

EXHIBIT 3.B.

Correspondence and Materials from Interested Parties Received Directly by Planning Council Staff Subsequent to the January 23, 2020 Planning Council Meeting

- **Exhibit A - Email correspondence and materials from Winston Grace dated February 3, 2020, received February 3, 2020 - Opposed**
- **Exhibit B - Email correspondence from Michael Coard dated February 7, 2020, received February 7, 2020 - Support**
- **Exhibit C - Email correspondence from Christopher Coard dated February 7, 2020, received February 7, 2020 - Support**
- **Exhibit D - Email correspondence from Joe Burciaga dated February 8, 2020, received February 10, 2020 - Support**
- **Exhibit E - Email correspondence from Carol Burciaga dated February 8, 2020, received February 10, 2020 - Support**
- **Exhibit F - Email correspondence from Maryelle and Ed Brown dated February 8, 2020, received February 10, 2020 - Support**
- **Exhibit G - Email correspondence from Bonnie Schultz dated February 10, 2020, received February 10, 2020 - Support**
- **Exhibit H - Email correspondence from Lizbeth Cruz dated February 10, 2020, received February 11, 2020 - Support**
- **Exhibit I - Email correspondence from Tonne Samuels dated February 11, 2020, received February 11, 2020 - Support**
- **Exhibit J - Email correspondence from Tyrone Philpart dated February 11, 2020, received February 11, 2020 - Support**
- **Exhibit K - Email correspondence from Tracey Colon dated February 11, 2020, received February 12, 2020 - Support**
- **Exhibit L - Email correspondence from Alan Wise dated February 12, 2020, received February 12, 2020 - Support**
- **Exhibit M - Email correspondence from Sara Jane Rose dated February 14, 2020, received February 14, 2020 - Support**
- **Exhibit N - Email correspondence from Cecelia Kleinrichert dated February 15, 2020, received February 18, 2020 - Support**
- **Exhibit O - Email correspondence from Kevin Borwick dated February 15, 2020, received February 18, 2020 - Support**
- **Exhibit P - Email correspondence from Vashita Jadoolelel dated February 17, 2020, received February 18, 2020 - Support**
- **Exhibit Q - Email correspondence from Sterling Griggs dated February 17, 2020, received February 18, 2020 - Support**

- **Exhibit R - Email correspondence from Wallace Griggs dated February 17, 2020, received February 18, 2020 - Support**
- **Exhibit S - Email correspondence from Sandra Coronel dated February 18, 2020, received February 18, 2020 - Support**
- **Exhibit T - Email correspondence from Karen Malkoff dated February 20, 2020, received February 20, 2020 - Support**
- **Exhibit U - Email correspondence from Justin Bryant dated February 20, 2020, received February 20, 2020 - Support**
- **Exhibit V - Email correspondence from Joanne Henry dated February 20, 2020, received February 20, 2020 - Support**
- **Exhibit W - Email correspondence from John Henry dated February 20, 2020, received February 20, 2020 - Support**
- **Exhibit X - Email correspondence from Jeffrey Reid dated February 22, 2020, received February 24, 2020 - Support**
- **Exhibit Y - Email correspondence from Debra Gonzalez dated February 24, 2020, received February 24, 2020 - Support**
- **Exhibit Z - Email correspondence from Pablo Di Benedetto dated February 24, 2020, received February 24, 2020 – Support**
- **Exhibit AA - Email correspondence from Patricia Fox dated February 25, 2020, received February 25, 2020 - Support**
- **Exhibit BB - Email correspondence from Phillip Syphers dated February 26, 2020, received February 26, 2020 - Support**
- **Exhibit CC - Email correspondence from Sara Jane Rose dated February 29, 2020, received March 2, 2020 - Support**
- **Exhibit DD - Email correspondence from Ronald Coles dated February 27, 2020, received March 2, 2020 - Opposed**
- **Exhibit EE - Email correspondence from Barry and Shirley Bleidt dated March 2, 2020, received March 2, 2020 - Support**
- **Exhibit FF - Email correspondence from Carlton and Jennifer Anglin dated March 3, 2020, received March 3, 2020 - Support**
- **Exhibit GG - Email correspondence from Heima Maharaj dated March 6, 2020, received March 6, 2020 - Support**
- **Exhibit HH - Email correspondence from Vashita Jadoonanan dated March 10, 2020, received March 10, 2020 - Support**

EXHIBIT A

From: [Planning Council](#)
To: [Teetsel, Dawn](#)
Subject: FW: References to Woodlands 1/23 Presentation
Date: Monday, February 3, 2020 9:11:42 AM

From: winston grace <wiston_91206@yahoo.com>
Sent: Monday, February 3, 2020 8:55 AM
To: Planning Council <PlanningCouncil@broward.org>
Subject: Re: References to Woodlands 1/23 Presentation

I just want to add that I am opposed to the development plan because I believe it will lower home prices in the area and decrease property tax revenue for the county. The new homes may not sell if we have a recession. We have an analogous situation near the Woodlands called the Meditaraneo, which ended up being abandoned during the 2008 crisis and was several vacant lots for years as the economy recovered.

On Monday, February 3, 2020, 08:50:00 AM GMT-4, Planning Council <planningcouncil@broward.org> wrote:

Thank you, Mr. Grace. The referenced valuation information and theory will be incorporated into the amendment materials and ultimately the amendment report as it moves forward to the County Commission.

Barbara Blake Boy, Executive Director

115 South Andrews Avenue, Room 307

Fort Lauderdale, Florida 33301

954.357.6982 (direct) www.Broward.org/PlanningCouncil

From: winston grace <wiston_91206@yahoo.com>
Sent: Sunday, February 2, 2020 8:13 PM
To: Planning Council <PlanningCouncil@broward.org>
Subject: References to Woodlands 1/23 Presentation

Dear Sirs,

I spoke at the 1/23 Broward County Planning Council meeting concerning the Woodlands zoning issues.

Enclosed are the references to the research I mentioned on the valuation issues the the zoning addresses

along with a brief description of valuation theory published in the appraisal research community.

Sincerely,

Winston Grace

The Woodland Country Club Recreation Zoning Designation

Winston Grace

With the Woodlands, there is a risk of the luxury homes having a decline in value. Research shows that increase in housing density can decrease home prices (Mullins, 2001) as well as research showing that golf courses tend to increase value in residential communities (Cadena and Thompson, 2015 and Mittal and Byahut, 2016). The history of the research showing the increase in values of homes near golf courses ranges from the research showing the increase in value based on the type of golf course (Steven D. Shultz and Nicholas J. Schmitz, (2009)) to the first paper written on the subject (Do and Grudnisky (1995)). In terms of the types of golf course, the Shultz and Schmitz study had results giving the highest valuation to homes near private golf course:

Exhibit 7 | A Summary of Hedonic Regression Results (Frontage Impacts) by General Course Classifications and for Individual Courses

	Municipal	Public	Private-Non-Equity	Private-Equity
Price Effect: General Classifications (%)	11.3% (n = 3)	13.1% (n = 10)	27.7% (n = 2)	10.6% (n = 5)
Individual Course Models Successfully Estimated	2	9	2	2
Range of Price Effects (%)	6.7%–11.3%	7.8%–56.4%	13.1%–52.3%	32.7%–39.8%

The papers referenced here make use of hedonic pricing. This is well described in the following abstract published by Cornell University:
 “Buildings can be compared to a bundle of goods sold in a market, where each of the building characteristics combined equate to the expected overall transaction value. By collecting data on many different buildings a regression analysis can be used to determine the correlation (relationship) of each characteristic to the transaction price —e.g. physical characteristics and other external influencing elements that may add or subtract from the building value. Each of these correlations can be measured to determine a degree of confidence (i.e. significance) and then subsequently be used to build a hedonic pricing model. Hedonic pricing models can be useful to determine the intrinsic value of each attribute, as well as to predict transaction prices. This can be particularly useful when traditional discounted cash flow models fall short because of the absence of a market, when no comparable buildings exist, and for nonincome generating buildings.” (Monson, 2009)

In the following pages are sample graphs from the referenced article by Cadena and Thompson, “An Empirical Assessment of the Value of Green in Residential Real Estate”, as published in *The Appraisal Journal*, Winter 2015.

Exhibit 12 | Proximity Premium on Home Values (in %) by Amenity Type

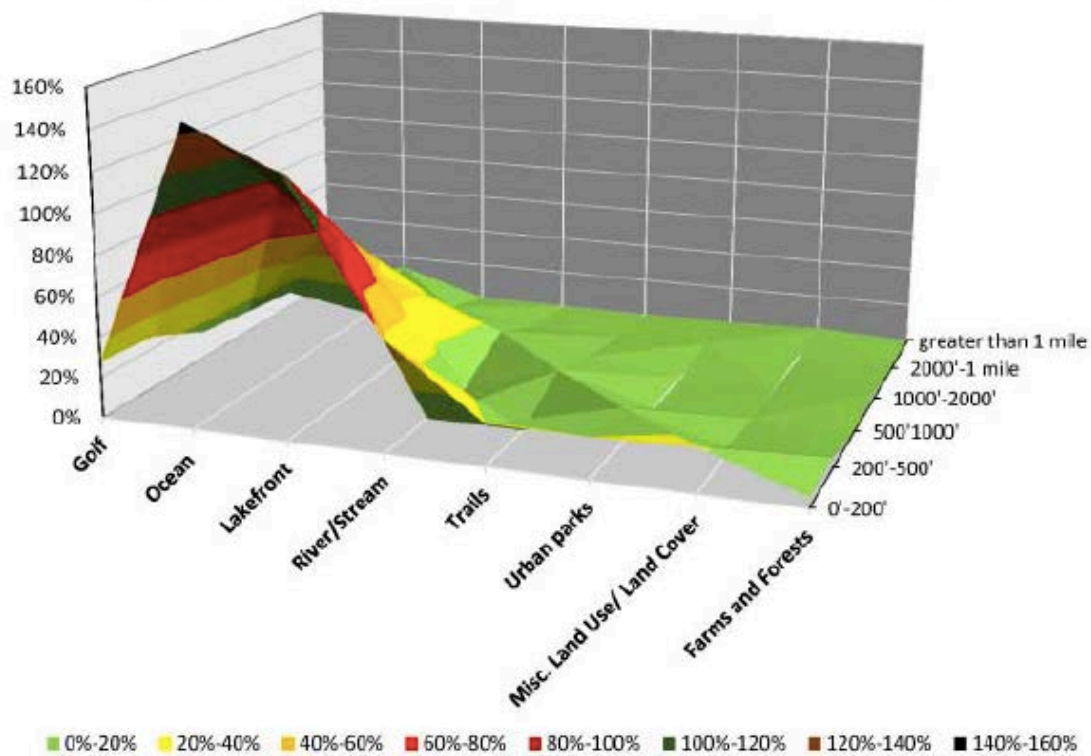
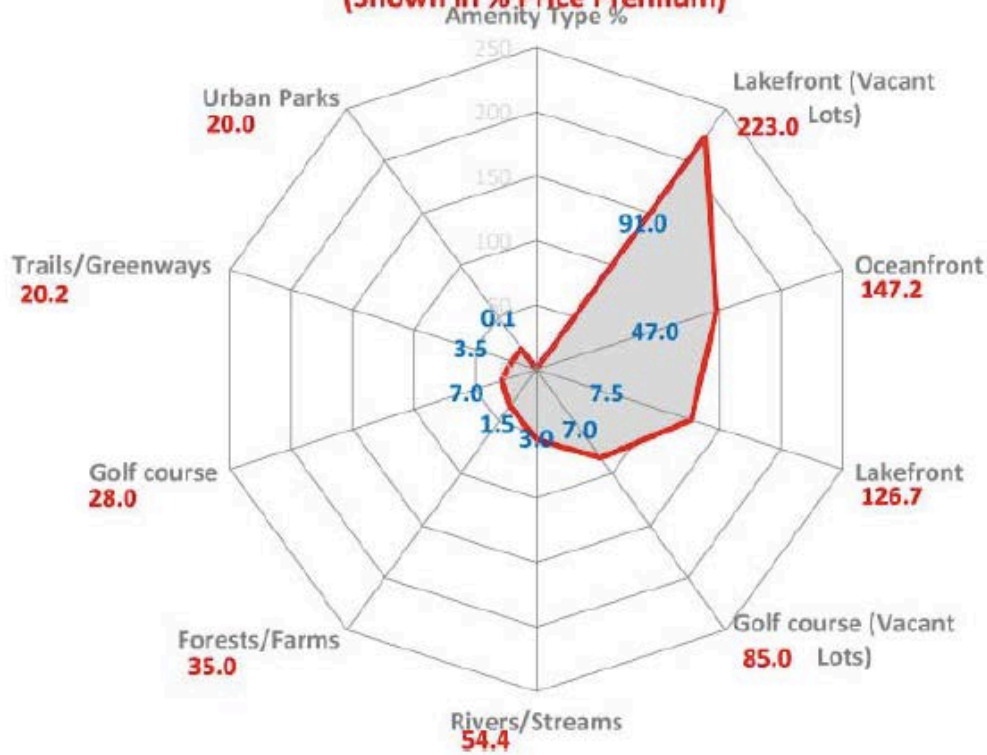


Exhibit 10 | Various Environmental Amenity-Generating Land Uses and Their Maximum Effect on Home Values

Range of Marginal Price Effect for Homes Abutting Amenities
(Shown in % Price Premium)



Note: By amenity type. Maximum value range is shown in the above chart. Red font is the maximum percentage premium and blue font shows the minimum percentage premium observed in past studies.

Page 86, Cadena and Thompson, “An Empirical Assessment of the Value of Green in Residential Real Estate”, The Appraisal Journal, Winter 2015

The next pages are the historical sales price trends for sold homes in the Woodlands as well as the adjacent community of the Mainlands. Following these graphs are the graphs from “SABAL PALMS GOLF COURSE REDEVELOPMENT IMPACT CASE STUDY”, February 2018 by John Burn Real Estate Consulting. Their study uses pre-sales data. However, data from closed sales is likely a more accurate assessment.

Historic Sales Price Trend

[Search](#)

[Chart](#)

[Data](#)



Time frame is from Jan 2010 to Dec 2019
Property Type is 'Single Family'
Subdivision Name is like 'mainlands*'
County is 'Broward County'
City Name is 'Tamarac'
Results calculated from 3,021 listings

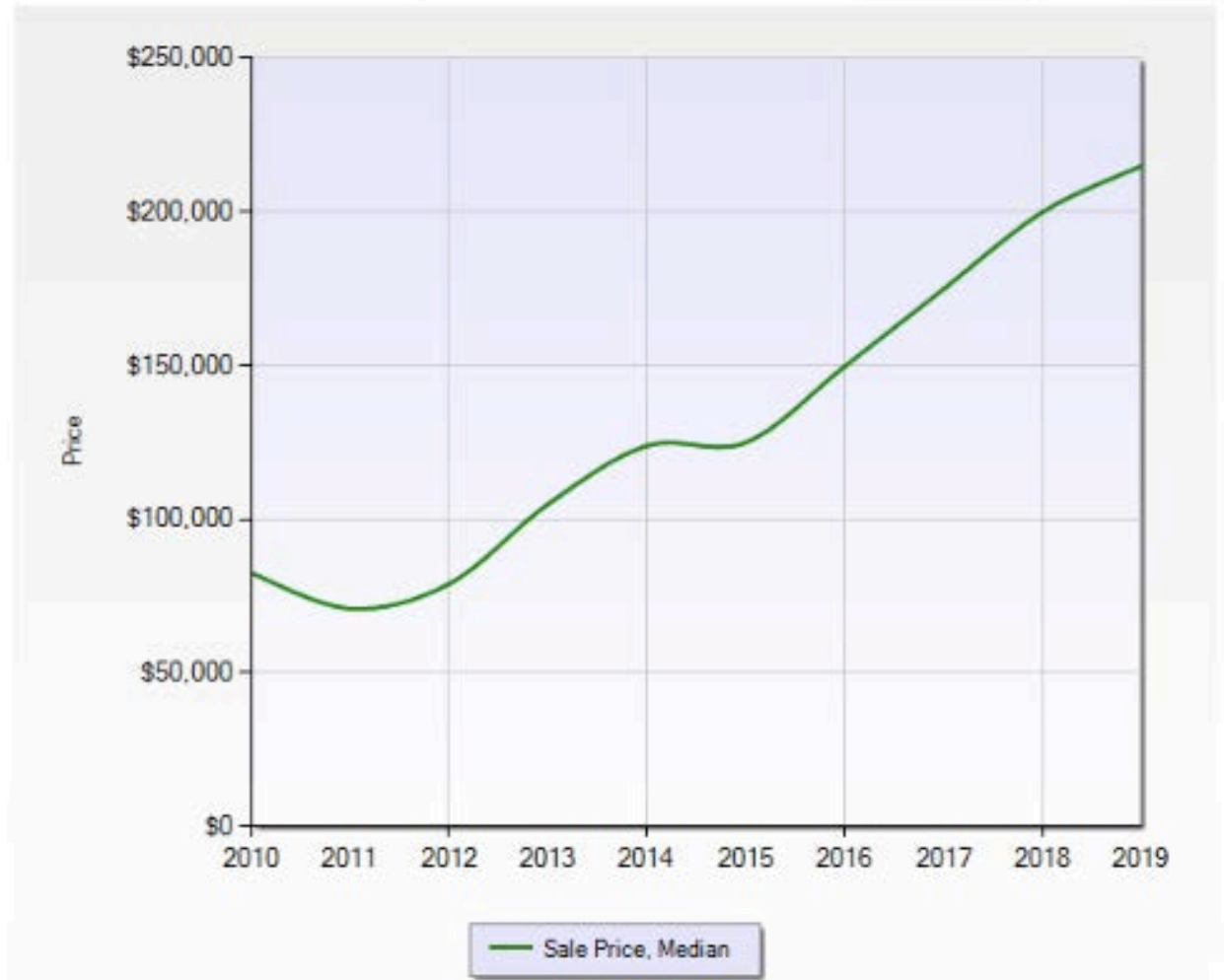
Sales Price Trend: 13th Floor started the project in 2016

Historic Sales Price Trend [Edit](#)

[Search](#)

[Chart](#)

[Data](#)



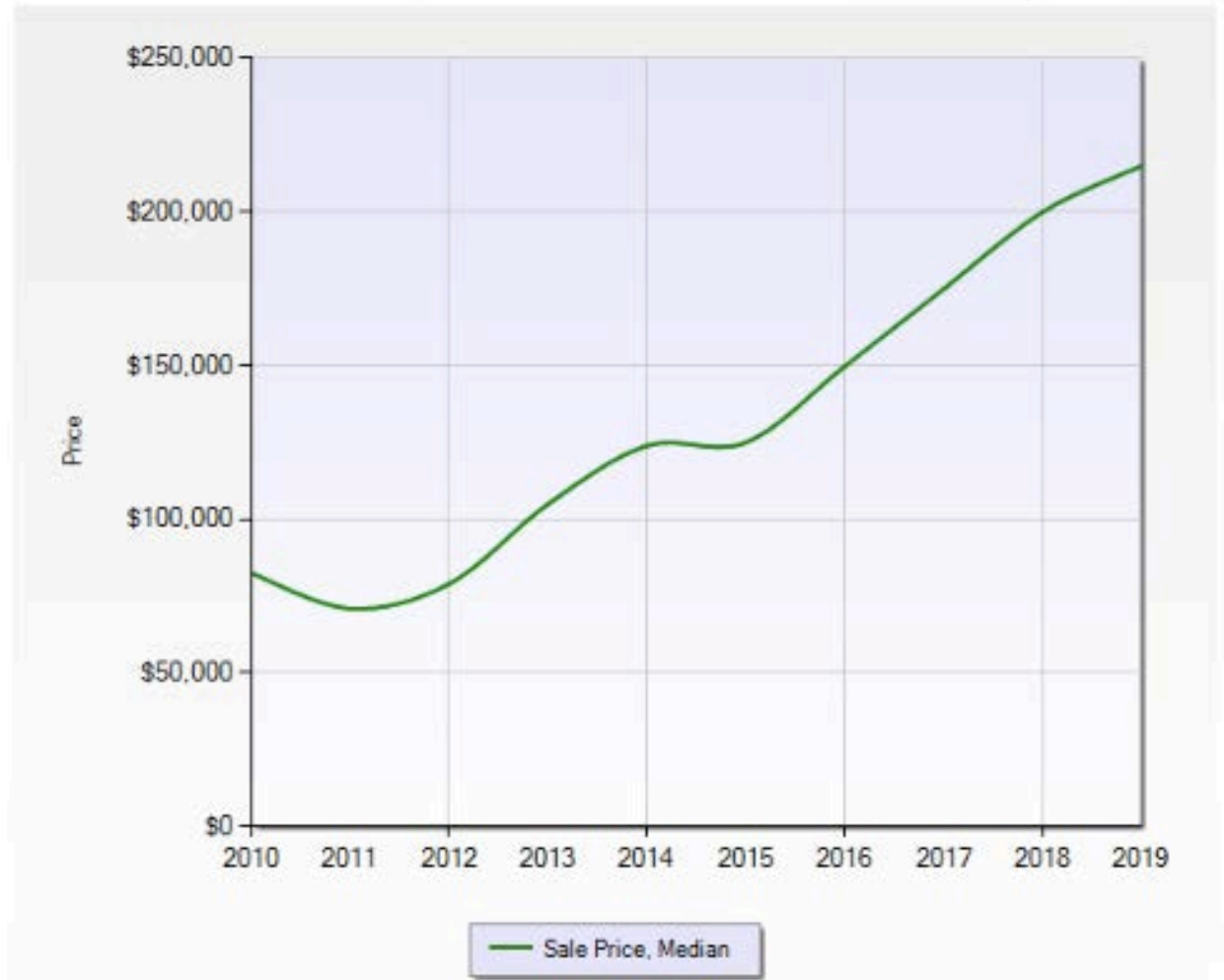
Time frame is from Jan 2010 to Dec 2019
Property Type is 'Single Family'
Subdivision Name is like 'mainlands*'
County is 'Broward County'
City Name is 'Tamarac'
Results calculated from 3,021 listings

Historic Sales Price Trend [Edit](#)

[Search](#)

[Chart](#)

[Data](#)



Time frame is from Jan 2010 to Dec 2019
Property Type is 'Single Family'
Subdivision Name is like 'mainlands*'
County is 'Broward County'
City Name is 'Tamarac'
Results calculated from 3,021 listings

Historic Sales Price Trend

Search

Chart

Data



Time frame is from Jan 2010 to Dec 2019
Property Type is 'Single Family'
Subdivision Name is like 'woodlands*'
County is 'Broward County'
Results calculated from 767 listings

The following two charts are using presales data. This means that a person could offer a price for a home with certain expectations. However, actual sales data gives what buyers are willing to purchase for the homes. This is why

The charts are from the Robert Burns Real Consulting study, "Sabal Palms Golf Course Redevelopment Impact Case Study", September 2018.

New Development	Key Dates	Mainlands "Existing"	Woodlands Country Club	City of Tamarac	Zip Code 33319
		Average Presale Price	Average Presale Price	Average Presale Price	Average Presale Price
Golf Course Closes	2006	\$239,242	\$394,060	\$273,476	\$294,533
Developer Announces Purchase	2011	\$79,944	\$210,338	\$115,884	\$134,194
New Home Construction Begins	2014	\$133,191	\$275,660	\$166,315	\$185,743
Last 12 Months Value	2017	\$206,121	\$330,199	\$230,816	\$239,080
"Uncertainty"—Golf Closure and Developer Purchase	2006–2011	-67%	-47%	-58%	-54%
Developer Announces Purchase to Current	2011–Current	158%	57%	99%	78%
Developer Starts	2014–2017	55%	20%	39%	29%

Home prices for existing homes in the Mainlands at Sabal Palm fell more during the "uncertainty" period than the three sampled market areas.

After 13th Floor announced purchase of the shuttered course, home prices rose well above average compared to the three sampled market areas.

Since construction of the new homes began on the golf course in the Mainlands, home price appreciation rate has been the strongest of the four areas.

Sources: MLS, John Burns Real Estate Consulting, LLC

"Current" is through Dec. 31, 2017.
 "New Home Construction Begins" is defined as year opened for sales.

RESALE VALUE ANALYSIS

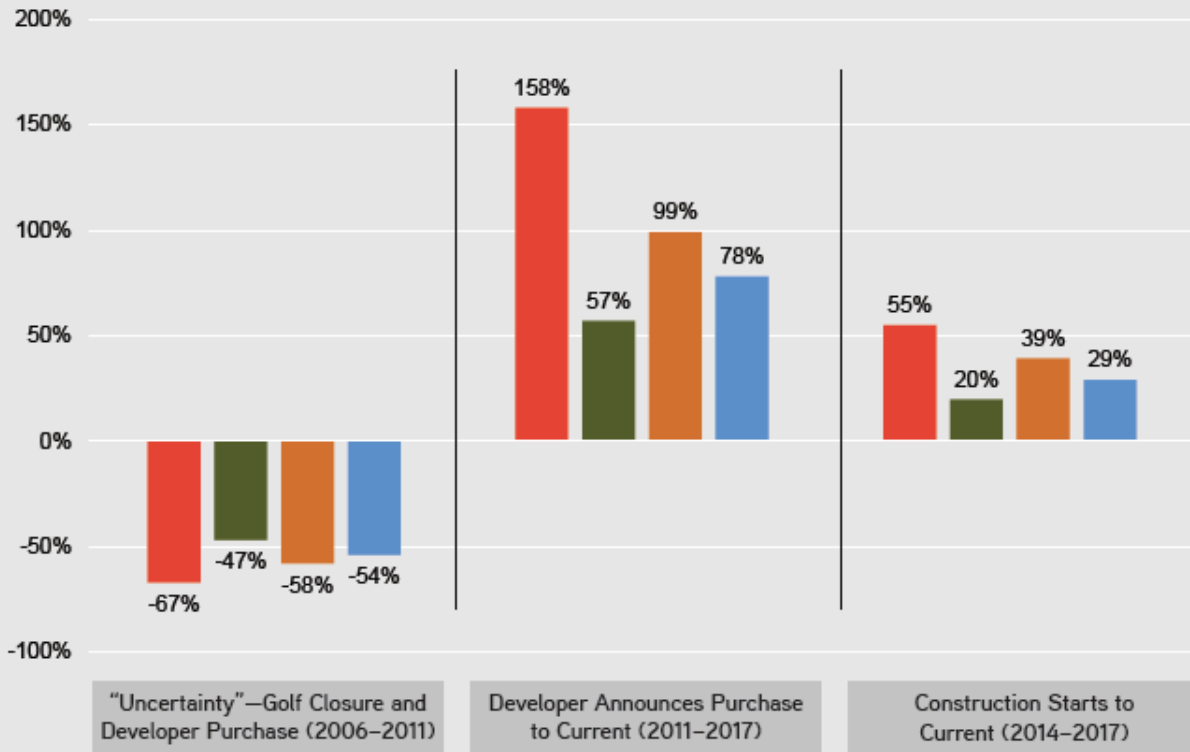
■ Mainlands ■ City of Tamarac
■ Woodlands CC ■ Zip Code 33319

Key dates:

2006: Golf Course Closure

2011: 13th Floor Announces Purchase

2014: New Home Development Starts



Sources: MLS, John Burns Real Estate Consulting, LLC

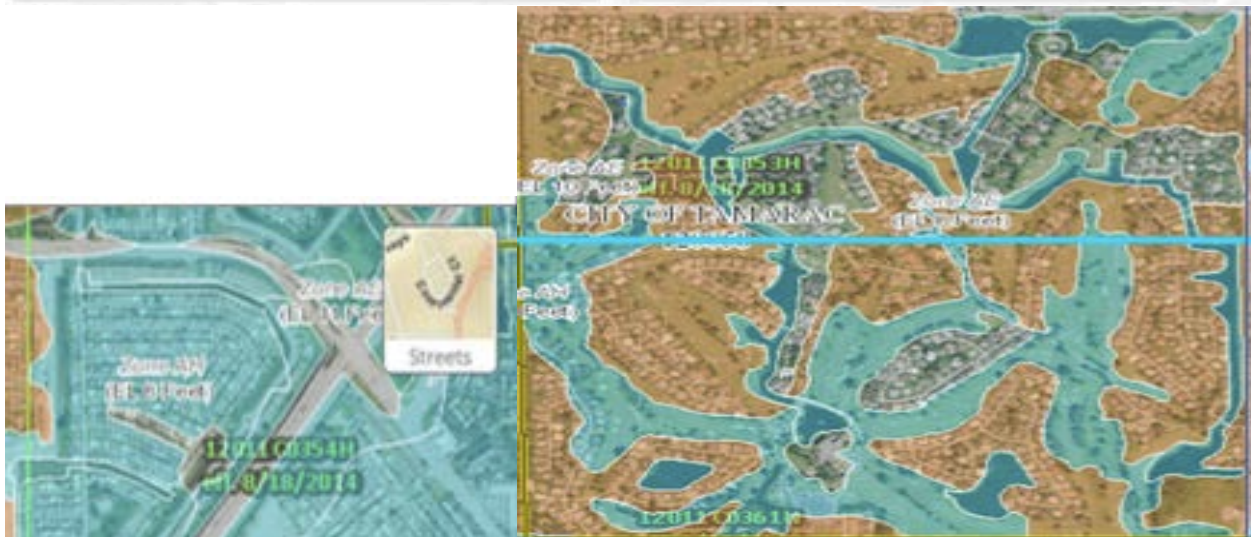
Chart from Sabal Palm Redevelopment Impact Study by Robert Burns Real Estate Consulting



Existing Homes in the Mainlands—
Sabal Palm Golf Course



Woodlands Country Club



Images from *The Sabal Palms Redevelopment Impact Case Study* by Robert Burns Real Estate Consulting

Aerial images of the Sabal Palm Redevelopment Project and the Woodlands Country Club and their respective flood maps. The blue areas in the Woodlands are golf courses in the flood plain that would have tracks of homes. Most of the blue flood plain on the right-hand side can be seen to have the 13th Floor project. The City of Lauderdale is to the left-hand side and below the Woodlands Country Club image and will likely be at greater risk for flooding if the recreation designation is removed from the Woodlands. As can be seen by comparing these images with the images from the flood map, the existing Sabal Palm Development (Mainlands image to the left of the screen) has homes that are in the flood plain.

