



Dr. John M. DeGrove Webinar Series: 2020 Florida Legislative Wrap Up



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Dr. John M. DeGrove

May 4, 1924 – April 13, 2012

Icon of comprehensive planning both in Florida and across the nation

Co-founder of 1000 Friends of Florida

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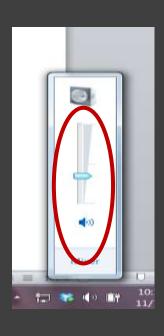
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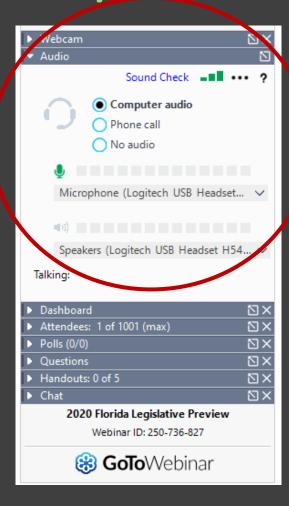
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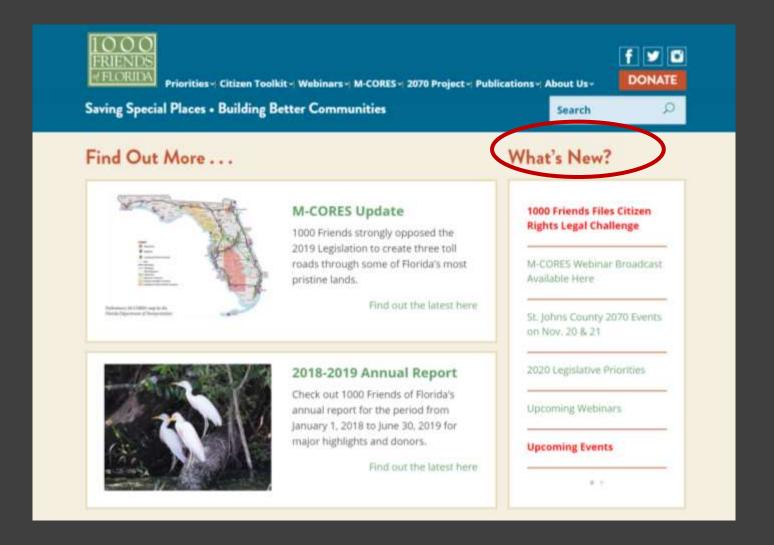


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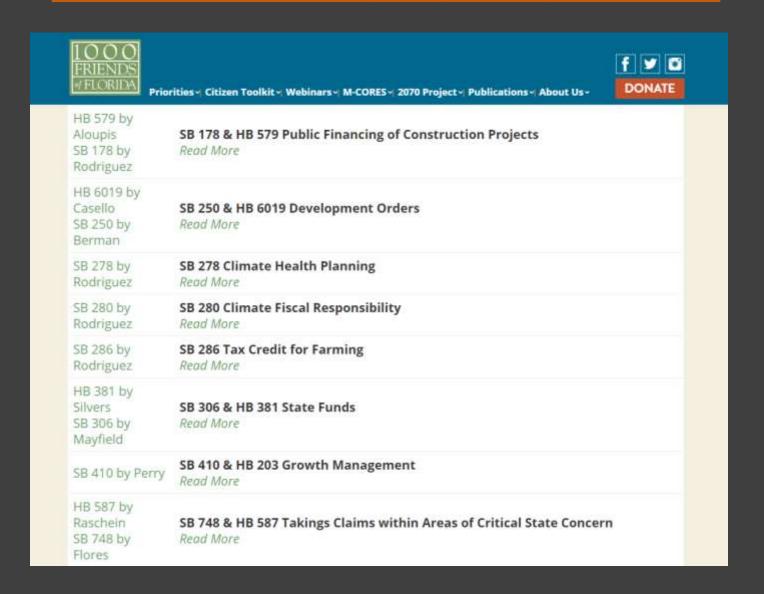
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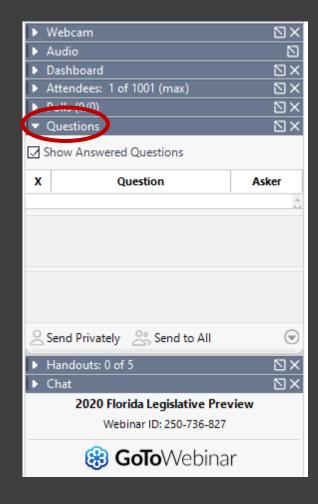
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Presenters



Lester Abberger

Board Member Emeritus and past Chairman of 1000 Friends of Florida.

