

MEMORANDUM

To: SEFLUC

From: Edward P. de la Parte and Nicolas Porter

Date: February 13, 2023

RE: 2023 Legislation – SEFLUC 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. **HB 23/SB 162 Water and Wastewater Facility Operators (Bell/Collins)**
2. **HB 111 Public Financing of Potentially At-risk Structures and Infrastructure (Hunschofsky)**
3. **SB 170 Local Ordinances (Trumbull)**
4. **SB 172/HB 177 Safe Waterways Act (Berman/Gossett-Seidman)**
5. **SB 192/HB 175 Everglades Protection Area (Avila/Busatta Cabrera)**
6. **SB 194/HB 125 Utility System Rate Base Values (Hooper/McClain)**
7. **HB 207 Notice of Contaminated Water Systems (Edmonds)**
8. **SB 436/HB 383 Public Construction (DiCeglie/Griffitts)**
9. **HB 361 Municipal Water and Sewer Utility Rates (Robinson)**
10. **HB 371 Management and Storage of Surface Waters (Killebrew)**
11. **HB 423 Implementation of the Recommendations of the Blue-Green Algae Task Force (Cross)**
12. **SB 458 Wastewater Grant Program (Rodriguez)**

## BILLS

### 1. HB 23/SB 162 Water and Wastewater Facility Operators (Bell/Collins)

**Summary:**

- Requires issuance of reciprocity licenses for water and wastewater treatment plant operators who are licensed by another state, the federal government, a territory or tribal government with “comparable” license examination to Florida.
- Requires issuance of reciprocity licenses for applicants who performed comparable water or wastewater operator duties in U.S. Armed Forces.

**Status:**

**HB 23**

12/06/22      **Filed**

12/23/22      **Referred to Water Quality, Supply & Treatment Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; Infrastructure Strategies Committee**

**SB 162**

01/10/23      **Filed**

01/19/23      **Referred to Environment and Natural Resources; Regulated Industries; Fiscal Policy**

### 2. HB 111 Public Financing of Potentially At-risk Structures and Infrastructure (Hunschofsky)

**Summary:**

- Creates definitions for “areas at risk due to sea level rise” and “potentially at risk structure or infrastructure.”
- Beginning July 1, 2024, a state-financed constructor may not commence construction of a potentially at risk structure or infrastructure without preparing SLIP study and submit to DEP for publication, including design and siting alternatives and list of flood mitigation strategies evaluated as part of the design.

**Status:**

**HB 111**

01/04/23      **Filed**

01/10/23      **Referred to Agriculture, Conservation & Resiliency Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; Infrastructure Strategies Committee**

**HOUSE**      **Now in Agriculture, Conservation & Resiliency Subcommittee**

### 3. **SB 170 Local Ordinances (Trumbull)**

#### **Summary:**

- Before enactment of a proposed ordinance, local government must prepare a business impact estimate of direct economic impact of ordinance on private business, estimated regulatory costs, and number of businesses affected.
- Enforcement of ordinances suspended if challenged within 90 days of adoption.
- Does not apply to ordinances required for compliance with state or federal law or regulation, budgeting, implementation of a contract.
- Provides that courts may assess attorney's fees and costs against a local government if a local ordinance is challenged on the grounds that the ordinance is arbitrary or unreasonable.

#### **Status:**

#### **SB 170**

**01/24/23**      **Filed**

**01/26/23**      **Referred to Community Affairs; Rules**

**01/30/23**      **On Committee agenda - Community Affairs, 02/08/23, 9:30 am, 401 S**

### 4. **SB 172/HB 177 Safe Waterways Act (Berman/Gossett-Seidman)**

#### **Summary:**

- Requires Department of Health to adopt rules that require owners of beach waters and public bathing places to notify local county health department and resample water within 24 hours of a test result indicating the sample fails to meet Department standards.
- Department must issue health advisories and require beach waters and public bathing place closures if they fail to meet standards and if necessary to protect public health, safety, or welfare until water quality is restored.
- Municipalities and Counties required to post health advisory signs around beach waters and public bathing areas they own when health advisory is issued.

#### **Status:**

#### **SB 172**

**01/12/23**      **Filed**

**01/19/23**      **Referred to Health Policy; Appropriations Committee on Health and Human Services; Fiscal Policy**

#### **HB 177**

**01/11/23**      **Filed**

**01/17/23**      **Referred to Healthcare Regulation Subcommittee; Health Care Appropriations Subcommittee; Health & Human Services Committee**

**HOUSE**      **Now in Healthcare Regulation Subcommittee**

**5. SB 192/HB 175 Everglades Protection Area (Avila/Busatta Cabrera)**

**Summary:**

- Requires comprehensive plan amendments within 2 miles of Everglades Protection Area to be reviewed by FDEP in consultation with all Indian tribes of the state, to determine if proposed plan amendment adversely impacts Everglades Protection Area or Everglades restoration and protection objectives.
- If DEP determines impacts will occur, local government must modify the plan to include measures to eliminate or mitigate the adverse impacts.

