

MEMORANDUM

To: SEFLUC

From: Edward P. de la Parte and Kristin Melton

Date: February 12, 2018

RE: 2018 Legislation – SEFLUC February Update

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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.

List of Bills Contained in Memo:

Bill that have passed or still possible:

1. **HB 7063 – Natural Resources**
2. **SB 244/HB 837 – Domestic Wastewater Collection System Assessment and Maintenance**
3. **SB 324/HB 697 – Impact Fees**
4. **SB 1308/HB 1149 – Environmental Regulation**
5. **HB 585/SB 658 – Tourism Development Tax**
6. **HB 83/SB 912 – Agency Rulemaking**
7. **HB 703/SB 806 – Water Management District Surplus Lands**
8. **SB 992 – C-51 Reservoir Project**

Bills that are unlikely:

9. **HB 339/SB 786 – Land Acquisition Trust Fund**
10. **HB 459/SB 956 – Public Records**
11. **SB 656 – Public Utility Environmental Remediation Costs**
12. **SB 1402/HB 7043 – State Assumption of Federal Section 404 Dredge and Fill Permitting Authority**
13. **HB 1303/SB 1710 – West Coast Regional Water Supply Authority**
14. **SB 1506 – Water Management**
15. **SB 1620 – Florida Water Infrastructure Needs Solutions Task Force**
16. **SB 1664 – Onsite Sewage Treatment and Disposal Systems**

List of Constitutional Revisions:

1. **CRC Proposal 23 - Withdrawn**

## BILLS

1. **HB 7063** – **Natural Resources** (*File by Rep. Caldwell as a PCB in his Committee – Bill is still moving, only one more committee stop – possible that Senate may adopt on the floor*)

### **Summary:**

Contains language from SB 992, SB 370, and HB 1353.

Comprehensive bill revising a number of policies relating to Florida's natural resources. The bill in part:

- Modifies the funding allocations currently identified in the Florida Forever Act by consolidating the allocations from nine categories to three categories: land acquisition, Florida Communities Trust, and the Rural and Family Lands Protection Program. Each category would receive 33 1/3 percent of the funding received for the Florida Forever Program.
- **Removes the authorization to use Florida Forever funding for capital improvement projects, water resource development projects, and land management.**
- Consolidates all land acquisition into one category, including acquisition projects selected by the Acquisition and Restoration Council; acquisitions identified on water management districts' (WMDs) priority lists; acquisitions of inholdings and additions to state parks, state forests, lands managed by the Fish and Wildlife Conservation Commission, and greenways and trails; and land acquisition grants under the Florida Recreation and Development Assistance Program.
- Requires annual dedicated funding for Florida Forever from the Land Acquisition Trust Fund (LATF) beginning in fiscal year 2019-2020.
- Prioritizes eligible Comprehensive Everglades Restoration Plan (CERP) projects for funding under the LATF to prioritize Phase I and Phase II of the C-43 Reservoir above other CERP projects.
- Requires counties, municipalities, and water management districts (WMDs) to deposit any proceeds generated from the disposal of conservation lands acquired with state funds in the appropriate state trust fund.
- Requires WMDs to deposit any revenue generated from the use of conservation lands purchased with state funds into a separate agency trust fund to be used to support future land management activities.
- Exempts local governments that are designated as rural areas of opportunity that do not own, operate or maintain its own water supply facilities from the comprehensive plan requirement to develop and maintain a water facilities work plan.
- Clarifies operation provisions of the C-51 reservoir project and providing waiver of repayment from the water storage facility revolving loan fund. (compare with SB 992)
- Requires regional water supply authorities to provide annual status reports to WMDs on water resource development projects for inclusion in the consolidated WMD annual report.

- Requires the Department of Transportation to coordinate with WMDs, DEP, and local governments to redirect stormwater from road projects for beneficial use, if economically feasible.
- **Requires public water systems and domestic wastewater systems to develop an asset management plan (AMP) and create a reserve fund to implement AMP.**
- **Requires new public water systems and domestic wastewater treatment system infrastructure to be built to withstand 100 or 500 year flood conditions respective to their location.**

**Impact on SEFLUC:**

This bill will have direct impact on members and result in a required asset management plan as well as potential stormwater/reuse projects.

