

MEMORANDUM

To: SEFLUC

From: Edward P. de la Parte and Nicolas Porter

Date: April 8, 2019

RE: 2019 Legislation – SEFLUC April 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. **SB 92/HB 95 – C-51 Reservoir Project (Book/(Jacobs))**
2. **HB 63/SB 282 – Property-Assessed Clean Environment (Rodrigues/Albritton)**
3. **SB 66/HB 545 – Drinking Water in Public Schools (Book, Taddeo)**
4. **SB 158/HB 71 – Traffic Offenses (Baxley/McClain)**
5. **SB 78/HB 169 – Public Financing of Construction Projects (Rodriguez/Fernandez)**
6. **SB 82/HB 145 – Vegetable Gardens (Bradley/Fetterhoff)**
7. **HB 207/SB 144 – Impact Fees (Donalds/Gruters)**
8. **HB 85/SB 214 SB 1776/HB 1241 – Onsite Sewage Treatment and Disposal Systems (Robinson/Gruters/Bracy/Brown)**
9. **HB 101/SB 246 – Retainage / Public Construction (Andrade/ Hooper)**
10. **HB 105 – Domestic Wastewater Collection System Assessment and Maintenance (Jacobs)**
11. **HB 127/SB 142 – Permit Fees (Williamson/Perry)**
12. **HB 141/SB 216 – Water Quality Improvements (Fine, Sirois/Gruters)**
13. **SB 146, SB 314, HB 239, HB 7029, SB 7064 – Advanced Well Stimulation Treatment/Fracking (Stewart, Fitzhagen, Montford, Ag. & Nat. Res. Subco., Agri.)**
14. **HB 157 – Fertilizers (Thompson)**
15. **HB 167 – Local Government Public Construction Works (Andrade)**
16. **HB 3/SB 1748 – Preemption of Local Regulations (Grant/Perry)**
17. **SB 796 – Public Utility Storm Protection Plans (Gruters)**
18. **HB 263/SB 848 – Underground Facility Damage Prevention and Safety (Payne, Broxson)**
19. **HB 327/SB 450 – Public Meetings/Local Government Utility (Gibson)**
20. **SB 532 – Wetland Mitigation (Lee)**

21. **HB 591/SB 600 - Pub. Rec./Public Utility Held Customer Info. and Data (Gibson)**
22. **HB 737/SB 1340 – Water Pollution Operation Permits (Good/Cruz)**
23. **HB 973/SB 1022 – Onsite Sewage Treatment and Disposal Systems (Payne/Albritton)**
24. **SB 628/1199 – Water Resources (Albritton/Jacobs)**
25. **SB 1172 – Sanitary Sewer Laterals (Brandes)**
26. **HB 1235 – Legal Notices (Sabatini)**
27. **HB 1343 – Stormwater Management Systems (Good)**
28. **SB 998 – Public Notice of Pollution (Montford)**
29. **SB 1278/HB 405 – Biosolids Management (Mayfield/Byrd)**
30. **SB 1568 – Discharge of Domestic Wastewater (Rodriguez)**
31. **HB 5401/SB 1502 – Department of Environmental Protection (Raschein/Bradley)**

BILLS

1. SB 92/HB 95 – C-51 Reservoir Project (Book/Jacobs)

Summary:

- Revises the portions of the C-51 reservoir project for which the South Florida Water Management District may negotiate to include any portion of the project not already committed to utilities for AWS purposes;
- Revises water storage and use requirements specified for the project if state funds are appropriated for the project, including:
 - Operation of Phases I must be in accordance with any operation and maintenance agreement adopted by the Districts.
 - Requires maximization of reduction of harmful discharges to Lake Worth lagoon.
 - Provides that water received from Lake O may be available to support CUPs if use is in accordance with district rules (existing language says water is Not available to support CUPs).
- Specifies that Phase II of the project may be funded by appropriation, in addition to other sources;
- Authorizes the District to enter into a capacity allocation agreement with a water supply entity for pro rata share of unreserved capacity in water storage facility and may request the department waive repayment of all or a portion of a loan issued through water storage facility revolving loan fund (373.475);
- Committee Substitutes remove revision to statute which limits Land Acquisition Trust Fund allocation only Phase II of the project, make technical changes.

Impact on SEFLUC: Opportunity for CUP water availability from Lake Okeechobee.

Status:

SB 92

11/27/18 – Filed

12/13/18 – Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations.

1/22/19 – CS by Environment and Natural Resources

2/20/19 – CS/CS by Appropriations Subcommittee on Agriculture, Environment, and General Government

2/22/19 - In Appropriations

3/5/19 – CS by Environment and Natural Resources read 1st time

HB 95

12/12/18 – Filed

1/3/19 – Referred to Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee; Now in Agriculture & Natural Resources Subcommittee.

1/23/19 – CS by Agriculture & Natural Resources Subcommittee

2/13/19 - Favorable by Agriculture and Natural Resources Appropriations Subcommittee

3/5/19 - CS/CS by- State Affairs Committee; YEAS 22 NAYS 0

3/20/19 – CS passed; YEAS 111 NAYS 0

3/25/19 - Referred to Senate Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

2. **HB 63/SB 282 – Property-Assessed Clean Environment (Rodrigues/Albritton)**

Summary:

- Legislative findings
 - All properties not using advanced technologies for wastewater removal contribute to the water quality problems affecting the state and particularly coastal areas.
 - Improved property retrofitted with advanced onsite treatment system or converted to central sewage significantly benefits quality of water.
- Amends definition of “qualifying improvements” to include sewage treatment improvements;
- Adds registered septic tank contractors to list of contractors authorized to make or install a qualifying improvement;
- Revises the contract language to be provided to prospective purchaser if qualifying improvement has been made.
- Bills identical

Impact on SEFLUC: Monitor, currently unrelated to utilities.

