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# Dr. John M. DeGrove Webinar Series: 2020 Florida Legislative Preview



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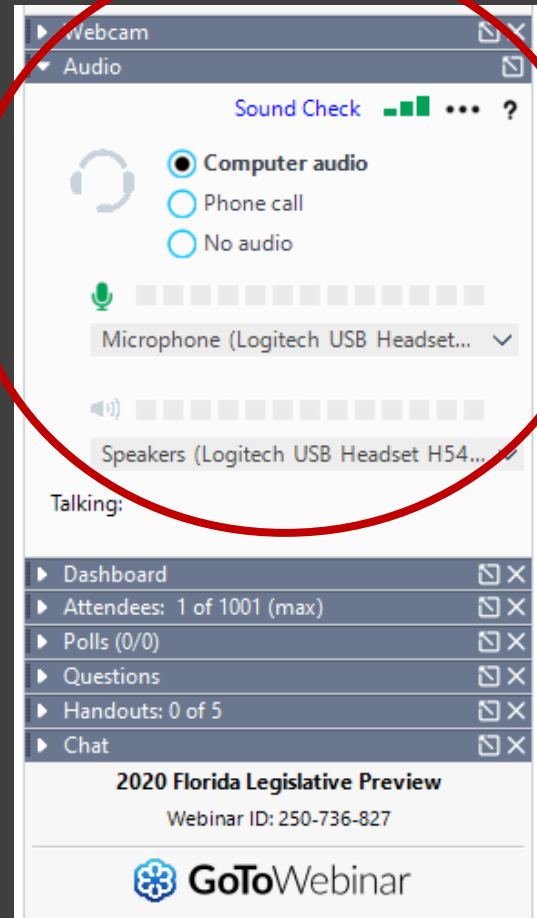
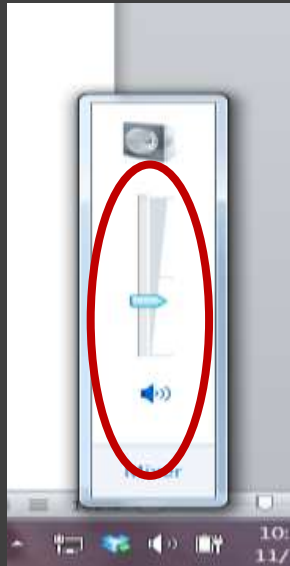
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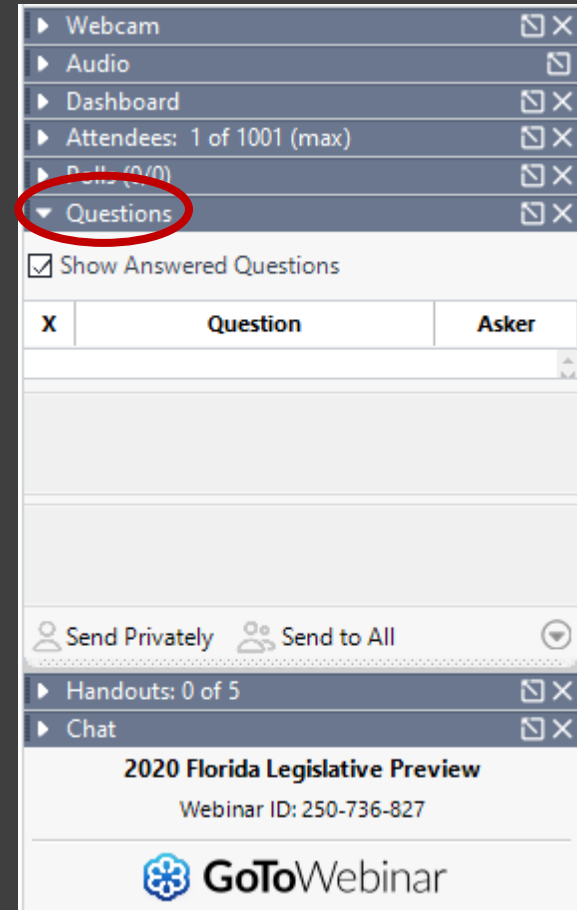
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# Presenters



