

MEMORANDUM

To: SEFLUC

From: Edward P. de la Parte and Kristin Melton

Date: February 8, 2016

RE: 2016 Legislation – SEFLUC February Update

The following is a summary of legislation which may be of interest to the Southeast Florida Utility Council (“SEFLUC”). A summary of proposed changes and an analysis of impacts to SEFLUC are presented for each bill. In some cases, because of the length of the bill, the analysis may be limited to only those provisions impacting SEFLUC. In the event a more extensive summary and analysis is required, a separate memo addressing the specific legislation can be prepared upon request.

List of Bills Contained in Memo:

1. HB 183/SB 372 – Administrative Procedures
2. HB 191 / SB 318 – Regulation of Oil and Gas Resources
3. SB 688 – Ban on Well Stimulation or Resource Extraction
4. SB 324 / HB 347 – Utility Projects
5. SB 416 / HB 461 – Location of Utilities
6. SB 444 / HB 525–Small Community Sewer Construction Assistance Act
7. SB 534 / HB 491– Water and Wastewater
8. SB 552/HB 7005 – Environmental Resources
9. SB 598 / HB 181 – Public Works
10. HB 589 / SB 1052 – Environmental Control
11. SB 226 / HB 441 – Capital Formation for Infrastructure Projects
12. SB 776/ HB 1025– Public Records/Security of Utility Agency Technology
13. SB 1204/HB 1069 – Water Resources
14. HB 1159/SB 1400 – Water Oversight and Planning

1. HB 183/SB 372 – Administrative Procedures

Summary:

Similar to HB 435 (2015), which passed the House and Senate but was vetoed by the Governor during the 2015 session, these bills propose procedural revisions to administrative proceedings regarding rules, proposed rules, unadopted rules, & agency statements. The Bills:

- require agency to discontinue reliance on any challenged agency statement or unadopted rule and begin rulemaking workshops upon request by petitioner;
- requires electronic publishing of list of rules filed for adoption in previous 7 days and for adoption pending legislative ratification;
- requires email notification service of proposed or final rules;
- *deletes requirements that petition challenging proposed rules state with particularity the objections to the proposed rule and reasons the proposed rule is an invalidated exercise of legislative authority;*
- *deletes requirements that petition challenging rules in effect be filed by a “substantially affected person;”*
- *deletes requirement that petition for unadopted rule challenge state “with particularity” facts showing statement is an unadopted rule*
- agency or ALJ may not base agency action “rule that is an invalid exercise of delegated legislative authority” to subparagraph
- specifying additional procedures for challenges to proposed agency action based on invalid exercise of delegated legislative authority or based on unadopted rule
- provides exception to allow agency action being based on unadopted rule if ALJ determines rulemaking is not feasible or practicable and unadopted rule would not constitute invalid exercise of delegated legislative authority if adopted.
- Provides petitioner separate, collateral challenge under 120.56
- Prohibits agency from basing agency action that determines substantial interests of a party on an unadopted rule or rule that is invalid exercise of delegated legislative authority for cases not involving disputed issues of material fact.
- direct each agency to timely review its rules and certify to the President of the Senate, the Speaker of the House of Representatives, the Administrative Procedures Committee, and the rules ombudsman those rules that have been designated as rules the violation of which would be a minor violation no later than June 30, 2016
- Beginning July 1, 2017, each agency will be required to publish all rules of that agency designated as rules the violation of which would be a minor violation either as a complete list on the agency’s Internet webpage or by incorporation of the designations in the agency’s disciplinary guidelines adopted as a rule. Each agency must ensure that all investigative and enforcement personnel are knowledgeable of the agencies’ designations of these rules. The agency head must certify for each rule filed for adoption whether any part of the rule is designated as one the violation of which would be a minor violation and update the listing on the webpage or disciplinary guidelines

SB 372 also conforms a statutory cross-reference relating to attorney’s fees.

Impact on SEFLUC:

Monitor for changes to rule challenging procedures in the future.

Status:

SB 372

10/6/15 – Referred to Judiciary; Appropriations Subcommittee on General Government; Appropriations

11/17/15 - Favorable with CS by Judiciary; 10 Yeas, 0 Nays

Under the amendment, a petitioner must prove by the preponderance of the evidence that the petitioner would be substantially affected by the proposed rule. In contrast, the underlying bill provided that the petitioner had the burden of going forward with evidence sufficient to support the rule challenge petition, which appeared to relate to the petitioner’s factual basis for its objections to the proposed rule.

