



FLORIDA'S ENVIRONMENT, WATER POLICY, THE 2022 LEGISLATURE AND BEYOND

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Course Overview

- Big Picture
- Bills that Passed
- Bills that Died
- 2023 Session and Predictions

Big Picture

- **2022 Regular Session:** January 11 – March 14
 - Interim Committee Weeks: September 20 – December 3
- **Special Sessions**
 - Vaccine Mandates: November 15-19 (2021)
 - Congressional Redistricting: April 19-20
 - Property Insurance: May 23-27

Big Picture

By The Numbers:

- 160 Legislators
 - House: R=78; D=42
 - Senate: R=24; D=16
- 3,685 Bills Filed
- 285 Bills Passed
- 11 Bills Vetoed (as of June 24, 2022)

Big Picture: Bills That Passed

- Budget: Record \$109.9 Billion State Budget (\$3.1 Billion vetoed)
- Tax Relief: \$1.24 Billion
 - Sales tax holidays: gas, diapers, school/storm/trades supplies)
- COVID-19 Liability Protection Extension for Healthcare Providers
- VISIT FLORIDA Extension
- Property Insurance Reform(Special Session D)
- Education Focus 2.0: CRT, Parental Rights, School Boards, Assessments
- \$1k First Responder Bonuses; \$5k Law Enforcement Recruitment
- State Worker Minimum Wage Raised Again (\$13/Hr to \$15/Hr)

Big Picture: Bills That Passed (Cont.)

- “Big 3” Passed Multiple Priorities:
 - “Hometown Heroes” Housing Assistance (HB 1)
 - Law Enforcement Recruitment (HB 3)
 - Abortion Restrictions (HB 5)
 - WOKE Act (HB 7)
 - Immigration
 - Election Reform 2.0
 - Florida State Guard
 - Legislative/Congressional Maps
 - Infrastructure Funding (Everglades, Resiliency, Septic-to-Sewer, FDOT Work Plan)



Big Picture: Bills That Died/Vetoed

- Consumer Data Privacy (HB 9)
- Paycheck Protection
- Construction Defects
- PIP Reform
- Sovereign Immunity
- Net Metering (vetoed)
- Water Conforming Bill (vetoed)
- Local Business Protection (vetoed)

HB 5001—General Appropriations Act

- The GAA for FY 22/23 appropriated \$112.1B
- \$43.7B - General Revenue
- \$29.1B - State Trust Funds
- Senate President and House Speaker Funding Priorities
- The Governor signed the budget on June 2, 2022
(vetoed over \$3 billion)



2022 Environmental Funding

Florida Forever - \$468 million

Petroleum Tanks Cleanup - \$180 million

Dry Cleaning Solvent Cleanup - \$20 million

Wastewater/Stormwater Improvements - \$467 million

Biscayne Bay Improvement - \$20 million

Member Water Projects - \$368 million

Total Maximum Daily Loads - \$50 million



2022 Environmental Funding

Springs Restoration - \$75 million

Targeted Water Quality Improvements - \$558 million

Beach Restoration - \$50 million

Red Tide & Blue Green Algae - \$35 million

Resilient Florida Trust Fund - \$500 million

Coastal Mapping - \$100 million

Resilient Florida Planning Grants - \$20 million



Environmental Bills Passed

SB 2508—Environmental Resources

- Requires the SFWMD to submit to the secretary of the Department of Environmental Protection (DEP) for review and approval of any modifications to the district's annual work plan.
- Requires water shortages within the Lake Okeechobee Region to be managed pursuant to certain rules and requires any change to such rules to be ratified by the Legislature.
- Authorizes DEP to enter into agreements with public entities to expedite evaluation of environmental resource permits and Section 404 permits related to a project or activity that serves a public purpose.
- Expands the Rural and Family Lands Protection Program within the Department of Agriculture and Consumer Services (DACCS) to authorize DACCS to purchase full fee interests in land. Reenacts a cost-share program for agricultural irrigation systems.
- Vetoed by the Governor on June 8, 2022.

CS/CS/HB 741—Net Metering

- Net metering is a billing arrangement designed to compensate customers who own/lease solar panels, generate energy and export “back to the grid.”
- In 2008, the legislature developed a net metering program to give solar customers credits on their electric bills due to the generation of their own electricity.
- The bill establishes a revised net metering program with the program terminating through a step down process in 2029. Existing customers would be grandfathered and there are penetration triggers that could end the program sooner.
- The bill also allows for “full cost recovery” by an investor owned utility for lost revenue resulting from the incremental addition of residential solar from July 1, 2022-December 31, 2023.
- This bill was vetoed by Governor DeSantis.

CS/CS/HB 1411—Floating Solar

- Requires “floating solar facilities” to be a permitted use in the appropriate land use categories in each local government’s comprehensive plan and land development regulations. A county or municipality may adopt an ordinance specifying buffer and landscaping requirements for floating solar facilities.
- Prohibits a floating solar facility from being constructed in an Everglades Agricultural Area reservoir project if the local government(s) involved determine the facility will have a negative impact on the EAA reservoir project.
- Requires DACS to develop recommendations to the Legislature by 12/31/22 to provide a “regulatory framework” for private and public sector entities that implement floating solar facilities.
- The bill takes effect on July 1, 2022; Chapter No. 2022-83, LOF

CS/HB 7053—Statewide Flooding and Sea Level Rise Resilience

- Establishes Statewide Office of Resilience, led by Chief Resilience Officer, within EOG.
- Authorizes DEP to provide grants to cities/counties from the Resilient Florida Grant Program to fund preconstruction activities for projects submitted to Statewide Flooding and Sea Level Rise Resilience Plan.
 - Requires DEP to rank eligible projects submitted and describe their development.
- Extends deadline by one year for DEP's comprehensive statewide flood vulnerability and sea level rise data set and assessment.
- Requires Florida Flood Hub for Applied Research and Innovation to provide tidal and storm surge flooding data to cities/counties for vulnerability assessments.
- Requires FDOT to develop a resilience action plan for the State Highway System.
- Approved by Governor on May 3, 2022; became effective on July 1, 2022, Chapter No. 2022-89, LOF.



