

2012 Legislative Highlights



Southeast Florida Utility Council

March 12, 2012

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Overview



- Not many significant actions taken
 - Last minute changes
- Legislature focused on redistricting
 - House redistricting approved
 - Senate redistricting denied and sent back for special session

HB 7051

NNC

- Approves FDEP proposed water quality rules
- Waives state law requirement that the proposed rules be ratified by Legislature
 - Ratification exemption facilitates EPA’s review of DEP rules such that DEP rules can go into effect without the need for EPA rules first
 - Delayed implementation of EPA rules from March 6, 2012 to June 4, 2012
- **IMPACT**
 - Facilitates EPA’s review of DEP rules
 - Significantly less costly than proposed EPA NNC for lakes and inland waters
 - DOES NOT INCLUDE SOUTH FLORIDA CANALS, ESTUARINE OR MARINE WATERS but sets important precedent
 - May 21, 2012 – new deadline for proposed criteria
 - January 7, 2013 - new deadline notice of final rulemaking
- **POTENTIAL ISSUES**
 - Administrative hearing
 - Concluded Monday, March 5 – awaiting recommended order
 - Still need EPA to adopt the State rules in their entirety –
 - Senator Rubio filed a bill in Congress that would block implementation of stricter federal regulations

HB 503

Streamlining Environmental Permitting

- Avoids discrepancy of regulating UIC wells as “water wells” under Chapter 373, part III
- Expands use of state programmatic general permit
- Authorizes certain zones of discharges to groundwater for existing installations
- Sludge from a waste treatment works is not a solid waste
- Expedites permitting for businesses that will house one or more other businesses
- Holders of building permits or ERP Permits with an expiration date ranging from January 1, 2012 through January 1, 2014 are **extended and renewed for two years** without a requirement for payments by holder for extension

HB 7003

Environmental Resource Permitting

- Directs DEP to develop Statewide ERP Rule
 - Amend local ordinances or regulations to incorporate by reference applicable DEP rules within 12 months
 - Nothing prohibits stricter local government rules
 - WMD can continue to adopt rules governing design and performance standards for stormwater quality and quantity
- Impact
 - Statewide consistency in implementing criteria
 - New standards
 - Streamlining

SB 1986

Water Management Districts

- Eliminates WMD revenue limits
- Revises statutory caps for millage rate
- Process for submission and Review of budgets
 - January 15 – Governor: Preliminary budget
 - March 1 – Senate President and House Speaker: Comments
 - March 15 – WMD Response
 - Preliminary budget is basis for developing tentative budget for next fiscal year
 - Governor to approve or disapprove tentative budget



SB 1986

Continued

- Budget amendments greater than \$1 million approved by EO of Governor

Legislative Budget Commission may reject any of the following WMD proposals

- Single land purchase in excess of \$10 million, except land exchange
- Any cumulative land purchase in fiscal year > \$50 million
- Any issuance of debt on or after July 1, 2012
- An program expenditures for outreach, management and administration program areas in excess of 15% total budget
- Any individual variances in tentative budget >25% from preliminary budget

HB 639

Reclaimed Water

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- Defines Reclaimed Water and Reclaimed Water Distribution System
- Reclaimed water, is alternative water supply & eligible for such funding
- Determination of uncommitted reclaimed water capacity by certain utilities
- Permit conditions for surface and ground water sources used in conjunction with reclaimed water
- WMDs can require use of reclaimed water
- Which permit applicants required to submit certain information
- Rulemaking to adopt revisions to water resource implementation rule
- “Water privatization”



HB 639

Impact

- Increases utility investments for reusing treated wastewater by:
 - Exempting “reclaimed water”
 - Prohibiting WMDs from requiring or restricting services
 - Preventing WMD from taking away or restricting reclaimed water
 - Recognizing reclaimed water as a manufactured product

HB 979

Growth Management

- Certain plan amendments must follow the state coordinated review process
- Exemption from development-of-regional-impact review for developments that meet specified criteria
- Alternative review option in cities and counties not exempted from the state review process
- Revises conditions requiring local government rescission of a development-of-regional-impact development order
- Establishes qualifications for designation as agricultural enclave for such purpose & establishes exceptions from definition for designated protected areas

HB 1263

Department of Health (Maria's Bill)