1/13/16 – Favorable with CS by Appropriations Subcommittee on General Government
CS2 makes two technical changes. The bill prohibits an agency from relying on an unadopted rule during the rulemaking process following the public hearing unless the agency publishes in the Florida Administrative Register an explanation of why rulemaking was not feasible or practicable before the hearing. The first technical amendment requires a published explanation of why rulemaking is not feasible or practicable until the conclusion of the rulemaking hearing. The second technical amendment corrects a cross reference in the bill.

2/3/16 – Favorable with CS by Appropriations

CS3 specifies that administrative challenges to proposed regulatory permits related to special events are subject to the summary hearing provisions of s. 120.574, F.S., except that the summary proceeding must be conducted within 30 days after a party files a motion for summary hearing.

HB 183

9/24/15 - Referred to Rulemaking Oversight & Repeal Subcommittee; Government Operations Appropriations Subcommittee; State Affairs Committee

10/20/15 – Favorable with minor CS by Rulemaking Oversight and Repeal Subcommittee

11/17/15 – Favorable with CS by Government Operations Appropriations Subcommittee

Under the amendment, a petitioner must prove by the preponderance of the evidence that the petitioner would be substantially affected by the proposed rule. In contrast, the underlying bill provided that the petitioner had the burden of going forward with evidence sufficient to support the rule challenge petition, which appeared to relate to the petitioner’s factual basis for its objections to the proposed rule.

1/13/16 – Favorable with CS by State Affairs Committee

CS3 included one technical amendment and one substantive amendment. The substantive amendment specifies that administrative challenges to proposed regulatory permits related to special events are subject to the summary hearing provisions of s. 120.574, F.S., except that the summary proceeding must be conducted within 30 days after a party files a motion for summary hearing.

1/15/16 – Placed on Calendar, on 2nd reading

2. HB 191 / SB 318 – Regulation of Oil and Gas Resources

Summary:

Bills provide state with exclusive authority for permitting relating to oil and well exploration activities, including fracking. They also delete provisions that prohibit Division of Water

Resource Management from granting permits to drill gas or oil wells within the limits of a municipality without approval of the governing authority of the municipality.

Impact on SEFLUC:

Limits local governments' abilities to prohibit oil or well exploration activities within their boundaries.

Status:

HB 191

9/24/15 – Referred to Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

11/3/15 - Favorable by Agriculture & Natural Resources Subcommittee

12/2/15 – Favorable by Agriculture & Natural Resources Appropriations Subcommittee

Now in State Affairs Committee

1/21/16 – Favorable with CS by State Affairs Committee

CS has minor wordsmithing changes.

- clarifies the rule adopted by the Department include rules “to evaluate the history of past adjudicated, uncontested, or settled violations committed by permit applicants or the applicants' affiliated entities of any substantive and material rule or law pertaining to the regulation of oil or gas.”
- Provides “no permit to drill a gas or oil well shall be granted within the jurisdictional boundaries of any municipality or county, unless the applicant provides notice of the permit application, by certified mail, to the governing authority of the county or municipality. The applicant shall include a copy of the notice with the permit application.”
- Clarifies no permit may be granted until Department adopts rules for high-pressure well stimulations which are based on findings of study required pursuant to s. 377.2436 and such rules take effect and requires rules be ratified by Legislature in order to take effect.
- Adds as permit condition “matters raised in comments timely submitted by a municipality to the division”
- Adds additional requirements to study on high-pressure well stimulation review and evaluate:
 - potential direct and indirect economic benefits from use of high pressure well stimulation
 - potential seismic activity
 - feasibility and impact of waterless fracking.
- Department may not adopt until findings of study until findings have been submitted to Legislature. However, requires Department adopt rules to implement findings of study by March 1, 2018 if such rules are warranted to protect public health, safety and the environment.

