

2015 Florida Legislative Wrap Up

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- We work to save special places and build better communities.
- We educate, advocate and negotiate to protect Florida's high quality of life.
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- Please email Vivian Young at vyoung@1000fof.org if you have suggestions for topics and/or speakers for our fall webinar series

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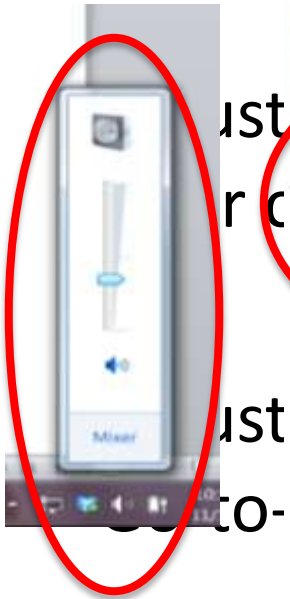
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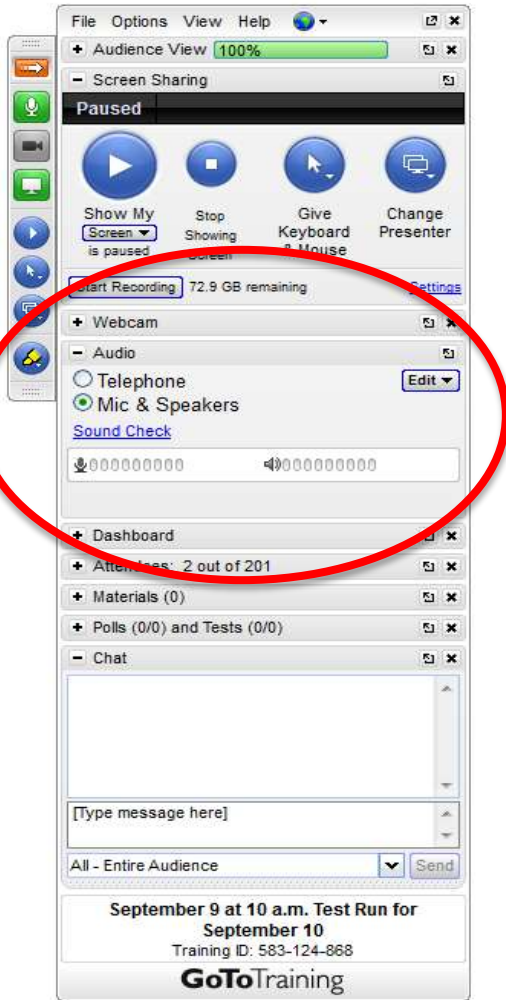


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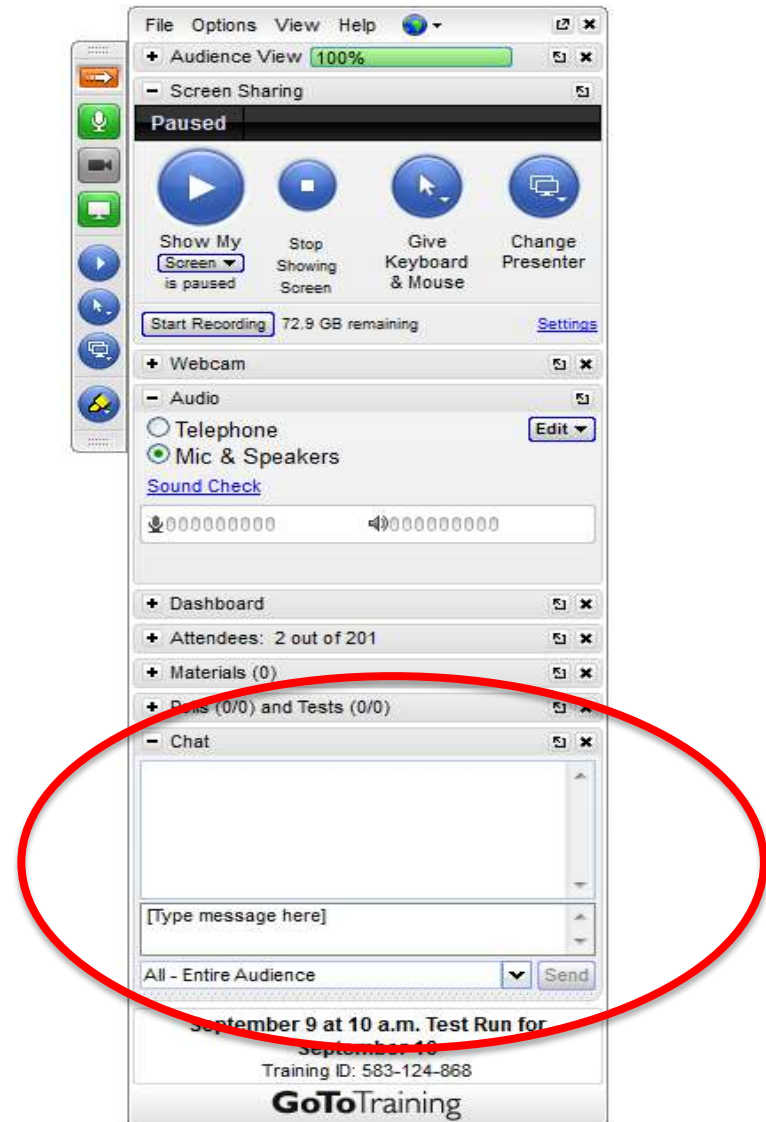
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Lester Abberger

