

2020 FSA Annual Conference

Building a Clear Vision in Stormwater Management

2020 Legislative Session Review

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Today's Agenda

1. General background for 2020 Session
2. Primary legislation of interest to stormwater programs
3. Implementing legislation and other regulatory initiatives
4. Looking to 2021



General Background for 2020 Session

1. Florida's Fiscal Condition
2. Significant interest in water quality
3. Preemption philosophy still growing



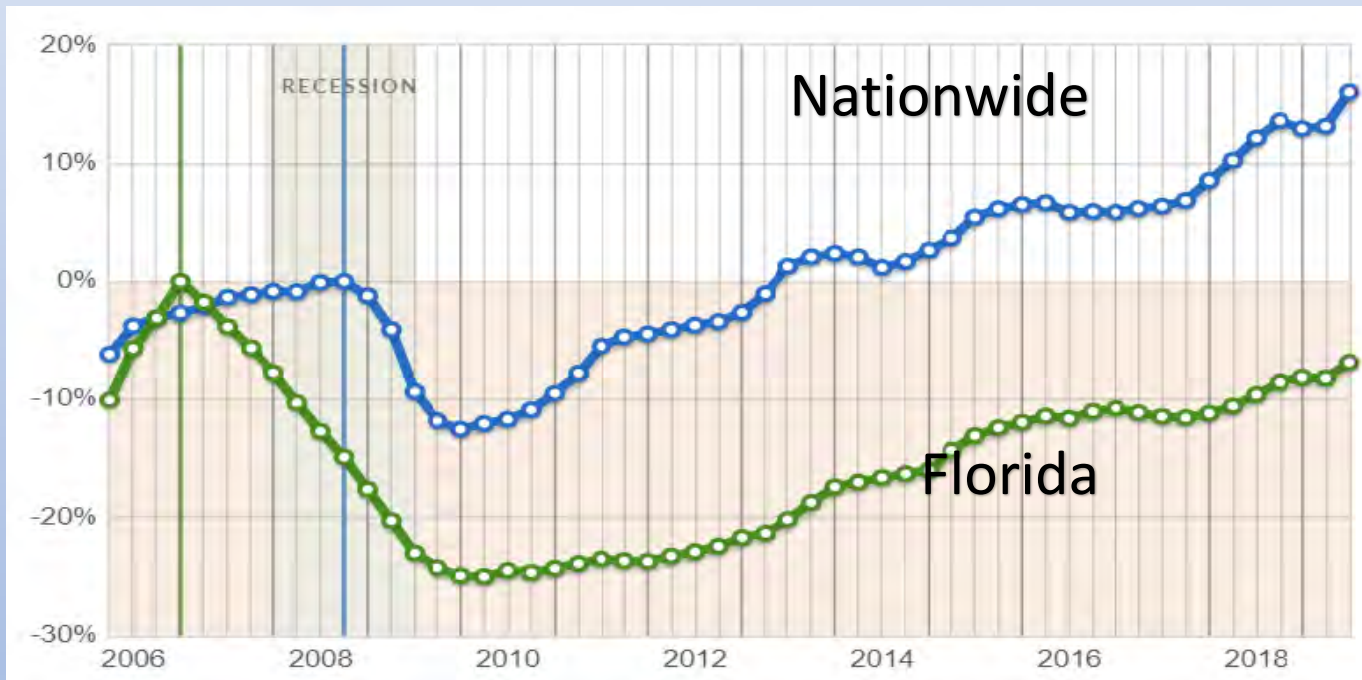
General Background for 2020 Session

1. *Florida's Fiscal Condition (as of January 2020)*

- Generally stable, especially when compared to other states
- But a long ways off from pre-recession in terms of tax revenues
- Tax structure ill-prepared for significant exogenous shock



