

MEMORANDUM

To: SEFLUC

From: Edward P. de la Parte and Kristin Melton

Date: February 13, 2017

RE: 2017 Legislation – SEFLUC February Update

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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. SB 10 – Water Resources
2. HB 181 / SB 464 – Natural Hazards
3. HB 285 – Onsite Sewer Treatment
4. HB 379 / SB 446 - Underground Facilities
5. HB 413 – Water Oversight and Planning
6. SB 532 – Public Notification of Pollution
7. SB 534 / HB 599 – Public Works Projects
8. HB 551 – Onsite Sewage Treatment and Disposal Systems
9. HB 573 – Water Protection and Sustainability
10. SB 596/ HB 687 - Utilities
11. HB 629 / SB 678– Financial Assistance for Water and Wastewater Infrastructure
12. HB 607/SB 332 –Public-Private Partnerships
13. HB 609 / SB 322 – Public Records and Meetings/Unsolicited Proposals
14. HB 663 – Implementation of the Water and Land Conservation Constitutional Amendment
15. HB 751 – Stormwater Management
16. HB 755 – Aquifer Replenishment
17. SB 832 - Drones

## **1. SB 10 – Water**

### **Summary:**

- Declares emergency status for St. Lucie and Caloosahatchee estuaries due to harmful freshwater discharges.
- Declares that the acquisition of lands south of the lake and construction of the reservoir project authorized in WRDA 2000 will increase the availability of water storage and reduce harmful freshwater discharges.
- Declares reservoir is in the public interest.
- Requires SFWMD seek proposals for voluntary sale of approximately 60,000 acres of property within the EAA that is suitable for the reservoir project by December 31, 2017. If SFWMD is unable to acquire land by December 31, 2017 through voluntary sale, SFWMD must implement the option to purchase 153,000 acres of US Sugar lands.
- Increases funding for certain Everglades projects

### **Impact on SEFLUC:**

Monitor as requires funding for purchase of a non-vetted project and declares the reservoir in the public interest.

### **Status:**

#### ***SB 10***

**01/26/17** - Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on the Environment and Natural Resources; Appropriations

**02/07/17** - Favorable by Environmental Preservation and Conservation; 6 Yeas, 0 Nays

**02/08/17** - In Appropriations Subcommittee on the Environment and Natural Resources

## **2. HB 181 / SB 464 – Natural Hazards**

### **Summary:**

Creates interagency workgroup to share information, coordinate efforts, & collaborate on initiatives relating to natural hazards, including but not limited to extreme heat, drought, wildfire, sea-level change, high tides, storm surge, saltwater intrusion, stormwater runoff, flash floods, inland flooding, and coastal flooding; requires certain agencies to designate liaisons to the workgroup; requires the Division of Emergency Management to prepare annual report; requires report to be posted on agency websites & submitted to the Governor & Legislature

### **Impact on SEFLUC:**

Monitor - duplicate efforts?

### **Status:**

#### ***HB 181***

**1/23/17** - Referred to Natural Resources & Public Lands Subcommittee; Appropriations Committee; Government Accountability Committee

***SB 464***

2/9/17 - Referred to Military and Veterans Affairs, Space, and Domestic Security; Community Affairs; Governmental Oversight and Accountability; Rules

**3. HB 285 – Onsite Sewer Treatment**

**Summary:**

Requires onsite sewage treatment & disposal systems be inspected by specified professionals at point of sale in real estate transactions. Deletes provisions prohibiting local governments from mandating such evaluations

**Impact on SEFLUC:**

Additional regulations on septic tanks

**Status:**

***HB 285***

1/25/17 – Referred to Agriculture & Property Rights Subcommittee; Natural Resources & Public Lands Subcommittee; Commerce Committee

**4. HB 379 / SB 446 - Underground Facilities**

**Summary:**

Requires excavators to call 911 under specified circumstances; requires member operators to file report with free-access notification system; provides reporting requirements; specifies distribution of civil penalties issued by state law enforcement officers.