Status:

HB 63

11/29/18 – Filed

1/3/19 – Referred to Local, Federal & Veterans Affairs Subcommittee; Ways & Means Committee; State Affairs Committee; Now in Local, Federal & Veterans Affairs Subcommittee.

SB 282

1/10/2019 Filed

1/22/2019 Referred to Community Affairs; Infrastructure and Security; Appropriations

3. **SB 66/HB 545 – Drinking Water in Public Schools (Book, Taddeo)**

Summary:

- Legislative findings relating to adverse health effects of lead exposure and need to control or eliminate sources of lead to prevent childhood lead poisoning;
- Defining the term “drinking water source” to include any water source used for drinking, food preparation, or cooking;
- Requiring each school district built before 1986 to locate all drinking water sources in certain schools, install a barcode on each source, and install filters that meet certain specifications on all such sources, and post certain signage on certain water sources and to publish a list of drinking water sources on the school district’s website.

Impact on SEFLUC: Monitor

Status:

SB 66

11/20/18 – Filed

12/13/18 - Referred to Education; Appropriations Subcommittee on Education; Appropriations.

4/2/2019 - Favorable by Education; YEAS 8 NAYS 0, Now in Appropriations Subcommittee on Education

HB 545

1/23/2019 Filed

1/30/2019 Referred to PreK-12 Quality Subcommittee; PreK-12 Appropriations Subcommittee; Education Committee

4. SB 158/HB 71 – Traffic Offenses (Baxley/McClain)

Summary:

- Enhances penalties for moving violations causing injury or death to “vulnerable road users,” which is defined to include a pedestrian, including a person actually engaged in work upon a highway or in work upon utility facilities along a highway, or engaged in provision of emergency services within the right of way.

Impact on SEFLUC: Monitor

Status:

SB 158

12/14/18 – Filed

1/10/19 – Referred to Infrastructure and Security; Appropriations Subcommittee on Criminal and Civil Justice; Appropriations

HB 71

12/4/18 – Filed

1/3/19 – Referred to Transportation & Infrastructure Subcommittee; Criminal Justice Subcommittee; State Affairs Committee; Now in Transportation & Infrastructure Subcommittee.

5. SB 78/HB 169 – Public Financing of Construction Projects (Rodriguez/Fernandez)

Summary:

- Prohibiting state-financed constructors from commencing construction of certain structures in coastal areas without first conducting a sea level impact projection study and having such study published by the Department of Environmental Protection.
- DEP may enforce the requirements of the SLIP study.
- Specifies that the state-financed constructor is solely responsible for ensuring that the SLIP study meets DEP’s standards.

Impact on SEFLUC: Monitor

Status:

SB 78

11/20/18 – Filed

12/13/18 – Referred to Environment and Natural Resources; Infrastructure and Security; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations.

3/12/19 - CS by Environment and Natural Resources; YEAS 5 NAYS 0

3/14/19 - Now in Infrastructure and Security; CS by Environment and Natural Resources read 1st time

HB 169

1/3/19 – Filed

1/16/19 - Referred to Agriculture and Natural Resources Subcommittee; Appropriations Committee; State Affairs Committee

6. SB 82/HB 145 – Vegetable Gardens (Bradley/Fetterhoff)

Summary:

- Prohibiting local governments from regulating vegetable gardens on residential properties; specifying that such local ordinances or regulations are void and unenforceable;
- Does not prohibit adoption of local ordinance or regulation of general nature that does not specifically regulate vegetable gardens, including, but not limited to, regulations and ordinances relating to water use during drought conditions, fertilizer use, or control of invasive species.
- CS provides definition of “vegetable garden” as a plot of ground where herbs, fruits, flowers, and vegetable cultivated for human ingestion.

Impact on SEFLUC: Monitor

Status:

SB 82

11/21/18 - Filed

12/13/18 – Referred to Community Affairs; Rules

1/08/19 – Favorable by Community Affairs; 5 Yeas, 0 Nays; Now in Rules

3/6/19 - CS by- Rules; YEAS 17 NAYS 0

3/21/19 - CS passed; YEAS 35 NAYS 5; In Messages

HB 145

1/2/19 – Filed

1/9/19 - Referred to Local, Federal and Veterans Affairs Subcommittee; Commerce Committee; State Affairs Committee

1/23/19 - CS by Local, Federal and Veterans Affairs Subcommittee; YEAS 13 NAYS 1

1/28/19 - Now in Commerce Committee

4/2/19 – On Commerce Committee Agenda 4/4/19

7. SB 144/HB 207 – Impact Fees (Gruters/Donalds)

Summary:

