

MEMORANDUM

To: SEFLUC

From: Edward P. de la Parte and Nicolas Porter

Date: January 13, 2020

RE: 2020 Legislation – SEFLUC December 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/SB 690 –Water Resources (Jacobs/Albritton)**
2. **SB 246/HB 101 Public Construction (Hooper/Andrade)**
3. **SB 454 – Discharge of Domestic Wastewater (Rodriguez)**
4. **SB 492 – Public Notification of Pollution (Cruz)**
5. **SB 504/HB 279 – Local Government Public Construction Works (Perry/Smith)**
6. **HB 405/SB 686 – Stormwater Management Systems (Good/Gruters)**
7. **SB 712 – Water Quality Improvements (Mayfield)**
8. **SB 200/HB 547 – Advanced Well Stimulation Treatment (Montford/Fitzhagen)**
9. **HB 637 - Impact Fees (DiCeglie)**
10. **HB 715 – Recycled Water (Maggard)**
11. **HB 729/SB 1238 - Regulatory Reform (Rodriguez/Sabatini)**
12. **SB 1112/HB 861 – Bottled Water Excise Tax (Taddeo/Willhite)**
13. **HB 865/SB 538 – Emergency Reporting (Rodriguez/Diaz)**
14. **HB 139 – Drinking Water in Public Schools (Jenne)**
15. **HB 801 – Public Records (Gregory)**
16. **SB 178/HB 579 – Public Financing of Construction Projects (Rodriguez/Aloupis)**
17. **SB 1340/HB 0007-Legal Notices (Gruters/Sabatini)**
18. **SB 1382 – Environmental Resource Management – 2020 (Albritton)**
19. **HB 1067 – Florida Endangered and Threatened Species Act – 2020 (Hattersley/Eskamani/Joseph)**
20. **SB 1450/HB 1091 – Environmental Enforcement – 2020 (Gruters/Fine)**
21. **SB 150 – Sanitary Sewer Laterals (Brandes)**

BILLS

1. HB 147/SB 690 –Water Resources (Jacobs/Albritton)

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.

SB 690

10/28/19 – Filed

11/06/19 – Referred to Environment & Natural Resources; Appropriations Subcommittee on Agriculture, Environment, & General Government; Appropriations.

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
10/14/19 – Favorable with CS by Governmental Oversight and Accountability
10/15/19 – Committee Substitute Text Filed
10/21/19 – Now in Community Affairs
10/28/19 – On Committee Agenda
11/04/19 – Favorable by Community Affairs
11/05/19 – Now in Appropriations

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

10/30/19 – On Committee Agenda – Business & Professions Subcommittee

11/06/19 – Now in Oversight, Transparency & Public Management Subcommittee

12/05/19 – On Committee agenda – Oversight, Transparency & Public Management Subcommittee

12/12/19 – Favorable by Oversight, Transparency & Public Management Subcommittee.
Now in Commerce Committee

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

10/15/19 – Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

4. SB 492 – Public Notification of Pollution (Cruz)

Summary:

- Revises existing public notice of pollution statute to expand the definition of “reportable pollution release” to include discharge of PFOAs and other substances which “would result in a violation of water quality standards adopted by FDEP or Dept. of Health.
- Requires local government entities to notify installation owner and FDEP of any “reportable pollution release” it discovers, within 24 hours of discovery.

Impact on SEFLUC: Monitor

Status:

SB 492

10/9/19 – Filed

11/01/19 – Referred to Environment and Natural Resources; Community Affairs; Rules

5. SB 504/HB 279 – Local Government Public Construction Works (Perry/Smith)

Summary:

- Specifies the manner in which the estimated cost of a public building construction project is to be determined in deciding whether it is in the local government’s best interest to perform the project using its own services or through an outside contractor, by accounting for all costs associated, including employee compensation, equipment costs, insurance, cost of materials.
- Prohibits the local government from performing the project using its owns employees and equipment if the project request and increase in the number of government employees or increase in such capital expenditures.