Chairman of The Trust for Public Land (TPL) Florida Advisory Council and serves on the TPL National Leadership Council.

Chairs the Florida Conservation Campaign and is a director and chair of the Finance Committee.

Past Chair of Leadership Florida, The Seaside Institute, and the City of Tallahassee Urban Design Commission.

A graduate of Davidson College, where he serves on the Board of Visitors.

A Knight Fellow at the University of Miami School of Architecture.





Paul Owens

President of 1000 Friends of Florida

Previously with the Orlando Sentinel, serving as Opinions Editor from 2013 to 2018

In that capacity wrote extensively on growth management, environment and quality of life issues facing Florida.

Also served as the Sentinel's Florida Forward Moderator, organizing and moderating public forums on topics including transportation and affordable housing

Has a Bachelor of Arts in History with honors from Swarthmore College and a Master of Arts in Journalism from Stanford University

Jane West

Policy and Planning Director for 1000 Friends of Florida

Works with citizens, providing guidance on critical growth and development issues facing communities across Florida, advocates before the Florida legislature, and coordinates legal advocacy efforts related to growth management.

Has practiced law for 21 years, for the past 7 years owning Jane West Law, P.L., focusing on precedent-setting public interest land use and environmental cases throughout Florida.

AV-rated attorney admitted to the U.S. Supreme Court, the 7th and 11th U.S. Court of Appeals and the Southern and Middle Districts of Florida.

Previously practiced law in Portland, Maine at Conservation Law Foundation, and Jupiter and West Palm Beach, Florida.

Law degree from the Shepard Broad Law Center at Nova Southeastern University and B.A.s in both International Relations and Fine Arts from the University of South Florida.



Session Overview

Lester Abberger, Board Member Emeritus & Past Chair 1000 Friends of Florida



Budget

- Governor
- House
- Senate



Budget Issues

- COVID-19
- Teacher Pay
- Visit Florida
- Affordable Housing
- Conservation Funding



Contentious Issues



2020 Elections



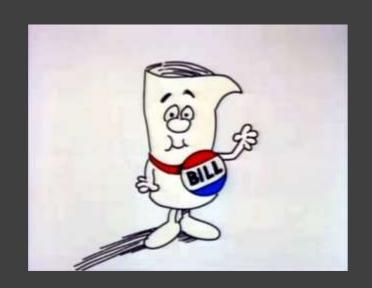
Conservation Legislation

Paul Owens, President 1000 Friends of Florida



We Tracked Dozens of Bills During Session ...

- Legislation, budget items tied to
 - statewide planning and growth management
 - statewide land, water protection and conservation
 - local government home rule
 - transportation
- We didn't take positions on every bill we tracked
 - Many didn't address our core interests
 - Many were mix of good and bad elements
 - Many continued to evolve as they advanced through legislative process





Recapping 1000 Friends' Environmental Policy Priorities for 2020 Legislative Session

- Boost funding for land acquisition through Florida Forever
 - No doubt about will of the public: three quarters of voters backed Amendment 1 in 2014 with expectation of restoring Florida Forever funding after it was slashed following Great Recession
 - Yet Legislature provided just \$33 million in 2019 session, just 11 percent of historical funding
- Crack down on all sources of pollution behind water quality crisis
 - Agricultural and stormwater runoff, septic tanks, biosolids, wastewater treatment plant spills
 - Water bills in 2019 all died



Governor's Environmental Policy Priorities for 2020 session*

- * according to point man on environmental policy, DEP Secretary Noah Valenstein
- Full funding for Everglades restoration, water quality request of \$625 million
- Restrictions on water pollution based on recommendations from Governor's Blue-Green Algae Task Force
- Higher fines for environmental violations



DEP Secretary, Blue-Green Algae Task Force Chairman Noah Valenstein



How Did He Do?