# 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, 1000 Friends Board Member Emeritus & Past Chair



# Budget

- Revenue
- Spending
- Economic Outlook/Budget Implications

# Legislative Organization

- Leadership
- Key Committees

## Conservation Issues

- Fracking Ban
- Hurricane Recovery
- Septic Regulation
- Conservation Funding



## Other Issues

- Affordable Housing
- Visit Florida
- 2020 Elections

# Conservation Legislation

Paul Owens, 1000 Friends President



# How Did Conservation Fare in the 2019 Session?

## The Good ...

- In final budget, legislators exceeded Gov. DeSantis' \$625 million funding request for Everglades restoration and water quality projects
- At Governor's prodding, legislators provided \$16 million to fight red tide and \$11 million to fight blue-green algae

## The Bad ...

- For Florida Forever, provided \$33 million, a third of \$100 million requested by Governor

## And the Ugly

- Bills cracking down on water pollution weakened as they advanced before ultimately failing



Not a Florida legislator

# Governor's 2020-21 Budget Proposal

- \$91.4 billion spending plan includes 2<sup>nd</sup> \$625 million installment of \$2.5 billion pledge for Everglades restoration and water quality improvement
  - \$322 million for Everglades restoration projects
  - \$150 million for water quality improvements
  - \$50 million for springs restoration
  - \$22 million to combat algal blooms and red tide
- \$100 million for Florida Forever
- \$54 million for state parks
- \$9 million for coral reef protection
- \$6 million for DEP Resilient Coastlines Program



Gov. Ron DeSantis



# Governor's Policy Proposals on Water Quality

Legislation coming based on recommendations from Governor's Blue-Green Algae Task Force

- Expand state oversight of septic tanks, switching responsibility from DOH to DEP
- Require utilities to develop plan to inspect, maintain, repair wastewater plants
- More strictly regulate biosolid application
- Require DEP to work with universities, FDACS to monitor agricultural runoff
- Evaluate, enforce agricultural BMPs
- Upgrade stormwater systems to reduce nutrient pollution



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



# 1000 Friends Conservation Policy Priorities

## Restore funding for Florida Forever

- Includes Florida Forever Priority List, Rural and Family Lands Protection Program, and Florida Communities Trust
- Historic funding level has been \$300 million
- Legislature should take advantage of historically low interest rates by extending bonding authority
- State is losing 10 acres of open land an hour to development
- Three quarters of state voters supported Amendment 1 in 2014 with the expectation of restoring Florida Forever funding
- Money is there: After debt service and other commitments to Everglades, springs paid, more than \$400 million in Amendment 1 funds available next year

## Crack down on all sources of pollution behind water quality crisis

- Agricultural and stormwater runoff, septic tanks, biosolids, wastewater plant spills



# Where Do Legislative Leaders Stand?

- Under their leadership in 2019, Legislature passed budget providing more funding than Governor sought for Everglades restoration and water quality
  - No reason to conclude they'll balk in 2020
  - Speaker Oliva, though staunch fiscal conservative, has expressed support for Governor's latest environmental budget
- Galvano named coastal resilience among priorities in November op-ed
- Neither rescued bills cracking down on water pollution in 2019 session
  - Will work of Blue-Green Algae Task Force and emphasis from Governor make the difference in 2020?



