

MEMORANDUM

To: SEFLUC

From: Edward P. de la Parte and Nicolas Porter

Date: March 8, 2021

RE: 2021 Legislation – SEFLUC March 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 64/HB 263 Reclaimed Water (Albritton/Maggard)**
2. **SB 94 Water Storage North of Lake Okeechobee (Brodeur)**
3. **SB 1522/HB 1225 Implementation of the Recommendations of the Blue-Green Algae Task Force (Stewart/Goff-Marcil)**
4. **SB 1058/HB 773 Sanitary Sewer Laterals (Burgess/McClure)**
5. **HB 53/SB 1076 Public Works Projects (DiCeglie/Brodeur)**
6. **SB 152/HB 65 Regulatory Reform (Diaz/Sabatini)**
7. **HB 215 Prohibition of Public Funds for Lobbying by Local Governments (Sabatini)**
8. **SB 546/HB 1575 Well Stimulation (Farmer/Jenne)**
9. **HB 6049 Legal Rights of the Natural Environment (Eskamani)**
10. **SB 834/HB 1257 Drinking Water in Public Schools (Cruz/Hunschofsky)**
11. **HB 705 Soil and Groundwater Contamination (Andrade)**
12. **SB 912/HB 859 Tolling and Extension of Permits and Other Authorizations During States of Emergency (Albritton/Grant)**
13. **SB 652/HB 1237 Bottled Water Excise Tax (Taddeo/Grant)**

BILLS

1. SB 64/HB 263 Reclaimed Water (Albritton/Maggard)

Summary:

- By Nov 1, 2021, domestic wastewater facilities with surface water discharge must submit a plan to FDEP to eliminate nonbeneficial surface water discharges within 5 years
- Excludes:

- Indirect potable reuse projects
- Permitted wet weather discharges
- Subsequently used for irrigation purposes
- Utility reuses at least 90% of annual average flow
- Direct ecological benefits such as wetland hydration or meeting MFL
- Can also demonstrate elimination is technically, economically, or environmentally infeasible, elimination will cause severe undue economic hardship, and discharges are eliminated to extent feasible
- Plan incorporated into operating permit
- Plan must be fully implemented by January 2028 ,or January 2030 if using potable reuse
- Annual plan update required
- Excludes small, rural providers
- Bill also includes development of procedures for direct and indirect potable reuse
- Bill also includes greywater incentive requirements for local governments with bonuses to developers to offset costs of greywater technology and installation

Status:

SB 64

01/07/21 Filed
01/14/21 Referred to Environment and Natural Resources; Community Affairs; Appropriations
02/01/21 Favorable with CS by Environment and Natural Resources; 4 Yeas, 0 Nays
02/02/21 Committee Substitute Text (C1) Filed
02/03/21 Now in Community Affairs
03/03/21 Favorable by Community Affairs; 9 Yeas, 0 Nays, Now in Appropriations

HB 263

01/14/21 Filed
02/03/21 Referred to Environment, Agriculture & Flooding Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee
03/03/21 Favorable with CS by Environment, Agriculture & Flooding Subcommittee; 17 Yeas, 0 Nays

2. SB 94 Water Storage North of Lake Okeechobee (Brodeur)

Summary:

- Requires the South Florida Water Management District (SFWMD), in partnership with the U.S. Army Corps of Engineers (USACE), to expedite implementation of the Lake Okeechobee Watershed Restoration Project (LOWRP). The LOWRP is a project in the Comprehensive Everglades Restoration Plan that provides water storage north of Lake Okeechobee.
- Provides a schedule to ensure that all feasible ASR systems are operational by March 30, 2027
- Potential to shift funds from EAA reservoir project to LOWRP project

Status:

SB 94

02/19/21 **Filed**
02/24/21 **Referred to Environment and Natural Resources; Appropriations**
03/02/21 **Favorable by Environment and Natural Resources; 5 Yeas, 0 Nays**
SENATE **Now in Appropriations**

3. SB 1522/HB 1225 Implementation of the Recommendations of the Blue-Green Algae Task Force (Stewart/Goff-Marcil)

Summary:

- Requires FDEP to implement stormwater system inspection and monitoring program with goal of identifying failing systems
- Requires owner of onsite sewage treatment and disposal system to have inspection every 5 years, requirement for pumpout or repair of failing system, enforcement procedure for failure to obtain inspection
- Requirement for quantitative analysis of future pollutant loading in BMAP. Additional requirements for assessment and prioritization of BMAP projects.
- Requirement for verification of BMP adopted by rule.

Status:

SB 1522

02/22/21 **Filed**
03/02/21 **Referred to Environment and Natural Resources; Appropriations**
Subcommittee on Agriculture, Environment, and General Government; Appropriations

HB 1225

02/23/21 **Filed**
02/28/21 **Referred to Environment, Agriculture & Flooding Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee**

4. SB 1058/HB 773 Sanitary Sewer Laterals (Burgess/McClure)

Summary:

- Authorizes local governments to access sanitary sewer laterals to investigate, clear, repair or replace the lateral based on standards it adopts
- If defective or damaged lateral is identified, local government must notify property owner, specify that within 14 days local government intends to access property to address issue
- Local government is responsible for repair work it undertakes on private property

Status:

SB 1058

02/04/21 **Filed**

02/10/21 Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

HB 773

02/04/21 Filed

02/22/21 Referred to Environment, Agriculture & Flooding Subcommittee; Local Administration & Veterans Affairs Subcommittee; State Affairs Committee

5. **HB 53/SB 1076 Public Works Projects (DiCeglie/Brodeur)**

Summary:

- Changes definition of “public works project” to include any activity paid for with state or local funds for construction of public buildings, sewer, storm drain, water system, etc. Current definition requires 50% or more state appropriation.
- CS Prohibits the state or any political subdivision that contracts for a public works project from granting a preference or imposing a penalty during the bidding process based on the geographic location of the company headquarters or offices of the contractor, subcontractor, or material supplier or carrier who is submitting a bid on a public works project, as well as, the residence of the employees of such contractor, subcontractor, or material supplier or carrier.