1/26/16 – Read Second Time with amendments

- Ratification by legislature of Department rules is by 2/3 vote
- Includes consideration of comments by county in permit conditions

1/27/16 – Read Third Time; Passed

2/03/16 – In Messages to Senate; Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Appropriations

SB 318

10/6/15 – Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Appropriations

1/13/16 – Favorable with CS by Environmental Preservation and Conservation

- authorizes the DEP to evaluate the prior adjudicated, uncontested, or settled violations committed by permit applicants as a basis for permit denial or imposition of specific permit conditions
- authorizes the DEP to consider as a criterion for issuing a permit for a high-pressure well stimulation, whether the high-pressure well stimulation as proposed is designed to ensure that the groundwater near the well location is not contaminated as a result of the high-pressure well stimulation. Additionally, the CS clarifies that the study provide a review and evaluation of the potential for groundwater contamination from conducting high-pressure well stimulations near well that have been previously abandoned and plugged
- prohibits the DEP from adopting rules for high-pressure well stimulations until the findings of the study have been submitted to the Legislature and the CS clarifies that the rules are to be based upon the findings of the study. Additionally, the CS requires legislative ratification of the rules prior to such rules taking effect and prohibits the DEP from issuing permits for high-pressure well stimulations until such rules take effect.

1/25/16 – Favorable with CS by Appropriations Subcommittee on General Government

- authorizes a county or municipality to adopt and enforce zoning or land use requirements which affect the use of property for the exploration, development, production, processing, storage or transportation of oil and gas, with the exception of geophysical operations, so long as such zoning or land use requirements do not impose a moratorium on, effectively prohibit, or inordinately burden one or more of these activities on a subject property.
- removes the ability for counties or municipalities to enforce existing zone ordinances passed before January 1, 2015, related to oil and gas exploration, development, production, processing, storage, and transportation if the ordinance is otherwise valid.
- requires applicants for permits to drill a gas or oil well to provide notice of the permit application to any municipality or county within which the permit would authorize drilling a gas or oil well and requires matters raised by a municipality or county in response to such permit which are timely submitted to the Division of Water Resource Management to be considered as criteria for the issuance of the permit.
- expands the scope of the study to include the economic benefits resulting from the use of high-pressure well stimulations, potential seismic activity associated with high-pressure well stimulation and the deep-well disposal of oil and gas production wastewater, and the impact of waterless fracking technologies.

3. SB 688 – Ban on Well Stimulation of Resource Extraction

Summary:

Proposed resolution by Florida Senate to support statewide ban on hydraulic fracturing and any form of extreme well stimulation and resource extraction, including prohibiting the disposal of related materials and byproducts anywhere within the State of Florida or in the waters adjacent thereto.

Impact on SEFLUC:

Monitor

Status:

10/30/15 – Filed

11/18/15 – Referred to Environmental Preservation and Conservation; Rules

4. SB 324 / HB 347 – Utility Projects

Summary:

"Utility Cost Containment Bond Act"; authorizes certain local government entities to finance costs of certain utility projects by issuing utility cost containment bonds; specifies application requirements; provides definitions; provides procedures for obtaining utility project financing; provides procedures to establish or adjust utility projects and financing resolutions; provides requirements for collection of project charges; specifies legal status of project charges for securing payment of bonds; specifying payment obligations regarding utility cost containment bonds; provides for construction of law.

Impact on SEFLUC:

Monitor as new finance mechanism for utility projects.

Status:

SB 324

10/6/15 – Referred to Communications, Energy, and Public Utilities; Finance and Tax; Appropriations

1/12/16 – Favorable by Communications, Energy and Public Utilities; Now in Finance and Tax

2/3/16 – On Committee Agenda 2/8/16 at 4:00 pm

HB 347

10/30/15 - Referred to Energy & Utilities Subcommittee; Finance & Tax Committee; Regulatory Affairs Committee

11/17/15 – Favorable by Energy & Utilities Subcommittee

12/01/15 – Favorable with CS by Finance & Tax Committee

CS requires that any cost savings that arise from the issuance of a utility cost containment bond be used to benefit customers of the utility through lower rates and other programs. However, no mechanism for determining the amount of cost savings is provided.

12/03/15 – Now in Regulatory Affairs Committee

1/14/16 – Favorable by Regulatory Affairs Committee; Placed on Calendar, on 2nd reading

5. SB 416 / HB 461 – Location of Utilities

Summary:

Similar to failed SB 896 (2015). Addresses the responsibility for the cost of relocating utility facilities (e.g., water, sewage, gas, power, telephone, other public utilities, and television lines) in a public easement. The bill flips the responsibility to bear relocation costs from the utility owner to the state or local government requiring the facilities to be relocated, effectively shifting such

costs currently borne by the utility and its users to taxpayers. The owner of a utility that must be relocated from a public easement will be liable for relocation costs only if their lines and facilities are across, on or “within” the right-of-way, rather than “along” any right-of-way.

