



# **Overview of the 2016 Legislative Session**

**May 22, 2016**

**10:30 AM EST – 11:30 AM EST**

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



## Upcoming Events!

Stormwater Operator Certification Classes

<http://www.florida-stormwater.org/training-center>

Stormwater Operator Re-Certification Webinars

June 1, 2016

Level 1 Operator: 9am – 11am

Level 2 Operator: 2pm – 4pm

Annual Conference and Exhibits

June 15-17, 2016

Sanibel Harbour Marriott, Ft. Myers



Engineers | Scientists | Advocates

### Peter Owens, PE, ME – Senior Environmental Engineer

- 35 years experience
- Previously Hillsborough County EPC
- Managed the Wetlands Engineering Section specializing in wetlands permitting, hydrology and agency permit delegation implementation, specifically with ACOE, FDEP, and the Tampa Port Authority

[powens@appliedfl.com](mailto:powens@appliedfl.com)



### Robert Wronski, PE, MS – Project Manager

- 25 years experience
- Previously Pasco County Stormwater
- Supervised In-House Design Team and Design Consultants
- Stormwater Design and Construction Plans expertise

[rwronski@appliedfl.com](mailto:rwronski@appliedfl.com)



## Meet the Presenters



Kurt Spitzer



Kelli Hammer Levy

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



## Today's Overview

- General Background for 2016 Session
- Primary Water Quality Legislation
- Upcoming Regulatory Issues

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## Legislative Page (Members Only)

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

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### 2016 Regular Session

- [FSA Priority Issues](#)
- [Official Website of the Florida Legislature](#)

### 2016 Bills Being Tracked

Number	Title	Sponsor	Last Action
<a href="#">HB 0059</a>	Relating to Agritourism	<a href="#">Combee</a>	3/8/2016
<a href="#">SB 0304</a>	Relating to Agritourism	<a href="#">Stargel</a>	2/18/2016
<a href="#">SB 0324</a>	Relating to Utility Projects	<a href="#">Legg</a>	3/9/2016
<a href="#">SB 0346</a>	Relating to Local Government Infrastructure Surtax	<a href="#">Altman</a>	1/27/2016
<a href="#">HB 0347</a>	Relating to Utility Projects	<a href="#">Sprowls</a>	3/11/2016

<a href="#">HB 7007</a>	Relating to Department of Agriculture and Consumer Services	<a href="#">Agriculture &amp; Natural Resources Subcommittee</a>	3/16/2016
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### White Papers

File Name	Date Added
<a href="#">10/2 Permits White Paper</a>	3/12/2015
<a href="#">Septic Tank White Paper</a>	2/26/2015
<a href="#">Wetlands White Paper</a>	1/28/2015

### News

- [Water](#) ← (Red arrow pointing to this link)  
\* Legislative IQ \* - 3/18/2016
- [Florida's Appropriation Process 101](#)  
\* Legislative IQ \* - 3/18/2016
- [Public Lands](#)  
\* Legislative IQ \* - 3/16/2016
- [Transportation](#)  
\* Legislative IQ \* - 3/16/2016
- [Agriculture & Natural Resources Appropriations](#)  
\* Legislative IQ \* - 3/16/2016
- [Environmental Regulation & Permitting](#)





## **General Background for 2016 Session**

1. Florida's Fiscal Condition continues to Improve
2. Less interest in "Regulatory Streamlining" --- but also less hesitation to pre-empt locals
3. Continued interest in water quality/supply
4. Improved House-Senate Relations



<b>Year</b>	<b>Governor</b>	<b>President</b>	<b>Speaker</b>	<b>Bills Filed</b>	<b>Bills Passed</b>	<b>% Passed</b>
2001	Jeb Bush	John M. McKay	Tom Feeney	2,251	362	16%
2002	Jeb Bush	John M. McKay	Tom Feeney	2,428	403	17%
2003	Jeb Bush	James E. King	Johnnie Byrd	2,553	412	16%
2004	Jeb Bush	James E. King	Johnnie Byrd	2,691	497	18%
2005	Jeb Bush	Tom Lee	Allan Bense	2,483	393	16%
2006	Jeb Bush	Tom Lee	Allan Bense	2,482	386	16%
2007	Charlie Crist	Ken Pruitt	Marco Rubio	2,545	345	14%
2008	Charlie Crist	Ken Pruitt	Marco Rubio	2,504	313	13%
2009	Charlie Crist	Jeff Atwater	Ray Sansom	2,371	271	11%
2010	Charlie Crist	Jeff Atwater	Larry Cretul	2,478	301	12%
2011	Rick Scott	Mike Haridopoplos	Dean Cannon	2,186	295	13%
2012	Rick Scott	Mike Haridopoplos	Dean Cannon	2,052	292	14%
2013	Rick Scott	Don Gaetz	Will Weatherford	1,848	286	15%
2014	Rick Scott	Don Gaetz	Will Weatherford	1,817	264	15%
2015	Rick Scott	Andy Gardiner	Steve Crisafulli	1,754	232	13%
2016	Rick Scott	Andy Gardiner	Steve Crisafulli	1,814	279	15%



