given a gift in memory of Mr. Mark Benedict.

#### **Gift**

1000 Friends would like to thank the firm of Frank, Gramling & Fingar for the donation of two used computers and two flat screen monitors. They have been put to good use in our office.

# the last word



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**Nathaniel P. Reed**  
*Chairman Emeritus*  
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PHOTO COURTESY ERIC ZAMORA



Bayou along the Santa Fe River near the confluence with the Suwannee River.



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