



2021 Legislative Session Overview

*Environmental Protection and Growth Management Department
for the Climate Change Task Force
May 5, 2021*

2021 Florida Legislative Session

- Committee Weeks 1-5
 - January 11, 2021 – February 19, 2021
- Regular 60-day Session
 - March 2 – April 30, 2021
- Composition:
 - Florida House: 78 R, 42 D (*Previous: 73 R, 47 D*)
 - Florida Senate: 24 R, 16 D (*Previous: 23 R, 17 D*)

Appropriations



Appropriations Program	FY 2020-2021	Gov. Proposal 2020-2021	Approp Bill 2021-2022	Fed COVID Bill 2021-2022
<i>Local Water Projects</i> (*Amount as passed by Legislature; Governor usually vetoes many)	76,580,163**	n/a	116,611,262	
<i>Everglades Restoration</i>	363,611,602	464,108,289	405,115,224	58,993,065
• Restoration Strategies Water Quality Plan	32,668,382	32,000,000	63,475,000	
• Northern Everglades	47,043,220	71,386,306	71,386,306	
• Everglades Trust Fund	64,000,000			
• Comprehensive Everglades Restoration Plan	169,900,000	246,721,983	156,253,918	
• EAA Reservoir		64,000,000	64,000,000	
• Lake O Watershed Restoration Project	50,000,000	50,000,000	50,000,000	
<i>Florida Forever (federal \$300M for wildlife corridors)</i>	67,000,000	50,000,000	100,000,000	300,000,000
<i>Springs Restoration</i>	50,000,000	50,000,000	50,000,000	25,000,000
<i>Water Quality Enhancement (incl. Blue-Green Algae Task Force)</i>	10,800,000	10,802,386	10,800,000	
<i>Beach Projects (excluding hurricane recovery)</i>	50,000,000	50,000,000	100,000,000	50,000,000
<i>Alternative Water Supply Development (incl. WPSP Trust Fund)</i>	40,000,000	40,000,000		40,000,000
<i>Wastewater Treatment Facility Construction</i>	289,773,146	211,249,325	211,249,325	
<i>Wastewater Grant Program (WSPS) – septic conversions etc.</i>			116,000,000	500,000,000
<i>Drinking Water Facility Construction</i>	247,230,794	136,644,558	136,644,558	
<i>Florida Resilient Coastline Initiative (including coral reef health)</i>	10,000,000	10,001,563	10,001,563	
<i>Coral Reef Protection and Restoration grants</i>	10,000,000			
<i>Resilient Florida Planning Grants</i>		10,100,000	20,000,000	
<i>Resilient Florida Trust Fund</i>		165,688,600		500,000,000

Additional Federal Relief Funding

- C-51 Reservoir - \$48 million
- Coastal mapping services (seafloor) - \$100 million
- Total Maximum Daily Loads - \$20 million

Legend – Final Status of Bills



Assigned to committees



Heard in committee(s) / approved by committee



Approved by all committees



Approved by one chamber




Approved by both houses



Signed by governor

SB 1954 (HB 7019) – Statewide Flooding and Sea Level Rise Resilience

- Landmark bill
- State going all-in on resilience, but going backward on climate and energy
-  Approved by both houses
- Creates Section 380.093, Florida Statutes: Statewide Flooding and Sea Level Rise Resilience

SB 1954 (HB 7019) – Statewide Flooding and Sea Level Rise Resilience (cont.)

- Section 1 – Legislative Intent
 - State is vulnerable to flooding, storm surge, sea level rise
 - Funding should be prioritized for most significant risks
 - Impacts occurring across the state – coordinated approach is needed
 - To address and prepare for flooding and SLR impacts, statewide assessment and statewide coordinated approach needed

SB 1954 (HB 7019) – Statewide Flooding and Sea Level Rise Resilience (cont.)