3 for 3



2 out of 3 ain't bad

Better Than Meatloaf



Governor's Environmental Priorities in 2020 Session: Keeping Score

- For second year in a row, Legislature exceeded Governor's \$625 million request for Everglades restoration, water quality funding, allocating \$690 million
- SB 712, incorporating Governor's water quality proposals, passed Senate, House unanimously
- HB 1091, raising fines for environmental violations, also passed both chambers unanimously, and water quality bill also included fine increases for wastewater spills





Governor's Priority #1: Environmental Spending Highlights in Legislature's 2020-21 Budget

- •\$690 million for Everglades restoration and water quality
 - \$323 million for Everglades restoration projects
 - \$236.6 million for water quality improvements including septic to sewer, wastewater upgrades
 - \$50 million for springs restoration
 - \$50 million for Indian River Lagoon projects
 - \$20.8 million to research, combat harmful algal blooms
- •\$100 million for Florida Forever
 - Matches Governor's request
 - Falls short of Senate's \$125 million goal, but boosts House's meager \$20 million opening bid

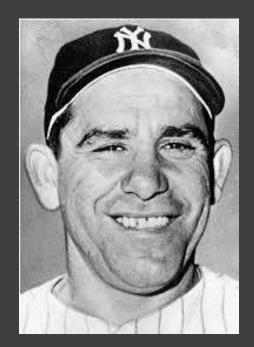


Senate Budget Chairman
Rob Bradley



Will Budget Priorities Survive? "It Ain't Over Till It's Over"

- Almost 80 percent of Florida's general revenue comes from sales tax
- Fifth of sales tax comes from hospitality and tourism, areas hit hardest by closures and social distancing
- Despite at least \$8 billion in federal relief, nearly \$4 billion in reserves, extended shutdown in state economy and mass unemployment could force spending cuts
- Governor hasn't reviewed budget yet
- Governor could make hundreds of millions available through line-item vetoes, or Legislature could return to amend budget, or both, putting spending for environment in question



Philosopher and legislative analyst Yogi Berra



Governor's Priority #2: SB 712: Clean Waterways Act

- Vehicle for Governor's water quality proposals attributed to Blue-Green Algae Task Force recommendations
- Revives title from 2019 bill and addresses pollution from multiple sources, but softens 2019 bill's crackdown
- 111 pages long, 55 pages in analysis
- Passed unanimously in House and Senate



Senator Debbie Mayfield



SB 712 – Details ...

- Septic tanks
 - Transfers regulation to DEP from DOH
 - Directs DEP to develop rules for tank location to prevent contamination of surface water, groundwater
 - Requires DEP to create fast-track approval for upgraded tanks
 - Requires remediation plans in basins where tanks contribute at least 20 percent of nutrient pollution to impaired waterways
- Stormwater
 - Targets this major pollution source from development by directing water management districts and DEP to begin updating outdated standards no later than January 2021



... Details ...

- Wastewater plants
 - Requires plants to develop power outage backup plans
 - Requires remediation plans in basins where plants contribute at least 20 percent of nutrient pollution to impaired waterways
 - Increases fines for wastewater spills
 - Bars wastewater plant outflow to Indian River Lagoon or tributaries without advanced treatment by 2025
 - Imposes new requirements to prevent overflows, underground pipe leaks
- Agricultural runoff
 - Requires Department of Agriculture and Consumer Services to do onsite inspections every 2 years of farms enrolled in best management practices intended to reduce nutrient pollution
 - DACS must prioritize inspections for farms near Lake Okeechobee, Indian River Lagoon, Caloosahatchee River, Silver Springs
 - DACS must collect and provide to DEP fertilization and nutrient records from each agriculture producer enrolled in BMPs



... Details!