- Revising the minimum requirements for impact fees adopted by a local government:
 - Collection of the impact fee may not be required to occur earlier than the date of issuance of the building permit for the property that is subject to the fee.
 - The impact fee must be reasonably connected to, or have a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction.
 - The impact fee must be reasonably connected to, or have a rational nexus with, the expenditures of the funds collected and the benefits accruing to the new residential or commercial construction.
 - The local government must specifically earmark funds collected under the impact fee for use in acquiring, constructing, or improving capital facilities to benefit new users.
 - Revenues generated by the impact fee may not be used, in whole or in part, to pay existing debt or for previously approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or commercial construction.
- Exempting water and sewer connection fees from the Florida Impact Fee Act, etc.
- Minor wording differences between bills
- CS/HB 207 removes provision providing for award of attorney fees to successful challenger to imposition of impact fee by local government

Impact on SEFLUC: Monitor

Status:

SB 144

12/13/18 – Filed

1/10/19 - Referred to Community Affairs; Finance and Tax; Appropriations

3/5/19 - Favorable by Community Affairs; YEAS 5 NAYS 0

3/20/19 - Favorable by Finance and Tax; YEAS 8 NAYS

3/27/19 - Favorable by- Appropriations; YEAS 19 NAYS 0

4/3/19 – Placed on Third Reading

HB 207

2/21/19 - CS by Local, Federal and Veterans Affairs Subcommittee; YEAS 14 NAYS 0

3/5/19 - Favorable by Commerce Committee; YEAS 22 NAYS 0

3/5/19 - CS by Local, Federal and Veterans Affairs Subcommittee read 1st time

3/14/19 - Favorable by State Affairs Committee; YEAS 22 NAYS 0

3/27/19- CS passed; YEAS 101 NAYS 12

8. HB 85/SB 214/ SB 1776/ HB 1241 – Onsite Sewage Treatment and Disposal Systems (Robinson/Greuters/Bracy/Brown)

Summary:

- HB 85/SB 214:

- CS/HB 85 – strike all amendment which removed the requirement that the seller of a property with an OSTDS provide a disclosure summary to a prospective buyer and the requirement that DOH create a database of all OSTDSs in the state. The amendment created the periodic inspection program in a new section and required: OSTDSs to be inspected at least once every five years by a qualified contractor; a procedure for the inspection; a signed inspection report to be provided to DOH; notice to be provided to the OSTDS owner at least 60 days before the OSTDS is due for inspection; and owners to be responsible for paying the cost of the inspection and any required pump-out.
- SB 1776/HB 1241 (Identical)
 - Removes exemption from legislative ratification for specified DEP rules
 - Directs DEP and the Department of Health, by a specified date, to select a national third-party certification organization to develop a program for issuing innovative system permits; requiring counties to establish onsite sewage treatment and disposal system inspection programs; specifying program requirements; specifying inspection requirements for advanced active septic systems; requiring that systems authorized for installation meet certain certification standards by a specified date.

Impact on SEFLUC: Monitor

Status:

HB 85

12/11/18 – Filed

1/3/19 – Referred to Agriculture & Natural Resources Subcommittee; Health Care Appropriations Subcommittee; State Affairs Committee; Now in Agriculture & Natural Resources Subcommittee.

3/26/19 - CS by Agriculture and Natural Resources Subcommittee; YEAS 12 NAYS 0

4/1/19 - Now in Health Care Appropriations Subcommittee

SB 214

1/2/19 – Filed

1/22/19 – Referred to Health Policy; Environment and Natural Resources; Appropriations Subcommittee on Health and Human Services; Appropriations

SB 1776

3/1/19 – Filed

3/8/19 - Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

HB 1241

3/1/19 – Filed

3/8/19 - Referred to Agriculture and Natural Resources Subcommittee; Appropriations Committee; State Affairs Committee

9. HB 101/SB 246 – Retainage / Public Construction (Andrade/ Hooper)

Summary:

- CS HB 101 Reduces the amount that a local government entity may retain from a progress payment to a contractor for construction contracts worth more than \$200,000 from: Ten percent to five percent when less than 50 percent of the project is complete; and Five percent to two and a half percent when 50 percent or more of the project is complete.
- Reduces the amount that a municipality with a population of 25,000 or less and a county with a population of 100,000 or less may retain from a progress payment to a contractor for contracts worth more than \$200,000 from ten percent to five percent.
- Reduces the amount that a contractor may retain from a progress payment to a subcontractor for contracts with a local government entity that are worth more than \$200,000 from five percent to two and a half percent.
- Provides that the bill does not apply to any contract for construction services entered into, pending approval, or advertised by a local government entity or a public entity, on or before July 1, 2019.
- CS/CS HB 101 changes the date used to determine when the exemption applies from July 1, 2019, to October 1, 2019, provides that the bill does not apply to FDOT construction projects authorized by ch. 337, F.S., changes the bill’s effective date from July 1, 2019 to October 1, 2019.

Impact on SEFLUC: Oppose

Status:

HB 101

12/17/18 – Filed

1/3/19 – Referred to Business & Professions Subcommittee; Oversight, Transparency & Public Management Subcommittee; Commerce Committee; Now in Business & Professions Subcommittee.