- Section 2 – Definitions
 - Critical assets (long list) includes:
 - **Transportation assets**, incl. evacuation routes
 - **Critical infrastructure**, incl. wastewater treatment, stormwater treatment, drinking water, water utility conveyance, electric generation, waste disposal, military, communications, and disaster debris management facilities and sites
 - **Critical community and emergency facilities**, incl. education, community, corrections, disaster recovery, EMS, EOC, police, fire, health care, local/state gov't, affordable public housing, shelters
 - **Natural, cultural, and historical resources**, incl. conservation lands, parks, shorelines, surface waters, wetlands, historic/cultural sites

SB 1954 (HB 7019) – Statewide Flooding and Sea Level Rise Resilience (cont.)

- Section 3 – Resilient Florida Grant Program
 - Subject to approps, DEP may fund county/municipality peril of flood comp plan amendments, flooding/SLR vulnerability analyses, projects/plans/policies to adapt critical assets and prepare for flooding/SLR risks
 - Assessment must encompass entire county/muni, include all critical assets, use recent public digital elevation model and accepted models/techniques
 - May encompass smaller area subject to DEP approval, locally collected elevation data may be included

SB 1954 (HB 7019) – Statewide Flooding and Sea Level Rise Resilience (cont.)

- Analysis must include assessment of risks to critical assets
- Report, electronic mapping data, list of critical assets to be submitted to DEP
- Vulnerability assessment must include:
 - Peril of flood amendments, depth of tidal flooding, including future high tide flooding, current and future storm surge flooding, rainfall-induced flooding, compound flooding
 - At least two local SLR scenarios, incl. NOAA intermed.-low and -high
 - At least two planning horizons, incl. 2040 and 2070
 - Local SLR data interpolated from two nearest tide gauges, or alternate tide gauges with DEP approval

SB 1954 (HB 7019) – Statewide Flooding and Sea Level Rise Resilience (cont.)

- Section 4 – Comprehensive Statewide Flood Vulnerability and Sea Level Rise Data Set and Assessment
 - State will compile local submittals into comprehensive statewide assessment by July 1, 2023, identifying inland and coastal infrastructure, areas, and communities vulnerable to flooding and SLR
 - Chief Science Officer will develop statewide SLR projections; regional projections not superseded
 - Data set and assessment to be updated at least every 5 years

SB 1954 (HB 7019) – Statewide Flooding and Sea Level Rise Resilience (cont.)

- Section 5 – Statewide Flooding and Sea Level Rise Resilience Plan
 - By December 1, 2021, and each December 1 thereafter, DEP shall develop Resilience Plan on 3-year horizon and submit to state leaders.
 - Ranked projects that address flooding/SLR risks
 - 2021 plan – preliminary, based on local vulnerability analyses
 - 2022 plan – update to 2021 preliminary plan
 - 2023 plan – based on statewide assessment

SB 1954 (HB 7019) – Statewide Flooding and Sea Level Rise Resilience (cont.)

- Projects in plan must include description, location, cost, time estimate, cost-share, summary of priority score
- By September 1, 2021, and each Sept. 1 thereafter, counties, munis, WMDs, flood control districts may submit proposed projects to DEP
- In most cases, projects must have min. 50% cost share
- Projects must have been identified in statewide assessment
- Some exclusions, including recreation, park, water quality projects unrelated to otherwise eligible expenses (for stormwater/WW management, erosion/flood control)

SB 1954 (HB 7019) – Statewide Flooding and Sea Level Rise Resilience (cont.)

- Section 5 – Statewide Flooding and Sea Level Rise Resilience Plan
 - Scoring system, details TBD via DEP rulemaking:
 - Tier 1 (40%) – Risk reduction
 - Tier 2 (30%) – Current conditions, project readiness, habitat/nature-based options, cost-effectiveness
 - Tier 3 (20%) – Matching funds, previous state commitment, exceedance of FBC/floodplain mgmt. regulations
 - Tier 4 (10%) – Innovative technologies, assistance to financially-disadvantaged communities

SB 1954 (HB 7019) – Statewide Flooding and Sea Level Rise Resilience (cont.)

- Section 6 – Regional Resilience Entities
 - DEP may fund these entities to:
 - Provide technical assistance to counties, munis
 - Coordinate multijurisdictional vulnerability assessments
 - Develop project proposals for statewide resilience plan
- Then amends other sections of statute:

SB 1954 (HB 7019) – Statewide Flooding and Sea Level Rise Resilience (cont.)


