



# **Overview of the 2017 Legislative Session**

**May 11, 2017  
2:30 p.m. - 3:30 p.m. EDT**

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



## Upcoming Events!

Stormwater Operator Certification Classes

<http://www.florida-stormwater.org/training-center>

Stormwater Operator Re-Certification Online Webinars

- May 16, 2017 (registration closed)

- November 7, 2017

Annual Conference – *registration closes June 2<sup>nd</sup>*

<https://www.florida-stormwater.org/conference>

June 14-16, 2017

Sanibel Harbour Marriott, Ft. Myers



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**Matthew A. Goolsby, PE, CFM**  
**Sr. Water Resources Engineer**

- Extensive FEMA expertise
- Hazard Mitigation Grants
- Letters of Map Revision
- Community Rating System (CRS) Support
- Surface Water Quality Assessments
- ICPR4, SWMM5, XPSWMM

[mgoalsby@appliedfl.com](mailto:mgoalsby@appliedfl.com)



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# Meet the Presenters



Kurt Spitzer



Kelli Levy

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



## Today's Overview

1. General Background for 2017 Session
2. Primary Water and related Legislation of interest to Local Government
3. What to look for in 2018



## General Background for 2017 Session

1. Florida's Fiscal Condition
2. Lesser interest in springs and water quality/supply
3. Mostly "defense" as opposed to offense/defense
4. Exogenous influences on "the process" pronounced