Impact on SEFLUC: Monitor

Status:

SB 504

10/15/19 – Filed

11/01/19 – Referred to Community Affairs; Governmental Oversight and Accountability; Rules

12/02/19 – On Committee agenda – Community Affairs

12/09/19 – Favorable by Community Affairs

12/10/19 – Now in Governmental Oversight and Accountability

1/06/20 – On Committee agenda – Governmental Oversight and Accountability

HB 279

10/02/19 – Filed

10/14/19 – Referred to Oversight, Transparency & Public Management Subcommittee; Business & Professions Subcommittee; State Affairs Committee; Now in Oversight, Transparency & Public Management Subcommittee

6. HB 405/SB 686 – Stormwater Management Systems (Good/Gruters)

Summary:

- Provides for FDEP and WMDs to amend ERP Applicant’s Handbook to include revised BMP design criteria that increase removal of nutrients from stormwater discharges for all

new development and redevelopment projects and measure for consistent application of the net improvement performance standard to ensure new pollutant loadings are not discharged into impaired water bodies.

- Creates rebuttable presumption that SMS meeting design criteria does not cause or contribute to water quality violation.
-

Impact on SEFLUC: Monitor

Status:

HB 405

10/18/19 – Filed

10/30/19 – Referred to Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee.

SB 686

10/28/19 – Filed

11/06/19 – Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government Appropriations

Compare Bills

SB 712 – Water Quality Improvements (Mayfield)

7. SB 712 – Water Quality Improvements (Mayfield)

Summary:

- Requires DEP and the Department of Health (DOH) to submit a report on a type two transfer of DOH’s onsite sewage program to DEP.
- Requires local governments with impaired waterbodies/springs to adopt, implement, notify residents of, educate residents on, and enforce Florida-Friendly Fertilizer Ordinances.
- Requires certain agricultural operations that fail to adopt a basin management action plan (BMAP) or an alternative restoration plan within a specified timeframe
- Requires DEP, subject to appropriation, to establish a real-time water quality monitoring program and encourages the formation of public-private partnerships.
- Expands the septic remediation plan, currently in effect for springs, to be applied to all BMAPs.
- Makes agricultural BMPs enforceable in alternative restoration plan areas.
- Requires wastewater treatment facilities to notify customers within a specified timeframe of unlawful discharges of raw or partially treated sewage into any waterway or aquifer (sanitary sewer overflows or SSOs). Violations can result in penalties.
- Doubles the maximum administrative penalty for violations of DEP regulations/permits/statutes.

Impact on SEFLUC: Monitor

Status:

10/30/19 – Filed

11/18/19 – Referred to Community Affairs; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations
12/02/19 – On Committee Agenda
12/09/19 – Favorable with CS by Community Affairs
12/11/19 – Committee Substitute Text Filed
12/13/19 – Now in Appropriations Subcommittee on Agriculture, Environment, and General Government

Compare Bills

HB 405 Stormwater Management Systems (Good)
SB 686 Stormwater Management Systems (Gruters)
HB 153 Indian River Lagoon State Matching Grant Program (Fine)
SB 640 Indian River Lagoon State Matching Grant Program (Harrell)
SB 1382 Environmental Resource Management (Albritton)

8. SB 200/HB 547 – Advanced Well Stimulation Treatment (Montford/Fitzhagen)

Summary:

- Prohibits high pressure well stimulation and matrix acidization. The prohibition only applies to oil and gas wells.

Impact on SEFLUC: Monitor

Status:

SB 200

8/28/19 – Filed

9/19/19 – Referred to Environment and Natural Resources; Innovation, Industry and Technology; Appropriations

10/28/19 – On Committee agenda – Environment and Natural Resources

11/04/19 – Favorable by Environment and Natural Resources

11/05/19 – Now in Innovation, Industry and Technology

Similar Bills:

HB 547 Advanced Well Stimulation (Fizenhagen)

Status:

HB 547

11/6/19 - Filed

11/15/19 – Referred to Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee; Now in Agriculture & Natural Resources Subcommittee.