- 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.



Charles Pattison, FAICP

- Policy Director and past President of 1000 Friends of Florida since 1998
- Director for the Division of Resource Planning and Management at the Department of Community Affairs from 1992 to 1998
- Field Representative for The Nature Conservancy's Virginia Coast Reserve from 1989 to 1992
- Opened and ran the DCA Keys Field Office in Key West between 1983 and 1989, serving as Monroe County Planning, Building and Zoning Director and first Executive Director of the Monroe County Land Authority



Ryan Smart

- President of 1000 Friends of Florida
- Past staff coordinator of the Florida Conservation Coalition, which focuses on water policy, communications and advocacy
- Holds a Master's Degree in Public Policy from the University of Florida
- A native Floridian



Lester Abberger, Board Member Emeritus
1000 Friends of Florida

SESSION OVERVIEW

Major Issues

- Budget and revenue
- Affordable Health Care Act and Medicaid expansion
- Tax Relief
- Amendment 1

Context

- Leadership driven
- Tea Party

Charles Pattison, FAICP, Policy Director
1000 Friends of Florida

GROWTH MANAGEMENT

Bills That Passed Both Houses

- CS/CS/SB 1216 Growth Management omnibus bill
- CS/CS/CS/SB 1094 flood insurance reform
- CS/SB 1312 Anti-SLAPP suit
- CS/CS/CS/HB 383 Private Property Rights

- Require Governor's Signature by May 22

Bills That Failed Outright

- SB 1424 (Senate private property rights/element)/HB 551 (House companion)
- SB 1244 (Senate “constrained ag parcels”)/HB 1175 (House companion)

Bills That Did Not Pass But Provisions Incorporated into SB 1216

- CS/CS/CS/ HB 933 House omnibus growth management bill
- SB 484 (Senate RPCs)/HB 873 (House companion)
- SB 562 (Senate DRIs)/HB 579 (House companion)
- SB 832 (Senate sector plans)/HB 933 (House companion)
- SB 1215 (Senate “connected city corridor”)/HB 1159 (House companion)

AWAITS ACTION BY GOVERNOR

CS/CS/SB 1216 (Simpson) – Growth Management Omnibus Bill

- Becomes effective when Governor signs into law
- Sector Plan Revisions
- Connected City Corridor Pilot (Pasco County)
- Various Regional Planning Council Revisions
- DRIs Eliminated
- Other Statutory Changes

CS/CS/SB 1216 Sector Plan Revisions

- Clarifies that specific requirements for sector plans supersede other and/or inconsistent provisions of Chapter 163 but does not limit data and analysis that might be required
- Conservation easements may be based on digital photography prepared by a licensed surveyor
- Easements may be modified by substituting other similar lands if the local govt. agrees
- DSAP applicants must transmit documents to reviewing agencies for review/comment on consistency with comp plan – comments due in 30 days
- Upland or wetland preservation areas under a conservation easement may be used to meet any mitigation required under Chapters 373 and/or 379
- New agricultural or silvacultural uses consistent with the long-term master plan and/or DSAP are allowed
- Amendments to sector plans must use state coordinated review process