## **Primary Water Quality Legislation**

1. Water/Springs
2. 10/2 General Permit Revisions
3. Pre-emptions
4. Fertilizer
5. Stormwater Utility Fee “Fix”
6. Implementation of SB 536 (2015) – Reuse Study



## **Primary Water Legislation – all passed**

1. Water/Springs – SB 552 by Dean (Caldwell)
2. Environmental Control – HB 589 by Pigman (Hays)



## **Other Stormwater Issues – all failed**

### **1. SWU Fees**

- Legislative Correction of Court Cases (FSA/FLC)
- Legislative Ratification of Court Cases (schools)

### **2. Fertilizer Pre-emption**

- Amendment to SB 1310



## **SB 552 - Water/Springs Legislation by Sen. Dean**

1. Creates the Florida Springs and Aquifer Protection Act to protect/restore Outstanding Florida Springs
  - ✓ Provides deadlines for the restoration of OFSs through BMAP process
  - ✓ Requires the development of OSTDS remediation plans when septic systems contribute significantly to area pollution
  - ✓ Prohibits certain activities within a priority focus area for an OFS



## **SB 552 - Water/Springs Legislation by Sen. Dean**

2. Updates the Northern Everglades and Estuaries Protection Program
3. Revises provisions relating to Consumptive Use Permits
4. Sets deadlines for the WMDs to adopt minimum flows and levels



## **SB 552 - Water/Springs Legislation by Sen. Dean**

5. Requires WMDs to adopt recovery/prevention strategies for waterway not meeting an MFL
6. Requires DEP to adopt specific surface water classification rule for surface waters used for treated potable water supply
7. Codifies the Central Florida Water Initiative





## **HB 589 – Environmental Control by Rep. Pigman**

1. Revises the licensure requirements for water well contractors
2. Allows the use of land set-asides/land use modifications to generate water quality credits for trading
3. Expands the use of funds in the solid waste landfill closure account
4. 10/2 General Permit Revisions

### 403.814 General permits; delegation.—

(12) A general permit is granted for the construction, alteration, and maintenance of a stormwater management system serving a total project area of up to 10 acres meeting the criteria of this subsection. ~~Such~~ ~~When the~~ stormwater management ~~systems must be~~ ~~system is~~ designed, operated, and maintained in accordance with applicable rules adopted pursuant to part IV of chapter 373. There is a rebuttable presumption that the discharge from ~~for~~ such systems complies ~~system will comply~~ with state water quality standards. The construction of such a system may proceed without any further agency action by the department or water management district if, before ~~within 30 days after~~ construction begins, an electronic self-certification is submitted to the department or water management district which ~~that~~ certifies that the proposed system was designed by a Florida registered professional and that the registered professional has certified that the proposed system will ~~to~~ meet the following additional requirements:



## **HB 589** – Environmental Control by Rep. Pigman

### Next Steps...

- Clarify ERP rules and Applicant's Handbook - Chapter 62-330, FAC
  - Procedure for 10/2 self-certifications remains unchanged
  - Permit Conditions and WQ protections of ERP regulations now prevail



### 3. Pre-emptions

- HB 59 – Regulations banning Agritourism *passed*
- HB 181 – Regulations requiring public contractors to pay “living wage” **failed**
- HB 191 - Oil and gas hydraulic fracturing **failed**
- HB 509 – Vehicle safety inspections for rideshare services **failed**
- HB 1439 – Stops Hillsborough County from banning Uber and other car-hail companies **failed**



### 3. Pre-emptions

- HB 7007 - Foam polystyrene plates *passed*
- HB 7059 - Election dates for municipal elections **failed**
- SB 168 - Red light cameras for traffic enforcement **failed**
- SB 1310 (amendment) – Use of consumer fertilizer during summer rainy season **failed**