9. HB 637 - Impact Fees (DiCeglie)

Summary:

- Revises conditions that local governments must satisfy before enacting impact fees, including greater specificity in calculation of impact fees by excluding costs which do not meet the definition of a capital asset.
- Requires segregation of revenues and expenditures of any impact fees regarding infrastructure in a separate trust fund.
- Must prepare an annual financial report for each impact fee trust fund and post to website.
- Government may not require collection of impact fee earlier than the date the building permit is issued.
- Impact fees are assignable and transferrable from one development parcel to another in the same impact fee jurisdiction for the same type of public facility.
- Government must establish impact fee review committee.

Impact on SEFLUC: Monitor

Status:

HB 637

11/14/19 – Filed

12/03/19 – Referred to Local, Federal & Veterans Affairs Subcommittee; Ways & Means Committee; State Affairs Committee; Now in Local, Federal & Veterans Affairs Subcommittee

Similar Bills:

SB 1066 Impact Fees (Gruters)

Status:

SB 1066

11/26/19 – Filed

12/13/19 – Referred to Community Affairs, Finance and Tax; Appropriations

10. HB 715 – Recycled Water (Maggard)

Summary:

- Builds upon Potable Reuse Commission’s 2019 Report regarding potable reuse implementation framework.
- Defines indirect and direct potable reuse water as “recycled water.”
- Identifies recycled water as a water source for public supply systems.
- Provides that consideration of emerging constituents may be required due to existing requirements such as antidegradation and discharge standards, including monitoring and treatment technology.
- Defines groundwater augmentation, raw water augmentation, and surface water augmentation as alternative water supplies eligible for AWS funding.
- Requires DEP to adopt rules for implementation of water recycling projects that revise existing regulations to account for recycled water as a source for public supply and other requirements.
- Requires DEP to convene technical advisory committees regarding rulemaking.
- Any rules adopted by DEP must be ratified by Legislature.

- Provides for working group to develop consensus regarding CUP impact offsets, extended permit duration incentives, and cost share funding.
- Provides that beginning January 1, 2026, domestic wastewater treatment facilities are prohibited from disposing of effluent, reuse, and reclaimed water by surface water discharge, excepting permitted surface water augmentation projects, permitted wet weather discharges, facilities in fiscally constrained counties, and facilities within a rural area of opportunity.

Impact on SEFLUC: Monitor

Status:

11/20/19 – Filed

12/03/19 – Referred to Agriculture & Natural Resources Subcommittee; Agricultural & Natural Resources Appropriations Subcommittee; State Affairs Committee

11. HB 729/SB 1238 - Regulatory Reform (Rodriguez/Sabatini)

Summary

- Establishes Red Tape Reduction Advisory Counsel.
- Requires establishment of regulatory baseline of agency rules.
- Provides that new rules may not cause total number of rules to exceed regulatory baseline.

Impact on SEFLUC: Monitor

Status:

HB 729

11/21/19 – Filed

12/16/19 – Referred to Oversight, Transparency & Public Management Subcommittee, Appropriations Subcommittee.

Now in Oversight, Transparency & Public Management Subcommittee, Appropriations Subcommittee.

SB 1238

12/12/19 – Filed

1/08/20 – Referred to Governmental Oversight and Accountability; Innovation, Industry, and Technology; Rules

12. SB 1112/HB 861 – Bottled Water Excise Tax (Taddeo/Willhite)

Summary

- Requires bottled water operators using waters extracted from waters of the state to pay excise tax of 12.5 cents per gallon extracted.
- Tax does not apply to water obtained from a public water system.