Impact on SEFLUC:

Utilities will no longer bear responsibility for relocation required by state or local government. However, if your local government is the one requiring the relocation, the cost will still be on your city.

Status:

SB 416

10/2/15 – Filed

10/9/15 – Referred to Community Affairs; Transportation; Fiscal Policy

10/20/15 – Favorable with CS by Community Affairs

Removes two provisions that prohibited a municipality or county from requiring a utility or a provider of communication services to provide proprietary maps of facilities that were previously subject to a permit from the authority. The bill also removes several provisions regarding the allocations of costs when relocation of a utility is required. Specifically, the bill removes a provision that required an authority to bear the cost of relocating a utility if the authority required the relocation of the utility for purposes other than an unreasonable interference with the use, maintenance, improvement, extension, or expansion of a publicly owned road or publicly owned rail corridor. The bill also removes a provision that required an entity other than the authority to bear the cost of relocating a utility if the relocation was required as a condition or result of a project by that entity. Furthermore, the bill removes several corresponding provisions relating to the impairment of the rights of a holder of a private railroad right-of-way; the obligations of a holder of a private railroad right-of-way; and contracts between an authority and a utility before October 1, 2015.

11/4/15 – Favorable by Transportation

11/19/15 – Favorable by Fiscal Policy

11/20/15 - Placed on calendar, on 2nd reading

HB 461

10/27/15 – Filed

11/5/15 – Referred to Local Government Affairs Subcommittee; Appropriations Committee

12/02/15 – Favorable by Local Government Affairs Subcommittee

Now in Appropriations Committee

6. SB 444 / HB 525 – Small Community Sewer Construction Assistance Act

Summary:

Amends Small Community Sewer Construction Assistance Act to include counties and special districts with population of 10,000 or fewer in definition for “financially disadvantaged small community.” The term currently only includes qualifying municipalities.

Impact on SEFLUC:

Qualifying counties or special districts now eligible for grants.

Status:

SB 444

10/9/15 – Referred to Community Affairs; Appropriations Subcommittee on General Government; Appropriations

1/19/16 – Favorable by Community Affairs

1/26/16 – Favorable by Appropriations Subcommittee on General Government; Now in Appropriations

HB 525

11/2/15 – Filed

11/16/15 - Referred to Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee
Now in Agriculture & Natural Resources Subcommittee

1/12/16 – Favorable by Ag & Nat Resources Subcommittee

1/20/16 – Favorable by Ag & Natural Resources Appropriations Subcommittee

1/28/16 – Favorable by State Affairs Committee; Placed on Calendar, on 2nd reading

7. SB 534 / HB 491– Water and Wastewater

Summary:

Creating a provision requiring the Division of Bond Finance of the State Board of Administration to review the allocation of private activity bonds to determine the availability of additional allocation and reallocation of bonds for water and wastewater infrastructure projects; authorizing the Department of Environmental Protection to require or request that the Florida Water Pollution Control Financing Corporation make loans, grants, and deposits to for-profit, privately owned, or investor-owned water systems, etc.

Impact on SEFLUC:

Possible funding opportunities for private utilities.

Status:

SB 534

10/14/15 – Filed

10/21/15 – Referred to Environmental Preservation and Conservation; Communications, Energy, and Public Utilities; Appropriations

11/18/15 – Favorable with CS by Environmental Preservation and Conservation

CS deletes requirement that investor-owned water and wastewater utilities be owned or operated by a Florida corporation; corrects deadline for commission to adopt rules to administer for assisting utilities with annual revenues of less than \$250,000 in changing rates and charges to December 31, 2016 from 2015.

