DEMOCRACY

THE RIGHT TO VOTE IS A CORE PRINCIPLE OF OUR REPUBLIC. WHEN FLORIDIANS ACT ON THEIR RIGHT TO VOTE, THEY HOLD THEIR LAWMAKERS ACCOUNTABLE FOR PROTECTING OUR ENVIRONMENT.
In a mere decade, Florida’s population is projected to expand by five million residents, and more than half of that growth will occur in just ten counties. If current development trends stay on track, Florida will permanently lose more than five million acres of land within one generation. The loss of this land, much of it working and natural lands, will only be worsened by the effects of sea level rise as many Floridians who live in coastal counties may need to relocate further inland. This migration may disproportionately impact Black, Latinx, working-class, and low-income communities that currently live in more affordable inland communities, leading to climate gentrification. But that fate is not inevitable.

Florida can achieve a more sustainable future by taking a long view in planning, specifically by establishing policies requiring local governments to consider the cumulative impact of developments—big and small—on the natural environment and communities. Incremental changes will shape the future of Florida and the health of our natural resources and social structures.

Local county and city planners have a robust working knowledge of the comprehensive plans, growth constraints, and hurdles facing their communities. Sometimes, however, meaningful state oversight in the planning process is critical to avoid irreversible negative regional impacts. That need was recognized as far back as 1985 when Florida’s hallmark Growth Management Act became law. Since then, the Florida Legislature has systematically dismantled this once-robust comprehensive planning process. Currently, Florida lacks the tools to protect our environment, economy, and quality of life from the negative impacts of unchecked development.

Beginning in 2011, the Legislature has promoted development over the protection of natural resources, rural areas, and existing communities. The Growth Management Act, the Department of Community Affairs (DCA), and the Developments of Regional Impact program are gone, replaced with the Community Planning Act, the Department of Economic Opportunity (DEO), and a greatly reduced state oversight of local planning decisions. The state's policy now emphasizes “innovative community planning, development, and support for communities and economic incentives for businesses that create new jobs.” Any land use proposal that can claim to meet this objective may now be approved despite its negative impact on the environment or existing residents.

The new growth policy also unwisely excludes the economic value of maintaining natural resources, such as water storage and water quality protection, shoreline erosion control, flood minimization, habitat for spawning fish, and mitigation of climate change impacts. These well-established economic benefits, currently provided for free by maintaining our existing ecosystems, are not protected or recognized by Florida’s planning law.

Oversight of unsustainable growth has been left to resident engagement in the local planning process. Residents and advocates may challenge inconsistent comprehensive plans and rezonings at the local level. However, during the 2019 legislative session, this remaining mechanism to keep a check on unsustainable growth came under attack. Per HB 7103, the losing side in a legal challenge to a development order must pay the attorney fees and costs for the winning side. This chilling provision has already caused citizens to dismiss challenges against unsustainable development proposals and has created potentially unlimited financial liability for local governments if their denials of development projects are challenged by development applicants.

Planning for growth also happens on a regional level. Florida has ten Regional Planning Councils that serve the unique needs of Florida’s diverse regions, issues and populations such as COVID-19 relief, resiliency, transportation, affordable housing, hurricane evacuation and disaster relief, and eliminating racial equity gaps. They are funded primarily by federal and state grants; they do not receive any allocation of the state budget.
Florida planning law must be strengthened immediately. Some areas of our state simply are not suitable for development and must be preserved as natural lands or low-impact agriculture. Such lands should be permanently protected through the Florida Forever, Rural and Family Lands Protection Program, or Florida Communities Trust. For more information, please see the section on land conservation. The state’s policies on development in and near rural and environmentally sensitive areas are not nearly strong enough to protect these fast-vanishing and irreplaceable natural resources.

The 2019 legislative session introduced another severe threat to Florida’s ecosystems with the passage of the Multi-use Corridors of Regional Economic Significance Program, or MCORES. These toll roads and the development they will spawn will have irreversible impacts on vast tracts of some of Florida’s last remaining natural areas, stimulating sprawling development and diverting funding away from much-needed existing transportation projects.

