




# **Overview of the 2019 Legislative Session Webinar**

May 9, 2019  
10:30 a.m. – 11:30 a.m. (Eastern)

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



# Applied Sciences

Community Based. Regionally Skilled.

# Public Service Focus



- *STORMWATER MANAGEMENT CONSULTING SERVICES*



- *CIVIL ENGINEERING PLAN REVIEW AND INSPECTION SERVICES*



- *HIDDEN LAKE STORMWATER CAPITAL IMPROVEMENT PROJECT*

# Public Service Focus

## Tampa Bay Area FEMA Coastal Map Updates Public Outreach



# Today's Presenters



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**FSA Legislative and Agency Relations Committee**  
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## Today's Overview

1. General Background for 2019 Session
2. Primary water and water-related Legislation of interest to local stormwater programs
3. What to look for in 2020



## **General Background for 2019 Session**

1. Florida's Fiscal Condition
2. Little interest in water quality/supply
3. Mostly "defense" but some "offense"
4. Preemption philosophy
5. External shocks influencing "the process"



## General Background for 2019 Session

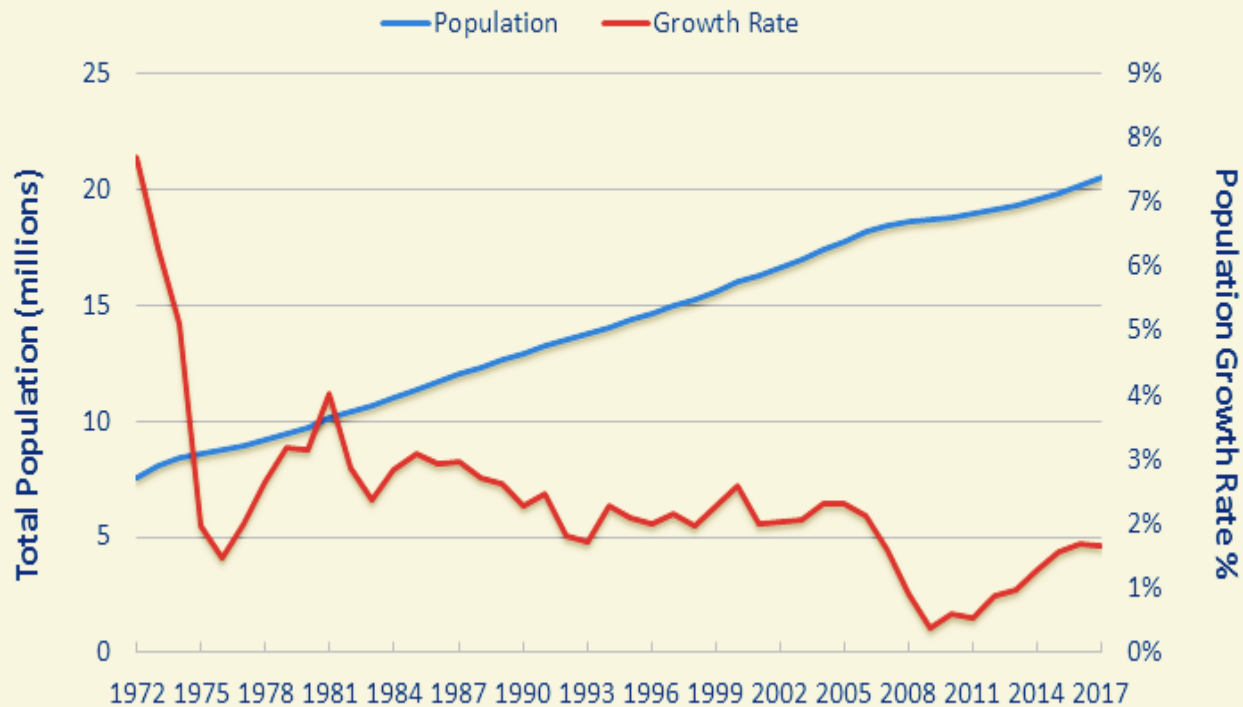
### *1. Florida's Fiscal Condition*

- 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 State's Peak Quarter, Adjusted for Inflation

