

MEMORANDUM

To: SEFLUC

From: Edward P. de la Parte and Nicolas Porter

Date: February 14, 2022

RE: 2022 Legislation – SEFLUC February 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.

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List of Bills Contained in Memo:

1. **SB 608/HB 303 Sanitary Sewer Lateral Inspection (Brodeur/Truenow)**
2. **HB 621/SB 1162 Infrastructure Project Funding (Fine/Broxson)**
3. **SB 2508 Environmental Resources (Appropriations)**
4. **HB 965/SB 1426 Environmental Management (Truenow/Burgess)**
5. **HB 515/SB 886 Municipal Water and Sewer Rates (Robinson/Jones)**
6. **SPB 7012/HB 1151 Per- and Polyfluoroalkyl Substances (PFAS) Task Force**
7. **HB 1019/SB 1238 Saltwater Intrusion Vulnerability Assessments (Duggan/Polsky)**
8. **SB 1940/HB 7053 Statewide Flooding and Sea Level Rise Resilience (Brodeur)**
9. **SB 828/HB 1147 Critical Infrastructure (Hutson/Giallombardo)**
10. **SB 832/HB 561 Implementation of the Recommendations of the Blue-Green Algae Task Force (Stewart/Goff-Marcil)**
11. **HB 309 Private Provider Inspections of OSTDS (Fetterhoff)**
12. **SB 208 Well Stimulation (Farmer)**
13. **HB 6003 Legal Rights of the Natural Environment (Eskamani)**
14. **SB 834/HB 421 Long-term Cleanup of Harmful Algal Blooms (Brodeur/Truenow)**
15. **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**

**02/02/22 Favorable by Community Affairs; 9 Yeas, 0 Nays**

**SENATE Now in Appropriations**

#### **HB 303**

**10/14/21 Filed**

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

### **2. 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

**3. SB 2508 Environmental Resources (Appropriations)**

**Summary:**

- Requires SFWMD to certify before release of state funds that its recommendations to US Army Corps of Engineers do not diminish the quantity of water available to existing legal users, do not diminish existing flood protection, do not affect adopted MFLs and strategies, and will continue to adapt to meet the needs of the natural environment.
- Requires SFWMD to recommend to the Corps returning to Lake Okeechobee to a minimum flow and level prevention status and returning the level of certainty for existing legal users to a 1-in-10-year level of certainty in addition to the reduction of high-volume discharges to the estuaries.

**Status:**

**SB 2508**

02/04/22 Filed  
SENATE On Committee agenda - Appropriations, 02/09/22, 9:00 am, 412 K

**4. HB 965/SB 1426 Environmental Management (Truenow/Burgess)**

**Summary:**

- Authorizes the creation of water quality enhancement areas (WQEAs), which are defined as natural systems constructed, operated, managed, and maintained under an ERP permit for the purpose of providing offsite, compensatory regional treatment within an identified enhancement service area for which enhancement credits may be provided.
- Requires the construction, operation, management, and maintenance of a WQEA to be approved through an ERP permit and requires a WQEA to address the contributions of pollutants in an enhancement service area that does not meet state water quality standards.
- A WQEA may only provide enhancement credits in an enhancement service area, except for projects with adverse impacts located partially within the enhancement service area and linear projects, such as roadways, transmission lines, distribution lines, pipelines, railways, or seaports.
- Enhancement credits can only be sold to governmental entities.

**Status:**

**HB 965**

12/17/21 Filed  
01/07/22 Referred to Environment, Agriculture & Flooding Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee  
02/03/22 Favorable with CS by Environment, Agriculture & Flooding Subcommittee;  
16 Yeas, 1 Nay  
02/04/22 Committee Substitute Text (C1) Filed  
02/07/22 Now in Agriculture & Natural Resources Appropriations Subcommittee

**SB 1426**

01/04/22 Filed  
01/12/22 Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations  
01/31/22 Favorable with CS by Environment and Natural Resources; 4 Yeas, 1 Nay  
02/01/22 Committee Substitute Text (C1) Filed  
02/04/22 Now in Appropriations Subcommittee on Agriculture, Environment, and General Government

**5. 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

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

**Summary:**

- Requires the Department of Environmental Protection (DEP) to adopt by rule statewide cleanup target levels (CTLs) for perfluoroalkyl and polyfluoroalkyl substances (PFAS) in

soils and groundwater by January 1, 2023, which do not take effect until ratified by the Legislature.