2/14/19 - CS by Business and Professions Subcommittee; YEAS 14 NAYS 1

3/5/19 - CS by Business and Professions Subcommittee read 1st time

3/13/19 - Favorable by Oversight, Transparency and Public Management Subcommittee; YEAS 13 NAYS 1

3/21/19 – CS/CS by Commerce Committee, YEAS 18 NAYS 1

SB 246

1/7/19 – Filed

1/22/19 - Referred to Governmental Oversight and Accountability; Community Affairs; Appropriations

2/12/19 - CS by Governmental Oversight and Accountability; YEAS 4 NAYS 0

3/5/19 - CS/CS by Community Affairs; YEAS 5 NAYS 0

3/7/19 - Now in Appropriations

10. HB 105/ SB 286 – Domestic Wastewater Collection System Assessment and Maintenance (Jacobs/Albritton)

Summary:

- Establishes Blue Star Collection System Assessment & Maintenance Program within DEP for domestic wastewater utilities;

- Provides that certified utilities are presumed to comply with state water quality standards;
- Directs DEP to issue certain permits to certified utilities; authorizes DEP to reduce penalty amounts;
- Provides that certain utilities are eligible to participate in Clean Water State Revolving Fund Program & receive Small Community Sewer Construction Assistance Grants.
- Minor technical differences between bills
- CS HB 105 changed rulemaking authority from ERC to DEP.

Impact on SEFLUC: Support

Status:

HB 105

12/17/18 – Filed

1/3/19 - Referred to Agriculture and Natural Resources Subcommittee; Agriculture and Natural Resources Appropriations Subcommittee; State Affairs Committee

2/21/19 - CS by Agriculture and Natural Resources Subcommittee; YEAS 11 NAYS 0

3/14/19 - CS/CS by State Affairs Committee YEAS 22 NAYS 0

3/27/19 – CS passed YEAS 114 NAYS 0

4/3/19 – In Messages

SB 286

1/10/19 – Filed

3/5/19 - CS by Environment and Natural Resources; YEAS 5 NAYS 0

3/7/19 - Now in Appropriations Subcommittee on Agriculture, Environment, and General Government

11. HB 127/SB 142 – Permit Fees (Williamson/Perry)

Summary:

- Requires governing bodies of counties & municipalities to post their permit & inspection fee schedules & building permit & inspection utilization reports on their websites; requires governing bodies of local governments to post their building permit & inspection utilization reports on their websites by specified date; provides requirements for such governing bodies; provides reporting requirements.

Impact on SEFLUC: Monitor

Status:

HB 127

12/19/18 – Filed

1/3/19 – Referred to Local, Federal & Veterans Affairs Subcommittee; Business & Professions Subcommittee; State Affairs Committee; Now in Local, Federal & Veterans Affairs Subcommittee

1/23/19 - Favorable by Local, Federal and Veterans Affairs Subcommittee; YEAS 14 NAYS 0

2/14/19 - Favorable by Business and Professions Subcommittee; YEAS 15 NAYS 03/5/19 - CS by State Affairs Committee; YEAS 22 NAYS 0
3/5/19 - CS by- State Affairs Committee; YEAS 22 NAYS 0
3/21/19 - CS passed as amended; YEAS 110 NAYS 0
3/27/19 – CS passed by Senate YEAS 40 NAYS 0
4/3/19 – Ordered enrolled

SB 142

12/12/18 – Filed

1/10/19 -Referred to Community Affairs; Innovation, Industry, and Technology; Rules

2/5/19 - Favorable by Community Affairs; YEAS 5 NAYS 0; Now in Innovation, Industry, and Technology

3/27/19 – Laid on Table

12. **HB 141/SB 216 – Water Quality Improvements (Fine, Sirois/Greuters)**

Summary:

- Provides appropriation (a minimum of the lesser of 7.6 percent or \$50 million) from Land Acquisition Trust Fund for certain projects related to Indian River Lagoon Comprehensive Conservation & Management Plan;
- Authorizes DEP, with other specified entities, to provide grants for such projects;
- Directs DEP to submit an annual report;
- **Requires each wastewater that unlawfully discharges sewage into waterway or aquifer to notify its customers;**
- **Requires wastewater treatment facility that unlawfully discharges raw or partially treated sewage into any waterway (undefined term) or aquifer to either:**
 - Pay a civil penalty to DEP in an amount equal to \$1 for each gallon of sewage discharged; or
 - Calculate the number of gallons of sewage discharged and with DEP’s approval, spend \$2 for each gallon to upgrade or remediate the problems that gave rise to unlawful discharge.
- CS HB 141 amendment removed provisions providing an allocation of funding from the Land Acquisition Trust Fund and added provisions creating a grant program. The amendment added more specific parameters for the pollution notification requirements and added requirements for information that must be included in the report.
- CS SB 216 Deletes the distribution from the Land Acquisition Trust Fund to projects that implement the Indian River Lagoon Comprehensive Conservation and Management Plan, Specifies that a wastewater treatment facility that discharges more than 1,000 gallons of raw or partially treated sewage into any aquifer or waterway in violation of the conditions set forth in a permit must notify its customers. Adds geographic details to the sewage spill notification requirements that are based on the gallons of raw or partially treated sewage discharged. Specifies that the penalties for a wastewater treatment facility are triggered by the unlawful discharge of 1,000 gallons or more of raw or partially treated sewage into any aquifer or waterway in violation of a permit. Lists the upgrades or repairs to wastewater systems that would satisfy the requirements of the penalty. Adds

that if a wastewater treatment facility is unable to calculate or estimate the volume discharged the facility must pay DEP a minimum of \$10,000.

Impact on SEFLUC: Civil penalty fees for unlawful discharges into waterways or aquifers – how will this be implemented? What constitutes a waterway? Does this include discharges caused by third parties’ negligent actions?