**Status:**

**CS/HB 7063**

**1/29/18** – Filed

**1/30/18** - Referred to Agriculture & Natural Resources Appropriations Subcommittee; Appropriations Committee; Now in A&NRAS

**2/6/18** – Favorable with CS by A&NRAS

**2. SB 244/HB 837 – Domestic Wastewater Collection System Assessment and Maintenance** (*Bill is still moving – still possible*)

**Summary:**

Blue Star Certification Program

- Establishes blue star collection system assessment and maintenance program as a voluntary incentive program to assist public and private utilities in limiting sanitary sewer overflows and the unauthorized discharge of pathogens.
  - Blue Star utilities may receive reduced penalties in the event of sanitary sewer overflow and/or allow utility to apply amount of penalty toward investment in assessment and maintenance activities to identify and correct cause of unauthorized releases
  - Blue Star utilities receive a presumption of compliance with state water quality standards for pathogens where also show history of compliance.
  - Blue Star utilities receive 10 year permit upon blue star application for renewal under Section 403.087, Florida Statutes
- Requires DEP to adopt standards for blue star certification based on specific standards outlined in the legislation.
- Requires DEP to review and approve utilities applying for certification and maintain on its website a list of certified blue star utilities beginning January 1, 2019.
- Program certification expires after 10 years and utility applying for renewal must meet all criteria existing at time of its application for renewal.
- Provides that DEP shall allow public and not-for-profit private utilities to participate in Clean Water State Revolving Program for any purpose consistent with federal law,

including planning and implementation of sanitary sewer assessment programs and activities associated with becoming certified or maintaining certification.

- Authorizes grants under Small Community Sewer Construction Assistance Act for private not-for-profit utilities serving financially disadvantaged small communities for planning and implementing sanitary sewer assessment programs to identify causes of unauthorized releases due to physical condition or defect in system

**Impact on SEFLUC:**

SEFLUC utilities should support and then take steps to become blue star certified.

**Status:**

**SB 244**

**08/31/17** - Filed

**09/22/17** – Referred to Environmental Preservation and Conservation; Communications, Energy, and Public Utilities; Appropriations; Rules

**2/5/18** – Favorable with CS by Environmental Preservation and Conservation

**HB 837**

**11/29/17** – Filed

**12/8/17** - Referred to Natural Resources & Public Lands Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; Government Accountability Committee; Now in Natural Resources & Public Lands Subcommittee

**1/30/18** – Favorable with CS by Natural Resources & Public Lands Subcommittee

CS – strike all, with mostly the same concepts

- Defines the terms domestic wastewater, domestic wastewater collection system, and SSO;
- Allows a certified blue star utility issuance of a 10-year permit for the same fee and under the same conditions as a five-year permit upon approval of its application for permit renewal by DEP, if the utility demonstrates that it:
  - Is in compliance with any consent order or an accompanying administrative order to its permit;
  - Does not have any pending enforcement action against it by EPA, DEP, or a local program; and
  - If applicable, has submitted annual program implementation reports demonstrating progress in the implementation of the program;

**2/5/18** – Now in Agriculture and Natural Resources Appropriations Subcommittee

**3. SB 324/HB 697 – Impact Fees (*Bill is still moving – likely*)**

**Summary:**

Requires an impact fee adopted by ordinance of a county or municipality or by resolution of a special district to specify that the collection of the impact fee be no earlier than the issuance of the certificate of occupancy (CHANGED TO BUILDING PERMIT IN SB 324 12/5 CS) for the property that is subject to the fee.

**Impact on SEFLUC:**

Monitor – amendment was filed that addressed water/wastewater utility concerns regarding water and sewer connection fees.

