

# 2012 Legislative Summary

Lower West Coast Utility Council  
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# 2012 Legislative Session

## Fewer bills passed than usual:

- 2052 total bills filed
- 240 House bills passed
- 52 Senate bills passed

## Issues included:

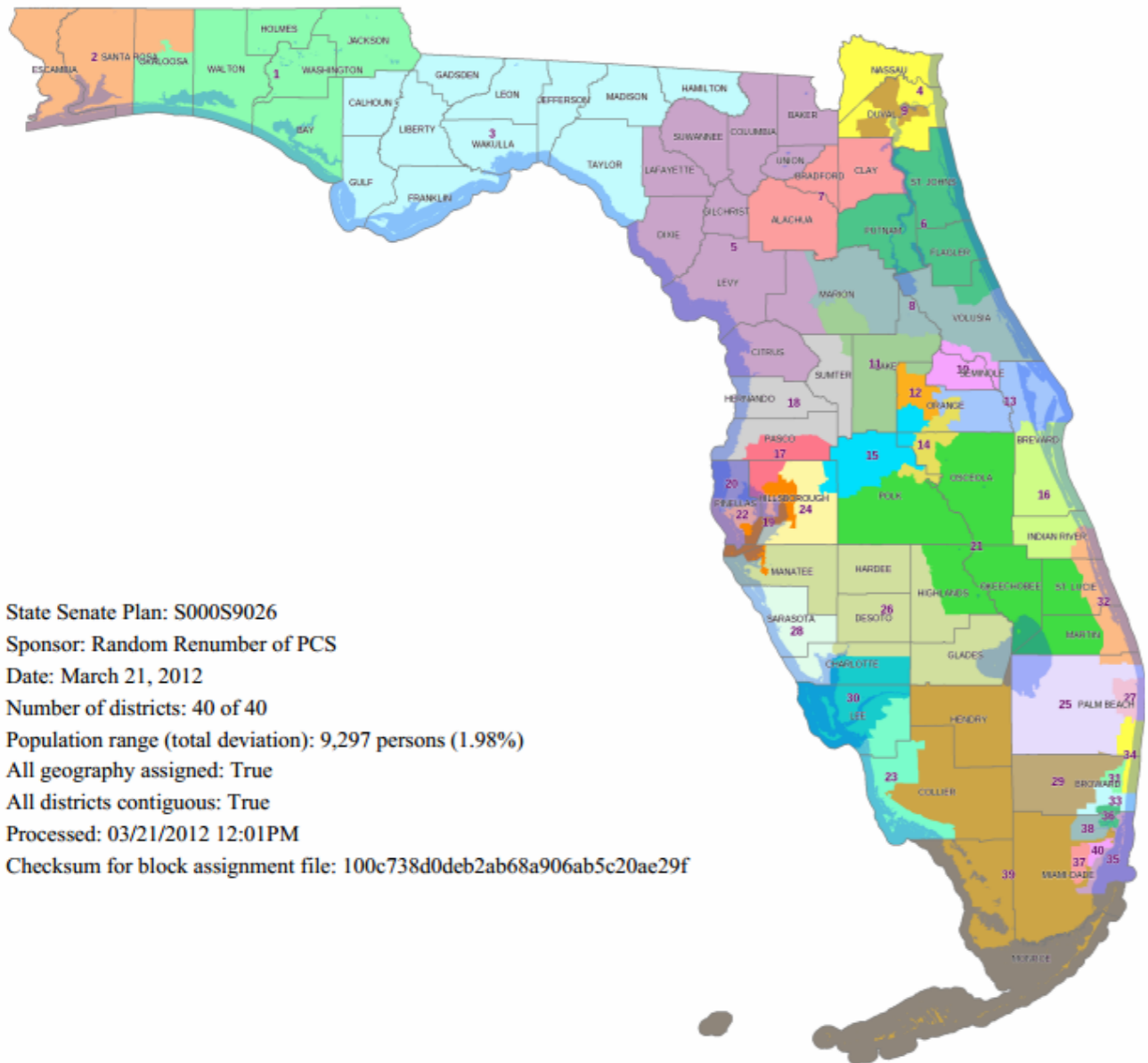
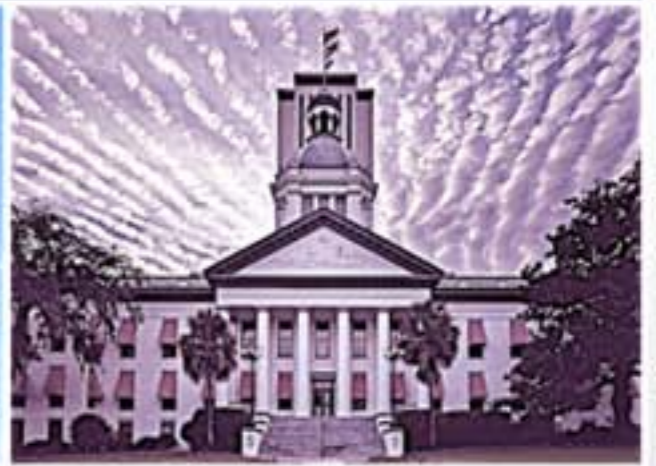
- Redistricting & term limits
- New state university
- Prison privatization
- Resort casinos