CS/CS/CS SB 882—Inventories of Critical Wetlands

- This bill directs water management districts to work with local governments to develop a list of critical wetlands to be acquired through the Land Acquisition Trust Fund.
- The bill provides criteria to determine if a wetland is critical by looking at the wetlands':
 - Ecological value;
 - Effect on water quality and flood mitigation;
 - Ecosystem restoration value; and
 - Inherent susceptibility to development.
- The bill requires each WMD to notify a property owner that it contemplates listing a property on the list and provides a means to remove the property from the list. Being on the list implicates local land use and other regulatory decisions.
- The bill was approved by the Governor on April 27, 2022; became effective July 1, 2022, Chapter 2022-76, LOF.

HB 513—Comprehensive Review Study of the Central and Southern Florida Project

- Requires SFWMD to submit a consolidated annual report regarding the status of the Corps Section 216 Central and Southern Florida Project Infrastructure Resiliency Study.
- The bill requires the report to include the following:
 - A summary of the findings in SFWMD's annual sea level rise and flood resiliency plan.
 - A list of structures that are expected to fall below the expected service level in the next five years.
 - Initial recommendations for the refurbishment or replacement of the structures expected to fall below service level in the next five years.
 - A summary of the state and federal funds expended toward the implementation of the Corps Section 216 Central and Southern Florida Project Infrastructure Resiliency Study and other directly related flood control infrastructure resiliency projects of SFWMD through June 30 of each year.
- Approved by the Governor on May 26, 2022; became effective July 1, 2022, Chapter 2022-147, LOF.



CS/CS/SB 856—Private Provider Inspections of OSTDS

- Authorizes the owner of an onsite sewage treatment and disposal system (OSTDS), or a contractor upon the owner's written authorization, to hire a private provider to perform an inspection of the OSTDS.
- By October 1, 2023, DEP must submit a report to the Legislature on the use of private providers for OSTDS inspections.
- Approved by the Governor on May 12, 2022; became effective July 1, 2022, Chapter 2022-105, LOF.



CS/SB 1110—Grease Waste Removal and Disposal

- Requires grease waste haulers to dispose of grease waste at disposal facilities.
- Prohibits grease waste haulers from returning grease waste and graywater to grease interceptors and traps and from disposing of grease waste at locations other than disposal facilities.
- Requires haulers to document grease waste removal and disposal with service manifests.
- Requires inspecting entities to verify certain contracts and service manifests.
- Authorizes local governments to regulate grease waste removal and disposal.
- Requires DEP to adopt implementing rules.
- Approved by the Governor on May 6, 2022; became effective July 1, 2022, Chapter No. 2022-95, LOF.



CS/HB 1475—Cleanup of Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS)

- If EPA has not finalized its standards for PFAS in drinking water, groundwater, and soil by January 1, 2025, DEP must adopt by rule statewide cleanup target levels (CTLs) using the risk-based corrective action (RBCA) criteria in existing law.
- The rules for statewide CTLs may not take effect until ratified by the Legislature.
- Until DEP's rule for a particular PFAS constituent has been ratified by the Legislature, a governmental entity or private water supplier may not be subject to any administrative or judicial action under ch. 376, F.S., brought by any state or local governmental entity to compel or enjoin site rehabilitation, to require payment for the cost of rehabilitation of environmental contamination, or to require payment of any fines or penalties regarding rehabilitation based on the presence of that particular PFAS constituent.
- Until site rehabilitation is completed or rules for statewide CTLs are ratified by the Legislature, any statute of limitations that would bar a state or local governmental entity from pursuing relief in accordance with its existing authority is tolled from the effective date of the bill.
- The bill does not affect the ability or authority to seek any recourse or relief from any person who may have liability with respect to a contaminated site and who did not receive protection under the bill.
- Signed into law on June 20, 2022, Chapter No. 2022-203, LOF



CS/HB 909—Pollution Control Standards and Liability

- Provides that notwithstanding any existing local pollution control programs, the Secretary of DEP has exclusive jurisdiction in setting standards or procedures for evaluating environmental conditions and assessing potential liability for the presence of contaminants on land that is classified as agricultural land pursuant to existing law and being converted to a nonagricultural use.
- Prohibits the Secretary from delegating such authority to local governmental entity.
- The exclusive jurisdiction includes defining what constitutes all appropriate inquiry consistent with federal law relating to the innocent landowners' defense under CERCLA and associated guidance.
- The bill does not apply to former agricultural land for which a permit has been approved by a local government to initiate development or for which development was completed on or before July 1, 2022.
- Approved by the Governor on May 18, 2022; became effective July 1, 2022, Chapter No. 2022-127, LOF