**Status:**

**SB 324**

**10/12/17** – Referred to Community Affairs; Appropriations Subcommittee on Finance and Tax; Appropriations

**12/5/17** – Favorable with CS by Community Affairs

- Provides that collection of impact fees may not occur before the issuance of the building permit, rather than the issuance of the certificate of occupancy, for the property that is subject to the fee.
- Requires that the impact fee be reasonably connected to, or have a rational nexus with:
  - The need for additional capital facilities and the increased impact generated by the new residential or commercial construction; and
  - The expenditures of the funds collected and the benefits accruing to the new residential or commercial construction.
- Requires the local government to specifically earmark funds collected by the impact fees for use in acquiring capital facilities to benefit the new residents.
- Prohibits the use of impact fee revenues to pay existing debt or for prior approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or commercial construction

**12/13/17** – Now in Appropriations Subcommittee on Finance and Tax

**1/29/18** – Favorable with CS by Appropriations Subcommittee on Finance and Tax

- **Provides that impact fee requirements do not apply to water or sewer connection fees.**
- Prohibits local governments from requiring developers to contribute or pay for land acquisition or construction of public facilities as a condition for approving a detailed specific area plan or related development order unless the local government has an ordinance that imposes similar payments on developers of developments not within the sector planning area requiring that they contribute a proportionate share of the funds, land, or facilities necessary to accommodate any impacts having a rational nexus to the proposed development.

**1/31/18** – Now in Appropriations

**HB 697**

**11/14/17** – Filed

**11/27/17** - Referred to Local, Federal & Veterans Affairs Subcommittee; Ways & Means Committee; Government Accountability Committee; Now in Local, Federal & VA Subcommittee

**1/10/18** – Favorable with CS by LF&VA Subcommittee

- Provides that collection of impact fees may not occur before the issuance of the building permit, rather than the issuance of the certificate of occupancy, for the property that is subject to the fee.

- Requires impact fees to have a rational nexus to both the need for additional capital facilities and the expenditure of funds collected and the benefits accruing to the new construction.
- Requires local governments to designate the funds collected by the impact fees for acquiring the capital facilities to benefit the new residents.
- Provides that impact fees collected by a local government may not be used to pay existing debt or pay for prior approved projects unless such expenditure has a rational nexus to the impact generated by the new construction.

**1/17/18** – Favorable with CS by Ways & Means Committee

- Prohibits local governments from requiring the payment of impact fees prior to issuing a building permit
- Specifies that local governments must also designate funds collected by impact fees for acquiring, constructing, or improving capital facilities to benefit new users.

**1/23/18** – Now in Government Accountability Committee

**2/6/18** – On Government Accountability Committee – 2/8/18

#### **4. SB 1308/HB 1149 – Environmental Regulation *(Bill is still moving – likely)***

##### **Summary:**

Requires the Department of Environmental Protection and the water management districts to develop and enter into a memorandum of agreement by December 1, 2018 providing for a coordinated review of any reclaimed water project requiring a reclaimed water facility permit, an underground injection control permit, and a consumptive use permit. It also prohibits counties and municipalities from requiring the recycling of contaminated recyclable material, etc.

The reuse portions of the legislation clarify and streamline the permitting process for aquifer recharge projects, as follows...

- Water Resource Impact Offsets
  - Florida law provides that water utilities can use reclaimed water to reduce or eliminate a harmful impact that has occurred or would otherwise occur as a result of other surface water or groundwater withdrawals.
  - This legislation explains that such projects may include the use of reclaimed water to prevent or stop further saltwater intrusion, raise aquifer levels, improve the water quality of an aquifer, or augment surface water to increase the quantity of water available for water supply.
- Permitting
  - Directs FDEP to develop a uniform rule for incorporating impact offsets and credits into permits at renewal, issuance, or extension.
  - Provides that the credit may help achieve the requirements of a minimum flow or level
- Legislative Finding in Support of Aquifer Recharge
  - Finds that the reuse of reclaimed water through aquifer recharge is a critical component of meeting the state's existing and future water supply needs while sustaining natural systems

