2015 Florida Legislative Update

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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.
- Our bipartisan board of directors includes advocates and experts from across the state.
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- April 8, 2015, Noon to 1:30 p.m.
  Growth Management and Citizen Advocacy in Florida
- May 13, 2015, Noon to 1:30 p.m.
  2015 Florida Legislative Wrap Up

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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.
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
Session Overview

Lester Abberger, Board Member Emeritus
1000 Friends of Florida
Major Issues

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

- Leadership driven
- Tea Party
Effective Outreach

- Contact your legislator about a particular issue before the Legislature takes action on it.
- Use a variety of communication methods – visit, write, telephone, email, fax.
- Tell your legislator what effect you think a particular bill will have on you, your children, business, or community.
- Be concise, but specific.
- Be polite, even if you disagree strongly.
- Suggest a course of action and offer assistance.
Tracking Legislation

- HB = House Bill
  Track bills: [www.myfloridahouse.gov/Sections/Bills/bills.aspx](http://www.myfloridahouse.gov/Sections/Bills/bills.aspx)

- SB = Senate Bill
  Track bills: [www.fl senate.gov/](http://www.fl senate.gov/)

- CS = Committee Substitute

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- Sadowski Coalition: www.sadowskicoalition.com
Growth Management

Charles Pattison, FAICP, Policy Director
1000 Friends of Florida
SB 484 and HB 873 — Regional Planning Councils (RPCs) and Plans

- Original version deleted all mention of RPCs and duties
- Strike-all retains 10 RPCs
- Redistributes Withlacoochee members
- Makes Governor authority on boundary revisions advisory while Legislature given final authority
- Issue with “certification” that allows counties smaller than 50,000 in population to handle DRI reviews (Section 2)
- Provides $2.5 million in funding
- Overall, amended version is substantial improvement over original version
SB 562 and HB 579 – Florida’s DRI Program

- 1000 Friends DRI position statement -- [1000fof.org/2015DRI.pdf](http://1000fof.org/2015DRI.pdf)
- Relies on “coordinated state review process” for plan amendments that trip existing DRI thresholds
- Eliminates DRI review process
- No effect on existing DRIs
- Relies upon existing intergovernmental coordination element for local government participation and/or extra jurisdictional impact mitigation
SB 832 and HB 933 — Florida’s Sector Planning Process

- “Long range planning” deleted in favor of “vision and long range plans”
- Restricts local government authority to get transportation and public infrastructure financing, costs, timing, phasing and locations until time of DSAP and then as part of 5 year capital improvements schedule
- Prohibits any special review process for DSAPs
- Existing requirement for intergovernmental coordination lessened if addressed in other plan elements
SB 832 and HB 933 — Florida’s Sector Planning Process

- Relationship of DSAP to the comprehensive plan modified
- Recording of conservation easement changed to later of DSAP approval or securing of environmental permits
- Optional pre-app meeting added for DSAP that provides 14 day timeframe for state agencies/local government to agree/disagree on assumptions/methodologies
- Regionally significant natural resources must be considered the same for Chapter 373 purposes
- DRI master development orders given same consumptive use permit options as currently given for sector plan approvals
SB 1244 (Dean) and HB 1175 (Hutson) -- Constrained Agricultural Parcels

- **Ag Enclave “light” for parcels less than 6,400 acres**
  - Provides for single owner plan amendments with 75% of site in ag if:
    1. 1 mile of boundary adjacent to existing industrial, commercial, or residential; and
    2. 1 mile of boundary adjacent to land that prohibits such uses

- **May be applied to multiple parcels if one meets (1) & (2) above**
  - Requested uses “…are consistent with the most prevalent surrounding uses…” using a 3 mile radius
  - Presumed not to be urban sprawl
  - Locals may not attach conditions creating inordinate burden
  - Does not apply in Wekiva Study Area or Everglades Protection Area
SB 1216 (Simpson) and HB 1159 (Harrison) – Connected City Corridors

