



# Overview of the 2021 Legislative Session

May 6, 2021  
10:30 a.m. – 11:30 a.m. (Eastern)

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



# ***APPLIED SCIENCES***

Florida Based. Regionally Skilled.



# Today's Presenters



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## Today's Overview

1. General Background for 2021 Session
2. Primary water-related Legislation of interest to local stormwater programs
3. What to look for in 2022



## **General Background for 2021 Session**

1. Florida's Fiscal Fitness
2. Little Interest in Water Quality
3. COVID Pandemic
4. Pronounced Preemption Philosophy



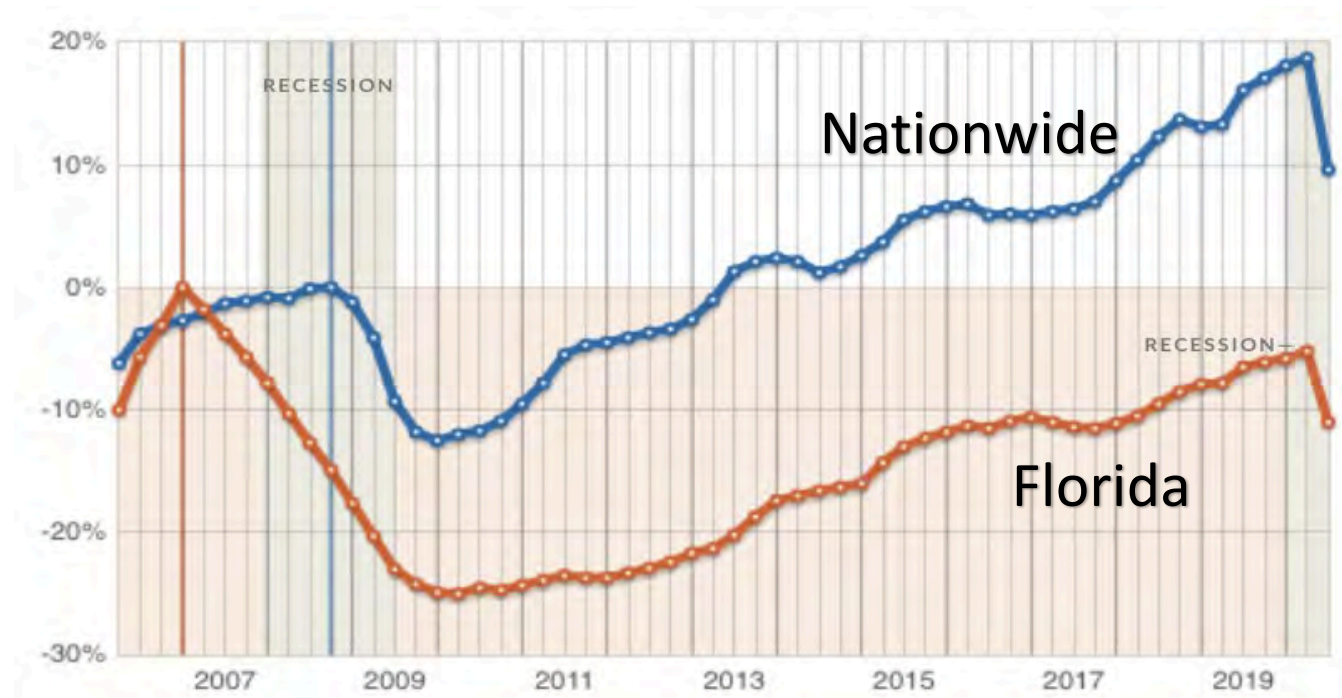
## General Background for 2021 Session

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

- Generally stable, especially when compared to other states
- But a long ways off from pre-recession in terms of tax revenues
- \$10.2 B in stimulus from Feds