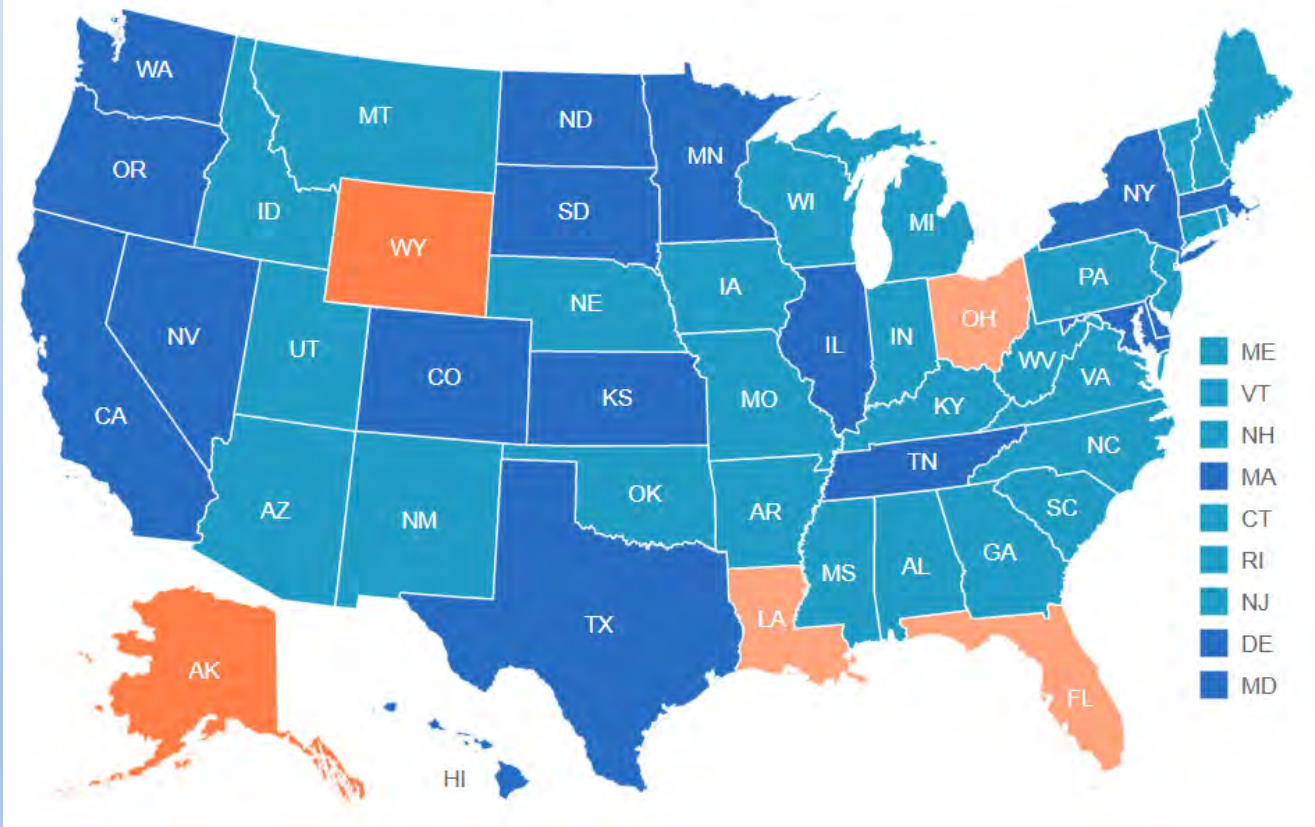
Change in Tax Revenue from State's Peak Quarter, Adjusted for Inflation