- Streamlines Aquifer Recharge Project Permitting
  - o The permitting of an aquifer recharge project may involve the issuance of a utility operating permit by FDEP, an underground injection control permit by (a different permitting section of) FDEP, and a consumptive use permit by a water management district. Often the same and similar issues are in play, but there is no process for coordinated permit review.
  - o This legislation requires the department and water management districts to enter into a memorandum of agreement by December 1, 2018 providing for a coordinated review of any reclaimed water project requiring a reclaimed water facility permit, an underground injection control permit, and a consumptive use permit.
  - o Makes the coordinated review voluntary on the part of the permit applicant.
  - o States that the goal of such coordinated review shall be to share information, avoid requesting the applicant to submit redundant information, and to ensure, to the extent feasible, harmonized review of the reclaimed water project under these various permitting programs, including the use of a proposed impact offset or substitution credit in accordance with s. 373.250(5).

**Impact on SEFLUC:**

Support

**Status:**

**SB 1308**

**12/19/17** – Filed

**1/11/18** - Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on the Environment and Natural Resources; Appropriations

**1/22/18** – Favorable with CS by Environmental Preservation and Conservation

- CS replaces provisions relating to contaminated recycling

**1/26/18** - Reference to Appropriations Subcommittee on the Environment and Natural Resources removed; Reference to Community Affairs added; Remaining references: Community Affairs; Appropriations; Now in Community Affairs

**2/1/18** – On Community Affairs Agenda 2/6/18

**2/6/18** – NOT CONSIDERED

**HB 1149**

**1/3/18** – Filed

**1/7/18** - Referred to Natural Resources & Public Lands Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; Government Accountability Committee

**1/23/18** – Favorable with CS by Natural Resources & Public Lands Subcommittee

- CS replaces section relating to contaminated recycling

**2/6/18** – Favorable by A&NRAS; Now in Government Accountability Committee

**5. HB 585/SB 658 – Tourism Development Tax *(Bill is still moving – likely)***

**Summary:**

Authorizes counties to use tourism tax revenues to finance estuary or lagoon improvements or to acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate, or finance public facilities within the boundaries of the county or sub-county special taxing district in which the tax is levied. Public facilities includes major capital improvements that have a life expectancy of 5 or more years, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, and pedestrian facilities.

**Impact on SEFLUC:**

Support - could provide some funding for certain water/wastewater projects.

**Status:**

**HB 585**

**11/8/17** – Filed

**11/15/17** - Referred to Tourism & Gaming Control Subcommittee; Ways & Means Committee; Commerce Committee; Now in T&GCS

**1/10/18** – Favorable by T&GCS

**1/17/18** – Favorable by W&M Committee

**2/1/18** – Favorable with CS by Commerce Committee

- Requires the county to conduct a return-on-investment analysis before approving the expenditure of tourist development tax revenues on any use authorized by statute;
- Specifies that the recommendation by the local tourist development council required in order for a county to approve the expenditure of tourist development tax revenues on certain infrastructure projects newly authorized by the bill must include an analysis by a qualified, independent expert showing the project’s impact on tourism in the local area; and
- Extends the list of authorized uses of tourist development tax revenues on water- or beach-oriented projects to include channels.

**SB 658**

**11/8/17** – Referred to Community Affairs; Appropriations Subcommittee on Finance and Tax; Appropriations

**12/5/17** – Favorable by Community Affairs; Now in Appropriations Subcommittee on Finance and Tax

**2/5/18** – Favorable with CS by Appropriations Subcommittee on Finance and Tax

- Sets forth additional conditions that must be satisfied for use of tax revenues
  - Minimum \$20 million in tourist development tax revenue received by county
  - County GB approves use of proposed public facilities by at least 2/3 of its membership
  - No more than 70% of the cost of proposed facilities paid with tourist development tax revenues and sources of funding for remaining costs must be identified
  - Independent professional analysis demonstrates positive impact on tourist-related businesses



6. **HB 83/SB 912** – Agency Rulemaking (*House Bill has Passed – likely*)

**Summary:**

Increases circumstances where a statement of estimated regulatory costs (SERC) is required. The bill requires an agency to prepare a SERC before the adoption or amendment of any rule other than an emergency rule. Existing rules only require SERC if rule will have an adverse impact on small businesses or is likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation. Additionally, the bill requires an agency to prepare a SERC for a rule repeal if such repeal would impose a regulatory cost, and establishes that in a challenge to a rule repeal, the repeal must be considered presumptively correct by the adjudicating body.