- Creates Florida Flood Hub for Applied Research and Innovation at USF College of Marine Science to:
 - Organize data needs
 - Develop open-source models for hydrology, tidal flooding, GW elevation, economics
 - Coordinate research funds from state, fed, others
 - Establish community-based flood monitoring and prediction systems
 - Coordinate with DEP, WMDs, other agencies
 - Share its expertise
 - Assist development of training and workforce
 - Partner with other flood/SLR research leaders
 - Submit annual reports to state leaders

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SB 1954 (HB 7019) – Statewide Flooding and Sea Level Rise Resilience (cont.)

- Adds inland and coastal flood control to existing annual assessment of state's water resources and conservation lands (HB 901/SB 1252 language)
 - Future expenditures by federal, state, regional, local gov'ts
 - Cost of resilience efforts to address SLR, high-tide events, storm surge, flash flood, stormwater runoff, increased rainfall
 - 50-year planning period
 - Once dedicated revenues for these resilience efforts established, analysis must identify gap between needed expenditures and estimated revenues


Bills Linked to SB 1954

- SB 2512 – Documentary Stamp Tax Distributions
 - Effectively cut existing Affordable Housing Trust Fund allocation into thirds:
 - Affordable Housing Trust Fund (but Legislature promises no more sweeps!)
 - Resilient Florida Trust Fund
 - Water Protection and Sustainability Trust Fund for septic-to-sewer
 -  Approved by both houses
- SB 2514 – Resilient Florida Trust Fund
 -  Approved by both houses

SB 1194 - Transportation

- Last-minute amendment: invalidation of 2020 Key West ballot measure placing restrictions on cruise ships at Port of Key West
- Ballot measure approved by voters:
 - Limited number of daily cruise visitors to 1,500
 - Forbade ships with 1,300 or more passengers from docking
 - Gave docking priority to cruise lines with best health and environmental records


SB 1194 - Transportation (cont.)

- Prohibits local ballot measures for ports receiving or eligible to receive state funding that regulate:
 - Vessel type, size, number, capacity
 - #, origin, nationality, embarkation, disembarkation of passengers or crew
 - Source, type, loading, unloading of cargo
 - Environmental or health records of vessels or vessel lines
- Such existing regulations invalidated
-  Approved by both houses


HB 839 – Express Preemption of Fuel Retailers & Related Transportation Infrastructure

- Original text preempted regulation of energy infrastructure to the state – voided existing local regulation
- Narrowed to forbidding local governments from:
 - Adopting or applying any law, ordinance, regulation, policy, or resolution that prohibits or the siting, development, redevelopment of fuel retailers, or has de facto effect thereof
 - Requiring retailer from installing/investing in particular type of fueling infrastructure, incl. but not limited to EV chargers

HB 839 – Express Preemption of Fuel Retailers & Related Transportation Infrastructure (cont.)

- States that local governments still have normal authority over fueling stations so long as regulations don't have effect of prohibition across entire jurisdiction (e.g., zoning, land use, etc.)
-  Approved by both houses


HB 919 – Preemption Over Restriction of Utility Services

- Local governments cannot enact or enforce any resolution, ordinance, policy, etc., that restricts or prohibits property owner, tenant, or utility service customer from choosing their utility service, or has the effect thereof
- Voids any existing local gov't actions
- Would prohibit “all-electric” local ordinances
-  Approved by both houses

SB 896 – Renewable Energy

- Adds “renewable natural gas” from biogas, landfill gas, WW treatment gas to list of “renewable” energies
- Allows PSC to approve cost recovery for renewable natural gas priced higher than conventional natural gas


SB 896 – Renewable Energy (cont.)