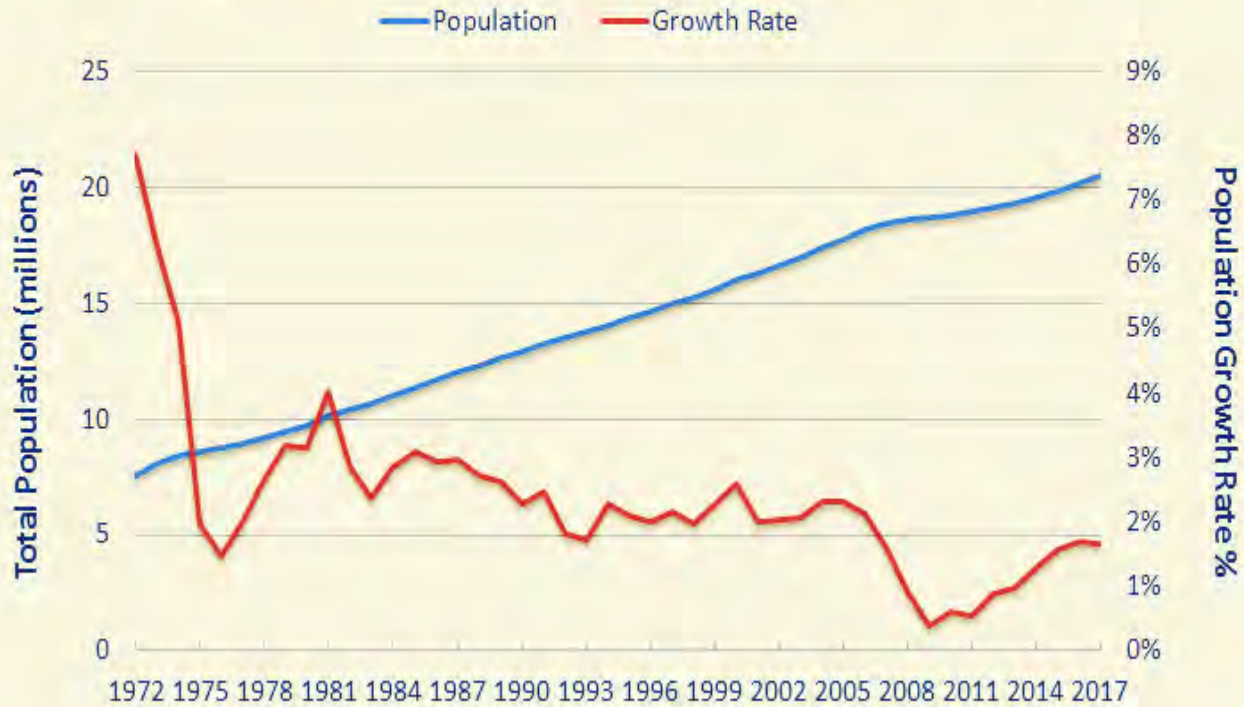
Tax Revenue in Q2 2019 Compared With State's Peak, Adjusted for Inflation

■ 15% or more below ■ 0 to 15% below ■ 0 to 15% above ■ 15% or more above





FLORIDA POPULATION AND GROWTH RATE



Source: BEBR Population Estimates

Current Data as of 2/09/2018



Fiscal Year	Vetoed	Total Budget	Governor
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	\$64,050,000	\$88,700,000,000	Rick Scott
2019-2020	\$131,281,341	\$91,106,375,235	Ron DeSantis
2020-2021	\$1,000,337,940	\$93,200,000,000	Ron DeSantis



Year	Governor	President	Speaker	Gen. Bills Filed	Passed	% Passed
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%
2019	Ron DeSantis	Bill Galvano	Jose Oliva	1,675	197	12%
2020	Ron DeSantis	Bill Galvano	Jose Oliva	1,699	207	12%



General Background for 2020 Session

2. Significant interest in water quality

- Priority issue for Governor DeSantis
- A “carry forward” issue from 2019
- Biosolids TAC
- Blue-Green Algae Task Force



General Background for 2020 Session

Blue-Green Algae Task Force Initial Recommendations

protectingfloridatogether.gov/state-action/blue-green-algae-task-force

- BMAPs
- Ag BMPs
- OSTDS
- SSOs
- SW Design Criteria
- HABs



General Background for 2020 Session

3. *Preemption Philosophy*

- *“Government closest to The People governs best”...*

supplanted by significant and growing anti-regulatory and anti-local government philosophy