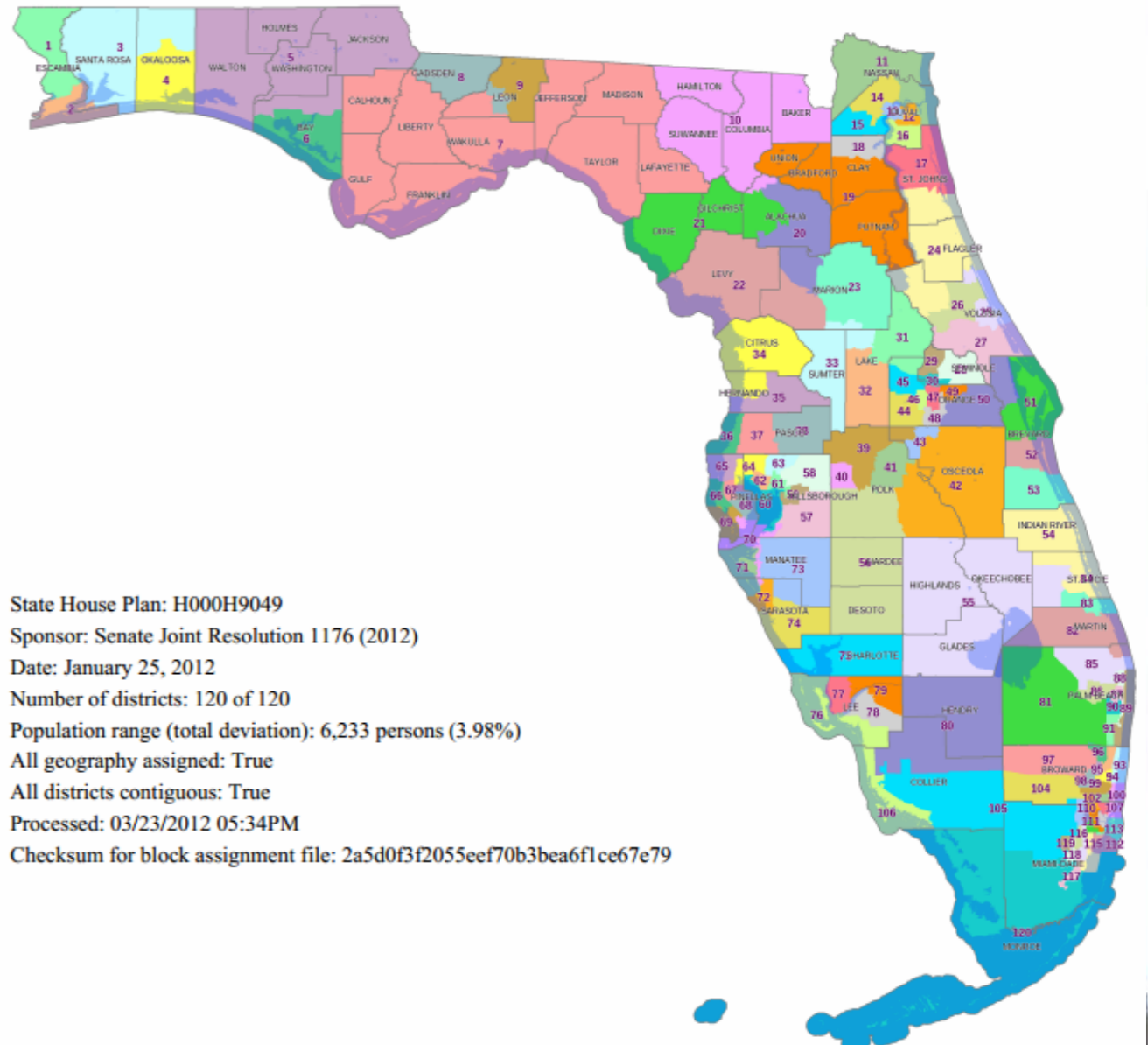


## Redistricting & Term Limits

- Redistricting based on new constitutional requirements that boundaries generally be compact and follow city and county lines.
- Florida Supreme Court approved the revised Senate's maps on April 27, 2012.
- New districts drew many sitting House members out of districts, or put them in conflict with party members.
- 12 of 40 Senators term limited or not seeking reelection.
- 20-25 of 120 House seats may be vacated due to term limits or redistricting.



State Senate Plan: S000S9026  
 Sponsor: Random Renumber of PCS  
 Date: March 21, 2012  
 Number of districts: 40 of 40  
 Population range (total deviation): 9,297 persons (1.98%)  
 All geography assigned: True  
 All districts contiguous: True  
 Processed: 03/21/2012 12:01PM  
 Checksum for block assignment file: 100c738d0deb2ab68a906ab5c20ae29f



State House Plan: H000H9049  
 Sponsor: Senate Joint Resolution 1176 (2012)  
 Date: January 25, 2012  
 Number of districts: 120 of 120  
 Population range (total deviation): 6,233 persons (3.98%)  
 All geography assigned: True  
 All districts contiguous: True  
 Processed: 03/23/2012 05:34PM  
 Checksum for block assignment file: 2a5d0f3f2055eef70b3bea6f1ce67e79



# HB 5001

## 2012 - 2013 Budget

FY 2012-2013 total budget \$70.04 billion

\$5 billion in general government appropriations included:

- \$8.4 million for Florida Forever