Impact on SEFLUC: Monitor

Status:

SB 1112

12/03/19 – Filed

12/13/19 – Referred to Commerce and Tourism, Finance and Tax; Appropriations

HB 0861

12/04/19 – Filed

12/16/19 – Referred to Ways & Means Committee; Agriculture & Natural Resources
Appropriations Subcommittee Appropriations Committee

13. HB 865/SB 538 – Emergency Reporting (Rodriguez/Diaz)

Summary

- Requires a local government to provide notification to the State Watch Office of various incidents, including Technical hazards or environmental concerns, including wastewater releases; hazardous material spills, environmental crimes, water quality issues, utility disruptions.

Impact on SEFLUC: Monitor

Status:

HB 865

12/05/19 – Filed

12/19/19 – Referred to Oversight, Transparency & Public Management Subcommittee;
Appropriations Committee; State Affairs Committee.

Now in Oversight, Transparency & Public Management Subcommittee.

SB 538

10/16/19 – Filed

11/01/19 – Referred to Infrastructure and Security; Community Affairs; Rules

14. HB 139 – Drinking Water in Public Schools (Jenne)

Summary

- Requires all schools built before 1986 to install a point of use lead filter at each drinking water source, post a sign communicating non drinking water sources are not to be used for human consumption, publish information about filtering of drinking water sources.

Impact on SEFLUC: Monitor

Status:

HB 139

9/10/19 – Filed

9/23/19 – Referred to PreK-12 Innovation Subcommittee; PreK-12 Appropriations Subcommittee;
Education Committee

Similar Bills:

SB 168 Drinking Water in Public Schools (Cruz)

Status:

SB 168

8/21/19 – Filed

9/19/19 – Referred to Education, Appropriations Subcommittee on Education, Appropriations

11/05/19 - On Committee agenda

11/12/19 - Favorable with CS by Education

11/13/19 – Committee Substitute Text Filed

11/18/19 – Reference to Appropriations on Subcommittee on Education removed; Reference to Appropriations Subcommittee on Agriculture, Environment and General Government; Appropriations; Appropriations added; Remaining References; Appropriations Subcommittee on Agriculture, Environment, and General Government Appropriations, Appropriations. Now in Appropriations Subcommittee on Agriculture, and General Government.

15. HB 799/801 – Public Records (Gregory)

Summary

- Revises Public Records Act exemptions relating to trade secrets to state that amounts paid and types of commodities or services purchased are not exempt, and that trade secret exemption is waived if the record is not verified by submitter as a trade secret at time of submittal to the agency.

Impact on SEFLUC: Monitor

Status:

HB 799

11/26/19 – Filed

12/16/19 – Referred to Oversight, Transparency & Public Management Subcommittee; Commerce Committee.

Now in Oversight, Transparency & Public Management Subcommittee.

HB 801

11/26/19 – Filed

12/16/19 – Referred to Oversight, Transparency & Public Management Subcommittee; Commerce Committee.

Now in Oversight, Transparency & Public Management Subcommittee.

16. SB 178/HB 579 – Public Financing of Construction Projects (Rodriguez/Aloupis)

Summary

- Requires a public entity that commissions or manages a construction project within the coastal building zone using funds appropriated from the state to conduct a sea-level impact projection (SLIP) study prior to commencing construction. The bill applies this requirement after July 1, 2021, only if certain baseline projections of sea-level rise and flooding impacts are ultimately adopted as the state's official estimates by the Sea-Level Rise Task Force.

- Requires DEP to adopt rules establishing standards for the SLIP studies, and the standards must include certain requirements for how the studies will be conducted and the information they must contain.
- Authorizes DEP to bring a civil action to seek injunctive relief to cease construction, enforce the section or rules adopted pursuant thereto, or seek recovery of state funds expended on a coastal structure, if construction commences without complying with the section.

Impact on SEFLUC: Monitor

Status:

SB 178

8/23//19 – Filed

9/19/19 - Referred to Environment and Natural Resources; Infrastructure and Security; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations.

11/4/19 - Favorable by Environment and Natural Resources; YEAS 5 NAYS 0

12/9/19 - CS by Infrastructure and Security; YEAS 7 NAYS 0

12/10/19 – Committee Substitute Text

12/13/19 – Now in Appropriations Subcommittee on Agriculture, Environment, and General Government.