General Background for 2020 Session

3. Preemption Philosophy

Primary “Non-Water” Preemption Bills

- Vacation Rentals
- Recreational Vehicle Parks
- Home-Based Businesses
- Local Government Lobbying Fees
- Puppy Mill Stores



Resources on FSA website

www.florida-stormwater.org/legislative

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

Legislative Page (Members Only)

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

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2020 Regular Session


- [FSA Priority Issues](#)
- [Official Website of the Florida Legislature](#)

2020 Bills Being Tracked

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

Number	Title	Sponsor	Last Action
HB 0003	Preemption of Local Occupational Licensing	Grant (M)	02-27-2020
SB 0050	Beverage Container Deposits	Rader	08-16-2019

White Papers and Short Bill Summaries



- [SB 410 - FSA Veto Request](#)
- [Governor's Veto Message - SB 410](#)
- [Short Summary - HB 3/SB 1336 \(2020\)](#)
- [Short Summary - SB 712 Amendments \(2020\)](#)
- [Short Summary - HB 3/SB 1748 \(2019\)](#)
- [Nutrient Removal Cost Comparison \(2017\)](#)
- [Reclaimed Water \(2016\)](#)
- [Septic Tanks \(2015\)](#)
- [10/2 General Permits \(2015\)](#)
- [Wetlands \(2014\)](#)

News Feeds



[DeSantis Signs Clean Waterways Act, Which Has Been Criticized By Environmentalists](#)



Resources on FSA website

www.florida-stormwater.org/advocacy

- ✓ Regulatory Information
 - Triennial Review, Biosolids, etc.
- ✓ Litigation
 - WOTUS, SWUs, etc.



Primary Issues of Concern – “*Priority Issues*”

SB 712 – Omnibus water quality legislation creating the “Clean Waterways Act.” ***Passed.***

1. Biosolids

- ✓ July 1, 2020 new sites must have unsaturated soil depth of 2 feet and seasonal high-water table must be at least 6 inches unless monitoring and nutrient management plan approved by FDEP.
- ✓ All sites to comply new policy within one year after adoption of FDEP rules. Rules must be confirmed by Legislature before effective.
 - FDEP to re-initiate rulemaking shortly.



Primary Issues of Concern – “*Priority Issues*”

SB 712 – Omnibus water quality legislation creating the “Clean Waterways Act.” ***Passed.***

2. SW Design Criteria and “10/2” General Permit

- ✓ FDEP/WMDs to initiate rulemaking by January 1, 2021 to update ERP Applicants Handbook. Must consider LID, increase nutrient removal, consistent application of net improvement, significant reduction of pollutant loadings to waterbodies.
- ✓ FDEP to review and evaluate 10/2 GP and inspection data for compliance with WQ quality standards and provide Legislature with recommendations.
 - FDEP to initiate process with informational webinars within 30 days



Primary Issues of Concern – “*Priority Issues*”

SB 712 – Omnibus water quality legislation creating the “Clean Waterways Act.” *Passed.*

3. OSTDS

- ✓ December 31, 2020 - FDEP and FDOH to submit recommendations on transfer of OSTDS program to FDEP. FDEP and FDOH to enter into agreement to transfer program effective July 21, 2021.
- ✓ FDEP to adopt rules relating to the location of OSTDS to prevent groundwater and surface water contamination by July 1, 2022.
- ✓ Use of enhanced OSTDS encouraged.
- ✓ “Springshead-like” BMAP plan required for areas where OSTDS is more than 20% of nutrient pollution.



Primary Issues of Concern – “*Priority Issues*”

SB 712 – Omnibus water quality legislation creating the “Clean Waterways Act.” *Passed.*

4. Ag BMPs

- ✓ DACS to inspect each agricultural producer that enrolls in BMP program at least every two years for compliance with NOI.
- ✓ Cooperative Ag regional WQ improvement element permitted if Ag contributes to at least 20% of nutrient pollution after implementation of DACS BMPs.