REFERENCES

1. Mullins, Elizabeth, “Effects of residential zoning density on housing price: A study of Missoula Montana” ScholarWorks at University of Montana Graduate Student Theses, Dissertations, & Professional Papers Graduate School .(2001)
2. Cadena and Thompson, “An Empirical Assessment of the Value of Green in Residential Real Estate”, *The Appraisal Journal*, Winter (2015)
3. Mittal and Byahut, “Value Capitalization Effects of Golf Courses, Waterfronts, Parks, Open Spaces, and Green Landscapes —A Cross-Disciplinary Review *JOSRE*, Vol. 8, No. 1, (2016)
4. Steven D. Shultz and Nicholas J. Schmitz, “Augmenting Housing Sales Data to Improve Hedonic Estimates of Golf Course Frontage”, *JRER*, Vol. 31, No.1, (2009)
5. Do, A. Quong and Grudniski, Gary, “Golf Courses and Residential House Prices: An Empirical Examination”, *Journal of Real Estate Finance and Economics*, 10:261-270 (1995)
6. Monson, Matt, “Valuation Using Hedonic Pricing Models”, *Cornell Real Estate Review* Volume 7 Article 10, Cornell University, (2009)

EXHIBIT B

From: [Michael Coard](#)
To: [Blake Boy, Barbara](#)
Subject: I Support the Woodlands 2020 Vision Plan
Date: Thursday, February 13, 2020 6:58:30 AM

External Email

Dear Mayor and Commissioners,

My husband and I purchased our home in the Woodlands in November of 2017. When looking for a home we considered moving to Coral Springs, Davie, and Plantation as well. The reason we decided to move into the Woodlands came down to the fact that we were able to get the largest home we looked at, and for the lowest price. The home we purchased averaged \$25,000 less than smaller homes in neighboring cities. While this was a great deal for us, it is clear that home values in the Woodlands are not as high as other cities in Broward county. The plan that 13th floor homes has proposed will bring this once beautiful development back to its glory. The amount of resources that will be poured in to our community will certainly benefit aesthetics of the community and we hope that there is a benefit to safety (by gating the community) and to home values. The addition of nearly 400 homes in this community is a price that I feel is reasonable to not have to deal with a dilapidated golf course (should it close) or the potential of another developer coming in with ideas for even more (and possibly multi-family) homes. 13th floor has worked diligently to meet the (reasonable) requests of homeowners in the community and I don't know that another developer would do that. They have our full support.

Sincerely,

Michael Coard

mcoard954@gmail.com, (954) 303-5400

5609 Mulberry Drive

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EXHIBIT C

THIS CORRESPONDENCE WAS RECEIVED BY MULTIPLE BROWARD COUNTY COMMISSIONERS

From: [Christopher Coard](#)
To: [Blake Boy, Barbara](#)
Subject: I Support the Woodlands 2020 Vision Plan
Date: Friday, February 7, 2020 4:20:29 PM

External Email

Dear Mayor and Commissioners,

When my husband and I purchased our home in 2017 we had not yet adopted our children. We are now the proud parents of a 4 year old girl and 5 year old boy. Due to the timing of previous meetings we have been unable to attend in person but we have watched online intently. It seems like some of our neighbors are concerned about the loss of green space. As parents to our 2 wonderful children we can say with certainty that a golf course is not usable green space, unless you are playing golf. The course can not be used by residents during the day as there are occasional golfers on it and we would be on lookout for rogue golf balls. The soil has chemicals that are dangerous for our kids even after the course is closed. I'm not exactly sure what our neighbors are utilizing this green space for. At a recent meeting our mayor indicated that only 9 residents of the Woodlands are members of the country club. Nine out of nearly 900! Even the 50-60 people who may attend meetings to oppose this development do not represent a majority of nearly 900 homes. The proposal from 13th floor homes includes walking trails and the potential for playgrounds, a dog park, and actual usable green space. We fully support this upgrade to our wonderful community.

Sincerely,

Christopher Coard

Christopher.Coard@outlook.com, (954) 802-3522

5609 Mulberry Drive

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EXHIBIT D

THIS CORRESPONDENCE WAS RECEIVED BY MULTIPLE BROWARD COUNTY COMMISSIONERS

From: [Joe Burciaga](#)
To: [Blake Boy, Barbara](#)
Subject: I Support the Woodlands 2020 Vision Plan
Date: Saturday, February 8, 2020 5:23:51 PM

External Email

Dear Mayor and Commissioners,

This company is very thorough in projecting what they are going to do and I believe they will do a good job. I also believe the business of golf courses is not as robust a business as it used to be and I understand why Clublink wants to end their ownership of the Woodlands course. I believe we are lucky to have a company with a record of success show interest in developing this land. If Clublink gets to the point where they feel the need to close the course and walk away, I don't think anyone here will be happy about it and it would be a much less value than letting 13th Floor build their houses.

Sincerely,

Joe Burciaga

joe@joeburciaga.com, (954) 257-5577

5209 Banyan Lane

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EXHIBIT E

THIS CORRESPONDENCE WAS RECEIVED BY MULTIPLE BROWARD COUNTY COMMISSIONERS

From: [Carol Burciaga](#)
To: [Blake Boy, Barbara](#)
Subject: I Support the Woodlands 2020 Vision Plan
Date: Saturday, February 8, 2020 5:24:52 PM

Dear Mayor and Commissioners,

We have known since we moved in (2006) that this lovely golf course would one day be sold. I remember the awful sight when the golf course by the Mainlands was abandoned and we do not want that. We checked out some of the work they have done around us and we think they will do a good job. We have confidence that 13thFloor will do a good job and we have found them are approachable with any questions we might have.

Sincerely,

Carol Burciaga

carol@joeburciaga.com, (954) 554-3627

5209 Banyan Lane

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EXHIBIT F

THIS CORRESPONDENCE WAS RECEIVED BY MULTIPLE BROWARD COUNTY COMMISSIONERS

From: [Maryelle and Ed Brown](#)
To: [Blake Boy, Barbara](#)
Subject: I Support the Woodlands 2020 Vision Plan
Date: Saturday, February 8, 2020 6:36:06 PM

External Email

Dear Mayor and Commissioners,

The advent of 13th floor as the probable purchaser and developer of the Woodlands is most welcomed to rejuvenate an aging unsecured community. A gem when originally created, it has aged badly and fallen on poor times.

As 28 year residents we have watched the fall from grace with sadness.

Our security is not effective. Our infrastructure is falling apart and our residents for the most part are unwilling to get together and spend the relatively small amount of money to do something about it ourselves. Pride is non-existent with the majority.

AND--Recognizing the sad demise of the private country club era, knowing that the golf course WILL be sold....13th floor appears to be our savior. We are aware of their reputation for quality development working as much as possible to satisfy the 900 or more resident owners as compared to the unknown that could replace them if this fails.

It is beyond our ability to imagine what might then happen to us.

So in summation, better the devil you know than the one you don't know.

My wife and I are total supporters of 13th floor and their proposed development plans.

It is said ; " there but for the grace of God go I."

Please allow it to happen.

The Browns

Sincerely,

Maryelle and Ed Brown

ergoman@comcast.net, (954) 295-2274

4605 Norfolk Island Pine Dr.

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EXHIBIT G

THIS CORRESPONDENCE WAS RECEIVED BY MULTIPLE BROWARD COUNTY COMMISSIONERS

From: [Bonnie Schultz](#)
To: [Blake Boy, Barbara](#)
Subject: I Support the Woodlands 2020 Vision Plan
Date: Monday, February 10, 2020 2:29:14 PM

Dear Mayor and Commissioners,

I have lived in the Woodlands for 20+ years. I was a member of the golf course and supported in when it was private and also after Clublink purchased it. The people who live in the Woodlands now do not even support the golf course, yet they want them to maintain it.

The proposals from 13th Floor Homes look good. I think it will be an improvement to our community and increase property values. It's time to update our community. This proposal needs to move forward.

Sincerely,

Bonnie Schultz

bschultz927@gmail.com, (954) 324-0046

5800 S Bayberry Lane

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EXHIBIT H

THIS CORRESPONDENCE WAS RECEIVED BY MULTIPLE BROWARD COUNTY COMMISSIONERS

From: [Lizbeth cruz](#)
To: [Blake Boy, Barbara](#)
Subject: I Support the Woodlands 2020 Vision Plan
Date: Monday, February 10, 2020 6:13:57 PM

External Email

Dear Mayor and Commissioners,

Tamarac needs a new light and this plan will not only bring attraction to the city but also more tax payers and tax payers will bring better schools, better pavements and of course make our community as beautiful as ever!

Sincerely,

Lizbeth cruz

lizg.cruz@gmail.com, (954) 305-3102

6004 Magnolia Circle

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EXHIBIT I

From: [Tonne Samuels](#)
To: [Blake Boy, Barbara](#)
Subject: I Support the Woodlands 2020 Vision Plan
Date: Tuesday, February 11, 2020 4:35:50 PM

External Email

Dear Mayor and Commissioners,

I support the gate and the open spaces!

Sincerely,

Tonne Samuels

Tonnettesam12@gmail.com, (754) 243-9254

5803 Australian pine drive tamarac

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EXHIBIT J

From: [Tyrone Philpart](#)
To: [Blake Boy, Barbara](#)
Subject: I Support the Woodlands 2020 Vision Plan
Date: Tuesday, February 11, 2020 4:55:25 PM

External Email

Dear Mayor and Commissioners,

I am in general support of the plan. I have some reservations of the scope and size of the project

Sincerely,

Tyrone Philpart

tlphilpart@gmail.com,

5808 Australian Pime

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EXHIBIT K

From: [Tracey Colon](#)
To: [Blake Boy, Barbara](#)
Subject: I Support the Woodlands 2020 Vision Plan
Date: Tuesday, February 11, 2020 5:07:46 PM

External Email

Dear Mayor and Commissioners,

Yes, I support the project. It enhances the property values. Access to common areas and enhanced security measures also.

Sincerely,

Tracey Colon

Traceycolonbaker1@gmail.com, (786) 350-7113

5820 5820 Australian pine drive

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EXHIBIT L

From: [Alan Wise](#)
To: [Blake Boy, Barbara](#)
Subject: I Support the Woodlands 2020 Vision Plan
Date: Wednesday, February 12, 2020 9:32:54 AM

External Email

Dear Mayor and Commissioners,

We totally support the development plan for Woodlands 2020 by 13th Floor Homes. They have spent a lot of time speaking with individual homeowners to listen to their concerns and offer solutions. . We love the fact that 13th Floor is adding walking trails, bike paths and creating an environment that will allow us to enjoy a sense of peace and security in a gated Community, in the middle of a City. The fact that 13th Floor is spending so much time meeting with everyone speaks volumes about their integrity. They have spent time working with us in resolving issues we had with the concerns of my Section 1 Clubhouse and the security concerns because it actually faces out of the Community. They are willing to work with us. Thank you for your time.

Regards,
Alan Wise

Sincerely,

Alan Wise

ahs1wtw@gmail.com, (954) 484-6041

5208 Buttonwood Court

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EXHIBIT M

From: [Sara Jane Rose](#)
To: [Blake Boy, Barbara](#)
Subject: I Support the Woodlands 2020 Vision Plan
Date: Friday, February 14, 2020 4:49:54 PM

Dear Mayor & Commissioners,

I am in favor of 13th floor re-developing the area I have called home for over 20 years. The current Woodlands-Clublink clubhouse is obsolete and the golf courses are subpar. The courses have been neglected since the take over and are not in championship condition. The “country club” has lost its sparkle and is no longer a hidden gem.

As a real estate broker I believe the redevelopment is a win win for all parties and will increase the property values in the area. I am pleased with 13th floors vision for my community and the value it will add. I am requesting you to vote in favor of the redevelopment.

Thank you.

Regards,
Sara Jane Rose

callsarajane@gmail.com, (954) 274-6336

5607 Mulberry Drive

EXHIBIT N

From: [Cecilia Kleinrichert](#)
To: [Blake Boy, Barbara](#)
Subject: I Support the Woodlands 2020 Vision Plan
Date: Saturday, February 15, 2020 8:25:22 AM

Dear Mayor & Commissioner,

I have lived in the Woodlands for 17 years and have watched it slowly deteriorate. The dead trees on the golf course, not keeping the grass groomed the clubhouse is even looking terribly worn and am actually seeing this once lovely neighborhood go to looking pretty disgusting. I think we need some big improvements and feel this company could do just that. Some people hate change and would rather live in a trashy neighborhood than let that happen. I ask you to please consider letting this project move forward for all of us and our property values. Thank you so much!

Sincerely yours,
Cecilia Kleinrichert

Regards,

Mshouse13@att.net, (954) 733-9639

6203 Hazelwood Circle

EXHIBIT O

From: [Kevin Borwick](#)
To: [Blake Boy, Barbara](#)
Subject: I Support the Woodlands 2020 Vision Plan
Date: Saturday, February 15, 2020 10:17:49 AM

External Email

Dear Mayor and Commissioners,

I support the Woodlands 2020 Vision Plan because the new, gated entrances will enhance the community's curb appeal and help with security.

Sincerely,

Kevin Borwick

kborwick1@gmail.com, (954) 593-7630

4807 Bayberry Lane, Tamarac FL 33319

EXHIBIT P

From: [Vashita Jadoolelel](#)
To: [Blake Boy, Barbara](#)
Subject: I Support the Woodlands 2020 Vision Plan
Date: Monday, February 17, 2020 4:45:47 PM

External Email

Dear Mayor & Commissioners, improved neighborhood and increase in property value and 100 acres f trails. These are all very good reasons why I support the Vision

Regards,

Vjhomes.fl@gmail.com, (954) 801-8038

5305 buttonwood

EXHIBIT Q

From: [Sterling Griggs](#)
To: [Blake Boy, Barbara](#)
Subject: I Support the Woodlands 2020 Vision Plan
Date: Monday, February 17, 2020 5:01:05 PM

External Email

Dear Mayor & Commissioners, ii am in support of the project because t will raise property values.

Regards,

Sterlingforbes@gmail.com, (678) 851-1172

5209 buttonwood

EXHIBIT R

From: [Wallace Griggs](#)
To: [Blake Boy, Barbara](#)
Subject: I Support the Woodlands 2020 Vision Plan
Date: Monday, February 17, 2020 5:05:55 PM

External Email

Dear Mayor & Commissioners,
I support the Vision project because it will increase property values.

Regards,

Whgj500@gmail.com, (727) 244-1556

5209 buttonwood court

EXHIBIT S

From: [Sandra Coronel](#)
To: [Blake Boy, Barbara](#)
Subject: I Support the Woodlands 2020 Vision Plan
Date: Tuesday, February 18, 2020 9:02:28 AM

External Email

Dear Mayor & Commissioners,

I've lived in the Woodlands for years now and the decline of the golf course and the community is obvious. The lack of maintenance, the outdated entry signs, the flooding... I could go on and on.

The plan proposed by 13th Floor is a good plan that addresses these issues AND includes open space and new amenities (trails, gates, clubhouse, etc.) for all of us.

What happens if 13th Floor walks away? The golf course will close, the maintenance will stop, property values will suffer and so will quality of life. And then, Clublink will just sell to some other builder. And what will they build? Apartments? How many units? Let's not risk it.

We've been working with 13th Floor on this plan since I moved here. I did purchased my home knowing about this project.

We have to understand that this project will be a positive improvement for our community and for our city too. It is time to growth and give another families same opportunities as we have. We like it and we ask that you please approve it

Regards,

Scoronel@live.com,

4802 Holly Dr

EXHIBIT T

From: [Ms. Karen Malkoff](#)
To: [Blake Boy, Barbara](#)
Subject: [SPAM] I Support the Woodlands 2020 Vision Plan
Date: Thursday, February 20, 2020 6:57:45 AM

Dear Mayor & Commissioner,

I thank you in advance for taking the time in your busy schedule to read this note.

We know there are a great deal of conversations regarding the sale of the Woodlands Golf Courses and the future development of single family homes.

Please read my thoughts on the subject:

- We currently live in a community with ‘residential and recreational’ activities. This will change to ‘residential and recreational’ activities with an approximately 398 additional homes. The remaining acreage will be open spaces, ponds, walking and jogging recreational paths, and other recreational activities to be determined.
- Club Link will sell, it is NOT IF, but WHEN. We cannot prevent them from selling their property anymore than someone can prevent us from selling our property.
- 13th floor is developing an approximate 1/3 of the land leaving 2/3 as open recreational space. Will another developer do the same? Or will they build to the higher allowable density standards?
- Environmental issues regarding the detriment of our native flora and fauna are not valid. Our native species most likely will hold strong and may flourish with more water supplies (ponds), and increased quantities of native flora added to the open spaces throughout the new development.
- Drainage issues will be addressed within the development as an increase in the number and size of retention ponds to absorb water. The water will ultimately either be absorbed into the earth or transferred into the County drainage canals as this currently occurs. I believe our canals feed into the canals running along the Turnpike. The retention ponds will be appropriately developed and placed to address the water concerns.
- Infrastructure needs will be addressed and improved if necessary. The new developed homes will have new infrastructure to meet current established standards. If necessary, the established infrastructure will be updated as well. The increased capacity can be handled by the City of Tamarac and the County as they have already been addressed.
- Traffic concerns are being addressed and will be managed with additional entrances and roadways within the development. Perhaps traffic flow can also be addressed with managed and coordinated traffic lights. The Turnpike is currently updating the traffic flow patterns at the Commercial Blvd exchange. This proposed development is not the only development adding additional traffic in the area. New developments and others under construction in the general area affect traffic as well.

- Property values will increase as the Woodlands becomes a gated community. The gates will eliminate traffic that is not related to residents or service personnel. This enhancement to the Woodlands will also decrease trespassing and crime related activities from occurring. The establishment of the gates and increased security they provide may remove the need for additional law enforcement paid patrols, which will then save the current residents a great deal of money. The reduced crime opportunities will also directly reduce the crime statistics in Tamarac and the impact it has on local law-enforcement response calls in the Woodlands. The gated Woodlands community will increase the peace of mind of all of the current and new residents.
- The Woodlands Golf courses are unique - if they are not developed by 13th Floor perhaps these golf courses will become abandoned as the Jackie Gleason Inverrary courses have been for years. Not only will this be an eyesore but this will be a detriment to the city of Tamarac, not to mention the residents who will have to live within the abandoned and vacated land.
- If the Woodlands Golf courses are not developed by 13th Floor, then Who? What will they offer? What will their building density be? We cannot prevent Club Link from selling their property. Let's work with the developer – 13th Floor who has proven they are willing to listen and compromise.
- Many of the speakers and people who have contacted you are “NIMBY“... “Not in my backyard“. These people are not necessarily looking for the good of the community as a whole. They are looking out for themselves. For their own selfish reasons. We need people to be responsible, to look forward and not walk around with blinders on and think ONLY of themselves.
- Please look at the whole picture regarding the Woodlands Golf Courses and Community. If 13th Floor and their proposal is not approved now, you WILL face these questions and this consideration again in the near future. Possibly with a higher building density and for a builder who is not willing to listen and compromise to what the residents have to say.

Thank you in advance for your time and consideration. I look forward to your intelligent educated decision regarding this matter.

Regards,

noidea007@bellsouth.net, (954) 647-9744

4806 Banyan Ln

EXHIBIT U

From: [Justin Bryant](#)
To: [Blake Boy, Barbara](#)
Subject: I Support the Woodlands 2020 Vision Plan
Date: Thursday, February 20, 2020 6:57:43 AM

External Email

Good Morning,

This email is provide my full support to woodlands 2020. The plan will attract more families and of course help the city provide more funds to other sources. Such as school, roads, ect. After seeing the results 13floors have done throughout the city, I am confident in their ability to build homes that will benefit not only the home owners but the city itself.

We just need to adjust the school system and be on the same school district as the city of tamarac is, which is Jp Taravella instead of the high school in lauderhill that is not apart of our city.

Thank You,
Justin Bryant

Justin.edwin.bryant@gmail.com, (954) 326-1225

6005 Magnolia circle tamarac Florida 33319

EXHIBIT V

From: [Joanne Henry](#)
To: [Blake Boy, Barbara](#)
Subject: I Support the Woodlands 2020 Vision Plan
Date: Thursday, February 20, 2020 6:57:42 AM

External Email

Dear Mayor & Commissioners,

I am in favor and support the Woodlands2020 Vision Plan.

Regards,

Maddianne2034@gmail.com, (440) 225-4248

5105 Banyan Lane

EXHIBIT W

From: [John Henry](#)
To: [Blake Boy, Barbara](#)
Subject: I Support the Woodlands 2020 Vision Plan
Date: Thursday, February 20, 2020 6:57:40 AM

Dear Mayor & Commissioners,

Time to move on to a different phase.

Regards,

Maddianne2034@gmail.com Time, (440) 225-4248

5105 Banyan Lane

EXHIBIT X

From: [Jeffrey Reid](#)
To: [Blake Boy, Barbara](#)
Subject: I Support the Woodlands 2020 Vision Plan
Date: Saturday, February 22, 2020 5:44:26 PM

Dear Mayor and Commissioners,

I support the Woodlands 2020 Vision Plan because I intend to use the new modern clubhouse and amenities that will improve our quality of life.

Sincerely,

Jeffrey Reid

reidj50@gmail.com, (754) 610-8318

4807 banyan lane Tamarac Florida

EXHIBIT Y

From: [Debra Gonzalez](#)
To: [Blake Boy, Barbara](#)
Subject: I Support the Woodlands 2020 Vision Plan
Date: Monday, February 24, 2020 10:31:46 AM

External Email

Dear Mayor and Commissioners,

I support the Woodlands 2020 Vision Plan because the new housing and physical improvements will increase the value of my home.

Sincerely,

Debra Gonzalez

dbrgnzlz@earthlink.net, (919) 539-6350

6201 Royal Poinciana Lane

EXHIBIT Z

From: [Pablo Di Benedetto](#)
To: [Blake Boy, Barbara](#)
Subject: I Support the Woodlands 2020 Vision Plan
Date: Monday, February 24, 2020 1:54:16 PM

External Email

Dear Mayor & Commissioners,

We support the project 13th Floor has proposed. We welcomes the reduction in density and we continue to work with the developer to improve on the much need project of the Woodlands. The current neighborhood is no longer the gem of Tamarac nor of Broward County. We need help to revitalize the area and this project will help do exactly that.

The homes values, in some cases, have gone down for various reason but the square footage and lot sizes should demand a premium and yet we are no where near the true value that was the Woodlands.

Regards,

Pablo Di Benedetto

pdibenedetto@gmail.com,

6001 Royal Poinciana Ln

EXHIBIT AA

From: [patricia fox](#)
To: [Blake Boy, Barbara](#)
Subject: I Support the Woodlands 2020 Vision Plan
Date: Tuesday, February 25, 2020 3:29:46 PM

Dear Mayor & Commissioners,

As a resident of The Woodlands and after meeting with 13th Floor, while not 100% on board with everything yet as it is still in development and there may be changes, as it stands right now I do in fact support this.

Regards,
Patricia Fox

pattifox1029@gmail.com, (561) 236-4510

5601 mulberry drive

EXHIBIT BB

From: [Phillip Syphers](#)
To: [Blake Boy, Barbara](#)
Subject: I Support the Woodlands 2020 Vision Plan
Date: Wednesday, February 26, 2020 11:48:26 PM

External Email

Dear Mayor and Commissioners,

I support the Woodlands 2020 Vision Plan because the improved infrastructure and lakes will make our community more resilient to environmental changes.

Sincerely,

Phillip Syphers

pps75@hotmail.com, (813) 731-9187

6209 Royal Poinciana Lane

EXHIBIT CC

From: [Sara Jane Rose](#)
To: [Blake Boy, Barbara](#)
Subject: I Support the Woodlands 2020 Vision Plan
Date: Saturday, February 29, 2020 11:12:25 AM

External Email

Dear Mayor & Commissioners,
Please make Woodlands 2020 a reality. Our 50 year old community needs your support and a much needed facelift. This project would bring affordable housing to accommodate the influx of new residents moving to South Florida.

My husband and I have lived in the Woodlands for over 20 years and have no intentions on moving.

Tamarac is a great place to live and 13th Floor's vision for us can only make Tamarac a better place.

I strongly support Woodlands 2020.

Regards,
Sara Jane Rose
5607 Mulberry Drive

callsarajane@gmail.com, (954) 274-6336

5607 Mulberry Drive

EXHIBIT DD

RECEIVED

Feb. 27, 2020

MAR 02 2020

BROWARD COUNTY
PLANNING COUNCIL

Ron DeSantis, Governor, State of Florida
The Capital
Tallahassee, FL 32399-0001

Re: Moratorium, South Florida, Building Permits, Now to June 30, 2050

Dear Governor DeSantis,

As of January 2016, Florida had 125 endangered and threatened species listed under the federal Endangered Species Act. (See A attached). The Endangered species Act of 1973, at 16 USC. As of December 2018 the Act is under the jurisdiction of the U.S.

Fish and Wildlife Service .The scientific research in Florida and by the federal government has already been done and is conclusive. As of December 2018, Florida had many protected and endangered plants, fish, amphibians, reptiles, birds, mammals and invertebrates for a total of 131 species (see B attached). It is a lot more than alligators and manatees (see C attached) in the Everglades. It is one of the major reasons that Florida residents and tourists travel and come to Florida; the unspoiled nature of the land and the beauty of the environment (see D attached). It is time to stop the unwise expansion of Florida which can only result in the destruction of its natural assets, its land, plants and animals. Once gone, it cannot be replaced. It will be gone forever. Once gone, our future is also gone. Once gone, Florida is gone forever. Only YOU can make a difference. I don't mean to sound like smokey the bear and a lit campfire.

Palm Beach County, Broward County and Miami- Dade County in Southern Florida border hug the Atlantic Ocean and the Everglades. The beauty of these counties , the ocean and the everglades is majestic. For instanced, as an example, the City of Tamarac, in its own web site, borders upon the Everglades Wildlife Management Area and defines its Western portions of that City as" Environmentally Sensitive Land " (See E attached). Isn't all of Florida a sensitive area? I am a full time resident of Tamarac, Florida. I am not a "tree huger", but I am concerned. I am only an individual Florida resident who has sounded the alarm. Is anybody listening? I am reminded of Ansel Adams, a favorite photographer of the 1930's who said "In wildness is the preservation of the world". Is anybody listening?

By 2050, some ten percent of the unregulated U.S. population will reside in Florida (see F attached) if nothing is done. It is estimated currently that 900 people move to Florida every day. NOW is the time to stop the rapid and uncontrolled population of South Florida. Mere present growth in South Florida is unfair to our children and grandchildren. Now is the time to preserve what we have. Now is the time before it is too late. "Growth" does not mean expansion. It just means more cement, people, cars, roads, crime, and a burden on municipalities.

ONLY YOU CAN PRESERVE FLORIDA. ONLY YOU CAN SAVE FLORIDA. IT IS A WIN/WIN SITUATION. IT IS LOGICAL AND MAKES SENSE.

It is time to consider a permanent (until June 30, 2050) moratorium on building permits in Southern Florida. (see G annexed). Prohibit building permits for new residences, specifically in Palm Beach, Broward and Miami-Dade Counties. A moratorium is not new and a very wise decision for government. It has never been done on a statewide level. It is time. But, a moratorium on new residences (building permits) has been allowed on a city and county level in Atlanta, GA, Narragansett, RI, New Orleans, LA, Orange County, CA, Montgomery County, MD, Monroe, NY, Orangetown, NY, Samomich, WA, Garndiner, NY, Oakland, CA, University Heighs IA, St. Croix City, WI, and Gig Harbor, WA. Uncontrolled growth is bad for the Florida and its environment (see above). A permissible moratorium would be allowed if it was tailored to a long time

frame. The U.S. Supreme Court, by case law, allows a moratorium. See also City of Roswell v. Outdoor Systems, Inc., 274 GA 30, SE2nd 90 (2001) The only ones hurt are land developers, house builders and concrete mixers, who compromise 1/20th of .01per cent of all the population. 99.99 percent of the Florida population will applaud your decision. Realtors should be happy for the increase of their commissions on resale of residences. An avoidance of the burden of proof is allowable. There is a lot of evidence that an increased population of Southern Florida is very harmful and ultimately destructive. It is not partisan politics. It is not liberal/conservative ideas. It is not old/new. It is not raw political power. It is what we think we have vs what we will trade away for present greed. It is NOW. Thank you.