CS/SB 1764—Municipal Solid Waste- to- Energy Program

- Creates the Municipal Solid Waste-to-Energy (MSWE) Program within DACS. The program is intended to incentivize the production and sale of energy and reduce waste disposed of in landfills. The program is limited to publicly owned MSWE facilities.
- Requires DACS, subject to appropriation, to provide annual financial assistance grants to municipal solid waste-to-energy facilities that meet certain requirements.
- Requires DACS to establish a process to verify the amount of certain electric power purchases.
- Directs the PSC to provide assistance in verifying grant eligibility.
- Approved by the Governor on June 20, 2022; became effective July 1, 2022; Chapter No. 2022-199 LOF

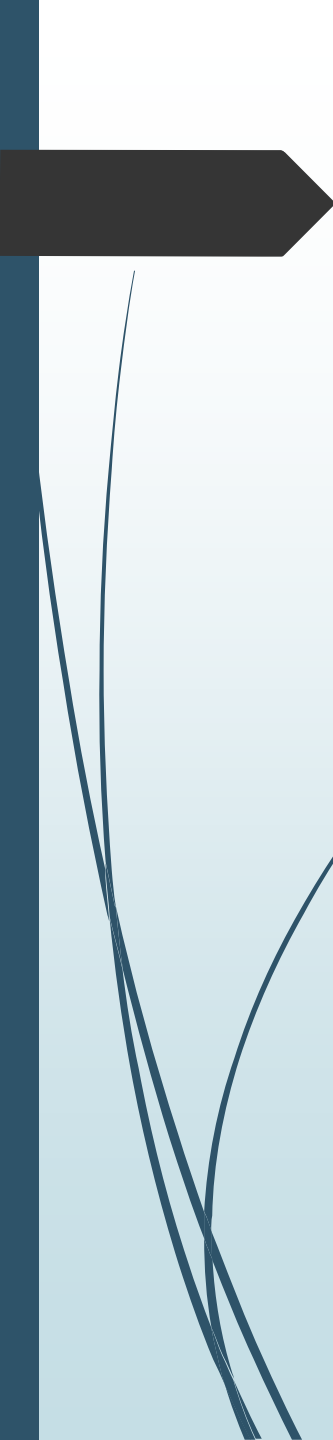
CS/SB 1658—Executive Appointments

- Provides that the appointment of the Secretary of DEP shall be subject to the concurrence of three members of the Cabinet or confirmation by the Senate. Requires the Governor to notify the Cabinet and the President of the Senate in writing of the method of confirmation.
- Provides that the appointment of the executive director of the Department of Law Enforcement shall be subject to a majority vote of the Governor and Cabinet, with the Governor on the prevailing side.
- Requires that the executive director of the Department of Veterans' Affairs be appointed subject to a majority vote of the Governor and Cabinet, with the Governor on the prevailing side.
- The bill became effective on March 10, 2022; Chapter 2022-14, L.O.F.
- Secretary Hamilton was confirmed by the Senate on March 11, 2022.

CS/CS/SB 1000—Nutrient Removal / Application Rates

- Amends the statute that regulates nitrogen and phosphorus, to authorize citrus producers to use written recommendations from certified professionals to tailor their recommended nutrient application rates.
- Requires citrus producers using site-specific nutrient management to enroll in and implement all other applicable best management practices (BMPs) adopted by DACS.
- Citrus producers implementing site-specific nutrient management in compliance with the bill are:
 - Provided a presumption of compliance with state water quality standards.
 - May rely upon the waiver of liability provision in existing law.
 - Are deemed in compliance with the BMPs for pollution reduction, waiver of liability, and presumption of compliance provisions in existing law.

Approved by the Governor on June 8, 2022; became effective July 1, 2022; Chapter No. 2022-177, LOF



CS/CS/CS/HB 967—Golf Course Best Management Practices Certification

- Directs the turfgrass science program at UF-IFAS, in coordination with the DEP, to administer a golf course BMP certification to ensure compliance with fertilizer BMPs.
- Exempts a person certified in golf course BMPs from additional local testing and local ordinances relating to water and fertilizer use restrictions, unless a state of emergency is declared. Requires the certified person to ensure that they adhere to comprehensive BMPs for a specific community by coordinating with local government.
- A person certified in golf course best management practices is not exempt from complying with the rules and requirements for basin management action plans if the golf course is located in an area with a BMAP.
- Approved by the Governor on June 20, 2022; became effective July 1, 2022, Chapter No. 2022-202, LOF.

CS/CS/CS/HB 965—Environmental Management

- This bill creates water quality enhancement areas (WQEAs) which are essentially nutrient banks that can be constructed, operated, managed, and maintained for the purpose of providing offsite regional treatment for which enhancement credits may be provided.
- The bill sets forth specific permitting criteria including providing reasonable assurances about the proposed WQEA, and a performance and success criteria monitoring and verification plan.
- A permitted WQEA may only sell credits to governmental entities (i.e., may only be used for public projects).
- The bill also requires DEP to adopt and modify rules related to mitigation to ensure that the required financial assurances are equivalent and sufficient to provide for long-term management of permitted mitigation. The bill directs that such rule development be completed by June 30, 2023.
- Approved by the Governor on June 24, 2022; became effective July 1, 2022, Chapter 2022-215 LOF.



