



EVERGLADES COALITION

May 3, 2023

Governor Ron DeSantis
The Florida Capitol
400 S. Monroe St., Plaza Level
Tallahassee, FL 32399

Sent via mail and e-mail to GovernorRon.DeSantis@eoq.myflorida.com

RE: Veto Request SB 540/HB 359 to Protect Investments in Everglades Restoration

Dear Governor DeSantis:

On behalf of the Everglades Coalition, a coalition devoted to restoration, preservation, and protection of the Greater Everglades, we write to ask you to veto SB 540/HB 359, which would place extreme financial burdens on Floridians seeking judicial relief from legally flawed comprehensive plan amendments which affect current and future investments in America's Everglades.

Advancing Everglades restoration is firmly aligned with your vision for the future of the State of Florida. Everglades restoration protects our water supply from saltwater intrusion, strengthens our shorelines to protect communities from more frequent and intense storms, and creates tens of thousands of jobs for Floridians while providing ecosystem benefits to bolster Florida's important fishing and tourism economies.

But, the progress we have made toward a restored River of Grass continuously faces threats from encroachment from urban sprawl, diminishing the viability of current and future restoration projects and undermining the historic investments in restoration by your administration.

In January, we were encouraged when you signed Executive Order 23-06, which builds on recent momentum and bipartisan efforts to increase land conservation, enhance water quality, and buttress a wide range of projects supporting Everglades restoration. The Coalition was particularly pleased the Order acknowledged the importance of the long-term comprehensive planning process to ensure sustainable growth that safeguards Floridians' quality of life and protects our unique natural resources.

However, enacting SB 540 would upset the delicate balance between competing priorities the comprehensive planning process exists to resolve. **A provision in the law that awards prevailing party attorney fees would effectively preclude average citizens and public interest groups from mounting planning challenges, even in cases where clear errors have been made. The vast majority of average**

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Floridians simply cannot afford to pay for both sides of a legal process involving developers and local governments with far more resources.

Florida already has rules allowing judges to award attorney fees in cases deemed frivolous. In addition, the administrative hearing process already provides for prevailing party attorney fees if a party to a challenge participated for an improper purpose. There is no shortage of development opportunities in Florida, and the rising tide of applications makes this a **dangerous time to restrict citizens' ability to challenge legally flawed decisions that would forever alter the fundamental character of their communities.**

A bedrock American value is the right to have your day in court when the political process fails. SB 540 makes that day in court a luxury for the affluent and threatens the balanced growth Florida needs to flourish economically and environmentally. In order to restore meaningful citizen engagement to protect our investment in Everglades restoration from sprawl and over-development, we respectfully ask that you VETO SB 540.

Sincerely,



Mark Perry
Co-Chair



Kelly Cox
Co-Chair

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