The bill requires each agency to have a website where each of their SERCs may be viewed in their entirety. The department must include on the Florida Administrative Register website the agency website addresses where the SERCs can be viewed. An agency must provide in its notice of intended action the agency website addresses where the SERCs can be viewed. If an agency revises a SERC, it must provide a notice that a revision has been made and include an agency website address where the revision can be viewed for publication on the Florida Administrative Register website.

Lastly, the bill removes the requirement that the agency head approve certain rulemaking notices.

**Impact on SEFLUC:**

Monitor – SERC is a point of entry for legal challenges

**Status:**

**HB 83 - PASSED**

**08/30/17** - Referred to Oversight, Transparency & Administration Subcommittee; Transportation & Tourism Appropriations Subcommittee; Government Accountability Committee

**10/11/17** – Favorable with CS by Oversight, Transparency & Administration Subcommittee

- Changed the phrase “Joint Administrative Procedures Committee” to “committee” as that term is defined in s. 120.52(4), F.S.;
- Changed the phrase “Division of Administrative Hearings” to “division” as that term is defined in s. 120.52(5), F.S.;
- Removed a phrase in s. 120.541(1)(a), F.S., to conform to changes made by the bill;
- Repealed s. 120.541(1)(b), F.S., as the provision was rendered redundant; and
- Changed “Department” to “department” in s. 120.541(6), F.S.

**10/16/17** – Now in Transportation & Tourism Appropriations Subcommittee

**11/15/17** – Favorable by Transportation & Tourism Appropriations Subcommittee; Now in Government Accountability Committee

**1/11/18** – Favorable with CS by Government Accountability Committee – CS made conforming changes to 10/11 amendment

**1/31/18** – Read Second Time; Amendment Adopted; Read Third Time; Passed; Engrossed Text Filed

**SB 912**

11/15/17 – Filed

12/4/17 - Referred to Governmental Oversight and Accountability; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations

7. **HB 703/SB 806** – **Water Management District Surplus Lands** (*Bill is still moving – possible*)

**Summary:**

The bill makes several changes to the surplus procedures for WMDs:

- Requires a WMD to publish notice of its intent to sell surplus property at least 30 days, but not more than 360 days, before the WMD approves the sale. The current law does not specify a date from which the 30 or 360 days must be counted;
- Authorizes a WMD to sell land valued at \$25,000 or less to the adjacent property owner rather than giving such property owners the opportunity to purchase the property before the rest of the general public;
- Requires a WMD to publish the notice of intention to offer to sell land valued at \$25,000 or less to adjacent property owners in the newspaper in the county where the land is located only one time;
- Defines “adjacent property owners;” and
- Removes the requirement that a WMD accept sealed bids and sell the property to the highest bidder or reject all offers 30 days after publication of notice, if the WMD does not sell the land to the adjacent property owner. Instead, the bill authorizes a WMD to sell the parcel valued at \$25,000 or less at any time to the general public for the highest price obtainable, if the WMD does not sell the parcel to the adjacent property owner.

**Impact on SEFLUC:**

Monitor

**Status:**

**HB 703**

11/15/17 – Filed

11/27/17 - Referred to Natural Resources & Public Lands Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; Government Accountability Committee

12/6/17 – Favorable by Natural Resources & Public Lands Subcommittee; Now in Agriculture & Natural Resources Appropriations Subcommittee

2/6/18 – Favorable by Agriculture & Natural Resources Appropriations Subcommittee; Now in Government Accountability Committee

**SB 806**

11/8/17 – Filed

11/17/17 - Referred to Environmental Preservation and Conservation; Governmental Oversight and Accountability; Rules