Senate President Bill Galvano



House Speaker Jose Oliva

# Bills We'll Be Focusing On During Session ...

- Legislation and budget items related to statewide planning, growth management, local government home rule and transportation, and statewide land and water conservation
  - List will grow during session
- We won't take positions on every bill we monitor
  - Many bills won't address our core interests
  - Many will be mix of good and bad elements
  - Our positions may await testimony and further details aired in committee hearings
  - Our positions may change as bills change

# An Early Look at 2020 Conservation Bills With One or More of Following Characteristics ...

- Momentum for passage
- Addressing priorities for 1000 Friends
- Bipartisan sponsorship
- Responding to popular demand

# SB 172 & HB 113

## Florida Drug and Cosmetic Act

- Pre-empts local regulation of drugs and cosmetics, including sunscreen
- Would overrule Key West ordinance banning sunscreen with chemicals harmful to coral reefs
- On fast track in both chambers
- Raises same home rule issue as 2019 bill pre-empting local bans on plastic straws – passed but vetoed by Governor
- 1000 Friends opposes as violation of home rule



Senator Rob Bradley



Representative Spencer  
Roach

# SB 182 & HB 6043 Preemption of Recyclable and Polystyrene Materials

- Deletes preemptions of local laws relating to regulation of auxiliary containers, plastic bags and polystyrene
- Would open door for more local government control over single use plastics and polystyrene
- Filed in response to appeals court ruling that struck down Coral Gables ordinance banning polystyrene from restaurants, supermarkets, other food establishments in city
- 1000 Friends supports this affirmation of home rule and local conservation initiatives



Senator Linda Stewart



Representative Mike Grieco

# SB 332 & HB 849 Land Acquisition Trust Fund

- Both would require at least \$100 million a year from the Land Acquisition Trust Fund to be spent on Florida Forever
- Both would bar use of those funds for agency administrative expenses
- HB 849 also would extend period to repay bonds by 14 years, from 2040 to 2054
- 1000 Friends supports this bipartisan approach to set a floor for Florida Forever, but prefers return to historic funding level of at least \$300 million



Senator Linda Stewart



Representative Thad Altman



# SB 438 & HB 489 Land Acquisition Trust Fund

- Would require the lesser of \$50 million or 7.6 % of Land Acquisition Trust Fund to be spent every year for projects to carry out Indian River Lagoon Comprehensive Conservation and Management Plan
- Would authorize DEP to distribute grants to be matched locally for projects, which can include septic to sewer conversions and wastewater treatment upgrades
- 1000 Friends strongly advocates action to restore the Indian River Lagoon, but believes LATF funds shouldn't be relied on to finance "pipes and pumps"



Senator Gayle Harrell



Representative Rene Plasencia

# SB 640 & HB 153 Indian River Lagoon State Matching Grant Program

- Would make projects in Indian River Lagoon Comprehensive Conservation and Management Plan eligible for state funding under new program
- Would direct DEP to coordinate with South Florida Water Management District and St. Johns River Water Management District to identify projects and grant recipients
- 50 % local match would be required
- Does not designate LATF as funding source
- 1000 Friends prefers approach in these bills



Senator Gayle Harrell



Representative Randy Fine

# SB 686 & HB 405 Stormwater Management Systems

- Directs water management districts, with DEP oversight, to raise standards to increase removal of nutrient pollution from stormwater management systems in new development and redevelopment
- Provides rebuttable presumption that stormwater systems designed to follow best management practices do not violate state water quality standards
- Requires training for state and local inspectors
- Includes special protection for impaired waterways



Senator Joe Gruters



Representative Margaret Good

# SB 690 & HB 147 Water Resources

- DEP must conduct comprehensive overview of state's water resources to plan for "residential, commercial, environmental, agricultural and industrial needs"
- Overview must include "infrastructure needs and funds necessary to protect, restore, and enhance this state's water"
- Overview also must address water demand, flood protection
- DEP must report on its overview every five years to the Governor and the Legislature



Senator Ben Albritton



Representative Kristin Jacobs

# SB 200 & HB 547 Advanced Well Stimulation Treatment

- Broadly bans drilling methods known as fracking
  - Include both “high-pressure well stimulation” and “matrix acidization”
  - Fracking prohibited even in cases where having a permit for drilling and operating a well are authorized
- Similar bills stalled in 2019 session amid opposition from industry and push from some legislators for narrower ban limited to high-pressure well stimulation
- Governor called in his 2019 executive order for ban on fracking but didn’t specify broad or narrow one