Status:

HB 141

12/28/18 – Filed

1/9/19 - Referred to Agriculture and Natural Resources Subcommittee; Agriculture and Natural Resources Appropriations Subcommittee; State Affairs Committee

3/12/19- CS by Agriculture and Natural Resources Subcommittee; YEAS 14 NAYS 0

3/26/19 - Favorable by Agriculture and Natural Resources Appropriations Subcommittee; YEAS 11 NAYS 0; Now in State Affairs Committee

SB 216

1/2/19 – Filed

1/22/19 - Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriation

3/12/19 - CS by Environment and Natural Resources; YEAS 5 NAYS 0 -SJ 237

3/14/19 - Now in Appropriations Subcommittee on Agriculture, Environment, and General Government

13. SB 146, SB 314, HB 239, HB 7029, SB 7064 - Advanced Well Stimulation Treatment/Fracking (Stewart, Fitzhagen, Montford, Ag. & Nat. Res. Subco., Agri.)

Summary:

- SB 146, SB 314, HB 239 defining the term “advanced well stimulation treatment”; prohibiting the performance of advanced well stimulation treatments; clarifying that permits for drilling or operating a well do not authorize the performance of advanced well stimulation treatments, etc.
- HB 7029 and SB 7064 define the term “fracking” and prohibit fracking. bill clarifies that the term does not include techniques used for conventional well stimulation or conventional workover procedures; techniques used for routine well cleanout work, well maintenance, or removal of formation damage due to drilling or production; or conventional acidizing techniques used to enhance, maintain, or restore the natural permeability of the formation. SB 7064 requires the department to evaluate each application to drill and visit each proposed access route and drilling site in the Everglades Protection Area to ensure that the exploration and production activities will not cause any permanent adverse impact on the water resources or the sheet flow of the area or on the vegetation or the wildlife of the area, with a special emphasis placed on rare and endangered species, and requires performance bond for drilling in Everglades Protection Area.

- SB 146, SB 314, HB 239 provide prohibition only applies to oil and gas wells regulated under Chapter 377
- CS/HB 7029 changed definition of “fracking” from “performed by injecting high volumes of fluids at a high rate” to “performed by injecting fluids.”

Impact on SEFLUC: Monitor

Status:

SB 146

12/13/18 – Filed

1/10/19 - Referred to Environment and Natural Resources; Innovation, Industry, and Technology; Appropriations

SB 314

1/14/19 – Filed

1/25/19 - Referred to Environment and Natural Resources; Innovation, Industry, and Technology; Appropriations

2/13/19 - CS by Environment and Natural Resources; YEAS 5 NAYS 0

2/15/19 - Now in Innovation, Industry, and Technology

HB 239

1/10/19 – Filed

1/23/19 - Referred to Agriculture and Natural Resources Subcommittee; Agriculture and Natural Resources Appropriations Subcommittee; State Affairs Committee

HB 7029

2/14/19 – Filed

2/18/19 - Referred to Agriculture and Natural Resources Appropriations Subcommittee; State Affairs Committee

3/26/19 - CS by Agriculture and Natural Resources Appropriations Subcommittee; YEAS 10 NAYS 2

3/28/19 - Now in State Affairs Committee

SB 7064

2/25/19 – Submitted for consideration by Agriculture

3/11/19 - Submitted as Committee Bill and Reported Favorably by Agriculture; YEAS 3 NAYS 2

3/26/19 - Favorable by Innovation, Industry, and Technology; YEAS 6 NAYS 4; Now in Environment and Natural Resources

14. HB 157 – Fertilizers (Thompson)

Summary:

- Requires county and municipal governments to adopt and enforce a model ordinance for Florida-friendly fertilizer use on urban landscapes;
- Specifies that county and municipal governments must require use of specified slow release fertilizers;

- Provides additional requirements for counties and municipalities within estuary runoff areas;
- Authorizes county and municipal governments to adopt additional standards.

Impact on SEFLUC: Monitor

Status:

HB 157

1/2/19 – Filed

1/9/19 - Referred to Agriculture and Natural Resources Subcommittee; Local, Federal and Veterans Affairs Subcommittee; State Affairs Committee

15. HB 167 – Local Government Public Construction Works (Andrade)

Summary:

- Requires governing board of local government to consider estimated costs of certain projects using generally accepted cost-accounting principles that account for specified costs when making specified determination; requires estimated total construction project costs for certain projects to include specified costs.
- CS/HB 167 requires a local government that performs a public building construction project using its own services, employees, and equipment to disclose the actual costs of the project after completion to the Auditor General, who must review such disclosures during routine audits of local governments.

Impact on SEFLUC: Monitor

Status:

HB 167

1/3/19 – Filed

1/16/19 - Referred to Oversight, Transparency and Public Management Subcommittee; Business and Professions Subcommittee; State Affairs Committee

2/20/19 - CS by Oversight, Transparency and Public Management Subcommittee; YEAS 13 NAYS 0

2/25/19 - Now in Business and Professions Subcommittee

3/19/19 - Favorable by Business and Professions Subcommittee; YEAS 13 NAYS 0

3/28/19 - Favorable by- State Affairs Committee; YEAS 19 NAYS 0

16. HB 3/SB 1748 – Preemption of Local Regulations (Grant/Perry)

Summary:

- Prohibits local governments from imposing new regulations on businesses unless the local government has determined the regulation is necessary to protect the public health, safety, or welfare from significant and discernible harm or damage, the regulation does not unnecessarily restrict entry into the business or adversely affect the availability of the

business' services to the public, and least restrictive and most cost effective regulation is used.

