



## 2018 Legislative Wrap Up

Provided by Jim Spratt, Magnolia Strategies LLC

Lawmakers concluded the 2018 legislative session Sunday, March 11, on Day 62 of 60. Lasting a few days longer than the scheduled 60 days, this extension seems an appropriate ending to what was a unique and challenging session. For starters, of the 3,250 bills filed, only 194 passed both chambers. Also, significant program and project cuts in the budget are stark reminders of how difficult and competitive the task is to secure each dollar in the budget.

Notwithstanding the polarization of national politics nor the undeniable pressure the 2018 election will have in Florida, this session was bookended by significantly emotional and tragic events. In September, Hurricane Irma literally plowed through the center of the state, destroying property and, as we know all too well, devastating Florida's agricultural industry. The scale of the storm's impacts forced lawmakers to spend much of the fall committee meetings evaluating the damage and asking what could be done at the state level. Between the Senate and House Agriculture Committees and the House's Select Committee on Hurricane Response and Preparedness, legislators compiled a lengthy list of recommendations to help individuals and businesses impacted by the storm.

As session began, there were the usual personality challenges and maneuvering for priorities; yet, all in all, things were going smoothly. Then the Parkland school shooting happened on February 14<sup>th</sup>, and the entire Tallahassee process came to an abrupt halt.

As a result of the shooting, the Governor and House and Senate leadership committed to investing \$400 million from the state budget for the primary purposes of mental health assistance and "hardening" schools. Without question, at that late date in session, the reallocation of so much money had a direct and unavoidable impact on every part of the state's budget. Furthermore, the emotion of the entire event, coupled with the laser focus on guns, created a tension which formed clear divides -- not just between the parties but within them as well.

The forestry community faced several challenges during those budget negotiations. Ultimately, this was the outcome:

<u>Program</u>	<u>Amount Requested</u>	<u>Amount Received</u>
<b><u>DACS –</u></b>		
Firefighting Equipment Replacement	\$ 6.57 M	\$6.4 M
Rural and Family Lands Program	\$75.0 M	\$5.8 M
Protecting Florida Resources Program	\$ 3.0 M	\$0
Firefighter Pay Increase	\$ 6.3 M	\$2.0 M
Florida Forest Service Helicopter	\$ 2.9 M	\$0
Fixed Wing Aircraft	\$0	\$671,000
<b><u>UF/IFAS –</u></b>		
Geomatics Education	\$ 636,120	\$0
Workload Funding	\$ 3.7 M	\$0

## **DEP –**

Springs Protection Funding	\$ 75.0 M	\$50.0 M
Florida Forever Funding	\$100.0 M	\$95.0 M

Lawmakers approved a record \$88.7 billion state budget for FY 2018-2019. Although this budget is the largest in state history, the reality is that much of the budget is tied up in education and health care obligations. For example, per pupil funding was increased in the PreK-12 budget, and the Bright Futures scholarship program was expanded in the Higher Education budget. However, funding for colleges and universities was cut significantly. Case in point, funding for UF/IFAS programs vetoed last year were initially included in each chamber's budget numbers; yet, when the dust settled, the only previously vetoed program to receive any funding was 4-H.

The policy arena offered a mixed array of proposals. Below you will find information about bills important to forestry that passed and failed during the 2018 legislative session:

### **Bills that Passed**

#### Tax Package/Forestry Tag: HB 7087 by Sen. Kelli Stargel and Rep. Paul Renner

Possibly the one bright spot in the budget was the tax package, which was approved on Sunday afternoon before the House and Senate adjourned. Even as a bright spot, the allotment was trimmed from a robust \$380 million dollars down to a roughly \$168 million package, with a mere \$97 million being permanent and recurring dollars.

HB 7087 contains several refunds/rebates for agricultural producers to aid recovery from hurricane damage, including more than \$25 million in temporary tax relief for farmers and ranchers impacted by Hurricane Irma in 2017.

