

MEMORANDUM

To: SEFLUC

From: Edward P. de la Parte and Nicolas Porter

Date: April 11, 2022

RE: 2022 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.

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**Highlighted** bills have passed the Legislature, and are awaiting presentation to the Governor.

List of Bills Contained in Memo:

1. **SB 2508 Environmental Resources (Appropriations)**
2. **HB 965/SB 1426 Environmental Management (Truenow/Burgess)**
3. **SPB 7012/HB 1475 Cleanup of Perfluoroalkyl and Polyfluoroalkyl Substances**
4. **SB 1940/HB 7053 Statewide Flooding and Sea Level Rise Resilience (Brodeur)**
5. SB 828/HB 1147 Critical Infrastructure (Hutson/Giallombardo)
6. HB 515/SB 886 Municipal Water and Sewer Rates (Robinson/Jones)
7. SB 608/HB 303 Sanitary Sewer Lateral Inspection (Brodeur/Truenow)
8. HB 621/SB 1162 Infrastructure Project Funding (Fine/Broxson)
9. SB 832/HB 561 Implementation of the Recommendations of the Blue-Green Algae Task Force (Stewart/Goff-Marcil)
10. SB 208 Well Stimulation (Farmer)
11. HB 6003 Legal Rights of the Natural Environment (Eskamani)
12. SB 834/HB 421 Long-term Cleanup of Harmful Algal Blooms (Brodeur/Truenow)
13. SB 798/HB 473 Bottled Water Excise Tax (Taddeo/Casello)

## BILLS

### **1. SB 2508 Environmental Resources (Appropriations)**

**Summary:**

- Bill was softened from original language to now require, for Lake Okeechobee, SFWMD to “balance the different interests across the system, including, but not limited to, safeguarding the water supply to society and the environment, reducing high-volume discharges to coastal estuaries, and providing for flood control.”
- Requires SFWMD to annually certify before release of funds that its recommendations to USACE are consistent with district programs and plans.
- Require water shortages in Lake Okeechobee Region to be managed in accordance with existing SFWMD rules unless ratified by Legislature.

**Status:**

**SB 2508**

02/04/22      Filed  
02/09/22      Submitted as Committee Bill and Reported Favorably by Appropriations; 16  
Yeas, 4 Nays  
02/10/22      Committee Bill Text Filed  
02/17/22      Read Second Time; Amendment Adopted (533620); Read Third Time; Passed  
(Vote: 37 Yeas / 2 Nays); Immediately certified  
The Senate requests that the House pass the bill as passed by the Senate or agree to  
include the bill in the Budget Conference  
SENATE      Engrossed Text (E1) Filed  
02/22/22      HOUSE      Read Second Time; Amendment Adopted (981363); Read Third  
Time; Passed (Vote: 112 Yeas / 0 Nays); Immediately certified  
HOUSE      Passed the Senate bill as amended by House and we accede to conference  
SENATE      In returning messages  
02/28/22      Bill placed in Conference (Appropriations Conference  
Committee/Appropriations)  
03/01/22      SENATE      Conference Committee appointed  
03/11/22      HOUSE      Bill placed in Conference (Agriculture & Natural Resources  
Conference Committee)  
03/14/22      SENATE      Conference Committee Report Received; Conference  
Committee Report Adopted (760174); Passed (Vote: 33 Yeas / 0 Nays)  
HOUSE      In returning messages  
HOUSE      Conference Committee Report Received; Conference Committee Report  
Adopted (760174); Passed (Vote: 99 Yeas / 8 Nays)  
SENATE      Ordered engrossed, then enrolled  
SENATE      Engrossed Text (E2) Filed  
03/15/22      Enrolled Text (ER) Filed

### **2. 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.
- Enhancement credits can only be sold to governmental entities. Governmental entities can establish WQEAs for their own water quality needs.

**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**  
02/14/22      **Favorable with CS by Agriculture & Natural Resources Appropriations Subcommittee; 12 Yeas, 0 Nays**  
02/15/22      **Committee Substitute Text (C2) Filed**  
02/23/22      **Favorable with CS by State Affairs Committee; 22 Yeas, 0 Nays**  
02/28/22      **Committee Substitute Text (C3) Filed**  
HOUSE        **Placed on Calendar, on 2nd reading**  
HOUSE        **Placed on Special Order Calendar, 03/03/22**  
03/03/22      **Read Second Time; Amendment Adopted (668049); Placed on Third Reading,**  
03/04/22  
HOUSE        **Engrossed Text (E1) Filed**  
03/04/22      **Read Third Time; Passed (Vote: 107 Yeas / 0 Nays)**  
SENATE       **In Messages**  
SENATE       **Received; Referred to Appropriations**  
SENATE       **Withdrawn from Appropriations; Placed on Calendar, on 2nd Reading; Substituted for SB 1426; Read Second Time; Read Third Time; Passed (Vote: 39 Yeas / 0 Nays)**  
HOUSE        **Ordered enrolled**  
HOUSE        **Enrolled Text (ER) Filed**

**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  
**02/16/22** Subcommittee Recommendation: Favorable with CS by Appropriations Subcommittee on Agriculture, Environment, and General Government; 10 Yeas, 0 Nays  
**02/28/22** Favorable with CS by Appropriations; 20 Yeas, 0 Nays  
**03/02/22** Committee Substitute Text (C2) Filed  
**03/03/22** Temporarily Postponed on Second Reading  
**SENATE** Retained on Special Order Calendar  
**03/04/22** Read Second Time; Substituted for HB 0965; Laid on Table, Refer to HB 0965