CS/CS/SB 1216 Connected City Corridors Provisions

- 10 year “connected city corridors” pilot program for Pasco County
- Via plan amendment to promote mixed use quality communities using multiple transportation modes for high tech/high wage employment opportunities
- Concurrence is met if county adopts long-term transportation network plan and financial feasibility plan
- County may waive any DRI review when DEO notified
- Requires biennial reporting after certification by DEO
- Plan amendment timeframes can exceed comp plan horizon and “need” not required
- CDDs can increase from 2,000 to 7,000 acres
- OPPAGA to prepare assessment report by 2024 for Governor, Speaker, President

CS/CS/SB 1216 Regional Planning Council (RPC) Provisions

- Eliminates Withlacoochee RPC – members go to adjacent RPCs
- Existing State Regional Policy Plan (SRPP) applies until successor RPC amends its SRPP
- Governor retains authority to adjust boundaries
- Certain RPC duties eliminated including:
 - RLSA assistance, notifications from electric utilities on substations
 - Cross-acceptance process
 - Legislative annual reports
 - Any matters dealing with Cross Florida Greenways Recreation and Conservation Area
 - any review/evaluation of urban transportation plans, biennial DRI reports, electric powerplant siting and transmission lines, hazardous waste amnesty days, and natural gas transmission pipelines and corridors

CS/CS/SB 1216 Developments of Regional Impact (DRI) Provisions

- Program is eliminated/no effect on existing DRIs
- Statutory thresholds remain and any plan amendment tripping a threshold will use state coordinated review process
- Holder of Master DRI development order May request/WMD may grant a CUP that tracks the project timeline as is provided for sector plans

CS/CS/SB 1216 Other Provisions

- Eliminates legislative findings for local comp plan compatibility with military bases
- Removes requirement for local governments to amend comp plans to show changes to WMD RWSP including updated work plan IF local govt. does not own/operate water utility, is less than 1% of the utility that has a capacity of 300 MGD, shares/cooperates with utility, continues to keep the sanitary sewer, solid waste, potable water, natural groundwater aquifer recharge element current
- Revises “blighted area” definition to include endangerment to life or property including sink holes
- Requires Neighborhood Preservation and Enhancement Districts to comply with 163.340(7) and (8) (a)-(o) with respect to slum and blighted areas
- No longer requires state agencies and local governments to recognize character of publicly owned lands designated as greenways and trails and to take no action impairing their use
- Authorizes land authorities to use land acquisition funds from tourist impact tax for actual construction of affordable housing
- Effective July 1, 2015

AWAITS ACTION BY GOVERNOR

SB 1094 (Brandes) — Flood Insurance Reform

- Stronger redevelopment component in coastal management elements to include principles, strategies and engineering solutions to reduce flood risks including sea level rise – no implementation date
- Encourage use of these additions to remove properties from FEMA flood designations
- Identify site development techniques to reduce flooding and claims
- Comply with and/or exceed state building code standards
- All construction seaward of CCL to be consistent with Chapter 161 (beach/shore preservation)
- Locals encouraged to participate in NFIP CRS program
- Elevation certificates defined
- Flexible flood insurance must cover flood losses including at least one of six provisions
- Authorized insurers may seek certification that the coverage being offered meets or exceeds NFIP policies
- Effective July 1, 2015

AWAITS ACTION BY GOVERNOR

SB 1312 (Simmons)– Anti-SLAPP Suits

- SLAPP = Strategic Lawsuits Against Public Participation
- Prohibition extended to individuals as previously provided to governmental entities in order to allow exercise of free speech on public issues
- Free speech defined with regard to public issues to include any issue under governmental review and/or statements in connection with a play, movie, TV program, radio broadcast, audiovisual work, book, magazine article, musical work, news report, etc.
- Any individual sued under this law has right to seek court order dismissing such action and may seek damages and attorney fees
- Effective July 1, 2015

AWAITS ACTION BY THE GOVERNOR

[SB 284](#) (Diaz de la Portilla)/[HB 383](#) (Edwards) – Private Property Rights

- Amends the Bert Harris Act to create a new avenue for property owners to recover damages based on an “unconstitutional exaction”.
- Clarifies that only the property that is “directly impacted by” the action of the governmental entity can file under Bert Harris.
- Also amended the proposed language in Section 70.45 to require the government entity can demonstrate the conditions imposed have a rational nexus to a legitimate public purpose, rather than the originally proposed legitimate state interest.
- Passed both chambers.