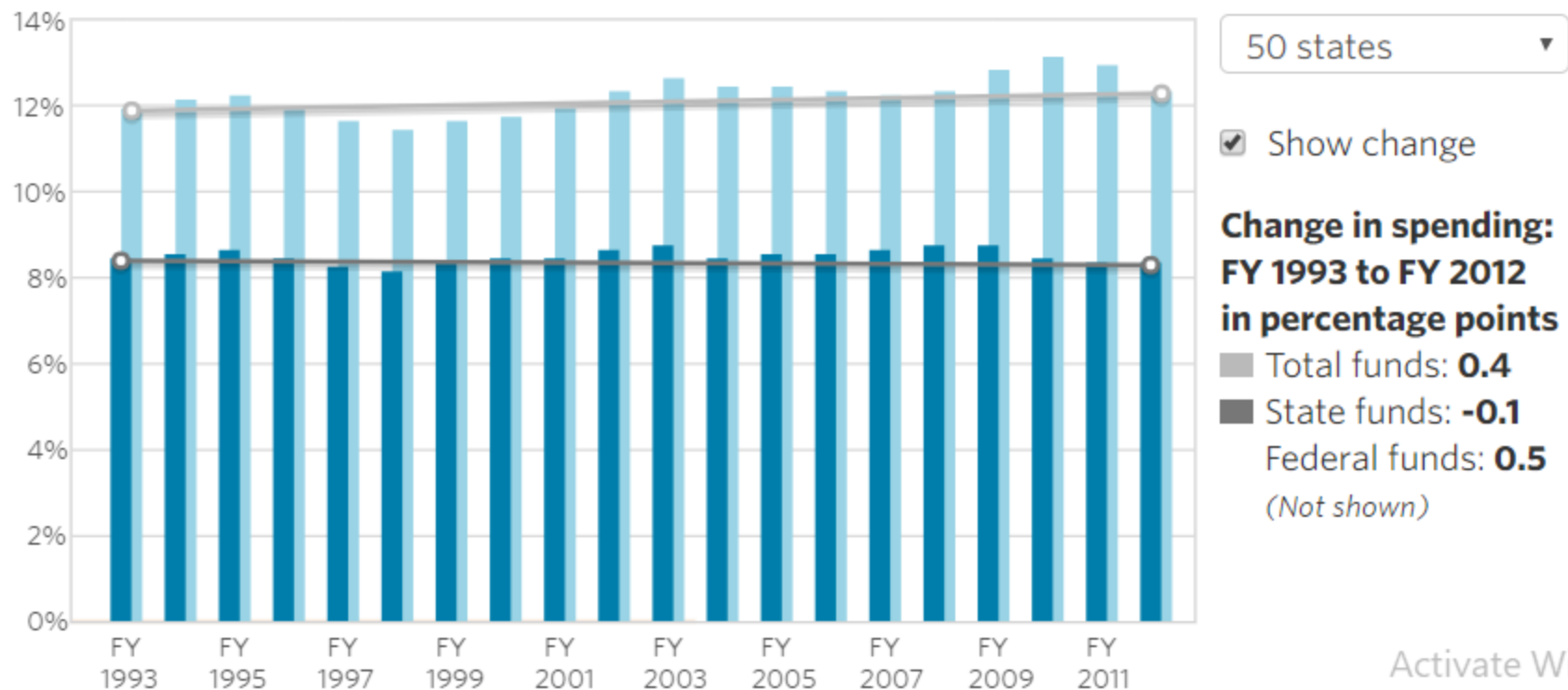
■ 50 states ■ Florida





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

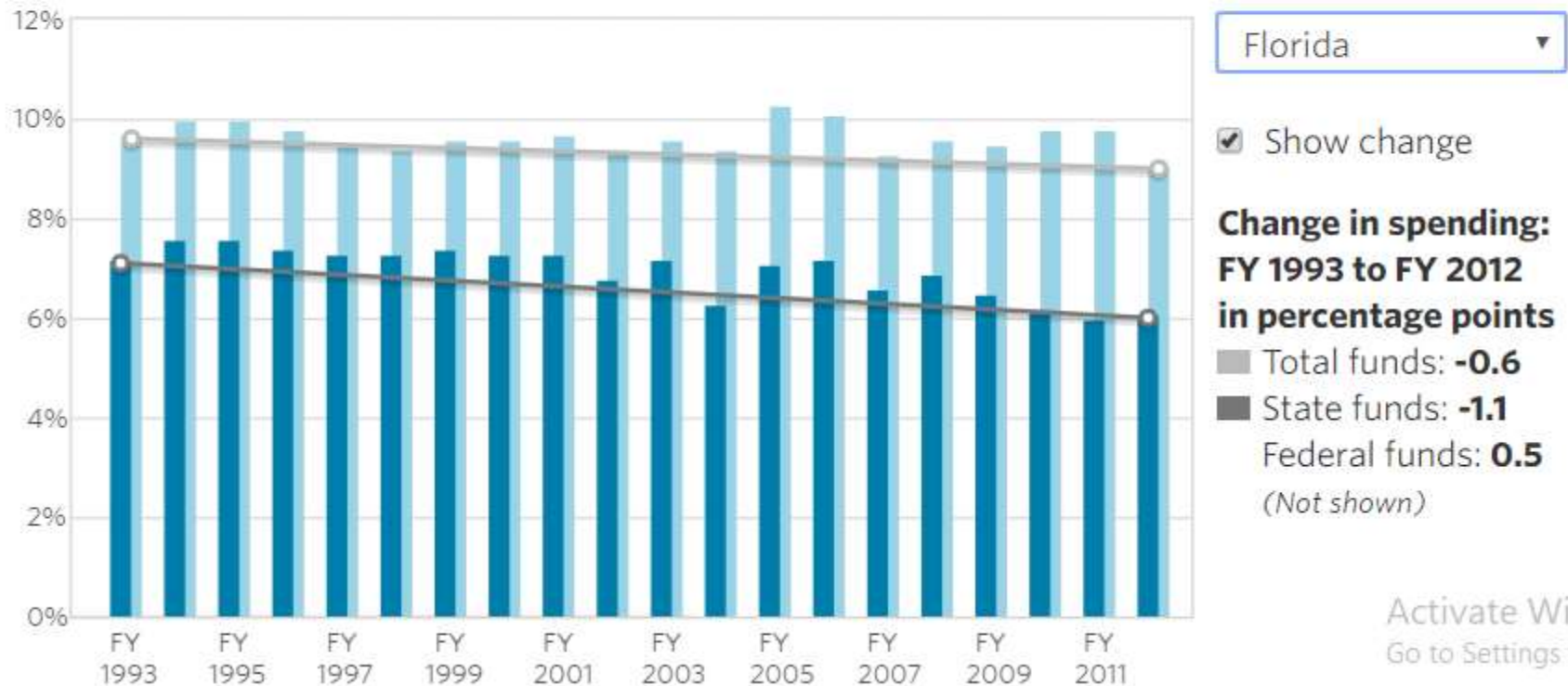
50 states: ■ From state funds ■ From total funds (state and federal)





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

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



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## General Background for 2019 Session

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

- Springs/water bills handled in 2014 and 2015-16
- No appetite for major water legislation, especially in House



## General Background for 2019 Session

### *3. Mostly defense but some offense*

- HB 1159 – Tree Regulations
- HB 3 – General Regulatory Preemption
- HB 973 – Transfer of OSTDS Program to FDEP
- SB 1278 - Biosolids



## General Background for 2019 Session

### 4. *Preemption Philosophy*

- “Government closest to The People governs best” replaced by significant anti-regulatory and anti-local government philosophy



## General Background for 2019 Session

### 4. *Preemption Philosophy*

Primary “Non-Water” Preemption Bills

- Sanctuary Cities (APPROVED)
- Growth Management (APPROVED)
- Vegetable Gardens (APPROVED)
- Tobacco Sales/Marketing (FAILED)
- Sale of “Puppy Mill” Puppies (FAILED)
- Vacation Rental Properties (FAILED)





## General Background for 2019 Session

### 5. *External shocks influencing “the process”*

- 2018 Gubernatorial election
- Blue-green Algae and Red Tide Crisis