CS/CS/HB 323—Fish and Wildlife Conservation Commission

- This bill is the FWCC 2022 legislative package and as such, contains an array of issues, including derelict vessels, public swim areas, gopher tortoise recipient sites, and use of drones.
- Derelict/At-Risk Vessels-expands the types of vessels considered at-risk, expands the definition of “abandoned property” to include certain vessels, and provides means to better deal with the removal and destruction of derelict/at-risk and nuisance vessels.
- Public Swim Areas-prohibits local governments from establishing public beach or swim areas in the ICW or within 100’ of an ICW channel.
- Gopher Tortoise Recipient Sites-FWC (and others) will be considering the feasibility of using state lands as recipient sites by looking at specific criteria set forth in the bill and to streamline the review of recipient site applications. The bill also specifies that recipient sites are an authorized use of easements, and authorizes owners with a conservation easement or less-than-fee easement that has been acquired by the state to become a recipient site.
- Drones-authorizes FWC and FFS law enforcement to use drones to manage and eradicate invasive exotics and suppressing and mitigating wildfires.
- Approved by the Governor on May 26, 2022; became effective July 1, 2023 Chapter No. 2022-142 LOF.



CS/CS/CS/SB 1078—Soil and Water Conservation Districts

- This bill requires FDACS to subdivide each SWCD into 5 numbered subdivisions and requires a supervisor from each to be elected at the 2022 General Election to serve 4-year staggered terms.
- The bill establishes qualifications for a candidate including residency requirements and a requirement that a candidate be actively engaged, or retired after 10 years of being engaged in, agriculture. The candidate may also qualify if they are employed by an ag producer, or own, lease or is actively employed on land classified as ag under Florida law and which makes an annual gross revenue of \$500,000.
- The bill also requires that the SWCD meet at least once per year or it will be automatically dissolved,
- Signed into law on June 15, 2022, Chapter No. 2022-191, LOF.



GROWTH MANAGEMENT/LOCAL GOVERNMENT BILLS PASSED

CS/SB 620—Local Business Protection Act

- Creates a cause of action for specified business to sue a local government when the enactment or amendment of an ordinance or charter provision causes at least a 15 percent loss of profits to the business.
 - Business must be private, for-profit and have been in operation for at least 3 years to qualify.
- Limits the amount of business damages that may be awarded to the present value of the business's future lost profits for the lesser of seven years or the number of years the business was in operation in the jurisdiction before the ordinance or charter provision was enacted.
- Numerous exceptions to protect local governments:
 - Ordinance or charter amendment in response to an emergency or that involves growth management, budget, or procurement matters, or one that promotes economic competition, do not lead to liability.
- A local government can also avoid liability by timely amending or repealing the local government actions causing business damages.
- A claimant must comply with a 180-day pre-suit notice and settlement period.
- Prevailing party attorney fees may be awarded.
- Vetoed by the Governor on June 24, 2022.

CS/CS/CS/SB 706—School Concurrency

- This bill provides that school concurrency is deemed satisfied when the developer tenders a written, legally binding commitment to provide mitigation proportionate to the demand created by the development.
- A district school board must notify the local government that capacity is available for the development within 30 days after receipt of the developer's commitment.
- The bill also provides that mitigation paid by a developer may be set aside and not spent until appropriate improvement is identified.
- Approved by the Governor on May 18, 2022; became effective July 1, 2022, Chapter No. 2022-122, LOF.

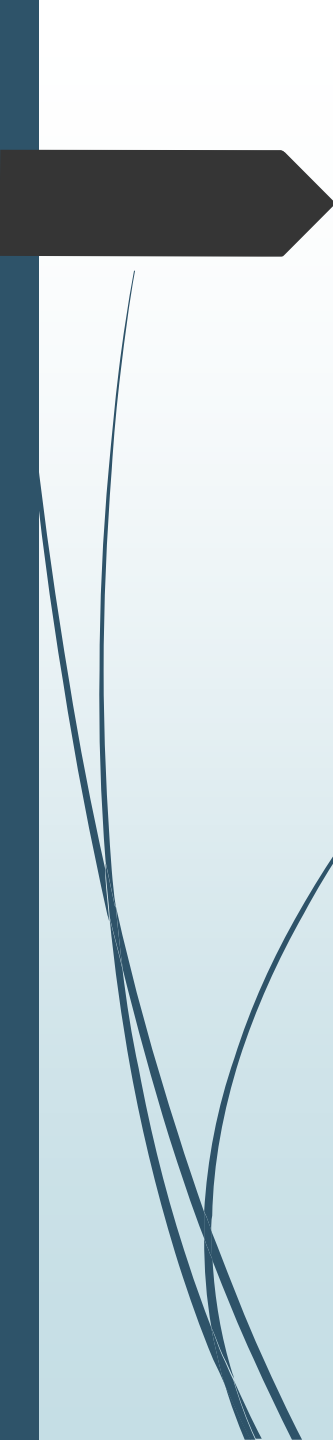


CS/CS/SB 962—Residential Development Projects for Affordable Housing

- This bill authorizes local governments to approve the development of any residential project (including mixed-use residential) on any parcel zoned for commercial or industrial use if 10% of the project's units are reserved for affordable housing.
- The sponsor of the approved project must agree not to apply for or receive funding from the state's SAIL program.
- The bill clarifies that the new and existing provisions allowing affordable housing projects to circumvent comp plans and other ordinances are self-executing and do not require further governmental action before using the approval process.
- Signed into law on June 8, 2022, Chapter No. 2022-176, LOF.