At the same time, the Legislature has continued to limit the ability of local governments who want to preserve their communities and ecosystems. Unfortunately, home-rule authority has been under attack for years by politicians in Tallahassee, who have limited the ability of local governments to regulate tree trimming, fertilizer usage, sunscreen, plastic bags, short term vacation rentals, and many other issues. While state law can serve as a floor (minimum requirements), the Legislature should avoid preempting local governments and let locals lead when the state has less stringent standards.

In 50 years, Florida’s population is projected to grow to approximately 33.7 million residents. The pressures of dynamic population growth combined with rising seas come at a time when Florida’s state process to manage growth has been eviscerated. How Florida's future governor, legislators, and other state and local leaders respond to these increasing challenges will determine the quality of our communities and the ecological health of our natural lands for future generations.

GROWTH MANAGEMENT
POLICY RECOMMENDATIONS

Lawmakers have the opportunity to improve how Florida manages growth and work more cooperatively with local governments by enacting legislation that will:

• Enact legislation to require consideration of the impacts to Black, Latinx, Indigenous, and low-income communities that may be displaced as residents migrate away from coastal areas.

• Allow local ordinances that address fertilizer usage, tree-trimming, residential vegetable gardens, and road construction specifications.

• Repeal language in SB 712 that prohibits local governments from recognizing the rights of nature.

• Restore citizen rights by undoing the damage wrought by HB 7103: repeal the law that provides for automatic prevailing party attorney fees against citizens who unsuccessfully challenge development decisions that violate their comprehensive plans, and broaden standing to challenge development decisions by citizens and advocacy organizations.

• Provide funding support for the Regional Planning Council’s technical staff for implementation and oversight of sea level rise adaptation and resiliency measures.

• Increase funding to Regional Planning Councils to continue their coordination with local governments and the private sector to provide for rural mobility, disaster recovery, and broadband implementation.

• Require that Department of Economic Opportunity review all comprehensive plan amendments to determine if they comply with state law and ensure that they prevent negative regional or state impacts from development.

• Ensure that transportation plans are consistent with local and regional planning efforts that address design, road materials, and appropriate locations for roads and associated infrastructure.

• Give local governments affected by the development decisions of an adjacent government a seat at the table by:
  - improving the dispute resolution process under Chapter 164 and section 186.509, Florida Statutes; and
  - providing the more equitable preponderance of the evidence standard of review to affected local governments if dispute resolution is unsuccessful and legal action becomes necessary to protect their rights.
The right to vote is fundamental to our democracy. Our ability to elect leaders who serve the public interest—whether it be to protect Florida's beautiful coastlines and pristine waterways or to advance sustainable energy and transportation policies—hinges on our ability to maintain a fair and open election system where every eligible voter can cast a ballot and have it accurately counted. Unfortunately, Florida's election system is outdated in many ways, and voters are often unable to fully participate due to bureaucratic obstacles, antiquated systems, or poor planning.

Millions of Floridians who are eligible to vote remain unregistered. Automatic Voter Registration (AVR) streamlines registration. With AVR, voter registration is prompted or updated when eligible citizens interact with government agencies, and eligible citizens may affirmatively decline automatic registration or updates. Nineteen states and the District of Columbia currently offer AVR with varying approaches to how voters may opt-out. AVR has increased registration rates in states where it is implemented and has saved states money with the electronic transferral of voter registration information. AVR also keeps voter rolls more accurate by creating a constant stream of updates between registration agencies and election officials and eliminating mistakes caused by processing paper registrations by hand.