Senator Bill Montford



Representative Heather Fitzenhagen



# SB 712 Water Quality Improvements

- Revives bill entitled “Clean Waterways Act” from 2019 session
- No House counterpart, but includes multiple water policy areas addressed in separate House bills
- Extensively amended – more than doubled in length – last week
- Vehicle for Governor’s water quality proposals based on Blue-Green Algae Task Force recommendations
- Details steps in transfer of septic tank regulation from Department of Health to DEP by July 1, 2021
- Requires DEP to establish “real-time water quality monitoring program”
- Includes provisions aimed at reducing nutrient pollution from wastewater treatment facilities, septic tanks, stormwater, agricultural runoff, biosolids
- Establishes grant program to upgrade septic tanks, connect owners to sewer systems or upgrade systems to advanced wastewater treatment



Senator Debbie Mayfield

# SB 1112 & HB 861 Bottled Water Excise Tax

- Spurred by controversy over permit application from Nestle affiliated company to extract 1.1 million gallons daily from Ginnie Springs for bottled water
- Would assess bottled water companies fee of 12.5 cents per gallon on water extracted for production of bottled water
- Fees would be deposited into Wastewater Treatment and Stormwater Management Revolving Loan Trust Fund
- Bill includes enforcement provisions and penalties for failure to pay
- Related pair of bills from Senator Janet Cruz would impose 5 cent per gallon fee; no House versions so far



Senator Annette Taddeo



Representative Matt Willhite



# SB 7016 Office of Resiliency

- Would establish Statewide Office of Resiliency in Executive Office of the Governor
  - Governor, who named state's first Chief Resilience Officer in August, has advocated creation of office
- Would create Statewide Sea-Level Rise Task Force to issue recommendations
- Driven by need to know extent of sea level rise when planning billions in investments for roads, bridges, residential developments, other infrastructure
- Florida has 1,350 miles of coastline and low elevations vulnerable to coastal flooding from sea-level rise, storm surge, heavy rainfall
  - Projections for sea-level rise of 1 to 3 feet in Florida in next 30 to 40 years
- No House counterpart so far



Senator Tom Lee

# Planning and Transportation Legislation

Jane West, 1000 Friends Policy & Planning Director



**SUPPORT**

## SB 250 Development Orders

- This bill would repeal 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.”
- 1000 Friends supports



Senator Berman



**SUPPORT**

## SB 306 State Funds

- Representative Silvers has sponsored a companion, House Bill 381.
- This bill would prevent the legislature from reallocating unappropriated money in the State Housing Trust Fund and the Local Government Housing Trust Fund to the general fund.
- This change would reduce the ability of the Legislature to expend money that is earmarked for affordable housing on other purposes.
- Intent is to stop the sweeps of the Sadowski Fund.
- An identical bill has been proposed during the last two legislative sessions.
- 1000 Friends supports



Senator Mayfield



# SB 178 Public Financing of Construction Projects

- Representative Aloupis has sponsored a companion, House Bill 579
- This bill would prohibit state-financed constructors from commencing with construction of certain structures in coastal areas without first conducting a sea level impact projection study.



Senator Rodriguez

# SB 278 Climate Health Planning

- This bill would task the DOH with preparing an annual climate health planning report to assess the threat to human health which is posed by climate change and to develop strategies to help Florida communities prepare for the health effects of climate change.
- Factors to be considered include water quality, air quality, sanitation, spread of diseases, crop yields, food production, housing and population migration, mobility and emergency response, wildfires and social unrest.



Senator Rodriguez

# SB 280 Climate Fiscal Responsibility

- This bill seeks to capture the economic impact of climate change by requiring the Economic Estimating Conference to prepare a climate fiscal responsibility report.
- The report shall estimate the impact of climate change on the state's general obligation credit rating, increased frequency of natural disasters, long-term trends, including sea level rise and then requires that recommendations for immediate action that should be taken over the next 5, 10 and 20 years.



