

MEMORANDUM

To: SEFLUC

From: Edward P. de la Parte and Nicolas Porter

Date: May 9, 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.

Highlighted bills have passed the Legislature, and are awaiting presentation to the Governor or have been presented and not yet acted on by 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
05/03/22 Signed by Officers and presented to Governor (Governor must act on this
 bill by 05/18/22)

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