The tax relief included the following items of interest to the forest industry:

- A refund for sales taxes paid on fencing materials used to repair agricultural fencing between Sept. 10, 2017 and May 31, 2018;
- A refund for sales taxes paid on building materials used to repair non-residential farm buildings between Sept. 10, 2017 and May 31, 2018;
- A refund for state and local fuel taxes imposed on motor fuel and diesel used for the transportation of agricultural products from the farm to a processing facility between Sept. 10, 2017 and June 30, 2018;
- The retention of Greenbelt classification for agricultural land not in production due to hurricane damage, for up to five years as long as the land is not used for a non-agricultural use; and
- An expansion of permitted travel for holders of restricted forestry and agriculture tags to include all intrastate travel or 150 miles if hauling into neighboring states.

#### DACS: SB 740 by Sen. Kelli Stargel; HB 553 by Rep. Jake Raburn

As this legislation moved through the process, several good policy amendments, many of which were the substance of a separate bill SB 1608 by Sen. Denise Grimsley, were added, including language to streamline the process for the Florida Department of Transportation (DOT) to handle movement of forestry products during a declared emergency. Specifically, the bill authorizes DOT to use a 60-day order when appropriate as opposed to the current two-week renewals; it also encourages the department to accept electronic verification for shipping of agricultural products during an emergency declaration.

Among other things, the bill also allows for a five-year extension for Greenbelt protection on ag lands that are not being used for agricultural production as a result of a natural disaster for which a state of emergency is declared and which halts agricultural production.

State Assumption of Federal 404 Permits: *SB 1402 by Sen. David Simmons and HB 7043 by Rep. Holly Raschein*

This legislation allows the state to assume the authority to implement the Federal 404 wetlands program. Don't let the title water you down; this legislation is a very big win. Under current law the Army Corp of Engineers has jurisdiction over federal wetlands impacts. This legislation authorizes the Florida Department of Environmental Protection (FDEP) to enter into Memoranda of Understandings with the Environmental Protection Agency, the Army Corp and US Fish and Wildlife to issue 404 permits. At a minimum, this action will allow landowners to deal with one state agency as opposed to the alphabet soup of federal and state agencies, resulting in quicker answers to permit authorization or denial.

Young Farmers and Ranchers: *SB 872 by Sen. Grimsley and HB 645 by Rep. Raburn*

This legislation provides grant funding to assist young and beginning farmers and ranchers while also supporting students pursuing agricultural careers.

Taxes & Fees: *HJR 7001 by House Ways and Means Committee*

If passed by voters in November's general election, this proposed state constitutional amendment would require a supermajority vote of the legislature to raise any new state tax or fee.

## **Bills That Failed**

Black Bears: Among other things, this proposed legislation would have prohibited prescribed burns during the month of February on land designated by the Florida Fish and Wildlife Commission as habitat in which female black bears are likely to be denning.

Disposable Plastic Bags: Proposed legislation would have allowed certain coastal communities to initiate pilot programs to regulate or ban disposable plastic bags within their boundaries.

Tree Removal: Proposed legislation would have created a preemption of local government authority to regulate tree and debris removal.

Fracking Ban: Proposed legislation would have enacted a statewide fracking ban for oil exploration.

Without a doubt, 2018 will be remembered as a very challenging session, if for no other reason than the impact of the Parkland tragedy. Certainly, there were some good things which happened during session, and undeniably there were some huge disappointments.

Many thanks go to all the legislators and their staffs for their hard work and dedication in serving the citizens of Florida. Much appreciation also goes to our members and partnering groups who met with their representatives and senators to discuss our issues. Your membership matters and your voice counts!

Now the sprint to the 2018 elections has begun. Each office in the Florida Cabinet will be up for election, as will half the Senate and all the House of Representatives. In addition, we are poised to have a healthy dose of constitutional amendments to consider as the Constitutional Revision Commission completes its work. Enjoy the two quiet weeks of spring because things are about to get noisy!