- Requires DOH to contract for evaluation and review of laboratory certification applications
- Onsite Sewage Treatment and Disposal Permit (from HB 999) –Septic Tank Inspection Repealed
 - Transfer with title of property
 - Prohibits governmental entities from requiring certain inspections and systems
 - Allows counties with first-magnitude springs to opt out of inspections
 - System modification not required unless bedroom is added to single-family home
 - No provisions *requiring* system evaluation & assessment program
 - Provides requirements for county health departments
 - Repeals grant program for repair of systems
 - Lowers fees for certain permits
- IMPACT –
 - Requires inspections in 19 counties with the largest first-magnitude springs
 - Establishes restrictions on local inspection programs in the future



HB 1389

Water Storage and Water Quality Improvements

- Requires specified determination as condition of agreement for water storage and water quality improvements on private agricultural lands

Last Minute Amendment Incorporated HB 1379

- Creates study committee on investor-owned water and wastewater utility systems
 - Committee will identify issues of concern of investor owned systems
 - HB 1379 originally sought to prohibit tiered rates for utilities, but language was struck

HB 377

Miami-Dade County Lake Belt Mitigation Plan

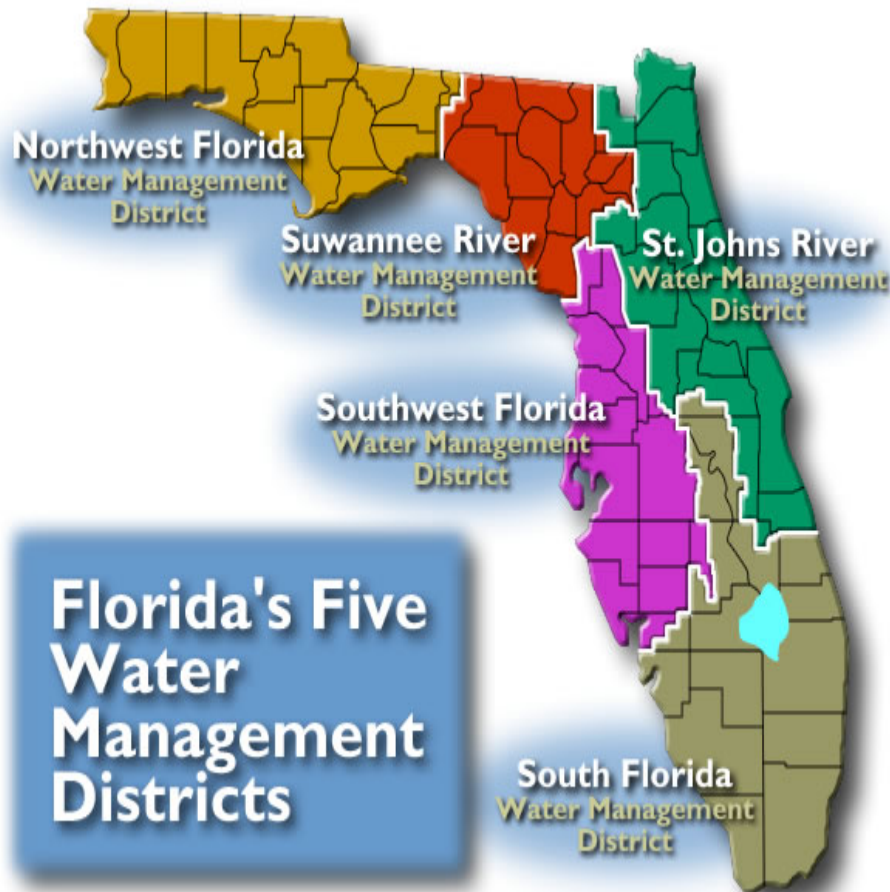
- Redirects funds for seepage mitigation projects; clarifies use of funds



BILLS THAT CAME
SO CLOSE...

HB 157

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- Priority lists and schedules
- Adoption of certain reservations & MFLs by DEP
 - WMD apply DEP reservations and MFLs without adopting rule
- WMDs Enter into interagency agreements for resource management activities

HB 989

Ocean Outfalls

- Postpones dates to meet stringent treatment and management requirements
- Utilities individually responsible for meeting reuse requirements, but can enter binding agreements to share or transfer responsibility
- Revises provisions authorizing backup discharge of domestic wastewater through ocean outfalls
- Requires DEP, SFWMD, and affected utilities to consider certain information for purposes of adjusting reuse requirements
- **IMPACT** – Additional time for implementing costly changes

SB 1178

Water Supply

Alternative Water Supply

- Permits for 30 years or up to 37 years for AWS projects
 - 7 year permit extension may be retroactively applied
- AWS permits are subject to compliance reports and WMD water shortage orders
- Quantity of AW allocated under the permit cannot be reduced during compliance review if bonds are outstanding

30 years!

Conclusion

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Questions?

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THANK YOU!