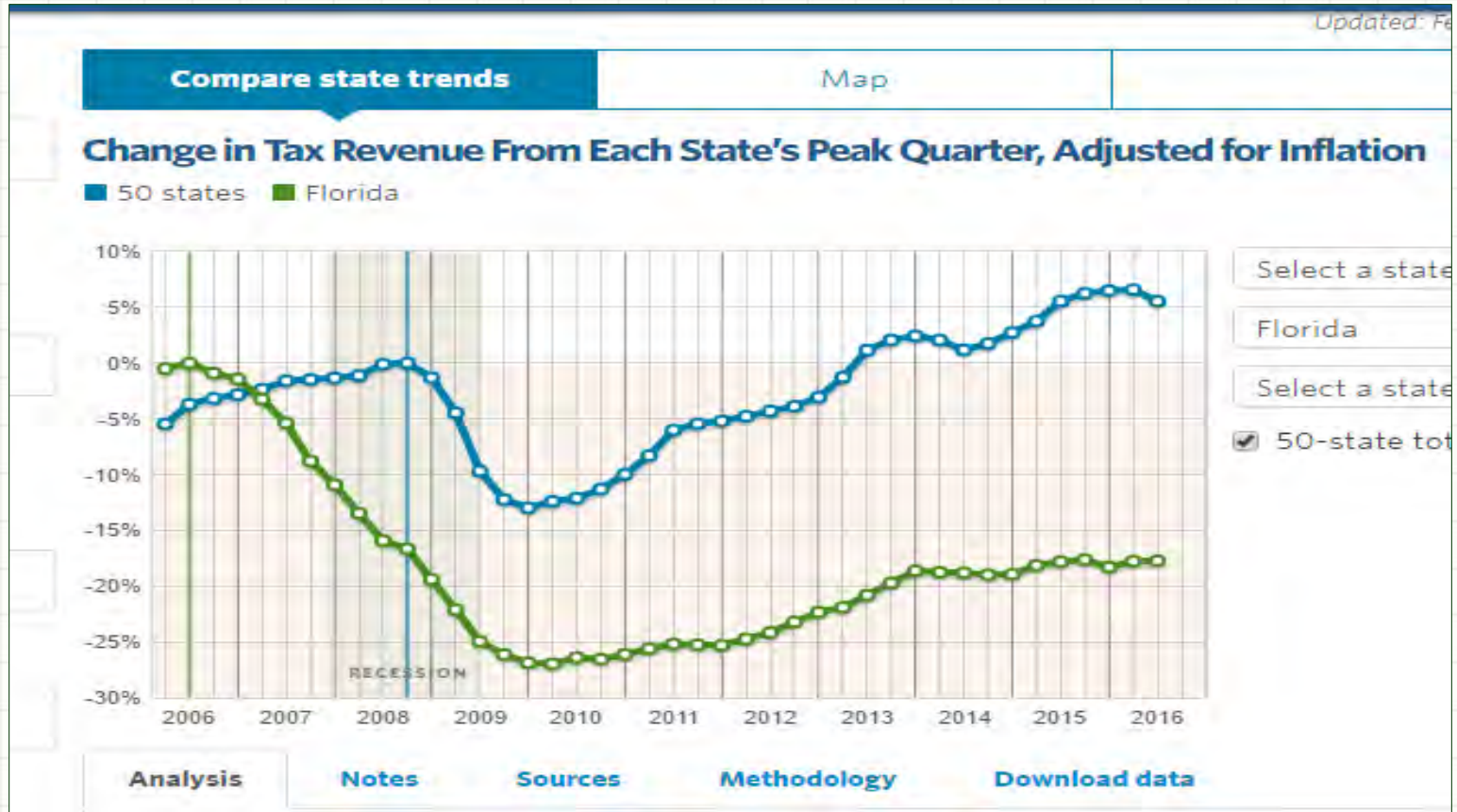
## General Background for 2017 Session

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





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## General Background for 2017 Session

2. Lesser interest in springs and water quality/supply
  - Springs/water bills handled in 2014 through 2015-16
  - No appetite for new water legislation, other than Everglades



## General Background for 2017 Session

3. Mostly defense as opposed to offense & defense...
  - HB 17
  - SB 1158
  - HB 751



## General Background for 2017 Session

4. Exogenous influences on “the process” pronounced
  - National Elections
  - Upcoming Florida elections in 2018





## Resources on FSA website

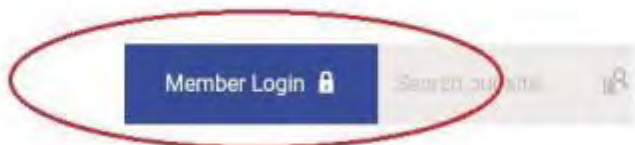
<https://www.florida-stormwater.org/advocacy>

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

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- Establishing SWU Manual
- Seminars
- Stormwater Utility Rates in Florida
- Stormwater Utility Report (2016)
- Training Center





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### 2017 Regular Session

- [FSA Final Priority Issues - updated May 9, 2017](#)
- [Official Website of the Florida Legislature](#)



### 2017 Bills Being Tracked

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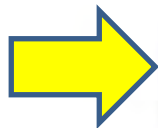
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- [FSA Final Priority Issues](#) - updated May 9, 2017
- [Official Website of the Florida Legislature](#)

**2017 Bills Being Tracked**

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

Number	Title	Sponsor	Last Action
<a href="#">SB 10</a>	Relating to Water Resources	<a href="#">Bradley</a>	5/9/2017
<a href="#">HB 17</a>	Relating to Local Regulation Preemption	<a href="#">Fine</a>	5/8/2017
<a href="#">HB 35</a>	Relating to Well Stimulation Treatments	<a href="#">Jenne</a>	5/8/2017
<a href="#">SB 98</a>	Relating to Well Stimulation	<a href="#">Farmer</a>	5/8/2017
<a href="#">SB 108</a>	Relating to Well Stimulation	<a href="#">Farmer</a>	5/8/2017
<a href="#">HB 139</a>	Relating to Local Tax Referenda	<a href="#">Ingoglia</a>	5/8/2017







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[HB 7063](#)   Relating to Local Government Fiscal Responsibility   [Ways & Means](#)   5/8/2017

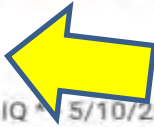
**White Papers and Short Bill Summaries**



File Name	Date Added
<a href="#">HB 17 Short Summary</a>	3/10/2017
<a href="#">HB 7063 Short Summary</a>	3/9/2017
<a href="#">Reclaimed Water White Paper</a>	2/28/2017
<a href="#">10/2 Permits White Paper</a>	3/12/2015
<a href="#">Septic Tank White Paper</a>	2/26/2015
<a href="#">Wetlands White Paper</a>	1/28/2015

**News**

[Real Estate](#)  
\* Legislative IQ \* - 5/10/2017



[State Economy](#)  
\* Legislative IQ \* - 5/10/2017



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

- ✓ **HB 17** - Removed local discretionary authority in all policy areas unless the Legislature has “expressly” granted authority by general law in a specific subject area. Failed.
- ✓ **SB 1158** - Removed local discretionary authority in matters related to commerce or trade that are not expressly authorized by the Legislature. Failed.



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

- ✓ **HB 7063** – Intended to limit the ability of local governments to increase taxes and incur debt. Failed.
  - Required voter approval for any new tax-supported debt seeking to bond revenues for more than five years.
  - Required 60% approval rate for any local option tax or property tax levy requiring voter approval.