- Biosolids
 - Requires DEP to adopt new rules for biosolids to be ratified by Legislature
 - Bans spreading of Class B (least treated) or Class A biosolids within 6 inches of water table unless nutrient management plan with monitoring provides "reasonable assurances" sludge won't pollute water
 - Lets local governments keep limits on Class B and Class A biosolids
- Creates wastewater grant program, requiring 50 percent local match, to finance septic to sewer, septic upgrades and sewage treatment plant upgrades to reduce nutrient pollution
- Creates real-time water quality monitoring program within DEP
- Bars local governments from granting legal rights to any part of the natural environment



Where SB 712 Falls Short

- Bill leaves intact fundamental flaws with Basin Management Action Plans that don't meet goals of reducing nutrient pollution to impaired waterways within total daily maximum loads
- To address pollution from agricultural runoff, biggest threat to Florida springs, bill relies heavily on BMPs not proven to be effective in meeting pollution reduction goals
- For biosolids, includes loophole in ban on applying close to water table; doesn't ban spreading sludge during rainy season; doesn't provide funding for alternatives to spreading sludge; doesn't require monitoring of class AA (most treated) biosolids, though they include nutrients that pollute
- Bill pre-empts rights of nature initiatives rather than lets local governments and citizens work out their own approaches to protect environment
- On septic tanks, doesn't include Blue-Green Algae Task Force recommendation for inspections
- When flaws weren't fixed in committee, we withdrew our support



So What Happens Now?

- Some 50 environmental organizations called for veto
 - Bill's shortcomings are deal breakers particularly for advocates for springs polluted by agricultural runoff and waterways contaminated by biosolids
- We did not join the call
 - Despite shortcomings, SB 712 makes progress in other areas, including septic tanks, stormwater, wastewater
 - Progress could be delayed for at least another year or lost with veto
- We'll focus on working with allies next year to keep up pressure on legislative leaders for additional progress and fixes to bill's flaws
- But bill touted by Governor and unanimously approved by both chambers certain to become law with Governor's signature



Governor's Priority #3: HB 1091: Environmental Enforcement

- Passed unanimously in House and Senate; awaiting action from Governor
- Raises required or maximum penalties for full range of environmental offenses, including sewage spills, illegal dredge and fill, drilling and mining violations, coral reef damage
 - Most penalties increased by 50 percent
 - Changes duration penalties may run, so each day violation continues constitutes separate offense, leading to higher fines
- 1000 Friends supported bills, but we'd like more funding for communities to upgrade wastewater infrastructure
- Bill amended to incorporate separate bill (SB 150) we also supported to encourage local governments to adopt inspection programs for sewer connections, and require property owners to disclose problems to buyers



Senator Joe Gruters



Representative Randy Fine

What Other Bills With Conservation Impacts Passed Besides Governor's Priorities?



HB 1061 Aquatic Preserves

- If signed, would create Nature Coast Aquatic Preserve from coastal region of Pasco, Hernando, and Citrus counties, an area rich in sea grass and marine life
- Would fill gap in Gulf preserves stretching from Big Bend to Tampa Bay
- Designation limits drilling, dredging or filling submerged lands and installing structures other than docks
- Would add to list of 41 Florida aquatic preserves in areas with "exceptional biological, aesthetic, and scientific value"
- Initiative promoted by Pew Charitable Trusts, which touts \$600 million economic benefit, 10,000 jobs and 500 businesses tied to tourism, commercial and sport fishing
- 1000 Friends supported House bill and Senate counterpart, SB 1042
- Bill passed unanimously in Senate, just 1 no vote in House; awaiting action from Governor



Representative Ralph Massullo



Senator Ben Albritton

HB 73 Environmental Regulation

- State law requires counties to have recycling programs
- Contamination from non-recyclable materials can lead to delays in processing, equipment damage, recyclables rejected and landfilled instead
- Bill requires counties and municipalities to address recycling contamination in contracts with collectors and processors and include strategies to reduce contamination
- Bill also relaxes some permitting requirements for dock repair and replacement
- Bill passed Senate, House unanimously; awaiting action from Governor
- Similar bill last year vetoed by Governor because it also barred local bans on plastic straws



