



# Overview of the 2018 Legislative Session

**March 15, 2018**

10:30 a.m. - 11:30 a.m. EDT

[www.florida-stormwater.org](http://www.florida-stormwater.org)



## Upcoming Events!

Stormwater Operator Certification Classes

<http://www.florida-stormwater.org/training-center>

Stormwater Operator Re-Certification Online Webinars

- April 3, 2018

- November 6, 2018

Annual Conference – ***Celebrating FSA's 25<sup>TH</sup> Anniversary!***

<https://www.florida-stormwater.org/conference>

June 13-15, 2018

Sanibel Harbour Marriott, Ft. Myers

*Also...2018 SWU Surveys – Due Now!*



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Green Infrastructure  
Environmental Compliance  
Sea Level Rise Strategies*

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***Coming Soon!***

**FSA's 2018 Stormwater Utility Report on USB**





# Mark Hammond, PE, MBA



- 30-year career with SWFWMD
- Resource Management Division Director
- Oversaw bureaus for water supply, flood protection, natural systems, and water quality
- Initiatives include conservation, reuse, ASR, watershed management, MFLs, FARMS, and SWIM
- Lead in Central Florida Water Initiative (CFWI)

**[mhammond@appliedfl.com](mailto:mhammond@appliedfl.com)**

*Sea Level Rise Strategies*



[www.appliedfl.com](http://www.appliedfl.com)

Engineers | Scientists | Advocates

# FLORIDA RECOVERY

6 MONTHS LATER

HURRICANE IRMA: PROGRESS THROUGH PARTNERSHIPS



ALL TOTALS AS OF 3/01/2017



## HOMEREPAIR

FEMA HOME REPAIR GRANTS



## RENT PAID

IN FEMA GRANTS TO PAY RENT



## HOUSEHOLDS

PARTICIPATED IN FEMA PROVIDED HOTEL STAYS



INDIVIDUAL & HOUSEHOLDS PROGRAM (IHP) APPROVED:

\$958 MILLION

SMALL BUSINESS ADMINISTRATION (SBA) LOANS APPROVED:

\$1.3 BILLION

NATIONAL FLOOD INSURANCE PROGRAM (NFIP) CLAIMS PAYMENTS:

\$855 MILLION

MORE THAN

100

VOLUNTEER ORGANIZATIONS



LOGGED MORE THAN

1.5M

VOLUNTEER HOURS

SOURCE: FLORIDA DEPT. OF EMERGENCY MANAGEMENT, FLORIDA FISH & WILDLIFE CONSERVATION COMMISSION, FEMA, U.S. SMALL BUSINESS ADMINISTRATION & U.S. ARMY CORPS OF ENGINEERS

[hmgp@appliedfl.com](mailto:hmgp@appliedfl.com)



## Meet the Presenters



Kurt Spitzer



Catherine Bray

[www.florida-stormwater.org](http://www.florida-stormwater.org)



## Today's Overview

1. General Background for 2018 Session
2. Primary water and related Legislation of interest to Local Government
3. The Constitutional Revision Commission
4. What to look for in 2019

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## **General Background for 2018 Session**

1. Florida's Fiscal Condition
2. Little interest in springs and water quality/supply
3. Mostly "defense" as opposed to offense/defense
4. Exogenous influences on "the process" pronounced