## General Background for 2019 Session

### *Red Tide*



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## General Background for 2019 Session

### *Algal Blooms*



<https://floridadep.gov/dear/algal-bloom/content/algal-bloom-sampling-results>

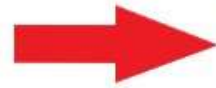


## Resources on FSA website

[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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- Stormwater Utility Report
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## 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)

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## 2019 Regular Session

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

## 2019 Bills Being Tracked

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

Number	Title	Sponsor	Last Action
<a href="#">HB 0003</a>	Preemption of Local Occupational Licensing	Grant (M)	04-18-2019
<a href="#">HB 0063</a>	Property-Assessed Clean Environment	Rodrigues (R)	01-03-2019
<a href="#">SB 0082</a>	Vegetable Gardens	Bradley	04-30-2019
<a href="#">HB 0085</a>	Onsite Sewage Treatment and Disposal Systems	Robinson	04-01-2019

## White Papers and Short Bill Summaries



- [Short Summary - HB 3/SB 1748 \(Preemptions\)](#)
- [Nutrient Removal Cost Comparison \(2017\)](#)
- [Reclaimed Water \(2016\)](#)
- [Septic Tanks \(2015\)](#)
- [10/2 General Permits \(2015\)](#)
- [Wetlands \(2014\)](#)

## News Feeds



[House passes \\$89.9B budget as talks loom](#)

TV - Jacksonville (WJXT) - 4/5/2019

[Experts testify on algae solutions at Florida delegation meeting](#)

