de la Parte & Gilbert, P.A.
ATTORNEYS AT LAW

MEMORANDUM

To: SEFLUC

From: Edward P. de la Parte and Nicolas Porter

Date: December 12, 2021

RE: 2022 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. **SB 608/HB 303 Sanitary Sewer Lateral Inspection (Brodeur/Truenow)**
2. **SB 208 Well Stimulation (Farmer)**
3. **HB 309 Private Provider Inspections of OSTDS (Fetterhoff)**
4. **HB 6003 Legal Rights of the Natural Environment (Eskamani)**
5. **SB 832/HB 561 Implementation of the Recommendations of the Blue-Green Algae Task Force (Stewart/Goff-Marcil)**
6. **SPB 7012 Per- and Polyfluoroalkyl Substances (PFAS) Task Force**
7. **SB 834/HB 421 Long-term Cleanup of Harmful Algal Blooms (Brodeur/Truenow)**
8. **SB 798/HB 473 Bottled Water Excise Tax (Taddeo/Casello)**

BILLS

1. **SB 608/HB 303 Sanitary Sewer Laterals (Brodeur/Truenow)**

Summary:

- Provides a county or municipality may access a sanitary sewer lateral to investigate, clean, repair, recondition, or replace the lateral.
- Current law encourages county and municipality to establish evaluation and rehabilitation program for laterals.
- If a county or municipality identifies a defective, damaged, or deteriorated lateral and initiates a program to eliminate extraneous flow, the county:
    - Shall notify the property owner
    - County or municipality is responsible for any repair work done on private property
        - Establishes requirements for county repair work
- SB Committee Substitute adds language providing county or municipality may elect to establish and implement an alternative evaluation and rehabilitation program to identify and reduce extraneous flow from leaking laterals.

Status:
SB 608

10/25/21 Filed
11/03/21 Referred to Environment and Natural Resources; Community Affairs; Appropriations
11/30/21 Favorable with CS by Environment and Natural Resources; 6 Yeas, 0 Nays
SENATE Committee Substitute Text (C1) Filed
12/06/21 Now in Community Affairs

HB 303

10/14/21 Filed
10/26/21 Referred to Environment, Agriculture & Flooding Subcommittee; Local Administration & Veterans Affairs Subcommittee; State Affairs Committee

2. **SB 208 Well Stimulation (Farmer)**

Summary:

- "Stop Fracking Act."
- Prohibits "extreme well stimulation."
- Applies to "oil or gas well."

Status:
SB 208

09/14/21 Filed
09/21/21 Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

3. **HB 309 Private Provider Inspections of OSTDS (Fetterhoff)**

Summary:

- Provides for owners of OSTDS inspection to use private provider to perform inspection of OSTDS
- Provides for audit of private provider inspections by DEP.

Status:
HB 309

10/14/21 Filed
10/26/21 Referred to Environment, Agriculture & Flooding Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

4. **HB 6003 Legal Rights of the Natural Environment (Eskamani)**

Summary:

- Repeals provision prohibiting recognition or grant of legal rights to a plant, animal, body of water, or other part of the natural environment.

Status:
HB 6003

08/02/21 Filed
09/17/21 Referred to Civil Justice & Property Rights Subcommittee; Environment, Agriculture & Flooding Subcommittee; Judiciary Committee

5. **SB 832/HB 561 Implementation of the Recommendations of the Blue-Green Algae Task Force (Stewart/Goff-Marcil)**

Summary:

- Requires inspection of OSTDS at least every 5 years as administered by DEP.
- For BMAPs, projects with total cost over $1 million will be assessed by DEP for whether project is working as intended.

Status:
SB 832

11/04/21 Filed
11/16/21 Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

HB 561

11/10/21 Filed

11/19/21 Referred to Environment, Agriculture & Flooding Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

6. **<u>SPB 7012 Per- and Polyfluoroalkyl Substances (PFAS) Task Force</u>**

Summary:

- Creates PFAS Task Force within FDEP to develop recommendations:
    - Enforceable regulatory standards for PFAS in drinking water, groundwater and soil
    - Identification of cleanup areas
    - Addressing liability for contamination
    - Methodologies for cleanup and management
    - Methods to eliminate workplace exposure
- Task Force to convene by October 1, 2022 and submit annual reports beginning October 1, 2023.

Status:
<u>SPB 7012</u>

11/22/21 Filed
On Committee agenda - Environment and Natural Resources
11/30/21 Submitted as Committee Bill and Reported Favorably by Environment and Natural Resources; 6 Yeas, 0 Nays
Committee Bill Text Filed

7. **<u>SB 834/HB 421 Long-term Cleanup of Harmful Algal Blooms (Brodeur/Truenow)</u>**

Summary:

- Directs DEP to procure technologies to physically remove algae, toxins, and nutrients from water bodies
- Develop a plan for emergency response

Status:
<u>SB 834</u>

11/04/21 Filed
11/16/21 Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations
11/30/21 Favorable by Environment and Natural Resources; 6 Yeas, 0 Nays
SENATE Now in Appropriations Subcommittee on Agriculture, Environment, and General Government

<u>HB 421</u>

10/27/21 Filed
11/05/21 Referred to Environment, Agriculture & Flooding Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

HOUSE **Now in Environment, Agriculture & Flooding Subcommittee**

8. **SB 798/HB 473 Bottled Water Excise Tax (Taddeo/Casello)**

Summary:

- Excise tax of 12.5 cents per gallon on bottled water operators for waters extracted.
- Excludes water from a public water system.

Status:

SB 798

11/03/21 **Filed**
11/16/21 **Referred to Environment and Natural Resources; Finance and Tax; Appropriations**

HB 473

11/03/21 **Filed**
11/10/21 **Referred to Ways & Means Committee; Environment, Agriculture & Flooding Subcommittee; Appropriations Committee; State Affairs Committee**