CS/SB 518—Private Property Rights to Prune, Trim, and Remove Trees

- A law enacted in 2019 prohibits local governments from requiring a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on residential property if the property owner obtains documentation from a certified arborist or a licensed landscape architect, that the tree presents a danger to persons or property. A local government also may not require a property owner to replant a tree that was pruned, trimmed, or removed in accordance with this law.
- [Vickery v. City of Pensacola](#) (Flo. 1st DCA).
- CS/SB 518 revises the 2019 law to provide clarity and precision.
- The bill provides that a local government may not burden a property owner's rights to prune, trim, or remove trees on his or her own property if the tree “poses an unacceptable risk” to persons or property. A tree poses an unacceptable risk if removal is the only means of practically mitigating its risk below moderate as outlined in *Best Management Practices – Tree Risk Assessment, Second Edition (2017)*.
- The bill also describes the documentation that must be produced by an arborist or landscape architect in determining that a tree poses an unacceptable risk. It also clarifies the applicability of the law by defining "residential property" to mean a single-family detached building located on an existing lot actively used for single-family residential purposes.
- Approved by Governor; became effective on July 1, 2022, Chapter 2022-121, LOF.



CS/HB 105—Regulation of Smoking by Counties and Municipalities

- Current law generally preempts the regulation of smoking to the state and does not allow counties or municipalities to regulate smoking.
- CS/HB 105 expressly authorizes counties and municipalities to restrict smoking within the boundaries of any of the public beaches and public parks they own, except with regard to the smoking of unfiltered cigars.
- Also renames the Florida Clean Indoor Air Act the “Florida Clean Air Act.”
- Approved by the Governor on June 24, 2022; became effective July 1, 2022, Chapter 2022-213, LOF.



CONSTITUTIONAL REVISION/IMPLEMENTATION/COURTS/OTHER



CS/CS/HJR 1—Additional Homestead Property Tax Exemption for Specified Critical Public Service Workforce

- Proposes an amendment to the Florida Constitution to authorize the Legislature to provide by general law an additional homestead exemption from all ad valorem taxes, other than school district levies, on the assessed value from \$100,000 to \$150,000 of homestead property owned by classroom teachers, law enforcement officers, correctional officers, firefighters, emergency medical technicians, paramedics, child welfare services professionals, active duty members of the United States Armed Forces, and members of the Florida National Guard.
- The amendment will be placed on the ballot during the 2022 general election.
- If approved by at least 60 percent of electors voting on the measure, the amendment will take effect on January 1, 2023.

CS/CS/HB 7001—Implementation of the Constitutional Prohibition Against Lobbying by a Public Officer

- This bill implements the 2018 constitutional amendment prohibiting lobbying by certain public officers both during public office and for a six-year period following vacation of public office.
- The bill provides definitions for key terms. These are generally consistent with current lobbying registration laws covering the legislative and executive branches. It also defines “issue of policy” and “issue of procurement” consistent with current rules of the Commission on Ethics.
- Notably, these definitions mean that the lobbying ban generally will not apply to the practice of law. This is consistent with statements made by the sponsors of the constitutional amendment, including that the ban not apply to representation in permitting and zoning matters.
- The bill also provides that the prohibitions apply to persons in public office on or after December 31, 2022– as opposed to the date the constitutional amendment became effective (in 2018). This is also consistent with statements made by the sponsors.
- Approved by the Governor on May 25, 2022; becomes effective December 31, 2022; Chapter No. 2022-140, LOF.

CS/CS/SB 634—Judicial Notice

- The bill creates a process for a court to take “judicial notice” of certain information taken from mapping services, such as Google Maps.
- Under Florida law, judicial notice may generally be taken of certain facts “not subject to dispute because they are capable of accurate and ready determination by resort to sources whose accuracy cannot be questioned” or “because they are generally known within the territorial jurisdiction of the court.”
- For example, courts have determined they may take judicial notice of information on government agency websites. See e.g., [Cannon v. District of Columbia, 717 F.3d 200, 205 n. 2 \(D.C.Cir.2013\)](#)

Approved by the Governor on May 10, 2022; became effective July 1, 2022, Chapter No, 2022-100, LOF.

CS/CS/921—Campaign Financing

- Revises the limit on political contributions to petition sponsors and opposing committees during initiative petition circulation to apply only to non-resident contributors (persons not residing in Florida; political committees without a registered office with a Florida address).
- Prohibits foreign nationals from making or offering to contribute in connection with any election held in the state which includes ballot questions.
- Prohibits a local government or its actors from using public funds on any election related communication sent to electors.
 - This does not apply to communications by the local government expressly permitted or required by law.
- Approved by Governor on April 6, 2022; became effective on July 1, 2022. Chapter No. 2022-56, LOF.



Bills That Died

CS/SB 1434 and CS/HB 1077—Public Financing of Potentially At-Risk Infrastructure

- Expands the geographic area covered by the requirement that constructors of publicly financed infrastructure in the coastal building zone must conduct a Sea Level Rise Projection Study (SLIP).
- Defines “Area at risk due to sea-level rise” and “Potentially at-risk coastal structure or infrastructure.”
- Requires preparation of a SLIP study to be submitted to FDEP prior to construction of a potentially at-risk coastal structures or infrastructure.
- Adds a new SLIP study requirement to include a list of flood mitigation strategies evaluated as part of the design of the potentially at-risk structure or infrastructure and identify the flood mitigation strategies that have been implemented or are being considered as part of the potentially at-risk structure or infrastructure design.
- The Senate Bill was reported favorably by two committees of reference and the House Bill passed three committees of reference and died on the House calendar.