Respectfully yours,



Ronald R. Coles
4813 Banyan Lane
Tamarac, Florida 33319
rrclegal@yahoo.com
207-229-5321

Cc: Florida Legislature, Tallahassee
Hon. Nita Tene Omphroy, Tallahassee
Hon. Perry E. Thurston, Jr., Tallahassee
Hon. Marco Rubio, Washington DC
Hon. Rick Scott, Washington, DC
Florida Fish and Wildlife Conservation Commission
Florida Dept. of Plants
City of Tamarac, Florida
County of Broward, Environmental and Growth Dept.
County of Palm Beach
County of Miami-Dade
Florida Dept. of Agriculture
Florida Dept. of Environmental Protection
Florida Fish and Wildlife Research Institute
US fish and Wildlife Dept., Washington DC
National Oceanic and Atmospheric Administration, Washington DC
University of Florida, Institute of Food and Agricultural Science
US Forest Service, Washington DC
CBS News, Miami
ABC News, Miami
NBC News, Miami
Fox News, Miami
APR News, Washington DC
PBS News, Washington DC
BBC News, London
Sawgrass Sun, Ft. Lauderdale
Miami Herald, Miami
Palm Beach Post, Palm Beach
Florida Dept. of Transportation
Florida Fish and Wildlife Conservation Commission
Hon. Martin Bolton, City of Tamarac
Tamarac Talk
Florida Natural Areas Registry
Florida Resources and Environmental Analysis Center
Bachelor Foundation, Miami



Environmental policy in Florida

Environmental policy aims to conserve natural resources by balancing environmental protection with economic growth, property rights, public health, and energy production. This is done mainly through laws and regulation passed at all governmental levels and influenced by many stakeholders with different agendas.

Environmental policy in Florida



HIGHLIGHTS

- In 2015, Florida allocated around \$1 billion to its Department of Environmental Protection.
- As of January 2016, Florida had 125 endangered and threatened species listed under the federal Endangered Species Act.

Environmental policy in other states
Endangered species in Florida

Click on the tabs below to read about major environmental issues in Florida and policies related to air and climate change, land, water, waste, and endangered species.

Budget

Environmental budget

Florida spent over \$1.3 billion on its Environmental Protection department in 2015.

Environmental and natural resources spending by state

[hide]

State	Divisions/Departments	Fiscal year 2015	Fiscal year 2014	Fiscal year 2013	Fiscal year 2012
Florida	Environmental Protection	\$1,308,566,053	\$1,305,936,102	\$1,289,288,103	\$1,412,985,314
Alabama	Environmental Management; Conservation and Natural Resources	\$595,886,002	\$339,154,327	\$350,865,483	\$315,561,972
Georgia	Natural Resources	\$248,600,677	\$253,693,099	\$253,466,059	\$262,272,094
Mississippi	Conservation	\$52,236,352	\$48,197,234	\$45,790,077	\$46,355,760

Sources: Florida State Senate
Alabama Executive Budget Office
Georgia Governor's Office of Planning and Budget
Mississippi Department of Finance and Administration

Air

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Clean Air Act

See also: Implementation of the Clean Air Act

The Clean Air Act is a federal law aimed at maintaining air quality and reducing air pollution. The law requires states and private industries to meet national air pollution standards. Each state must implement an EPA-approved plan to reduce air pollutants from industrial facilities such as chemical plants and utilities. Over 42,000 facilities nationwide were regulated under the Clean Air Act in 2015.^{[1][2][3]}

Florida had 946 facilities regulated under the Clean Air Act in 2014.

State-regulated facilities under the Clean Air Act		[hide]
State	Facilities (2014)	
Florida	946	
Alabama	737	
Georgia	1,683	
Mississippi	571	
United States total	42,201	

Source: U.S. Environmental Protection Agency, "Power Plants Likely Covered by the Toxics Rule"

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Mercury and air toxics standards

See also: Mercury and air toxics standards

Federal mercury and air toxics standards target mercury and other hazardous pollutants from 580 coal and oil-fired power plants nationwide. The standards are meant to reduce human exposure to mercury emissions.^{[4][5]}

In June 2015, the U.S. Supreme Court ruled in a 5-4 decision that the EPA did not properly consider the regulation's costs and mandated the agency perform a cost-benefit analysis. The ruling did not strike down the mercury standards but required the EPA to conduct a more extensive cost-benefit analysis by April 2016. The EPA issued its cost-benefit analysis on April 18, 2016.^{[6][7][8][9]}

As of 2015, Florida had 26 power plants subject to the mercury standards.^[10]

Power plants affected mercury and air toxics standards (MATS) by state		[hide]
State	Number of power plants affected	
Florida	26	
Alabama	9	
Georgia	10	
Mississippi	9	
United States total	585	

Source: U.S. Environmental Protection Agency, "Power Plants Likely Covered by the Toxics Rule"

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Ozone standards

See also: Ground-level ozone standards

Federal ozone standards establish the acceptable amount of ground level ozone, commonly known as smog, which is formed when nitrogen oxide combines with other organic chemicals in the atmosphere. Automobiles, power plants, factories and manufacturing centers emit the nitrogen oxide necessary for ozone formation. In high concentrations, ozone is harmful to human health.^{[11][12]}

In 2015, the EPA lowered the acceptable amount of ground-level ozone (smog) in the air. The standards will go into effect in 2025. States would have between the years 2020 and 2037 to create and establish a plan to meet the standards, depending how much ozone forms in certain areas of a state.^{[13][14]}

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Clean Power Plan

See also: Clean Power Plan and climate change

In 2015, the EPA finalized a regulatory action aimed at mitigating potentially human-caused climate change known as the Clean Power Plan. The plan's goal is to reduce carbon dioxide (CO₂) emissions from coal- and oil-fired power plants (fossil fuel-fired) and natural gas-fired power plants by 32 percent from 2005 levels by 2030. Each state would have to meet goals based on the number of fossil fuel- and natural gas-fired plants in the state.^{[15][16][17]}

As of February 2017, Florida was one of the 27 states that challenged the plan in court while 18 states supported the plan. As of February 2017, 45 states took a stance on the Clean Power Plan.^{[18][19]}

In February 2016, by a 5-4 vote, the U.S. Supreme Court temporarily delayed the plan's implementation pending a ruling by the U.S. Court of Appeals for the District of Columbia Circuit. As of March 30, 2017, the circuit court had not issued a ruling.^{[19][20]}

On March 28, 2017, President Donald Trump (R) issued an executive order directing the EPA to consider formally repealing the Clean Power Plan.^[21]

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Carbon dioxide reductions under the Clean Power Plan

Florida power plants would have to reduce their CO₂ emissions by 26.3 percent by the year 2030 if the plan were fully implemented.^[22]

CO₂ reduction goals by state, in pounds per megawatt hours (lbs/MWh) [hide]

State	2012 baseline (lbs/MWh)	Interim goal, 2022-2029 (lbs/MWh)	Final goal, 2030 and beyond (lbs/MWh)	Percentage reduction, 2012-2030
Florida	1,247	1,026	919	-26.3%
Alabama	1,518	1,157	1,018	-32.94%
Georgia	1,600	1,198	1,049	-34.44%
Mississippi	1,185	1,061	945	-20.25%

*Alaska and Hawaii are exempt from reduction goals.

**Vermont has no reduction goals because the state has no power plants.

Source: U.S. Environmental Protection Agency, "Clean Power Plan State Goal Visualizer"

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Carbon dioxide emissions by energy source

In 2013, petroleum accounted for 47.7 percent of Florida's emissions—103.9 million metric tons—followed by natural gas and coal at 30.4 percent and 21.9 percent, respectively.

Energy-related CO₂ emissions by source, 2013 (in million metric tons)

State	Coal		Petroleum		Natural gas		Total
	Total	Percentage	Total	Percentage	Total	Percentage	
Florida	47.7	21.9%	103.9	47.7%	66.1	30.4%	217.6
Alabama	53.3	44.4%	33.2	27.7%	33.3	27.8%	119.8
Georgia	40.2	30.4%	58.6	44.2%	33.7	25.4%	132.5
Mississippi	9.2	15.3%	28.2	46.9%	22.7	37.8%	60.1
United States total	1,701.7	32.2%	2,167.9	41.1%	1,409	26.7%	5,278.6

Source: U.S. Energy Information Administration, "State Carbon Dioxide Emissions"

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Carbon dioxide emissions by sector

More than 48 percent of Florida's emissions came from the electric power sector followed by 44 percent from the transportation sector in 2013.

CO₂ emissions by sector, 2013

[hide]

State	Commercial	Electric power	Residential	Industrial	Transportation
Florida	2.4%	48.1%	0.5%	5%	44%
Alabama	1.5%	53.6%	1.8%	17.8%	25.3%
Georgia	3%	40.5%	5.3%	10.8%	40.4%
Mississippi	2.4%	35.9%	2.8%	18.8%	40%
United States total	4.2%	38.3%	6.3%	18.2%	33%

Source: U.S. Energy Information Administration, "State Carbon Dioxide Emissions"

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Land

Federal land policy

See also: Federal land policy

Federal land policy involves the conservation and management of natural resources on land owned by the federal government. Most federal land policies focus on conservation, recreation, oil and natural gas extraction, wildlife and forest management, and grazing.

The federal government owns around 640 million total acres of land (about 28 percent) of the 2.27 billion acres of land in the United States. Four federal agencies are responsible for 608 to 610 million acres of federal land—around 26 percent of all land in the United States. Depending on the agency responsible for them, these lands may be used for conservation, recreation, wildlife protection, grazing, energy production and other purposes.^[23]

Around 52 percent of federally owned acres are in 12 Western states—including Alaska, 61 percent of which is federally owned. In contrast, the federal government owns 4 percent of land in the other 38 states.^[23]

Federal land ownership

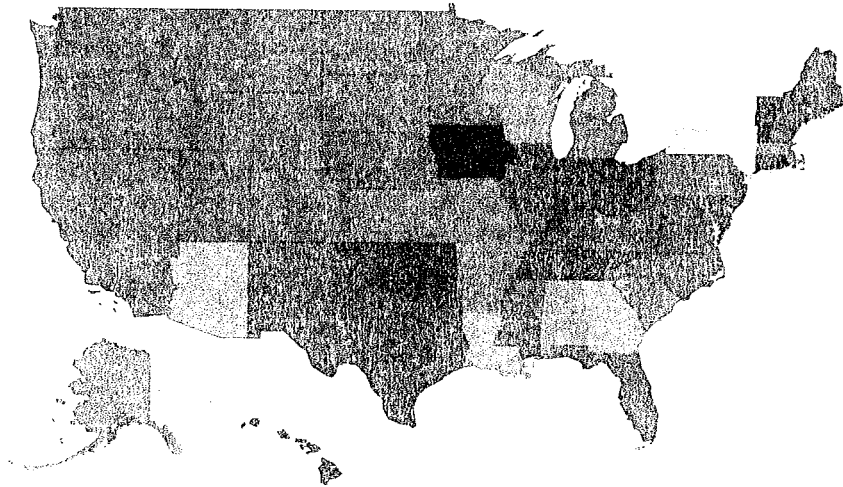
As of 2013, the federal government owned 13.2 percent of all land in Florida.

Federal land ownership by state, 2013 [hide]

State	Total federal land (in acres)	Total land (in acres)	Percentage of land owned by the federal government
Florida	4,599,919	34,721,280	13.2%
Alabama	844,026	32,678,400	2.6%
Georgia	1,474,225	37,295,360	4%
Mississippi	1,546,433	30,222,720	5.1%
United States total	623,313,931	2,271,343,360	27.4%

Source: Congressional Research Service, "Federal Land Ownership: Overview and Data"

The map below details changes to federal land ownership between 1990 and 2013. [Back to top](#)
The amount of federal land in Florida increased by 254,943 acres—an increase of 5.5 percent.



Land management by agency

The table below shows the number of acres managed by federal agency in 2013.

Federal land ownership by state and agency, 2013 [hide]

State	BLM		Forest Service		FWS		NPS		Defense	
	Acres	%	Acres	%	Acres	%	Acres	%	Acres	%
Florida	351	0.01%	1,193,051	25.94%	281,986	6.13%	2,469,065	53.68%	655,466	14.25%
Alabama	2,753	0.33%	670,092	79.39%	32,334	3.83%	17,405	2.06%	121,442	14.39%
Georgia	0	0%	867,761	58.86%	482,942	32.76%	39,781	2.7%	83,741	5.68%
Mississippi	5,020	0.32%	1,191,774	77.07%	210,894	13.64%	104,015	6.73%	34,730	2.25%
U.S. total	247,252,228	39.67%	192,932,426	30.95%	89,080,785	14.29%	79,648,788	12.78%	14,399,704	2.31%

Source: Congressional Research Service, "Federal Land Ownership: Overview and Data"

National parks

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As of December 2015, the U.S. National Park Service oversaw 409 sites within the National Park System and assists in managing national historic areas, wild and scenic rivers, historic landmarks, and national trails. As of December 2015, the National Park System contained more than 84 million acres, including national parks, historical parks and sites, national monuments, battlefields and military parks, recreation areas, seashores, and parkways. Around 280 million visitors attended sites in the National Park System in 2014. The National Park Service employed around 20,000 permanent, temporary and seasonal employees as of July 2015.^[24]

Florida had 11 National Park Service sites as of January 2016. A complete list of Park Service sites in Florida can be found here.

National Park Service sites by state [hide]

State	National Park Service sites
Florida	11
Alabama	9
Georgia	12
Mississippi	7
United States total*	492

*50 state total only; U.S. territories not included

Source: U.S. National Park Service, "National Parks Listed by State"

Park visits and visitor spending

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In 2014, Florida parks had 10.67 million total visits, which generated \$627.7 million in visitor spending.

National Park Service visits and visitor spending by state [hide]

State	Total recreation visits			Total visitor spending (in millions)		
	2014	2013	2012	2014	2013	2012
Florida	10,667,459	10,282,817	10,366,612	\$627.7	\$584.1	\$572.6
Alabama	753,180	749,855	717,724	\$28.8	\$27.9	\$26.5
Georgia	7,491,112	7,046,577	7,350,309	\$378.	\$348.2	\$354.8
Mississippi	6,557,119	6,784,616	6,449,713	\$198.6	\$202.9	\$191.4
United States total*	252,859,729	237,224,421	246,302,115	\$14,841.9	\$13,800.2	\$13,953.8

*50 state total only; U.S. territories not included

Source: U.S. National Park Service, "National Park Service Visitor Use Statistics"

Payments in lieu of taxes

The U.S. Department of the Interior pays local governments each year to offset what they lose in property taxes due to non-taxable federal land within their borders, commonly known as payments in lieu of taxes (PILT). PILT payments go toward fire and police departments, public schools, road construction, and other local services. PILT amounts are based on population and the amount of federal land in a county. From 1977 (when PILT payments began) to 2015, the Interior Department paid out around \$7.1 billion to states, territories and Washington, D.C. PILT payments can be used for any governmental purpose.^{[25][26]}

Florida received \$5.27 million in PILT payments in 2015.

Payments in lieu of taxes by state, 2013-2015 [hide]

2015 payment	2014 payment	2013 payment
--------------	--------------	--------------

State			
Florida	\$5,271,756	\$5,311,455	\$4,968,346
Alabama	\$1,131,049	\$1,023,078	\$901,119
Georgia	\$2,512,499	\$2,450,254	\$2,286,091
Mississippi	\$1,833,943	\$1,825,109	\$1,580,410
United States total	\$439,084,000	\$436,904,919	\$401,756,129

Source: U.S. Department of the Interior, "Payments in Lieu of Taxes by State"

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Oil and natural gas activity

See also: *Oil and natural gas extraction on federal land*

The federal government leases its land to private individuals and companies for energy development, including drilling for crude oil and natural gas, solar energy, and geothermal energy. Around 166 million acres of federal land can be leased for energy development. Oil and natural gas drilling on federal lands in the United States is primarily overseen by the U.S. Bureau of Land Management.^{[23][27]}

Production on federal land

Florida produced no crude oil or natural gas in 2014 on federal land.

State	Oil production (in thousands of barrels)	Natural gas production (in million cubic feet)
Florida	0	0
Alabama	24.52	18,430.66
Georgia	0	0
Mississippi	408.7	252.1
United States total	148,802.95	2,499,845.86

Source: Office of Natural Resource Revenue, "Statistical Information"

Land with production

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Private oil and natural gas companies apply for leases from the BLM to produce energy on federal land. The BLM makes leasing decisions based on a land use plan submitted by the company and the potential environmental impact of the production. If a lease is approved, the company must submit information to the BLM about how it will conduct its drilling and production. The BLM also inspects a company's operations throughout the production.^[28]

Florida had no producing leases (the number of leases that include a well capable of producing oil or gas) and no producing acres (acres where oil or gas is produced) of federal land in 2015.

State	FY 2015		FY 2014		FY 2013	
	Producing leases	Producing acres	Producing leases	Producing acres	Producing leases	Producing acres
Florida	0	0	0	0	0	0
Alabama	24	7,667	24	7,707	23	7,667
Georgia	0	0	0	0	0	0
Mississippi	76	38,186	71	34,192	75	38,186
United						

States total	23,770	12,617,743	23,657	12,690,806	23,507	12,617,743
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Source: U.S. Bureau of Land Management, "Oil and Gas Statistics"

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Water

Clean Water Act

See also: Implementation of the Clean Water Act

The Clean Water Act is a federal law regulating pollutants discharged into all waters of the United States, including lakes, rivers, streams, and wetlands. The federal government approves water quality and technology standards for major sources of water pollution, such as chemical plants, steel manufacturers, municipal facilities, and others. Each state must establish water quality standards for all bodies of water within its boundaries.^[29]

Under the Clean Water Act, it is unlawful to discharge any pollutant from any source into navigable waters without a federal permit. The permit specifies what limitations or conditions apply to a facility before the facility may discharge any pollutants. Federal permits may contain facility-specific requirements and limitations depending on the water source.^[30]

In 2015, Florida had 23,531 facilities with Clean Water Act permits allowing facilities to discharge their pollutants.^[31]

Clean Water Act permits by state		[hide]
State	Permits (2015)	
Florida	23,531	
Alabama	10,695	
Georgia	1,125	
Mississippi	1,990	
United States total	208,962	

Source: U.S. Environmental Protection Agency, "National Water Activity Dashboard"

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Public water systems

Florida had 5,524 public water systems in 2015.^[32]

Public drinking water systems by state, 2015		[hide]
State	Public water systems (2015)	
Florida	5,524	
Alabama	588	
Georgia	2,409	
Mississippi	1,211	
United States total	149,294	

Source: U.S. Environmental Protection Agency, "National Drinking Water Activity Dashboard"

Waters of the United States

See also: Waters of the United States

In 2015, the EPA finalized the Waters of the United States rule, which is aimed at clarifying the bodies of water that are under federal jurisdiction. The EPA and the U.S. Army Corps of Engineers would require a federal permit for

proposed projects that may involve a discharge of a pollutant into waters covered under the rule.^{[33][34][35][36][37][38][39]}

As of April 2016, Florida was one of the 31 states that challenged the rule's legality in federal court. On October 9, 2015, the United States Court of Appeals for the 6th Circuit temporarily blocked the rule nationwide to deliberate whether the rule was permissible under federal law.^{[40][41][42][43][44]}

Waste

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Superfund sites

See also: Comprehensive Environmental Response, Compensation and Liability Act

Superfund is a federal program that addresses contaminated waste sites and their return to practical use. Superfund sites include oil refineries, smelting facilities, mines and other industrial areas. The federal government can compel the private entities responsible for a waste site to clean the site or face penalties. If the federal government cleans a waste site, it can compel the responsible company to reimburse the government for cleanup costs. Because Superfund sites are added and removed from a prioritized list on a regular basis, the total number of Superfund sites since the program's inception in 1980 is unknown.^{[45][46][47]}

The costs of the Superfund program vary. According to the U.S. Government Accountability Office, the program received an average of \$1.2 billion each year between 1981 and 2009.^{[48][49][50]}

As of January 2016, Florida had 53 Superfund sites.^[51]

Superfund sites by state (January 2016)		[hide]
State	Superfund sites	
Florida	53	
Alabama	13	
Georgia	16	
Mississippi	8	
United States total	1,303	

Source: U.S. Environmental Protection Agency, "National Priorities List (NPL) sites by state"

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Hazardous wastes sites

The federal Resource Conservation and Recovery Act covers hazardous wastes, including their generation, treatment, storage and disposal. States may regulate hazardous wastes rather than the federal government. The EPA is responsible for all hazardous waste requirements if no state program exists. Hazardous waste regulations cover waste generators, transporters, treatment centers, storage and disposal facilities.^[52]

Florida had 29,374 regulated waste facilities in 2015.^[53]

Federally regulated waste facilities by state, 2015		[hide]
State	Facilities (2015)	
Florida	29,374	
Alabama	5,239	
Georgia	4,764	
Mississippi	2,917	

United States total 431,914

Source: U.S. Environmental Protection Agency, "National Hazardous Waste Activity Dashboard"

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Endangered species

Endangered Species Act

See also: Endangered species in Florida

The Endangered Species Act is a federal law that mandates the listing and conservation of endangered and threatened species. The legislation is meant to prevent the extinction of vulnerable species throughout the United States and to recover a species' population to the point where listing the species as endangered or threatened is no longer necessary. The U.S. Fish and Wildlife Service is responsible for the law's implementation.^{[12][55]}

Federally listed animal species in Florida

There were 125 endangered and threatened species believed to or known to occur in Florida as of January 2016.^[56]

The table below lists the 65 endangered and threatened animal species in the state. When an animal species has the word "Entire" after its name, that species will be found all throughout the state.

Click the [show] button to see the names of all federally protected animal species.

Endangered animal species in Florida [\[show\]](#)

Federally listed plant species in Florida

The table below lists the 60 endangered and threatened plant species in the state.^[57]

Click the [show] button to see the names of all federally protected plant species.

Endangered plant species in Florida [\[show\]](#)

News

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Clean Power Plan

The link below is to the most recent stories in a Google news search for the terms **Florida Clean Power Plan**. These results are automatically generated from Google. Ballotpedia does not curate or endorse these articles.

Environmental policy in Florida - Google News

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Environmental policy in Florida - Google News

Governance

Ballot measures

Below is a list of ballot measures relating to environmental issues in Florida.

Natural resources

- Florida Natural Resources Conservation and Fish and Wildlife Conservation Commission, Amendment 5 (1998)

Environment

- Florida Amendment 9, Ban Offshore Oil and Gas Drilling and Ban Vaping in Enclosed Indoor Workplaces Amendment (2018)
- Florida Assessment of High Water Recharge Lands, Amendment 3 (1988)
- Florida Conservation and Outdoor Recreation Bonds, Amendment 2 (1972)
- Florida Drainage, Amendment 1 (1906)
- Florida Endangered Lands and Parks Bonds, Referendum 1 (1972)
- Florida Everglades Sugar Production Levy, Amendment 4 (1996)
- Florida Everglades Trust Fund, Amendment 6 (1996)
- Florida Game and Fresh Water Fish Commission, Amendment 3 (1942)
- Florida Game and Fresh Water Fish Commission, Amendment 3 (1960)
- Florida Game and Fresh Water Fish Commission, Amendment 4 (1974)

Water

- Florida Regional Water Control District Tax Limits, Amendment 1 (March 1976)
- Florida Responsibility for Paying Costs for Water Pollution, Amendment 5 (1996)
- Florida Sale of Submerged Lands, Amendment 5 (1970)
- Florida State Bonds for Water Facilities, Amendment 4 (1980)

Agencies and organizations

- The Florida legislature has a Senate standing committee on **Environmental Preservation and Conservation**. This committee is responsible for many facets of environmental policy, including air and water quality, alternative energy, coastal management, environmental land acquisition and protection, environmental resource permitting, the Florida Everglades, and hazardous and solid waste, among other environmental issues. The committee also conducts oversight of the Florida Department of Environmental Protection and its staff.^[58]
- The **Florida Department of Environmental Protection (DEP)** regulates, conserves and manages the state's natural resources and enforces Florida's environmental laws.^[59]
- The **Florida Fish and Wildlife Conservation Commission**, created

Voting on the Environment



Ballot Measures

By state

By year

Not on ballot

Local [show]

in 1999, manages the state's fish and wildlife resources. The commission enforces rules on fish and wildlife use, conducts research on fish and wildlife populations, and runs programs for the public on hunting and boating safety, among other public outreach initiatives.^[60]

Recent legislation

The following is a list of recent environmental bills that have been introduced in or passed by the Florida state legislature. To learn more about these bills, click the bill title. This information is provided by BillTrack50 and LegiScan .

Note: Due to the nature of the sorting process used to generate this list, some results may not be relevant to the topic. If no bills are displayed below, no legislation pertaining to this topic has been introduced in the legislature recently.

Environmental legislation in Florida

FL H1347 - Apalachicola Environmental Stewardship Act

Provides annual appropriation from Florida Forever Trust Fund to Apalachicola Area of Critical State Concern for specified purposes; revises principles for guiding development within Apalachicola Bay Area of Critical State Concern to include specified projects.

2/4/2020: House Agriculture and Natural Resources Subcommittee Hearing (12:00 2/4/2020 12 HOB)

FL S0412 - License Plates

Providing an exception to a design requirement for dealer license plates and for fleet license plates; allowing the Department of Highway Safety and Motor Vehicles to authorize dealer and fleet specialty license plates; providing additional procedures...

2/3/2020: Senate Infrastructure and Security Hearing (16:00 2/3/2020 110 Senate Building)

FL S1154 - Community Associations

Exempting certain property association pools from Department of Health regulations; providing that discriminatory restrictions are unlawful, unenforceable, and declared null and void; providing that certain discriminatory restrictions are extinguished...

Groups

To nominate a group for inclusion on the list below, email us at editor@ballotpedia.org.

Below is a partial list of environmental advocacy organizations in Florida. A complete list of groups by state can be accessed on the website Eco-USA.^[61]

- Alachua Conservation Trust
- Audubon Florida
- Calusa Land Trust
- Conservation Foundation of the Gulf Coast
- Conservation Trust for Florida
- Earth Justice Florida
- Environment Florida
- Everglades Foundation
- Florida Defenders of the Environment
- Florida's Nature Coast Conservancy
- Florida Trail Association
- Florida Wildlife Federation
- Friends of the Everglades
- Green Horizon Land Trust
- Indian River Land Trust
- Nature Conservancy
- North Florida Land Trust
- 1000 Friends of Florida

- Putnam Land Conservancy
- Save the Homosassa River Alliance
- Save the Manatee Club
- Sierra Club - Florida Chapter
- Tampa Bay Conservancy
- Tampa Baywatch
- Treasured Lands Foundation

See also



- Endangered species in Florida
- Energy policy in Florida
- Federal land policy
- Federal land ownership by state



External links

- Florida Department of Environmental Protection
- Florida Fish and Wildlife Conservation Commission
- U.S. Environmental Protection Agency

Footnotes

1. *U.S. Environmental Protection Agency*, "Clean Air Act Requirements and History," accessed August 7, 2014
 2. *U.S. Environmental Protection Agency*, "Understanding the Clean Air Act," accessed August 7, 2014
 3. *U.S. Environmental Protection Agency*, "History of the Clean Air Act," accessed August 7, 2014
 4. *U.S. Environmental Protection Agency*, "Benefits and Costs of
- Only the first few references on this page are shown above. Click to show more.

5. *U.S. Environmental Protection Agency*, "Cleaning Up Toxic Air Pollution," February 2, 2016
6. *U.S. Supreme Court*, "Massachusetts v. Environmental Protection Agency," June 29, 2015
7. *CNN.com*, "Supreme Court Upholds Clean Air Act," June 29, 2015



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MD: If You Have Dark Spots, Do This Immediately (It's Genius!)

Endangered species in Florida

Endangered species policy in Florida involves the identification and protection of endangered and threatened animal and plant species. Policies are implemented and enforced by both the state and federal governments.

HIGHLIGHTS

- As of July 2016, Florida had 124 species—87 endangered species and 37 threatened species—listed under the federal Endangered Species Act (ESA).
- Of these, 64 were animal species and 60 were plant species.

See the tabs below for further information:

1. **Background:** This tab provides contextual information about the Endangered Species Act and key terms and concepts.
2. **Listed species:** This tab provides information about endangered and threatened animal and plant species in Florida; information about the process of listing a species as endangered or threatened is also provided.
3. **Provisions:** This tab provides information about legal provisions relating to private and governmental activities.
4. **Governance:** This tab provides information about federal and state agencies and, where applicable, state laws.



State environmental policy

U.S. environmental policy

Endangered species policy

State endangered species

Environmental terms

PUBLICPOLICY

Background

Overview

See also: History of the Endangered Species Act

The federal Endangered Species Act (ESA) of 1973 provides for the identification, listing, and protection of both threatened and endangered species and their habitats. According to the U.S. Fish and Wildlife Service, the law was designed to prevent the extinction of vulnerable plant and animal species through the development of recovery plans and the protection of critical habitats. ESA administration and enforcement are the responsibility of the U.S. Fish and Wildlife Service and the National Marine Fisheries Service.^{[1][2]}

The law authorizes the Secretary of the Interior to allocate funds to states for assisting in the recovery of threatened and endangered species. The law also created the Cooperative Endangered Species Conservation Fund to award grants to states for voluntary projects on non-federal lands.

