

MEMORANDUM

To: SEFLUC

From: Edward P. de la Parte and Nicolas Porter

Date: May 10, 2021

RE: 2021 Legislation – SEFLUC May 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:

Note: Highlighted Bills have passed House and Senate and are awaiting presentation to Governor

1. **SB 64/HB 263 Reclaimed Water (Albritton/Maggard)**
2. **SB 2516 Water Storage North of Lake Okeechobee (Appropriations)**
3. **HB 53/SB 1076 Public Works Projects (DiCeglie/Brodeur)**
4. **SB 912/HB 859 Tolling and Extension of Permits and Other Authorizations During States of Emergency (Albritton/Grant)**
5. **SB 7060/HB 1309 Ratification of DEP Rules (Payne)**
6. **SB 1954/HB 7019 Statewide Flooding and Sea-level Rise Resilience (Rodriguez)**
7. **SB 1522/HB 1225 Implementation of the Recommendations of the Blue-Green Algae Task Force (Stewart/Goff-Marcil)**
8. **SB 1058/HB 773 Sanitary Sewer Laterals (Burgess/McClure)**
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
- House Amendment:
 - Extends deadline for utilities to fully implement plan to eliminate surface water discharges from January 1, 2028 to January 1, 2032
 - Eliminates hardship conditions from Senate bill
 - Deletes requirement that surface water elimination be included in operating permit
 - Clarifies that approval or modification of a plan does not constitute final agency action
 - Density bonuses for greywater system 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**
04/08/21 **HOUSE** **Received; Referred to Calendar**
04/13/21 **HOUSE** **Substituted for HB 0263; Read Second Time; Amendment Adopted (101923); Placed on Third Reading, 04/14/21**
04/14/21 **HOUSE** **Read Third Time; Passed (Vote: 118 Yeas / 0 Nays)**
04/15/21 **SENATE** **In returning messages**
04/21/21 **SENATE** **Received from Messages; Concurred with Amendment (101923); Passed (Vote: 32 Yeas / 0 Nays)**
SENATE **Ordered engrossed, then enrolled**

SENATE Engrossed Text (E1) Filed
SENATE Enrolled Text (ER) Filed

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
04/13/21 Read Second Time; Substituted for SB 0064; Laid on Table, Refer to SB 0064

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
- Appropriates \$50 million to SFWMD for LOWRP

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
04/08/21 HOUSE Read Second Time; Amendment Adopted (247499); Read Third Time; **Passed (Vote: 118 Yeas / 0 Nays)**; Passed the Senate bill as amended by House and we accede to conference; Immediately certified
SENATE In returning messages
04/16/21 Bill placed in Conference (Appropriations Conference Committee/Agriculture & Natural Resources)

04/30/21 SENATE Conference Committee Report Received; Conference Committee Report Adopted (820320); **Passed as amended by Conference Committee Report (Vote: 40 Yeas / 0 Nays)**
 HOUSE In returning messages
 HOUSE Conference Committee Report Received; Conference Committee Report Adopted (820320); **Passed as amended by Conference Committee Report (Vote: 118 Yeas / 0 Nays)**
 SENATE Ordered engrossed, then enrolled
 SENATE Engrossed Text (E1) Filed
 05/02/21 SENATE **Enrolled Text (ER) Filed**

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

Summary:

- For any competitive solicitation for construction services paid for with state-appropriated funds, local ordinance may not prevent licensed contractor from participating in the bidding process based on contractor being located within local jurisdiction.
- Changes definition of “public works project” to include any activity **exceeding \$1,000,000** (prior version of bill was \$300,000) paid for with any state funds.
- For public works projects, cannot prevent contractor from participating in bidding based on geographic location
- Requires Office of Economic and Demographic Research to include assessment of expenditures necessary to repair, replace, and expand water-related infrastructure.
- New requirement that every county, municipality or special district providing wastewater or stormwater services to develop a needs analysis for 20 years, including plans to fund maintenance and expansion of facilities. Must be completed every 5 years starting June 2022.

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
 04/18/21 HOUSE On Committee agenda - State Affairs Committee, 04/19/21, 2:30 pm, 212 K - PCS
 04/19/21 HOUSE Favorable with CS by State Affairs Committee; 16 Yeas, 8 Nays
 HOUSE Committee Substitute Text (C3) Filed

HOUSE Engrossed Text (E1) Filed
 04/23/21 HOUSE Read Third Time; **Passed (Vote: 78 Yeas / 36 Nays)**
 SENATE In Messages
 SENATE Received; Referred to Rules
 04/26/21 Withdrawn from Rules; Placed on Calendar, on 2nd reading; Substituted for
 SB 1076; Read Second Time; Amendment Adopted (427668); Amendment Failed (923332);
 Placed on Third Reading, 04/27/21
 04/27/21 Read Third Time; Passed (Vote: 24 Yeas / 16 Nays)
 HOUSE In returning messages
 04/28/21 Received from Messages; Concurred with Amendment (427668); Passed
(Vote: 79 Yeas / 34 Nays)
 HOUSE Ordered engrossed, then enrolled
 HOUSE Engrossed Text (E2) Filed
 HOUSE **Enrolled Text (ER) Filed**

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
 04/20/21 Favorable with CS by Rules; 9 Yeas, 6 Nays
 04/26/21 Read Second Time; Substituted for HB 0053; Laid on Table, Refer to HB 0053