- Amendment added **SB 1008/HB 761 – Solar Electrical Generating Facilities** language:
 - Solar facilities allowed by right in all ag land use categories and ag zoning districts in unincorp. areas
 - Allows buffering and landscaping reqs consistent with other uses in those categories and districts
-  Approved by both houses

HB 53– Public Works

- Public works projects funded by state funds cannot:
 - Prevent bids based on biz or employee location, local hiring, prior local tax payments
 - For \$1M+ projects, require contractors to:
 - Pay specific wage levels/benefits
 - Control, limit, expand staffing
 - Recruit or hire employees from designated, restricted, or single source
- Train employees in a designated program w/restricted curriculum or from single source
- Previously, only projects with 50%+ state funds were subject to these rules
- Original bill also applied to locally-funded projects
- Does not apply to local surtax-funded projects


HB 53– Public Works (cont.)

- Amendment: Analysis of needed expenditures for wastewater and stormwater infrastructure repair, replacement, and expansion added to state’s annual water resources assessment
- Every 5 years:
 - Local gov’t WW providers and stormwater management program or system providers must develop 20-year needs analyses and submit to respective county (1st deadline 6/30/22)
 - County compiles, adds own analysis, submits to DEP and Office of Econ and Demo Research (7/31/22)
 - OEDR statewide analysis (1/1/23)
-  Approved by both houses


SB 64 – Reclaimed Water

- WW utilities discharging to surface waters must develop plan to eliminate nonbeneficial discharge by 2032
- Can be met thru elimination, reuse, ecological or public supply benefits, stormwater discharge used for irrigation, demo of permitted wet weather discharge
- Exceptions for facilities in fiscally-constrained counties, rural areas of opportunity, munis <\$10M budget, mobile home park <300K gpd
- Does not exempt utilities from water quality rules

SB 64 / HB 263 – Reclaimed Water (cont.)

- Annual report to President and Speaker
- Leg statements: potable reuse may assist in mtg future water supply, and is considered alternative water supply
- Incentives for use of graywater technologies, incl. density/intensity bonuses
- Eases dissolved solids rule for reclaimed water injected into ASR wells and used for irrigation
-  Approved by both houses



HB 217 - Conservation Area Designations

- Names Southeast Florida Coral Reef Ecosystem Conservation Area after Rep. Kristin Jacobs
- Bills sponsored by Rep. Hunchofsky and Sen. Book
-  Approved unanimously by both houses



HB 387 / SB 1208– Property Assessed Clean Energy Program

- Eligible improvements expanded (now just RE, EE, wind):
 - Backup power/battery storage
 - Onsite sewage treatment
 - Septic-to-sewer
 - Raising of structures
 - Seawalls, banks, berms, green-gray infra.
 - Other flood/water mitigation and resilience improvements



HB 387 / SB 1208 – Property Assessed Clean Energy Program (cont.)

- Remediation of water pollutants incl. lead, heavy metals, PFAS, with well-to-city water, line replacement, water filters
- Asbestos, lead paint, air pollutant remediation
- Water conservation
- Residential of 5+ units considered commercial for PACE
- Expansion of consumer protection provisions
- H: 
- S: 



HB 315 / SB 514 – Office of Resiliency

- Establishes permanent Office of Resiliency within EOG, headed by CRO
- Creates Statewide Sea-Level Rise Task Force to develop SLR projections
- Task Force may designate technical advisory groups
- Env Reg Commission to approve/reject SLR projection
- H: 
- S: 



HB 283 / SB 720 – State Renewable Energy Goals

- Bans oil/gas exploration, drilling, production
- 100% of electricity from RE by 2040 (50% by 2030)
- Net-zero carbon emissions statewide by 2050 (40% by 2030, 80% by 2040)
- Plan development by Office of Energy in DACS
- Creates workforce development advisory committee
- H: 
- S: 


HB 333 / SB 722 – Everglades Protection Area

- Prohibits DEP from granting oil/gas drilling or production permits within Everglades Protection Area
- H: 
- S: 



SB 546 / HB 1575 – Well Stimulation

- Bans extreme well stimulation, aka fracking
- H: 
- S: 