- Regulation must sunset after 2 years.
- Regulation must pass by two-thirds vote.
- Statement of estimated regulatory costs and lowest cost alternative evaluation required.
- Existing business regulations expire July 1, 2021.
- CS by Business and Professions Subcommittee exempts local regulations expressly authorized by general law from the requirements of the bill
- CS/CS HB 3 Removed the preemption of local governments related to the adoption of regulations on businesses, clarified definitions
- CS/CS/CS HB 3 added express authority for local governments to license journeymen, removes definitions to limit the bill to local licensing of occupations, and limits the preemption of local government to licensing of occupations

Impact of SEFLUC: Monitor

Status:

HB 3

2/6/19 – Filed

2/13/19 - Referred to Business and Professions Subcommittee; Local, Federal and Veterans Affairs Subcommittee; Commerce Committee

2/21/19 - CS by Business and Professions Subcommittee; YEAS 9 NAYS 5

3/14/19 – CS/CS by State Affairs Committee; YEAS 15 NAYS 7

3/25/19 – CS/CS/CS by Commerce Committee; YEAS 18 NAYS 5

SB 1738

3/1/19 - Filed

17. SB 796 - Public Utility Storm Protection Plans (Gruters)

Summary:

- Requiring public utilities to individually submit to the Public Service Commission, for review and approval, a transmission and distribution storm protection plan as part of the storm hardening plan required by the commission; requiring the commission to conduct an annual proceeding to allow utilities to justify and recover certain costs through a storm protection cost recovery clause; providing that utilities may not include certain costs in their base rates.

Impact of SEFLUC: Monitor

Status:

SB 796

2/6/19 – Filed

2/15/19 - Referred to Innovation, Industry, and Technology; Infrastructure and Security; Appropriations

3/6/19 - CS by Innovation, Industry, and Technology; YEAS 10 NAYS 0

3/20/19 - CS/CS by Infrastructure and Security; YEAS 8 NAYS 0

3/25/19 – In Appropriations

18. HB 263/SB 848 – Underground Facility Damage Prevention and Safety (Payne, Broxson)

Summary:

- Changing the number of days’ notice an excavator must provide to the free-access notification system before beginning any excavation or demolition; creating an underground facility damage prevention review panel; providing a hearing process to allow the review panel to hear complaints regarding certain alleged violations; authorizing member operators to place permanent markers for certain purposes, etc.

Status: Monitor

HB 263

1/14/19 - Filed

1/23/19 - Referred to Energy and Utilities Subcommittee; Government Operations and Technology Appropriations Subcommittee; Commerce Committee

SB 848

2/7/19 – Filed

2/19/19 - Referred to Innovation, Industry, and Technology; Infrastructure and Security

19. HB 327/SB 450 – Public Meetings/Local Government Utility (Gibson/Innovation, Industry, and Technology)

Summary:

- Creates an exemption for public meeting laws for portions of meetings held by the utility at which utility security information exempt from public records laws are discussed or would otherwise be revealed.
- HB 327 and SB 250 CS requires recording and transcription of exempt portion of meetings.
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Status: Monitor

HB 327

1/17/19 – Filed

1/23/19 - Referred to Energy and Utilities Subcommittee; Oversight, Transparency and Public Management Subcommittee; Commerce Committee

2/20/19 - CS by Energy and Utilities Subcommittee; YEAS 12 NAYS 0
3/6/19 – CS/CS by Oversight, Transparency and Public Management Subcommittee; YEAS 14 NAYS 0
3/14/19 - Favorable by- Commerce Committee; YEAS 24 NAYS 0
3/27/19 - CS passed as amended; YEAS 113 NAYS 0
4/3/19 – In Messages

SB 450

1/23/19 – Filed
2/1/19 - Referred to Innovation, Industry, and Technology; Governmental Oversight and Accountability; Rules
3/6/19 - CS by Innovation, Industry, and Technology; YEAS 10 NAYS 0
3/26/19 - CS/CS by Governmental Oversight and Accountability; YEAS 5 NAYS 0
4/3/19 - Favorable by- Rules; YEAS 17 NAYS 0

20. SB 532/HB 521 – Wetland Mitigation (Lee/McClure)

Summary:

- Amends provisions relating to wetland mitigation banking to authorize a local government to allow permittee-responsible mitigation consisting of the restoration or enhancement of lands purchased and owned by a local government for conservation purposes if state and federal mitigation credits are not available to offset adverse impacts. Such mitigation must conform to the permitting requirements for mitigation banks.
- CS/HB 521 allowed local governments to authorize mitigation on lands purchased for conservation.