- \$30 million for Everglades restoration, with \$9 million to FDACS for nutrient treatment projects and Lake O BMPs
- \$4.8 million for Florida Keys wastewater treatment plan
- \$19.1 million in wastewater and stormwater projects
- \$9.6 million in drinking and wastewater construction loans
- \$17.4 million in small county wastewater treatment grants



## 2012-2013 Budget cont'd

- \$125 million for underground storage tanks cleanup
- \$11.9 million for Total maximum daily loads program
- \$5 million for numeric nutrient criteria monitoring network
- \$2.4 million in small county solid waste management grants
- Governor vetoed \$12 million in local water projects

# HB 639 – Reclaimed Water

- Gives utilities more control over reclaimed water
- Prohibits WMD from requiring a permit for the end use of reclaimed water
- Reaffirms reclaimed water as an alternative water supply and eligible for such funding
- WMDs must consider reclaimed water in regional water supply plans
- Provision that exempted reclaimed as a water of the state withdrawn



## HB 7051 – Numeric Nutrient Criteria

- FDEP proposed revisions to Rule 62-302, and 62-303, F.A.C.
- HB 7051 exempts rule changes from legislative ratification requirements of s.120.541(3), F.S.
- Directs FDEP to submit revised rules to EPA during rule challenge.
- Deadline for NNC implementation delayed to allow for rule challenge
- NNC rule challenge Final Order was to be filed approx. April 30, ALJ is late!