Primary Issues of Concern – “*Priority Issues*”

SB 712 – Omnibus water quality legislation creating the “Clean Waterways Act.” ***Passed.***

5. Bottled Water Study – Submitted by June 30, 2021.
6. Potable Reuse Rule Revisions – Initiated by December 31, 2020.
7. WWT permits required to include inspection of pipe integrity.
8. SSOs – Annual reports of facilities experiencing overflows.
9. Local regulations recognizing “rights of nature” prohibited; complaint filed in Federal Court in Orange County July 1, 2020.



Primary Issues of Concern – “*Priority Issues*”

- ✓ **SB 178** – Public Financing of Construction Projects. Prohibits state-financed constructors from commencing construction of certain structures in coastal building zone without submittal of a sea level impact projection study to FDEP. *Passed.*
- ✓ **HB 1091** – Environmental Accountability. Encourages local governments to establish inspection and notification programs for sanitary sewer lateral lines. Increases fines/penalties for violations of statutes protecting water quality by 50% for each violation. (WWT violations = each day cause of violation is unresolved constitutes a separate violation.) *Passed.*



Primary Issues of Concern – “*Priority Issues*”

- ✓ **HB 1161 / SB 890** – Portability of Local Licenses. Provided that individuals who hold valid, active local licenses may work within the scope of such licenses in any local government jurisdiction without meeting additional licensing requirements. ***Failed.***
- ✓ **HB 3 / SB 1336** – Local Licensing Programs. Similar to legislation filed in 2019. Preempted all local licensing programs unless they were specifically authorized by general law. ***Failed.***
 - FSA’s concern - Local licensure programs test/demonstrate knowledge of regulatory programs unique to city or county government. Examples: Well-drilling; landscape management; inspections of private WWT lift stations.



Primary Issues of Concern – “*Priority Issues*”

- ✓ **SB 410** – Land Use Ordinances. Originally drafted as a property rights bill. Amended late in Session to prohibit charter counties from adopting a comprehensive plan or any land development regulation that is effective countywide. Targeted primarily to address Alachua County’s countywide LID ordinance.
- ***Passed but vetoed*** by Governor DeSantis on June 30, 2020. Veto requests submitted by FSA, FAC, other stakeholders and several individual county governments.



Other Issues

- ✓ **Waters of the United States –**
 - June 2020 – Replacement Rule becomes effective
 - 2019 Repeal and/or 2020 Replacement Rules being challenged in at least 11 federal courts
 - 2020 Replacement Rule “stayed” in Colorado federal court until merits of rule and adoption procedure litigated
 - Technically, Replacement Rule is in effect in Florida at present
 - FSA challenge to 2015 rule still alive...an “insurance policy”



Other Issues

- ✓ **Triennial Review of Water Quality Standards –**
 - Review required by CWA
 - Initiated 2019 but delayed due to COVID pandemic
 - FDEP waiting for input from BGATF on cyanotoxins (late July) and from meeting of stakeholders (informal) on turbidity in August before reinitiating the process



Other Issues

- ✓ **Delegation of CWA s. 404 (Dredge and Fill) permitting authority –**
 - Initiated in 2017
 - Negotiations ongoing with federal agencies
 - EPA/Corps to retain permitting authority for projects within 300' of major, navigable waters
 - FDEP to assume permitting authority for other waters



What to Anticipate next Session – March 2021

Probable Issues

1. Reports and Rulemaking
 - ✓ Biosolids rule ratification
 - ✓ OSTDS transfer
 - ✓ SW Design Criteria
 - ✓ 10/2 Report
 - ✓ Potable Reuse



What to Anticipate next Session – March 2021

Probable Issues

2. COVID-19
3. Budget Shortfalls
4. Regulatory Reform/Pre-Emption of local regulatory authority
5. Redistricting

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Questions?

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