Representative Toby
Overdorf



Senator Ben Albritton

SB 172 Florida Drug and Cosmetic Act

- Would pre-empt local regulation of drugs and cosmetics, including sunscreen
- Would overrule Key West ordinance banning sunscreen with chemicals harmful to coral reefs
- 1000 Friends opposed Senate bill and House counterpart as violation of home rule and local conservation initiatives
- Passed Senate 25-14, House 68-47; awaiting action from Governor
- Raises same home rule issue as 2019 bill pre-empting local bans on plastic straws – passed but vetoed by Governor



Senator Rob Bradley



Representative Spencer

SB 1794 Constitutional Amendments

- Creates more challenges for citizen petition drives to put constitutional amendments on ballot and win voter approval
 - More petition signatures needed to trigger Supreme Court review, a threshold for qualifying for ballot
 - More geographical diversity in signatures also required for review
 - County elections supervisors permitted to charge more to verify signatures
 - Signatures collected for 1 election not permitted to roll over to next election
 - Amendments that reach ballot required to include statements about potential impact on state budget
- 1000 Friends opposed because bills would make future citizen initiatives such as land and water conservation amendment of 2014 much more difficult to duplicate or renew
- Passed Senate 23-17, House 73-45 on party-line votes with Republican support, Democratic opposition
- 1000 Friends co-signed veto letter with civic and conservation groups
- Governor signed bill into law on April 8



Senator Travis Hutson



Representative James Grant

Notable conservation casualties in 2020 session



SB 200 & HB 547 Advanced Well Stimulation Treatment

- Would have broadly banned drilling methods known as fracking
 - Including both "high-pressure well stimulation" and "matrix acidization"
- 1000 Friends supported bills to protect Florida's vulnerable underground water supply
- Second year in a row broad fracking bans stalled amid opposition from industry, preference from some legislators for narrower ban limited to high-pressure well stimulation
- Governor called in his 2019 executive order on environmental protection for ban on fracking but didn't specify broad or narrow one



Senator Bill Montford



SB 1608 & HB 791 Florida National Estuary Program Act

- Would have required DEP to give funding consideration to estuaries identified under National Estuary Program
 - Includes Indian River Lagoon, Tampa Bay, Sarasota Bay
- Didn't call for state spending, but passage would have encouraged federal funding for Florida estuaries
- Would have required funds to be used for projects to improve water quality and fisheries, promote coastal resiliency and support local economies
- Would have required programs receiving funding to submit report to Governor, Legislature, DEP, water districts, increasing accountability and transparency
- 1000 Friends supported bills, but both died in committee



Senator Debbie Mayfield



SB 1112 & SB 1098 Bottled Water Taxes

- Spurred by controversy over permit application from Nestle affiliated company to extract 1.1 million gallons daily from Ginnie Springs for bottled water
- Taddeo's bill, SB 1112, would have assessed bottled water companies fee of 12.5 cents per gallon on water they extract from Florida waterways and directed fees to the Wastewater Treatment and Stormwater Management Revolving Loan Trust Fund
- Cruz's bill, SB 1098, would have imposed 5 cent per gallon fee, put money in Water Protection and Sustainability Trust Fund
- Bills "temporarily postponed" at first Senate stops amid anti-tax sentiment and business opposition
- Legislature settled for study of water bottling in Florida in Clean Waterways Act



Senator Annette Taddeo



Senator Janet Cruz

SB 332 & HB 849 Land Acquisition Trust Fund

- Copy of bill Stewart introduced in 2019 session
- Would have set floor of \$100 million a year to be appropriated from the Land Acquisition Trust Fund to the Florida Forever Trust Fund
 - Barred use of LATF funds for administrative expenses in state agencies with environmental responsibilities
 - House bill would have extended window for bonding acquisitions by 14 years
- Senate bill advanced through 2 of 3 committees;
 House bill never got hearing
- Final budget did include \$100 million for Florida Forever, but no guarantee for future years