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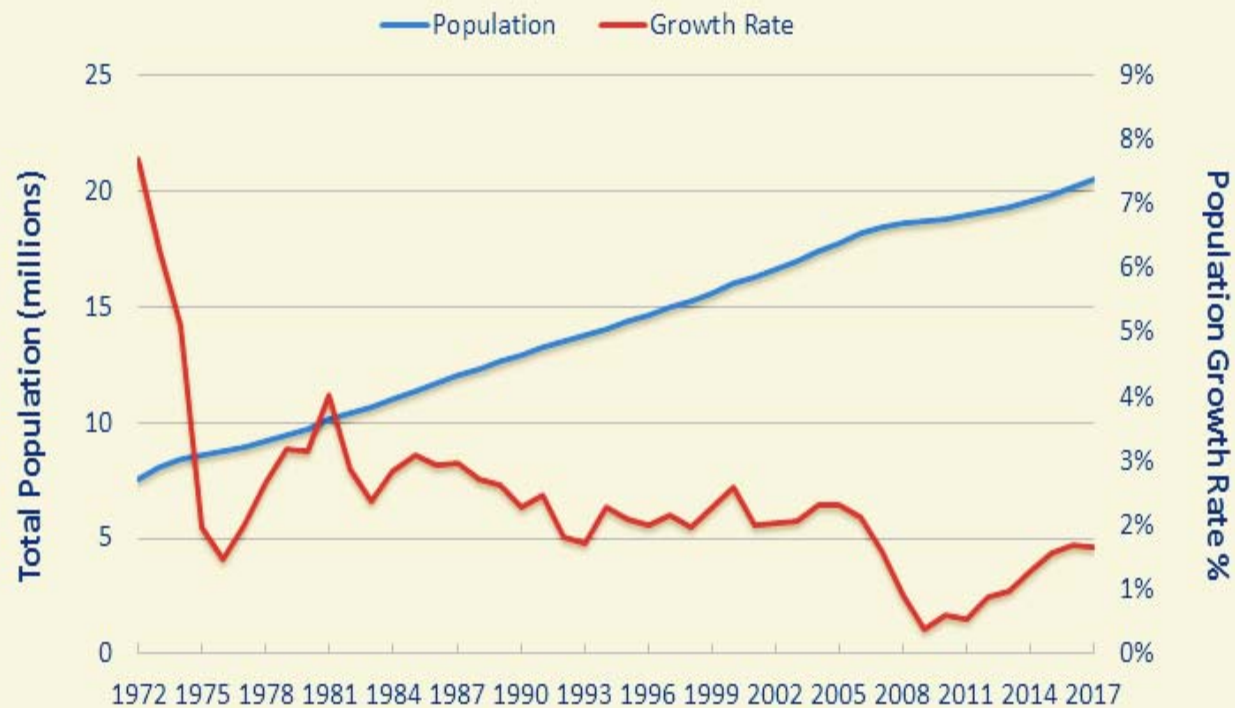
## General Background for 2018 Session

### *1. Florida's Fiscal Condition*

- Generally stable, especially when compared to other states
- But...a long ways off from pre-recession in terms of tax revenues



