2018 FLORIDA LEGISLATIVE SESSION REVIEW

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The 2018 Legislative session started with accusations, allegations, and resignations on sexual misconduct and ethical breaches, and ended with the Parkland FL high school mass murder of 17 that led to two weeks of intense debate and scrutiny of gun rights and gun control. In the end, the ethics package that was designed to address sex abuse failed and the School Safety Package made the NRA angry enough to sue the state of Florida. In the midst of all that furor, business and industry continued to seek advantages and escape from important environmental regulations.

Despite the challenges the 2018 session presented, your participation made a definite difference. Legislators told me they met with Sierra constituents in their districts. With elections coming up in November, now is the time to redouble our efforts to establish relationships with decision makers – and that includes those who are running for office. Whoever wins on Election Day, it will be important to know them and to have started a conversation on crucial issues.

SESSION PRIORITIES
BANNING FRACKING – SB 462 Advanced Well Stimulation Treatment by Sen. Young passed two of its committees but was bottled up by leadership and was never heard in Sen. Bradley’s Appropriations committee. An attempt to amend the fracking ban onto SB 1308/HB 1149 failed when Sen. Farmer inexplicably withdrew his amendments to those bills. SB 237, Rep. Peters’ companion legislation, was never heard in even its first House committee.

All told, out of 160 legislators only 13 senators got to vote on the ban, and they all voted Yes. Even though Sen. Bradley voted for the bill in its first committee, he was primarily responsible for not allowing the full Senate to consider it, even though it likely would have passed. Leadership’s actions prevent citizens from knowing where their legislators stand on the issue – and that’s just fine with Big Oil/Gas.

ENVIRONMENTAL FUNDING – The competing Florida Forever bills from the House and Senate were not merged and died. SB 370 by Sen. Bradley which would have provided $100 million/year to FF with none of it going to executive direction and support services passed the full Senate, but neither it nor its identical companion bill, were taken up by the House. Rep. Caldwell’s HB 7063 made it through all its committees, but died on the House calendar. None
of the bills, however, would have prohibited all of the misuse of Amendment 1 dollars that are at the root of the lawsuit against the Legislature.

The end result was that Florida Forever funding was decided in the budget with the program getting $71.9 million from General Revenue (largely sales tax), and $13 million from the Land Acquisition Trust Fund (LATF – Amendment 1 money)). Expenditures from Florida Forever include $77 million for the acquisition of environmentally endangered unique lands (which includes $7 million for WMD land acquisition), $2 million for the Working Waterfronts program, $10 million for Florida Communities Trust, and $6 for the Florida Recreation Development Assistance Program. Other budgeted environmental items include $5.8 million for the Rural and Family Lands Protection Program, $242 million for Everglades Restoration, and for debt service, $24 million for Save Our Everglades bonds and $143.2 million for Florida Forever bonds. Also, $50 million is included for repair of the Herbert Hoover Dike and another $50 million for springs restoration. Beaches receive $61 million.

WATER SUPPLY FOR NATURAL SYSTEMS – The 2018 session was not kind to this issue. DEP has been authorized to seek delegation from the U.S. EPA to take over wetlands protection in much of the state. It is impossible to know what the exact agreement between DEP and the EPA will be because the details will be established in Memoranda of Agreement after the Governor signs the bill into law. In other words, it’s a pig in a poke. But we can be sure that DEP which advocated against EPA’s authority over “geographically isolated wetlands” and will soon be responsible for those same wetlands will find many ways to translate its goal of “greater efficiency.”

HB 7043 Ratification of Rules of the St. Johns River Water Management District and its companion SB 670 was adopted by both chambers. Sierra opposed this legislation because it is predicated on a standard that is set too low to protect Silver Springs from further damage let alone restore it to health. The Spring has suffered significant harm having lost 36% of its flow over the past 30 years, but SJRWMD refigured its MFL (Minimum Flow and Level) so it could issue Consumptive Use Permit for an additional 10 million gallons per day to the Stronach proposed cattle operation. The WMD rule is for a prevention strategy when it clearly should be for a recovery strategy.

Finally, HB 1149 Environmental Regulation and the companion SB 1308 encourage the use of treated waste water for aquifer recharge even though the required treatment is inadequate to protect our springs or to remove hormones, pharmaceuticals, and nano particles of various kinds of plastic. In addition the bill requires DEP and WMDs to reissue construction phase permits that have been expired for up to three years even if the property has changed hands.
And when the expired permits are reissued, the project doesn’t have to meet any new standards that were imposed while the permit was expired.

HB 1149 became a “train” and picked up a number of provisions all loosely related to environmental regulation. Some of these provisions include making it easier to repair or replace a dock or pier that doesn’t require a permit, an incentive program for wastewater treatment plants to adopt best practices voluntarily, and including private non-profit wastewater utilities as eligible to participate in the Clean Water State Revolving Fund.

On the bright side, A Coral Reefs bill establishes the Southeast Florida Coral Reef Ecosystem Conservation Area and makes certain DEP programs available to it.

REGULATION – A number of pre-emption bills were filed and most were stopped. At the top of the list were the Tree and Vegetation Trimming and Removal pre-emption bills which did not make it through the House or Senate.

HB 405 Linear Facilities and its companion SB 494 passed. The effect of the bill is to eliminate any chance of a locality controlling how and where electric lines will be situated by giving to the PSC sole authority to determine whether they will be undergrounded. This interferes with development plans encouraging greater density with multi-story buildings because they can’t be located next to high tension lines because of safety regulations.

TRANSITION TO RENEWABLE ENERGY – There was some progress on this front. HB 841 passed with a provision added that prevents Homeowner Associations in Multiple Unit Developments from prohibiting residents from installing electric vehicle charging stations at their own expense. It is encouraging that bills dealing with energy choices and electric vehicles are being offered by members of both parties.

OTHER IMPORTANT LEGISLATION

CONSTITUTIONAL AMENDMENT TO MAKE IT HARDER TO RAISE TAXES (House Joint Resolution) 7001 Supermajority Vote for State Taxes or Fees will be on the November 2018 ballot. If adopted it will only take 17 senators (out of a total of 160 legislators) to stop any proposed tax or fee increase, or elimination of an existing tax break. This proposal will make it increasingly difficult to get funding for environmental programs and to provide needed services to Florida’s growing population.

INVASIVE SPECIES SB 168 Nonnative Animals was substituted for the companion bill, HB 145 and passed by both chambers. The final bill provides that the FWC is to set up a pilot program
using private contractors to slow the spread of invasive animals such as pythons, tegu lizards, and lionfish.

ERC VACANCIES — SB 316 and HB 203 which would require the Governor to fill vacancies on the Environmental Regulation Commission within 90 days both passed unanimously in their early committees, but could not get a hearing in the later ones and died there. The bills are getting significant push back because they call for a supermajority for votes dealing with air and water quality. Sierra has consistently supported the bills.