Senator Linda Stewart



Representative Thad Altman

Why Land Conservation Is Needed More Than Ever

- State agencies, water districts have identified millions more acres to protect
 - In January, state EDR reported it would take 370 years to protect it all at Legislature's current rate of spending
 - Meanwhile, Florida losing 10 acres of land an hour to development
 - Our *Florida 2070* report predicted one third of state would be paved over by 2070, up from less than a fifth in 2010
- Land conservation offers multiple benefits for Florida
 - Protects environmentally valuable land from being lost to sprawl
 - Holds, naturally cleanses runoff, protecting waterways, water supply
 - Provides recreation for residents and tourists
 - Guards against flooding, tempers impacts of climate change
 - Maintains land for agriculture
 - Preserves wildlife habitat and biodiversity, buffering against spread of diseases from animals to people



A Worthy Priority for 2021?

 Return to full funding for Florida Forever of at least \$300 million



Growth Management and Transportation Legislative Wrap Up

Jane West, Policy & Planning Director 1000 Friends of Florida



OPEN GOVERNMENT IN FLORIDA DURING COVID

- Executive Order 20-52 March 9, 2020 [Declaring State of Emergency]
- Attorney General Opinion 2020-03 March 19, 2020 [Public meeting quorums using technology]
- Executive Order 20-69 March 20, 2020 [Emergency Management -COVID-19 Local government public meetings]





SB 178/HB 579 Public Financing of Construction Projects

- This bill prohibits state-financed constructors from commencing with construction of certain structures in coastal areas without first taking 3 steps:
- 1. Conducting a sea level impact projection (SLIP) study meeting the standards set by DEP;
- 2. Submit the SLIP study to DEP; and
- 3. Receive notification that the SLIP was received.

PASSED



Senator Rodriguez



Senator Berman



SB 250 Development Orders

- This bill would have repealed the Brandes amendment that was tacked onto HB 7103 during the end of the 2019 legislative session.
- HB 7103 amended F.S. 163.3215(8)(c) to include the following: "The prevailing party in a challenge to a development order under subsection (3) is entitled to recover reasonable attorney fees and costs incurred in challenging or defending the order, including reasonable appellate attorney fees and costs."



Senator Berman





SB 306/381 State Funds

- This bill would have prevented the legislature from reallocating unappropriated money in the State Housing Trust Fund and the Local Government Housing Trust Fund to the general fund.
- Intent is to stop the sweeps of the Sadowski Fund.



Senator Mayfield



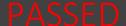


SB 410/HB 203 Growth Management

- This bill requires local governments to amend their comprehensive plans to add a statement of private property rights by July 1, 2023.
- Requires DEO, when selecting applicants for Community Planning Technical Assistance Grants, to give preference to counties with populations less than 200,000 for technical assistance grant funds if the counties are located near a M-CORE interchange and they need assistance amending their comprehensive plans



Senator Perry



1000 Friends opposes



SB 580/HB 349 Uniform Partition of Heirs Property Act

The bill provides a right of first refusal allowing heirs property cotenants to purchase the property interests of a cotenant seeking partition before the property is divided or sold.

Tenants in common lack a right of survivorship, property passes to the heirs of the deceased, not cotenants. As the number of heirs increase with time, the risk of a fractionalized portion of the property being compromised by a judgment lien or back taxes increases.

This vulnerability makes heirs property acquisition attractive to developers.

PASSED



Senator Bracy



Senator Broxson

SB 748/HB 587 Florida Keys Property Rights Protection Act

- This bill would have formalized the way the state and local governments in Monroe County handle taking claims by establishing the Florida Keys Property Rights Protection Act.
- As a result of ROGO, new development permits are capped at 197 per year and all available permits will be exhausted in 2023 when the Keys hits its carrying capacity.
- Additional property rights litigation is anticipated. This bill splits the expense between the state and the local government on a 50-50 basis.





Senator Flores



Representative Raschein



HB 1339 Community Affairs

• This bill authorizes a board of county commissioners to approve development of affordable housing on any parcel zoned for residential, commercial or industrial use.



