



2021 Annual Conference  
**2021 Legislative Session Review**

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## Today's Agenda

1. What is Home Rule and Why Do We Care?
2. General Background for 2021 Session
3. Primary water-related Legislation of interest to local stormwater programs
4. What to look for in 2022

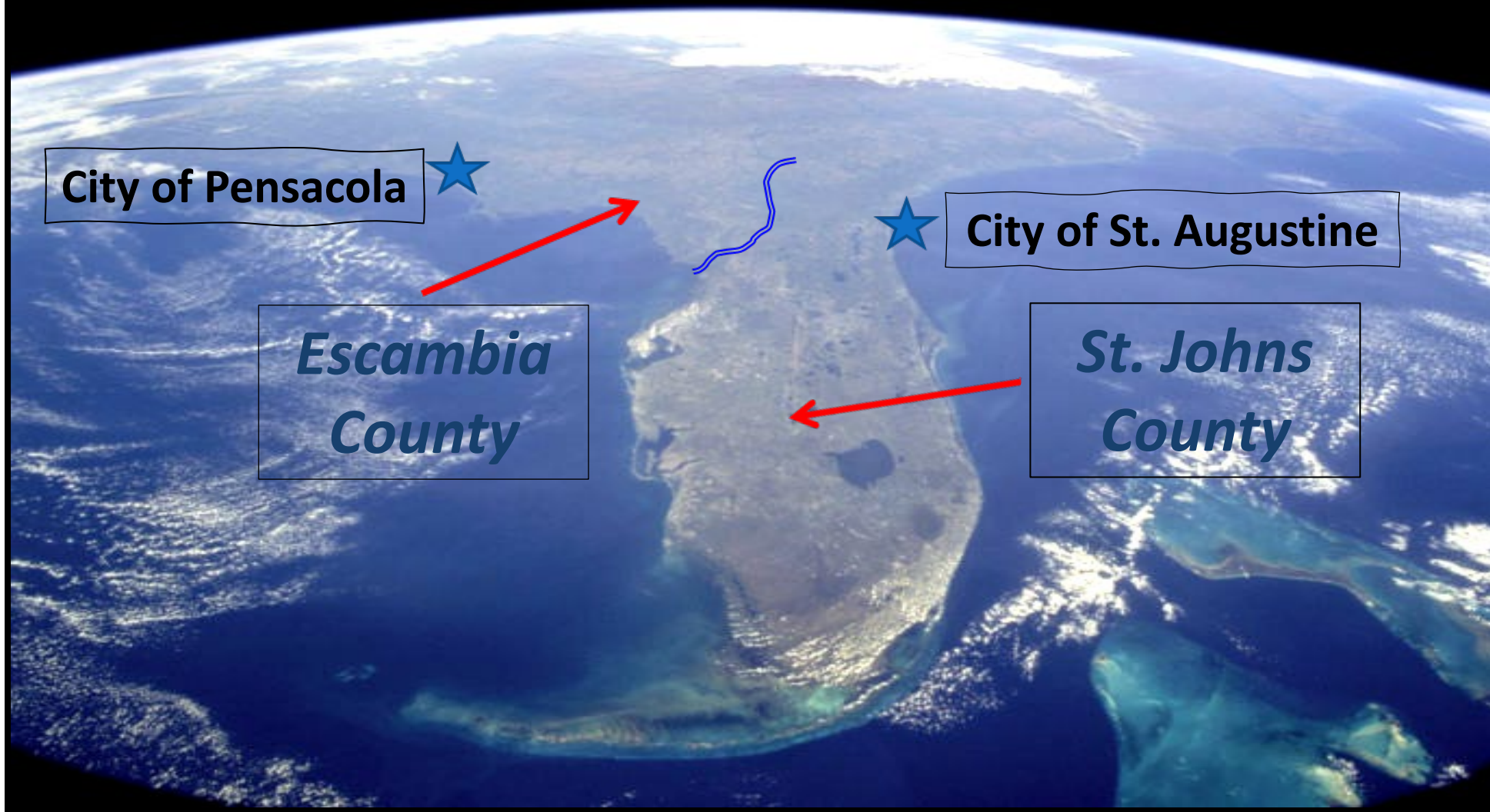


## What is Home Rule and Why do We Care?

### 1821

- Florida becomes Territory of United States
- Andrew Jackson named Territorial Governor; issues first Ordinance:
  1. Recognizes existing cities of Pensacola and St. Augustine
  2. Divides state into two counties (Escambia and St. Johns) along Suwannee River
  3. Appoints five Justices of the Peace to govern each county

# 1821 - Florida Territory





## What is Home Rule and Why do We Care?

### *Dillon's Rule*

- A local government has only those powers which are specifically granted by the State



## What is Home Rule and Why do We Care?

### *Dillon's Rule*

- A local government has only those powers which are specifically granted by the State

### *Home Rule*

- A local government has all powers of self government except those that are specifically prohibited or pre-empted by the State



## What is Home Rule and Why do We Care?

### *Dillon's Rule – Pre-1968*

- Look for Authorization. Absent authorization, powerless to act.

