

MEMORANDUM

To: SEFLUC

From: Edward P. de la Parte and Nicolas Porter

Date: April 12, 2021

RE: 2021 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 64/HB 263 Reclaimed Water (Albritton/Maggard)**
2. **SB 2516 Water Storage North of Lake Okeechobee (Appropriations)**
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 912/HB 859 Tolling and Extension of Permits and Other Authorizations During States of Emergency (Albritton/Grant)**
7. **SB 7060/HB 1309 Biosolids Ratification (Payne)**
8. **SB 1954/HB 7019 Statewide Flooding and Sea-level Rise Resilience (Rodriguez)**
9. **SB 514/HB 315 Resiliency (Rodrigues/LaMarca)**
10. **HB 215 Prohibition of Public Funds for Lobbying by Local Governments (Sabatini)**
11. **SB 546/HB 1575 Well Stimulation (Farmer/Jenne)**
12. **HB 6049 Legal Rights of the Natural Environment (Eskamani)**
13. **SB 834/HB 1257 Drinking Water in Public Schools (Cruz/Hunschofsky)**
14. **HB 705 Soil and Groundwater Contamination (Andrade)**
15. **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
- SB 64 provides permittees can also demonstrate elimination is technically, economically, or environmentally infeasible, elimination will cause severe undue economic hardship, and discharges are eliminated to extent feasible. HB 263 does not have this hardship exception
- 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**
03/11/21 **Favorable by Appropriations; 18 Yeas, 0 Nays**
03/12/21 **Placed on Calendar, on 2nd reading**
03/15/21 **Placed on Special Order Calendar, 03/18/21**
03/18/21 **Read Second Time; Read Third Time; **Passed (Vote: 39 Yeas / 0 Nays)****
SENATE **Immediately certified**
HOUSE **In Messages**

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
 03/05/21 Committee Substitute Text (C1) Filed
 04/01/21 Favorable by Agriculture & Natural Resources Appropriations Subcommittee; 15 Yeas, 0 Nays
 04/06/21 Favorable by State Affairs Committee; 22 Yeas, 0 Nays
 HOUSE Placed on Calendar, on 2nd reading

2. SB 2516 Water Storage North of Lake Okeechobee (Appropriations)

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
- See also SB 94

Status:

SB 2516

03/26/21 Filed
 03/31/21 Submitted as Committee Bill and Reported Favorably by Appropriations; 19 Yeas, 0 Nays
 04/01/21 Committee Bill Text Filed
 SENATE Placed on Calendar, on 2nd reading
 SENATE Placed on Special Order Calendar, 04/07/21
 04/07/21 Read Second Time; Read Third Time; **Passed** (Vote: 40 Yeas / 0 Nays); The Senate requests that the House pass the bill as passed by the Senate or agree to include the bill in the Budget Conference; Immediately Certified

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

Summary:

- Originally required FDEP to implement stormwater system inspection and monitoring program with goal of identifying failing systems. Requirement was removed in SB committee substitute.
- 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
- Original requirement for quantitative analysis of future pollutant loading in BMAP and Additional requirements for assessment and prioritization of BMAP projects removed from SB committee substitute.

- Original requirement for verification of BMP adopted by rule removed from SB committee substitute.

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
 03/29/21 Favorable with CS by Environment and Natural Resources; 5 Yeas, 0 Nays
 03/30/21 Committee Substitute Text (C1) Filed
 04/05/21 On Committee agenda - Appropriations Subcommittee on Agriculture, Environment, and General Government, 04/08/21, 11:30 am, 110 S

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
- SB provides specifications for any repair work performed

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
 03/15/21 Favorable with CS by Environment and Natural Resources; 6 Yeas, 0 Nays
 03/16/21 Committee Substitute Text (C1) Filed
 03/24/21 Subcommittee Recommendation: Favorable by Agriculture, Environment, and General Government; 11 Yeas, 0 Nays
 03/25/21 Now in 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 **exceeding \$300,000** 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
03/29/21 Favorable with CS by Public Integrity & Elections Committee; 11 Yeas, 6 Nays
03/30/21 Committee Substitute Text (C2) Filed
04/01/21 Now in State Affairs Committee

SB 1076

02/04/21 Filed
02/10/21 Referred to Governmental Oversight and Accountability; Community Affairs; Rules
03/10/21 Favorable with CS by Governmental Oversight and Accountability; 4 Yeas, 2 Nays
03/11/21 Committee Substitute Text (C1) Filed
03/30/21 Favorable with CS by Community Affairs; 6 Yeas, 3 Nays
04/01/21 Committee Substitute Text (C2) Filed
04/02/21 what is this Now in Rules

