

MEMORANDUM

To: SEFLUC

From: Edward P. de la Parte and Nicolas Porter

Date: January 10, 2021

RE: 2022 Legislation – SEFLUC January 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 832/HB 561 Implementation of the Recommendations of the Blue-Green Algae Task Force (Stewart/Goff-Marcil)**
3. **HB 621/SB 1162 Infrastructure Project Funding (Fine/Broxson)**
4. **HB 515/SB 886 Municipal Water and Sewer Rates (Robinson/Jones)**
5. **HB 1019/SB 1238 Saltwater Intrusion Vulnerability Assessments (Duggan/Polsky)**
6. **SB 828/HB 1147 Critical Infrastructure (Hutson/Giallombardo)**
7. **HB 309 Private Provider Inspections of OSTDS (Fetterhoff)**
8. **SB 208 Well Stimulation (Farmer)**
9. **HB 6003 Legal Rights of the Natural Environment (Eskamani)**
10. **SPB 7012/HB 1151 Per- and Polyfluoroalkyl Substances (PFAS) Task Force**
11. **SB 834/HB 421 Long-term Cleanup of Harmful Algal Blooms (Brodeur/Truenow)**
12. **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 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
01/03/22 On Committee agenda - Environment and Natural Resources, 01/10/22

HB 561

11/10/21 Filed
11/19/21 Referred to Environment, Agriculture & Flooding Subcommittee;
Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee

3. HB 621/SB 1162 Infrastructure Project Funding (Fine/Broxson)

Summary:

- Prohibits disbursement of general appropriations funds or water management district funding for infrastructure projects to any local government that uses utility service revenues to finance general governmental functions. Grantee must use utility revenue exclusively for construction, operations, maintenance, and administrative costs directly associated with providing utility services to its customers.

Status:

HB 621

11/16/21 Filed
12/06/21 Referred to Tourism, Infrastructure & Energy Subcommittee; Local
Administration & Veterans Affairs Subcommittee; Appropriations Committee; Commerce
Committee

SB 1162

12/06/21 Filed
01/05/22 Referred to Environment and Natural Resources; Appropriations
Subcommittee on Agriculture, Environment, and General Government; Appropriations

4. HB 515/SB 886 Municipal Water and Sewer Rates (Robinson/Jones)

Summary:

- Currently municipality operating water or sewer utility outside its boundaries can charge surcharge of up to 25% to customers outside its boundaries or alternate rate outside boundaries not to exceed 50% of total amount charged to customers within boundaries after public hearing.
- Amendments would provide that rates for customers in another recipient municipality using infrastructure located in the recipient municipality shall charge such customers the same rate as customers inside the municipal boundaries.

Status:

HB 515

11/04/21 Filed
11/19/21 Referred to Tourism, Infrastructure & Energy Subcommittee; Local Administration & Veterans Affairs Subcommittee; Commerce Committee

SB 886

11/09/21 Filed
11/30/21 Referred to Community Affairs; Regulated Industries; Rules

5. HB 1019/SB 1238 Saltwater Intrusion Vulnerability Assessments (Duggan/Polsky)

Summary:

- By September 1, 2022, each coastal county to conduct a vulnerability assessment analyzing the effects of saltwater intrusion on the county's water supply and the preparedness of the county to respond to such a threat, including water utility infrastructure, wellfield protection, and freshwater supply management. Must include analysis of costs necessary to relocate freshwater wellfields anticipated to be impacts and current projects underway to relocate wellfields.
- Assessment to be provided to DEP and WMD for update of comprehensive statewide flood vulnerability and seal level rise data.

Status:

HB 1019

12/27/21 Filed

SB 1238

12/13/21 Filed
01/05/22 Referred to Environment and Natural Resources; Governmental Oversight and Accountability; Appropriations

6. SB 828/HB 1147 Critical Infrastructure (Hutson/Giallombardo)

Summary:

- Establishes standards for cybersecurity assessment of risk associated with automation and control systems and application of security countermeasures to reduce risk.
- Applies to public or private entities responsible for operation of critical infrastructure, including water and wastewater treatment facilities
- Entities that fail to make good faith effort to comply with the cybersecurity standards subject to legal penalties, including injunction, civil penalties, award of cost of enforcement and attorney's fees.

Status:

SB 828

11/04/21 Filed

11/16/21 Referred to **Governmental Oversight and Accountability; Military and Veterans Affairs, Space, and Domestic Security; Rules**

HB 1147

01/04/22 Filed

7. 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.
- See also **HB 1125**

Status:

HB 309

10/14/21 Filed

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

8. 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**

9. 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**

10. SPB 7012/HB 1151 Per- and Polyfluoroalkyl Substances (PFAS) Task Force

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:

SPB 7012

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

12/13/21 Referred to Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations

HB 1151

01/04/22 Filed

11. SB 834/HB 421 Long-term Cleanup of Harmful Algal Blooms (Brodeur/Truenow)

Summary:

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

Status:

SB 834

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

HB 421

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

12. 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