Florida Politics - 2/28/2019

[House looks to limit local regulations](#)

Florida Politics - 2/22/2019

[Florida House lawmakers want to gut local business regulations](#)

Orlando Weekly - 2/22/2019



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

- ✓ **HB 3 / SB 1748** – In original form, HB 3/SB 1748 ***preempted all local regulations*** unless their underlying policy was specifically authorized by general law. HB 3 was amended down to only preempt local regulation of professions. HB 3 passed House; SB 1748 remained in first committee. ***Failed.***
- ✓ **HB 105 / SB 286** – Required FDEP to establish a ***Blue Star*** Collection System Assessment and Maintenance Program for WWT utilities as an approach to limiting SSOs and pathogen discharges. Blue Star utilities may receive reduced fines for system overflows, longer permit durations and are granted “defensible expectation” of compliance when establishing TMDL for fecal bacteria. HB 105 passed House; SB 286 remained in last committee. ***Failed.***





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

- ✓ **HB 141 / SB 216** – Required enhanced ***reporting of SSO*** in addition to that currently provided by law/rule. Provided for ***penalties*** of at least \$1 per gallon of sewage discharged by WWT facility, in addition to current penalties. ***Failed.***
- ✓ **HB 973 / SB 1022** – Provided for ***transfer of the OSTDS program*** from DOH to FDEP. Final form of HB 973 provided that the program was transferred effective July 2020 but that DOH and FDEP would submit a plan to Governor/Legislature for transfer by December 2019, thus allowing for revisions to plan during 2020 Legislative Session. HB 973 later became possible environmental “train.” ***Failed.***



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

- ✓ **HB 1159 / SB 1400** – Preempts local ***regulation of trees*** on residential property if owner has documentation from certified Arborist or Landscape Architect that tree is a danger to persons or property. Makes exceptions for mangrove protection ordinances. ***Passed.***
- ✓ **HB 771 / SB 603** – General environmental legislation primarily concerning contamination of recyclable material. Amended to prohibit adoption or enforcement of local ***regulation of plastic straws*** until July 1, 2024. Requires Legislature’s Office of Program Policy Analysis and Government Accountability to study of local ordinances regulation single-use plastic straws. Report due to Legislative Leadership by December 1, 2019. ***Passed.***



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

- ✓ **HB 521 / SB 532** – Provides that if state or federal ***wetland mitigation credits*** are not available, a local government is allowed to permit mitigation consisting of the restoration or enhancement of conservation lands purchased and owned by a local government. ***Passed.***
- ✓ **SB 1758 / HB 1395** – Omnibus water quality improvement legislation creating the “***Clean Waterways Act.***” Required each BMAP to include plan for upgrading WWT facilities or OSTDS remediation; imposed penalties for a local government’s failure to meet the deadlines required in plan; required local governments within impaired waters to adopt the model fertilizer ordinance or be fined; required WWT facilities that unlawfully discharges sewage to provide notification to customers within 24 hours; transferred OSTDS program to FDEP. ***Failed.***



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

- ✓ **SB 1278 / HB 405** – (Early form) **Biosolids** legislation. Sets legislative policy prohibiting disposal *where biosolids application area interacts* with seasonal high water table; requires monitoring; and, directs FDEP to develop rules implementing other criteria. SB 1278 exempted rules from requirement for legislative ratification.

(Mid-Session) Became part of environmental train. Disposal prohibited *when biosolids application area interacts* with seasonal high water table. OSTDS transfer, Blue Star program, SSO notification, BMAP revisions (WWT and OSTDS plans), and creation of new Biosolids TAC added to bill.



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

- ✓ **SB 1278 / HB 405** – (Late form) Prohibits biosolids application *where* interacts with water table unless DEP-approved plan providing for monitoring and nutrient management reasonably assures that site will not cause or contribute to violations of WQ standards. Transfers OSTDS program from DOH to FDEP and created new Biosolids TAC. Directs FDEP to develop rules implementing other criteria but did not exempt rules from requirement for legislative ratification. ***Failed.***



<b>Fiscal Year</b>	<b>Vetoed</b>	<b>Total Budget</b>	<b>Governor</b>
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		\$91,100,000,000	Ron DeSantis



Year	Governor	President	Speaker	Bills Filed*	Bills 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	12.1%
2019	Ron DeSantis	Bill Galvano	Jose Oliva	1,675	197	11.8%

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



## What to Anticipate next Session - January 2020

### *Possible Issues*

#### 1. Water

- ✓ Biosolids
- ✓ OSTDS policy
- ✓ BMAP revisions
- ✓ Reclaimed water

#### 2. Regulatory “Reform” – Pre-Emption of local regulatory authority