**Status:**

**SB 192**

**01/13/23 Filed**

**01/26/23 Referred to Community Affairs; Environment and Natural Resources; Rules**

**HB 175**

**01/10/23 Filed**

**01/17/23 Referred to Agriculture, Conservation & Resiliency Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; Infrastructure Strategies Committee**

**HOUSE Now in Agriculture, Conservation & Resiliency Subcommittee**

**6. SB 194/HB 125 Utility System Rate Base Values (Hooper/McClain)**

**Summary:**

- Establishes alternative procedure for establishing rate base values by a private utility when acquiring an existing utility system.

**Status:**

**SB 194**

**01/13/23 Filed**

**01/26/23 Referred to Regulated Industries; Appropriations Committee on Agriculture, Environment, and General Government; Fiscal Policy**

**HB 125**

**01/06/23 Filed**

**01/17/23 Referred to Energy, Communications & Cybersecurity Subcommittee; State Administration & Technology Appropriations Subcommittee; Commerce Committee**

**HOUSE Now in Energy, Communications & Cybersecurity Subcommittee**

**7. HB 207 Notice of Contaminated Water Systems (Edmonds)**

**Summary:**

- Adds requirement that water suppliers regulated by the Department of Health must provide notice of water problems and corrective measures via text message to each owner or occupant of affected residences when health hazards exist due to contamination from pollutants or hazardous substances.
- Applicable to water systems not covered by Florida Safe Drinking Water Act

**Status:**

**HB 207**

**01/17/23 Filed**

**01/25/23 Referred to Healthcare Regulation Subcommittee; Health Care Appropriations Subcommittee; Health & Human Services Committee**

**HOUSE Now in Healthcare Regulation Subcommittee**

**8. SB 436/HB 383 Public Construction (DiCeglie/Griffitts)**

**Summary:**

- Construction contracts between local government and contractor must include a dollar valuation using reasonable market values of the estimated costs to complete list of items required for construction services to be rendered complete.
- Within 20 days of the date the list is created, local government must pay the contractor the remaining balance of the contract including retainage, excluding the estimated costs to complete the items on the list.
- Failure by local government to develop list results in requirement to pay all unpaid contract sums, including retainage.
- Definition of “public works project” in Section 255.0992 amended to eliminate \$1 million in value threshold, and include both local or state appropriated funds for public works.
  - Impacts limitations on bidding based on geographic location of contractor, employee pay and benefit requirements.
- HB 383 also includes amendment to Section 553.792 regarding local government building permit approval.

**Status:**

**SB 194**

**01/24/23 Filed**

**HB 383**

**01/23/23 Filed**

**9. HB 361 Municipal Water and Sewer Utility Rates (Robinson)**

**Summary:**

- Any municipality providing water or sewer service to customers in another municipality using facilities located in the recipient municipality must charge the same rates and fees to the recipient municipality customers as within its own municipal boundaries.

**Status:**

**HB 361**

**01/23/23 Filed**

**10. HB 371 Management and Storage of Surface Waters (Killebrew)**

**Summary:**

- Revises ERP exemptions to implementation of measures or practices for the primary purpose of environmental habitat creation, enhancement, or water quality improvement on government-owned lands.
- Exemption applies if the alterations result in a net increase in wetland resource functions, and result in habitat that resembles the characteristics of a functional wetland habitat in the same region.

**Status:**

**HB 371**

**01/23/23 Filed**

**11. HB 423 Implementation of the Recommendations of the Blue-Green Algae Task Force (Cross)**

**Summary:**

- Require inspection of OSTs at least every 5 years through program implemented by FDEP.
- Require pollutant load reductions in BMAPs to meet or exceed total amount of pollutant load reductions needed to meet the total TMDL requirements.
- Require BMAPs to consider projected increases in pollutant loading related to population growth and agricultural growth.

**Status:**

**HB 423**

**01/24/23 Filed**

**12. SB 458 Wastewater Grant Program (Rodriguez)**

**Summary:**

- Expands projects that qualify for FDEP wastewater grants to include those that are directed to a water body included on verified list of impaired waters. Existing law limits grants to areas under BMAP or restoration plan.

**Status:**

**SB 458**

**01/31/23      Filed**