Ryan Smart, President
1000 Friends of Florida

CONSERVATION

Overview

- Following the Senate's unanimous approval of springs legislation last session and the overwhelming passage of Amendment 1 by Florida voters last November environmental issues were expected to be at the top of the agenda for 2015.
- Legislation involving the implementation of Amendment 1, water supply and quality, fracking, the management of state owned lands, land application of septage and coastal management were filed.
- However, environmental legislation and the implementation of Amendment 1 were sidetracked by the impasse over healthcare and the budget.
- Virtually no important environmental legislation passed.

AWAITS ACTION BY GOVERNOR

SB 648 (Evers) and HB 687 (Drake) -- Land Application of Septage

- Repeals the ban on the land application of septage set to go into effect January 1, 2016.
- Significant move backwards on protecting water quality in springs, lakes and rivers.
- Representative Drake filed an amendment to his bill which would delay the ban on the land application of septage from going into effect until 2018, but would not repeal it.
- The House passed HB 687 99-12.
- The Senate Bill died in committee.
- The prohibition on the land application of septage will go into effect on January 1, 2016.

UP FOR CONSIDERATION IN SPECIAL SESSION

Implementation of Amendment 1

- Consolidates existing trust funds into the new Land Acquisition Trust Fund required by Amendment 1.
- Cuts to affordable housing proposed in earlier version of bills were removed later in process.
- The House and Senate passed different versions of all bills except 586, which died in committee. Likely these bills will be taken up during the special session.

UP FOR CONSIDERATION DURING SPECIAL SESSION

Everglades Land Purchase/U.S. Sugar Deal

- Everglades advocates lobbied the legislature to appropriate money for the purchase of 46,800 acres of land currently owned by U.S. Sugar south of Lake Okeechobee.
- A contract to buy the land at current market value expires in October, 2015.
- So far, there has been little support for the purchase from the South Florida Water Management District, legislature or Governor Scott.
- Recently, an amendment was filed to the Senate water bill, but later withdrawn, which would require the District to conduct a study to identify other possible lands which could be purchased.
- Sen. Negron proposed bonding approximately \$50 million in this year's budget to pay for a future land deal.
- The issue will continue to be discussed during the upcoming special session.

UP FOR CONSIDERATION DURING SPECIAL SESSION

Amendment 1 Allocations

- Legislative budget proposals by the Florida House and Senate fall shockingly short on funding for Florida Forever.
- Both the House and Senate have allocated hundreds of millions of dollars to cover existing agency operating expenses and other spending that doesn't meet the intent of Florida voters, while largely ignoring the primary motivations behind Amendment 1.
- The Senate proposal would lead to a net loss in environmental funding from last year.

UP FOR CONSIDERATION DURING SPECIAL SESSION

Amendment 1 Allocations

- The current House budget proposal bonds \$8.5 million which would give \$50 million for springs protection, \$10 million for conservation easements under Florida Forever and \$2.5 million for conservation easements under the Rural & Family Lands program.
- The Senate proposal includes \$15 million for Florida Forever and \$20 million for land acquisition near springs.
- Final decisions on allocating Amendment 1 funds will be made during the special session as part of budget negotiations.

FAILED BUT LIKELY TO COME UP AGAIN

[SB 918](#) (Dean)/[HB 7003](#) (Caldwell)/[HB 653](#) (Pigman) - Water

- At the beginning of the session, Senate and House water policy legislation did not align.
- House legislation focused on increasing water supply for agriculture and other self-suppliers, water quality policy for Lake Okeechobee and the Caloosahatchee and St. Lucie estuaries and adopting the Central Florida Water Initiative's proposed plan. Contained only limited language relating to springs protection.
- Senate legislation focused on springs protection, plus
lands, SUN Trail Network, and creating an advisory council to
oversee Amendment 1 spending on water projects.

SB 918 (Dean)/HB 7003 (Caldwell)/HB 653 (Pigman) - Water

- The House passed its 94 page bill, HB 7003, on the third day of session after only two committee hearing.
- The bill was opposed by 1000 Friends and many of our conservation allies for falling short on springs protection, water conservation, water supply policy and Lake Okeechobee protection.
- The Senate bill, originally supported by conservation groups, was amended to significantly weaken provisions related to springs protection and incorporate nearly all of the House's language on water supply, the Central Florida Water Initiative, and Lake Okeechobee water quality with minor improvements.
- The Amended Senate Bill passed the Appropriations Committee.