1/16/18 – Favorable by Environmental Preservation and Conservation

1/23/18 – Favorable by Government Oversight and Accountability

1/24/18 – Now in Rules

8. **SB 992 – C-51 Reservoir Project** (*Bill has some movement in Senate – language of Bill is in HB 7063 – possible*)

**Summary:**

Revising requirements related to the operation of water storage and use for Phase I and Phase II of the C-51 reservoir project if state funds are appropriated for such phases

- Phase I and Phase II operations shall, to the extent practicable, maximize reduction of harmful discharge to Lake Worth lagoon.
- Operation of Phase I must be in accordance with any operation and maintenance agreement adopted by the District;
- Phase I or Phase II water made available shall be used for natural system in addition to permitted amounts for water supply issued in accordance with executed capacity allocation agreements.
- Water from Lake O is only available for CUPs if use is in accordance with rules for applicable restricted allocation area

Authorizes the South Florida Water Management District to enter into certain capacity allocation agreements with a water supply entity for a pro rata share of unreserved capacity in the water storage facility and may request Department of Environmental Protection to waive such loan repayment where the Department has determined it has received reasonable value for the waiver.

**Impact on SEFLUC:**

Monitor

**Status:**

**SB 992**

12/13/17 – Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on the Environment and Natural Resources; Appropriations

2/5/18 – Favorable by EPC; Now in Appropriations Subcommittee on the Environment and Natural Resources

9. **HB 339/SB 786 – Land Acquisition Trust Fund** (*Little movement – unlikely*)

**Summary:**

Provides appropriation of minimum of the lesser of 7.6 percent or \$50 million for certain projects related to Indian River Lagoon Comprehensive Conservation & Management Plan and authorizes DEP to make grants for such projects. It also directs DEP to submit annual report to Governor and Legislature.

Preference for grants shall be given to projects for ecosystem monitoring and habitat restoration, projects to connect onsite sewage treatment and disposal systems to central sewer systems, and projects for the management of stormwater, freshwater, and agricultural discharges. Grants for sewer system connection projects and discharge management projects shall require a minimum 50 percent local match.

**Impact on SEFLUC:**

Monitor

**Status:**

***HB 339***

**10/26/17** - Referred to Agriculture & Natural Resources Appropriations Subcommittee; Natural Resources & Public Lands Subcommittee; Appropriations Committee: Now in A&NRAS

***SB 786***

**11/07/17** – Filed

**11/17/17** - Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on the Environment and Natural Resources; Appropriations

**1/16/18** – Favorable by Governmental Oversight and Accountability

**1/17/18** – Now in Appropriations Subcommittee on Transportation, Tourism, and Economic Development

**10. HB 459/SB 956 – Public Records (*Little movement – unlikely*)**

**Summary:**

In pertinent part, amends public records act as follows:

- Provides that any contract or agreement, or addendum thereto, which an agency or an entity subject to Chapter 119 and any financial agreement related to such a contract including, but not limited to, the amount of money paid, any payment structure or plan, expenditures, incentives, fees, or penalties are NOT confidential and exempt from the public records act.
- Removes or revises numerous provisions relating to exemptions from public records requirements for trade secrets

**Impact on SEFLUC:**

Monitor – affects entities subject to public records act

**Status:**

***HB 459***

**11/01/17** - Referred to Oversight, Transparency & Administration Subcommittee; Government Accountability Committee; Now in OT&AS

**1/17/18** – Favorable with CS by OT&AS

- Clarified that contracts or agreements, or addendums thereto, are public records but an agency

- may redact confidential or exempt information from the contract or agreement prior to releasing it if
- the specific statutory exemption is identified;
  - Made cross-reference changes and other conforming changes; and
  - Revised the effective date to make it contingent on the passage of HB 461.

**1/19/18** – Now in Government Accountability Committee

**SB 956**

**11/17/17** – Filed

**12/4/17** - Referred to Governmental Oversight and Accountability; Appropriations; Rules

11. **SB 656** – **Public Utility Environmental Remediation Costs** (*No movement – unlikely*)

**Summary:**

If the Department of Environmental Protection makes a determination that a public utility has caused environmental damage within the state, a municipality or county in which such damage occurred may file a request for a hearing with the commission for a determination of prudence on the environmental damage the public utility caused within the boundaries of the municipality or county or adjacent bodies of water. Such request must be submitted by the municipality or county as prescribed by the commission.