11/20/15 – Now in Communications, Energy and Public Utilities

1/11/2016 – Favorable with CS2

CS2 clarifies commission may authorize utility to create utility reserve fund “on its own motion or upon request of the utility”; specifies criteria the commission must consider in determining the reasonable level of rate case expenses; removing restriction that a utility may recover only up to 50 percent of rate case expenses that are determined to be reasonable

HB 491

10/30/15 – Filed

11/05/15 – Referred to Energy & Utilities Subcommittee; Finance & Tax Committee; Regulatory Affairs Committee

11/17/15 – Favorable with CS by Energy & utilities Subcommittee

CS makes it mandatory, rather than permissive, that the PSC create a reserve fund if requested by a utility in a rate case proceeding and that PSC allow recovery of rate case expense (i.e., fees for attorneys and other outside consultants) incurred by a utility in a staff-assisted rate case after any protest or appeal of the PSC’s decision by a party other than the utility. CS removes a provision of the bill that limited a utility’s recovery of rate case expense to 50 percent of the amount of rate case expense deemed reasonable by the PSC. (CS More favorable to utilities)

1/21/16 – Favorable with CS by Finance & Tax Committee

CS2 amendments remove the provision that created an exemption from sales and use tax for sales or leases to a water or wastewater IOU; remove the provision that required an IOU, when it begins recovery of approved rate case expense associated with a new rate case, to discontinue the recovery of any uncollected rate case expense approved in a prior rate case.

2/3/16 – Favorable with CS by Regulatory Affairs

CS3 requires a county that regulates water or wastewater services to comply with requirements for abandoned water and wastewater systems

8. SB 552/HB 7005 – Environmental Resources

Summary:

These “general water policy” bills are nearly identical to the 2015 session bills with the following changes:

- Bills do not propose a water advisory council
- Bills require feasibility study for creating and maintaining a web-based interactive map of state’s waterbodies (2015 legislation required enactment of web-based interactive map)
- Creating the Florida Springs and Aquifer Protection Act to expedite protection and restoration of the water flow and water quality in the aquifer and Outstanding Florida Springs.
- Ensuring that the appropriate governmental entities continue to develop and implement uniform water supply planning, consumptive water use permitting, and resource protection programs for the area encompassed by the Central Florida Water Initiative.
- Updating and restructuring the Northern Everglades and Estuaries Act to reflect and build upon the Department of Environmental Protection’s (DEP) completion of basin management action plans (BMAP) for Lake Okeechobee, the Caloosahatchee Estuary, and the St. Lucie River and Estuary, DEP’s continuing development of a BMAP for the inland portion of the Caloosahatchee River watershed, and Department of Agriculture and Consumer Services’ implementation of best management practices in the three basins.
- Modifying water supply and resource planning documents and processes in order to provide more robust representations of the state’s water needs and goals.
- Requiring the Office of Economic and Demographic Research to conduct an annual assessment of water resources and conservation lands.

- Requiring DEP to publish an online publicly accessible database of conservation lands on which public access is compatible with conservation and recreation purposes.

A detailed analysis of the bills is contained in the separate 2016 water policy update previously provided.

Impact on SEFLUC:

SEFLUC’s members will remain largely unaffected by a general water policy bill as the most significant changes impact areas in the CFWI, Springs, and Northern Everglades. The following provisions are most likely to involve some impact on SEFLUC’s members:

- Section 4 – establishes pilot program for alternative water supply development in restricted allocation areas. The pilot project selected by the District will not be subject to rulemaking requirements of chapter 120 or subject to legal challenge. The legislation authorizes the District to provide up to 50 percent funding for each project.
- Section 8 – requires SFWMD to exercise authority to allocate water quantities within its jurisdiction including water supply in relation to the Central and Southern Florida Project and to be responsible for allocating water and assigning priorities among other water users served by the Project.
- Section 10 – requires monitoring and reporting requirements for a new consumptive use permit, or the renewal or modification of a CUP that authorizes 100,000 gallons or more per day from a well with an inside diameter of 8 inches or more. This is aimed at accounting for cumulative impact of smaller withdrawals. However, the minimum 8 inch well size will likely eliminate many self suppliers.
- Section 11 – requires the governing board to give priority consideration of preferred water supply sources for water users for whom access to or development of new water supplies is not technically or financially feasible.
- Section 12 – protects CUP holder from having their water allocations reduced due to documented implementation of water conservation measures during the term of a permit and requires WMDs to adopt rules providing water conservation incentives, such as permit extensions.
- Section 17 – changes to water management district water resource development work program and work plan further encourages utilities seeking funding for projects to submit projects to the district early in the process in order to obtain funding.
- Section 19 – priority funding consideration for projects that reduce or eliminate adverse effects of competition between legal users and the natural system.
- Section 20 – authorizes WMD to provide technical and financial assistance to self-suppliers for AWS projects to the extent assistance promotes policies of the WMD and for projects determined by the governing board to be in the public interest if the projects are not otherwise financially feasible. – public interest component appears to be a catchall that opens the door for additional projects to be funded
- Section 30 – authorizes DEP to adopt by rule a specific surface water classification to protect surface water used for treated potable water supply.
- Section 31 – allows DEP to fund pilot projects to test effectiveness of nutrient reduction or water conservation technologies

