2015 Legislative Session Report

The Florida Engineering Society and the Florida Institute of Consulting Engineers appreciate the support of our members this session. Your personal visits to the Capitol and in your Districts are what made your lobbying team and staff effective in Tallahassee. We would also like to thank our lobbyists, Johnson & Blanton and Littlejohn Mann & Associates, for their diligent work and detailed reports provided throughout the Session.

The Florida House of Representatives surprised most when they adjourned sine die three days early on Tuesday, April 28. It was a jaw dropping moment – one chamber leaving without the other is extremely unusual and believed not to have occurred since the early 1970s. The breakdown of this session is due to a budget impasse caused by the federal government’s attempts to force the state to expand Medicaid by eliminating funding of the Low Income Pool (LIP); a supplemental hospital-funding program for uncompensated care. The Senate budget would have expanded the Medicaid program, but the Governor and House opposed such a plan.

The Governor has filed suit against the federal government to force the payment of the LIP funds. The basis of the suit is the 2012 Supreme Court decision affirming the constitutionality of the Affordable Healthcare Act, but finding the Medicaid expansion provisions of the law “unconstitutionally coercive” thus allowing states to opt-out of Medicaid expansion. The Scott administration is claiming that withholding LIP funds to force the state to expand Medicaid is unconstitutional under the Supreme Court ruling.

A special session of the legislature to finalize this year’s budget has been scheduled for June 1 – 20, 2015. Passing a balanced budget is the only constitutional requirement of the Florida legislature. Although hundreds of bills addressing dozens of issues died as a result of the House’s decision to adjourn early it is not clear if the legislature will take up any issues other than the budget during this special session.

Legislation of Interest - Passed

**Structural Engineering**

HB 217 and SB 338

The bill amends current engineering law to create a license type for “structural engineers”. “Structural engineering” means an engineering service or creative work that includes the structural analysis and design of structural components or systems for threshold buildings as defined in s. 553.71.

If approved by the Governor, beginning March 1, 2017 the bill prohibits anyone, other than a duly licensed structural engineer, from practicing structural engineering, and from using the name or title of “licensed structural engineer” or any other similar title.

**Construction Defect Claims**

HB 87 and SB 418

This bill requires that a notice of a construction defect claim identify the location of each defect allowing the respondent to identify the alleged defect without undue burden. The bill also revises
requirements for response and production of records, and provides for penalties related to unsupported claims. If approved by the Governor, the bill takes effect October 1, 2015.

**Legislation of Interest - Failed**

**Public Records Requests**
FES/FICE worked closely with FTBA and bill sponsors supporting SB 224/HB163 to mitigate engineering firms’ exposure to litigation from deceitful requests for documents related to public agency clients.

**Public Private Partnership (P3)**
The bill (HB 63/SB 826) would have revised provisions regarding responsible public entities and unsolicited proposals submitted for qualified projects, and provisions regarding comprehensive agreements entered into between responsible public entities and private entities. FES/FICE advocated successfully for changes to bill language regarding solicited proposals to include CCNA provisions similar to design-build work.

**Water Management District Lobbyist Registration**
FES/FICE worked with sponsors of SB 1372/HB 1063 to include language clarifying and simplifying lobbyist registration requirements for the state’s water management districts.

**Hydraulic Fracturing**
Despite vocal public support from environmentalists, FES/FICE opposition to legislation (SB 166/HB 169) prohibiting hydraulic fracturing in Florida assisted in making sure the bill was never heard in any committee of reference.

**Consultant’s Competitive Negotiation Act (CCNA)**
Our SUPPORT for the CCNA was well expressed this Session to all legislative members. Although there were a few attempts and rumors of attempts to change CCNA, they were repelled and CCNA remains unchanged.

**Relocation of Utilities**
HB 391/SB 896 would have shifted much of the cost for utility relocation resulting from road construction from the utilities to the state, counties and cities.

**Expressway Authorities**
HB 989/SB 1276 would have reduced the number of board members on the Miami-Dade Expressway Authority from 13 to 9, and would have required the authority to follow state procurement guidelines for any project over $20 million.

**Conservation and Environmental Quality (CEQ) Report**

**Relating to Petroleum Restoration Program**
SB 0314 passed through two committees and largely addressed the concerns related to CCNA and raised by the FDE. It still contained two provisions that were believed to expand state funding eligibility to a limited, but largely unknown, number of sites. The bill was on the Special Order Calendar for 4/28 when
the House ended their session *sine die*. There is a small possibility that this legislation could return in the June special session, given the appropriations impact of the bill. HB 0733 Relating to Petroleum Restoration Program is much narrower in scope than Simpson’s bill, and it has been drafted in cooperation with FDEP. It contained improvements and modifications to the Low Scored Site Initiative (LSSI) to expand the number of sites eligible for “No Further Action” orders. The bill also made minor revisions to the Advanced Cleanup Program (ACP), including reducing the number of sites to participate in “bundling” and increasing the annual allocation from $15MM to $25MM.

**Water Legislation**
The group of “Trust Fund” bills (SB 0428, SB 0578, SB 0582, SB 0584, SB 0586) were intended to revise the trust funds affected by the passage of Amendment 1. The House companions were (HB 1291, HB 1293, HB 1295). These bills should come back up during the special session in June.

The House “Omnibus Water Legislation”, HB 7003 and SB 918 contained a number of provisions related to water resource development, establishment and implementation of MFLs and TMDLs, the Central Florida Water Initiative, the Northern Everglades and estuaries protection, dispersed water storage, springs and aquifer protections, and surface water classification for potable water supply. This bill was largely supported by industry groups, FDACS and FDEP. Senator Dean said, “Sadly, this bill will not become law this year”. Given the appropriations issues in this bill, and the support for the issue by leadership, there is a possibility that it will be brought back up in the June special session.

**Regulation of Oil and Gas Resources**
HB 1205 defined “high pressure well stimulation” (a.k.a. “fracking”) in state law, requires the FDEP to conduct a study on the procedure and draft new rules specific to authorizing the procedure, and places a de facto moratorium on the procedure until the study and rulemaking is complete. Given the appropriations issues in this bill, there is a very remote possibility that it will be brought back up in the June special session.

Questions? Would you like to get more involved in legislative affairs in your Society? Contact FES Governmental Affairs Coordinator Samantha Hobbs at shobbs@fleng.org or 850-224-7121.

*Note – Any bills passed this session are subject to Governor Scott’s signature.*