11 fertilizer application to urban landscapes, the department shall  
12 establish a limited certification for urban landscape commercial  
13 fertilizer application. In order to keep turf and root structure  
14 healthy enough to prevent erosion and runoff in the summer  
15 growing season, a local government may not prohibit an  
16 individual certified under this section, or a company that  
17 employees individuals certified under this section, from  
18 applying two limited applications of nitrogen-containing  
19 fertilizer to an individual lawn or a contiguous parcel of turf  
20 between May 1 and September 30 of any calendar year. The limited  
21 applications authorized under this subsection may contain no  
22 more than 1 pound of nitrogen per 1,000 square feet and must be  
23 formulated to use at least 50 percent slow-release nitrogen. An  
24 applicator may not apply fertilizers containing nitrogen or  
25 phosphorous to turf when the National Weather Service has issued  
26 any of the following advisories or forecasts for any part of the  
27 county:

28 (a) An active severe thunderstorm warning or watch, a flood  
29 warning or watch, a tropical storm warning or watch, or a  
30 hurricane warning or watch.

31 (b) A forecasted rainfall of greater than or equal to 2  
32 inches within the next 24-hour period.

33  
34 ===== T I T L E A M E N D M E N T =====

35 And the title is amended as follows:

36 Delete line 10

37 and insert:

38 are replanted in citrus; amending 482.1562, F.S.;

39 specifying that persons holding limited certification



## 5. SWU Fee Corrections – no action

- *FSA/FLC position:* Correct lower court decisions to be in-line with Florida Supreme Court in *Gainesville v. FDOT*
- *Schools/Agency position:* Codify decisions of lower courts into Florida Statutes to negate Florida Supreme Court in *Gainesville v. FDOT*



# Questions?

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## **1. Implementation of SB 536 Report (2014 Session)**

Report on Expansion of Beneficial Use of  
Reclaimed Water, Stormwater and Excess Surface Water  
(Senate Bill 536)

*Office of Water Policy  
Florida Department of Environmental Protection  
December 1, 2015*

<http://dep.state.fl.us/water/reuse/study.htm>



## 2. Waters of the United States

- August 28, 2015 – EPA/ACOE WOTUS Rules Effective
- October 9, 2015 – Nationwide stay issued by 6<sup>th</sup> Circuit Court
- October 26, 2015 - FSA and others file petition in 6<sup>th</sup> Circuit Court
- November 30, 2015 – FSA and others file complaint in 1<sup>st</sup> DCA (Fla)
- February 22, 2016 – Three-judge Panel of Sixth Circuit rules they have jurisdiction
- March 22, 2016 – At least three petitions filed for *en banc* review of Panel’s decision by (full) 6<sup>th</sup> Circuit Court



### **3. EPA Phase II Rules**

#### **“Remand Rules” from 2003 Court Decision**

- NOI process of Phase II permitting program needs to be improved
- EPA Draft rules issued December 2015
- FSA Comments delivered March 21, 2016
- EPA Final Rules to be issued November 2016



## **4. FDEP Phase 2 program revisions**

- Update of Phase 2 permit program in Florida by FDEP
- Independent of EPA Rule Revisions



## 5. FDEP Phase 1 permit revisions

- Beginning of new permit cycle for Phase I Large MS4 permits
- Sets precedent for other Phase I permit-holders

STATE OF FLORIDA  
MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT

FACILITY NAME: Orange County MS4  
PERMIT NUMBER: FLS000011-004 — MAJOR Facility  
ISSUANCE DATE: DRAFT  
EXPIRATION DATE: DRAFT

PERMITTEES:

Apopka, City of 748 E. Cleveland Street Apopka, FL 32704-1229	Florida Department of Transportation District Five 719 South Woodland Blvd. Deland, FL 32720	Valencia Water Control District 10365 Orangewood Blvd. Orlando, FL 32821
Belle Isle, City of 1600 Nela Avenue Belle Isle, FL 32809	Maitland, City of 1827 Fennell Street Maitland, FL 32751	Winter Garden, City of 8 North Highland Avenue Winter Garden, FL 34787
Eatonville, Town of 307 East Kennedy Blvd. Eatonville, FL 32751	Ocoee, City of 150 North Lakeshore Drive Ocoee, FL 34761	Winter Park, City of 401 Park Ave. South Winter Park, FL 32789



# Questions?

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**THANK YOU FOR JOINING US!**

[WWW.FLORIDA-STORMWATER.ORG/WEBINARS](http://WWW.FLORIDA-STORMWATER.ORG/WEBINARS)

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