The law mandates that states adopt their own endangered and threatened species management programs subject to approval by the federal government. The law requires states to do the following:^{[3][4][3]}

1. Conserve the species of fish or wildlife determined by the state or federal government to be endangered or threatened
2. Create conservation programs for all species of fish or wildlife identified by the federal government as endangered or threatened and provide detailed plans for these programs to the U.S. Department of Commerce
3. Be authorized by the U.S. Fish and Wildlife Service to conduct investigations to determine the status and requirements for survival of resident species of fish and wildlife
4. Be authorized before establishing programs to acquire land or aquatic habitats for conserving endangered or threatened species

Key federal ESA terms

See also: *Glossary of Endangered Species Act terms*

- **Candidate species:** Animal and plant species for which the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) has sufficient information to propose them as endangered or threatened, but for which a proposed listing has not been processed because of higher priority listings.
- **Critical habitat:** Specific geographic areas, whether occupied by listed species or not, that are determined to be essential for the conservation and management of listed species.^[5]
- **Delisting:** The process of removing an animal or plant species from the threatened or endangered species list upon a determination that threats against it have been sufficiently reduced or eliminated.^[6]
- **Endangered species:** The classification provided to an animal or plant in danger of extinction within the foreseeable future throughout all or a significant portion of its range.^[7]
- **Listed species:** Species, subspecies, or a distinct vertebrate population segment that has been added to the federal lists of Endangered and Threatened Wildlife and Plants.^[8]
- **Range:** The geographic area a species is known or anticipated to occupy.^[9]
- **Species recovery:** The elimination or reduction in threats to an animal or plant species' survival. Once a species has recovered, it is removed from the federal list of endangered species.^[11]
- **Taking a species:** Taking a species generally includes causing any harm to a federally protected animal or plant species. Any individual that knowingly takes a listed species can be fined up to \$25,000 by the federal government for each violation or instance. The text of the law outlining federal penalties can be accessed here.^[12]
- **Threatened species:** Any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

Listed species

Federally listed species in Florida

There were 124 endangered and threatened animal and plant species believed to or known to occur in Florida as of July 2016.^[13]

The table below lists the 64 endangered and threatened animal species believed to or known to occur in the state. The word "entire" after a name indicates that the species occurs throughout the state.

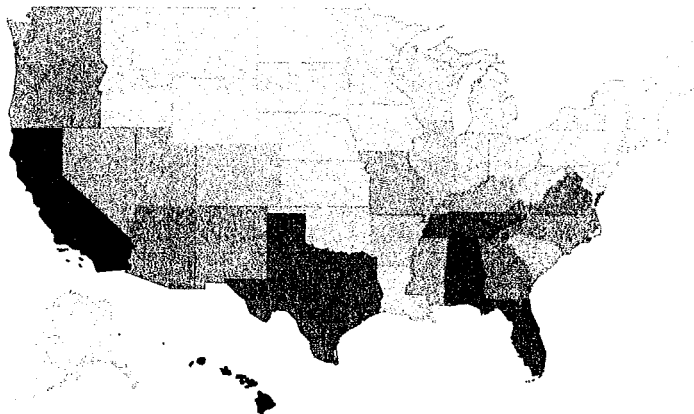
Endangered animal species in Florida [show]

The table below lists the 60 endangered and threatened plant species believed to or known to occur in the state.^[14]

Endangered plant species in Florida [show]

The United States contained 2,389 species protected under the Endangered Species Act as of July 2016 (this includes the 50 states but not U.S. territories). The map below displays the number of species protected under the Endangered Species Act in each state as of July 2016.^[15]

Number of species protected under the Endangered Species Act by state (as of July 2016)



State-listed species in Florida

The Florida Fish and Wildlife Conservation Commission (FWS) maintains a state list of threatened species and species of special concern. Florida law does not designate species as endangered; rather, Florida designates species as "threatened" if they are at risk of extinction. Threatened species on Florida's state list are all distinct from federally listed species. Species of special concern are species being studied and monitored by the state that are not considered threatened.^[16]

The table below presents the number of state-listed threatened species and species of special concern in Florida by status and species type. A complete list with the names and status of each species can be accessed here.

State-listed animal species in Florida by status and type (January 2016) [hide]							
Status	Fish	Amphibians	Reptiles	Birds	Mammals	Invertebrates	Total
Threatened	3	0	7	5	2	0	17
Special concern species	6	4	6	16	6	4	42
Total species	9	4	13	21	8	4	59

Source: Florida Fish and Wildlife Conservation Commission, "Florida's Endangered and Threatened Species (as of January 2016)"

Listing a species

Before a species is added to the federal threatened and endangered list, it is first placed on a list of candidate species. This placement happens in two ways. The public may petition to list a species, or biologists at the U.S. Fish and Wildlife Service (FWS) may study a species whose population is thought to be declining and decide themselves whether the species qualifies as a candidate. The law stipulates that FWS scientists must use accurate scientific information collected from several sources to back their candidate decisions.

The U.S. Fish and Wildlife Service applies five criteria to label a species as endangered or threatened:

- “
 - the present or threatened destruction, modification, or curtailment of its habitat or range;
 - overutilization for commercial, recreational, scientific, or educational purposes;
 - disease or predation;
 - the inadequacy of existing regulatory mechanisms;
 - other natural or manmade factors affecting its survival.^[17]
 ”

—U.S. Fish and Wildlife Service^[4]

If one or more of these criteria are met, the agency can begin action to protect the species and its habitat.

Petitioning to list a species

See also: *Listing petition*

Any citizen or group may petition the federal government to list a species as endangered or threatened. The process occurs as follows:^{[18][19]}

1. Petitioners submit information on the biology, distribution, and threats to a species. The U.S. Fish and Wildlife Service (FWS) and the National Oceanic and Atmospheric Administration (NOAA) Fisheries Office generally must respond to a petition within 90 days.
2. Within one year of receiving the petition, the agencies must publish a finding on whether listing a particular species is warranted.
3. If the agencies do not meet these timelines, citizens and groups are permitted under the Endangered Species Act to sue the agencies to enforce the timelines so that the species receives federal protection.
4. When a species is listed, the government is required to review its status every five years.



The California condor has been on the U.S. Fish and Wildlife Service's list of endangered species since 1967.

Delisting a species

See also: *Delisting a species*



The gray whale, which migrates south off the California coast, was removed from the federal endangered species list in 1994 due to recovery.

Delisting is the process of removing the endangered or threatened status of species. Downlisting is a reclassification of status by the U.S. Fish and Wildlife Service or the National Oceanic and Atmospheric Administration (NOAA) from endangered to threatened. When the service delists or downlists a species, this generally means that the recovery or conservation of a species has been successful. To delist a species, the agencies must determine that the species is not threatened based on population size, stability of habitat quality and quantity, and control or elimination of threats to the species. Species are also delisted if they become extinct.^{[20][21][22]}

As of July 2016, 63 endangered or threatened species had been delisted. Of those species, 34 were delisted due to recovery, 19 species were listed in error (for scientific reasons or because new

information about a species was discovered), and 10 species went extinct.^[20]

Provisions

See also: *Private property and the Endangered Species Act*

Taking a species

The Endangered Species Act makes the taking of an animal on the endangered or threatened species list illegal. According to the act, to *take* is to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct." The U.S. Fish and Wildlife Service further defines *harm* to mean "an act which actually kills or injures wildlife." According to the act, *harassment* of a species is defined as "an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering." State governments may apply further restrictions on the taking of an endangered or threatened species. Any individual that knowingly takes a listed species can be fined up to \$25,000 by the federal government for each violation. The text of the law outlining federal penalties can be accessed here.^{[4][23][24][25]}

Federal law prohibits individuals from engaging in interstate or foreign commerce with a federally protected plant species. Federal law also prohibits taking (e.g., moving, damaging or destroying) a protected plant on federal property. However, individuals may take, move, damage, or destroy a federally protected plant on private land, unless a state law prohibits such activity.^[26]

Private activities requiring permits

In addition to taking a species, delivering, receiving, selling, purchasing, or transporting a threatened or endangered animal species is prohibited without a permit, whether the species is alive or dead. Permits are also required for individual or group activities that involve interfering with a species' habitat. Individuals engaging in activities that might result in the taking of a protected species must abide by a Habitat Conservation Plan (HCP), which includes information on how to mitigate or minimize any impacts to the species or its habitat.^[27]

Regional offices of the U.S. Fish and Wildlife Service (FWS) issue incidental take permits. An incidental take permit is required if an activity may result in the taking of a threatened or endangered species. Those who apply for this permit must submit a habitat conservation plan to the proper federal or state authority ensuring that the effects of taking the species will be minimized and mitigated.

According to the U.S. Fish and Wildlife Service, nearly half of all federally protected threatened and endangered species have at least 80 percent of their habitats on private land. This means that private landowners, which include private citizens, businesses, and organizations, must cooperate with federal agencies to conserve listed species.^[28]

Private parties may be required to work with the Fish and Wildlife Service in the following ways:

- Habitat Conservation Plans (HCPs) are implemented by non-federal groups (state governments, private individuals, and groups) in consultation with the Fish and Wildlife Service. The plans are required in order to obtain incidental take permits. Habitat Conservation Plans contain information on the predicted effects of taking a species, how these effects will be minimized or mitigated, and how the plan will be funded. Meanwhile, the U.S. Fish and Wildlife Service attempts to assure property owners that they will not face additional land restrictions beyond those outlined in their Habitat Conservation Plans. The plans can be applied to listed species, candidate species, species proposed for listing, and non-listed species (usually for the purpose of preventing future listing).^[29]
- Candidate Conservation Agreements are made by the Fish and Wildlife Service with non-federal property owners to provide incentives for conserving candidate species so that they are not listed as endangered or threatened.^[30]

Affected governmental activities

Federal law requires conservation programs for all listed endangered and threatened species and their habitats. This requirement can affect all federal agencies.

- Consultations are partnerships between the Fish and Wildlife Service and federal agencies. Federal law requires all federal agencies to participate in conserving listed species, stipulating that agency activities must not be "likely to jeopardize the continued existence of listed species or adversely modify designated critical habitats." Consultations can involve recovering the habitats of listed species, addressing threats to listed species from federal programs or actions, and coordinating projects and resources between federal agencies. Examples of federal activities that require consultations include oil and natural gas drilling on federal land, offshore drilling in areas owned by the federal government, and oil and gas activities affecting wetlands or other waters of the United States.^[31] ^[32]
- Recovery is a process to halt the decline of endangered or threatened populations by removing or reducing threats. In its recovery efforts, the Fish and Wildlife Service collaborates with federal, state, and local agencies, as well as conservation groups, businesses, private individuals, and volunteers. According to the Fish and Wildlife Service, recovery plans are implemented "to stabilize, recover, and ultimately delist" threatened and endangered species.^[33]

Governance

Federal and state agencies

- The U.S. Fish and Wildlife Service (FWS) is a federal agency responsible for the Endangered Species Act. The agency recovers and conserves endangered or threatened species. The agency also classifies endangered or threatened species. The agency's enacted budget for fiscal year 2014 totaled \$2.79 billion.^[34]^[35]
- The Florida Fish and Wildlife Conservation Commission, created in 1999, regulates the state's fish and wildlife resources, including endangered species. The commission enforces rules applying to fish and wildlife use, conducts research on fish and wildlife populations, and administers programs for the public on hunting and boating safety.^[36]

Federal grants

2015

The table shows the amounts Florida received in Habitat Conservation Program Planning Assistance grants and Recovery Land Acquisition grants in fiscal year 2015. These grants went toward the planning of Habitat Conservation Plans for federally listed species and toward acquiring land for species recovery.^[37]

Federal grants for habitat conservation plans (HCP) and land acquisition in fiscal year [hide] 2014			
Area	Grant	Cost per acre*	Purpose
35 coastal counties statewide	\$750,000	N/A	This grant went toward a final habitat conservation plan for several federally-listed species, including sea turtles, beach mouse species, shorebirds, and others. The conservation plan focused on creating structures along shorelines to protect endangered or threatened species.
*Cost per acre was calculated by dividing the grant cost by the total number of acres conserved. Some funds may have gone to activities other than land acquisition. Source: U.S. Fish and Wildlife Service, "Recovery Land Acquisition Grants by State (Fiscal Year 2015)"			

2014

The table shows the amounts Florida received in Habitat Conservation Program Planning Assistance grants and Recovery Land Acquisition grants in fiscal year 2014. These grants went toward the planning of Habitat Conservation Plans for federally listed species and toward acquiring land for species recovery.^[38]

Federal grants for habitat conservation plans (HCP) and land [show] acquisition in fiscal year 2014



A 2014 federal grant for Florida was used in part to acquire acres protecting the Florida scrub jay as well as Florida panther habitats

State laws

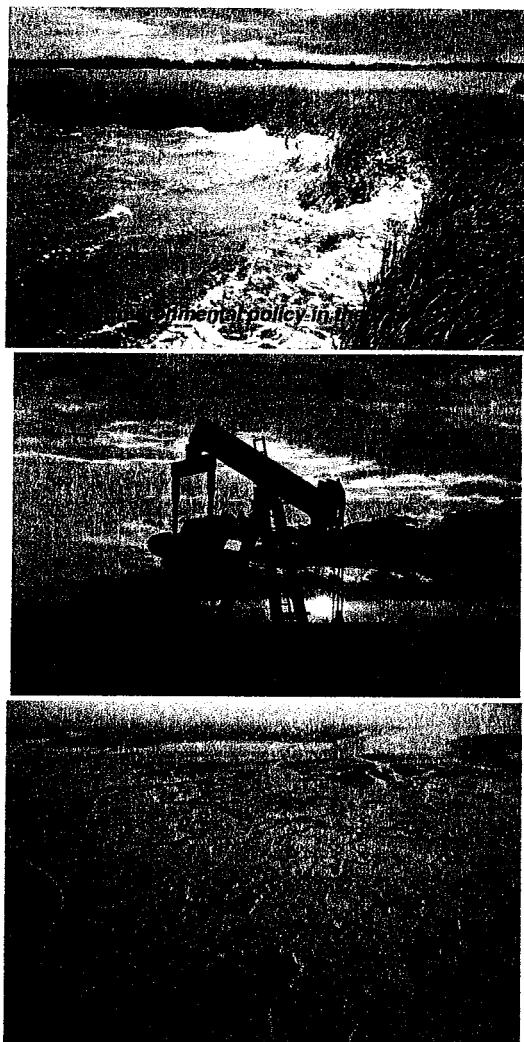
- State law authorized the Florida Fish and Wildlife Conservation Commission "to conserve or improve the status of endangered and threatened species in Florida" in order to reduce the risk of species extinction. The commission must provide a list of endangered and threatened species in the state in its annual plan, which must also indicate how the state plans manage and conserve each species.^[39]

Recent news

The link below is to the most recent stories in a Google news search for the terms **Florida endangered species**. These results are automatically generated from Google. Ballotpedia does not curate or endorse these articles.

Endangered species in Florida - Google News

See also



- Environmental policy in Florida
- Endangered Species Act
- Implementation of the Endangered Species Act
- U.S. Fish and Wildlife Service
- Endangered species

External links

- Text of the Endangered Species Act
- U.S. Fish and Wildlife Service website
- U.S. National Oceanic and Atmospheric Service
- Florida Fish and Wildlife Conservation Commission

Footnotes

1. U.S. Fish and Wildlife Service, "Improving ESA Implementation," accessed May 15, 2015
2. U.S. Fish and Wildlife Service, "ESA Overview," accessed October 1, 2014
3. Cornell University Law School, "16 U.S. Code, Section 1535 (Endangered Species Act)," accessed September 26, 2014
4. U.S. Fish and Wildlife Service, "ESA Basics," accessed September 26, 2014
5. U.S. Fish and Wildlife Service, "Candidate Species: Section 4 of the Endangered Species Act," accessed November 1, 2015

6. U.S. Fish and Wildlife Service, "Endangered Species Act," accessed August 2, 2014
7. U.S. Fish and Wildlife Service, "Endangered Species Act," accessed August 2, 2014
8. U.S. Fish and Wildlife Service, "Endangered Species Act," accessed December 1, 2014
9. U.S. Fish and Wildlife Service, "Endangered Species Act," accessed December 1, 2014
10. U.S. Fish and Wildlife Service, "Endangered Species Act," accessed December 1, 2014
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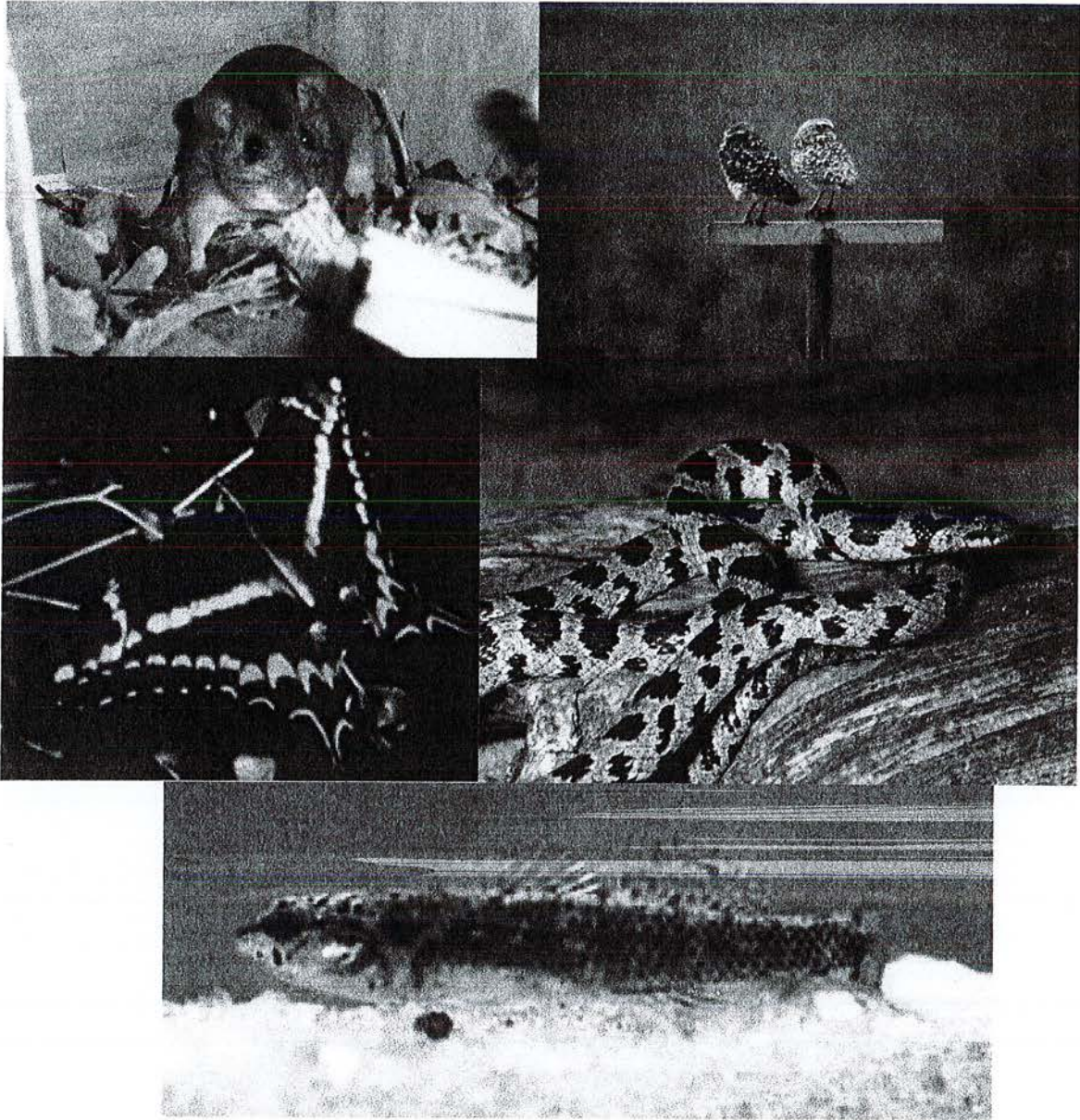
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FLORIDA'S ENDANGERED AND THREATENED SPECIES



Updated December 2018

FLORIDA FISH AND WILDLIFE CONSERVATION
COMMISSION

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PREFACE

This document provides a table and list of the State of Florida's imperiled species of wildlife. It includes species listed at the Federal level as Endangered, Threatened, Threatened Due to Similarity of Appearance, or Non-Essential Experimental by the U. S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS). It also includes species listed at the State level as State-designated Threatened and Species of Special Concern by the Florida Fish and Wildlife Conservation Commission (FWC).

FWC is a constitutional agency, and its authority to regulate and manage most wildlife comes from the Florida constitution. FWC was created by a 1998 amendment to the State of Florida constitution merging the former Game and Fresh Water Fish Commission (GFC), a constitutional agency, the former Marine Fisheries Commission, and certain parts of the Florida Department of Environmental Protection (FDEP), both statutory agencies. At the time of the merger, there were several wildlife species, not under the constitutional authority of the GFC, for which the Florida Legislature had given some statutory authority to regulate and manage to FDEP. The authority for FWC to regulate and manage these species, listed in Rule 68A-27.0031, Florida Administrative Code (F.A.C.), comes from this statutory authority, not constitutional authority. These species are included in this document for the convenience of the user, but they are not included in rules codifying the Florida Endangered and Threatened Species List (Rule 68A-27.003, F.A.C.) or the Species of Special Concern list (Rule 68A-27.005, F.A.C.). The Federal listing status of these species shown in Rule 68A-27.0031 is that of the species in 1998 and does not reflect any status changes since that time. However, the status of these species in *this* document *does* reflect their status as of the date of this document.

In November 2010, FWC established an imperiled species management system and revised its imperiled species rules (<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=68A-27>). All species listed by the USFWS and NMFS that occur in Florida are now included on Florida Endangered and Threatened Species List as Federally-designated Endangered, Federally-designated Threatened, Federally-designated Threatened Due to Similarity of Appearance, or Federally-designated Non-Essential Experimental population species. Species listed by the FWC are included on the Florida Endangered and Threatened Species List as State-designated Threatened species.

The revised imperiled species management system abolishes the species of special concern (SSC) category once all species on that list are reclassified as State-designated Threatened, found to not meet any of the State's listing criteria or become Federally listed. Until then, the FWC will continue to maintain a separate Species of Special Concern list. These species are included in this document.

The State lists of plants, which are designated Endangered, Threatened, and Commercially Exploited, are administered and maintained by the Florida Department of Agriculture and Consumer Services (DOACS) via Chapter 5B-40, F.A.C. This list of plants can be obtained at <http://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service/Our-Forests/Forest-Health/Florida-Statewide-Endangered-and-Threatened-Plant-Conservation-Program/Florida-s-Federally-Listed-Plant-Species>.

The Federal list of Endangered and Threatened animals and plants is administered by the USFWS and is published in 50 CFR 17 (animals) and 50 CFR 23 (plants). Additional information regarding Federal listings can be located at the following websites; NMFS - <http://www.nmfs.noaa.gov/pr/species/esa/listed.htm> and

USFWS - http://ecos.fws.gov/tess_public/reports/ad-hoc-species-report?kingdom=V&kingdom=I&status=E&status=T&status=EmE&status=EmT&status=EXPE&status=EXPN&status=SAE&status=SAT&mapstatus=3&fcrithab=on&fstatus=on&fspecrule=on&finvpop=on&fgroup=on&header=Listed+Animals.

Common and scientific names listed first are as they appear in the Florida Administrative Code, Title 68A. Common and/or scientific names following this and located within parentheses () are names as used by USFWS, or other commonly used names.

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Natalie Montero, Assistant Listed Species Coordinator
Species Conservation Planning Section
Division of Habitat and Species Conservation
Florida Fish and Wildlife Conservation Commission

Cover Photos by FWC Staff: Key Largo Woodrat, Burrowing Owls, Okaloosa Darter, Schaus' swallowtail butterfly, Short-tailed Snake.

NUMERICAL SUMMARY OF SPECIES

Listed by the State of Florida as Federally-designated Endangered (**FE**), Federally-designated Threatened (**FT**), Federally-designated Threatened due to Similarity of Appearance [**FT(S/A)**], Federal Non-Essential Experimental Population (**FXN**), State-designated Threatened (**ST**), or State Species of Special Concern (**SSC**).

STATUS DESIGNATION	FISH	AMPHIBIANS	REPTILES	BIRDS	MAMMALS	INVERTEBRATES	TOTAL
FE	3(1) ¹	1	3(3)	8	21(5) ²	14	50(9)
FT	4(1)	1	7(2)	6	2(1)	16	36(4)
FT(S/A)	0	0	1	0	0	3	4
FXN	0	0	0	1	0	0	1
ST	6	2	9	16	4	2	39
SSC	0	0	0	0	0	1	1
TOTAL	13(2)	4	20(5)	31	27 (6)	36	131(13)

¹ Numbers in the parentheses are the number of species for which the FWC does not have constitutional authority. The status in Rule 68A-27.0031 is the Federal status these species had when the FWC was created by amendment to the Florida Constitution, adopted in 1998. The status of these species listed in here is their current Federal status as of December 2018.

² There is one additional species included in Rule 68A-27.0031 as a species for which the FWC does not have constitutional authority. This species is not included here because it has been determined to be extinct.

FLORIDA'S ENDANGERED AND THREATENED SPECIES LIST

VERTEBRATES

FISH

Common Name	Scientific Name	Status
Atlantic sturgeon	<i>Acipenser oxyrinchus oxyrinchus</i>	FE
Blackmouth shiner	<i>Notropis melanostomus</i>	ST
Bluenose shiner	<i>Pteronotropis welaka</i>	ST
Crystal darter	<i>Crystallaria asprella</i>	ST
Giant manta ray	<i>Manta birostris</i>	FT
Gulf sturgeon	<i>Acipenser oxyrinchus [=oxyrhynchus] desotoi</i>	FT ¹
Key silverside	<i>Menidia conchorum</i>	ST
Nassau grouper	<i>Epinephelus striatus</i>	FT
Okaloosa darter	<i>Etheostoma okalossae</i>	FT
Saltmarsh topminnow	<i>Fundulus jenkinsi</i>	ST
Shortnose sturgeon	<i>Acipenser brevirostrum</i>	FE ¹
Smalltooth sawfish	<i>Pristis pectinate</i>	FE
Southern tessellated darter	<i>Etheostoma olmstedii maculaticeps</i>	ST

AMPHIBIANS

Common Name	Scientific Name	Status
Florida bog frog	<i>Lithobates okaloosae</i>	ST
Frosted flatwoods salamander	<i>Ambystoma cingulatum</i>	FT
Georgia blind salamander	<i>Eurycea wallacei</i>	ST
Reticulated flatwoods salamander	<i>Ambystoma bishopi</i>	FE

REPTILES

Common Name	Scientific Name	Status
American alligator	<i>Alligator mississippiensis</i>	FT(S/A)
American crocodile	<i>Crocodylus acutus</i>	FT
Atlantic salt marsh snake	<i>Nerodia clarkii taeniata</i>	FT
Barbour's map turtle	<i>Graptemys barbouri</i>	ST
Bluetail mole skink	<i>Plestiodon egregius lividus</i>	FT
Eastern indigo snake	<i>Drymarchon corais couperi</i>	FT
Florida brown snake	<i>Storeria victa</i>	ST ³

Common Name	Scientific Name	Status
Florida Keys mole skink	<i>Plestiodon egregius egregius</i>	ST
Florida pine snake	<i>Pituophis melanoleucus mugitus</i>	ST
Gopher tortoise	<i>Gopherus polyphemus</i>	ST
Green sea turtle	<i>Chelonia mydas</i>	FT ¹
Hawksbill sea turtle	<i>Eretmochelys imbricata</i>	FE ¹
Kemp's ridley sea turtle	<i>Lepidochelys kempii</i>	FE ¹
Key ringneck snake	<i>Diadophis punctatus acricus</i>	ST
Leatherback sea turtle	<i>Dermochelys coriacea</i>	FE ¹
Loggerhead sea turtle	<i>Caretta caretta</i>	FT ¹
Rim rock crowned snake	<i>Tantilla oolitica</i>	ST
Sand skink	<i>Plestiodon reynoldsi</i>	FT
Short-tailed snake	<i>Lampropeltis extenuate</i>	ST
Suwannee alligator snapping turtle	<i>Marcochelys suwanniensis</i>	ST

BIRDS

Common Name	Scientific Name	Status
American oystercatcher	<i>Haematopus palliatus</i>	ST
Audubon's crested caracara	<i>Polyborus plancus audubonii</i>	FT
Bachman's wood warbler	<i>Vermivora bachmanii</i>	FE
Black skimmer	<i>Rynchops niger</i>	ST
Cape Sable seaside sparrow	<i>Ammodramus maritimus mirabilis</i>	FE
Eskimo curlew	<i>Numenius borealis</i>	FE
Everglade snail kite	<i>Rostrhamus sociabilis plumbeus</i>	FE
Florida burrowing owl	<i>Athene cunicularia floridana</i>	ST
Florida grasshopper sparrow	<i>Ammodramus savannarum floridamus</i>	FE
Florida sandhill crane	<i>Antigone canadensis pratensis</i>	ST
Florida scrub-jay	<i>Aphelocoma coerulescens</i>	FT
Ivory-billed woodpecker	<i>Campephilus principalis</i>	FE
Kirtland's warbler (Kirtland's wood warbler)	<i>Setophaga kirtlandii (Dendroica kirtlandii)</i>	FE
Least tern	<i>Sternula antillarum</i>	ST
Little blue heron	<i>Egretta caerulea</i>	ST
Marian's marsh wren	<i>Cistothorus palustris marianae</i>	ST
Piping plover	<i>Charadrius melodus</i>	FT
Red-cockaded woodpecker	<i>Picoides borealis</i>	FE