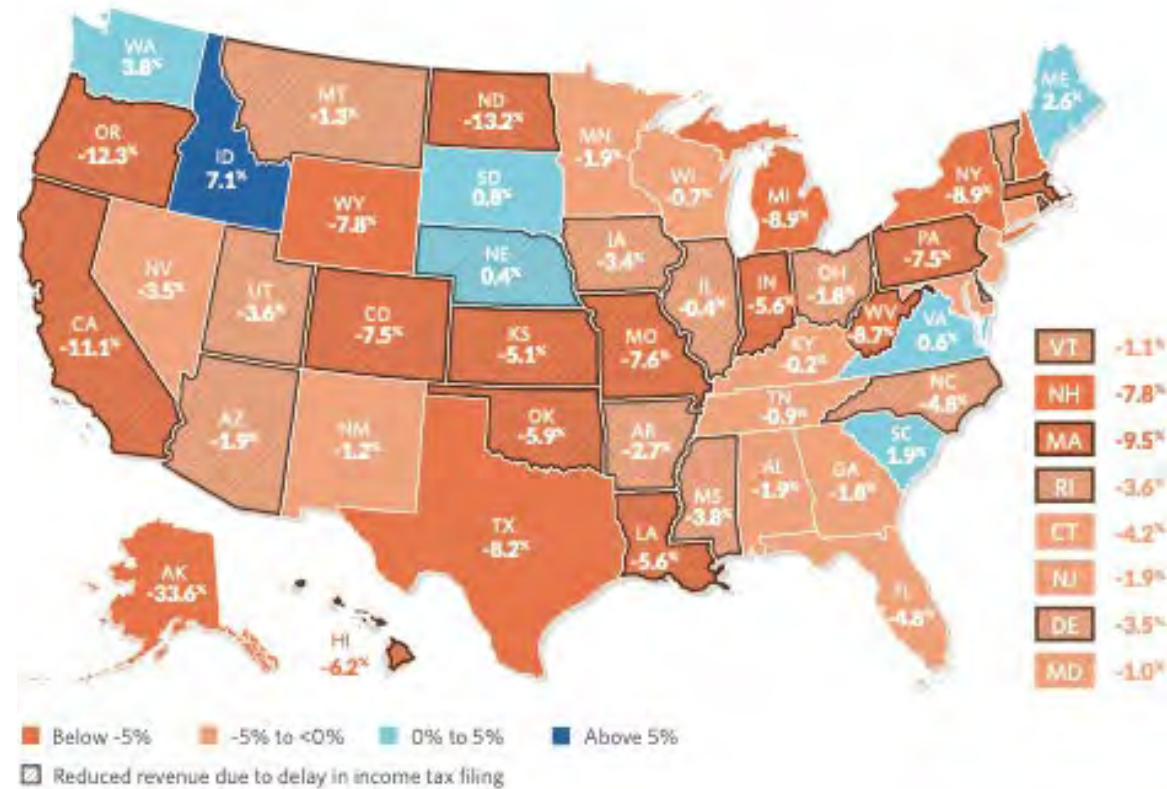
## Change in Tax Revenue from State's Peak Quarter, Adjusted for Inflation