## FLORIDA POPULATION AND GROWTH RATE



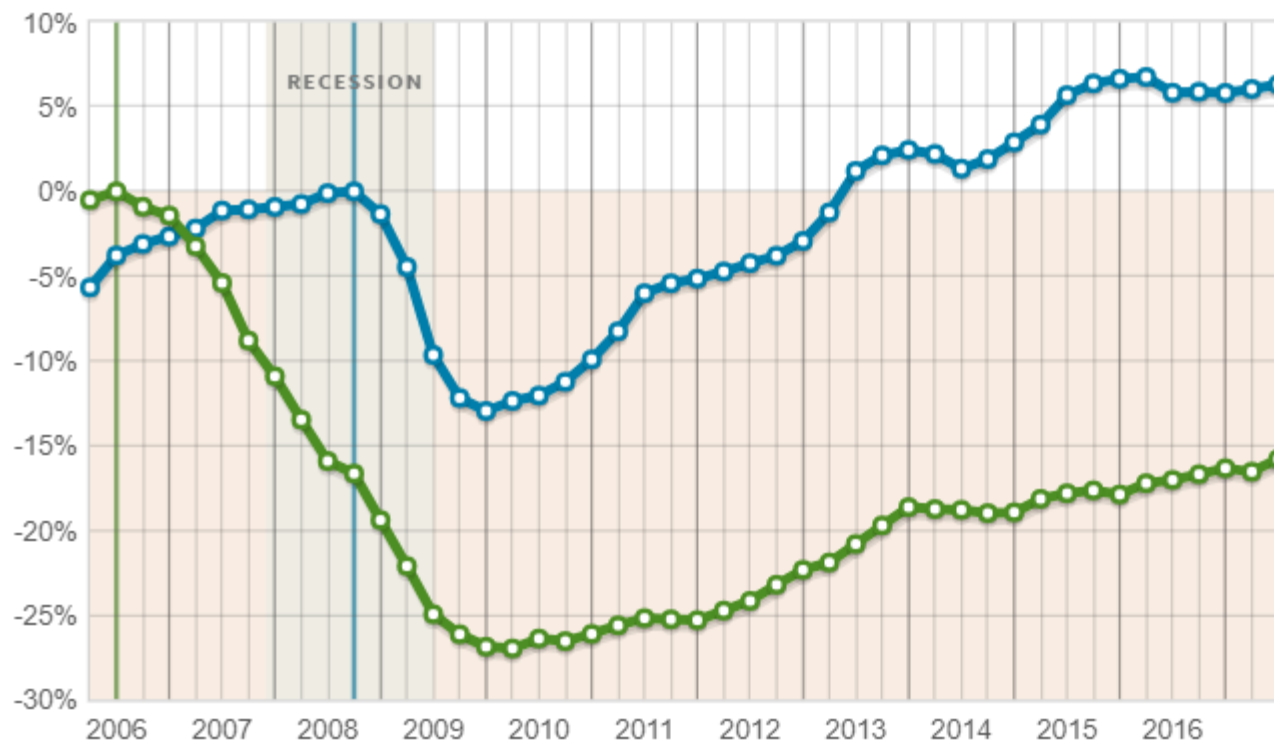
Source: BEBR Population Estimates

Current Data as of 2/09/2018



## Change in Tax Revenue From Each State's Peak Quarter, Adjusted for Inflation

■ 50 states ■ Florida



Select a state ▼  
Florida ▼  
Florida ▼  
 50-state total

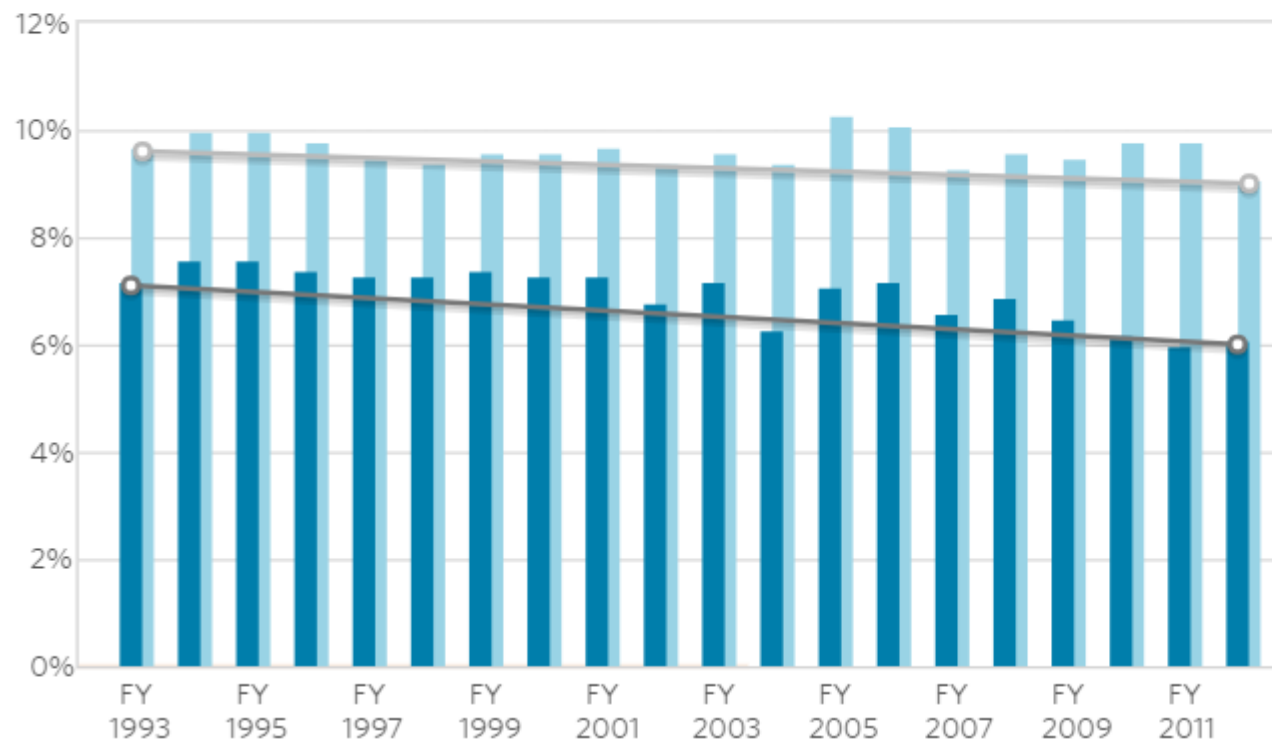
Activate Win  
Go to Settings to





## Trends in Spending as a Share of Personal Income, FY 1993-2012

50 states: ■ From state funds ■ From total funds (state and federal)



