

MEMORANDUM

To: SEFLUC

From: Edward P. de la Parte and Nicolas Porter

Date: June 13, 2022

RE: 2022 Legislation – SEFLUC June 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.

Yellow highlighted bills have passed the Legislature and are awaiting presentation to the Governor.

Red highlighted bills have passed the Legislature but have been vetoed by the Governor.

Green highlighted bills have passed the Legislature and have been signed into law by the Governor.

List of Bills Contained in Memo:

- 1. SB 2508 Environmental Resources (Appropriations) (Vetoed)**
- 2. HB 7055 Cybersecurity (Giallombardo)**
- 3. HB 965/SB 1426 Environmental Management (Truenow/Burgess)**
- 4. SPB 7012/HB 1475 Cleanup of Perfluoroalkyl and Polyfluoroalkyl Substances**
- 5. SB 1940/HB 7053 Statewide Flooding and Sea Level Rise Resilience (Brodeur)**
6. SB 828/HB 1147 Critical Infrastructure (Hutson/Giallombardo)
7. HB 515/SB 886 Municipal Water and Sewer Rates (Robinson/Jones)
8. SB 608/HB 303 Sanitary Sewer Lateral Inspection (Brodeur/Truenow)
9. HB 621/SB 1162 Infrastructure Project Funding (Fine/Broxson)
10. SB 832/HB 561 Implementation of the Recommendations of the Blue-Green Algae Task Force (Stewart/Goff-Marcil)
11. SB 208 Well Stimulation (Farmer)
12. HB 6003 Legal Rights of the Natural Environment (Eskamani)
13. SB 834/HB 421 Long-term Cleanup of Harmful Algal Blooms (Brodeur/Truenow)
14. SB 798/HB 473 Bottled Water Excise Tax (Taddeo/Casello)

BILLS

1. SB 2508 Environmental Resources (Appropriations) (Vetoed)

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.
- Vetoed by governor June 8

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

06/02/22 Signed by Officers and presented to Governor)

06/08/22 **Vetoed by Governor**

2. HB 7055 Cybersecurity (Giallombardo)

Summary:

- Prohibits state agencies and local governments from paying or complying with ransomware incident
- Requires state agencies and local governments to report all ransomware incidents and high level cyber security incidents to FDLE and local sheriff. Required to submit after-action reports following incident.
- Requires state agencies and local governments to undergo cybersecurity training within 30 days of employment and annually thereafter.
- Requires local governments to adopt cybersecurity standards by January 1, 2024 for counties over 75,000 in population and cities with over 25,000 in population.
- Effective July 1, 2022.

Status:

HB 7055

02/03/22 **Filed (Formerly PCB SAT2)**
02/07/22 **Referred to State Affairs Committee**
HOUSE **Now in State Affairs Committee**
02/23/22 **Favorable with CS by State Affairs Committee; 23 Yeas, 0 Nays**
02/25/22 **Placed on Calendar, on 2nd reading**
02/28/22 **Placed on Special Order Calendar, 03/03/22**
03/03/22 **Read Second Time; Placed on Third Reading, 03/04/22**
03/04/22 **Read Third Time; Passed (Vote: 110 Yeas / 0 Nays)**
SENATE **In Messages**
SENATE **Received; Referred to Appropriations**
03/09/22 **Withdrawn from Appropriations; Placed on Calendar, on 2nd Reading;**
Substituted for SB 1670; Read Second Time; Read Third Time; Passed (Vote: 38 Yeas / 0
Nays)
HOUSE **Ordered enrolled**
HOUSE **Enrolled Text (ER) Filed**

3. 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

4. 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**

5. 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)
05/03/22 **Approved by Governor; Chapter No. 2022-89**

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

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 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

7. 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

8. 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**

9. 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**

10. 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

11. 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

12. 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

13. 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**

14. 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**