**4. 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)**
 04/23/21 HOUSE Received; Referred to Calendar
 04/26/21 HOUSE Read Second Time; Amendment Adopted (52755); Placed on
 Third Reading, 04/27/21
 04/27/21 HOUSE Read Third Time; **Passed (Vote: 116 Yeas / 0 Nays)**
 SENATE In returning messages
 04/28/21 SENATE Received from Messages; Amendment Adopted (324516);
 Concurred with Amendment as Amended (052755); **Passed (Vote: 40 Yeas / 0 Nays)**
 HOUSE In returning messages
 04/29/21 HOUSE Received from Messages; Concurred with Amendment
 (324516); **Passed (Vote: 114 Yeas / 0 Nays)**
 SENATE Ordered engrossed, then enrolled
 SENATE Engrossed Text (E1) Filed
 05/02/21 **SENATE Enrolled Text (ER) Filed**

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
 04/26/21 Laid on Table, Refer to CS/CS/SB 912

5. SB 7060/HB 1309 Ratification of DEP Rules (Pavne)

Summary:

- Ratifies FDEP's proposed biosolids rules and exempts them from review and approval by the Environmental Regulation Commission
- Ratifies Central Florida Water Initiative revised rules, includes annual supplemental irrigation requirement allocation for agricultural uses

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
 04/08/21 SENATE Subcommittee Recommendation: Favorable with CS by
 Appropriations Subcommittee on Agriculture, Environment, and General Government; 11
 Yeas, 0 Nays
 04/15/21 SENATE Favorable with CS by Appropriations; 20 Yeas, 0 Nays

04/18/21 SENATE Committee Substitute Text (C1) Filed
04/19/21 SENATE Placed on Calendar, on 2nd reading
SENATE Placed on Special Order Calendar, 04/21/21
04/21/21 SENATE Read Second Time; Substituted for HB 1309; Laid on Table,
Refer to HB 1309

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)**
04/07/21 SENATE In Messages
04/08/21 SENATE Received; Referred to Appropriations
04/21/21 SENATE Withdrawn from Appropriations; Placed on Calendar, on 2nd
reading; Substituted for SB 7060; Read Second Time; Amendment Adopted (546548); Read
Third Time; **Passed (Vote: 39 Yeas / 0 Nays)**
HOUSE In Returning Messages
04/29/21 HOUSE Received from Messages; Concurred with Amendment
(546548); **Passed (Vote: 114 Yeas / 0 Nays)**
HOUSE Ordered engrossed, then enrolled
HOUSE Engrossed Text (E1) Filed
HOUSE **Enrolled Text (ER) Filed**

6. 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.
- DEP must initiate rulemaking to implement statewide resilience programs.

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 Committee Substitute Text (C2) Filed
 04/07/21 Read Second Time; Amendment Adopted (132074); Read Third Time; **Passed**
(Vote: 40 Yeas / 0 Nays);
 SENATE Engrossed Text (E1) Filed
 HOUSE In Messages
 HOUSE Received; Referred to Calendar
 HOUSE Placed on Calendar, on 2nd reading
 04/08/21 HOUSE Substituted for HB 7019; Read Second Time; Read Third Time;
Passed (Vote: 118 Yeas / 0 Nays); Immediately certified
 SENATE Ordered enrolled
 SENATE **Enrolled Text (ER) Filed**

HB 7019

03/09/21 Filed (Formerly PCB EAF1)
 Referred to Agriculture & Natural Resources Appropriations Subcommittee;
 State Affairs Committee
 03/11/21 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
 04/07/21 Read Second Time; Amendment Adopted (541943); Placed on Third Reading,
 04/08/21
 HOUSE Engrossed Text (E1) Filed
 04/08/21 Read Third Time; Substituted for SB 1954; Laid on Table, Refer to SB 1954

7. 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
04/08/21 Subcommittee Recommendation: Favorable by Appropriations Subcommittee on Agriculture, Environment, and General Government; 11 Yeas, 0 Nays
04/30/21 Died in Appropriations

HB 1225

02/23/21 Filed
02/28/21 Referred to Environment, Agriculture & Flooding Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee
04/30/21 Died in Environment, Agriculture & Flooding Subcommittee

8. 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
04/30/21 Died 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
03/08/21 Favorable by Environment, Agriculture & Flooding Subcommittee; 15 Yeas, 0 Nays
HOUSE Now in Local Administration & Veterans Affairs Subcommittee
03/30/21 On Committee agenda - Local Administration & Veterans Affairs Subcommittee, 04/01/21, 9:00 am, 404 H
04/01/21 Favorable with CS by Local Administration & Veterans Affairs Subcommittee; 15 Yeas, 0 Nays
HOUSE Committee Substitute Text (C1) Filed
04/02/21 Now in State Affairs Committee
04/30/21 Died in State Affairs Committee

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
04/30/21 Died 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
04/30/21 Died 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**

04/30/21 **Died in Public Integrity & Elections 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**

04/30/21 **Died in Environment and Natural Resources**

HB 1575

03/01/21 **Filed**

04/30/21 **Died in Environment, Agriculture & Flooding Subcommittee**

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**

04/30/21 **Died in Civil Justice & Property Rights Subcommittee**

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**

04/30/21 Died in Education; Governmental Oversight and Accountability; Rules

HB 1257

02/24/21 Filed

04/30/21 Died in Early Learning & Elementary Education Subcommittee

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

04/30/21 Died in Environment, Agriculture & Flooding Subcommittee

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

04/30/21 Died in Environment and Natural Resources

HB 1237

02/23/21 Filed

04/30/21 Died in Ways & Means Committee