Florida

Show change

**Change in spending:  
FY 1993 to FY 2012  
in percentage points**

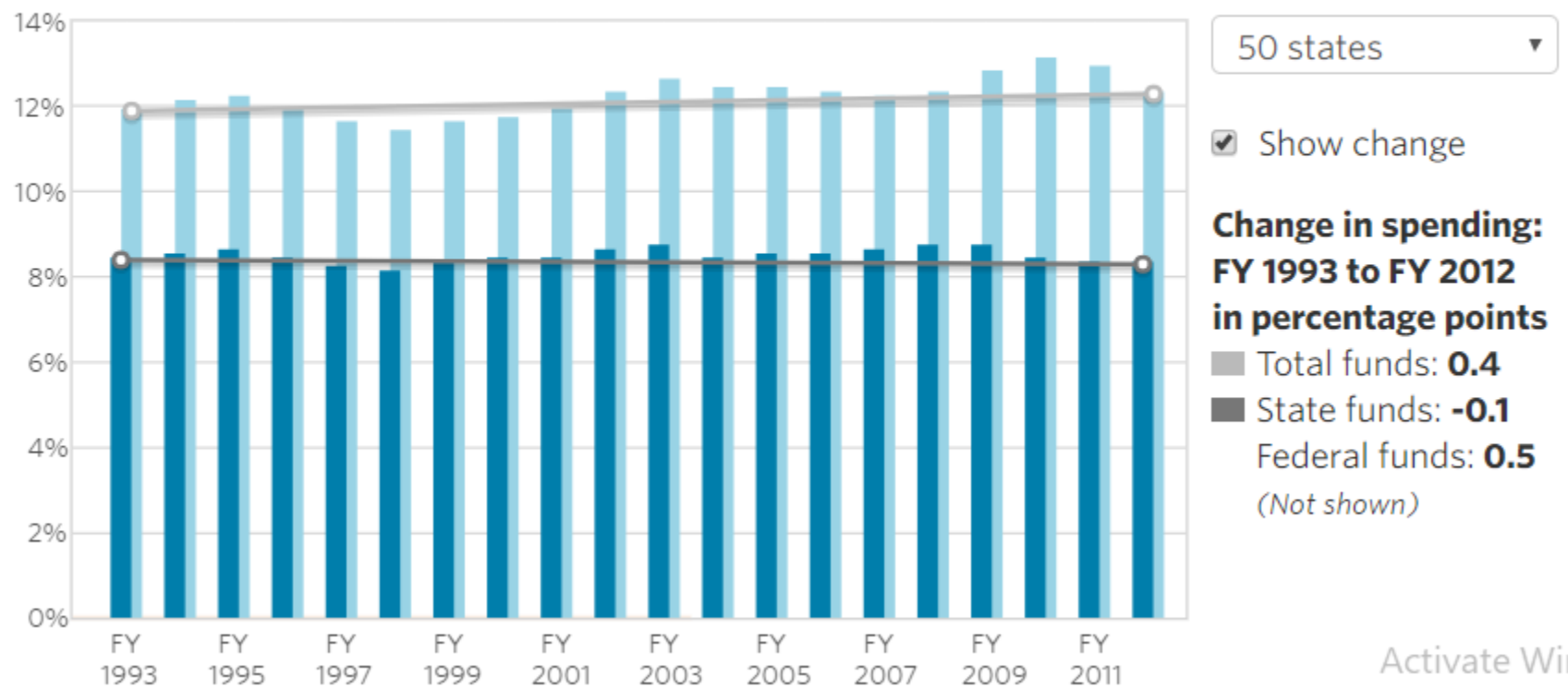
■ Total funds: **-0.6**  
 ■ State funds: **-1.1**  
 Federal funds: **0.5**  
 (Not shown)

Activate Win  
Go to Settings to



## Trends in Spending as a Share of Personal Income, FY 1993-2012

50 states: ■ From state funds ■ From total funds (state and federal)



Activate Win



## General Background for 2018 Session

### *2. Little interest in springs and water quality/supply*

- Springs/water bills handled in 2014 through 2015-16
- No appetite for major water legislation



## General Background for 2018 Session

### *3. Mostly defense as opposed to offense & defense*

- SB 574
- HB 7087
- CRC 95 (Constitutional Revision Commission)