CS/SB 198 and CS/HB 349—Water Resources Management

Seagrass Mitigation Banks

- As filed, these bills were an attempt by the sponsors to deal with the lack of mitigation options for unavoidable impacts to seagrass beds and other benthic communities by providing that the Board of Trustees may grant easements on sovereignty submerged lands for mitigation banks to ensure the protection and restoration of natural resources.
- The bill also required DEP to adopt and modify rules related to mitigation to ensure that the required financial assurances are equivalent and sufficient to provide for long-term management of permitted mitigation. The bill directed that such rule development be completed by June 30, 2023.
- The bill was amended to also include an expansion of the ERP exemption for certain private and local government owned docks.
- The bill failed to pass the legislature.

SB 832—Implementation of the Recommendations of the Blue Green Algae Task Force

- Requires periodic inspection of (OSTDS) that are not required to have an operating permit.
- Directs the DEP to administer an OSTDS inspection program and to adopt rules that include the following:
 - A schedule for a 5-year inspection cycle;
 - A county-by-county implementation plan phased in over a 10-year period;
 - Minimum standards for a functioning system;
 - Requirements for the pump out, or repair, of a failing system; &
 - Enforcement procedures for an owner's failure to obtain an inspection of the system.
- Also requires (BMAPs) to include a prioritized list of spatially focused projects in areas likely to yield maximum pollutant reductions.

CS/CS/SB 280—Local Ordinances

- Requires counties and cities to produce a “business impact estimate” prior to passing an ordinance, with exceptions.
 - The estimate must be published on the local government’s website and include certain information, such as the proposed ordinance’s purpose, estimated economic impact on businesses, and compliance costs.
- Additionally, the bill imposes certain conditions on lawsuits brought by any party to challenge the legal validity of local ordinances as preempted by state law, arbitrary, or unreasonable. In these cases, the bill:
 - Requires the local government to suspend enforcement of an ordinance of such legal challenge, including appeals, under certain circumstances.
 - Requires the court to give those cases in which enforcement of the ordinance is suspended priority over other pending cases and render a preliminary or final decision as expeditiously as possible.
 - Provides that a court may award up to \$50,000 in attorney fees to a prevailing plaintiff who successfully challenges an ordinance as arbitrary or unreasonable.
- Died in Messages.



SB 932/HB 729—Everglades Protection Area

- Requires comprehensive plans and plan amendments that apply to certain lands within or near the Everglades Protection Area to follow the more rigorous state coordinated review process.
- Requires DEP, in consultation with specified entities, to make certain determinations for such plans and amendments, to provide written determinations to the local government and specified entities within a specified timeframe, and to coordinate with the local government and specified entities on certain planning strategies and mitigation measures.
- Prohibits the adoption of small -scale development amendments for properties located within or near the Everglades Protection Area.
- HB reported favorable by first committee of reference; SB never heard.



SB 840/HB 841—Residential Property Riparian Rights

- Requires land surveyors to give preference to using the prolongation-of-property-line method to establish a property owner's riparian rights along a channel under certain circumstances.
- Requires courts to award reasonable attorney fees and costs to a prevailing party in a civil action under certain circumstances.
- Senate bill passed the Senate and died in House messages; House bill reported favorable by all committees of reference and died on the second reading calendar.



SB 366/HB 81—State Renewable Energy Goals

- Prohibits the drilling, exploration or production of petroleum products on state lands and waters.
- Directs the Office of Energy within the Department of Agriculture and Consumer Services to develop a statewide plan to generate 100% of the electricity used in the state from renewable energy by 2040.
- Requires the state to have net-zero carbon emissions statewide by 2050.
- Never heard in committee.

SB 536/HB 337—Administrative Procedures

- Amends the APA rulemaking process and enhances the regulatory plan requirements.
- Specifies the economic impacts and compliance costs an agency must consider in creating a statement of estimated regulatory costs (SERC).
- Specifies that an adverse impact on small business exists if certain criteria are met.
- Requires the annual regulatory plan to identify and describe each rule that the agency expects to develop, adopt, or repeal for the 12-month period beginning October 1, and requires agencies to review all of their current rules for consistency with the powers and duties granted by law by a date certain and every 10 years thereafter, and requires certain information be included in the annual regulatory plan.
- Provisions in the original bill that established a repromulgation process and that would have required automatic repeal of a rule if it was not repromulgated, were replaced with additional requirements for the annual regulatory plan and authorization for JAPC to file an objection if JAPC identifies a rule as inconsistent with the powers and duties granted by law.
- SB passed the Senate and died in H messages; HB reported favorable by all 3 committees of reference and died on second reading calendar.



