

MEMORANDUM

To: SEFLUC

From: Edward P. de la Parte and Nicolas Porter

Date: October 14, 2019

RE: 2020 Legislation – SEFLUC October 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 147 –Water Resources (Jacobs)**
2. **SB 246/HB 101 Public Construction (Hooper/Andrade)**
3. **SB 454 – Discharge of Domestic Wastewater (Rodriguez)**
4. **SB ? – Fines for Wastewater Discharges (Gruters)**

BILLS

1. HB 147 –Water Resources (Jacobs)

Summary:

- Requires FDEP to conduct a comprehensive quantitative overview of the state’s water resources, including the funds needed for infrastructure capacity to meet future demands, funds necessary to provide expected levels of service and protection to public safety, funds necessary for infrastructure to be operated in compliance with regulations, replacement costs for infrastructure nearing end of service life, infrastructure and funds needed to protect and enhance state’s water, infrastructure and funds necessary to provide adequate flood protection.
- Overview must be based on short-term, 5-year, period and long-term 20-year period, and include water supply development and resource projects and conservations, water quality protection and restoration, wastewater, stormwater, flood control, and environmental restoration.
- Overview must identify potential public and private funding options.
- First report submitted in 2022, and every 5 years thereafter.

Impact on SEFLUC: Monitor

Status:

HB 147

9/11/19 – Filed

9/23/19 – Referred to Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee; Now in Agriculture & Natural Resources Subcommittee.

2. SB 246/HB 101 Public Construction (Hooper/Andrade)

Summary:

- Amends existing law to provide that for construction services, local government can withhold from each progress payment up to 5% of payment as retainage. Existing law allows 10% retainage up to 50% completion, and 5% after 50% completion.

Impact on SEFLUC: Monitor

Status:

SB 246

9/10/19 - Filed

9/19/19 – Referred to Government Oversight and Accountability; Community Affairs; Appropriations

10/7/19 – On Governmental Oversight and Accountability Agenda

HB 101

8/29/19 – Filed

09/23/19 - Referred to Business & Professions Subcommittee; Oversight, Transparency & Public Management Subcommittee; Commerce Committee; Now in Business & Professions Subcommittee

3. SB 454 – Discharge of Domestic Wastewater (Rodriguez)

Summary:

- Puts deep injection wells in similar category as ocean outfalls for domestic wastewater discharge
- Prohibits the construction of new deep injection wells for domestic wastewater discharge
- Requires wastewater utilities discharging through a deep injection well to install functioning reuse system (minimum 60% of flow for reuse)
- Discharge of domestic wastewater through deep injection wells prohibited after December 31, 2023, except as backup discharge as part of functioning reuse system or other wastewater management system.

Impact on SEFLUC: Monitor

Status:

SB 454

10/4/19 – Filed

4. SB ? – Fines for Wastewater Discharges (Gruters)

Summary:

- Gov. DeSantis has called for a 50% increase in penalties for discharge of wastewater to Florida waterways.
- Sen. Gruters has indicated a bill would be filed imposing a \$1 per gallon fine on governments responsible for spills, or alternatively a \$2 per gallon investment in wastewater systems to prevent further spills.