SB 918 (Dean)/HB 7003 (Caldwell)/HB 653 (Pigman) - Water

- On April 24, the House amended HB 653, a bill originally dealing with water conservation, water quality credit trading and solid waste management, to include most of Senate Bill 918 as it passed the Senate Appropriations Committee.
- HB 653, as passed, did not include sections related to the SUN Trail Network and the Amendment 1 advisory council – both priorities of Senate President Gardiner.
- On April 29, after the House had adjourned Sine Die, the Senate amended HB 7003 to match SB 918 – including the SUN Trail Network and Advisory Council - and passed it by a 39-1 vote.
- The House was not in session to receive the amended bill. ■

SB 918 (Dean)/HB 7003 (Caldwell)/HB 653 (Pigman) - Water

- Common elements of SB918/HB 7003/HB 653
 - Consolidated Water Management District Annual Reports
 - Adds 5 year work programs, similar to those used by DOT, to consolidated annual report including information on cost, ecological benefit and impairment.
 - Minimum Flows and Levels
 - Adoption of minimum flows and minimum water levels by emergency rulemaking by July 1, 2017. Except for NFWFMD, which must adopt by July 1, 2026.
 - Concurrent adoption of recovery or prevention strategies with minimum flows and minimum levels.
 - State Water Policy
 - State policy that sufficient water be available for all existing and future uses.
 - Allows taxpayer funding for water self-supply projects.
 - Requires update of regional water supply plan if a CUP is denied due to a MFL.
 - Requires WMDs to consider preferred water supply sources in CUP decisions.
 - Monitoring of CUP for withdrawals of more than 100,000 gallons per day
 - Uniform rules for CUP and uniform definition (undefined) of “harmful to water resources.”
 - No modification of CUP due to water conservation.
 - Permit extensions to incentivize water conservation.

SB 918 (Dean)/HB 7003 (Caldwell)/HB 653 (Pigman) - Water

- Common elements of SB918/HB 7003/HB 653
 - Central Florida Water Initiative
 - Places Central Florida Water Initiative interagency agreement into state law.
 - Northern Everglades and Estuaries Protection Program
 - Establishes the Lake Okeechobee Basin Management Action Plan as the program to remediate phosphorous discharges into Lake Okeechobee.
 - Requires five year reviews of the plan and 20 year target for reaching water quality standards.
 - Sets aside existing “waters of the district” rule that allows state agencies to require that discharges meet water quality standards.
 - Relies completely on agricultural best management practices that have not been proven effective to meet water quality standards.
 - State funding for agricultural best management practices.
 - Does not address nitrogen pollution from Lake Okeechobee discharges into St. Lucie and Caloosahatchee estuaries.

SB 918 (Dean)/HB 7003 (Caldwell)/HB 653 (Pigman) - Water

- Common elements of SB918/HB 7003/HB 653
 - Florida Springs and Aquifer Protection Act
 - Covers all existing first magnitude springs, not including submarine springs or river rises, and six additional springs.
 - Priority focus areas for Outstanding Florida Springs considering groundwater travel time, hydrogeology, nutrient load and other factors must be delineated by July 1, 2018.
 - 20 year target to achieve MFLs, with extensions for local government projects.
 - Assessment of spring water quality by July 1, 2018.
 - Adoption of basin management action plan (BMAP) within 2 years of its initiation.
 - No requirement for adopting total maximum daily loads (TMDL), which initiates BMAP.
 - 20 year target to achieve TMDL.
 - If septic tanks are a major contributor of nitrogen, requires the development of a remediation plan within 5 years. Remediation can include connection to central sewer, repair, replacement or upgrade of existing system.
 - Prohibits new domestic wastewater facilities that do not meet certain standards, new septic systems if in conflict with a remediation plan, new facilities for the disposal of hazardous wastes, land application of bio solids without an approved nutrient management plan, new agricultural operation that do not implement best management practices or monitoring.
 - Requires local govts. to adopt fertilizer ordinance.