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

- ✓ **HB 7063** – Intended to limit the ability of local governments to increase taxes and incur debt. Failed.
  - Lowered the maximum millage rate by providing that it’s the “rolled-back rate” unless the jurisdiction does not have any excess unencumbered fund balances.
  - Prohibited enactment of most local option taxes if the jurisdiction had adopted a millage rate in excess of its rolled-back rate any of its past three years.





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

- ✓ **HB 751/SB 1378** - Prohibited local governments from adopting or enforcing any new ordinance or regulation requiring more stringent water quality standards or regulations for stormwater discharges to surface waters, wetlands or groundwater than standards established by FDEP. Failed.



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

- ✓ **HB 285/SB 1748** - HB originally required inspections of septic systems prior to sale. SB originally required inspections and implementation of remediation plans, if necessary. At end of Session, both bills revised to require DOH to complete statewide inventory of OSTDS but had different forms of notice to buyers of property with septic systems. Failed but likely to come back in 2018.



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

- ✓ **HB 551/SB 874** - Similar to what passed in 2016 for impaired springshed areas. Required the development of an OSTDS remediation plan if FDEP determines it necessary to achieve a TMDL. FDEP to coordinate with DOH, relevant local governments and local public /private wastewater utilities. Failed.



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

- ✓ **SB 1018 *et al*** – Updates FDEP rule and process on Notices of Pollution. Requires owners/operators of facilities at which a reportable release occurs to provide notice to FDEP within 24 hours. FDEP is required to determine substances/amounts that are subject to notification requirements. Passed.





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

- ✓ **SWU Fee “Fix”** – Amendments clarifying application of SWU fees to schools and state agencies were not introduced. See [www.florida-stormwater.org/Litigation/](http://www.florida-stormwater.org/Litigation/)
  - Legislative Correction of Court Cases (FSA/FLC)  
*(versus)*
  - Legislative Ratification of Court Cases (schools)



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

- ✓ **Fertilizer Pre-Emption** – Amendments or legislation pre-empting the ability of local governments to regulate the use of consumer fertilizer were not introduced.
- ✓ **“10/2” Permit Corrections** – Amendments to correct flaws in the 10/2 General Permit law were not introduced.



## Other Issues

- ✓ **“Non-Agricultural BMPs”** – Legislation to limit or repeal the 2016 requirement that FDEP established rules requiring implementation of non-agricultural BMPs was not introduced.
- ✓ FDEP moving ahead with implementation process. Minimal impact on FSA members.



## Other Issues

- ✓ **HB 1357/SB 1686** – Required Cabinet to prepare a report summarizing potential new water supply investments to increase water supply and Legislative Office of Program Policy Analysis and Government Accountability to perform an annual review of investments made by Cabinet. Authorized WMDs to adopt rules providing for water reuse incentives in consumptive use permits and that water supply development projects for reclaimed water be included in regional water supply plans. Required FDEP to prepare a report prior to 2019 on criteria for the regulation of Direct Potable Reuse.

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## Other Issues

- ✓ **SB 1438/HB 755** – Authorized FDEP to establish conditions in permits for aquifer replenishment projects. Authorized the establishment of voluntary licensing requirements for facilities that treat reclaimed water or stormwater as a means to help promote its use.
- ✓ Failed but legislation on reclaimed water and aquifer replenishment likely to come back in 2018.



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## 2017 Comparisons

<b>Fiscal Year</b>	<b>Vetoed</b>	<b>Total Budget</b>	<b>Governor</b>
2000-2001	\$313,151,997	\$50,919,951,413	Jeb Bush
2001-2002	\$288,833,856	\$48,331,164,980	Jeb Bush
2002-2003	\$207,205,478	\$50,408,981,797	Jeb Bush
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
2012-2014	\$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	TBD	\$82,418,458,905	Rick Scott



<b>Year</b>	<b>Governor</b>	<b>President</b>	<b>Speaker</b>	<b>Bills Filed</b>	<b>Bills Passed</b>	<b>% Passed</b>
2001	Jeb Bush	John McKay	Tom Feeney	2,251	362	16%
2002	Jeb Bush	John McKay	Tom Feeney	2,428	403	17%
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%

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



## **What to Anticipate for 2018 Session (January)**

1. Water – Reclaimed water and OSTDS policy
2. Regulatory “Reform” – Pre-Emption of local regulatory authority





# Questions?

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