



2019 Legislative Update

*Environmental Planning and Community Resilience Division
for the Climate Change Task Force Meeting
February 28, 2019*

2019 Florida Legislative Session

- Committee Weeks 1-6
 - December 11, 2018 – February 22, 2019
- Regular 60-day Session
 - March 5 – May 3, 2019
- Overtime?
- Composition:
 - Florida House: 73 R, 47 D (↓6 R, ↑6 D vs 2016 election)
 - Florida Senate: 23 R, 17 D (↓1 R, ↑1 D)

Governor's Executive Order

- Issued January 10, 2019
- \$2.5 billion (for 4 years) for Everglades and water resources protection
- Establishment of Blue-Green Algae Task Force
- SFWMD to immediately start EAA Reservoir design
- Creation of Office of Environmental Accountability and Transparency

Governor's Executive Order

- Move Environmental Crimes Enforcement Unit from FWC to DEP
- Creation of Office of Resilience and Coastal Protection in DEP
- Appointment of Chief Science Officer
- Appointment of Chief Resilience Officer*

Governor's Budget Proposal

- \$625 million for Everglades restoration and water resource protection
 - \$360 million for Everglades restoration
 - EAA reservoir - \$107 million
 - Tamiami Trail bridging - \$40 million
 - \$25 million for algal blooms
 - \$150 million for waterbody nutrient reductions
 - \$50 million for springs
 - \$40 million for alternative water supply grant program

Governor's Budget Proposal

- \$50 million for beach renourishment
- \$6 million for DEP Resilient Coastlines Program (incl. coral reefs)
- \$2.5 million for waste tire removal (Osborne Reef)
- \$10 million for Year 1 of State Mitigation Plan for VW settlement (\$166 million total)
- \$100 million for Florida Forever
- (For comparison: \$1.7 billion for agricultural industry)

But the budget pie is baked by the Legislature



SB 796/HB 797 – Public Utility Storm Protection Plans

- Transmission and distribution (T&D) storm protection plan to be part of storm hardening plan
- Overhead hardening, undergrounding, vegetation mgmt
- T&D plan to be paid for through new storm protection cost recovery clause
- If tax reform benefits are found to be due to ratepayers, bill would bypass and pay to storm plan instead

HB 3 – Preemption of Local Regulations

- Prohibition of virtually all regulations by local governments that affect businesses
- Would effectively kill or severely maim local government home rule in Florida, including environmental ordinances
- Pair of 2017 bills died midway during session
- 2019 bill passed one of three House committees on party-line vote
- No Senate companion

HB 63/SB 282 – Property Assessed Clean Energy

- Adds sewage treatment improvements to list of qualifying improvements
- Broward County opposes – violates principle that annual assessments should be financed by reduction in ongoing expenses

SB 944 – Land Acquisition Trust Fund

- Sets aside \$100 million per year for Florida Forever Trust Fund
- Bans use of LATF moneys for administrative/IT expenses in DEP, DACS, FWC, Dept. of State

SB 92/HB 95 – C-51 Reservoir

- Latest committee substitute for SB 92
 - Allows SFWMD to negotiate for any portion of project not already committed to partners for water supply
 - Clarifies purposes of operation of C-51 Reservoir Project
 - Phase I must accord with O&M agreement
 - Lake O water only available for CUP if SFWMD rules permit
 - Allows Phase II funding via appropriation
 - Allows SFWMD to enter into agreement for unreserved capacity and to request waiver of DEP loan
- Significant House and Senate action

SB 82/HB 145 – Vegetable Gardens

- Preempts local governments from regulating vegetable gardens on residential property
- Some Senate and House action

HB 325/SB 446 – Coastal Management

- Similar bills revise criteria for beach management, erosion control, inlet projects
- **Some House action**

Fracking Bills

- SB 146, HB 239, SB 314* – Advanced Well Stimulation Treatment
 - All slightly different, but all specifically ban matrix acidization
- HB 7029 – Committee bill
 - Some enviro concern with bill text:
“does not include techniques used for conventional well stimulation or conventional workover procedures” or “conventional acidizing techniques used to enhance, maintain, or restore the natural permeability of the formation”

SB 78/HB 169 –

Public Financing of Construction Projects

- Requires state-financed construction in coastal areas to first conduct a sea level impact project study, to be published and approved by FDEP
- Minimum 50 year horizon
- *“Utilize a systematic, interdisciplinary, and scientifically accepted approach in the natural sciences and construction design in conducting the study”*

SB 222 – Private Property Rights

- Allows property owners to produce and sell renewable energy to users on their property
- Up to 2.5 megawatts

SB 1056 – Disaster Resilience Task Force

- *“to evaluate ways to protect this state's remaining coastal ecosystems and natural habitats, increase coastal community resilience in the face of sea-level rise, and apply the best available science as to sea level rise and its anticipated impacts”*
- DEP Secretary or appointee, 2 appointees each Governor, Senate President, House Speaker (expertise required)
- Report by July 1, 2022

Local Regulation of Containers/Bags/Straws

- SB 88/HB 6033 – Preemption of Recyclable and Polystyrene Materials: would lift state preemptions
- SB 502 – Prohibition of Plastic Carryout Bags and Straws – stores/food businesses cannot distribute plastic bags and straws (w/exceptions)
- HB 603/SB 588 – Single-Use Plastic Straws: preempts local ordinances
- SB 694 – Disposable Plastic Bags: pilot programs

Federal Government

- House of Representatives:
 - Select Committee on the Climate Crisis – Florida Rep. Castor chairs
 - First serious committee hearings on climate change since 2010
 - Natural Resources Committee
 - Energy and Commerce subcommittee
 - Green New Deal proposal
- Senate:
 - Gotcha vote by Majority Leader McConnell on Green New Deal
 - Otherwise, crickets

Federal Government

- Trump Administration:
 - Virtually ignored Fourth Climate Assessment (dumped day after Thanksgiving)
 - Fighting with CA over car fuel efficiency standards
 - Forming ad-hoc/non-public committee to dispute national security agencies' conclusions re: risk of climate change
 - Lax Affordable Clean Energy Rule to replace Clean Power Plan
 - Acting EPA Administrator Andrew Wheeler (former coal lobbyist) nominated to full position

Questions and Discussion

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