## General Background for 2018 Session

### *4. Pronounced exogenous influences on “the process”*

- 2016 national election
- Upcoming 2018 Florida elections
- Cloud over 2018 Session, beginning in 2017

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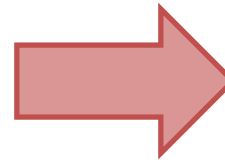


## Resources on FSA website

[www.florida-stormwater.org/legislative](http://www.florida-stormwater.org/legislative)

- ✓ Priority Issues
- ✓ General bills being tracked by FSA
- ✓ White Papers
- ✓ News Clips

[www.florida-stormwater.org](http://www.florida-stormwater.org)



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- Establishing SWU Manual
- Legislative
- Seminars
- Stormwater Utility Rates in Florida
- Stormwater Utility Report (2016)
- Training Center
- Virtual Exhibit Hall
- Webinars
- FAQ



### Purpose

To enhance the capacity of stormwater management practices through research, dissemination of information, active participation in the legislative decision process and education.

### Training Center

Fogarty Training Center Classes

## Legislative Page (Members Only)

Quick Links: [Bills](#) - [News](#) - [White Papers](#) / [Current Year](#) - [Previous Year](#)

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### 2018 Regular Session

- [FSA Priority Issues](#)
- [Official Website of the Florida Legislature](#)
- [2017-18 Constitutional Revision Commission](#)

### 2018 Bills Being Tracked

*(Not seeing table below? Make sure your pop up blocker is off)*

Number	Title	Sponsor	Last Action
<a href="#">HB 131</a>	Coastal Management	<a href="#">Peters</a>	9/14/2017
<a href="#">SB 158</a>	Florida Communities Trust	<a href="#">Brandes</a>	8/28/2017
<a href="#">SB 174</a>	Coastal Management	<a href="#">Hukill</a>	3/1/2018
<a href="#">HB 203</a>	Environmental Regulation Commission	<a href="#">Willhite</a>	11/6/2017



## White Papers and Short Bill Summaries

File Name	Date Added
<a href="#">HB 7087 Analysis</a>	2/23/2018
<a href="#">CRC 95 Analysis</a>	1/25/2018
<a href="#">EPA-DEP draft MOA</a>	1/12/2018
<a href="#">Nutrient Removal Cost Comparison</a>	12/11/2017
<a href="#">Reclaimed Water White Paper</a>	2/28/2017
<a href="#">10/2 Permits White Paper</a>	3/12/2015
<a href="#">Septic Tank White Paper</a>	2/26/2015
<a href="#">Wetlands White Paper</a>	1/28/2015

## News Feeds

[Florida's Appropriations Process 101](#)

\* Legislative IQ \* - 3/8/2018

[State Economy](#)

\* Legislative IQ \* - 3/5/2018

[Agriculture and Natural Resources Appropriations](#)

\* Legislative IQ \* - 3/2/2018

[Lobbying and Ethics](#)

\* Legislative IQ \* - 2/2/2018



## Primary Issues of Concern – “*Priority Issues*”

- ✓ **HB 7043** – Authorized FDEP to assume responsibility for dredge and fill (wetlands) permitting programs from federal government. Specific details remain to be determined via Memoranda of Agreement between FDEP and EPA/Corps. A primary environmental priority of Governor and industry; supported by EPA. ***Passed.***
- ✓ **HB 7087** – Omnibus tax package for 2018. Amended to provide that local governments could not prohibit the sale of goods/products subject to state sales tax; amendment later removed. ***Passed.***



## Primary Issues of Concern – “*Priority Issues*”

- ✓ **HB 7063** – Florida Forever/Environmental Resources. Consolidated allocations of Florida Forever Act \$\$ into three categories; prohibited uses for CIP, water resources and land management. ***Failed.***
  - Required W/WWT systems to develop asset management plans.
  - Required projects permitted under 10/2 general permit to certify that they do not contribute to WQ violations.
  - Required FDOT to coordinate with area stakeholders to redirect stormwater for beneficial use.



## Primary Issues of Concern – “*Priority Issues*”

- ✓ **SB 370** - Florida Forever/Environmental Resources. Created a statutory distribution of Land Acquisition Trust Fund requiring \$100M to be distributed annually. **Failed.**
- ✓ **Appropriations Bill** – Funded Florida Forever program at \$100+ million for FY 2018-19. **Passed.** Budget also included:
  - \$50M for springs restoration
  - \$60M for beach restoration programs, including more than \$11M for beaches damaged by Hurricane Irma.