**ELECTION DAY VOTER REGISTRATION**

Often referred to as same-day voter registration (SDR), election day voter registration allows eligible voters to register or fix a problem with their registration when they arrive at the polls to vote. This boosts voter turnout and ensures that voters are not blocked from voting simply because they missed the registration deadline. The District of Columbia and 21 states offer SDR. In Florida, the book closing deadline is 29 days, nearly a month, before Election Day. Even when voters do everything correctly, they may still have registration problems due to no fault of their own. In these cases, SDR provides a critical fail-safe against overzealous list maintenance by officials, errors by third-party registration groups, and simple clerical mistakes by those processing registration forms.

**VOTE-BY-MAIL**

Vote-by-mail is increasingly popular, and could be improved by ensuring that fewer ballots are unfairly rejected. For a mail ballot to be counted, Florida law currently requires that it be received by the Supervisor of Elections by 7 p.m. on Election day. This strict deadline disenfranchises many eligible voters whose ballots are not delivered until after the deadline. After the 2020 August primary election, an analysis by Politico found that 66% of the rejected mail ballots were due to being received after the deadline.

Florida already allows ballots cast by military and overseas voters to be counted if they are postmarked by Election Day and received within ten days after the election. This practice should be expanded to apply to all voters. Lawmakers should update statutes so that vote-by-mail ballots will be accepted if postmarked by Election Day and received within five days after the election. The deadline to cure vote-by-mail ballots would also need to shift to allow voters at least two days after the new deadline to correct signature errors.

**VOTE CENTERS**

As vote-by-mail has become increasingly popular nationwide, some states have moved towards countywide voting systems rather than precinct-based voting. In a countywide system, voters may vote at any polling place on Election Day. Two counties in Florida (Bay and Gulf) are currently allowed to use super voting sites due to executive orders. Other election officials have expressed an interest in this as well. Vote centers must be implemented with clear standards for choosing equitable and accessible locations, structured opportunities for meaningful input from leaders of potentially affected communities, and robust voter education and outreach plans. When considering this new approach, the state must require local election officials to gather input from affected communities and incorporate that input into their planning to implement vote centers in a nondiscriminatory way.
VOTING RIGHTS

POLICY RECOMMENDATIONS

• Support automatic voter registration systems requiring government agencies to register eligible voters automatically by default unless the individual opts out.

• Implement same-day registration, requiring local election officials to allow voters to register or fix their registrations at the polls on election day.

• Extend the deadline for vote-by-mail ballots to count ballots postmarked by election day.

• Ensure that any legislation allowing Supervisors of Elections to establish vote centers include clear standards for choosing equitable and accessible locations, structured opportunity for meaningful input from leaders of potentially affected communities, and robust voter education and outreach plans.
Dr. Robert Bullard, the advocate, author, and professor often cited as “the father of environmental justice” famously noted that “America is segregated and so is pollution.” Zip codes remain the most potent predictor of an individual’s health and well-being. Black, Latinx, and Indigenous people and communities are subjected to elevated environmental health threats and more than their share of preventable diseases. Working class people, people of color, and Indigenous people across the country still grapple with the impacts of artificial systems that have fueled the development of vast chasms of inequality which are borne out at the level of the physical environment they inhabit.

It is no coincidence that these populations live in close proximity to our worst forms of pollution.

The environmental justice movement addresses an undeniable fact: people who live, work, and recreate in America’s most polluted environments are commonly people of color and the poor and working class. Environmental justice advocates have shown that this is no accident. Communities of color, which are often poorer than their counterparts, are routinely targeted to host facilities with negative environmental impacts, such as landfills, dirty industrial plants, or truck depots. The statistics provide clear evidence of what the movement calls "environmental racism." Communities of color have been battling this injustice for decades.

The injustices and inequities that arise from past and present social and racial discrimination take many different forms: gentrification, discriminatory zoning practices, segregation, restricted access to the democratic process, pollution, lack of investment in preparedness, and even displacement by the very climate adaptation and mitigation strategies meant to help prevent the worst impacts of the global climate crisis. Collectively, each of these contributes and fosters the inequities we see taking place today across the state. Many of these communities face injustice without the same degree of protection, an equal voice in planning processes, or the access to resources afforded to other communities.