The commission may not conduct any hearing regarding recovery for remediation of such environmental damage until after the commission makes its determination or the request is dismissed.

If the commission determines that the public utility failed to act prudently, the public utility may not recover any expenditures to remedy the environmental damage from ratepayers.

**Impact on SEFLUC:**

Monitor

**Status:**

**SB 656**

**10/26/17** – Filed

**11/8/17** - Referred to Communications, Energy, and Public Utilities; Community Affairs; Environmental Preservation and Conservation; Rules

12. **SB 1402/HB 7043** – **State Assumption of Federal Section 404 Dredge and Fill Permitting Authority** (*Some movement in Senate – unlikely*)

**Summary:**

Provides the Department of Environmental Protection with the power and authority to adopt rules to assume and implement the section 404 dredge and fill permitting program pursuant to

the federal Clean Water Act. It defines the term “state assumed waters” and requires the Department to adopt rules to create an expedited permit review process.

MOA between DEP and EPA – 5 year permit limit; assumption would occur after EPA publishes in Federal Register with date for actual transfer; still need a lot of rulemaking by DEP to implement

No MOAs from ACOE and FWS (real detail)

**Impact on SEFLUC:**

Monitor, potential streamlined/more efficient permitting through state processes

**Status:**

***SB 1402***

**12/28/17** – Filed

**1/12/18** - Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on the Environment and Natural Resources; Appropriations

**1/22/18** – Favorable by Environmental Preservation and Conservation; Now in Appropriations Subcommittee on the Environment and Natural Resources

***HB 7043***

**1/18/18** – Filed

**1/19/18** – Referred to Government Accountability Committee; Now in GAC

13. **HB 1303/SB 1710** – **West Coast Regional Water Supply Authority** (*No movement – unlikely*)

**Summary:**

Specifies that each member has absolute right to use its own reclaimed water it produces to develop potable water supplies for its own use or sale to another entity not a member of the authority.

Bill would have allowed Tampa the right to use its reclaimed water to supplement its own water supply.

**Impact on SEFLUC:**

Monitor

**Status:**

***HB 1303***

**1/7/18** – Filed

**1/12/18** - Referred to Natural Resources & Public Lands Subcommittee; Government Accountability Committee; Now in Natural Resources & Public Lands Subcommittee

**1/31/18** –Natural Resources & Public Lands Subcommittee adjourned without action

**SB 1710**

**01/12/18** - Referred to Environmental Preservation and Conservation; Community Affairs; Rules

**14. SB 1506 – Water Management** (*No movement – unlikely*)

**Summary:**

Requiring district water management plans for districts including Outstanding Florida Springs to include certain maximum sustainable groundwater withdrawal estimates; revising the criteria for determining whether certain water supply development projects are given first consideration for funding assistance to include consideration of whether a project maximizes water conservation; Requiring quarterly instead of annual CUP monitoring for any CUP permit that authorizes groundwater withdrawals of 100,000 gallons or more day, regardless of well diameter size; new DACS rules and agricultural requirements for implementing BMAPs.

**Impact on SEFLUC:**

Monitor with respect to CUP monitoring and water supply development projects

**Status:**

**SB 1506**

**1/3/18** – Filed

**1/12/18** - Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on the Environment and Natural Resources; Appropriations

**15. SB 1620 – Florida Water Infrastructure Needs Solutions Task Force** (*No movement – unlikely*)

**Summary:**

Creating the task force within the legislative branch to analyze funding structures available for water infrastructure and work to close funding gap between what is needed and money available; requiring the task force to submit a report to the Governor and the Legislature by a specified date; specifying that the task force is dissolved and discharged of further duties upon submission of such report; authorizing reimbursement for per diem and travel expenses, etc.