Common Name	Scientific Name	Status
Reddish egret	<i>Egretta rufescens</i>	ST
Roseate spoonbill	<i>Platalea ajaja</i>	ST
Roseate tern	<i>Sterna dougallii dougallii</i>	FT
Rufa red knot	<i>Calidris canutus rufa</i>	FT
Scott's seaside sparrow	<i>Ammodramus maritimus peninsulae</i>	ST
Snowy plover	<i>Charadrius nivosus</i>	ST
Southeastern American kestrel	<i>Falco sparverius paulus</i>	ST
Tricolored heron	<i>Egretta tricolor</i>	ST
Wakulla seaside sparrow	<i>Ammodramus maritimus juncicola</i>	ST
White-crowned pigeon	<i>Patagioenas leucocephala</i>	ST
Whooping crane	<i>Grus americana</i>	FXN
Worthington's marsh wren	<i>Cistothorus palustris griseus</i>	ST
Wood stork	<i>Mycteria americana</i>	FT

MAMMALS

Common Name	Scientific Name	Status
Anastasia Island beach mouse	<i>Peromyscus polionotus phasma</i>	FE
Big Cypress fox squirrel	<i>Sciurus niger avicennia</i>	ST
Choctawhatchee beach mouse	<i>Peromyscus polionotus allophrys</i>	FE
Everglades mink	<i>Neovison vison evergladensis</i>	ST
Finback whale	<i>Balaenoptera physalus</i>	FE ¹
Florida bonneted bat	<i>Eumops floridanus</i>	FE
Florida panther	<i>Puma [=Felis] concolor coryi</i>	FE
Florida salt marsh vole	<i>Microtus pennsylvanicus dukecampbelli</i>	FE
Gray bat	<i>Myotis grisescens</i>	FE
Gray wolf	<i>Canis lupus</i>	FE ²
Humpback whale	<i>Megaptera novaeangliae</i>	FE ¹
Indiana bat	<i>Myotis sodalis</i>	FE
Key deer	<i>Odocoileus virginianus clavium</i>	FE
Key Largo cotton mouse	<i>Peromyscus gossypinus allapaticola</i>	FE
Key Largo woodrat	<i>Neotoma floridana smalli</i>	FE
Lower Keys rabbit	<i>Sylvilagus palustris hefneri</i>	FE
North Atlantic right whale	<i>Eubalaena glacialis</i>	FE ¹
Perdido Key beach mouse	<i>Peromyscus polionotus trissyllepsis</i>	FE
Red wolf	<i>Canis rufus</i>	FE

Common Name	Scientific Name	Status
Rice rat	<i>Oryzomys palustris natator</i>	FE ³
Sanibel Island rice rat	<i>Oryzomys palustris sanibeli</i>	ST
Sei whale	<i>Balaenoptera borealis</i>	FE ¹
Sherman's short-tailed shrew	<i>Blarina shermani</i>	ST
Southeastern beach mouse	<i>Peromyscus polionotus niveiventris</i>	FT
Sperm whale	<i>Physeter macrocephalus</i>	FE ¹
St. Andrew beach mouse	<i>Peromyscus polionotus peninsularis</i>	FE
West Indian manatee (Florida manatee)	<i>Trichechus manatus</i> (<i>Trichechus manatus latirostris</i>)	FT ¹

INVERTEBRATES

CORALS

Common Name	Scientific Name	Status
Boulder star coral	<i>Orbicella franksi</i>	FT
Elkhorn coral	<i>Acropora palmata</i>	FT
Lobed star coral	<i>Orbicella annularis</i>	FT
Mountainous star coral	<i>Orbicella faveolata</i>	FT
Pillar coral	<i>Dendrogyra cylindricus</i>	FT
Rough cactus coral	<i>Mycetophyllia ferox</i>	FT
Staghorn coral	<i>Acropora cervicornis</i>	FT

CRUSTACEANS

Common Name	Scientific Name	Status
Black Creek crayfish	<i>Procambarus pictus</i>	ST
Panama City crayfish	<i>Procambarus econfinae</i>	SSC
Santa Fe cave crayfish	<i>Procambarus erythrops</i>	ST
Squirrel Chimney Cave shrimp	<i>Palaemonetes cummingi</i>	FT

INSECTS

Common Name	Scientific Name	Status
American burying beetle	<i>Nicrophorus americanus</i>	FE
Bartram's scrub-hairstreak	<i>Strymon acis bartrami</i>	FE
Cassius blue butterfly	<i>Leptotes cassius theonus</i>	FT(S/A)

Common Name	Scientific Name	Status
Ceraunus blue butterfly	<i>Hemiargus ceraunus antibubastus</i>	FT(S/A)
Florida leafwing	<i>Anaea troglodyta floridalis</i>	FE
Miami blue butterfly	<i>Cyclargus thomasi bethunebakeri</i>	FE
Miami tiger beetle	<i>Cicindelidia floridana</i>	FE
Nickerbean blue butterfly	<i>Cyclargus ammon</i>	FT(S/A)
Schaus swallowtail butterfly	<i>Heraclides aristodemus ponceanus</i>	FE

MOLLUSKS

Common Name	Scientific Name	Status
Chipola slabshell (mussel)	<i>Elliptio chipolaensis</i>	FT
Choctaw bean	<i>Villosa choctawensis</i>	FE
Fat threeridge (mussel)	<i>Amblema neislerii</i>	FE
Fuzzy pigtoe	<i>Pleurobema strodeanum</i>	FT
Gulf moccasinshell (mussel)	<i>Medionidus penicillatus</i>	FE
Narrow pigtoe	<i>Fusconaia escambia</i>	FT
Ochlockonee moccasinshell (mussel)	<i>Medionidus simpsonianus</i>	FE
Oval pigtoe (mussel)	<i>Pleurobema pyriforme</i>	FE
Purple bankclimber (mussel)	<i>Elliptoideus sloatianus</i>	FT
Round ebonyshell	<i>Fusconaia rotulata</i>	FE
Shinyrayed pocketbook (mussel)	<i>Lampsilis subangulata</i>	FE
Southern kidneyshell	<i>Ptychobranhus jonesi</i>	FE
Southern sandshell	<i>Hamiota australis</i>	FT
Stock Island tree snail	<i>Orthalicus reses [not incl. nesodryas]</i>	FT
Suwannee moccasinshell	<i>Medionidus walkeri</i>	FT
Tapered pigtoe	<i>Fusconaia burki</i>	FT

KEY TO ABBREVIATIONS AND NOTATIONS

List Abbreviations

FWC	Florida Fish and Wildlife Conservation Commission
FE	Federally-designated Endangered
FT	Federally-designated Threatened
FXN	Federally-designated Threatened Nonessential Experimental Population
FT(S/A)	Federally-designated Threatened species due to similarity of appearance
ST	State-designated Threatened
SSC	State Species of Special Concern

List Notations

- ¹ A species for which the FWC does not have constitutional authority.
- ² Not documented in Florida.
- ³ Lower Keys population only.

LISTING CHANGES SINCE 2010

The Florida black bear was removed from Florida's Endangered and Threatened Species List on August 23, 2012 after approval by the Commission at the June 2012 Commission meeting. A new Florida Black Bear Management Plan was also approved at this meeting.

The Miami blue butterfly was emergency listed as Endangered by the USFWS on August 10, 2011. On April 6, 2012, the Miami blue was officially listed as Endangered by the USFWS. Effective September 19, 2012 the FWC listed the Miami blue butterfly as Federally-designated Endangered on Florida's Endangered and Threatened Species List.

The Cassius blue butterfly, ceraunus blue butterfly, and nickerbean blue butterfly were emergency listed as Threatened Due to Similarity of Appearance to the Miami blue by the USFWS on August 10, 2011. On April 6, 2012, these three species were officially listed as Threatened Due to Similarity of Appearance to the Miami blue by the USFWS. These three species were listed on Florida's Endangered and Threatened Species List as Federally-designated Threatened by Similarity of Appearance to the Miami blue butterfly effective September 19, 2012, and as such only the following prohibitions apply to these three species:

- a. Incidental take, that is, take that results from, but is not a purpose of, carrying out an otherwise lawful activity will not apply to cassius blue butterfly, ceraunus blue butterfly, and nickerbean blue butterfly.
- b. Collection of the cassius blue butterfly, ceraunus blue butterfly, and nickerbean blue butterfly is prohibited in coastal counties south of Interstate 4 and extending to the boundaries of the State of Florida at the endpoints of Interstate 4 at Tampa and Daytona Beach. Specifically, such activities are prohibited in the following counties: Brevard, Broward, Charlotte, Collier, De Soto, Hillsborough, Indian River, Lee, Manatee, Pinellas, Sarasota, St. Lucie, Martin, Miami-Dade, Monroe, Palm Beach, and Volusia

The Okaloosa darter was reclassified by the USFWS effective May 2, 2011 from Endangered to Threatened. A special rule under Section 4d of the Endangered Species Act was also adopted that allows Eglin Air Force Base to continue activities with a reduced regulatory burden and will provide a net benefit to the Okaloosa darter. FWC reclassified the darter from Federally-designated Endangered to Federally-designated Threatened on September 19, 2012.

The Atlantic sturgeon was listed as Endangered by the NMFS on April 6, 2012. FWC reclassified the fish from Species of Special Concern to Federally-designated Endangered on September 19, 2012.

On October 10, 2012, the USFWS listed the round ebonyshell, southern kidneyshell, and Choctaw bean as Endangered. All three mussels were listed as Federally-designated Endangered by the FWC on June 10, 2015.

The USFWS listed the tapered pigtoe, narrow pigtoe, southern sandshell, and fuzzy pigtoe as Threatened on October 12, 2012. All four mussels were listed as Federally-designated Threatened by the FWC on June 10, 2015.

The Florida bonneted bat was listed as Endangered by the USFWS on October 2, 2013 after receiving a petition for emergency listing in January 2010. FWC reclassified this bat species from State-designated Threatened to Federally-designated Endangered on June 10, 2015.

The wood stork was reclassified by the USFWS on June 30, 2014, from Endangered to Threatened. FWC reclassified the wood stork to Federally-designated Threatened on June 10, 2015.

The Florida leafwing and Bartram's scrub-hairstreak butterfly were listed as Endangered by the USFWS on September 11, 2014. Both species were listed by the FWC as Federally-designated Endangered on June 10, 2015.

The pillar coral was listed as Threatened by the USFWS on November 13, 2014. FWC reclassified the coral from State-designated Threatened to Federally-designated Threatened on June 10, 2015.

The rufa red knot was listed as Threatened by USFWS on January 12, 2015, and listed by FWC as Federally-designated Threatened on June 10, 2015.

The Miami tiger beetle was listed as Endangered by the USFWS on November 4, 2016 and listed by FWC as Federally-designated Endangered on or about June 12, 2017.

The Suwannee moccasinshell was listed as Threatened by the USFWS on November 7, 2016 and listed by FWC as Federally-designated Threatened on or about June 12, 2017.

On January 11, 2017, the State listing status changes that were proposed in 2011 as part of the newly implemented imperiled species management system became official after the approval of Florida's Imperiled Species Management Plan by FWC Commissioners.

- 15 species were removed from Florida's Endangered and Threatened Species List: Eastern chipmunk, Florida mouse, brown pelican, limpkin, snowy egret, white ibis, peninsula ribbon snake (Lower Keys population), red rat snake Lower Keys population), striped mud turtle (Lower Keys population), Suwannee cooter, gopher frog, Pine Barrens tree frog, Lake Eustis pupfish, mangrove rivulus, and Florida tree snail.
- 23 species changed from State-designated Species of Special Concern to State-designated Threatened species: Sherman's short-tailed shrew, Sanibel rice rat, little blue heron, tricolored heron, reddish egret, roseate spoonbill, American oystercatcher, black skimmer, Florida burrowing owl, Marian's marsh wren, Worthington's Marsh wren, Scott's seaside sparrow, Wakulla seaside sparrow, Barbour's map turtle, Florida Keys mole skink, Florida pine snake, Georgia blind salamander, Florida bog frog, bluenose shiner, saltmarsh top minnow, Southern tessellated darter, Santa Fe crayfish, and Black Creek crayfish.
- 14 species maintain their State-designated Threatened status: Everglades mink, Big Cypress fox squirrel, Florida sandhill crane, snowy plover, least tern, white-crowned pigeon, Southeastern American kestrel, Florida brown snake (Lower Keys population), Key ringneck snake, short-tailed snake, rim rock crowned snake, Key silverside, blackmouth shiner, and crystal darter. Six species remain listed as State-designated

Species of Special Concern: (list species): Homosassa shrew, Sherman's fox squirrel, osprey (Monroe County population), alligator snapping turtle, Panama City crayfish, and harlequin darter.

On December 23, 2018, the State listing status changes that were proposed in 2011 as part of the newly implemented imperiled species management system became official after the approval of Florida's Imperiled Species Management Plan by FWC Commissioners.

- Four species were removed from Florida's Endangered and Threatened Species List as State Species of Special Concern: Harlequin darter, Osprey (Monroe County population), Homosassa shrew, and Sherman's fox squirrel.
- The Alligator snapping turtle was taxonomically reclassified into three subspecies. The Suwannee alligator snapping turtle was listed as a State-designated Threatened species.
- Two species were listed as Federally-designated Threatened species: Giant manta ray and Nassau grouper.
- Four species had changes in their scientific names: Short tailed snake, Bluetail mole skink, Florida Keys mole skink, and Sand skink.

Endangered Species Act listing of four South Florida plants

October 5, 2017

What action is the U.S. Fish and Wildlife Service taking?

The Service is publishing a final rule to list four south Florida plants under the Endangered Species Act (ESA). The Everglades bully, Florida pineland crabgrass, and pineland sandmat are listed as threatened and the Florida prairie-clover is listed as endangered.

Why is the Service

proposing these actions?

The Service has determined that each of these plants is currently at risk throughout all of their range, primarily because of habitat loss and modification, and because the populations are small, isolated, and have limited to no potential for recolonization. Sea level rise also is a concern. Impacts from various threats are ongoing and increasing, and place the four plants in danger of extinction now, or in the foreseeable future. The Florida prairie-clover is being listed as endangered because it is presently in danger of extinction. The Everglades bully, Florida pineland crabgrass, and pineland sandmat are being listed as threatened because they are likely to become endangered within the foreseeable future.

What are the

characteristics of these plants?

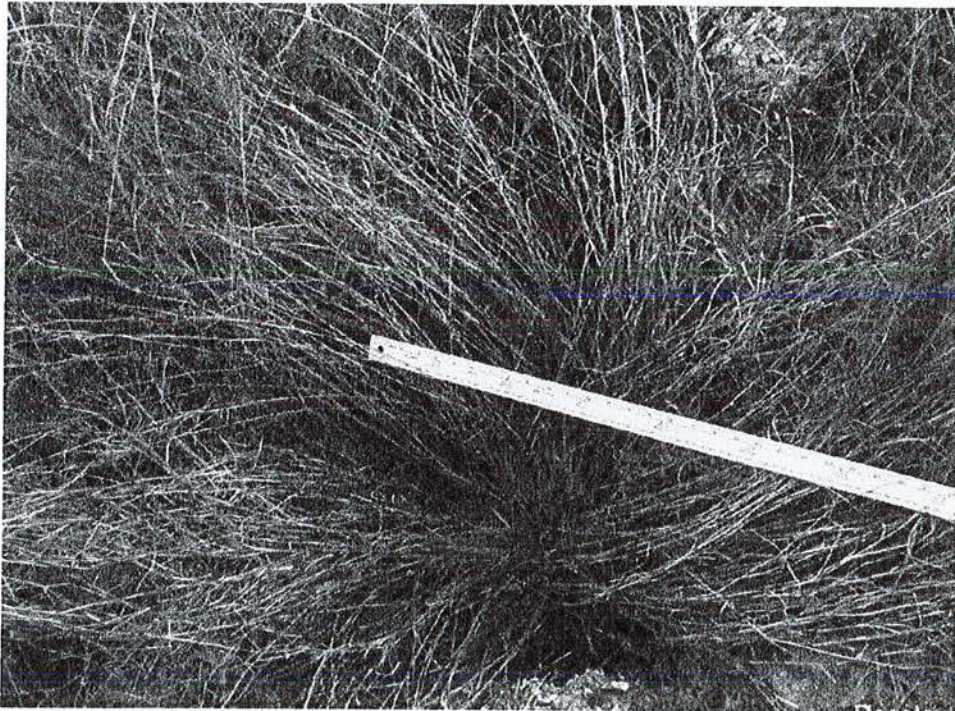
Everglades bully is a perennial single or many-stemmed shrub that grows to about three to six feet tall, with white flowers. It is found in pine rocklands, marl prairies, and within the ecotone between both habitats. The current range of this species consists of 10 populations in Miami-Dade County, including Everglades National Park (ENP), and an additional small population within Lostman's Pines region of Big Cypress National Preserve (BCNP) in Monroe County (mainland only).



Everglades bully. Photo by Fairchild Tropical Botanic Garden.

Florida pineland crabgrass is a small perennial clumping grass, blue-green to gray in color with hairy, reddish-brown stems. The plant's flowers are dull green and very small. It is found in pine rocklands, marl prairies, and within the ecotone between both habitats. Florida

pineland crabgrass lives only within the Long Pine Key region of ENP (Miami-Dade County) and the Lostman's Pines region of BCNP (mainland Monroe County). The species had disappeared from historic Miami-Dade County locations adjacent to ENP, due largely to habitat loss.



Pineland sandmat. Photo by Fairchild Tropical Botanic Garden.

Pineland sandmat is a small perennial herb, with greenish oval-shaped leaves and reddish stems. The extensive root system

of pine sandmat indicates that it is a long-lived plant. The species will flower and fruit year-round, with peaks in the fall, as well as after stimulation after fire. This species can be found in pine rocklands, marl prairies, and within the ecotone between both habitats in Miami-Dade County. The current range of this species consists of 20 populations in Miami-Dade County, including ENP. One historical population in Miami-Dade County (Larry and Penny Thompson Park) has disappeared due largely to habitat loss.

Florida prairie-clover is a perennial shrub that grows to about three to six feet tall, with a light brown woody stem and non-woody, light brown or reddish branches. Its flowers are whitish, but turn maroon with age. Fruit is produced small, hairy, one-seeded pods. This species can be found in pine rocklands, rockland hammocks, marl prairies, adjacent roadsides and within the ecotone between these habitats. Florida prairie-clover is found within BCNP

(mainland Monroe County), as well as seven locations in Miami-Dade County (including one reintroduction site, Virginia Key). Florida prairie-clover has disappeared from four historical locations within Miami-Dade County, including ENP. In addition, the subspecies has disappeared from at least one location in Palm Beach.



Florida prairie-clover. Photo by Fairchild Tropical Botanic Garden.

What criteria did the Service use to determine if these plants should be listed as endangered or threatened?

Under the ESA, the Service can determine that a species is endangered or threatened based on any of five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) Overutilization for commercial, recreational, scientific, or educational purposes; (C) Disease or predation; (D) The inadequacy of existing regulatory mechanisms; or (E) Other natural or manmade factors affecting its continued existence.

We have determined that the threats to these four plants consists primarily of habitat loss and modification through urban and agricultural development, and

lack of adequate fire management (Factor A); proliferation of nonnative invasive plants, random events, such as hurricanes and storm surges, maintenance practices used on roadsides and disturbed sites, and sea level rise (Factor E); and the inadequacy of existing regulations to reduce these threats (Factor D).

What does listing these plants under the ESA mean for them?

Listed plants are not protected from take, although it is illegal to collect or maliciously harm them on federal land, or any lands during the commission of a crime, including trespassing. The plants also are protected from commercial trade. In addition, states may have their own laws restricting activities involving listed plants.

ARE SOME PLANT POPULATIONS ON PRIVATE LAND? IF SO, WHAT DOES THE LISTING OF THESE FOUR PLANTS MEAN FOR A PRIVATE LANDOWNER?

Yes, some of the plants are on private land. Unless the private property owner modifies his property in some way that requires a federal permit or federal funding, there is no impact to the landowner under federal law. However, any local and/or state laws that apply to this plant species would apply.

How does the fact that one of these species is found within the

Richmond Pine Rockland area of Miami affect the Coral Reef Commons and Miami Wild construction projects?

It is not prohibited by the ESA to destroy, damage or move protected plants unless such activities involve an endangered/threatened species on federal land or if the action occurs in violation of state laws. If a person wishes to develop private land, with no federal jurisdiction involved, in accordance with state law, then the potential destruction, damage, or movement of endangered or threatened plants does not violate the ESA. At present, only Everglades bully is known to occur within the Richmond Pine Rocklands, while Florida pineland crabgrass was known to occur there historically.

Is the Service planning to designate critical habitat for these four plants?

The Service will likely publish a proposed rule designating critical habitat for these plants in the future.

What is the Multi-District Litigation (MDL) workplan?

In 2011, in an effort to improve implementation of the ESA, the Service submitted to the U.S. District Court for the District of Columbia, a multi-year listing work plan that will enable the agency to systematically, over a period of six years, review and address the needs of more than 250 species listed in the 2010 Candidate Notice of Review, to determine if they

should be added to the federal list of endangered and threatened species. These listings are part of that workplan.

Tags

Endangered Species Act

Everglades Bully Florida

Florida Pineland Crabgrass

Florida Prairie-Clover

Pineland Sandmat

Vero Beach Ecological Services Field Office

Related content

October 5, 2017 | 3

[U.S. Fish and Wildlife Service to list four South Florida plants as threatened or endangered](#)

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[First captive-bred Florida grasshopper sparrow chicks hatched](#)



From: ~~XXXXXXXXXX~~
 Subject: List of endangered plant species found in Broward County
 Date: February 6, 2020 at 4:00 PM
 To: Ronald Coles rrclegal@yahoo.com
 Cc: ~~XXXXXXXXXX~~

Scientific Name	Common Name	Family
<i>Adiantum tenerum</i>	BRITTLE MAIDENHAIR	PTERIDACEAE
<i>Aristolochia pentandra</i>	MARSH'S DUTCHMAN'S-PIPE	ARISTOLOCHIACEAE
<i>Asclepias curtissii</i>	CURTISS' MILKWEED	APOCYNACEAE
<i>Asplenium dentatum</i>	TOOTHED SPLEENWORT; SLENDER SPLEENWORT	ASPLENIACEAE
<i>Asplenium serratum</i>	WILD BIRDNEST FERN; BIRD'S-NEST SPLEENWORT	ASPLENIACEAE
<i>Catopsis floribunda</i>	FLORIDA STRAP AIRPLANT; MANY-FLOWERED AIRPLANT	BROMELIACEAE
<i>Ctenitis sloanei</i>	FLORIDA TREE FERN; RED-HAIR COMB FERN	DRYOPTERIDACEAE
<i>Ctenitis submarginalis</i>	BROWN-HAIR COMB FERN	DRYOPTERIDACEAE
<i>Cyperus pedunculatus</i>	BEACHSTAR	CYPERACEAE
<i>Eltroplectris calcarata</i>	LONGCLAW ORCHID; SPURRED NEOTTIA	ORCHIDACEAE
<i>Epidendrum anceps</i>	DINGY-FLOWERED STAR ORCHID; DINGY-FLOWERED EPIDENDRUM	ORCHIDACEAE
<i>Epidendrum nocturnum</i>	NIGHT-SCENTED ORCHID; NIGHT-SCENTED EPIDENDRUM	ORCHIDACEAE
<i>Epidendrum rigidum</i>	STIFF-FLOWER STAR ORCHID; RIGID EPIDENDRUM	ORCHIDACEAE
<i>Euphorbia cumulicola</i>	COASTAL DUNE SANDMAT; SAND DUNE SPURGE	EUPHORBIACEAE
<i>Glandularia maritima</i>	COASTAL MOCK VERVAIN	VERBENACEAE
<i>Heliotropium gnaphalodes</i>	SEA ROSEMARY; SEA LAVENDER	BORAGINACEAE
<i>Jacquemontia pentanthos</i>	SKYBLUE CLUSTERVINE	CONVOLVULACEAE
<i>Jacquemontia reclinata</i>	BEACH CLUSTERVINE; BEACH JACQUEMONTIA	CONVOLVULACEAE
<i>Lantana depressa</i> var. <i>floridana</i>		VERBENACEAE
<i>Lechea divaricata</i>	DRYSAND PINWEED; SPREADING PINWEED	CISTACEAE
<i>Lippia stoechadifolia</i>	SOUTHERN FOGFRUIT; SOUTHERN MATCHSTICKS	VERBENACEAE
<i>Nemastylis floridana</i>	CELESTIAL LILY; FALLFLOWERING IXIA; HAPPYHOUR FLOWER	IRIDACEAE
<i>Okenia hypogaea</i>	BURROWING FOUR-O'CLOCK; BEACH PEANUT	NYCTAGINACEAE
<i>Ophioglossum palmatum</i>	HAND FERN	OPHIOGLOSSACEAE
<i>Passiflora pallens</i>	PINELAND PASSIONFLOWER; PINELAND PASSIONVINE	PASSIFLORACEAE
<i>Pecluma ptilota</i> var. <i>bourgeauana</i>	COMB POLYPODY; SWAMP PLUME POLYPODY; PALMLEAF ROCKCAP FERN	POLYPODIACEAE
<i>Peperomia obtusifolia</i>	FLORIDA PEPEROMIA; BABY RUBBERPLANT	PIPERACEAE
<i>Pleopeltis astrolepis</i>	STAR-SCALE POLYPODY; STAR-SCALED FERN	POLYPODIACEAE
<i>Polygala smallii</i>	SMALL'S MILKWORT; TINY POLYGALA	POLYGALACEAE
<i>Polystachya concreta</i>	GREATER YELLOWSPIKE ORCHID; PALE-FLOWERED POLYSTACHYA	ORCHIDACEAE
<i>Spiranthes torta</i>	SOUTHERN LADIESTRESSES	ORCHIDACEAE
<i>Tephrosia angustissima</i> var. <i>curtissii</i>	CURTISS' HOARYPEA	FABACEAE
<i>Thelypteris reptans</i>	CREEPING STAR-HAIR FERN	THELYPTERIDACEAE
<i>Thelypteris reticulata</i>	LATTICE-VEIN FERN	THELYPTERIDACEAE

<i>Tillandsia fasciculata</i>	CARDINAL AIRPLANT; COMMON WILD PINE; STIFF-LEAVED WILD PINE	BROMELIACEAE
<i>Tillandsia utriculata</i>	GIANT AIRPLANT; GIANT WILD PINE	BROMELIACEAE
<i>Trichostigma octandrum</i>	HOOPVINE	PHYTOLACCACEAE
<i>Zanthoxylum spinosum</i>	BISCAYNE PRICKLYASH; LEATHERY PRICKLYASH	RUTACEAE

Buy and Apply

Resolve a Wildlife Conflict

Engaging in Conservation

Things To Do

Places To Go



Florida Fish and Wildlife Conservation Commission

Site Search

Burrowing Owl

Athene cunicularia

Species Status

Native

Imperiled

[View All Species](#)

Listing Status

- **Federal Status:** Not Listed
- **FL Status:** State-designated Threatened
- **FNAI Ranks:** G4T3/S3 (Globally: Apparently Secure, Sub sp. Rare/ State: Rare)
- **IUCN Status:** LC (Least Concern)

Appearance:



The burrowing owl is one of the smallest owls in Florida. It can reach a length of nine inches (22.9 centimeters) with a wingspan of 21 inches (53.3 centimeters). Burrowing owls have brown dorsal (back) feathers with patches of white spots, and a white underside with brown bar-shaped spots. The body color pattern helps them blend in with the vegetation in their habitat and avoid predation (Millsap 1996). They also have large yellow eyes and a white chin.

The burrowing owl is a pint-sized bird that lives in open, treeless areas. The burrowing owl spends most of its time on the ground, where its sandy brown plumage provides camouflage from potential predators. One of Florida's smallest owls, it averages nine inches in height with a wingspan of 21 inches. The burrowing owl lacks the ear tufts of the more familiar woodland owls. Bright yellow eyes and a white chin accent the face. Unusually long legs provide additional height for a better view from its typical ground-level perch.

Behavior

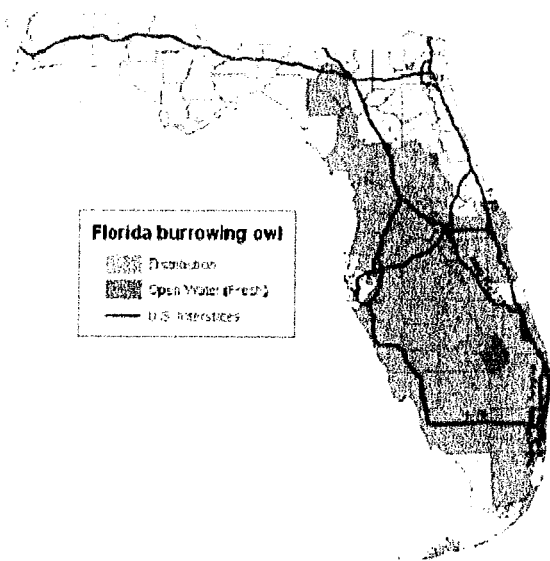
The diet of the burrowing owl primarily consists of insects; however, they will also feed on snakes, frogs, small lizards, birds, and rodents.

The typical breeding season for the Florida burrowing owl is February 15 to July 10, though owls can breed earlier or later. Nesting occurs in burrows in the ground that they dig. These burrows will be maintained and used again the following year (Haug et al. 1993). Females lay up to eight eggs within a one-week period, and they will incubate the eggs for up to 28 days. Once the white-feathered juveniles are born, it takes two weeks before they are ready and able to appear out of the burrow. Juveniles will begin learning how to fly at four weeks, but will not be able to fly well until they are six weeks old. Juveniles will stay with the parents until they are able to self-sustain at 12 weeks old.

Burrowing owls are different than other owls as they are active during the day time (diurnal) rather than at night (nocturnal) during breeding season. During the non-breeding season, they become more nocturnal.