Senator Rodriguez



# SB 286 Tax Credit for Farming

- This bill seeks to establish a value for carbon sequestration that can be obtained by soil and vegetation management, by seeking to establish a carbon farming tax credit to benefit the state's farmers.
- The bill incentivizes farmers to adopt best management practices and maintain their land in agricultural use.
- The FDEP is tasked with determining the amount of the credit which must be based on the economic value of carbon farming.



Senator Rodriguez

# SB 210 Growth Management

- This bill would require local governments to amend their comprehensive plans to add a statement of private property rights.
- The United States Constitution and the constitution of the State of Florida already protect rights to property.
- A similar effort was attempted by Representative McClain during the 2019 legislative session (HB 291)



Senator Perry

# SB 748 Florida Keys Property Rights Protection Act

- Representative Raschein has sponsored companion, House Bill 587
- This bill would provide damage awards for takings claims within areas of critical state concern.
- The House version is known as “Takings Claims within Areas of Critical State Concern.”



Senator Flores

# SB 998 Housing

- This bill includes multiple measures to expand the supply of affordable housing, including authorization to locate affordable housing in any parcel zoned for residential, commercial or industrial use.



Senator Hutson

# SB 580 Uniform Partition of Heirs Property Act

- Representatives Ausley and co-introducer Alexander have sponsored companion house bill 349.
- “Heirs Property” means real property held in tenancy in common. This bill protects landowner’s heirs if the landowner dies intestate.
- Tenants in common are vulnerable to real estate speculators because any one individual can force a court-ordered sale while depriving the other tenants in common from protective due process measures.
- This bill implements simple due process measures to protect co-tenants from a unilateral forced sale.



Senator Bracy

# SB 76 Transportation Disadvantaged

- Representative Jenne has sponsored a companion, House Bill 551
- This bill would require community transportation coordinators to increase consideration of cross-county mobility for the transportation disadvantaged.



Senator Book

# SB 676 Florida High-Speed Passenger Rail Safety Act

- Representative Sirois has sponsored a companion, House Bill 465.
- 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

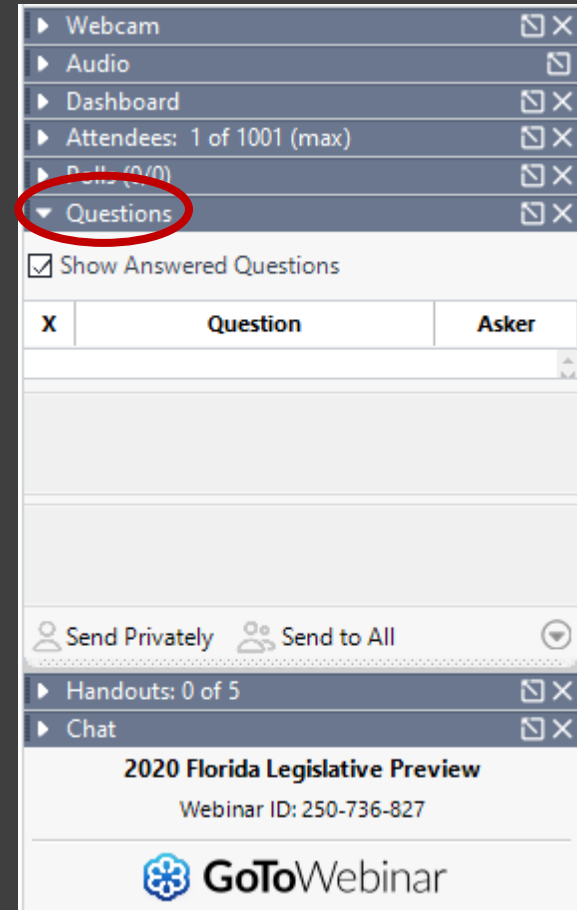


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