Today, environmental justice issues take many forms and differ across the state, from dirty diesel school buses to landfills, gentrification, and displacement. These injustices result from the irregular dissemination of the benefits and burdens of our systems.

Environmental Justice is “the fair treatment and meaningful involvement of all people regardless of ethnicity, color, national origin, social status or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.”

ENVIRONMENTAL RACISM

Race is the number one indicator for the placement of toxic facilities in this country. Race is also the most significant predictor of an individual living near contaminated air, soil, or water. According to a recent publication by The Nation, 56% of residents near toxic waste sites are people of color; 38% of people of color have higher nitrogen dioxide exposure and are two times more likely to live without potable water and modern sanitation.

INDUSTRIAL POLLUTION

Florida’s industrial sector poses a serious health and environmental challenge particularly for low-income, Black, and Brown communities. Many of these “fenceline communities” are right next to these facilities. Neighborhoods surrounding industrial plants or processing centers are the recipients of toxins released into the air and water. For example, the predominantly Black communities of Belle Glade, South Bay, and Pahokee (located near Lake Okeechobee) are subject to black smoke plumes from burning sugarcane fields during
industry harvesting season. The Fairway Oaks community in Jacksonville is another example of a community built on an old landfill and where toxins in the soil and water are at levels deemed hazardous by the U.S. Environmental Protection Agency. This form of pollution has led to many health problems for residents such as asthma and other respiratory illnesses.

ENVIRONMENTAL GENTRIFICATION

When localities clean up urban pollution or make urban spaces more sustainable, wealthier people are attracted to live there, thus driving up rental rates and property value and changing the culture and dynamics of the neighborhood. There are benefits to bringing energy efficient buildings, parks, and community gardens to urban communities, but these well-meaning practices can result in communities of color being rapidly displaced. Programs that focus on greening spaces in low income zip codes should consider and plan for the social impacts such development will have, such as increased rent and added community policing.

CLIMATE GENTRIFICATION

Neighborhoods traditionally overlooked by wealthy people have become more attractive and more expensive due to their location, which happens to be less prone to flooding and more resilient to climate-related threats. Segregation shunted people of color to less desirable, landlocked neighborhoods. In Miami, lower-income residents tend to live in high-elevation areas, while waterfront property is prime. As tides rise and waterfront homes are compromised, long-forgotten areas have become a hot commodity. A 2018 Harvard University study identified three mechanisms by which climate gentrification occurs. First, the "superior investment" mechanism occurs when climate-resilient properties are more desirable, increasing their prices to a level that only high-income households can afford them. Second, with the "cost-burden" mechanism, less resilient neighborhoods are inaccessible to low-income people who cannot afford the expenses associated with natural disasters. Finally, the "resilience investment" mechanism occurs when a

ORLANDO’S PARRAMORE COMMUNITY

In the 1980s, Orlando’s Parramore neighborhood was a flourishing, middle class community with Black-owned homes, schools, businesses, and churches. Today the Parramore community is enclosed on all sides by the I-4 and 408 highways. The way in which the highways were constructed is considered to be a deliberate tactic used to segregate the Parramore community from the rest of the City of Orlando.

As a result, residents are constantly exposed to soot and noxious fumes from the vehicles on the highway. Unfortunately, Parramore is not alone—a federally funded study published in 2017 found that people of color in the U.S. are exposed to far more transportation-related pollution than white people.
neighborhood has climate resilience infrastructure that makes living there more expensive. Historically Black and Brown communities in Florida are experiencing gentrification because they are on higher ground. Examples of communities in Miami going through rapid gentrification include Little Haiti, Liberty City, and Allapattah.