SB 918 (Dean)/HB 7003 (Caldwell)/HB 653 (Pigman) - Water

- Common elements of SB918/HB 7003/HB 653
 - Best Management Practices Rules
 - Study new or revised best management practices.
 - Develop new best management practices, including controlled release fertilizer, which reflect a balance in water quality improvement and agricultural productivity.
 - Surface Water Classification
 - Creates new surface water classification for treated potable water supply.
 - Enforcement and verification of BMAPs and BMPs
 - By January 1, 2016, DEP will initiate rulemaking to verify implementation of water quality monitoring and implementation of nonagricultural and agricultural best management practices.
 - Reports
 - Requires DEP to submit reports, beginning July 2017, on the status of each TMDL, BMAP, MFL and recovery or prevention strategy and recommendations for corrective actions.

SB 918 (Dean)/HB 7003 (Caldwell)/HB 653 (Pigman) - Water

- Provisions in Senate Bill, not included in House Bill
 - Sections intended to increase public access and knowledge of conservation lands.
 - SUN Trail Network
 - Pilot Program for Alternative Water Supply
 - Florida Water Resources Advisory Council
 - Creates an advisory council including the Sec. of DEP, Com. of DACS, Ex. Dir. of FWC and two scientific experts appointed by the Speaker and President of the Senate.
 - Tasks Council with evaluating and recommending water projects for state funding, including Amendment 1 funds.
 - Requires Council to hold eight public meetings per year.
 - Requires Council to submit recommendations annually to Governor, President of the Senate and Speaker of the House.

SB 918 (Dean)/HB 7003 (Caldwell)/HB 653 (Pigman) - Water

- Where are we now?
 - 1000 Friends and several of our conservation allies issued a statement in opposition to the final version of water legislation as proposed by the Senate and House.
 - Despite some good provisions, the legislation would result in a net loss for Florida's waters and would not have achieved the stated goals of protecting Florida's springs and other important natural waters.
 - The bills are officially dead, but could be brought up again in special session by agreement of the Senate and House.
 - More likely that water legislation will again be at the forefront in the 2016 legislative session.
 - 1000 Friends will continue to push for good water legislation to protect Florida's springs, lakes, rivers, estuaries and the Everglades.

FAILED

[SB 648](#) (Evers) and [HB 687](#) (Drake) -- Land Application of Septage

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- Significant move backwards on protecting water quality in springs, lakes and rivers.
- Representative Drake filed an amendment to his bill which would delay the ban on the land application of septage from going into effect until 2018, but would not repeal it.
- The House passed HB 687 99-12 BUT the Senate Bill died in committee.
- Because it failed, the prohibition on the land application of septage will go into effect on January 1, 2016.

FAILED SB 814 (Dean) and HB 0781 (Stone) -- Oyster Fishery and Resource Management

- Creates the Nature Coast Oyster Alliance to develop a comprehensive strategy for recovery and management of oyster fisheries.
- Neither bill was heard in committee.

FAILED SB 7086 (EPC) / HB 7135 (State Affairs) – State Lands

- Allows “low-impact” agriculture on state owned conservation land, including state parks.
- Requires review of all state lands to determine whether any lands could support “low-impact” agriculture.
- Requires a 10 year review to determine if any state owned lands are no longer needed for conservation purposes and could be sold.
- Requires created of database which includes all state owned conservation lands, federally owned conservation lands, county and municipally owned lands, all lands with permanent conservation easements, all lands that are part of a mitigation bank and all lands which are prohibited from development by comprehensive plans.

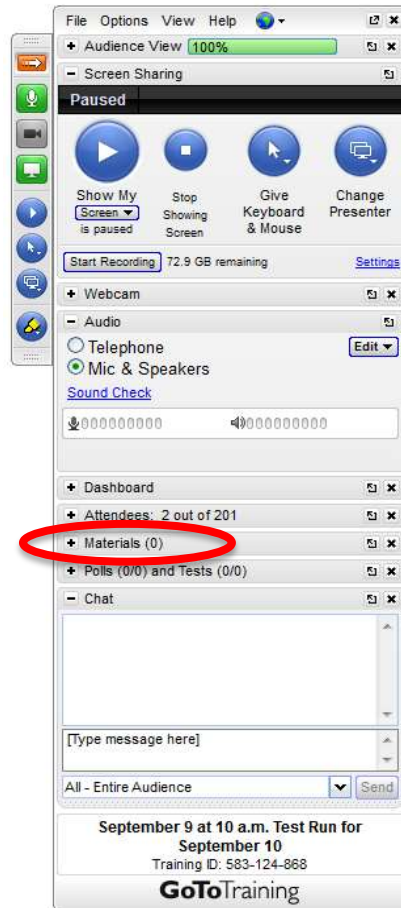
FAILED SB 7086 (EPC) / HB 7135 (State Affairs) – State Lands