Status:

HB 53

12/10/20 Filed

01/15/21 Referred to Government Operations Subcommittee; Public Integrity & Elections Committee; State Affairs Committee

02/18/21 Favorable with CS by Government Operations Subcommittee; 10 Yeas, 6 Nays

02/19/21 Committee Substitute Text (C1) Filed

02/23/21 Now in Public Integrity & Elections Committee

SB 1076

02/04/21 Filed

02/10/21 Referred to Governmental Oversight and Accountability; Community Affairs; Rules

6. **SB 152/HB 65 Regulatory Reform (Diaz/Sabatini)**

Summary:

- Establishes Red Tape Reduction Advisory Council
- Requires rule adopting agencies to submit rule replacement request to Administrative Procedures Committee
- New rules must be accompanied by repeal of existing rule to maintain regulatory baseline established by Committee
- Compare HB 1145 (McClain)

Status:

SB 152

12/04/20 Filed

12/09/20 Referred to Governmental Oversight and Accountability; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations; Rules

HB 65

12/14/20 Filed

01/15/21 Referred to Government Operations Subcommittee; Appropriations Committee; State Affairs Committee

7. **HB 215 Prohibition of Public Funds for Lobbying by Local Governments (Sabatini)**

Summary:

- Prohibits local governments from using public funds to retain lobbyists
- Full time employees of local government may register as lobbyist

Status:

HB 215

01/11/21 Filed

01/22/21 Referred to Public Integrity & Elections Committee; Local Administration & Veterans Affairs Subcommittee; State Affairs Committee

8. **SB 546/HB 1575 Well Stimulation (Farmer/Jenne)**

Summary:

- Prohibits “extreme well stimulation” including acid fracturing, matrix acidizing, pneumatic fracturing, fracturing with dynamic loading.

Status:

SB 546

01/12/21 Filed

01/21/21 Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

HB 1575

03/01/21 Filed

9. **HB 6049 Legal Rights of the Natural Environment (Eskamani)**

Summary:

- Removes provisions prohibiting local governments from recognizing or granting certain legal rights to the natural environment or granting such rights relating to natural environment

Status:

HB 6049

01/25/21 Filed

02/08/21 Referred to Civil Justice & Property Rights Subcommittee; Environment, Agriculture & Flooding Subcommittee; Judiciary Committee

10. SB 834/HB 1257 Drinking Water in Public Schools (Cruz/Hunschofsky)

Summary:

- Requires Office of Program Policy Analysis and Government Accountability to conduct study of the prevalence and effects of lead in drinking water in public schools, and costs associated with lead pipes.

Status:

SB 834

01/26/21 Filed

02/04/21 Referred to Education; Governmental Oversight and Accountability; Rules

HB 1257

02/24/21 Filed

02/28/21 Referred to Early Learning & Elementary Education Subcommittee; Secondary Education & Career Development Subcommittee; Education & Employment Committee

11. HB 705 Soil and Groundwater Contamination (Andrade)

Summary:

- Exempts airports from liability related to discharges of firefighting foam containing PFAS
- Directs Office of Program Policy Analysis and Government Accountability to conduct analysis of programs in other states for assessment and cleanup of contaminants and to recommend changes to current programs

Status:

HB 705

02/02/21 Filed

02/18/21 Referred to Environment, Agriculture & Flooding Subcommittee; Civil Justice & Property Rights Subcommittee; State Affairs Committee

12. SB 912/HB 859 Tolling and Extension of Permits and Other Authorizations During States of Emergency (Albritton/Grant)

Summary:

- Provides for tolling and extension of water use permits and local government development permits and agreements upon declaration of natural emergency by the Governor
- Applies retroactively to March 1, 2020

Status:

SB 912

01/28/21 Filed
02/04/21 Referred to Community Affairs; Environment and Natural Resources; Rules
03/03/21 Favorable by Community Affairs; 9 Yeas, 0 Nays
SENATE Now in Environment and Natural Resources

HB 859

02/09/21 Filed
02/22/21 Referred to Pandemics & Public Emergencies Committee; Commerce
Committee; State Affairs Committee

13. SB 652/HB 1237 Bottled Water Excise Tax (Cruz/Casello)

Summary:

- Excise tax of 12.5 cents per gallon for water extracted by a bottled water operator.
- See also SB 1774 and SB 1776 (Cruz)

Status:

SB 652

01/14/21 Filed
01/28/21 Referred to Environment and Natural Resources; Finance and Tax;
Appropriations

HB 1237

02/23/21 Filed
02/28/21 Referred to Ways & Means Committee; Environment, Agriculture & Flooding
Subcommittee; Appropriations Committee; State Affairs Committee