## Primary Issues of Concern – “*Priority Issues*”

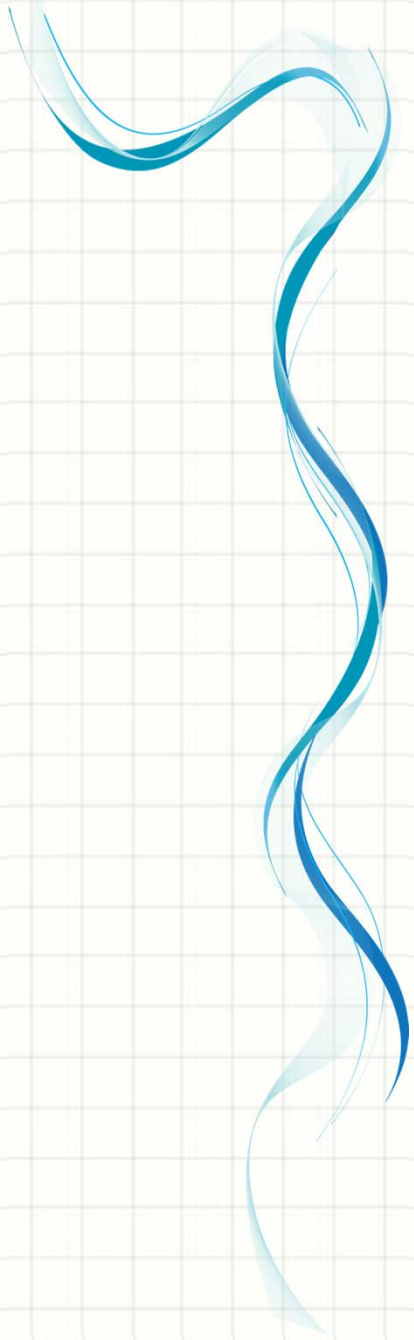
- ✓ **SB 574/HB 521** – Pre-emption of Regulatory Authority over Trees. Originally drafted as broad pre-emption of all local powers regarding the regulation of trees and other vegetation. Subsequently amended to pre-empt only those regulations that apply in ROW owned/operated by drainage districts/WMDs. ***Failed.***



## Primary Issues of Concern – “*Priority Issues*”

- ✓ **HB 1149** – General environmental policy. Directs FDEP/WMDs to reissue the construction phase of an expired environmental resource permit under certain conditions; promotes the use of reclaimed water for aquifer recharge; requires cities/counties to address contamination of recyclable material; provides an exemption from certain requirements for mitigation areas created by a local government; establishes program presuming WWT compliance with WQ standards if meets certain programmatic criteria. ***Passed.***

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Questions?



## Other Issues

- ✓ **SWU Fee “Fix”** – Amendments clarifying application of SWU fees to schools and state agencies were not introduced. See [www.florida-stormwater.org/Litigation/](http://www.florida-stormwater.org/Litigation/)

### *New Developments*

- West Palm Beach v. Palm Beach County School Board
- City of Ocala process with Marion County School Board

[www.florida-stormwater.org](http://www.florida-stormwater.org)





## Other Issues

- ✓ **Fertilizer Pre-Emption** – Amendments or legislation pre-empting the ability of local governments to regulate the use of consumer fertilizer were not introduced, although such ordinances may have been captured by HB 7087 in its original form.
- ✓ **“Non-Agricultural BMPs”** – Legislation to limit or repeal the 2016 requirement that FDEP established rules requiring implementation of non-agricultural BMPs by local governments was not introduced.
  - FDEP has discontinued new rulemaking efforts for implementation



## Other Issues

- ✓ **OSTDS** – Legislation to expand 2016 approach for OSTDS in springsheds to other impaired waters were introduced but did not move.
- ✓ **OSTDS** – Amendments to gut 2016 approach for OSTDS in springsheds by delaying implementation 1) by six months or 2) until a study was completed were offered to several bills but did not pass.



## Other Issues

- ✓ **Stormwater Regulations** – Bills prohibiting local governments from adopting or enforcing any new ordinance or regulation providing for water quality “standards” or “regulations” for stormwater discharges to surface waters, wetlands or groundwater that were more stringent than those established by FDEP were not introduced.