**Impact on SEFLUC:**

Change to reporting requirements

**Status:**

***HB 379***

2/6/17 – Referred to Energy & Utilities Subcommittee; Commerce Committee

2/8/17 – On Committee agenda – Energy & Utilities Subcommittee, 2/15/17

***SB 446***

2/9/17 - Referred to Environmental Preservation and Conservation; Communications, Energy, and Public Utilities; Appropriations Subcommittee on Criminal and Civil Justice; Appropriations

**5. HB 413 – Water Oversight & 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:

- Review and monitor district regional water supply plans
- Develop forecasting plans to ensure appropriate quantities and quality of water and protect and restore natural system
- 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 annual long range plans to DEP, WMDs, Governor and Legislature and submit bi-annual 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:**

2/6/17 – Referred to Natural Resources & Public Lands Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; Government Accountability Committee

**6. SB 532 – Pollution Notification Rule**

**Summary:**

Directs DEP to establish and publish list of reportable substances that, at a specified quantity, present an immediate and substantial risk to public health, safety, or welfare. Requires owner/operator notification of DEP for the release of any reportable substances within 24 hours of discovery and requires DEP to publish a public notice within 24 hours.

**Impact on SEFLUC:**

New procedure for pollution notification. Will want to remain involved in development of reportable release list by DEP.

**Status:**

**SB 532**

1/26/17 – Filed

**7. SB 534 / HB 599 – Public Works Projects**

**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.

Does not apply to contracts executed under chapter 337 (Contracting; acquisition, disposal and use of property)

**Impact on SEFLUC:**

Monitor for changes to public works contracts/bids

**Status:**

**SB 534**

1/26/17 – Filed

**HB 599**

1/31/17 – Filed

**8. HB 551 – Onsite Sewage Treatment and Disposal Systems**

**Summary:**

Specifies minimum \$20 million appropriation from Land Acquisition Trust Fund grant program to offset property owner costs to retrofit onsite sewage treatment & disposal systems identified by DEP as contributing excess nutrients to Indian River Lagoon and the Caloosahatchee and St. Lucie estuaries or to connect such properties to central systems, and for certain dredging & stormwater improvements; directs DEP to develop specified onsite sewage treatment & disposal system remediation plans to achieve TMDL and allows DEP to identify one or more priority geographic areas.

**Impact on SEFLUC:**

Appropriations for septic to sewer or retrofitting.

**Status:**

**HB 551**

2/6/17 – Referred to Natural Resources & Public Lands Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; Government Accountability Committee

**9. HB 573 – Water Protection and Sustainability**

**Summary:**

Creates "Heartland Headwaters Protection & Sustainability Act"

- Designates Green Swamp Area in Polk County as area of critical state concern
- Finds Polk Regional Water Cooperative to be in the public interest and exempts PRWC from provision requiring Secretary of Environmental Protection to approve regional water supply authorities prior to their creation;
- Requires PRWC to prepare annual report concerning water resource projects, specifies requirements for such report, & requires inclusion of such report in appropriate consolidated water management district annual report;
- Authorizes expenditure of proceeds of local government infrastructure surtaxes by a regional water supply authority
- Provides for annual appropriations to DEP to be distributed for projects identified for priority state funding in heartland headwaters annual report

**Impact on SEFLUC:**

Monitor

**Status:**

**HB 573**

1/27/17 – Filed

**10. SB 596/ HB 687 – Utilities**

**Summary:**

Prohibiting the Department of Transportation and certain local governmental entities, collectively referred to as the "authority," from prohibiting, regulating, or charging for the collocation of small wireless facilities in public rights-of-way under certain circumstances; providing that approval of, and charges by, an authority are not required for routine maintenance, the replacement of certain wireless facilities, or the installation, placement, maintenance, or replacement of certain micro wireless facilities, etc.