### *Home Rule – 1968*

- Look for Prohibition or Pre-emption. Absent prohibition, empowered to act.



## What is Home Rule and Why do We Care?

### *Home Rule – WQ Protection Examples*

- Regulations on Consumer Fertilizer Use
- Regulations on Development Standards/Criteria
- Ordinances enacting Impact Fees\*
- Regulations Licensing Well Drillers\*
- Regulations Licensing Landscape Management Companies\*
- Regulations Licensing Lift Station Operators\*





## **General Background for 2021 Session**

1. Florida's Fiscal Fitness
2. (Little) Interest in Water Quality
3. COVID Pandemic and Preemption Philosophy



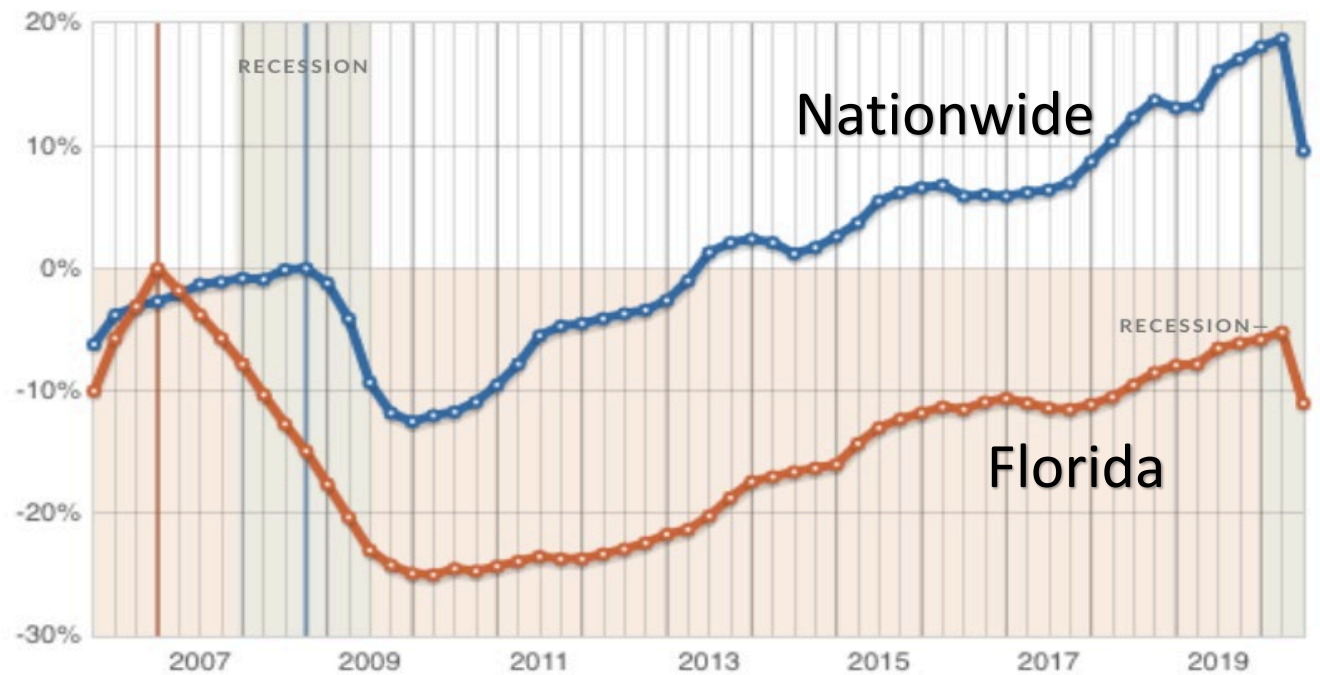
## General Background for 2021 Session

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

- Generally stable, especially when compared to other states
- Better than predicted prior to start of 2021
- A long ways off from pre-Great Recession in terms of tax revenues
- Budget balanced with \$10 B in stimulus funds