- Section 32 - Requires DEP to establish uniform standards for collecting and analyzing water quality, water quantity, and related data and coordinate with federal agencies, WMDs and local governments.
- Section 35 – Requires DEP to add treated potable water supply as a designated use of a surface water in certain circumstances.
- Section 36 - Requires Office of Economic and Demographic Research to conduct an annual assessment of water resources and conservation lands. This is the alternative to the Water Advisory Council proposed as part of the 2015 legislation. The assessment is required to include expenditures on projects associated with water supply and demand and water quality protection and restoration.

Status:

SB 552

10/16/15 – Filed

10/23/15 – Referred to Environmental Preservation and Conservation; Appropriations

11/4/15 – Favorable with corrective CS by Environmental Preservation and Conservations

11/19/15 – Favorable with CS by Appropriations

The amendments made the following revisions to the bill:

- Clarifies that a water management district may designate an alternative water supply pilot project located within the boundaries of another district if a substantial quantity of water from the project will be used within the boundaries of the water management district that designated the project;
- Requires a recovery or prevention strategy be concurrently adopted or modified as part of the regional water supply plan each time a MFL is initially established or revised so that the existing flow or water level is below or is projected to fall within 20 years below the applicable MFL. The prior version of the bill required concurrent adoption of a recovery or prevention strategy only for the *initial* adoption of an MFL. With the new amendment, the concurrent adoption of a recovery or prevention strategy is also required, if the MFL is revised.;
- Requires a recovery or prevention strategy be expeditiously adopted for an established MFL if the existing flow or water level falls below or is projected to fall within 20 years below the applicable MFL.
- Authorizes the water management districts to enforce existing water use monitoring rules or adopt more stringent monitoring rules in the future.

11/23/15 – Placed on Calendar, on 2nd reading

1/13/16 – Read Second Time; Amendmnets Failed; Amendments Withdrawn; Read Third Time; Passed

1/14/16 – Substituted for HB 7005; House Amendments Failed; Read Third Time; Passed; Signed by Officers and presented to Governor

1/21/16 – Approved by Governor, Chapter No. 2016-1

HB 7005

10/26/15 – Filed

11/5/15 – Referred to Agriculture & Natural Resources Subcommittee

11/18/15 – Favorable with CS by Agriculture & Natural Resources Appropriations Subcommittee

CS is same as adopted for SB 552 as described above.

12/1/15 – Placed on Calendar; on 2nd Reading

1/14/16 – Read Second Time; Substituted for SB 552; Laid on Table, refer to SB 552

9. SB 598 / HB 181 – Public Works

Summary:

Except as required by federal or state law, the state or political subdivisions that contract for the construction, maintenance, repair, or improvement of public works (i.e. projects that are paid for in whole or part with state funds) may not require on contractors, subcontractors, or material suppliers or carriers:

- Pay employees a predetermined amount of wages or prescribe any wage rate
- Provide specified type, amount or rate of employee benefits
- Control, limit, or expand staffing
- Recruit, train or hire employees from a designated, restricted, or single source.

Also prohibits the state and political subdivisions from restricting qualified bidders from submitting bids on any public works project.

Impact on SEFLUC:

Monitor for changes to public works contracts/bids

Status:

SB 598

10/21/15 – Filed

11/04/15 – Referred to Governmental Oversight and Accountability; Community Affairs; Appropriations.

1/19/16 – Not considered by Governmental Oversight and Accountability

1/26/16 – Unfavorable by Governmental Oversight and Accountability; Laid on Table

HB 181

9/17/15 – Filed

9/24/15 – Referred to Government Operations Subcommittee; Local Government Affairs Subcommittee; State Affairs Committee

10/20/15 – Favorable by Government Operations Subcommittee

11/04/15 – Favorable with minor CS by Local Government Affairs Subcommittee

11/17/15 – Now in State Affairs Committee

1/13/16 – Favorable with CS by State Affairs Committee

1/15/16 – Placed on Calendar, on 2nd reading

1/22/16 – Placed on Special Order Calendar, 1/26/16

1/26/16 – Temporarily Postponed on Second Reading

10. HB 589 / SB 1052 – Environmental Control

Summary:

Include select portions of the general water policy bills. Does not include proposed changes to competing applications where preference is given to application for use nearest source.