Other Environmental Bills That Died

- HB 1125 OSTDS inspections
- SB 208 Well Stimulation
- SB 904/HB 807 Ag practices
- HB 579/SB 1128 Aquatic Plant Management
- SB 238/7HB 11 Endangered and Threatened Species
- HB 473/SB 798 Bottled Water Excise Tax
- HB 1129/SB 1416 Mangrove Replanting and restoration
- HB 324 Rescinds designation of Mocking Bird as State Bird
- HB 207/SB 378 Designates Florida Scrub Jay as State Bird



Other Growth Management Bills That Died

- SB 1030/HB 681—Impact Fee Credits
- SB 1248/HB 739—Local Government Land Development Actions
- SB 984/HB 441—Construction Materials Mining Activities
- 6057 Repeal of Developer Incentives for Affordable Housing

Other Energy Bills That Died

- CS/SB 1678/HB 1285—Energy Equity Task Force
- SB 182—Renewable Energy
- SB 918—Electric Vehicle Infrastructure
- SB 908 —Electric Vehicles and Plug-in Hybrid Electric Vehicles
- SB 920/CS/HB 737—Electric Vehicle Transportation Electrification Plan
- SB 686/HB 767—Energy Security & Disaster Pilot Program
- SB 548/SB 491—Energy
- CS/CS/SB 954/CS/HB 1139—Energy
- SB 366/HB 81—State Renewable Energy Goals-JS (DACS Rule?)
- CS/SB 228/HB 101—Resiliency Energy Environment Florida Program

Preemption/Repeal Bills That Died

- SB 512/HB 325—Vacation Rentals
- SB 1900/HB 6113 Preemption to the State / Repeal
- SB1854/HB 6003 Legal Rights of Nature / Repeal
- SB 316/HB 6025 Preemption of Tree Trimming, Pruning and Removal / Repeal
- SB 320/HB 6063 Preemption of Recyclable and Polystyrene Material / Repeal



NEXT SESSION



2023 Regular Session

- Primary Election on August 23.
- General Election on November 8.
- Organizational Session November 22.
- Interim Committee meetings.
- Regular Session begins on March 11, 2023



2022 ELECTIONS

What's at Stake?

President and Vice President (Vote for One)		Shall Judge Scott Makar of the First District Court of Appeal be retained in office? <input type="radio"/> Yes <input type="radio"/> No	No. 1 Constitutional Amendment, Article VI, Section 2 Citizenship Requirement to Vote in Florida Elections This amendment provides that only United States Citizens who are at least eighteen years of age, a permanent resident of Florida and registered to vote, as provided by law, shall be qualified to vote in a Florida election. Because the proposed amendment is not expected to result in any changes to the voter registration process in Florida, it will have no impact on state or local government costs or revenue. Further, it will have no effect on the state's economy.
<input type="radio"/> Donald J. Trump Michael R. Pence	REP	Shall Judge Rachel Nordby of the First District Court of Appeal be retained in office? <input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
<input type="radio"/> Joseph R. Biden Kamala D. Harris	DEM	Shall Judge Tim Osterhaus of the First District Court of Appeal be retained in office? <input type="radio"/> Yes <input type="radio"/> No	
<input type="radio"/> Jo Jorgensen Jeremy "Spike" Cohen	LPF	Shall Judge Clay Roberts of the First District Court of Appeal be retained in office? <input type="radio"/> Yes <input type="radio"/> No	No. 2 Constitutional Amendment, Article X, Section 24 Raising Florida's Minimum Wage Raises minimum wage to \$10.00 per hour effective September 30th, 2021. Each September 30th thereafter, minimum wage shall increase by \$1.00 per hour until the minimum wage reaches \$15.00 per hour on September 30th, 2026. From that point forward, future minimum wage increases shall revert to being adjusted annually for inflation starting September 30th, 2027.
<input type="radio"/> Roque "Rocky" De La Fuente Darcy G. Richardson	REF	Shall Judge Adam S. Tanenbaum of the First District Court of Appeal be retained in office? <input type="radio"/> Yes <input type="radio"/> No	
<input type="radio"/> Gloria La Riva Sunil Freeman	PSL		State and local government costs will increase to comply with the new minimum wage levels. Additional annual wage costs will be approximately \$16 million in 2022, increasing to about \$540 million in 2027 and thereafter. Government actions to mitigate these costs are unlikely to produce material savings. Other government costs and revenue impacts, both positive and negative, are not quantifiable.
<input type="radio"/> Howie Hawkins Angela Nicole Walker	GRE		
<input type="radio"/> Don Blankenship William Mohr	CPF		THIS PROPOSED CONSTITUTIONAL AMENDMENT IS ESTIMATED TO HAVE A NET NEGATIVE IMPACT ON THE STATE BUDGET. THIS IMPACT MAY RESULT IN
<input type="radio"/> Write-in _____			
Representative in Congress District 2 (Vote for One)		Circuit Judge 2nd Judicial Circuit, Group 4 (Vote for One)	
<input type="radio"/> Neal Dunn	REP	<input type="radio"/> Tiffany Baker	
<input type="radio"/> Write-in _____		<input type="radio"/> Amanda P. Wall	
State Senator District 3 (Vote for One)		Board of County Commissioners At Large, Group 1 (Vote for One)	
<input type="radio"/> Marva Harris Preston	REP	<input type="radio"/> Carolyn Cummings	
<input type="radio"/> Lorraine Ausley	DEM	<input type="radio"/> Kelly Otte	
State Representative District 9 (Vote for One)		<input type="radio"/> Write-in _____	
<input type="radio"/> Jim Kallinger	REP	City Commissioner Seat 2 (Vote for One)	