Status: Monitor

SB 532

1/25/19 – Filed
2/8/19 - Referred to Community Affairs; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations
3/5/19 - CS by Community Affairs; YEAS 5 NAYS 0
3/7/19 - Now in Appropriations Subcommittee on Agriculture, Environment, and General Government
3/19/19 - Subcommittee Recommendation: Favorable by Appropriations Subcommittee on Agriculture, Environment, and General Government; YEAS 9 NAYS 1
3/27/19 - Favorable by- Appropriations; YEAS 21 NAYS 0

HB 521

1/22/19 – Filed
1/30/19 - Referred to Agriculture and Natural Resources Subcommittee; Agriculture and Natural Resources Appropriations Subcommittee; State Affairs Committee
3/12/19 - CS by Agriculture and Natural Resources Subcommittee
3/28/19 - Favorable by- State Affairs Committee; YEAS 14 NAYS 6

21. HB 591/SB 600 - Pub. Rec./Public Utility Held Customer Info. and Data (Gibson/ Innovation, Industry, and Technology)

Summary:

- Creates public records exemption for local government utilities with regard to customer meter-derived data and billing information in increments of less than one billing cycle.

Status: Monitor

HB 591

1/29/19 – Filed

2/6/19 - Referred to Energy and Utilities Subcommittee; Oversight, Transparency and Public Management Subcommittee; Commerce Committee

2/20/19 - CS by Energy and Utilities Subcommittee; YEAS 12 NAYS 0

3/6/19 - Favorable by Oversight, Transparency and Public Management Subcommittee; YEAS 13 NAYS 0

3/14/19 - Favorable by- Commerce Committee; YEAS 24 NAYS 0

3/27/19 - CS passed; YEAS 114 NAYS 0

4/3/19 – In Messages

SB 600

1/29/19 - Filed

2/8/19 - Referred to Innovation, Industry, and Technology; Governmental Oversight and Accountability; Rules

3/6/19 - CS by Innovation, Industry, and Technology; YEAS 10 NAYS 0

4/2/19 - Favorable by Governmental Oversight and Accountability; YEAS 5 NAYS 0; Now in Rules

22. HB 737/SB 1340 – Water Pollution Operation Permits (Good/Cruz)

Summary:

- **HB 737**
 - Amends Florida Aquatic Weed Control Act to provide pollution operation permit exemption for herbicide application only applies if multimodal biological control is implemented in the water body.
 - "multimodal biological control" means the use of complementary native species to control aquatic plants, algae, or invasive exotic plants at the surface, middle, and bottom of an aquatic environment.
- **SB 1340**
 - Amends Florida Aquatic Weed Control Act to eliminate pollution operation permit exemption for herbicide application
 - Requires a pesticide management plan that implements multimodal biological control

Status: Monitor

HB 737

2/11/19 – Filed

2/20/19 - Referred to Agriculture and Natural Resources Subcommittee; Appropriations Committee; State Affairs Committee

HB 1340

2/22/19 – Filed

3/4/19 - Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

23. HB 973/SB 1022 – Onsite Sewage Treatment and Disposal Systems (Payne/Albritton)

Summary:

- Transfers OSTDS program from Department of Health to DEP.
- Requires DEP to adopt rules to increase availability of cost effective nitrogen removing OSTDSs in marketplace.
- Requires DEP to submit to the Office of Economic and Demographic Research the cost estimates of projects listed in each new or revised BMAP, including septic to sewer conversion.
- CS/SB 1022 adds a lot size calculation to s. 381.0065, F.S., to be used when applying the prohibition on new OSTDSs on lots of less than 1 acre within a priority focus area for an Outstanding Florida Spring, when in conflict with an OSTDS remediation plan in a BMAP
- See also HB 1395, SB 1758

Status: Monitor

HB 973

2/20/19 – Filed

2/28/19 - Referred to Agriculture and Natural Resources Subcommittee; Appropriations Committee; State Affairs Committee

3/6/19 - CS by Agriculture and Natural Resources Subcommittee; YEAS 12 NAYS 0

4/2/19 - CS/CS by Appropriations Committee; YEAS 29 NAYS 0

SB 1022

2/13/19 - Filed

2/22/19 - Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

3/26/19 - CS by Environment and Natural Resources; YEAS 5 NAYS 0

3/28/19 - Now in Appropriations Subcommittee on Agriculture, Environment, and General Government

24. SB 628/1199 – Water Resources (Albritton/Jacobs)

Summary:

- Requires Office of Economic and Demographic Research annual assessment of state water resources and conservation lands to include evaluation of water supply infrastructure, including, but not limited to, water supply development projects, water resource development projects, and water conservation, water quality protection and restoration, wastewater, stormwater, flood control infrastructure.
- Agencies must provide data necessary to support the assessments

Status: Monitor

SB 628

1/31/19 – Filed

2/15/19- Referred to Environment and Natural Resources; Infrastructure and Security; Appropriations

3/26/19 - CS by Environment and Natural Resources; YEAS 5 NAYS 0

3/28/19 – Now in Infrastructure and Security

HB 1199

3/1/19 – Filed

3/8/19 - Referred to Agriculture and Natural Resources Subcommittee; Appropriations Committee; State Affairs Committee

25. SB 1172 – Sanitary Sewer Laterals (Brandes)

Summary:

- Encourages counties and municipalities to establish an evaluation and rehabilitation program for sanitary sewer laterals on residential and commercial properties, establish system to identify defective or deteriorated laterals, consider methods for property owners to repair or replace laterals, establish a database of properties where defective, damages, or deteriorated laterals have been identified.
- Requires sellers of property to disclose known defects of sanitary sewer laterals