Add new provisions relating to eligibility requirements for well contractor license and water quality credit trading.

Highlights of provisions applicable to SEFLUC

- Prohibits water management districts from modifying or reducing consumptive use permit allocations under certain circumstances;
- Directs districts to adopt rules providing water conservation incentives;
- Revises eligibility requirements for well contractor license;
- Directs DEP to adopt classification to protect surface waters used for treated potable water supply;
- Authorizes use of land set-asides & land use modifications in water quality credit trading;
- Directs DEP to establish rules concerning use of surface waters for public water supply;
- Directs DEP to add treated potable water supply as a designated use of surface water segment under certain circumstance
- Appropriation of funds to solid waste management trust fund for closure of facilities

Impact on SEFLUC:

If general water policy bills do not pass, will look to these bills for proposed changes to consumptive use permitting, water conservation incentives, and surface water classification/treatment of potable water supply.

Status:

HB 589

11/6/15 – Filed

11/17/15 – Referred to Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

Now in Agriculture & Natural Resources Subcommittee

1/26/16 – Favorable with CS by Ag & Natural Resources Subcommittee

On January 26, 2016, the Agriculture & Natural Resources Subcommittee adopted a proposed committee substitute and reported the bill favorably as a committee substitute. The proposed committee substitute removed the following sections from the bill because they were included as part of SB 552:

- Section 1. – Amending s. 373.227, F.S., regarding water conservation;
- Section 3. – Amending s. 373.467, F.S., regarding the Harris Chain of Lakes Restoration Council.
- Section 4. – Amending s. 373.705, F.S., regarding water resource development;
- Section 6. – Amending s. 403.061, F.S., creating a specific surface water classification; and
- Section 10. – Amending s. 403.861, F.S., creating certain powers and duties of the DEP.

In addition, the proposed committee substitute amended s. 403.709(2), F.S., relating to the SWMTF.

1/28/16 – Now in Ag & Natural Resources Appropriations Subcommittee

SB 1052

12/3/15 – Filed

12/17/15 - Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; Appropriations

1/20/16 – Favorable with CS by Environmental Preservation and Conservation

CS provides that if the beneficial use of clay selling area has been extended, the rate of reclamation and financial assurance requirements do not become applicable until the beneficial use of the area is completed. Removes sunset provision for establishing solid waste landfill closure account.

11. SB 226 / HB 441 – Capital Formation for Infrastructure Projects

Summary:

Amends Florida Capital Formation Act to include proposed Florida Infrastructure Fund Partnership. One of the primary purposes of the Partnership is to raise and invest capital in infrastructure projects, including water or wastewater systems, in the state which promote economic development. Requires the Florida Development Finance Corporation to issue contingent state bonds to investment partners in the partnership and provides that contingent state bonds become an obligation to the state by the partnership under certain circumstances.

Impact on SEFLUC:

Possible funding opportunities.

Status:

SB 226

09/03/15 - Filed

09/15/15 - Referred to Commerce and Tourism; Finance and Tax; Appropriations

12/01/15 - Discussed/Workshop by Commerce and Tourism

1/19/16 – Favorable with CS by Commerce and Tourism

The CS provides that:

- Upon bond maturity, an owner may elect to transfer ownership interest in the partnership to the fund and after 90 days claim contingent state bond payment from the Department of Revenue or maintain ownership interest in the partnership. Previously, the bill provided that if the partnership could not find a new investment partner to take ownership interest the original investment partner could change their election at 90 days;
- The contingent state revenue bonds are binding and cannot be modified, terminated, or rescinded;
- The Department of Revenue will make payable revenues from ch. 212, ch. 220, and ss. 624.509 and 624.5091, F.S., when an investment partner claims a contingent state revenue bond;
- The issuance of contingent state revenue bonds is to be concurrent with a commitment agreement between the partnership and the investment partner; and
- All occurrences of “contingent state bond” are changed to “contingent state revenue bond.”