- Provides a limitation of liability for water supplies, until the DEP's rules have been ratified for a particular PFAS constituent, from actions brought by local or state government entities to compel or enjoin site rehabilitation, require payment of site rehabilitation costs, or require payment of fines or penalties regarding rehabilitation based on the presence of that particular PFAS constituent
- Tolls any statute of limitations that would bar a state or local government entity from pursuing relief under its existing authority, from the effective date of the act until site rehabilitation is complete or the Legislature ratifies the CTLs.

**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**

**02/02/22 Subcommittee Recommendation: Favorable with CS by Appropriations Subcommittee on Agriculture, Environment, and General Government; 9 Yeas, 0 Nays**

**02/04/22 Now in Appropriations**

**HB 1151**

**01/04/22 Filed**

**01/10/22 Referred to Environment, Agriculture & Flooding Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee HOUSE Now in Environment, Agriculture & Flooding Subcommittee**

**7. 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**

**01/07/22** Referred to Environment, Agriculture & Flooding Subcommittee;  
Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee  
**HOUSE** Now in Environment, Agriculture & Flooding Subcommittee

**SB 1238**

**12/13/21** Filed  
**01/05/22** Referred to Environment and Natural Resources; Governmental Oversight  
and Accountability; Appropriations  
**01/31/22** Favorable with CS by Environment and Natural Resources; 6 Yeas, 0 Nays  
**02/01/22** Committee Substitute Text (C1) Filed  
**02/02/22** Now in Governmental Oversight and Accountability

**8. SB 1940/HB 7053 Statewide Flooding and Sea Level Rise Resilience (Brodeur)**

**Summary:**

- Establishes Statewide Office of Resilience.
- Pushes back by one year (to 2023 and 2024, respectively) the dates by which the Comprehensive Statewide Flood Vulnerability and Sea-Level Rise Data Set and the Assessment must be completed.
- Revising the \$100 million cap on funding proposed for each year of the Plan to a minimum threshold of \$100 million.
- Adds drainage districts, erosion control districts, and regional water supply authorities to the entities that may submit a list of proposed projects to DEP that mitigate the risks of flooding or sea-level rise on water supplies or water resources.

**Status:**

**HB 7053**

**02/03/22** Filed (Formerly PCB EAF1)  
**02/07/22** Referred to Appropriations Committee; State Affairs Committee  
**HOUSE** On Committee agenda - Appropriations Committee, 02/09/22, 9:00 am

**SB 1940**

**01/10/22** Filed  
**01/12/22** Referred to Environment and Natural Resources; Appropriations  
Subcommittee on Agriculture, Environment, and General Government; Appropriations  
**01/31/22** Favorable with CS by Environment and Natural Resources; 5 Yeas, 0 Nays  
**02/01/22** Committee Substitute Text (C1) Filed  
**02/02/22** Now in Appropriations Subcommittee on Agriculture, Environment, and  
General Government

**9. 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 in original bill. Civil liability grant removed in CS SB 828.

**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**  
 02/02/22      **Favorable with CS by Governmental Oversight and Accountability; 5 Yeas, 0 Nays**  
 SENATE      **Committee Substitute Text (C1) Filed**  
 02/03/22      **Now in Military and Veterans Affairs, Space, and Domestic Security**

**HB 1147**

01/04/22      **Filed**  
 01/10/22      **Referred to Government Operations Subcommittee; Civil Justice & Property Rights Subcommittee; State Administration & Technology Appropriations Subcommittee; State Affairs Committee**  
 HOUSE      **Now in Government Operations Subcommittee**

**10. 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      **Favorable by Environment and Natural Resources; 5 Yeas, 0 Nays**  
 01/11/22      **Now in Appropriations Subcommittee on Agriculture, Environment, and General Government**  
 01/26/22      **Subcommittee Recommendation: Favorable by Appropriations Subcommittee on Agriculture, Environment, and General Government; 10 Yeas, 0 Nays**

01/27/22 Now in Appropriation

**HB 561**

11/10/21 Filed

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

**11. HB 309/SB 856 Private Provider Inspections of OSTDS (Fetterhoff/Brodeur)**

**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

01/12/22 Favorable with CS by Environment, Agriculture & Flooding Subcommittee;  
14 Yeas, 1 Nay

HOUSE Committee Substitute Text (C1) Filed

01/13/22 Now in Agriculture & Natural Resources Appropriations Subcommittee

**SB 856**

11/05/21 Filed

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

01/12/22 Subcommittee Recommendation: Favorable with CS by Appropriations Subcommittee on Agriculture, Environment, and General Government; 9 Yeas, 0 Nays

01/14/22 Now in Appropriations

**12. 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

**13. 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

**14. 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  
02/08/22 Favorable with CS by Environment, Agriculture & Flooding Subcommittee;  
17 Yeas, 0 Nays  
HOUSE Committee Substitute Text (C1) Filed

**15. 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**