Governor, Attorney General, CFO, Commissioner of Agriculture

Florida Candidate Filing Closing – By the Numbers

38 Legislative Races Saw Candidates Elected Unopposed

Nine Senate Candidates were Elected Without Opposition

7 Senate incumbents and 2 House members seeking Senate seats drew no opposition as filing closed.

Sen. Jennifer Bradley (R) – District 6
Sen. Debbie Mayfield (R) – District 19
Sen. Kathleen Passidomo (R) – District 28
Rep. Erin Grall (R) – District 29
Sen. Gayle Harrell (R) – District 31
Sen. Rosalind Osgood (D) – District 32
Sen. Jason Pizzo (D) – District 37
Rep. Bryan Avila (R) – District 39
Sen. Ana Maria Rodriguez (R) – District 40

Twenty-Nine House Candidates were Elected Without Opposition

29 House incumbents drew no opposition as filing closed.

Rep. Patt Maney (R) – District 4	Rep. Jason Shoaf (R) – District 7
Rep. Allison Tant (D) – District 9	Rep. Chuck Brannan (R) – District 10
Rep. Wyman Duggan (R) – District 12	Rep. Cyndi Stevenson (R) – District 18
Rep. Joe Harding (R) – District 24	Rep. Stan McClain (R) – District 27
Rep. Tyler Sirois (R) – District 31	Rep. Thad Altman (R) – District 32
Rep. Sam Killebrew (R) – District 48	Rep. Melony Bell (R) – District 49
Rep. Dianne Hart (D) – District 63	Rep. Will Robinson (R) – District 71
Rep. James Buchanan (R) – District 74	Rep. Michael Grant (R) – District 75
Rep. Spencer Roach (R) – District 76	Rep. Mike Giallombardo (R) – District 79
Rep. Bob Rommel (R) – District 81	Rep. Lauren Melo (R) – District 82
Rep. Kaylee Tuck (R) – District 83	Rep. Christine Hunchofsky (D) – District 95
Rep. Michael Gottlieb (D) – District 102	Rep. Felicia Robinson (D) – District 104
Rep. Tom Fabricio (R) – District 110	Rep. David Borrero (R) – District 111
Rep. Alex Rizo (R) – District 112	Rep. Danny Perez (R) – District 116
Rep. Kevin Chambliss (D) – District 117	

An additional 19 districts (5 Senate & 14 House districts) will elect their member in the August 23rd primaries.

Redistricting Impact: The Florida Senate

2020 FL Senate Election Result: 24 Republicans, 16 Democrats

The Florida Chamber's
Partisan Performance Index District Ratings
(changes from previous map in parentheses)

-  Solid Republican (R+5 or Greater)
-  Lean Republican (R+1 to R+5)
-  Swing (R+1 to D+3)
-  Lean Democratic (D+3 to D+7)
-  Solid Democratic (D+7 or Greater)

16 seats **Solid Republican** (+2)
6 seats **Lean Republican** (unchanged)
3 seats **Swing** (-2)
2 seats **Lean Democratic** (-1)
13 seats **Solid Democratic** (+1)
Overall
22 seats Lean/Solid Republican
15 seats Lean/Solid Democratic
3 seats Swing

Redistricting Impact: The Florida House

2020 FL House Election Result: 78 Republicans, 42 Democrats

The Florida Chamber's
Partisan Performance Index District Ratings
(changes from previous map in parentheses)

- 
- A map of Florida showing its 60 House districts. The districts are colored based on their partisan leaning: red for Solid Republican, light orange for Lean Republican, yellow for Swing, light blue for Lean Democratic, and dark blue for Solid Democratic. The map shows a high concentration of red districts in the northern and central parts of the state, while yellow and blue districts are more prevalent in the southern and coastal areas.
-  Solid Republican (R+5 or Greater)
 -  Lean Republican (R+1 to R+5)
 -  Swing (R+1 to D+3)
 -  Lean Democratic (D+3 to D+7)
 -  Solid Democratic (D+7 or Greater)

45 seats **Solid Republican** (unchanged)

17 seats **Lean Republican** (+3)

15 seats **Swing** (–5)

7 seats **Lean Democratic** (+1)

36 seats **Solid Democratic** (+1)

Overall

62 seats Lean/Solid Republican

43 seats Lean/Solid Democratic

15 seats Swing

Redistricting Impact: Florida Congressional Districts

2020 FL Congressional Election Result: 16 Republicans, 11 Democrats

The Florida Chamber's
Partisan Performance Index District Ratings

-  Solid Republican (R+5 or Greater)
-  Lean Republican (R+1 to R+5)
-  Swing (R+1 to D+3)
-  Lean Democratic (D+3 to D+7)
-  Solid Democratic (D+7 or Greater)

11 seats **Solid Republican**

6 seats **Lean Republican**

3 seats **Swing**

0 seats **Lean Democratic**

8 seats **Solid Democratic**

Overall

17 seats Lean/Solid Republican

8 seats Lean/Solid Democratic

3 seats Swing

Proposed Constitutional Amendments—2022

- (1) Limitation on assessment of Real Property Used for Residential Purposes (HJR 1337 – Legislature, 2021)
 - Authorizes Legislature to prohibit consideration of changes or improvements made to real property used for residential purposes to improve property's resistance to flood damage in determining assessed value of such property for ad valorem taxation.
- (2) Abolishing the Constitution Revision Commission (SJR 204 – Legislature, 2022)
 - Abolishes the Constitution Revision Commission
 - No effect on ability to revise/amend the State Constitution through citizen initiative, constitutional convention, the Taxation and Budget Reform Commission, or legislative joint resolution.
- (3) Additional Homestead Property Tax Exemption for Specified Critical Public Services Workforces (HJR 1 – Legislature, 2022)



PREDICTIONS



QUESTIONS?