Habitat

Burrowing owls inhabit open prairies in Florida that have very little understory (floor) vegetation. These areas include golf courses, airports, pastures, agriculture fields, and vacant lots. The drainage of wetlands, although detrimental to many organisms, increases the areas of habitat for the burrowing owl. The range of the burrowing owl is throughout the peninsula of Florida in patches and localized areas. Burrowing owls can also be found in the Bahamas (Florida Natural Areas Inventory 2001).



Threats

The burrowing owl faces many threats to its population. The main threat is the continued loss of habitat. Threats to habitat include construction activities development and harassment by humans and domesticated animals. Heavy floods can destroy burrows in the ground, which can cause the destruction of eggs and young. Other threats include increased predation by ground and aerial predators in the burrowing owl's habitat, and vehicle strikes.

Conservation and Management

The Florida burrowing owl is classified as State Threatened by the Florida Fish and Wildlife Conservation Commission. This means that taking, possessing, or selling burrowing owls, their nests (i.e., burrows), or eggs is prohibited without a permit (68A-27 F.A.C.). Burrowing owls, eggs, and young are also protected by the federal Migratory Bird Treaty Act.

[Biological Status Review \(BSR\)](#)

[Supplemental Information for the BSR](#)

[Species Action Plan for the Florida Burrowing Owl](#)

[Burrowing Owl Species Conservation Measures and Permitting Guidelines](#)

Learn more about how you can [live with and conserve burrowing owls](#).

Other Informative Links

[FWC - Florida's Breeding Bird Atlas](#)

[The Cornell Lab of Ornithology](#)

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Pursuant to section 100.74, Florida Statutes, the Fish and Wildlife Conservation Commission has published the 2019 Agency Regulatory Plan

Burrowing owl

Athene cunicularia



(Photo by FWC)

Taxonomic Classification

Kingdom: Animalia

Phylum: Chordata

Class: Aves

Order: Strigiformes

Family: Strigidae

Genus/Species: *Athene cunicularia*

Common Name: Burrowing owl

Listing Status

Federal Status: Not Listed

FL Status: State Species of Special Concern

FNAI Ranks: G4T3/S3 (Globally: Apparently Secure, Sub sp. Rare/State: Rare)

IUCN Status: LC (Least Concern)

Physical Description

The burrowing owl is one of the smallest owls in Florida. It can reach a length of nine inches (22.9 centimeters) with a wingspan of 21 inches (53.3 centimeters). Burrowing owls have brown dorsal (back) feathers with patches of white spots, and a white underside with brown bar-shaped

spots. The body color pattern helps them blend in with the vegetation in their habitat and avoid predation (Millsap 1996). They also have large yellow eyes and a white chin.

Life History

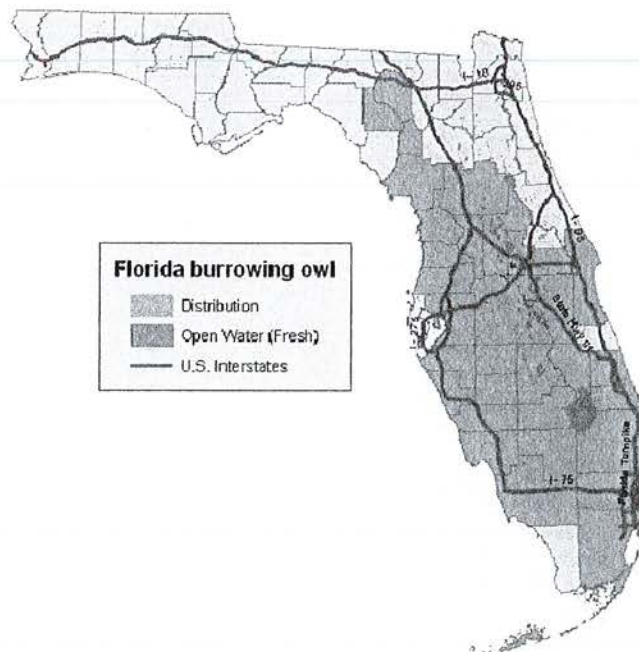
The diet of the burrowing owl primarily consists of insects; however, they will also feed on snakes, frogs, small lizards, birds, and rodents. .

Nesting season occurs between October and May, with March being the primary time for laying eggs. Nesting occurs in burrows in the ground that they dig. These burrows will be maintained and used again the following year (Haug et al. 1993). Females lay up to eight eggs within a one-week period, and they will incubate the eggs for up to 28 days. Once the white-feathered juveniles are born, it takes two weeks before they are ready and able to appear out of the burrow. Juveniles will begin learning how to fly at four weeks, but will not be able to fly well until they are six weeks old. Juveniles will stay with the parents until they are able to self-sustain at 12 weeks old.

Burrowing owls are different than other owls as they are active during the day time (diurnal) rather than at night (nocturnal) during breeding season. During the non-breeding season, they become more nocturnal.

Habitat & Distribution

Burrowing owls inhabit open prairies in Florida that have very little understory (floor) vegetation. These areas include golf courses, airports, pastures, agriculture fields, and vacant lots. The drainage of wetlands, although detrimental to many organisms, increases the areas of habitat for the burrowing owl. The range of the burrowing owl is throughout the peninsular of Florida in patches and localized areas. Burrowing owls can also be found in the Bahamas (Florida Natural Areas Inventory 2001).



Threats

The burrowing owl faces many threats to its population. The main threat is the continued loss of habitat. Threats to habitat include construction activities development and harassment by humans and domesticated animals. Heavy floods can destroy burrows in the ground, which can cause the destruction of eggs and young. Other threats include increased predation by ground and aerial predators in the burrowing owl's habitat, and vehicle strikes.

Conservation & Management

The burrowing owl is protected by the U.S. Migratory Bird Treaty Act and as a State Species of Special Concern by Florida's Endangered and Threatened Species Rule.

-Biological Status Review (BSR)

-Supplemental Information for the BSR

Other Informative Links

Birds of North America

Encyclopedia of Life

Florida Natural Areas Inventory

FWC Species Profile

FWC - Florida's Breeding Bird Atlas

International Union for Conservation of Nature

The Cornell Lab of Ornithology

References

Florida Natural Areas Inventory. 2001. Field guide to the rare animals of Florida.
http://www.fnai.org/FieldGuide/pdf/Athene_cunicularia_floridana.PDF

Haug, E. A., B. A. Millsap and M. S. Martell. 1993. Burrowing Owl (*Athene cunicularia*), The Birds of North America Online (A. Poole, Ed.). Ithaca: Cornell Lab of Ornithology; Retrieved from the Birds of North America Online:
<http://bna.birds.cornell.edu/bna/species/061>

Millsap, B.A.,. 1996. Florida Burrowing Owl. Pages 579-587 in J.A. Rodgers, Jr., H.W. Kale II, and H.T. Smith (Eds.). Rare and endangered biota of Florida, Vol. V: Birds. University Press of Florida, Gainesville, FL.



FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION



Florida Forever

[Home](#) » [Divisions](#) » [Division of State Lands](#) » [Office of Environmental Services](#) » Florida Forever

Florida Forever is Florida's premier conservation and recreation lands acquisition program, a blueprint for conserving natural resources and renewing Florida's commitment to conserve the state's natural and cultural heritage.

Florida Forever replaces Preservation 2000 (P2000), the largest public land acquisition program of its kind in the United States. With approximately **10 million acres** managed for conservation in Florida, more than 2.5 million acres were purchased under the Florida Forever and P2000 programs.

Since the inception of the Florida Forever program in July 2001, the state has purchased more than 814,063 acres of land with a little over \$3.1 billion (as of 11/30/2019).

Through Florida Forever, the state has protected:

- 652,000 acres of strategic habitat conservation areas
- 628,670 acres of rare species habitat conservation areas, including 1,149 sites that are habitats for 536 different rare species, 210 of which are federal- or state-listed as endangered, and 111 federal- or state-listed threatened
- 784,000 acres of ecological greenways



- 134,840 acres of under-represented natural communities
- 570,870 acres landscape-size protection areas
- 457,160 acres of natural floodplains
- 796,060 acres important to significant water bodies
- 462,020 acres minimize damage from flooding
- 9,650 acres of fragile coastline
- 320,880 acres of functional wetlands
- 770,530 acres of significant groundwater recharge areas
- 460 miles of priority recreational trails
- 412,250 acres of sustainable forest land
- 1,115 archaeological/historic sites
- 12,140 acres in urban service areas

*Note: These acreages were derived from the most recently updated **Florida Forever data layers**, which are continuously amended to reflect the most current scientific analysis of Florida's natural resources. Additionally, the acreages recorded for each measure often overlap, and thus should not be added together. Acquisition of natural resources is generally increasing each year; however, protected acreage for some*

natural resources may show a decline from the previous year for various reasons, including updates to natural resource GIS layers and priorities, updates to conservation land boundaries, new information about acquisition dates and purchasing programs, and changes in the protected status of lands, i.e., lands no longer managed for conservation purposes.

Florida Forever Funding Distribution

When Florida Forever funding is appropriated by the Legislature, it is distributed by the Florida Department of Environmental Protection to a number of state agencies and programs to purchase public lands in the form of parks, trails, forests, wildlife management areas and more. All of these lands are held in trust for the residents of Florida.

Pursuant to 259.105(3) F.S. the breakdown to agencies is:

1. Division of State Lands - 35%
2. Stan Mayfield Working Waterfront - 2.5%
3. Florida Communities Trust - 21%
4. Division of Recreation and Parks - 1.5%
5. Office of Greenways and Trails - 1.5%
6. Florida Recreation Development Assistance Program (FRDAP) - 2%
7. Florida Fish and Wildlife Conservation Commission - 1.5%
8. Florida Forest Service, DACS - 1.5%
9. Rural & Family Lands, DACS - 3.5%
10. Water Management Districts - 30%

This percentage distribution has not been used since FY 2010-11. The Legislature did not appropriate funds in FY 2011-12, FY 2013-14, or FY 2017-18. The other FY appropriations were funded by the Legislature with specific proviso language and not the percentage distribution.

For answers to other Frequently Asked Questions (FAQ) about topic, please [click here](#).

Most Recent Information and Reports

Additional Florida Forever information listed below is available for download from the DEP FTP site.

What is an FTP site?

FTP stands for File Transfer Protocol, and an FTP site is a server on the internet that uses this protocol. Users access this in the form of a website that stores files for downloading and uploading.

How do I use the FTP site to access the content from the Division of State Lands?

You follow the links provided below. The links will go to the correct location on the FTP site, so you will be able to identify which file you need from the file name. Click on the file and either select "Open" or "Save" it to a location on your computer.

If I have more questions, whom should I contact?

Please contact the Division of State Lands at 850-245-2555. You will need to be able to tell the receptionist which internet page you are using to download the file, so your call can be directed to the correct area. For example: You are currently on the "Florida Forever" internet page.

Florida Forever Annual Report*

**Please note: This is a large file and may take additional time to download.*

Florida Forever Priority Lists

as approved by Board of Trustees of the Internal Improvement Trust Fund (BOT).

as recommended by Acquisition and Restoration Council (ARC).

Florida Forever Financial Status Reports

Monthly Summary Report

Monthly Complete Report

Application for Boundary Modification of Existing Florida Forever Project

Application for New Florida Forever Project

Last Modified: January 14, 2020 - 11:02am

City of Tamarac (FL) Parks & Bikepath Map



Legend

Details

Cityparks

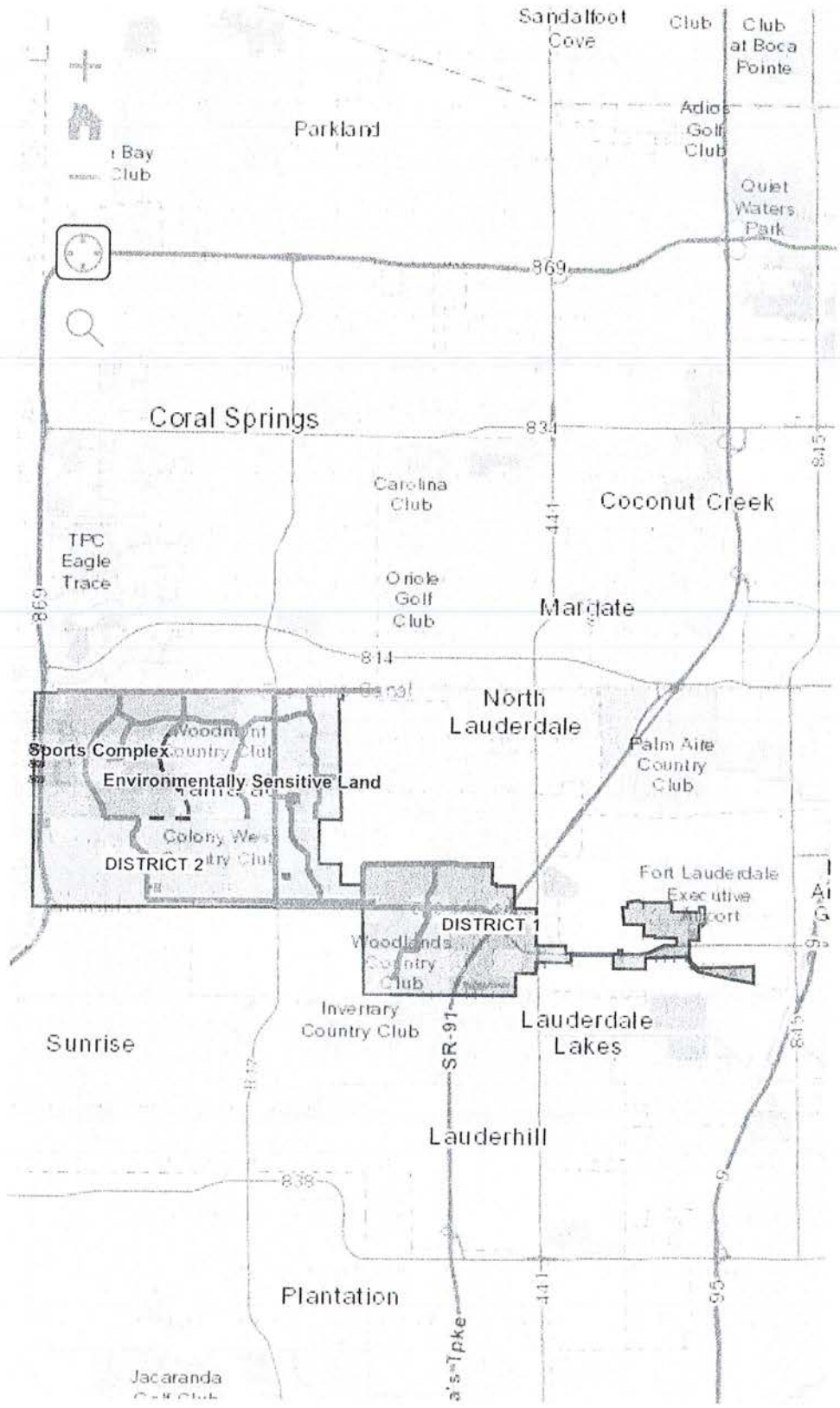
Open

In Planning Stage

Bikelane

Existing

Proposed



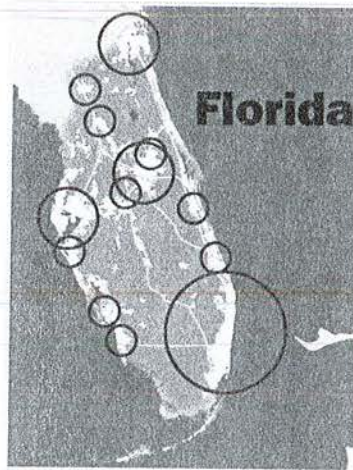
America 2050



Search

Florida

The Florida Megaregion is one of the fastest growing in the nation and possesses a wealth of diversity, with six of every 10 new residents in the last decade coming from foreign countries. It is both dense and populous, with the major international city of Miami acting as a gateway to Latin America. Regional strategies to protect the Everglades have preserved the natural heritage of the state.



Principal Cities: Miami, Orlando, Tampa, Jacksonville
Population 2010: 17,272,595
Percent of U.S. Population: 6%
Population 2025: 21,449,652
Population 2050: 31,122,998
Projected Growth (2010 - 2050): 80.2% (13,850,403)
2005 GDP: \$608,082,000,000
Percent of US GDP: 5%

Recent Entries

Rebuilding and Renewing America: Summary of Megaregion Forums

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Since 2007, America 2050 has held megaregion forums in seven of America's eleven megaregions nation-wide. There forums were held as part of a "Rebuilding and Renewing America" campaign, which aimed to build support for the infrastructure investments we need to guide America toward a sustainable and prosperous future. The forums aimed to achieve three goals:

- Build support around the country for an ambitious national infrastructure plan in the areas of transportation, energy, and water.
- Identify and prioritize the key infrastructure priorities in the megaregions, which can act as building blocks to a national plan.

Infrastructure

Megaregions

Arizona

Sun Corridor

Cascadia

Florida

Front Range

Great Lakes

Gulf Coast

Northeast

Northern California

Piedmont Atlantic

Southern California

Texas Triangle

International

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America 2050 is a project of



Regional Plan Association

America 2050 is a coalition partner of

Transportation For America



Tweets by @America2050

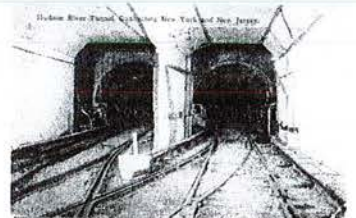
America 2050 Retweeted



NY Transit Museum
@NYTransitMuseum

Replying to @MALbino154

This hand-painted photo shows the Hudson River Tunnel, the first tunnel connecting the states, built 1909 @MALbino154



Sep 17, 2014



America 2050
@America2050

Highways Need a Higher Gas Tax, writes @nytimes editorial board nyti.ms/1rf8C5a

Embed

View on Twitter

- Create megaregion coalitions to support these megaregion priorities and begin coordinating with each other.

Each megaregion prioritized slightly different issues and has followed up on the forum in varying degrees. To read about the megaregion forums and next steps, download the summary below. Also available is a PowerPoint presentation given by Petra Todorovich at the America 2050 national meeting, which also outlines common principles on federal policy that were emphasized in each of the megaregions.

[Download the Summary of Megaregion Forums.](#)

[Download a PowerPoint about the Forums.](#)

The 2009 Super Regional Leadership Conference, ChampionsGate, FL

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The Tampa Bay Partnership and Central Florida Partnership are hosting the state's first "Super Regional Leadership Conference." Join RPA President Bob Yaro on Thursday, May 7, as he addresses the conference as lunchtime keynote, speaking about America 2050.

While Tampa Bay and Central Florida have several great examples of working together to create opportunity, manage growth and plan for the future, it is time for the entire region to come together and unite to build upon these successes, energize its leaders, and work together for the future of our region and our state. The Florida megaregion stretches from Tampa Bay to Orlando to Miami and is made up of 15 million people with a collective economic output of \$608 billion. With leaders and residents ready to come together, this is the place and the time to affect change.

Please click the conference logo for more information.

I-95 Corridor Coalition Outlines its Vision for 2040

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In a recently released report, the I-95 Corridor Coalition outlines a transportation vision for the eastern seaboard that would invest in a multimodal transportation system, reduce the carbon footprint of the region, and enhance the region's economic vitality and global competitiveness. To accomplish this vision, the

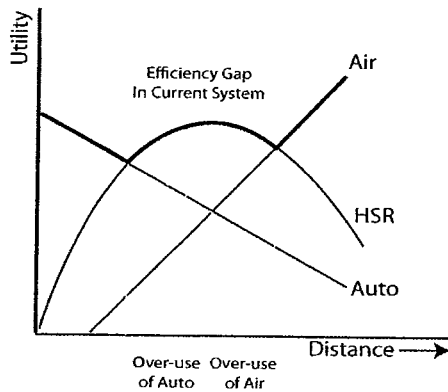
coalition calls for significant changes to the political, institutional, and financial arrangements that control transportation planning and funding. For these goals to be realized it would require doubling fuel efficiency, tripling the transit ridership in the region, and increasing the intercity rail ridership by eight fold. For an overview of the recommendations from the I-95 Coalition download the executive summary of the report here.

Filling the Transportation Efficiency Gap: High-Speed Rail

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The notion of an efficiency gap in the current transportation networks is explored in a Master's thesis by Columbia University graduate student and America 2050 research intern, Yoav Hagler. At short distances, the most efficient mode of intra-megaregion travel is auto, and at long distances, the most efficient mode is air. However there exists an intermediate distance at



which the most efficient mode based on these four criteria is high-speed rail. The efficiency gap, which peaks between 200-400 miles can aid future studies in regards to preferred route selection, station, location, and the location of megaregional transportation hubs.

The Master's thesis titled "Back on Track: An Examination of Current Transportation Networks and Potential High-Speed Rail Systems in Three U.S. Megaregions is available for download here. The study analyzed the current transportation networks and proposed high-speed rail networks in the Northeast, Midwest, and the Florida megaregions. This research analyzed, from the consumer prospective the total reach, cost, reliability, and convenience of four modes (Air, Auto, Rail and High-Speed Rail) for travel within these megaregions.

A Comprehensive Economic Development Strategy for South Florida

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In May of this year, the South Florida Regional Planning Council released a draft report on revitalizing the economy and overall health of the South Florida region. The analysis, conducted for the Economic Development Administration, studied



demographic challenges and opportunities, business and workforce development, infrastructure needs, and environmental concerns. In addition to acknowledging the diverse population as an asset for the region's economy, the report recommends investments in local, state and regional infrastructure, improving public services and ensuring quality jobs to offset current

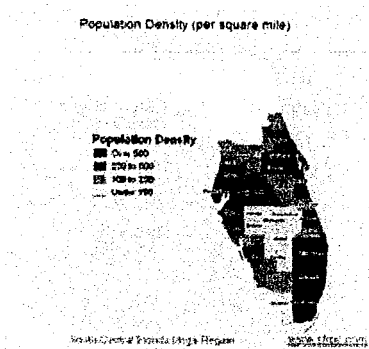
challenges.

Read the Council's draft report.

South Central Florida Megaregion Analysis

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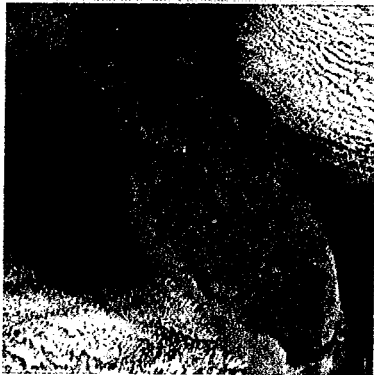
This PowerPoint presentation includes an analysis of the South Central Florida Megaregion by the South Florida Regional Planning Council in September 2006.

[Download the Presentation](#)

"Orlampa" -- Middle of Somewhere

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The *Orlando Sentinel* published a special report today on the rapid rate of development along the I-4 corridor between Orlando and Tampa. The article positions the development in this corridor as part of the emergence of the Florida megaregion. It includes an online multimedia component featuring interviews with a long-time resident and local farmer, newcomers to the area, and America 2050 project director, Petra Todorovich.

[Read the article.](#)

[Archives](#)

FLORIDA DEPARTMENT OF TRANSPORTATION
2010 - 2050 POPULATION PROJECTIONS
By County by District

County/ District	U.S. Census Counts April 1, 2000	2010 - 2050 Population Projections (in thousands)				
		2010	2020	April 1, 2030	2040	2050
Charlotte	141,627	172.5	205.5	232.5	260.0	290.0
Collier	251,377	387.0	512.5	619.0	691.5	772.5
De Soto	32,209	36.0	43.5	48.5	54.0	60.5
Glades	10,576	11.5	12.5	13.5	15.5	17.0
Hardee	26,938	29.0	31.5	34.0	38.0	42.5
Hendry	36,210	43.0	50.0	56.0	62.5	70.0
Highlands	87,366	101.5	116.0	127.5	142.5	159.0
Lee	440,888	648.5	828.5	979.0	1,093.5	1,221.5
Manatee	264,002	344.0	413.5	471.0	526.0	587.5
Okeechobee	35,910	39.5	43.0	45.5	51.0	57.0
Polk	483,924	599.0	699.0	779.0	870.5	972.0
Sarasota	325,961	407.0	476.5	532.0	594.0	663.5
District 1 Total	2,136,988	2,819	3,432	3,938	4,399	4,913
Alachua	217,955	261.0	295.0	321.0	358.5	400.5
Baker	22,259	26.0	29.0	31.5	35.0	39.5
Bradford	26,088	29.5	32.5	35.0	39.0	43.5
Clay	140,814	198.0	248.5	290.5	324.5	362.5
Columbia	56,513	68.5	79.0	87.5	98.0	109.5
Dixie	13,827	17.0	20.0	22.0	25.0	27.5
Duval	778,879	940.0	1,077.5	1,191.5	1,331.0	1,486.5
Gilchrist	14,437	18.5	22.5	26.5	29.5	33.0
Hamilton	13,327	15.0	16.0	16.5	18.5	21.0
Lafayette	7,022	8.5	9.5	10.0	11.0	12.5
Levy	34,450	42.5	50.5	57.0	63.5	71.0
Madison	18,733	20.5	22.0	23.5	26.5	29.5
Nassau	57,663	75.0	91.0	105.0	117.0	130.5
Putnam	70,423	77.0	83.0	87.5	98.0	109.5
St. Johns	123,135	191.0	252.0	303.5	339.0	379.0
Suwannee	34,844	42.0	49.5	55.5	62.0	69.0
Taylor	19,256	23.0	25.0	26.5	29.5	33.0
Union	13,442	16.5	18.0	19.0	21.0	23.5
District 2 Total	1,663,067	2,069.5	2,420.5	2,709.5	3,026.5	3,381.0

FLORIDA DEPARTMENT OF TRANSPORTATION
2010 - 2050 POPULATION PROJECTIONS
By County by District

County/ District	U.S. Census Counts April 1, 2000	2010 - 2050 Population Projections (in thousands)				
		2010	2020	April 1, 2030	2040	2050
Bay	148,217	175.5	199.5	219.5	245.0	273.5
Calhoun	13,017	15.0	16.5	17.5	20.0	22.0
Escambia	294,410	321.0	352.5	378.5	422.5	472.0
Franklin	11,057	13.0	14.0	15.5	17.0	19.0
Gadsden	45,087	50.0	53.5	56.5	63.0	70.5
Gulf	13,332	17.5	19.0	20.0	22.5	25.0
Holmes	18,564	20.0	21.5	22.5	25.0	28.0
Jackson	46,755	53.0	57.0	60.5	67.5	75.0
Jefferson	12,902	15.0	16.0	17.5	19.5	21.5
Leon	239,452	296.5	342.0	378.0	422.5	471.5
Liberty	7,021	8.0	8.5	9.0	10.5	11.5
Okaloosa	170,498	207.5	240.5	266.5	297.5	332.5
Santa Rosa	117,743	158.5	195.0	226.5	253.0	282.5
Wakulla	22,863	33.5	41.0	48.0	53.5	60.0
Walton	40,601	65.5	87.5	106.0	118.0	132.0
Washington	20,973	26.5	30.0	33.0	36.5	41.0
District 3 Total	1,222,492	1,476.0	1,694.0	1,875.0	2,093.5	2,337.5
Broward	1,623,018	1,905.5	2,200.0	2,439.5	2,724.5	3,043.0
Indian River	112,947	147.0	177.0	201.5	225.0	251.5
Martin	126,731	156.5	183.0	205.0	229.0	256.0
Palm Beach	1,131,191	1,417.5	1,686.0	1,912.5	2,136.0	2,386.0
St. Lucie	192,695	281.0	356.5	419.0	468.0	523.0
District 4 Total	3,186,582	3,907.5	4,602.5	5,177.5	5,782.5	6,459.5
Brevard	476,230	584.0	677.0	754.5	843.0	941.5
Flagler	49,832	104.0	150.5	190.5	213.0	238.0
Lake	210,527	313.0	404.0	480.0	536.5	599.0
Marion	258,916	351.0	433.0	501.0	560.0	625.5
Orange	896,344	1,197.5	1,473.5	1,703.0	1,902.0	2,124.5
Osceola	172,493	292.5	397.5	487.0	544.0	607.5
Seminole	365,199	460.0	544.5	613.5	685.5	765.5
Sumter	53,345	92.0	125.5	154.0	172.0	192.5
Volusia	443,343	545.0	633.5	705.5	788.0	880.0
District 5 Total	2,926,229	3,939.0	4,839.0	5,589.0	6,244.0	6,974.0
Miami-Dade	2,253,779	2,606.0	2,927.5	3,197.0	3,570.5	3,988.5
Monroe	79,589	84.0	87.0	90.0	100.5	112.0
District 6 Total	2,333,368	2,690.0	3,014.5	3,287.0	3,671.0	4,100.5
Citrus	118,085	147.5	173.5	195.0	218.0	243.5
Hernando	130,802	170.0	204.5	232.5	260.0	290.5
Hillsborough	998,948	1,262.5	1,493.0	1,680.5	1,877.0	2,096.5
Pasco	344,768	463.5	566.5	651.0	727.0	812.0
Pinellas	921,495	978.5	1,035.0	1,083.5	1,210.5	1,352.0
District 7 Total	2,514,098	3,022.0	3,472.5	3,842.5	4,292.5	4,794.5
Florida Total	15,982,824	19,922.5	23,475.0	26,418.0	29,509.0	32,960.0

Note: Individual totals may not add due to rounding

Sources: U.S. Department of Commerce - Bureau of the Census
University of Florida - Bureau of Economic and Business Research
Florida Department of Transportation - Office of Policy Planning

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Australia

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Austria

Switzerland

Cross Border Maps

Worldmap

Continents

Regions

PowerPoint Tools

US Florida Map County population density

US Florida Map County population density – PowerPoint Presentation

Compare US Florida Map by population density map with Lambert or Anamorphic Projection type by counties (Administration Level 2). The data source is from the Annual Census Report (<http://www.census.gov/>).

