



Florida Legislative Session Recap Webinar

May 18, 2023
10:30 a.m. – 11:30 a.m. (Eastern)

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Civil Engineering
Watershed Planning
Urban Design
Resiliency Strategies



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Today's Overview

1. General Background for 2023 Session
2. Primary Water-Related Legislation of Interest to Local Stormwater Programs
3. What to Look for in 2024



General Background for 2023 Session

1. Florida Growth and 2023 Budget Request
2. Significant Interest in Water Quality and Resiliency
3. Culture Wars
4. Pronounced Preemption Philosophy



General Background for 2023 Session

1. Florida continues to grow

- Population currently estimated to be > 22 million people*
- Estimate of >300k per year, people moving to Florida*
- Florida budget grows;
 - February 2023, Governor recommended ~\$114-billion-dollar budget
 - 2023 session, Legislature submitted ~\$117-billion-dollar budget

*Bureau of Economic and Business Research (BEBR), Florida Estimates of Population 2022

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General Background for 2023 Session

2. Significant Interest in Water Quality and Resiliency

- Dozens of hours of presentations/testimony on water quality, flooding, resiliency, storm preparedness and response
- Previous sessions provided Florida Springs and Aquifer Protection Act (2016), Clean Waterways Act (2020)
- 2023 – anticipation was on the final pieces of the Clean Waterways Act (finalizing stormwater, wastewater, OSTDS rules)



General Background for 2023 Session

3. Culture Wars

- “Don’t Say Gay” returns
- Disney battle continues
- Bans on gender affirming treatment, bathroom bills, education bills focused on sex and gender
- Environmental, Social and Governance (ESG) & Diversity, Equity, and Inclusion (DEI)



General Background for 2023 Session

4. *Preemption Philosophy*

- “Government Closest to the People Governs Best” *continues to be superseded by* “We Know What’s Best for You” and we won’t hesitate to exercise our authority
- Local Ordinance Preemption
- Housing Preemption
- Growth Management Preemptions




Resources on FSA website

www.florida-stormwater.org/legislative

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



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Legislative Page (Members Only)

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2023 Regular Session

- [FSA Priority Issues - May 5, 2023](#)
- [Official Website of the Florida Legislature](#)

2023 Bills Being Tracked

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

Number	Title	Sponsor	Last Action
HB 0023	Water and Wastewater Facility Operators	Bell	04-20-2023
SB 0032	Florida Statutes	Mayfield	03-24-2023
SB 0034	Florida Statutes	Mayfield	03-24-2023
HB 0041	Land Development Initiative and Referendum Processes	Garcia (A)	05-01-2023
SB 0054	Land Acquisition Trust Fund	Rodriguez	05-05-2023
HB 0055	Trees and Other Vegetation within Rights-of-way	Garcia (A)	05-05-2023
HB 0089	Building Construction	Maggard	05-05-2023
SB 0100	Mangrove Replanting and Restoration	Garcia (I)	05-05-2023
SB 0106	Florida Shared-Use Nonmotorized Trail Network	Brodeur	04-11-2023

Bill Summary



HB 23 Water and Wastewater Facility Operators (2023 Session)

SPONSORS SUMMARY COMMITTEES OF REFERENCE ACTIONS BILL TEXT STATUTE CITATIONS

SPONSORS

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by [Bell Co](#) Sponsors: [Barnaby, Mooney, Jr., Basabe](#) CS Sponsors: [Water Quality, Supply & Treatment Subcommittee](#), [Infrastructure Strategies Committee](#)

SUMMARY

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Water and Wastewater Facility Operators: Requires DEP to issue water treatment plant operator licenses, water distribution system operator licenses, & domestic wastewater treatment plant operator licenses by reciprocity to certain applicants; authorizes DEP to issue temporary operator licenses during declared state of emergency; requires DEP to waive application fee for temporary operator licenses. Effective Date: July 1, 2023

COMMITTEES OF REFERENCE

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- [\[H\] Water Quality, Supply & Treatment Subcommittee](#)
- [\[H\] Agriculture & Natural Resources Appropriations Subcommittee](#)
- [\[H\] Infrastructure Strategies Committee](#)

ACTIONS

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★ Research & Reports

Revenue Estimating Coverage Reports, Veto, Transmittal letters and more. [Learn more.](#)

No reports related to this bill.

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HOUSE AMENDMENT

Bill No. CS/CS/HB 23 (2023)

Amendment No.