**URBAN SPRAWL**

A long history of racial discrimination and housing segregation has contributed to environmental injustice. “Red-lining” is the systematic denial of services like home mortgages, insurance, and loans based on the location of the home in Black and Brown neighborhoods rather than the applicant’s qualifications, and it has led to the concentration of low-income and individuals of color into specific locations or urban areas like Hialeah. These communities become cut off from economic and educational opportunities until some seek to either invest or displace community members.

**TRANSPORTATION INEQUALITY**

Automobile dependence in Florida is at an all-time high, and recent development further inland has led to substantial transportation problems and inequities. Low-income communities struggle with access to vehicles, which forces them to rely on public transportation services, exposing them to harmful toxins emitted in the air. As we continue to develop our state, low-wage workers without access to a car are unable to move because the cost and unreliability of transit make it impractical.

**CATASTROPHIC EVENTS**

Florida has recently seen an intensification of weather events that place low-income and communities of color at greater risk because they are more vulnerable and struggle the most to recover. It is undeniable that hurricanes, tornadoes, extreme heat, and flooding are becoming more commonplace. When storms hit, many residents cannot evacuate or afford the costs incurred to restore their homes. With communities in South Florida barely sitting at sea level, as flooding occurs, they are left to protect their property on their own. In September 2017, after Hurricane Maria, the Census Bureau estimated that more than 44,000 Puerto Ricans relocated to Florida. Two years later, Puerto Ricans are still fighting for post-disaster resources and fair treatment.

**DEMOCRATIZATION OF ENERGY**

New technology such as solar and modern battery-storage offers the opportunity to distribute generation and ownership of energy resources. Distributed and community ownership opens the door for energy to be viewed not as a commodity, but as a common resource to be democratically controlled for the benefit of our communities, especially low-income communities and communities of color that have been most negatively impacted by the current systems of energy commodification.

Within this vision, communities strive to consume less energy by making homes and businesses more energy-efficient, installing renewable systems, reducing waste, prioritizing efficient, affordable, and/or free public transportation, and adopting similar measures. In addition, electricity generation is decentralized and community-based to provide affordable, reliable, and clean power to meet community needs.

Owned and controlled by the community, renewable energy is invested in equitable, sustainable business, provides family-sustaining clean-energy jobs, powers schools and other public spaces, supplies power for urban food systems and public transportation, and strengthens communities’ self-sufficiency and resilience.

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*4 Biomed Center, Environmental justice and policy research, Biomedcentral.com/ collections/environmentaljusticeandpolicy, 2020.*
ENVIRONMENTAL JUSTICE
POLICY RECOMMENDATIONS

- **Measure environmental justice with a cumulative impacts approach.** As we work to rectify environmental harms and create new benefits for communities, we must do so through a lens of environmental justice. There are several ways to measure cumulative impact that can help regulators and policymakers prioritize high-need areas in their districts and understand the health burdens. The current state of environmental policy is focused on addressing pollutants and polluters. We must broaden policies to always include a thoughtful environmental justice lens that considers the vulnerabilities and needs of communities of color.

- **Create authentic and sustained community participation.** Many of the decisions and policies in place are made without community members at the table. Because low-income and communities of color are most impacted by the planning of public infrastructure projects, their participation is critical to ensuring the best outcomes for their future. The knowledge that many community members possess is invaluable to understanding what is happening on the ground. Meaningful community participation should involve communities from the start with the aim of co-creating policies and building trust between government entities and communities.

- **Strengthen land use and zoning practices by centering environmental justice.** When done right, land use and zoning can have a powerful impact on protecting communities. These practices shape what we know our cities to be, and drive businesses to invest and develop. With proper comprehensive planning, in conjunction with impact and cumulative analyses, we can protect communities subject to gentrification and other issues of displacement.

- **Support resilience planning.** With catastrophic weather events becoming more common and intensifying, communities and elected officials must be proactive through proper planning. Resiliency planning at the local level will force governments to update land use and zoning codes, establish better development standards, provide incentive programs, and create policies to prepare communities for stressors, like catastrophic weather. It is critical that local governments make the necessary investments to protect low-income communities and communities of color.