



MEMORANDUM

To: SEFLUC

From: Edward de la Parte and Nicolas Porter

Date: December 6, 2023

RE: 2024 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.

The 2024 Legislative Session begins January 9 and adjourns March 8.

List of Bills Contained in Memo:

1. **HB 47/SB 104 - Municipal Water and Sewer Utility Rates (Robinson/Jones)**
2. **HB 75/SB 184 – Impeding, Threatening, or Harassing First Responders (Rizo/Avila)**
3. **HB 149/SB 656 – Continuing Contracts (Alvarez/DiCeglie)**
4. **HB 165/SB 338 – Safe Waterways Act (Gossett-Seidman/Berman)**
5. **SB 298 – Saltwater Intrusion Vulnerability Assessments (Polsky)**
6. **SB 510 – Excise Tax on Water Extracted for Comm. or Ind. Use (Stewart)**
7. **HB 705/SB 742 – Public Works Projects (Shoaf/Grall)**

1. HB 47/SB 104 Municipal Water and Sewer Utility Rates (Robinson/Jones)

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.
- Essentially the same as 2023 HB 361, which failed to pass.

Status:

HB 47

09/18/23 **Filed**
10/05/23 **Referred to Energy, Communications & Cybersecurity Subcommittee; Local Administration, Federal Affairs & Special Districts Subcommittee; Commerce Committee**
HOUSE **Now in Energy, Communications & Cybersecurity Subcommittee**

SB 104

10/04/23 **Filed**
10/17/23 **Referred to Regulated Industries; Community Affairs; Rules**

2. HB 75/SB 184 – Impeding, Threatening, or Harassing First Responders (Rizo/Avila)

Summary:

- Extends existing protection for first responders to prohibit a person, after verbal warning, from willfully violating such warning and continuing to approach within 20 feet (14 feet in SB) of the first responder to interrupt, threaten, or harass the first responder from performing his or her lawful duties.

Status:

HB 75

09/21/23 **Filed**
10/05/23 **Referred to Criminal Justice Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee**
HOUSE **Now in Criminal Justice Subcommittee**
11/29/23 **On Committee agenda - Criminal Justice Subcommittee, 12/06/23**

SB 184

10/11/23 **Filed**

11/07/23 Referred to Criminal Justice; Community Affairs; Rules
11/27/23 On Committee agenda - Criminal Justice, 12/05/23, 2:00 pm, 37 S
12/05/23 Favorable by Criminal Justice; 5 Yeas, 2 Nays
SENATE Now in Community Affairs

3. **HB 149/SB 656 – Continuing Contracts (Alvarez/DiCeglie)**

Summary:

- Under Consultant’s Competitive Negotiation Act (CCNA), Section 287.055, Fla. Stat., the definition of “continuing contract” is amended to increase the not to exceed amount from the current \$4 million to \$10 million, plus an annual percentage increase based on the CPI.

Status:

HB 149

10/11/23 Filed
10/17/23 Referred to Constitutional Rights, Rule of Law & Government Operations Subcommittee; State Administration & Technology Appropriations Subcommittee; State Affairs Committee
HOUSE Now in Constitutional Rights, Rule of Law & Government Operations Subcommittee

SB 656

11/30/23 Filed

4. **HB 165/SB 338 – Safe Waterways Act (Gossett-Seidman/Berman)**

Summary:

- Requires Department of Health to report information regarding its bacteriological sampling of beach waters and public bathing places.
- Requires Department of Health and DEP by December 2024 to submit recommendations regarding the transfer of bacteriological sampling of beach waters and public bathing places from Department of Health to DEP, including continued rule, if any for county health departments in tracking and reporting data.
- Requires Department of Health and DEP by June 2025 to enter into an interagency agreement addressing cooperation between the agencies regarding cooperation between the agencies on data collection, transfer of divisions within the Department of Health to DEP.
- Effective July 1, 2025, powers of Department of Health regarding bacteriological sampling of beach waters and public bathing places transferred to DEP.
- Require rulemaking requiring owners of beach waters and public bathing places to notify DEP and resample within 24 hours of a test result failing to meet a standard established by DEP. Requires closure of waters that fail to meet standards and if necessary to protect public health.
- Requires municipalities and counties to “immediately” notify DEP of any incident that may affect the quality of beach waters or public bathing places within their jurisdiction.

- Requires municipalities and counties to post and maintain health advisory signs around affected beach waters and public bathing places that they own.

Status:

HB 165

10/16/23 Filed
 11/02/23 Referred to Water Quality, Supply & Treatment Subcommittee;
 Appropriations Committee; Infrastructure Strategies Committee
 HOUSE Now in Water Quality, Supply & Treatment Subcommittee

SB 338

11/07/23 Filed
 11/15/23 Referred to Health Policy; Appropriations Committee on Agriculture,
 Environment, and General Government; Fiscal Policy

5. SB 298 – Saltwater Intrusion Vulnerability Assessments (Polsky)

Summary:

- Under Resilient Florida Grant Program, FDEP would be authorized to provide grants to coastal counties for saltwater intrusion vulnerability assessments that analyze the effects of saltwater intrusion on the county’s water supply and preparedness to respond.
- Specified what must be included in the intrusion assessment.

Status:

SB 298

11/02/23 Filed
 11/15/23 Referred to Environment and Natural Resources; Fiscal Policy
 11/27/23 On Committee agenda - Environment and Natural Resources, 12/06/23

6. SB 510 – Excise Tax on Water Extracted for Comm. or Ind. Use (Stewart)

Summary:

- Applies to persons engaged in extracting water for commercial or industrial use (excluding public water supply utilities, agricultural maintenance of crops or livestock, sanitation, or kitchen).
- Excise tax must be paid at rate of 1/1000 of a dollar per gallon of water extracted.

Status:

SB 510

11/16/23 Filed

12/05/23 Referred to Environment and Natural Resources; Finance and Tax; Appropriations

7. HB 705/SB 742 – Public Works Projects (Shoaf/Grall)

Summary:

- Expands definition of “public works project” to mean any activity paid for with any local funds for construction, maintenance, etc. of building, road, sewer, storm drain, water system, etc. or other facility owned by a political subdivision. Existing definition included only activities paid for with state-appropriated funds.
- As a result, such locally funded public works projects would be subject to existing prohibitions of Section 255.0992, Fla. Stat. regarding limitations of geographic locations of contractor, requirements regarding contractor employee wages, benefits, recruitment.
- Prohibition on limitations of geographic locations of contractor does not apply to public works projects for which the political subdivision is the sole source of funding.

Status:

HB 705

12/04/23 Filed

SB 742

12/06/23 Filed