- The House version of the bill also allowed for the transfer of state owned conservation lands to private parties in exchange for conservation easements on contiguous lands.
- The House Bill passed 88-24.
- The Senate Bill died in the Appropriations Committee.
- Bills were opposed by conservation community.
- Similar legislation will likely be filed next session.

FAILED SB 1468 & SB 1582 (Richter)/HB 1205 & HB 1209 (Rodrigues) - Fracking

- Provided specific permit criteria, increased fines, creation of a chemical disclosure registry for the process of high pressure well stimulation otherwise known as fracking.
- Senate Bill included a moratorium on permits for high pressure well stimulation until study was completed.
- Companion bills classified chemicals used in the process as proprietary business information and, therefore, not available to the public, medical professional or first responders.
- Bills were opposed by the majority of conservation organizations, in favor of legislation banning fracking.
- Only the House regulation bill passed either chamber, all other bills were temporarily postponed or laid on the table.
- Issue will likely come back up in 2016.

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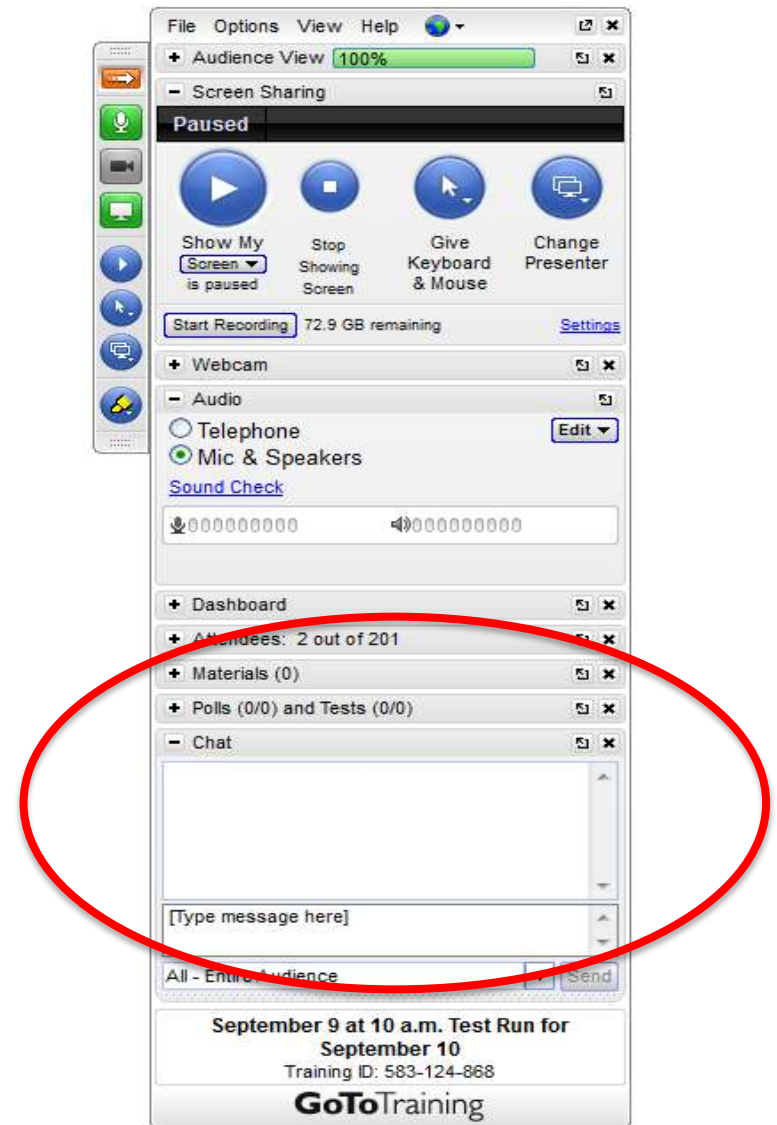
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