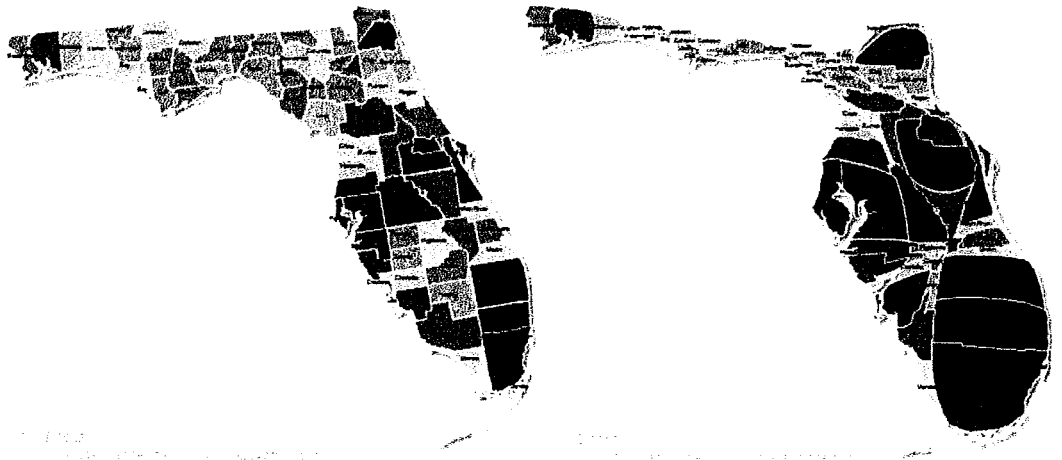
The map on the left shows the classic Florida (US.FL) map with counties in Lambert projection-types, calculated by the area per population density and as a “heat map”. On the right: The anamorphic map of Florida with 67 counties. The color ramp (“heat map”) moves from (green = min, red = max values per population).

USA – Florida Population Map | Dez-2014 – (County)

Lambert Map

Anamorphic Map

MAPS4OFFICE



US Florida Map County population density – US.FL (States)

The total population in US.FL. 2015: 19.552.860 (est. values)

US Florida Map County population density – Table / Source

Maps4Office clients can use following table to create this Heatmap (only classic lambert-projection)

Excel Maps

World

Europe

North America

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Vector Maps

GIS Consulting

for the simple PowerPoint Maps:

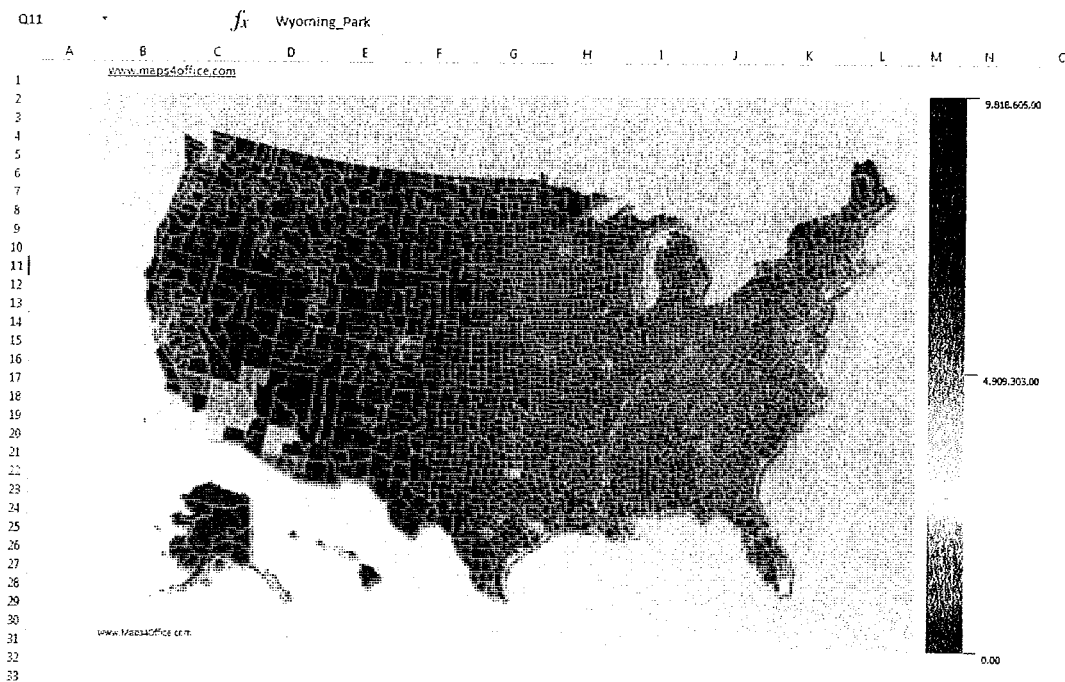
Find right Map – States: US-Florida Map – PowerPoint template



Florida Map PowerPoint Vector, State of America (US.FL) for Presentations

Compare Heatmap by all US-Countries

Source – Excel-Heatmap Addin



Data-Source

(sort by counties)

Florida – Counties	HASC-ID	Population	Capital City
Alachua	US.FL.AL	253.451	Gainesville
Baker	US.FL.BK	27.013	Macclenny
Bay	US.FL.BY	174.987	Panama City

Bradford	US.FL.BA	2.685	Starke
Brevard	US.FL.BE	550.823	Titusville
Broward	US.FL.BO	1.838.844	Fort Lauderdale
Calhoun	US.FL.CA	14.682	Blountstown
Charlotte	US.FL.CH	164.736	Punta Gorda
Citrus	US.FL.CI	139.271	Inverness
Clay	US.FL.CY	196.399	Green Cove Springs
Collier	US.FL.CL	339.642	East Naples
Columbia	US.FL.CU	67.543	Lake City
Desoto	US.FL.DE	34.517	Arcadia
Dixie	US.FL.DI	1.594	Cross City
Duval	US.FL.DU	885.855	Jacksonville
Escambia	US.FL.ES	305.817	Pensacola
Flagler	US.FL.FL	99.956	Bunnell
Franklin	US.FL.FR	11.598	Apalachicola
Gadsden	US.FL.GA	46.194	Quincy
Gilchrist	US.FL.GI	16.931	Trenton
Glades	US.FL.GL	13.345	Moore Haven
Gulf	US.FL.GU	15.829	Port Saint Joe
Hamilton	US.FL.HM	14.354	Jasper
Hardee	US.FL.HD	27.519	Wauchula
Hendry	US.FL.HR	37.471	La Belle
Hernando	US.FL.HA	174.441	Brooksville
Highlands	US.FL.HG	97.616	Sebring
Hillsborough	US.FL.HL	1.291.578	Tampa
Holmes	US.FL.HO	19.717	Bonifay
Indian River	US.FL.IN	141.994	Vero Beach
Jackson	US.FL.JA	48.922	Marianna
Jefferson	US.FL.JE	14.194	Monticello
Lafayette	US.FL.LF	8.848	Mayo
Lake	US.FL.LK	308.034	Tavares
Lee	US.FL.LE	661.115	Fort Myers
Leon	US.FL.LO	281.845	Tallahassee
Levy	US.FL.LV	39.644	Bronson
Liberty	US.FL.LI	8.349	Bristol
Madison	US.FL.MD	18.728	Madison
Manatee	US.FL.MN	342.106	Bradenton

Marion	US.FL.MI	337.362	Ocala
Martin	US.FL.MT	151.263	Stuart
Miami-Dade	US.FL.DA	2.617.176	Miami
Monroe	US.FL.MO	76.351	Key West
Nassau	US.FL.NA	7.571	Fernandina Beach
Okaloosa	US.FL.OA	193.811	Crestview
Okeechobee	US.FL.OE	3.933	Okeechobee
Orange	US.FL.OR	1.225.267	Orlando
Osceola	US.FL.OS	298.504	Kissimmee
Palm Beach	US.FL.PL	1.372.171	West Palm Beach
Pasco	US.FL.PS	475.502	Dade City
Pinellas	US.FL.PI	929.048	Clearwater
Polk	US.FL.PO	623.009	Bartow
Putnam	US.FL.PU	72.577	Palatka
Saint Johns	US.FL.SJ	209.647	Saint Augustine
Saint Lucie	US.FL.SL	286.832	Fort Pierce
Santa Rosa	US.FL.SA	390.429	Milton
Sarasota	US.FL.SR	390.429	Sarasota
Seminole	US.FL.SE	436.041	Sanford
Sumter	US.FL.SM	107.056	Bushnell
Suwannee	US.FL.SW	43.734	Live Oak
Taylor	US.FL.TA	22.857	Perry
Union	US.FL.UN	15.136	Lake Butler
Volusia	US.FL.VO	5.008	De Land
Wakulla	US.FL.WK	31.022	Crawfordville
Walton	US.FL.WL	59.807	De Funiak Springs
Washington	US.FL.WS	24.624	Chipley

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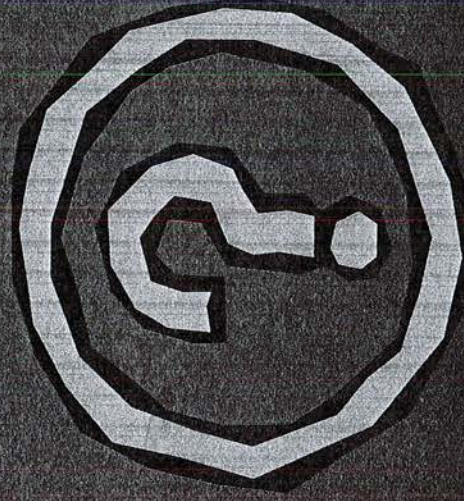
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Why a Moratorium Now ?

- 1.) Concern About Rapid Growth
- 2.) Population at Total Build Out
- 3.) Quality of Development
- 4.) Cost of Community Services
- 5.) Time to Plan

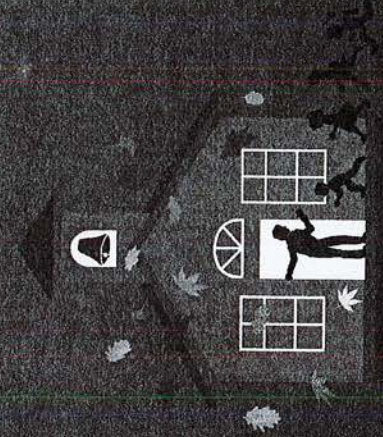


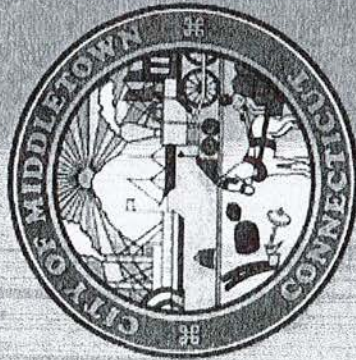


Future Student Population

- The total population is 45,563.
- There is a student to total population ratio of .112 .
- Applying this ratio to a total population of 65,000 residents' results in **7,280 students**.
- Today there are approximately 5,128 public school children.
- The total capacity of the school system is 6,211 students.
- This means the city would have to build new schools.

The City of Middletown simply can't afford to grow at this pace.





Time to Plan

The Planning and Zoning Commission is overwhelmed with applications.

The number of applications

The volume of the materials submitted

The length of the public hearings

The statutory time frames to make decisions; and

The legal and engineering complexities

Hinders the Commission's ability to undertake thorough and meaningful reviews, let alone adopt a new Plan of Conservation and Development, review its own regulations and make necessary changes.

A moratorium will give the Commission time to address these issues.





Recommendations

1. Adopt a new Plan of Conservation and Development
2. Devise a plan to spend the \$3 million in open space funds
3. Investigate the legality of a "controlled growth amendment" limiting the number of lots approved and building permits issued each year;
4. Adopt zoning text amendment allowing over 55 housing developments to offer an alternative to traditional single family housing;
5. Eliminate the allowance for rear lots;
6. Investigate limiting the use of cul-de-sacs;
7. Adopt net lot area requirement to exclude a reasonable portion of steep slopes and wetlands from total lot area calculation;
8. Strengthen cluster regulations to force better design and limit amount of wetlands in open space;
9. Adopt provisions authorizing payments in lieu of open space;
10. Adopt new road standards including drainage, sidewalks, and street lighting, to insure proper road design based on the area - suburban or rural.
11. Amend zoning map to increase minimum lot area to increase lot size so as to decrease the number of homes at total residential build out.



**Division of Local
Government Services**

LAND USE MORATORIA

JAMES A. COON LOCAL GOVERNMENT TECHNICAL SERIES

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Revised 2010
Reprint Date: 2013

James A. Coon

The James A. Coon Local Government Technical Series is dedicated to the memory of the former Deputy Counsel of the Department of State.

Jim Coon devoted his career to assisting localities in their planning and zoning, and to helping shape the state municipal statutes. His outstanding dedication to public service was demonstrated by his work and his writings, including the work, *All You Ever Wanted to Know About Zoning*. Jim also taught land use law at Albany Law School. His contributions in the area of municipal law were invaluable, and immeasurably improved the quality of life of New Yorkers and their communities.

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A land use moratorium is a local enactment which temporarily suspends a landowner’s right to obtain development approvals while the community considers and potentially adopts changes to its comprehensive plan and/or its land use regulations to address new circumstances not addressed by its current laws.

A moratorium on development therefore preserves the *status quo* while the municipality updates its comprehensive plan. A moratorium is designed to halt development temporarily, pending the completion and possible adoption of more permanent, comprehensive regulations.

The objective of municipal land use controls is to promote community planning values by properly regulating land development. It follows that land use controls work best when built upon a carefully considered comprehensive plan. It takes time to put together or to update a good community plan. During this time, demand for a particular use of land may arise for which there are inadequate or nonexistent controls. If the community allows development during that time, the ultimate worth of the eventual plan could be undermined. For these reasons, moratoria and other forms of interim zoning controls are often needed to “freeze” development until a satisfactory final plan or regulations are adopted.

THE CONCEPT OF MORATORIA

The enactment of temporary restrictions on development has been held to be a valid exercise of the police power where the restrictions are reasonable and related to public health, safety or general welfare¹. Local governments can enact a moratorium for a broad range of reasons.

Why adopt moratoria?

- Prevent rush to development
- Prevent inefficient and ill-conceived growth
- Address a new kind of use (ie- wind farms, solid waste facilities, big box stores) in comprehensive plans and land use laws
- Prevent hasty decisions that would disadvantage landowners and the public
- Prevent immediate construction that might be inconsistent with the provisions of a future plan

The moratorium may be general, imposing a ban on all development approvals throughout the community, or specific to one land use or to a particular zoning district. For example, a moratorium can halt: the review of projects currently before boards; acceptance of new development applications (site plan, subdivision, special permit); and/or issuance of water and sewer connection permits.

Municipalities that adopt moratoria often exempt certain activities. A common exemption is for landowners whose construction applications have been approved. Construction of single-family homes and minor additions to them, such as garages, have been exempted from the moratorium.

Land-Use Moratoria Distinguished From General Police Power Moratoria

Land Use Moratoria

The most common type of moratorium is on land use approvals. Land use moratoria are designed to preserve the status quo while planning or zoning changes are made: these moratoria are often known as “stopgap” or “interim” zoning. These enactments are appropriate mechanisms for addressing long range community planning and zoning objectives. Moratoria can also be imposed on other land use controls including subdivision plat review and issuance of building permits.

The New York zoning enabling laws do not contain any specific mention of “moratorium” or “moratoria.” Early on in the history of zoning, however, the New York Court of Appeals gave some

indication that any zoning regulation could temporarily and lawfully limit an owner’s ability to use land profitably, so long as the regulation furthers the community’s long-range planning goals.²

By enacting a land use moratorium, the local

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[Downham v. Alexandria]

government temporarily suspends a landowner's right to build or to obtain development approvals while the community considers adopting changes to its comprehensive plan and/or its land use regulations. Quite often these contemplated changes will address new circumstances not dealt with in the municipality's current land use laws. A moratorium on development can preserve the *status quo* while the municipality updates its comprehensive plan or its zoning.

"Stopgap zoning" is addressed in a number of early zoning cases that arose in other states. In perhaps the most widely cited of these, *Downham v. City Council of Alexandria*,³ the court stated, "it would be a rather strict application of the law to hold that a city, pending the necessary preliminaries and hearings . . . cannot, in the interim, take reasonable measures temporarily to protect the public interest and welfare until an ordinance is finally adopted. Otherwise, any movement by the governing body of the city to zone would, no doubt, frequently precipitate a race of diligence between property owners, and the adoption later of the zoning ordinance would in many instances be without effect to protect residential communities--like locking the stable after the horse is stolen."

In the case of *Lo Conti v. City of Utica, Dept. of Buildings*,⁴ the Supreme Court, Oneida County recognized the validity of a moratorium in concept, but struck down the City of Utica's moratorium on building permits due to the city's failure to comply strictly with the notice provisions of the State enabling legislation. The judge aptly stated:

"In order to prevent a race by property owners to obtain building permits when it has become common community knowledge that a zoning ordinance is being considered which may affect the uses to which they may put their property, municipalities have

adopted interim or stop-gap ordinances which impose a moratorium on the issuance of certain types of permits during the pendency of the proposed new zoning ordinance. The validity of this type of ordinance has been upheld by the courts."

General Police Power Moratoria

Where immediate health and safety problems are at issue, the general "police power", not zoning, is the appropriate source of authority for a moratorium. The police power is the authority possessed by municipal governments to take action to advance the public health, safety and welfare. While land use regulation itself is an exercise of the police power, the term is more commonly employed in reference to other forms of municipal laws or ordinances.

A municipally-imposed moratorium on development activity can address inadequacies in public infrastructure, or deal with dire threats to the community health, safety or welfare. In *Belle Harbor Realty Corp. v. Kerr*,⁵ the Court of Appeals upheld the revocation of a building permit due to an inadequate municipal sewer system. The court found that the revocation was a legitimate exercise of general police power and was not limited by constraints on zoning authority. The Court articulated a three-prong test to address temporary restrictions imposed by a municipality under the general police power in response to an immediate health and safety problem. To justify temporary interference with the beneficial use of property, the municipality must establish that:

- 1) It acted in response to a dire necessity;
- 2) Its action is reasonably calculated to alleviate or prevent a crisis condition; and
- 3) It is presently taking steps to rectify the problem.

“When the general police power is invoked under such circumstances it must be considered an emergency measure and is circumscribed by the exigencies of that emergency” said the Court.⁶ The three-prong test may not apply when the landholder retains reasonable use of the property.⁷

In the case of *Charles v. Diamond*,⁸ a landowner challenged a moratorium on sewer connections to the village sewer system which prevented him from developing an apartment complex. The moratorium, read in combination with another village law requiring that such buildings had to be connected to the village sewage system, effectively halted all apartment construction until the village corrected the deficiencies in its sewer system. Without reaching the merits, the Court of Appeals recognized:

"A municipality has ample power to remedy sanitation problems including difficulties presented by inadequate treatment or disposal of sewage and waste. Inadequate systems of sewage disposal present not only ecological and aesthetic problems, but may pose direct and immediate health hazards. The municipal power to act in furtherance of the public health and welfare may justify a moratorium on building permits or sewer attachments which are reasonably limited as to time. Temporary restraints necessary to promote the overall public interest are permissible. Permanent interference with the reasonable use of private property for purposes for which it is suited is not."⁹

The Court in *Charles v. Diamond* held that where a municipality first requires that new development hook-up to public sewers and then imposes a temporary restraint on residential sewer

connections, the municipality can be sued for damages if it engages in unreasonable delay in improving its public sewer system and be assessed consequential damages resulting from such delay. Writing for the majority, Judge Jasen concluded:

“[W]here the municipality has affirmatively barred substantially all use of private property pending remedial municipal improvements, unreasonable and dilatory tactics, targeted really to frustrate all private use of property, are not justified. The municipality may not, by withholding the improvements that the municipality has made the necessary prerequisites for development, achieve the result of barring development, a goal that would perhaps be otherwise unreachable.”

In *Westwood Forest Estates, Inc. v. Village of South Nyack*,¹⁰ the Court of Appeals struck down a village zoning regulation which prohibited the construction of apartments in the village. The zoning ordinance had been enacted in order to forestall any future problems with the village’s inadequate sewerage system. The Court reasoned that the village could have addressed the immediate problem through more appropriate police power regulations affecting all users of the sewer system. Instead, the village chose to use its zoning power, improperly in the court’s view, to single out a particular type of land use. The court found it impermissible to single out one landowner to bear a heavy financial burden because of a general condition in the community. In his opinion, Judge Breitel indicated that “a moratorium on the issuance of any building permits, reasonably limited as to time,” would have been a more legally defensible approach for the village to have taken.

With these three decisions, the Court of Appeals

drew a clear distinction between emergency actions to address immediate health or safety problems, on the one hand, and zoning or land use actions intended to address long-term issues of growth and development, on the other. By distinguishing the police power issue from the zoning issue, the Court of Appeals sharpened the focus on the standards applicable to land use moratoria. Land use moratoria are appropriate mechanisms for addressing long-range community planning and zoning objectives. But where immediate health and safety problems are at issue, they are not a permissible approach. Instead, other police power controls must be used. Those controls, whether legislative or administrative in nature, must not single out particular types of land use, but must instead address the immediate problem itself, and in a way which is fair to all landowners.

“Growth-Capping” Laws

“Growth-capping” laws are designed to limit, *but not to halt*, development, pending the upgrading of capital improvements in the community. These laws control development by allowing a pre-determined amount of growth within a defined period. The purpose of growth-capping laws is to assure that development does not outpace planned improvements. In contrast, a moratorium is designed to *halt* development for a certain period, to maintain the status quo.

The landmark “growth-capping” decision is *Golden v. Planning Board of the Town of Ramapo*,¹¹ decided by the Court of Appeals in 1972. In its decision, the Court upheld the town’s 18-year phased-

development plan, which placed growth restrictions of varying durations on certain areas of the town. The restrictions could be lifted prior to expiration only if a developer were to provide certain public improvements during the interim period. The majority opinion did not employ the term “moratorium.” Development was possible under certain conditions, so the law did not impose a moratorium. Nonetheless, the Court set forth a principle that would later be applied to moratoria as well: “where it is clear that the existing physical and financial resources of the community are inadequate to furnish the essential services and facilities which a substantial increase in population requires, there is a rational basis for ‘phased growth’”

The town enacted a zoning amendment which prohibited residential subdivision plat approval until certain public infrastructure had first been installed either by the town or the developer by means of securing a special permit or a variance. To acquire a special permit, the developer was required to accumulate 15 points based on the provision of five essential facilities or services: (1) public sanitary sewers or approved substitutes; (2) drainage facilities; (3) improved public parks or recreation facilities, including public schools; (4) State, county or town roads-major, secondary or collector; and, (5) firehouses. The plan allowed the developer to provide the required services at his or her own expense; this enabled the developer to accumulate 15 points and receive approval of the special permit and subdivision plat. Without contributing towards these town’s facilities, a developer might have to wait up to 18 years to obtain subdivision approval.

Phased growth was necessary because the town’s “basic services and improvements are inadequate and their reasonable cost cannot be presently absorbed” by town residents. The court recognized that “[t]he undisputed effect of these integrated efforts in land use planning and development is to provide an over-all program of orderly growth and

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adequate facilities through a sequential development policy commensurate with progressing availability and capacity of public facilities.” Any delay in residential development occasioned by phased growth amendment was temporary. The Court concluded: “In sum, where it is clear that the existing physical and financial resources of the community are inadequate to furnish the essential services and facilities which a substantial increase in population requires, there is a rational basis for ‘phased growth’ and hence, the challenged ordinance is not violative of the Federal and State Constitutions.”

In 1989, the Town of Clifton Park adopted a “Phased Growth Law” that limited the number of building permits obtainable in any year in a designated development area to 20% of the total units approved for any given project. The development area encompassed roughly 10% of the town’s total land area. By its terms, the law was to remain in effect until a particular highway interchange was to have been completed, but in no case could it exceed five years. Upon challenge, the Appellate Division, Third Department, held the law to be a legitimate exercise of the Town’s zoning power. The court said it addressed a situation where there existed “ample evidence that the designated area has a major traffic problem and the new home construction in the area is the primary contributor to this congestion.”¹²

“Phased growth” laws generally do not amount to a total prohibition on construction, and are mentioned here by way of contrast with true moratoria. The courts have held that the capping of development is a valid exercise of the zoning power when it is employed in a fair and reasonable manner, even if the limitation lasts longer than an outright moratorium would.

BASIC REQUISITES OF LAND USE MORATORIA

As stated above, the New York zoning enabling statutes contain no mention of the word “moratorium.” In holding moratoria to be lawful, the cases have suggested that five (5) key elements are requisite for a legally defensible moratorium. The land use moratorium should:

- 1) have a reasonable time frame as measured by the action to be accomplished during the term;
- 2) have a valid public purpose justifying the moratoria or other interim enactment;
- 3) address a situation where the burden imposed by a moratorium is being shared substantially by the public at large;
- 4) strictly adhere to the procedure for adoption laid down by the enabling acts; and
- 5) have a time certain when the moratorium will expire.

1) Reasonable Time Frame.

The courts will look carefully to see that the terms of a moratorium express a relatively short but specific duration, and that the duration is closely related to the municipal actions necessary to address the underlying issues. The U.S. Supreme Court has recognized the difficulty of selecting a fixed time frame for moratoria.¹³ However, courts have historically had little patience with municipal delay in carrying out the comprehensive planning, law adoption or facilities expansion for which the moratorium was enacted. The courts have disallowed moratoria where the time period was excessively long or unfixed.

In its 1974 decision in *Lake Illyria Corporation v.*

Town of Gardiner,¹⁴ the Appellate Division, Third Department, struck down a moratorium. In order to halt development pending the adoption of a new comprehensive zoning ordinance, the Town had since 1968 annually enacted moratoria prohibiting any use of property except for residential purposes unless a variance was obtained. The plaintiff brought suit, challenging the validity of the latest local enactment renewing the moratorium. The Court's opinion stated:

"The purpose of 'stop-gap' zoning is to allow a local legislative body, pending decision upon the adoption of a comprehensive zoning ordinance, to take reasonable measures temporarily to protect the public interest and welfare until an ordinance is finally adopted. Otherwise, the eventual comprehensive zoning ordinance might be of little avail."

"While it might be deemed a proper exercise of power for the town to freeze building uses when the town is [a]ctively engaged in the enactment of a comprehensive zoning law, the present case demonstrates the potential abuse of such a process by long delay...., and throughout this period of time the only [m]eaningful progress towards the preparation of a comprehensive plan has taken place relatively recently...."

"A course of conduct such as that followed by the Town herein is plainly contrary to the purpose of interim or 'stopgap' zoning. Under the present circumstances, the absence of justification for such an exercise of power renders this four-year delay unreasonable."¹⁵

Until the *Lake Illyria* decision, the courts had recognized the validity of moratoria for the purpose of a community's development of permanent new zoning regulations. *Lake Illyria*, however, made it a

distinct requirement that, during the moratorium on land use approvals, the community must be actively engaged in the development of either a comprehensive plan or land use regulations.

In dealing with the issue of the reasonable duration of a moratorium in *Lakeview Apartments v. Town of Stanford*,¹⁶ the Appellate Division, Second Department, in 1985 struck down the town's moratorium which had lasted more than five years because it exceeded a reasonable duration. What was unusual about the decision was that the length of time was held to be unreasonable even though the Town had made documented progress toward a permanent set of regulations. The Town showed that it had adopted a master plan in 1980 and had completed the preliminary draft of a zoning ordinance in 1983.

In the 1991 case, *Duke v. Town of Huntington*,¹⁷ the Town had been developing a planning document, a Local Waterfront Revitalization Plan (LWRP), for many years when it enacted a moratorium prohibiting the construction of docks. Although it was originally to have expired within ten months, the moratorium was extended twice, to cover a total period of almost three years, triggering a court challenge. While recognizing the general usefulness of moratoria, the court nonetheless invalidated the Town's temporary restriction. The court took this action because the Town's long delay in developing a permanent LWRP, combined with a lack of real progress, made the delay occasioned by the moratorium on the shore owner's right to build a dock excessive and unconstitutionally void.

In *Mitchell v. Kemp*,¹⁸ the Appellate Division, Second Department, upheld the finding of the Supreme Court, Dutchess County, that the Town of Pine Plains's five-year moratorium exceeded a reasonable period of time for enacting a comprehensive, new zoning regulation.

In *Ecogen, LLC v. Town of Italy*,¹⁹ the court upheld

the Town's moratorium on wind energy projects. The moratorium had been in effect for over two years, but in view of the specific technical nature of the use involved, the court agreed to allow the Town an additional 90 days to either enact a comprehensive zoning plan or render a decision on the project sponsor's variance application.

What constitutes a reasonable duration for a moratorium, even where the municipality is fulfilling its duty to be working on a new plan or permanent legislation to address the issue at hand? Moratoria of six months, as well as of one year, have been upheld by the courts. It is unclear whether a moratorium lasting longer than a year would be considered reasonable, but that may depend, to an extent, on the subject matter addressed by the moratorium.

2) Valid Public Purpose.