CHAMBER ACTION

Senate

House

1 Representative Bell offered the following:

2

3 **Amendment**

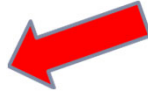
4 Remove lines 56-93 and insert:

5 any applicant who, at a minimum, meets all of the following

6 requirements:

7 (a) Is a water treatment plant operator, water

White Papers and Short Bill Summaries



- [Line Item 146 in State Budget - FSA, FLC, AF Veto Request \(2023\)](#)
- [SB 620 - FSA Veto Request \(2022\)](#)
- [Governor's Veto Message - SB 620 \(2022\)](#)
- [Short Summary - SB 268/HB 735 \(2021\)](#)
- [SB 410 - FSA Veto Request \(2020\)](#)
- [Governor's Veto Message - SB 410 \(2020\)](#)
- [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



[Bill movement: Biosolid improvement legislation passes](#)

Florida Politics - 5/5/2023

[Seagrass restoration initiative sails to House floor](#)

Florida Politics - 4/18/2023



Priority Issues

✓ SB 170 – Business Damages. Oppose (Passed).

- SB 170 requires local governments to issue a business impact statement prior to the passage of any new ordinance and it awards attorney's fees against local governments in certain cases.
- It also delays the enforcement of ordinances that are challenged until conclusion of litigation.
- However, the attorneys fee provision was narrowed to apply only to ordinances that are arbitrary, unreasonable, or expressly preempted, and the bill contains a laundry list of exemptions, including ordinances required to comply with state and federal law and ordinances that relate to growth management.
- Additionally, the bill has been amended to clarify that local governments who publish notice of an ordinance can continue the ordinance to a future meeting without republishing as long as, at the first meeting, the date, time and place of the subsequent meeting is publicly stated.



Priority Issues

✘ **HB 671/SB 682 – Residential Building Permits. Oppose (Failed).**

- These bills would have drastically reduced the timeline to process building permits for residential structures.
- Many agencies reported this would cause them to have to decouple building permit review from other permit reviews since these timelines cannot be met for environmental permits.
- This means that the permitting process would actually be longer in many cases as a result of this bill.



Priority Issues

✓ HB 1379 – DEP Bill. Support (Passed).

- HB 1379 contains a number of provisions requested by the Department of Environmental Protection, including changes to:
 - Requirements of comprehensive plan elements;
 - Land acquisition provisions related to real property purchase agreements, components of the Indian River Lagoon Protection Program;
 - Prohibitions on septic tanks basin management action plans (BMAPs) in effect for Outstanding Florida Springs under certain circumstances; and,
 - Opens the availability of wastewater grants to additional participants.

The substance of SB 458/HB 827 re: Wastewater Grants was amended onto this bill, which will allow funding for projects in impaired waterbodies. Currently, only projects located in a BMAP, an alternative restoration plan adopted by final order, or a rural area of opportunity are eligible for this funding.



Priority Issues

HB 1405 – Biosolids. Support (Passed).

HB 1405 authorizes the Department of Environmental Protection to provide grants within the wastewater grant program for projects that implement innovative technologies for the disposal of biosolids and convert wastewater residuals to class AA fertilizer or other uses.



Priority Issues

- ✓ **SB 540 – Local Government Comprehensive Plans. Monitor (Passed).**
 - SB 540 provides that the prevailing party in a challenge to a local comprehensive plan or plan amendment is entitled to attorney's fees.
 - Amendatory language was added to both bills that relates to the timeframe for comprehensive plan amendments that was controversial because it had to do with Miami-Dade's Urban Development Boundary and the Everglades. However, that language was removed.



Priority Issues

✘ SB 742/HB 713 – Administrative Procedures & Permitting Process. Monitor (Failed).

These bills would have revised statutory revisions related to rule development, notices, public workshops, publication, timeframes, materials incorporated by reference, statements of estimated regulatory impact, adverse impacts on small businesses, public hearings, lower cost regulatory alternatives, and annual regulatory plans.



Other Bills of Concern

- ✗ SB 1240/HB 1197 – Land and Water Management (Failed).**
- ✗ SB 910/HB 371 – Management and Storage of Surface Waters (Failed).**
- ☑ SB 1604/ HB 439 – Land Use and Development Regulations (Passed).**



What to Anticipate Next / 2024 Session

Possible Issues

- ✓ Ratification of Stormwater Rule (hopefully!!!)
Current rule is adopted but not effective until ratification by Legislature
- ✓ Continued efforts on limit local governance
- ✓ Limits on Fertilizer Ordinances



Fertilizer Ordinances

Last week (weekend) of session...

- Added a new provision to the Implementation Bill (SB 2500) prohibiting local governments from *"adopting or amending a fertilizer ordinance, which provides for a prohibited application period"* during the 2023-24 budget year.
- Added funding *"...\$250,000 in nonrecurring funds shall be used by the University of Florida Institute of Food and Agricultural Sciences (UF/IFAS) to evaluate the effectiveness of the timing of seasonal fertilizer restrictions on urban landscapes toward achieving nutrient target objectives for waterbodies statewide."*

Can conclude this will be a major topic for 2024 Session – likely lead to some action to remove seasonal bans (from both existing and future ordinances).



Questions?

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