SB 136 – Energy 2040 Task Force

- Sets up task force within PSC to project FL energy needs for next 20 years and determine how to meet:
 - “in efficient, affordable, reliable manner while increasing competition and consumer choice”
- All relevant topics, including effects of “nonutility direct retail renewable energy,” microgrids, technologies, storm hardening, “environmental impact” of electricity
- S: 



SB 208 / HB 775 – Renewable Energy

- Would authorize commercial third-party sales of renewable energy, on site or adjacent
- Utilities can cover full cost of providing services
- PSC can approve cost recovery if third-party sales reduce utility consumption and affect rates
- S: 
- H: 





Electric Vehicles

- SB 140  / HB 819  – Fees/Electric Vehicles
 - Additional license tax for EVs in addition to std fees
 - Extra \$35-250 – based on weight, if full EV or plug-in
- SB 138  / HB 817  – Electric Vehicles
 - Infrastructure grant program for units of government
 - \$5M appropriation plus revenue from new fee for 4 years



SB 1236 / HB 617 – Greenhouse Gas Emissions

- Would prohibit state agencies from adopting and enforcing a state or regional program to regulate carbon emissions without specific authorization from the Legislature
- Could hamstring DACS, future governors
- S: 
- H: 


Reversal of Local Preemptions

- HB 6041  / SB 1174 - 
Preemption of Over-the-Counter Drugs and Cosmetics
- SB 594  / HB 6027  -
Preemption of Recyclable and Polystyrene Materials



Tree Trimming and Removal

- 2020 act exempts trees on residential property from local regulations; legislation was unclear, imposes burden on local gov'ts
- HB 6023  / SB 596  – Total repeal of 2021 legislation
- SB 916  – Better defined “residential” and assessment, but lack of notice to local gov'ts still = wasted time and effort
- HB 1167  / SB 1396  – Defined “residential” and “mobile home park”


SB 1550 - Public Financing of Potentially At-risk Structures

- Expanded reach of SB 178 (2020 session) from coastal areas to “areas at risk due to sea level rise”
- Defined as “inland or coastal area[s] where sea level rise can substantially increase flood risk, including tidal, storm surge, and groundwater inundation.”
- Added requirement that flood mitigation strategies be evaluated and reported in SLIP assessment, and implemented/considered strategies identified
- S: 


HB 1133/SB 1504 – Coastal Construction and Preservation

- Changes defn of “vulnerable” structures to include those within 100 feet of wave runup
- DEP must issue permits for present coastal armoring if it determines private/public bldgs/infra are vulnerable to coastal storms OR SLR, or in between rigid armoring structures – no discretion to remove unpermitted structures
- Permits for future installations still “may,” not “must”
- H:  / S: 

SB 1240 – Beach Funding

- Appropriation from Land Acquisition Trust Fund (constitutional amendment)
- Minimum of \$100 million or total requested by DEP to fully fund list of projects under Beach Management Funding Assistance Program, whichever is less
- S: 

HB 6049 – Legal Rights of the Natural Environment

- Removed ban (2020 legislation) on local governments recognizing or granting legal rights to natural environment
- Orange County voters approved Right to Clean Water Amendment to county charter in November (89%-11%)
 - All citizens have right to clean water
 - County's waterways have right to exist, flow, be protected against pollution, and maintain healthy ecosystem
- H: 

SR 1190 – Infrastructure Solutions/Climate Resilience





Be It Resolved by the Senate of the State of Florida:

That Florida must lead in 21st century resilient infrastructure solutions and that the Legislature intends to reduce the public health and economic threats of more extreme weather, harmful heat-trapping air pollutants, and sea-level rise by expanding investment in clean renewable energy and transportation systems, flood protections, and other improvements through policy initiatives and infrastructure projects.

BE IT FURTHER RESOLVED that resiliency projects and policies should benefit our most underserved and disadvantaged communities first and should be designed with community input.

- S: 

Constitutional Amendments

- HJR 61  / SJR 1238 
 - Percentage of Elector Votes Required to Approve Constitutional Amendments or Revisions
- SJR 204
 - Abolishing the Constitutional Review Commission
 -  Approved by both houses
- SJR 540 
 - Supermajority Vote for Legislative Preemption

Questions and Discussion

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