- Sector Plan process for high tech corridor development between cities by “connected-city corridor amendments”
- Local govt. may adopt if sufficient land/location available to further tech employment, housing and recreation
- Mixed use to foster jobs and tech innovation
- May be special area plan or overlay district but consistent with existing comp plan
- Cannot be located in Area of Critical State Concern
- D&A must include maps and appropriate text
- General provisions for interconnectivity, conservation (permanent preservation), sense of place, internal capture, minimization of external impacts, water supply and conservation needs, regional natural resource identification, infrastructure needs
**SB 1216** (Simpson) and **HB 1159** (Harrison) – Connected City Corridors

- Requires long-term master transportation network including alternatives for mobility
- Requires financial feasibility plan for mitigating future impacts
- Can exceed comp plan timeframe – does not have to address need
- Projects consistent with long-term master plan and financial feasibility plan deemed to meet all concurrency requirements
- Only requires single adoption hearing
- Affected party challenges within 30 days after local adoption using “fairly debatable” test
- DEO prohibited from intervening
- Provides for CDD within such corridors
- Provides for DRI exemption
SB 1094 (Brandes) and HB 895 (Ahern) — Flood Insurance Reform

- Expand on the redevelopment component of the coastal management element to require that it include development and redevelopment policies, strategies and engineering solutions to reduce flood risk in coastal areas (including the related impacts of sea-level rise).

- Provisions requiring property appraisers to submit elevation certificates to the Division of Emergency Management and provide certain criteria for customized flood insurance.

- Element must also:
  - encourage best practices development and redevelopment principles, strategies and engineering solutions that result in the removal of coastal property from flood zone designation.
  - identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies.
Amends the Bert Harris Act to create a new avenue for property owners to recover damages based on an “unconstitutional exaction”.

Committee substitute was moved favorably by the House Civil Justice Subcommittee on February 10th.

Rewords the definition of “property owner” to require the owner is “directly impacted by” the action of the governmental entity at issue.

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.
HB 551 (Perry) and SB1424 (Evers) – Growth Management

- Requires local governments to address the protection of private property rights in their comprehensive plans
- Requires comprehensive plans to include a property rights element that addresses certain objectives
- Requires counties and municipalities to adopt land development regulations consistent with this element within a specified timeframe.
SB 1312 (Simmons) and HB 1041 (Moskowitz) – Strategic Lawsuits Against Public Participation (SLAPP)

- Makes it the “public policy of the state” that persons and corporations not engage in SLAPP suits.
- Prohibits the filing of SLAPP suits.
- Defines “free speech in connection with public issues.”
- Allows for the payment of damages if a person violates this section.
Conservation

Ryan Smart, President
1000 Friends of Florida
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 have raised to the forefront of public debate in the 2015 legislative session.

- Both the Florida House and Senate have advanced water resources legislation. But the bills in current form have little conformity.
- Lawmakers must implement Amendment 1 through the appropriations process.
- The Senate has filed legislation revising the documentary stamp distribution process to conform to Amendment 1 and proposed a Water Resources Advisory Council to help direct Amendment 1 funds and other funding sources to the most cost-effective and impactful projects.
**SB 918 (Dean) – Environmental Resources**

- Similar to last year’s springs bill SB 1576.
- No direct House companion, but comparable to HB 7003.
- Work in progress, possible significant changes as it moves through committees.
- Senate Bill will come up before Environmental Preservation and Conservation Committee this afternoon. Two workshops held already.
- Contains sections related to expanding access to conservation lands, SUN Trail Network, springs protection and prioritization of projects for funding.
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.

Outstanding Florida Springs
- Designates all historic first magnitude springs and six additional springs as “Outstanding Florida Springs” (OFS) which will receive additional protections.
- Requires delineation of “spring Protection and Management Zones” (SPAMZ).

Interim Minimum Flows and Levels (MFLs)
- Creates “interim” MFLs for all OFS which do not have an established or adopted MFL.
- Determined by a mathematical formula. Intended to be similar to traditional MFLs.
- Current formula for determining interim MFLs may not be protective enough.


OFS Protection – Flow

– Changes standard for setting minimum flows and levels (MFLs) for OFS from “significantly harmful” to “harmful.”

– MFLs previously adopted must be revised to comply with harm standard by 2018.

– Requires simultaneous adoption of MFLs and recovery or prevention strategies.