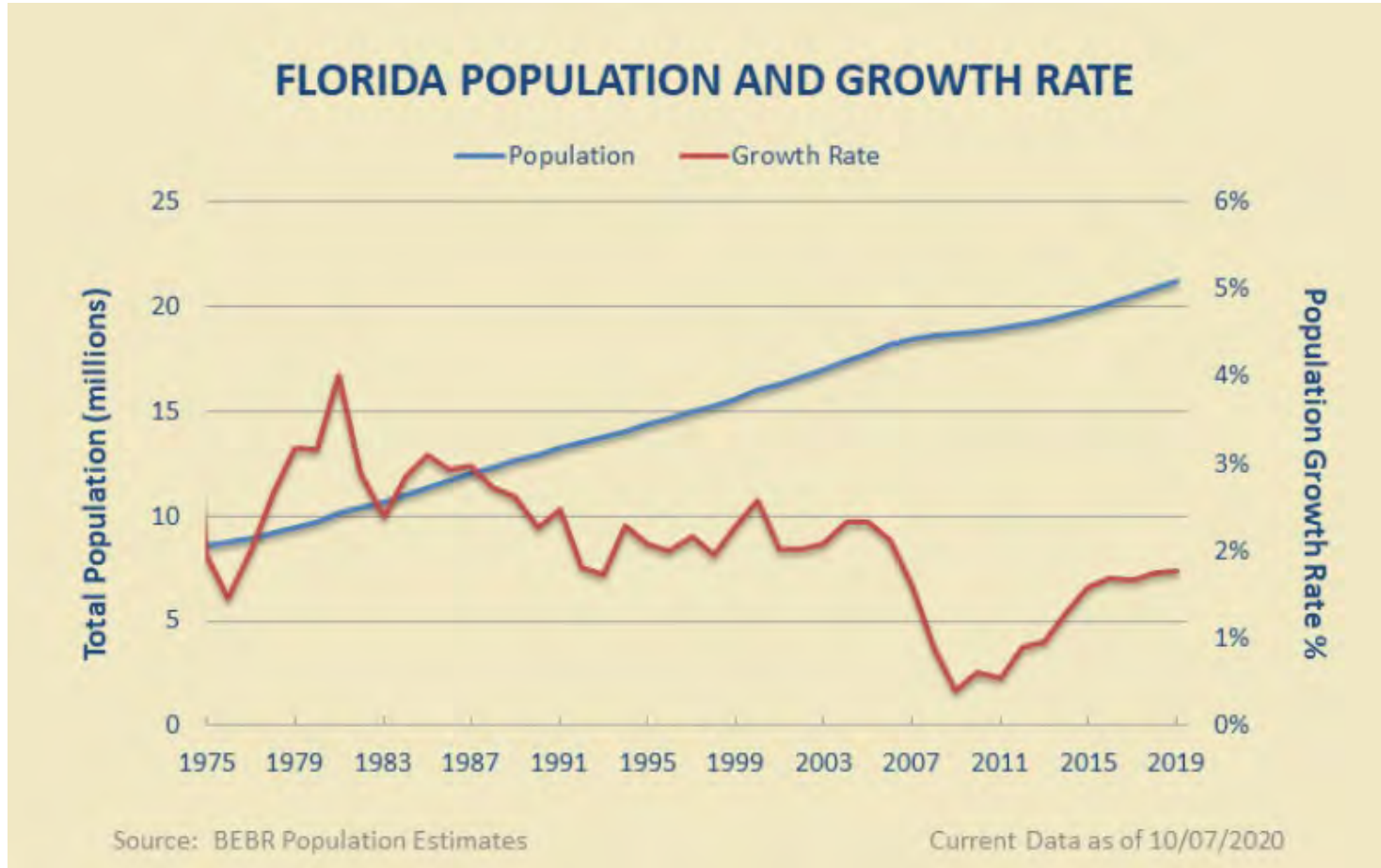


## Annual Tax Revenue Declined in Nearly All States Amid Pandemic

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/debated 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. *COVID Pandemic*

- Regulations limiting access to Capitol and access to members, especially the Senate



## General Background for 2021 Session

### 4. *Preemption Philosophy*

- “Government closest to The People governs Best”  
...replaced by “We Know What’s Best” and won’t hesitate to exercise authority



## 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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A promotional banner for an FSA event. It features the FSA logo at the top left. The main text reads 'FSA AN... CONFERENCE' in large, bold, white letters, with 'JUNE 23-24' below it in a smaller, blue font. The background is a dark green with a subtle pattern of water droplets.

- Advocacy
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- Establishing SWU Manual
- Legislative
- Seminars
- Stormwater Utility Rates
- Stormwater Utility Report
- Training Center

A promotional banner for an online event. It features a central image of a water droplet falling from a leaf, with the text 'REIMAGINING THE FUTURE OF STORMWATER' curved around it. In the top right corner, there is a blue button with a computer monitor icon and the text 'ONLINE EVENT'. The background is a dark green with a subtle pattern of water droplets.

## Legislative Page (Members Only)

Quick Links: [Bills](#) - [News](#) - [White Papers](#) / [Current Year](#) - [Previous Year](#)

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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



[EAF2](#) Resilient Florida Trust Fund

Environment, Agriculture & Flooding  
Subcommittee

03-09-  
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

[Florida's Chief Science Officer Quietly Relinquishes Position](#)  
WJCT Jacksonville - 3/18/2021



**Questions?**



## 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 exempt. (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. Monitored (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.

**Questions?**



## **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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