1/21/16 – Now in Finance and Tax

HB 441

10/26/15 - Filed

11/05/15 - Referred to Economic Development & Tourism Subcommittee; Appropriations Committee; Economic Affairs Committee

Now in Economic Development & Tourism Subcommittee

12. SB 776/ HB 1025– Public Records/Security of Utility Agency Technology

Summary:

Provides exemption from public records requirements for information related to security of utility agency's technology; provides for future legislative review & repeal of exemption; provides statement of public necessity for exemption from Florida public records laws.

Impact on SEFLUC:

Would allow exemptions from public record laws for certain utility technology information

Status:

SB 776

11/06/15 - Filed

11/19/15 - Referred to Communications, Energy and Public Utilities; Government Oversight and Accountability; Rules

2/2/16 – Favorable with CS by Communications, Energy and Public Utilities

CS deletes exemption for security firm identity information; deleting undefined term “utility agency” and providing a definition of the term “utility”

2/3/16 – Now in Governmental Oversight and Accountability

HB 1025

12/22/15 – Filed

1/8/16 – Referred to Energy & Utilities Subcommittee; Government Operations Subcommittee; Regulatory Affairs Committee

1/25/16 – Favorable with CS by Energy & Utilities Subcommittee

CS deletes exemption for security firm identity information; deleting undefined term “utility agency” and providing a definition of the term “utility”; Identified the specific harm that the bill intends to prevent – unauthorized access to utility systems that could adversely affect safe and reliable utility operations – and made corresponding changes to the public necessity statement included in the bill.

13. SB 1204/ HB 1069 – Water Resources

Summary:

Directing the Department of Transportation to establish a Water and Wastewater Utilities Relocation Study Committee to review, study and make recommendations concerning the need for improved coordination and funding of water and sewer facilities and public utility facilities; specifying committee membership; transferring review of water management district rules from the Florida Land and Water Adjudicatory Commission to the Department of Environmental Protection and revises hearing requirements, repeals section 373.245 which allows abutting CUP

holders a cause of action for damages against a CUP holder who violates conditions of permits, Florida Statutes, with retroactive application to any civil action in which trial has not commenced as of the effective date.

Impact on SEFLUC:

Monitor for involvement with utility relocation study committee; deletes ability for abutting permit holders to file a cause of action for damages under the allegation that utility violated CUP permit conditions

Status:

SB 1204

12/01/15 - Filed

1/8/16 – Referred to Communications, Energy, and Public Utilities; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations

HB 1069

12/30/15 – Filed

1/8/16 - Referred to Transportation & Ports Subcommittee; Agriculture & Natural Resources Subcommittee; Appropriations Committee; Economic Affairs Committee

14. HB 1159/ SB 1400 – Water Oversight and Planning

Summary:

Establishes Water Oversight & Planning Board to oversee issues affecting and impacting water supply planning, water quality restoration and protection, flood protection and flood plain management, and natural systems protection and restoration; provides membership and duties of board; requires board to:

- Annually submit long-range plans to DEP, WMD, Governor and Legislature;
- to identify and inventory existing sources of potable water;
- identify new sources of water for potable uses, agricultural uses, industrial uses, and protection and restoration of natural systems;
- identify largest consumers of water by WMD and overall statewide;
- consolidate and compile existing water data;
- engage in various activities to promote reuse and water conservation;
- review recommendations contained in regional water supply plan;
- assess mechanisms to expedite protection and restoration of natural systems, including expanded use of reservation;
- investigate mechanisms to incentivize desalination and reuse to produce new sources of water;
- review impact of underground activity including drilling, fracturing, stormwater injection;
- sample and assess impacts of dredging activities on natural systems;
- develop recommendations to protect natural systems with FWCC;
- make recommendations for improved management of beaches and coastal systems, Everglades restoration, wetland and submerged land protection, and techniques for beach renourishment

Board is required to provide findings & recommendations to Governor and Legislature.

Impact on SEFLUC:

Additional level of regulation over water with emphasis on protecting natural systems. Focuses on alternative water supply sources and limiting traditional supply

Status:

HB 1159

01/06/16 - Filed

1/13/16 - Referred to Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee
Now in Ag & Natural Resources Subcommittee

SB 1400

01/06/16 – Filed

1/14/16 - Referred to Higher Education; Appropriations Subcommittee on Education; Appropriations