## Constitutional Revision Commission

- ✓ **Proposal #95** – A very broadly-worded proposal that would eliminate most regulatory powers of local governments. Creates a new Section in the Florida Constitution to prohibit a county, city or special district from adopting/implementing regulations unless the regulation:
  - Applies exclusively within the respective entity's own boundary
  - Does not intrude or impede commerce or trade across the respective entity's boundaries
  
- ✓ Failed in committee but CRC rules allow reconsideration of any measure by the full CRC.





<b>Fiscal Year</b>	<b>Vetoed</b>	<b>Total Budget</b>	<b>Governor</b>
2000-2001	\$313,151,997	\$50,919,951,413	Jeb Bush
2001-2002	\$288,833,856	\$48,331,164,980	Jeb Bush
2002-2003	\$207,205,478	\$50,408,981,797	Jeb Bush
2003-2004	\$21,169,517	\$53,502,561,910	Jeb Bush
2004-2005	\$349,344,689	\$58,036,663,978	Jeb Bush
2005-2006	\$179,572,268	\$63,076,088,492	Jeb Bush
2006-2007	\$447,907,053	\$71,326,284,400	Jeb Bush
2007-2008	\$459,167,584	\$71,953,311,480	Charlie Christ
2008-2009	\$251,140,000	\$65,024,050,364	Charlie Christ
2009-2010	\$6,000,000	\$66,536,360,098	Charlie Christ
2010-2011	\$171,573,068	\$70,377,423,887	Charlie Christ
2011-2012	\$615,347,550	\$69,676,639,159	Rick Scott
2012-2013	\$142,752,177	\$70,036,652,091	Rick Scott
2013-2014	\$367,950,394	\$74,298,188,334	Rick Scott
2014-2015	\$68,850,121	\$77,081,082,124	Rick Scott
2015-2016	\$461,387,164	\$78,697,999,841	Rick Scott
2016-2017	\$256,144,027	\$82,348,890,492	Rick Scott
2017-2018	\$11,900,000,000	\$82,418,458,905	Rick Scott
2018-2019	TBD	\$88,700,000,000	Rick Scott



Year	Governor	President	Speaker	Bills Filed*	Bills Passed	% Passed
2001	Jeb Bush	John McKay	Tom Feeney	2,251	362	16%
2002	Jeb Bush	John McKay	Tom Feeney	2,428	403	17%
2003	Jeb Bush	James King	Johnnie Byrd	2,553	412	16%
2004	Jeb Bush	James King	Johnnie Byrd	2,691	497	18%
2005	Jeb Bush	Tom Lee	Allan Bense	2,483	393	16%
2006	Jeb Bush	Tom Lee	Allan Bense	2,482	386	16%
2007	Charlie Crist	Ken Pruitt	Marco Rubio	2,545	345	14%
2008	Charlie Crist	Ken Pruitt	Marco Rubio	2,504	313	13%
2009	Charlie Crist	Jeff Atwater	Ray Sansom	2,371	271	11%
2010	Charlie Crist	Jeff Atwater	Larry Cretul	2,478	301	12%
2011	Rick Scott	Mike Haridopoplos	Dean Cannon	2,186	295	13%
2012	Rick Scott	Mike Haridopoplos	Dean Cannon	2,052	292	14%
2013	Rick Scott	Don Gaetz	Will Weatherford	1,848	286	15%
2014	Rick Scott	Don Gaetz	Will Weatherford	1,817	264	15%
2015	Rick Scott	Andy Gardiner	Steve Crisafulli	1,754	232	13%
2016	Rick Scott	Andy Gardner	Steve Crisafulli	1,814	279	15%
2017	Rick Scott	Joe Negron	Rick Corcoran	1,676	241	14%
2018	Rick Scott	Joe Negron	Rick Corcoran	1,654	200	12%

\* Does not include appropriations projects, resolutions, etc.



## What to Anticipate next Session (March 2019)

### *Possible Issues*

1. Water
  - ✓ Reclaimed water
  - ✓ OSTDS policy
2. Regulatory “Reform” – Pre-Emption of local regulatory authority
  - ✓ Local regulatory authority over wetlands
  - ✓ Stormwater regulations



# Questions?

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**THANK YOU FOR JOINING US!**

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