HB 579

11/7/19 – Filed

11/15/19 - Referred to Agriculture and Natural Resources Subcommittee; Appropriations Committee; State Affairs Committee.

Now in Agriculture & Natural Resources Subcommittee

Compare Bills

HB 1073 Statewide Office of Resiliency (Stevenson)

SB 7016 Statewide Office of Resiliency (Infrastructure and Security)

17. SB 1340/HB 7-Legal Notices (Gruters/Sabatini)

Summary:

- Allows county, municipality, or other unit of local government to public legal notices on certain public websites.

Impact on SEFLUC: Monitor

Status:

SB 1340

12/20/19 – Filed

1/8/20 – Referred to Judiciary, Community Affairs; Rules

HB 7

12/13/19 – Filed

1/03/20 – Referred to Local, Federal & Veterans Affairs Subcommittee

18. SB 1382 – Environmental Resource Management – 2020 (Albritton)

Summary:

- Basin Management Action Plans (BMAPs) may include as an additional management strategy a cooperative agricultural regional water quality improvement element or a cooperative urban, suburban, commercial, or institutional water quality improvement element.
- Provides for implementation of new management strategies through cost-sharing program, including land acquisition through conservation easement, site specific water quality improvement or dispersed water management projects, reduction in stormwater nutrient loading.
- Provides for FDACs and IFAS studies evaluating BMAP effectiveness, effectiveness of BMPs.
- Establishes nutrient reduction cost-share program for retrofit of onsite wastewater treatment and disposal systems, advanced waste treatment facilities, connection of OSTs to central sewer facilities.
- Local government cannot extend legal standing or legal rights under Florida Environmental Protection Act to a plant, animal, or body of water.

Impact on SEFLUC: Monitor

Status:

SB 1382

1/03/20 – Filed

Compare Bill

SB 0712 Water Quality Improvements (Mayfield)

19. HB 1067 Florida Endangered and Threatened Species Act – 2020 (Hattersley/Eskamani/Joseph)

Summary:

- Adds effect of climate change as factor to be considered in designation of endangered and threatened species.
- Provides that notwithstanding declassification under Federal Endangered Species Act, department shall continue to protect species meeting the statutory definition of endangered or threatened as determined by department.
- Provides that FWCC may not consider economic cost of protecting a species as a factor in designating as endangered or threatened.

Impact on SEFLUC: Monitor

Status:

HB 1067

1/03/20 – Filed

Similar Bills:

SB 1306 Florida Endangered and Threatened Species Act (Rodriguez)

1/03/20 – Filed

20. SB 1450/HB 1091 – Environmental Enforcement – 2020 (Gruters/Fine)

Summary:

- Increases current daily maximum fines for waste and pollution violations in numerous existing environmental laws by 50%.
- Provides that daily fines apply “until a violation is resolved by order or judgment” and that each day when a violation occurs or is not remediated constitutes a separate offense.

Impact on SEFLUC: Monitor

Status:

SB 1450

1/06/20 – Filed

HB 1091

1/06/20 - Filed

21. SB 150 – Sanitary Sewer Laterals (Brandes)

Summary:

- Requires sellers of real property to disclose known defects in sanitary sewer lateral.
- Encourages local governments to establish programs to evaluate and rehabilitate private sewer laterals and establish database of known lateral defects by January 1, 2022.

Impact on SEFLUC: Monitor

Status:

SB 150

8/16/19 - Filed

9/3/19 - Referred to Environment and Natural Resources; Judiciary; Rules

11/5/19 - On Committee agenda-- Environment and Natural Resources,

11/13/19 - Favorable by Environment and Natural Resources; YEAS 4 NAYS 0

11/14/19 - Now in Judiciary

12/10/19 - Favorable by Judiciary; YEAS 6 NAYS 0

12/11/19 - Now in Rule