## HB 1263 – Septic Tanks

- Contained within a DOH reorganization bill
- Repeals septic tank statewide inspection program.
- Authorizes an optional model program that imposes minimal requirements and only mandates repairs when a septic tank completely fails.
- Limits criteria that can be included in local inspection program and prohibits point of sale inspections.
- Provides that a permit for the installation, modification or repair of a septic system transfers with title to the property.
- Allows owner to choose the least costly remedial measure.
- The bill retains the ban on the land application of septage.
- Grandfathers most existing programs before July 1, 2011.

# HB 503 – Environmental Regulation

- Prohibits a county or a municipality from conditioning a development permit on an applicant obtaining a permit or approval from any other state or federal agency.
- Expands the use of self-certification and general permits from FDEP and the WMDs.
- Exempts FDEP regulated underground injection wells from Chapter 373 permitting requirements, except for Class V, Group 1 wells.
- Reduces the time for agency action on an ERP from 90 to 60 days from application or RAI response.
- Prohibits the collection of permit renewal fees for those permits that were automatically extended in prior years.





## SB 1986 – Water Management Districts

- Removal of revenue generation cap imposed in 2011.
- Provides Governor's office the authority to review and comment on the preliminary budgets.
- Legislative Budget Commission authorized to approve or reject WMD budget changes to budget concerning:
  - The issuance of debt.
  - A single land purchase over \$10 million or cumulative purchases of land over \$50 million in one year, excluding land exchanges.
  - Expenditures for outreach, management and administration in excess of 15% of the total budget.
  - Changes in water management district tentative budgets that exceed 25% from the preliminary budget.
- Budget amendments greater than \$1 million must be reviewed and approved by the Office of the Governor



## HB 7003 – Statewide ERP

- Resulted from inconsistencies between ERP rules of WMDs
- Directs FDEP to prepare a statewide ERP rule that will apply to all five WMDs and the FDEP.
- Rule to include types of permits, conditions of issuance, exemptions.
- Delegated local governments must amend ordinances/rules to be consistent with the new rules within 12 months.
- Rulemaking process will be undertaken during the Summer and Fall, 2012, and initiated by October 1, 2012.



## Other Bills that Passed

### **HB 1013 Residential Construction Warranties**

- Reverses a court opinion that extended the common law ***implied warranty of fitness and merchantability*** for new homes to include utility infrastructure and roads within a new development – warranty applies to residential lot only.

### **HB 979 Developments of Regional Impact**

- Allows developments which otherwise exceed DRI thresholds and outside of a “Dense Urban Land Area” to be exempt from DRI review under certain conditions
- Restricts reviewing agencies to comments consistent with the statutes, rules or ordinances applicable to jurisdiction.



## Other Bills that Passed

### HB 1389 Agricultural Water Storage

- Exempts landowners from wetlands jurisdiction for area where payment for water storage is conducted.
- Creates the Study Committee on Investor-owned Water and Wastewater Utility Systems Study



## Notable Environmental Bills That Did Not Pass

### SB 560/HB 157-Minimum Flows and Levels

Would have given DEP authority to enact MFLs if potential for multidistrict application to consumptive use permits.

### HB 7045/SB 1178 –Consumptive Use Permits

The bill would have required WMDs to issue consumptive use permits for alternative water projects for at least 30 years with an additional 7 years if the project required bonding.

### SB 724/HB 989—Ocean Outfalls

The bill would have delayed the requirement that Broward and Miami-Dade implement advanced wastewater treatment for effluent from 2018 to 2020.

### SB 604/HB 421—Commercial Fertilizer Application

The bill would have exempted certified commercial fertilizer applicators from local government fertilizer ordinances.



## More Notable Environmental Bills That Did Not Pass

### SB 1250 - Water Quality Credit Trading

Expands water quality credit trading pilot program from Lower St. Johns River Basin to Caloosahatchee Basin, St. Lucie Basin, & Lake Okeechobee Basin.

### SB 576/HB 989 - Public-Private Partnerships

Authorizes private entities to develop and operate public-purpose projects in partnership with local government.



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# Questions ?

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