### **3. SPB 7012/HB 1475 Cleanup of Perfluoroalkyl and Polyfluoroalkyl Substances**

#### **Summary:**

- Requires DEP to adopt by rule statewide cleanup target levels for PFAS in drinking water, groundwater, and soil using specified statutory criteria, with priority given to PFOA and PFOS, if the United States Environmental Protection Agency does not finalize its standards for PFAS in drinking water, groundwater, and soil by January 1, 2025.
- The bill requires the rules to be ratified by the Legislature in order to take effect.
- Until DEP's rule has been ratified by the Legislature, a governmental entity or private water supplier may not be subject to any administrative or judicial action brought by any state or local governmental entity to compel or enjoin site rehabilitation, to require payment for the cost of rehabilitation of environmental contamination, or to require payment of any fines or penalties regarding rehabilitation based on the presence of that particular PFAS constituent.

#### **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  
**02/28/22** Favorable with CS by Appropriations; 19 Yeas, 0 Nays  
**03/01/22** Committee Substitute Text (C1) Filed  
**SENATE** Placed on Calendar, on 2nd reading  
**SENATE** Placed on Special Order Calendar, 03/02/22  
**03/03/22** SENATE Temporarily Postponed on Second Reading  
**SENATE** Retained on Special Order Calendar  
**03/04/22** Read Second Time; Substituted for HB 1475; Laid on Table, Refer to HB 1475

**HB 1475**

01/10/22 Filed  
01/16/22 Referred to Environment, Agriculture & Flooding Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee  
02/03/22 Favorable by Environment, Agriculture & Flooding Subcommittee; 17 Yeas, 0 Nays  
02/14/22 Favorable by Agriculture & Natural Resources Appropriations Subcommittee; 14 Yeas, 0 Nays  
02/23/22 Favorable with CS by State Affairs Committee; 23 Yeas, 0 Nays  
02/24/22 Committee Substitute Text (C1) Filed  
03/03/22 Read Second Time; Placed on Third Reading, 03/04/22  
03/04/22 Read Third Time; Passed (Vote: 111 Yeas / 0 Nays)  
SENATE In Messages  
SENATE Received; Referred to Appropriations  
SENATE Withdrawn from Appropriations; Placed on Calendar, on 2nd reading; Substituted for SB 7012; Read Second Time; Read Third Time; Passed (Vote: 38 Yeas / 0 Nays)  
HOUSE Ordered enrolled  
03/07/22 Enrolled Text (ER) Filed

**4. 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.
- Requires DEP to rank and include in Plan all eligible projects submitted for the plan, a description of the methodology used to rank projects, the specific scoring system used, the project proposal application form, a copy of each submitted project proposal application form separated by eligible projects and ineligible projects, the total number of project proposals received and deemed eligible, the total funding requested, and the total funding requested for eligible projects.
- The plan submitted in 2023 must be an update to the preliminary plan and clarifies that the preliminary plan, and updates to the preliminary plan submitted in 2021, 2022, and 2023, may include projects submitted by WMDs that mitigate the risks of flooding or sea level rise on water supplies or water resources of the state.
- Total amount of funding proposed for each year of the plan may not be less than \$100 million.

**Status:**

**HB 7053**

02/03/22 Filed (Formerly PCB EAF1)  
02/07/22 Referred to Appropriations Committee; State Affairs Committee  
02/09/22 Favorable by Appropriations Committee; 26 Yeas, 0 Nays

02/23/22 Favorable with CS by State Affairs Committee; 23 Yeas, 0 Nays  
 02/24/22 HOUSE Committee Substitute Text (C1) Filed  
 03/01/22 HOUSE Read Second Time; Amendments Failed (161233, 897659);  
 Placed on Third Reading, 03/02/22  
 03/02/22 HOUSE Read Third Time; Passed (Vote: 114 Yeas / 1 Nay)  
 SENATE In Messages  
 SENATE Received; Referred to Appropriations  
 03/09/22 SENATE Withdrawn from Appropriations; Placed on Calendar, on 2nd  
 Reading; Substituted for SB 1940; Read Second Time; Read Third Time; Passed (Vote: 37  
 Yeas / 0 Nays)  
 HOUSE Ordered enrolled  
 HOUSE Enrolled Text (ER) Filed

### **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  
 02/22/22 Subcommittee Recommendation: Favorable by Appropriations Subcommittee  
 on Agriculture, Environment, and General Government; 10 Yeas, 0 Nays  
 02/28/22 Favorable by Appropriations; 18 Yeas, 0 Nays  
 03/01/22 Placed on Calendar, on 2nd reading  
 03/07/22 Placed on Special Order Calendar, 03/09/22  
 03/09/22 Read Second Time; Substituted for HB 7053; Laid on Table, Refer to HB 7053

### **5. 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

**6. 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

**7. 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

**8. 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

**9. 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**

**10. 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**

**11. 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

**12. 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

02/10/22 Now in Agriculture & Natural Resources Appropriations Subcommittee

02/14/22 Favorable by Agriculture & Natural Resources Appropriations Subcommittee; 12 Yeas, 0 Nays

HOUSE Now in State Affairs Committee

**13. 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**