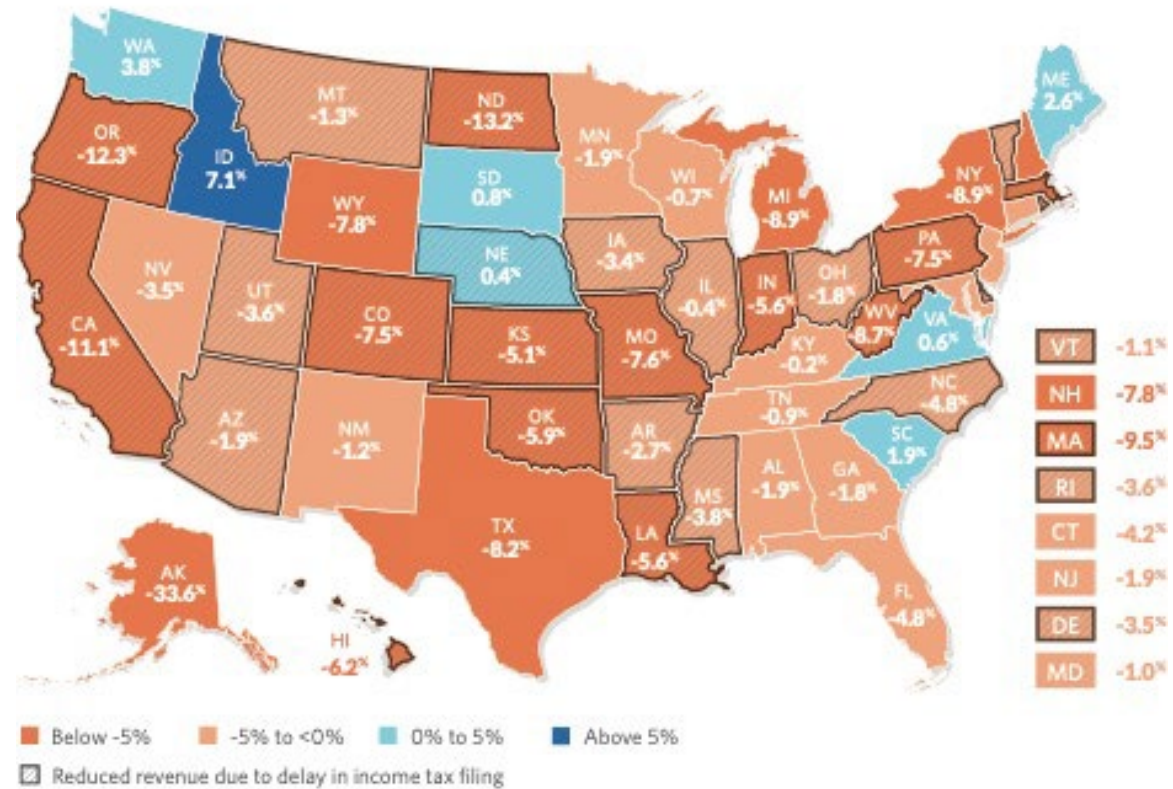
## Change in Tax Revenue from State's Peak Quarter, Adjusted for Inflation





## Annual Tax Revenue Declined in Nearly All States Amid Pandemic

Collections in four quarters ending Q2 2020 compared with prior year, inflation adjusted





## General Background for 2021 Session

### *2. Little Interest in Water Quality*

- Major legislation (SB 712) passed in 2020, after being developed in 2019
- Biosolids Rule Ratification
- BGATF Interim Recommendations  
[protectingfloridatogether.gov/state-action/blue-green-algae-task-force](https://protectingfloridatogether.gov/state-action/blue-green-algae-task-force)
- SB 64 Reuse



## General Background for 2021 Session

### 3. *“Double Whammy” of COVID Policies plus Preemption Philosophy*

- Regulations limiting access to Capitol Building and access to members, especially in Senate
- “Government closest to The People governs Best”  
*...replaced by “We Know What’s Best”* and won’t hesitate to exercise authority to preempt



## General Background for 2021 Session

### *Preemption Philosophy*

#### Primary “Non-Water” Preemption Bills

- Vacation Rentals (failed)
- Impact Fee Restrictions (passed)
- Energy Infrastructure (passed)
- Home Based Businesses (passed?)
- Emergency Powers (passed)
- Seaport Regulations (passed)



## 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

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## 2021 Regular Session

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

## 2021 Bills Being Tracked

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

Number	Title	Sponsor	Last Action
<a href="#">HB 0053</a>	Public Works	DiCeglie	04-28-2021

## White Papers and Short Bill Summaries



- [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



[Congressman Mast, environmentalists call for commitment to end Lake O discharges heading east](#)  
TV - Palm Beach Gardens ABC (WPBF) - 6/1/2021



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

### ✓ **SB 1954 – Flooding/Sea Level Rise. Support (Passed).**

HB 7019/SB 1954 establishes several statewide resiliency programs that assess/address inland and coastal flooding and sea level rise.