**Impact on SEFLUC:**

Extremely problematic in that wireless devices can be put anywhere even on utility infrastructure and Local Governments have no control

**Status:**

**SB 596**

2/9/17 – Referred to Communications, Energy, and Public Utilities; Governmental Oversight and Accountability; Rules

**HB 687**

2/7/17 – Filed

**11. HB 629 / SB 678 – Financial Assistance for Water and Wastewater Infrastructure**

**Summary:**

Water Pollution Control, Small Community Sewer Construction Assistance, and Drinking Water State Revolving Fund - allows disbursement of financial assistance based upon invoiced costs; provides recipients are not required to request advance payment. Requires proof of payment of invoiced costs before or concurrent with recipient's next disbursement request.

**Impact on SEFLUC:**

Financial assistance

**Status:**

**HB 629**

2/3/17 – Filed

**SB 678**

2/3/17 – Filed

**12. HB 607/SB 332 –Public-Private Partnerships**

**Summary:**

Revises legislative findings to recognize the public need of pursuing information technology projects through the establishment of public-private partnerships.

**Impact on SEFLUC:**

Monitor

**Status:**

**HB 607**

2/9/17 – Referred to Oversight, Transparency & Administration Subcommittee; Government Operations & Technology Appropriations Subcommittee; Government Accountability Committee

**SB 332**

1/25/17 – Referred to Community Affairs; Governmental Oversight and Accountability; Rules

### **13. HB 609 / SB 322 – Public Records and Meetings/Unsolicited Proposals**

**Summary:**

Reenacts s. 255.065(15), F.S., which provides exemptions from public records & public meetings requirements for unsolicited proposals received by responsible public entity, unsolicited proposals discussed in portion of meeting of such entity, and recording of, and records generated during, closed meeting; expands exemptions to incorporate amendment made to definition of term "responsible public entity"; declares it a public necessity to protect P3 process by not exempting unsolicited proposals from public records requirements

**Impact on SEFLUC:**

Monitor – public records compliance

**Status:**

***HB 609***

**2/9/17** – Referred to Oversight, Transparency & Administration Subcommittee; Government Accountability Committee

***SB 322***

**2/3/17** – Referred to Community Affairs; Governmental Oversight and Accountability; Rules

### **14. HB 663 – Implementation of the Water and Land Conservation Constitutional Amendment**

**Summary:**

Requires a minimum of the lesser of 12.5% or \$100 million be appropriated annually to DEP for water supply and water resource development projects identified in a recovery or prevention strategy or regional water supply plan, and water quality restoration projects identified in BMAP or a reasonable assurance plan

**Impact on SEFLUC:**

Financial assistance opportunities

**Status:**

***HB 663***

**2/6/17** – Filed

### **15. HB 751 – Stormwater Management**

**Summary:**

Requires local governments to adopt specified best management practices & measures adopted by DEP; provides presumption that such practices & measures comply with certain water quality standards; prohibits adoption of more stringent standards



**Impact on SEFLUC:**

Best management practices may require updates to utility practices.

**Status:**

***HB 751***

**2/9/17 – Filed**

**16. HB 755 – Aquifer Replenishment**

**Summary:**

Requires additional permit conditions, including the establishment of a zone of discharge for groundwater standards and associated institutional controls, for projects involving certain underground injection; authorizes DEP to develop specific rule criteria for advanced water treatment and to establish additional conditions for construction of advanced water treatment facilities and underground injection to incentivize AWT.

**Impact on SEFLUC:**

Establish zone of discharge for groundwater standards for UI wells. Also gives AWT reclaimed water “significant consideration” in the analysis of economic, environmental, and technical feasibility. Monitor because DEP rules may result in unintended consequences and mandates for AWT.

**Status:**

***HB 755***

**2/9/17 – Filed**

**17. SB 832 – Drones**

**Summary:**

"Unmanned Aircraft Systems Act"; providing that the authority to regulate the ownership or operation of unmanned aircraft systems is vested in the state; prohibiting a person from knowingly and willfully operating a drone over or allowing a drone to make contact with or come within a certain distance of certain critical infrastructure facilities; providing that the use of a drone by a communications service provider or contractor is not prohibited under certain provisions of ch. 934, etc.

**Impact on SEFLUC:**

Does not include water and wastewater facilities as “critical infrastructure facilities” for purpose of minimum distance requirements

**Status:**

***HB 832***

**2/9/17 – Filed**