The enactment of moratoria, like all exercises of the police power, must be

The moratorium must be enacted for a permissible purpose: to study and/or adopt a new plan or new regulations.

justified by a valid public purpose. A moratorium on land uses or development will be considered a valid interim measure if it is reasonably designed to temporarily halt development while the municipality considers comprehensive zoning

changes and the enactment of measures to specifically address the matters of community concern.

The purpose section of the local law or ordinance should state what the municipality hopes to accomplish during the moratoria. For example,

To develop or amend:

- A Comprehensive Plan
- Zoning Regulations

- Subdivision Regulations
- Site Plan Regulations
- Other Land Use Regulations

Or, to make improvements to:

- Road System
- Water or Sewer Infrastructure

The decision in *Lake Illyria Corporation v. Town of Gardiner*²⁰ has frequently been cited for the proposition that a community must be actively engaged, among other things, in the revision of its comprehensive plan during a land use moratorium. A comprehensive plan addresses issues of growth and development on a community-wide basis. In the *Lake Illyria* case, the Third Department pointed out:

" The purpose of 'stop-gap' zoning is to allow a local legislative body, pending decision upon the adoption of a comprehensive zoning ordinance, to take reasonable measures temporarily to protect the public interest and welfare until an ordinance is finally adopted. Otherwise, the eventual comprehensive zoning ordinance might be of little avail."

In *Oakwood Island Yacht Club v. City of New Rochelle*, the City of New Rochelle adopted a six month moratorium on building permits to halt development on an island within the city limits. The city halted the development because it had applied for a State grant to purchase the island. Petitioners, who had received site plan approval, applied for but were denied a building permit because the six month moratorium was in effect. The supreme court, in a decision affirmed by the Court of Appeals, held that the moratorium unconstitutionally deprived the owner of the property due process of law. Although the court recognized that a municipality may lawfully enact "stop-gap" legislation pending a revised comprehensive plan, the city's desire to acquire

the property was not a valid public purpose for a moratorium. The court said: "There is neither case authority nor statutory authority for adopting an ordinance to prevent a property owner from building upon his property because the municipality in the future may seek to obtain it by condemnation."²¹

In order to update their comprehensive plans to address the subject of cellular telephone facilities, some communities enacted moratoria on the processing of cellular applications pending completion of the planning process and the enactment of new regulations pertaining to towers. The public purpose for enacting moratoria on cellular facilities was important to courts in deciding cases on their validity. In the case of *Cellular Telephone v. Town of Harrison*,²² a 90-day moratorium on review or approval of cellular telephone antennae facilities was upheld as a reasonable measure designed to give the town a short period to enact zoning changes to address the increasing number of cellular telephone antenna applications. By contrast, the Appellate Division in *Cellular Telephone v. Village of Tarrytown*,²³ invalidated a moratorium on cellular telephone towers because it was not adopted for a proper and reasonable purpose. The court found that local officials were motivated by public opposition and the unsubstantiated fears of health risks from telecommunications signals, rather than a land use planning purpose.

3) **Balancing benefits and detriments of the moratorium to the municipality.**

The advantages to the municipality must outweigh the potential hardships to landowners.

The municipality should be prepared to show that the burden imposed by a moratorium is being shared substantially by the public at large, as opposed to being visited upon a minority of landowners.

This principle was explained by the Court of Appeals in *Charles v. Diamond*,²⁴ a case that dealt with restrictions on residential sewer connections. The court recognized that, in judging a moratorium on development, "the crucial factor and perhaps even the decisive one is whether the ultimate economic cost of the benefit is being shared by the members of the community at large, or rather, is being hidden from the public by the placement of the entire burden upon particular property owners".

In the *Charles* case, the Court concluded that "only where the municipality has acted, or refused to act, and the social cost of a benefit has been placed entirely upon particular landowners rather than spread throughout the jurisdiction, does it become necessary to review discretion and set aside unconstitutional confiscation . . . no single factor, by itself controls the determination of whether a particular municipal action is reasonable."

4) **Strict adherence to procedures for the enactment of local laws and ordinances.**

Whether enacted as local laws or ordinances, moratoria must strictly adhere with the procedural requirements of the Municipal Home Rule Law²⁵ or the rules for adoption or amendment of zoning in the State zoning enabling acts. These rules are found in Town Law sections 264 and 265, Village Law section 7-706 and 7-708, and in individual city charters. When enacting moratoria, municipalities should follow the procedures for enactment including newspaper notice, public posting, county referral, public hearing and filing after adoption of a local law.

Moratoria on zoning approvals are subject to referral to the county planning agency under General Municipal Law section 239-m. In the case of *B & L Development v. Town of Greenfield*²⁶, the court invalidated a one-year moratorium on the issuance of building permits and construction approvals because the town did not follow the procedural requirements for amending zoning. The

court held that the moratorium law was subject to all of the statutory procedural requisites of zoning laws, including county referral pursuant to General Municipal Law section 239-m and notification of adjacent municipalities pursuant to Town Law section 264.

In the 1997 case of *Caruso v. Town of Oyster Bay*,²⁷ the court held that the town board had no jurisdiction to adopt a local law establishing a moratorium on the issuance of building permits for new home construction in a defined area of the town. The Town had failed to properly refer the law first to the county planning commission, as required by General Municipal Law section 239-m.

Where the moratorium acts as an amendment to zoning, it must be referred to the county planning agency under General Municipal Law section 239-m.

In *Temkin v. Karagheuzoff*,²⁸ the Appellate Division invalidated a “stop-gap” zoning amendment that effectively imposed a moratorium on the issuance of building permits for new nursing homes. Although the moratorium was enacted to maintain the status quo in case the zoning regulations were changed, the court held that the Board of Estimate could not enact even a short-term interim zoning resolution without complying with the NYC Charter, which required the recommendation of the City Planning Commission. The amendment was struck down because the court found that the City of New York failed to follow proper procedures in enacting the stop-gap zoning. The Court of Appeals affirmed,²⁹ stating that “there is no question here of the right of a government to adopt interim or stop-gap zoning. The only contention is that when such resolutions are adopted, they must be adopted in accordance with the law.”³⁰

Not all moratoria on land use approvals can be categorized as zoning. Where non-zoning moratoria

are adopted by local law, the procedures of Municipal Home Rule Law sections 20 through 27 must be followed.³¹

One example is the moratorium on the processing or approval of subdivision plats by planning boards. Of particular concern is that the State subdivision statutes provide for default approval of a subdivision if the planning board fails to meet certain time frames. A moratorium which suspends action on subdivision applications may delay action beyond the time frames. Therefore, it has become common practice for municipalities to adopt the moratorium by a local law which supersedes and suspends the applicable default approval provisions in Town Law or Village Law.

In 1987, the Court of Appeals dealt with a moratorium on subdivision approvals in the landmark case of *Turnpike Woods, Inc., v. Town of Stony Point*.³² The town had adopted a local law temporarily suspending the authority of the town planning board to approve subdivision plat applications. Following refusal by the planning board to consider his application, a developer sued for a default approval. Under Town Law section 276 default approvals may be secured by the developer if the planning board fails to make a decision on a subdivision application within the time period required by the statute. The developer claimed the town had not followed proper local law adoption procedures under the Municipal Home Rule Law in attempting to supersede that default approval provision. The Court of Appeals agreed with the developer and struck down the moratorium law.

Moratoria are “Type II Actions” under the State Environmental Quality Review Act (SEQRA) regulations, which means that SEQRA does not apply to the enactment of moratoria (6 NYCRR section 617.5(c)(30)). The proposed adoption of a

The State Environmental Quality Review Act (SEQRA) does not apply to moratoria.

moratorium does not require a determination of significance or the preparation of any other SEQRA documents.

5) Time certain for expiration of

moratorium. The courts have required a time certain for the expiration of a moratorium. In *Russo v. New York State Department of Environmental Conservation*,³³ it was held that where there was a moratorium on the alteration of wetlands for over three years and no indication as to when it would end, *the court could inquire as to the constitutionality of the moratorium*; the court said that the duration cannot be unreasonable and ordered DEC to set a date certain for the termination of the moratorium on the alteration of wetlands.

VARIANCES FROM THE MORATORIUM

In addition to the procedural rules for *enacting* a moratorium, the courts have addressed the question of the procedure to be followed *during* a moratorium.

A moratorium law often contains a mechanism that allows landowners to apply for relief from the moratorium. If the moratorium affects zoning, appeals from the moratorium are taken to the zoning board of appeals using the statutory standards for granting use or area variances. In the case *Held v. Giuliano*,³⁴ the Appellate Division, held that applications for variances from an interim zoning ordinance must meet the same statutory standards for variances as though the interim zoning was permanent.³⁵

It is quite common in moratorium laws that variances from the strict terms of the moratorium are granted by the *governing board* rather than by the zoning board of appeals. If the governing board will be considering variances in moratoria related to

zoning instead of a board of appeals, the moratoria must supersede State statutes pertaining to the variance authority of boards of appeals. The drafters of land use moratoria should bear in mind that this procedure will require proper use of the supersedure power, as the enabling laws provide that only the board of appeals may grant variances.

THE "TAKINGS" ISSUE

As we have seen, the courts have established strict rules, both as to the procedural as well as to the substantive requisites of moratoria. The substantive rules might be said to embody a particular adaptation of the general principle that any enactment affecting private property rights must "bear a substantial relation to the public health, safety, morals, or general welfare."³⁶ If, however, a land use regulation operates to deprive the owner of all beneficial economic use of the property, may that owner be entitled to monetary compensation under the Fifth and Fourteenth Amendments to the U.S. Constitution?

Early cases recognized the principle of *inverse condemnation* (i.e., a regulatory taking).³⁷ Until 1987, however, the courts had not considered *temporary* land use controls (such as moratoria) to amount to a deprivation of all beneficial use in the property. In cases where a regulation went "too far," and impacted an owner unfairly, the remedy was to strike down the local enactment and allow the owner to build.³⁸ In 1987, the United States Supreme Court changed that rule with its decision in *First English Evangelical Lutheran Church of Glendale v. County of Los Angeles*.³⁹ *First English* involved a challenge, brought against a county's moratorium on the construction or reconstruction of buildings within an "interim flood protection area." The moratorium effectively made it impossible for the church to rebuild a campground that had been previously destroyed by a flood.

In *First English*, the U.S. Supreme Court held for the first time that temporary takings that deny a landowner all use of his/her property are not different in kind from permanent takings. Once a court determines that a taking has occurred, it must award damages for the period of time the restrictive regulation was in effect.

Whether a moratorium is a compensable taking, as it relates to specific property, depends on the facts of each case.

Significantly, the Supreme Court left it to the trial level courts to determine in each case whether a temporary taking has actually occurred, i.e., whether the regulation denied the owner all use of his/her property. The latter principle was further clarified by the Court in its 1992 decision in *Lucas v. South Carolina Coastal Council*,⁴⁰ where it held that a taking could only occur in “the extraordinary circumstance when *no* productive or economically beneficial use of land is permitted.”

Could land use moratoria amount to compensable takings of property according to the rules established in *First English* and *Lucas*? Theoretically, yes, but, in practice, such determinations will rest on the facts of each case.

In its 2002 decision in *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency*,⁴¹ the Supreme Court firmly rejected the argument that a temporary moratorium on development, enacted for reasonable purposes, necessarily constitutes a deprivation of the owner’s beneficial use of his or her property. In *Tahoe-Sierra*, an interstate regional planning agency had adopted moratoria on all construction in certain areas surrounding Lake Tahoe, pending the adoption of a permanent land use plan and revised development restrictions designed to protect the water quality of the lake. In ruling against the claims of landowners, the Court held that one cannot separate out a finite

stretch of time in the life of a parcel and compensate the owner simply because the owner is deprived of the property’s beneficial use during that stretch of time alone. Instead, the analysis must be the same as that which is applied in all regulatory takings arguments: the courts must weigh all the relevant factors affecting the “parcel as a whole.” In *Tahoe-Sierra*, the Supreme Court held that a moratorium, like most other land use regulations, is subject to an inquiry that considers the circumstances of each case. Moratoria are not, therefore, *categorically* takings. Indeed, many parcels will emerge from a moratorium with *enhanced* value, owing to the better land use regulations then in place.

In evaluating whether a land use regulation takes all economic value of property, the language used by the Court of Appeals in *Golden* is worth noting: “The fact that the ordinance limits the use of, and may depreciate the value of the property will not render it unconstitutional . . . unless it can be shown that the measure is either unreasonable in terms of necessity or the diminution in value is such as to be tantamount to a confiscation . . .”

The New York courts appear to have applied a case-specific balancing analysis even prior to *Tahoe-Sierra*. Since the *First English* case was decided, at least one community’s moratorium has been upheld against a takings claim. Quoting language from earlier cases, the Appellate Division, Second Department, stated that a moratorium adopted by the Village of Irvington constituted “a reasonable measure designed to temporarily halt development while the [Village] considered comprehensive zoning changes and was therefore a valid stopgap or interim measure.”⁴² The moratorium was held not to effectuate an unconstitutional taking of private property.

However, in *Seawall Associates v. City of New York*,⁴³ the Court of Appeals *did* hold a moratorium to be an unjust taking. The City of

New York had adopted a local law placing a five-year moratorium on conversion, alteration or demolition of single-room-occupancy units in multiple dwellings. The law also required the owners to restore such units to habitable conditions and to lease them at controlled rents for an indefinite period. The Court of Appeals held that the law effectuated an unconstitutional taking under the Fifth and Fourteenth Amendments. The Court viewed the NYC law as locking the owners of “SRO’s” into maintenance of a use that did not allow them any ability to realize an economic return on their investment.

If a landowner feels that a moratorium law as applied constitutes a taking, the landowner must first exhaust all available administrative procedures before bringing a lawsuit. In the 1990 case of *Hawes v. State*,⁴⁴ the State Legislature had enacted a moratorium on development along Beaverdam Creek in the Town of Brookhaven, to allow the Department of Environmental Conservation time to study the creek for possible inclusion in the State’s Wild, Scenic and Recreational Rivers System. A landowner filed an action claiming the moratorium effectuated an unjust taking. The Appellate Division, Second Department, dismissed the case, stating that it was possible for the owner to have applied to DEC for a permit first, before going to court. The permit, if granted, could have exempted the parcel from the moratorium on the basis that the proposed development would not be contrary to the policy of the Wild, Scenic and Recreational Rivers Act. Since the owner had not so applied, the taking claim could not be heard.

Vested Rights

Landowners who are aware that a moratorium is under consideration may act promptly to acquire “vested rights” in a use before the moratorium takes effect. Under ordinary circumstances, a moratorium enacted in good faith and according to proper procedures is viewed much the same as any zoning amendment: a property is bound by the moratorium

the day it takes effect, unless the property owner has acquired a “vested right” to build or use the property beforehand.⁴⁵ A moratorium may not be used to stop building operations begun under a valid building permit and which continued in good faith when the property owner had secured vested rights.

Under what circumstances, then, might an owner be able to claim a right to build or to use the property according to the law as it existed prior to the effective date of a moratorium? The Court of Appeals has established a rule regarding vested rights that applies to land use regulations in general. The rule was first articulated in *People v. Miller*,⁴⁶ and has most definitively been restated by the Court in *Ellington Construction Corp. v. Zoning Board of Appeals of the Incorporated Village of New Hempstead*,⁴⁷ to wit:

“where a more restrictive zoning ordinance [ie- a moratorium] is enacted, an owner will be permitted to complete a structure or a development which an amendment has rendered nonconforming only where the owner has undertaken **substantial construction** and made **substantial expenditures** prior to the effective date of the amendment.”

The application of this “substantial construction, substantial expenditures” test will, of course yield results particular to each set of facts. In two cases in particular, the lower courts declined to find vested rights. In *Pete Drown, Inc. v. Town Board of the Town of Ellenburg*,⁴⁸ the Town, which had no zoning regulations, passed a local law establishing a moratorium on the construction of new commercial buildings. About a year later the moratorium was replaced by a comprehensive zoning law that prohibited the incineration of commercial or hazardous waste. During the moratorium a landowner had spent more than \$850,000 on a project to site a commercial waste incinerator, including purchase and storage of the

incinerator itself, pending the lifting of the moratorium and approval of the project. In a lawsuit, the owner claimed to have acquired vested rights to operate the incinerator. The Appellate Division disagreed and held that there had been no substantial construction or change to the land itself and that there was no showing that the owner could not recoup its expenditures in the marketplace--presumably by selling the stored incinerator. While the absence of substantial construction in and of itself would have been sufficient to defeat the owner's claim of vested rights, the court also held that the owner's expenditures, recoverable as they were, did not constitute the "serious loss" required by the courts in prior cases.

In *Steam Heat, Inc. v. Silva*,⁴⁹ the Appellate Division, Second Department, upheld the New York City Board of Standards and Appeals's determination that a landowner had not accomplished substantial completion of his building before a moratorium went into effect, even though there was evidence that he had made some expenditures. The Court sustained the finding that the construction which occurred was of the "most basic and impermanent nature with rudimentary detailing and flimsy and inexpensive materials" and therefore insubstantial.

Drafting a Moratorium Law

By now, there is sufficient case law on the subject of moratoria to furnish guidance to those community officials desiring to draft one. The following precepts should be followed:

(a) Adopt the moratorium in the form of a *local law*, the simplest and strongest form of municipal enactment, even if the existing zoning regulations are in the form of an ordinance. Although it is possible to amend an existing ordinance via a new ordinance in cities and towns, the use of a local law will avoid any uncertainty surrounding basic legal authority.

(b) In a municipality with an existing zoning ordinance or local law, the moratorium should be treated as an amendment to that ordinance or local law. The applicable procedural requirements--e.g., notice, hearing and possible county referral--must be strictly followed.

(c) The moratorium should clearly define the activity affected, and the manner in which it is affected. Does the moratorium affect construction itself? Does it affect the issuance of permits? (The permitting official will want to know this.) Does it affect actions by boards or commissions within the municipality? May project review continue, or must it, too, be stopped?

(d) If the moratorium supersedes any provision of either the Town Law or the Village Law, then the moratorium must be adopted by local law, using Municipal Home Rule Law procedures. It must also state, with specificity, the section of the Town or Village Law being superseded. In particular, where the moratorium suspends subdivision approvals, it must be made clear in the moratorium law that the "default approval" provisions of the subdivision statutes of the Town or Village Law (as the case may be) are superseded.

(e) Establish a valid public purpose for the moratorium with a preamble that recites the nature of the particular land use issue, as well as the need for further development of the issue in the community's comprehensive plan and/or in its current land use regulations. Refer to the fact that time is needed for community officials to comprehensively address the issue without having to allow further development during that time. Such a statement will help make it clear that the benefits to the community outweigh the potential burden to the landowners.

(f) Be sure the moratorium states that it is to be in effect for a defined period of time. The moratorium should be for a time no longer than

absolutely necessary for the municipality to place permanent regulations in effect.

(g) The moratorium should include a mechanism allowing affected landowners to apply to a local board for relief from its restrictions, or it should contain a clear reference to the fact that an owner may make use of the existing variance procedures under the current zoning regulations. If a board other than a zoning board of appeals will execute this authority, the moratorium should be enacted using the supersession authority (see “(d)” above).

Conclusion

As communities continue to grow, the pressures for further development may well increase. Ideally, a community’s comprehensive plan and its land use regulations will be adequate to deal with those pressures. But the ideal is rarely the fact. Such pressures may lead to calls for a halt to particular types of development, or to development in particular areas, until municipal leaders have had a reasonable opportunity to formulate a comprehensive regulatory approach. Moratoria will, therefore, continue to be adopted. It is hoped that this publication, along with others in such areas as comprehensive planning, zoning and subdivision control, will serve as a useful guide to those community officials involved in the process.

ENDNOTES

1. *Charles v. Diamond*, 41 N.Y.2d 318, 324 (1977).
2. See *People ex rel. St. Albans-Springfield Corp. v. Connell*, 257 N.Y. 73 (1931); *Arverne Bay Construction Co. v. Thatcher*, 278 N.Y. 222 (1938).
3. 58 F.2d 784 (D.C. Va., 1932).
4. 52 Misc.2d 815 (Sup. Ct., Oneida Co., 1966). The validity of this type of moratoria had been upheld by the Courts even earlier. In sustaining a 60 day moratorium in *Hasco Electric Corp. v. Dassler*, 143 N.Y.S.2d 240 (Sup. Ct., West. Co., 1955), the Supreme Court stated that it "was inclined to the opinion that the local legislative body was vested with the authority to enact reasonable stop-gap or interim legislation prohibiting the commencement of construction for a reasonable time during consideration of proposed zoning changes."
5. 35 N.Y.2d 507 (1974).
6. 35 N.Y.2d at 512.
7. "Mere financial loss is not enough, but the restriction on use must be so great as to deprive the owner of any reasonable use of the property to which any owner would be generally entitled to put the property." *Charles v. Diamond* 41 N.Y.2d 318, 326 (1977).
8. 41 N.Y.2d 318 (1977).
9. 41 N.Y.2d at 323-324 (citations omitted).
10. 23 N.Y. 2d 424 (1969).
11. 30 N.Y.2d 359 (1972).
12. See *Albany Area Builders Association v. Town of Clifton Park*, 172 A.D.2d 54 (3rd Dept., 1991).
13. *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency*, 535 U.S. 302, 341-342 (2002): "It may well be true that any moratorium that lasts for more than one year should be viewed with special skepticism. But given the fact that the District Court found that the 32 months required by [Tahoe Regional Planning Agency] to formulate the 1984 Regional Plan was not unreasonable, we could not possibly conclude that every delay of over one year is constitutionally unacceptable."
14. 43 A.D.2d 386 (3rd Dept., 1974).
15. 43 A.D.2d at 388.
16. 108 A.D.2d 914 (2nd Dept., 1985).

17. 153 Misc.2d 521 (Sup. Ct., Suffolk Co., 1991).
18. 176 A.D. 2d 859 (2nd Dept., 1991).
19. 438 F. Supp.2d 149 (W.D.N.Y., 2006).
20. 43 A.D.2d 386 (3rd Dept., 1974).
21. See *Oakwood Island Yacht Club, Inc. v. City of New Rochelle*, 59 Misc.2d 355 (Sup. Ct., Westch. Co., 1969), *affirmed* 36 A.D.2d 796 (2nd Dept. 1971), *affirmed* 29 N.Y.2d 704 (1971).
22. 11/30/95 N.Y.L.J. p. 35 col. 3 (Sup. Ct. Westchester Co.)
23. 209 A.D.2d 57 (2nd Dept. 1995).
24. 41 N.Y.2d 318 (1977).
25. Municipal Home Rule Law section 10 and sections 20 -27.
26. 146 Misc.2d 638 (Sup. Ct., Saratoga Co., 1990).
27. 172 Misc.2d 93 (Sup. Ct., Nassau Co., 1997).
28. 43 A.D.2d 820 (1st Dept. 1974) *affd* 34 N.Y.2d 324 (1974).
29. 34 N.Y.2d 324 (1974).
30. 34 N.Y.2d at 328.
31. See *Pete Drown, Inc. v. Tn. Bd. of the Tn. of Ellenburg*, 229 A.D.2d 877 (3rd Dept., 1996).
32. 70 N.Y.2d 735 (1987).
33. 55 A.D.2d 935 (2nd Dept. 1977)
34. 46 A.D.2d 558 (3rd Dept., 1975).
35. Those standards are now set forth in the State enabling statutes, General City Law section 81-b, Town Law section 267-b, Village Law section 7-712-b. The courts will apply them in the same manner as for variances in general. See *Montgomery Group, LLC v. Town of Montgomery*, 4 A.D.3d 458 (2nd Dept., 2004).
36. See *Nectow v. City of Cambridge*, 277 U.S. 183 (1928).
37. See *Pennsylvania Coal Co. v. Mahon*, 260 U.S. 393 (1922).
38. See *Agins v. Tiburon*, 24 Cal.3d 266 (Sup. Ct. of Calif., 1979), *aff'd on oth. grds.*, 447 U.S. 255 (1980).

39. 482 U.S. 304 (1987).
40. 505 U.S. 1003 (1992).
41. 535 U.S. 302 (2002).
42. See *119 Development Associates v. The Village of Irvington*, 171 A.D.2d 656 (2nd Dept., 1991).
43. 74 N.Y.2d 92 (1989), *cert. den.*, 493 U.S. 976 (1989).
44. 161 A.D.2d 745 (2nd Dept., 1990); see also, *Timber Ridge Homes at Brookhaven, Inc., v. State*, 223 A.D.2d 635 (2nd Dept., 1996).
45. See *Matter of West Lane Properties v. Lombardi*, 139 A.D.2d 748 (2nd Dept., 1988); *Home Depot, U.S.A., Inc. v. Village of Rockville Centre*, 295 A.D.2d 426 (2nd Dept., 2002).
46. 304 N.Y. 105 (1952).
47. 77 N.Y.2d 114, 122 (1990) (emphasis added). See also *Masi Management, Inc. v. Town of Ogden*, 180 Misc.2d 881 (Sup. Ct., Monroe Co., 1999).
48. *Supra*, note 9.
49. 230 A.D.2d 800 (2nd Dept., 1996).

EXHIBIT EE

Woodlands 2020



I would like to speak in strong favor of the two Woodlands 2020 proposals submitted by 13th Floor Homes to change the zoning in the Woodlands community. Some of my reasons for favoring these proposals are as follows:

- **Tax Revenue** - Tamarac and Broward County need an infusion of new tax funds in order to continue to grow and serve its citizens. Numerous retail establishments and restaurants in this area have closed over the past several years, their properties remain vacant or converted into non-taxable churches. There has also been a change in the types of restaurants and business establishments opening in the region, possibly indicating the beginning of a decline. An added, upscale development in the Woodlands will help change the dynamic of business closings and openings. Again, increasing tax revenues and improving the area.
- **Traffic** – A large portion of the opposition to the development proposals center around potential traffic increase problems. Over the past 7 years, the volume of traffic already has been increasing steadily; it will continue to increase with or without the development here. The Woodlands 2020 proposal includes improvements for roads and intersections for us that would help with the traffic flow; these improvements are already needed.
- **Infrastructure** - The Woodlands' infrastructure (nearly 50-years old) is in bad shape (soon to be critical) and needs to be updated, especially rain water drainage. The 13th Floor homes proposal includes much of these needed improvements for which we, the area home owners, would have to pay a substantial amount in the next decade. I really like this money-saving idea. The sewage system is as old as the ones that recently broke in Ft. Lauderdale; we do not need for that to happen here; we need improvements.
- **Gated Community** - Ever since I moved into the Woodlands in 2013, there has been requests by neighbors through the newsletter and website to make it a gated community. I am under no illusion that this improvement would be a security one. It is a property-value-increasing improvement.
- **Decreasing Golfers** - I live right on one of the courses. I see fewer and fewer golfers each month. I do not see how the course stays open with so few customers. Someone is going to buy these golf courses sooner or later and many developers would probably be less open to our input. 13th Floor Homes has been very receptive to our ideas. I like working with someone known, rather than someone unknown in the future.
- **Property Values** - Property value increases for the Woodlands has lagged behind the most of Broward County in recent years. Is it because of the aging infrastructure, the decline of business in the region, or the growing congestion? Maybe it is due to other reasons. Building \$400K + home here would help our property value as well, especially with a new community center, pool, fitness center, etc. being built. The nature trails will also improve values. I am looking forward to these improvements.
- **Quality of Life** - I love living on a golf course. It is beautiful and peaceful in the evenings (except for neighbor golfing for free). I moved into The Woodlands for these reasons. However, when my grandchildren and friends visit, they cannot play on the course due to the many chemicals used to maintain it. The proposed changes include more family-oriented space, walking trails, and other activities, as well as fewer toxins in the ground. The increased quality of life for all residents will be appreciated by most residents.

Please vote to approve the 13th Floor Homes zoning change proposals. Tamarac, as a city, needs it; Woodlands, as a community, needs it; my home and family need it.

Thank you for listening to my input.

Barry and Shirley Bleidt
Woodlands Community Homeowners
5007 North Travelers Palm Lane
Tamarac, FL 33319

EXHIBIT FF

From: [Carlton Anglin](#)
To: [Blake Boy, Barbara](#)
Subject: I Support the Woodlands 2020 Vision Plan
Date: Tuesday, March 3, 2020 12:05:10 AM

Dear Mayor & Commissioners,

I support the development because I believe it will revitalize our community which is in decline.

The opposition has no solutions only objections with no alternatives.

Regards,
Carlton and Jennifer Anglin

callanglin@gmail.com,

5300 Woodlands Blvd 33319

EXHIBIT GG

From: [Heima Maharaj](#)
To: [Blake Boy, Barbara](#)
Subject: I Support the Woodlands 2020 Vision Plan
Date: Friday, March 6, 2020 8:10:56 AM

External Email

Dear Mayor and Commissioners,

I support the Woodlands 2020 Vision Plan because the new, gated entrances will enhance the community's curb appeal and help with security.

Sincerely,

Heima Maharaj

Hmaharaj@live.com, (954) 865-0616

5901 Breadfruit Circle

EXHIBIT HH

From: [Vashista Jadoonanan](#)
To: [Blake Boy, Barbara](#)
Subject: I Support the Woodlands 2020 Vision Plan
Date: Tuesday, March 10, 2020 9:24:29 AM

External Email

Dear Mayor and Commissioners,

I support the Woodlands 2020 Vision Plan because the new, gated entrances will enhance the community's curb appeal and help with security.

Sincerely,

Vashista Jadoonanan

vjhomes.fl@gmail.com, (954) 801-8038

5305 Buttonwood Ct. Tamarac fl 33319