**Impact on SEFLUC:**

Monitor

**Status:**

**SB 1506**

**1/5/18** – Filed

**1/12/18** - Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on the Environment and Natural Resources; Appropriations

16. **SB 1664 – Onsite Sewage Treatment and Disposal Systems** (*Some movement but no House companion – unlikely*)

**Summary:**

Requiring the Department of Environmental Protection and other entities, as part of a basin management action plan, to develop onsite sewage treatment and disposal system remediation plans and public wastewater treatment plant remediation plans if DEP determines necessary to achieve a TMDL; specifying that the installation, repair, modification, or upgrade of certain onsite sewage treatment and disposal systems must conform to remediation plan requirements, etc.

**Impact on SEFLUC:**

Monitor

**Status:**

**SB 1664**

**1/5/18** – Filed

**1/12/18** - Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on the Environment and Natural Resources; Appropriations

**1/17/18** - On Committee agenda - Environmental Preservation and Conservation, 01/22/18, 12:30 pm, 37 S

**1/22/18** – Favorable with CS by EPC

- Removes the requirement that DEP, DOH, and relevant local governments and local public and private wastewater utilities develop a public wastewater treatment plant remediation plan as part of a BMAP.
- Removes references to a public wastewater treatment plant remediation plan from the bill.
- Requires onsite sewage treatment and disposal system remediation plans required by the bill to be in place within five years of the effective date of the bill.
- Adds requirements that DEP, as part of the development of a BMAP:
  - Evaluate the need for the creation or improvement of wastewater treatment facilities to meet a TMDL; and
  - Identify funding sources available to the relevant local governments for the creation or improvement of wastewater treatment facilities.
- Authorizes and encourages DEP and the relevant WMDs to enter into cost-share agreements with the relevant local governments for the creation or improvement of wastewater treatment facilities.
- Provides that, if wastewater treatment facilities are identified for funding in a BMAP, the priority given to funding an eligible project is dependent upon the extent to which the project is intended to remove, mitigate, or prevent adverse effects on surface or ground water quality and public health. The relative costs of achieving environmental and public health benefits are also taken into consideration. DEP must give priority to projects that:
  - Eliminate public health hazards;
  - Enable compliance with laws requiring the elimination of discharges to specific water bodies;
  - Assist in the implementation of total maximum daily loads;



- Enable compliance with other pollution control requirements, including, but not limited to, toxics control, wastewater residuals management, and reduction of nutrients and bacteria;
- Assist in the implementation of surface water improvement and management plans and pollutant load reduction goals developed under state water policy;
- Promote reclaimed water reuse;
- Eliminate failing onsite sewage treatment and disposal systems or those that are causing environmental damage; or
- Reduce pollutants to and otherwise promote the restoration of Florida’s surface and ground waters.

**1/26/18** – Now in Appropriations Subcommittee on Environment and Natural Resources

## **CONSTITUTIONAL REVISIONS**

### **1. Constitutional Revision Committee Proposal 23 - WITHDRAWN**

**Summary:**

Provides any person the ability to litigate “against any party, public or private” if they feel their right to a “clean and healthful environment, including clean air and water” is threatened, to control pollution, or if the conservation and restoration of the natural, scenic, historic, and aesthetic values of the environment are threatened.

**Impact on SEFLUC:**

- The vague nature of this language opens the door to a very wide interpretation of this provision. As a result, any public or private entity may be sued if any person feels that their right to a “clean and healthful environment, including clean air and water” is threatened. This vague language adds a threat of legal challenge even if a permittee is in full compliance with existing laws or the terms and conditions of existing, valid permits.
- Similarly, allowing a new avenue to challenge threats to aesthetic values of the environment without any limitation threatens the ability to develop any property.
- This amendment appears to circumvent existing legal remedies to address concerns over air and water by opening an entirely new avenue for raising environmental challenges.

**Status:**

**CR 23**

**10/19/17** – Filed

**11/3/17** – Referred to Judicial; General Provisions

**12/12/17** – On Judicial Committee Agenda, temporarily postponed