6. 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

- Only applies to water use permits for land subject to a development agreement in which the permittee and developer are related entities
- 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
 03/22/21 Favorable with CS by Environment and Natural Resources; 6 Yeas, 0 Nays
 03/23/21 Committee Substitute Text (C1) Filed
 03/31/21 Favorable with CS by Rules; 15 Yeas, 0 Nays
 04/01/21 Committee Substitute Text (C2) Filed
 SENATE Placed on Calendar, on 2nd reading
 SENATE Placed on Special Order Calendar, 04/07/21
 04/07/21 Read Second Time; Read Third Time; **Passed** (Vote: 40 Yeas / 0 Nays)

HB 859

02/09/21 Filed
 02/22/21 Referred to Pandemics & Public Emergencies Committee; Commerce
 Committee; State Affairs Committee
 03/09/21 Favorable by Pandemics & Public Emergencies Committee; 16 Yeas, 0 Nays
 03/29/21 Favorable by Commerce Committee; 22 Yeas, 0 Nays
 HOUSE Now in State Affairs Committee
 04/06/21 Favorable with CS by State Affairs Committee; 21 Yeas, 0 Nays
 HOUSE Committee Substitute Text (C1) Filed

7. SB 7060/HB 1309 Biosolids Ratification (Payne)

Summary:

- Ratifies FDEP's proposed biosolids rules and exempts them from review and approval by the Environmental Regulation Commission

Status:

SB 7060

03/10/21 Filed
 03/15/21 Submitted as Committee Bill and Reported Favorably by Environment and
 Natural Resources; 4 Yeas, 1 Nay
 03/16/21 Committee Bill Text Filed
 04/05/21 On Committee agenda - Appropriations Subcommittee on Agriculture,
 Environment, and General Government, 04/08/21, 11:30 am, 110 S

HB 1309

02/25/21 Filed

03/05/21 Referred to Environment, Agriculture & Flooding Subcommittee; State Affairs Committee
 03/15/21 Favorable by Environment, Agriculture & Flooding Subcommittee; 17 Yeas, 0 Nays
 03/24/21 Favorable by State Affairs Committee; 22 Yeas, 0 Nays
 03/25/21 Placed on Special Order Calendar, 03/31/21
 03/31/21 Read Second Time; Placed on Third Reading, 04/01/21
 04/01/21 Read Third Time; **Passed (Vote: 114 Yeas / 0 Nays)**

8. SB 1954/HB 7019 Statewide Flooding and Sea-level Rise Resilience (Rodriguez)

Summary:

- Establishes statewide resiliency programs to assess and address inland and coastal flooding and sea level rise.
- Creates DEP grant program to provide funding to local governments for costs of resilience planning.
- DEP must develop statewide data set to determine risks of flooding and sea level rise.
- DEP must annually submit a plan proposing up to \$100 million in funding for projects that address risks from flooding and sea level rise. The bill authorizes local governments, regional resilience entities, and water management districts to submit lists of proposed projects to the DEP for inclusion in the plan. The DEP must implement a scoring system, established in the bill, for assessing projects for inclusion in the plan.

Status:

SB 1954

03/01/21 Filed
 03/04/21 Referred to Environment and Natural Resources; Appropriations
 03/15/21 Favorable with CS by Environment and Natural Resources; 6 Yeas, 0 Nays
 03/31/21 Favorable with CS by Appropriations; 20 Yeas, 0 Nays
 04/01/21 SENATE Committee Substitute Text (C2) Filed
 SENATE Placed on Calendar, on 2nd reading
 SENATE Placed on Special Order Calendar, 04/07/21

HB 1309

03/09/21 Filed (Formerly PCB EAF1)
 Referred to Agriculture & Natural Resources Appropriations Subcommittee;
 State Affairs Committee
 03/11/21 HOUSE Favorable by Agriculture & Natural Resources Appropriations
 Subcommittee; 12 Yeas, 0 Nays
 03/24/21 Favorable with CS by State Affairs Committee; 20 Yeas, 0 Nays
 03/25/21 Committee Substitute Text (C1) Filed
 03/29/21 Placed on Calendar, on 2nd reading
 04/01/21 Placed on Special Order Calendar, 4/7/2021

9. SB 514/HB 315 Resiliency (Rodrigues/LaMarca)

Summary:

- Establishes Statewide Office of Resiliency and Chief Resiliency Officer, creates Statewide Sea Level Rise Task Force.
- Task Force must develop and recommend consensus baseline projections of expected sea level rise for planning horizons
- Task Force recommendations become the state’s official estimate of sea level rise and flooding impacts for purpose of future state projects, plans and programs, if approved by Environmental Regulation Commission

Status:

SB 514

01/08/21 Filed

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

02/15/21 Favorable by Environment and Natural Resources; 6 Yeas, 0 Nays

SENATE Now in Appropriations Subcommittee on Agriculture, Environment, and General Government

HB 315

01/19/21 Filed

02/03/21 Referred to Environment, Agriculture & Flooding Subcommittee; Appropriations Committee; State Affairs Committee

HOUSE Now in Environment, Agriculture & Flooding Subcommittee

10. 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

11. 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
03/05/21 Referred to Environment, Agriculture & Flooding Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

12. 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

13. 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

14. 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

15. 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