- Creates “Resilient Florida Grant Program” within FDEP to provide funding to local governments for resilience planning and projects.
- Creates the “Comprehensive Statewide Flood Vulnerability and Sea Level Rise Data Set and Assessment” in which FDEP must develop a statewide data set to determine the risks due to flooding.
- Creates the “Statewide Flooding and Sea Level Resilience Plan” in which FDEP must submit annual plan proposing up to \$100M for projects addressing risks. Authorizes local governments and other entities to submit lists of proposed projects.



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

- ✓ **SB 2514 – Resiliency Trust Fund. Support (Passed).**
  - HB 7021/SB 2514 creates the Resilient Florida Trust Fund within FDEP
  - Funded with reallocation of documentary stamp tax revenues
  - Separate legislation reduces documentary stamp funding for housing by total of \$282M and reallocates \$141M to resiliency and \$141M to Water Protection and Sustainability Trust Fund



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

### ✘ **SB 514/HB 315 – Statewide Resiliency Officer. Support (Failed).**

Created the Statewide Office of Resiliency within the Executive Office of the Governor

- Establish the Chief Resiliency Officer, appointed by the Governor
- Establish the statewide Sea-Level Rise Task Force to recommend consensus projections of the anticipated sea-level rise



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

- ✓ **HB 735 – Occupational License Tax Preemption. Oppose (Passed).**  
HB 735/SB 268 prohibits all local licensing programs unless specifically authorized by general law; similar to legislation defeated in 2019 and 2020.
  - Prohibits local licensure programs that are paired with regulatory programs unique to a local government that protect water quality
  - Examples: Well-drilling; landscape management; inspections of private WWT lift stations.



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

### ✓ SB 60 – Code Enforcement Officers/Inspections. Oppose (Passed).

SB 60/HB 883 prohibits code inspectors from initiating an investigation based upon an anonymous complaint.

- Requires that an individual making a complaint of a potential violation must provide his or her name and address to the local government body before an investigation may occur.
- Exception: Prohibition does not apply if code inspector believes alleged violation presents an imminent threat to public health, safety, or welfare, or imminent destruction of habitat or sensitive resources.





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

- ✓ **HB 53 – Public Works Projects. Oppose (Passed).**

SB 1076/HB 53 began as legislation changing the definition of a “public works project” and when local governments could no longer use local preferences if accepting state funding.

  - Amended in last House committee hearing to require WWT and SW needs assessment/reporting requirements by local governments; certain small counties/cities may be exempted. (See 288.0656, FS.)
  - Stormwater: requires that non-exempt counties, municipalities, and special districts to create a 20-year needs analysis, beginning 2022 and every five-years thereafter
  - Needs Analysis: Includes number of facilities, population served, current and projected service area, current and project costs of service, estimate remaining useful life of infrastructure, 5-year history of capital contributions to system maintenance or expansion, and plan to fund maintenance and expansion.



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

- ✓ **SB 64 – Reclaimed Water. Monitor (Passed).**

SB 64/HB 263 creates plan to eliminate “nonbeneficial surface water discharge” of wastewater; priority of legislative leadership.

  - Requires WWT utilities that dispose of effluent, reclaimed or reuse to surface water to submit 5-year plan to FDEP by November 1, 2021; plan to be implemented by January 1, 2032.
  - Specifies that potable reuse is an alternative water supply, for purposes of making reuse projects eligible for alternative water supply funding.
  - Incentivizes potable reuse projects and residential developments that use greywater technologies.



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

- ✓ **HB 1309 – Ratification of Biosolids Disposal Rules. Monitor (Passed).**

HB 1309/SB 7060 Ratified FDEP’s proposed revisions to rules on permitting requirements for biosolids disposal facilities.

  - Rules would normally first be approved by the Environmental Regulation Commission and then receive legislative ratification due to their economic impact.
  - The legislation exempts the biosolids rule from ERC approval and ratifies the rule.
  - SB 7062 (Central Florida Water Initiative) was amended onto HB 1309 during last week of Session.



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

### ✘ **SB 1522/HB 1255 – BGATF Recommendations. Monitor (Failed).**

Implemented select recommendations of the Blue-Green Algae Task Force.

- Required FDEP to administer a program to inspect OSTDSs every 5 years and assess whether certain pollution reduction projects are effectively reducing nutrient pollution or water use.
- Required BMAPs to make projections for future increases in pollutant loadings and provide options to mitigate such increases.



## **What to Anticipate next Session – January 2022**

### *Possible Issues*

#### 1. Water

- ✓ OSTDS transfer
- ✓ SW Design Criteria
- ✓ 10/2 Report



## **What to Anticipate next Session – January 2022**

### *Possible Issues*

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

# Questions?

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