– Provides criteria for what information must be included in a recovery or prevention strategy.

OFS Protection – Prohibited Activities within SPAMZ:

– Prohibits new wastewater disposal facilities which do not meet AWTS; new facilities for the disposal of hazardous waste; land application of biosolids or septage; new agriculture operations that do not implement BMPs; and new septic systems on lots less than one acre (after DOH approves a passive nitrogen removing septic system).
SB 918 (Dean) – Environmental Resources

- **OFS Protection – Water Quality Programs**
  - Requires TMDL assessments to be completed by July 1, 2018.
  - Requires adoption or revision of BMAPs by July 1, 2018 for OFS with adopted TMDLs or by July 1, 2021 for OFS without adopted TMDLs.
  - Provides criteria for what information must be in a BMAP.
  - Requires local governments in SPAMZ to implement fertilizer ordinance.

- **OFS Protection – Onsite Sewage Treatment & Disposal Systems (OSTDS)**
  - Requires DEP to identify all OSTDS within a SPAMZ.
  - Requires local governments to create an OSTDS remediation plan.
  - Plan includes desired action and priority rankings for each group of systems.
  - No cost to property owners.
- **OFS Protection – Reports**
  - Requires DEP to submit reports, beginning July 2016, on the status of each TMDL, BMAP, MFL and recovery or prevention strategy and recommendations for corrective actions.

- **OFS Protection – Timelines for achieving water quality & quantity goals**
  - Requires recovery or prevention strategies be designed to achieve MFLs within 20 years after adoption.
  - Requires BMAPs be designed to achieve TMDLs within 20 years after adoption.
    - Both requirements include 5, 10 and 15 years milestones and allow for extensions of 5 or 10 years for local governments if granted by DEP.
  - Planning goals for reaching water quality and quantity standards are 2038 and beyond. May not be sufficiently ambitious to assure springs restoration.
  - Only requires that plans are designed to achieve goals, not that the goals are actually achieved.
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.
HB 7003 (Caldwell/State Affairs/Appropriations) — Water Resources

- Passed the House on March 5 105-10 after only two committee hearings.
- 94-page water legislation addressing water supply, Lake Okeechobee and the Northern Everglades, the Central Florida Water Initiative and springs.
- No direct Senate companion, but comparable to SB 918.
- Opposed by 1000 Friends and many of our conservation allies for falling short on springs protection, water conservation and Lake Okeechobee clean up.
Minimum Flows and Levels and Water Supply Planning

- Requires simultaneous adoption of MFLs and recovery or prevention strategies, when necessary.
- Adds water development projects to meet MFLs to regional water supply plans.
- Requires update of regional water supply plans if any CUP is denied because of its impact on an MFL.
- Requires WMDs to consider preferred water supply sources in CUP decisions.
- Prioritizes public funding for water supply projects that avoid competition between water users, including funding for self-suppliers.
HB 7003 (Caldwell/State Affairs/Appropriations) — Water Resources

- **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.
  - 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.
HB 7003 (Caldwell/State Affairs/Appropriations) — Water Resources

- **Springs**
  - Largely ineffective provisions which do little to advance springs protection.
  - Requires the simultaneous adoption of MFLs and recovery or prevention strategies, but does not set a deadline for setting MFLs.
  - Designates all first magnitude springs and second magnitude springs on state or federally owned conservation lands as “Priority Florida Springs” (PFS).
  - Requires completing assessments and establishing TMDLs and BMAPS, when necessary, by December 1, 2018 or within two years of impairment.
  - Requires agricultural operations in BMAP area of PFS to implement best management practices or conduct water quality monitoring and provides public funding.
  - Creates working groups to collect scientific evidence, conduct public education and develop projects to reduce impacts from OSTDS.
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.
1000 Friends supports full funding for affordable housing: 1000fof.org/affordablehousing.pdf

- Consolidates existing trust funds into the new Land Acquisition Trust Fund required by Amendment 1.
- Cuts documentary stamp tax funding for transportation and affordable housing trust funds.
- Intended to allow for transparency and tracking of Amendment 1 spending.
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 has been scheduled for a committee hearing.
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