Representative Yarborough



SB 1390 Everglades Protection Area

- Requires comprehensive plan amendments adopted by a local government whose boundaries include any portion of the Everglades Protection Area to not impede Everglades protection and restoration efforts. Those protection objectives are identified in Fla. Stat. 373.4592
- Such plan amendments will not be subject to expedited state review.





Senator Simmons



HB 519 Private Property Rights Protection

- Amends the Bert Harris Act to do the following:
- Reduce time frame from 150 days to 90 days;
- Allow for business damages in claim against local government;
- Prohibits local government from receiving prevailing party attorney fees;
- Allows all "similarly situated residential property owners" to likewise recover compensation, without having to go through the claim process.



1000 Friends opposed



Representative Grant



SB 1066 Impact Fees

- Requires impact fee data to be obtained within the most recent 36 months and exclude any costs that do not meet specific definitions for infrastructure and public facility;
- Provides that impact fee credits are assignable and transferable at any time from one development parcel to another.



Senator Gruters

PASSED



SB 76 Transportation Disadvantaged

Representative Jenne sponsored a companion house bill 551

.This bill would require community transportation coordinators to increase consideration of cross-county mobility for the transportation disadvantaged.

DIED



Senator Book



SB 676/HB 465 Florida High-Speed Passenger Rail Safety Act

- This bill would require FDOT to regulate railroads when that authority is not federally preempted.
- Railroad companies would be required to be responsible for ensuring that impacted roadbeds meet specified transition requirements.
- Railroad inspectors must meet certain certification requirements and coordinate their activities with federal inspectors.





Senator Mayfield



HB 969 Broadband Internet Service

- Transfers broadband internet policy implementation to DEO & creates the Florida office of Broadband.
- Authorized FDOT to use up to \$5million annually from the State Transportation Trust Fund for M-CORES projects that assist in the development of broadband infrastructure.



Representative Drake

PASSED



Bills that DIED:

- SB 278 Climate Health Planning
- SB 280 Climate Fiscal Responsibility
- SB 286 Tax Credit for Carbon Farming
- SB 288 Private Property Rights
- SB 690 Water Resources
- SB 1232 Florida Climate and Resiliency Research Program
- HB 6063 Real Property
- SB 954 Building Design
- SB 7016 Office of Statewide Resiliency

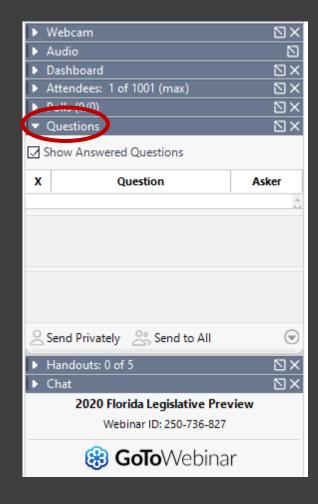


Questions and answers



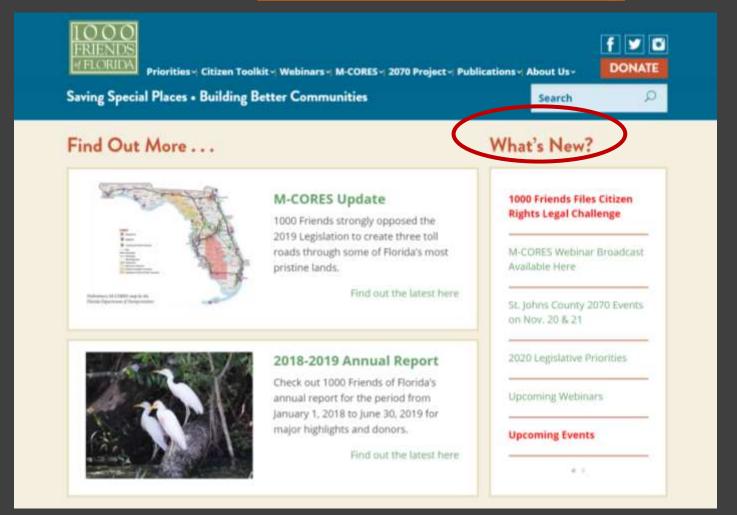
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