Status: Monitor

SB 1344

2/22/19 – Filed

2/28/19 - Referred to Environment and Natural Resources; Judiciary

3/26/19 - Favorable by Environment and Natural Resources; YEAS 5 NAYS 0

3/27/19 – Now in Judiciary

26. HB 1343/SB 1344 – Stormwater Management Systems (Good/Cruz)

Summary:

- Requires DEP/WMDs to adopt rules governing performance standards for stormwater quality and quantity that increase removal of nutrients from stormwater discharges from all new development and redevelopment projects.
- Requires DEP/WMDs to incorporate into applicant's handbook revised BMP design criteria increasing removal of nutrients for consistent application of the net improvement performance standard to ensure new pollutant loadings are not discharged into impaired water bodies.
- HB 1343 additionally adds requirement that a self-certified general permit may not be issued for projects that cause the discharge of additional stormwater pollutants to a water body that is impaired or which as an adopted TMDL

Status: Monitor

HB 1343

3/4/19 – Introduced

3/8/19 - Referred to Agriculture and Natural Resources Subcommittee; Agriculture and Natural Resources Appropriations Subcommittee; State Affairs Committee

SB 1344

2/22/19 – Filed

3/4/19- Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

4/2/19 - Favorable by Environment and Natural Resources; YEAS 4 NAYS 0

27. HB 1235 – Legal Notices (Sabatini)

Summary:

- Removes provisions relating to publication of legal notices in newspapers; requires counties to publish legal notices on their websites; requires counties to provide specified notice to residents concerning alternative methods of receiving notices; specifies form for affidavits of publication.

Status: Monitor

HB 1235

3/1/19 – Filed

3/8/19 - Referred to Local, Federal and Veterans Affairs Subcommittee; Judiciary Committee; State Affairs Committee

3/26/19 - CS by Local, Federal and Veterans Affairs Subcommittee; YEAS 10 NAYS 5

4/3/19 - CS/CS by Judiciary Committee; YEAS 11 NAYS 7

28. SB 998 – Public Notice of Pollution (Montford)

Summary:

- Requires governmental entities to report unauthorized pollution releases it discovers to the operator of the facility and DEP within 24 hours of discovery.

Status: Monitor

SB 998

2/13/19 – Filed

2/22/19- Referred to Environment and Natural Resources; Community Affairs; Rules

29. SB 1278/HB 405 – Biosolids Management (Mayfield/Byrd)

Summary:

- Finds the expedited implementation of the recommendations of the Biosolids Technical Advisory Committee including permitting according to site-specific application conditions, an increased inspection rate, groundwater and surface water monitoring protocols, and nutrient management research, will improve biosolids management and assist in protecting this state’s water resources and water quality.
- Directs DEP to adopt rules for biosolids management including land application rates, site specific criteria, and monitoring requirements.
- Provides for local government biosolids moratoriums, to remain in effect until repeal or expiration.
- CS/SB 1278 clarifies DEP must adopt rules establishing land application rates that ensure nutrients do not add to existing impairment of surface or groundwater, in addition to impairment; local government may enact a new ordinance, moratorium, or regulation relating to land application of Class B biosolids, in addition to allowing to remain in effect.
- CS/HB 405 Adds a new prohibited land application condition where the land application of biosolids is prohibited on any site where the biosolids application zone interacts with the seasonal high water table; Adds to the list of criteria that DEP shall include in its rule for biosolids management the site specific agronomic rates based on soil and plant tissue tests; Requires DEP to implement an offsite water quality monitoring program sufficient to determine impacts from the application of biosolids on downstream and nearby surface water and groundwater quality; Specifies that the bill does not apply to Class AA biosolids that are marketed and distributed as fertilizer products in accordance with DEP rule.

Status: Monitor

SB 1278

2/21/19 – Filed

3/4/19 - Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

3/12/19 - CS by Environment and Natural Resources; YEAS 5 NAYS 0

3/14/19 - Now in Appropriations Subcommittee on Agriculture, Environment, and General Government

HB 405

1/22/19 – Filed

1/3/19 - Referred to Agriculture and Natural Resources Subcommittee; Appropriations Committee; State Affairs Committee

3/12/19 - CS by Agriculture and Natural Resources Subcommittee; YEAS 11 NAYS 0

3/26/19 - CS/CS by Agriculture and Natural Resources Appropriations Subcommittee; YEAS 11 NAYS 0

3/28/19 – Now in State Affairs

30. SB 1568 - Discharge of Domestic Wastewater (Rodriguez)

Summary:

- Prohibits the construction of new deep injection wells for domestic wastewater discharge or the expansion of existing wells.
- Limits the discharge capacity of domestic wastewater deep well injection.
- Prohibiting the discharge of domestic wastewater through ocean outfalls and deep injection wells
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Status: Monitor

SB 1568

2/28/19 – Filed

31. HB 5401/SB 1502 – Department of Environmental Protection (Raschein/Bradley)

Summary:

- Transfers the primary responsibility and powers for investigation and law enforcement of certain environmental crimes from the Florida Fish and Wildlife Conservation Commission to FDEP.

Status: Monitor

HB 5401

3/19/19 – Filed

3/20/19 – Referred to Appropriations Committee

3/27/19 - Favorable by- Appropriations Committee; YEAS 23 NAYS 0

SB 1502

2/28/19- Filed

3/8/19 - Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

3/26/19 - Favorable by Environment and Natural Resources; YEAS 5 NAYS 0; Now in Appropriations Subcommittee on Agriculture, Environment, and General Government