2016 Legislative Report

The Florida Engineering Society (FES) and the Florida Institute of Consulting Engineers (FICE) 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 House and Senate concluded the 2016 Legislative Session on Friday March 11th. After voting on the budget, the presiding officers concluded their final sine die at the top post officially at 6:45 p.m. In summary, 1814 total bills were filed this Session (includes local bills and memorials) and only 279 passed both chambers. The $82 billion dollar budget includes almost $400 million in tax cuts, which was much lower than the $1 billion requested by Governor Rick Scott.

Governor Rick Scott announced the Florida First Budget on March 15th. Florida First Budget action 2016 Veto List

A resolution, HR 9063, commemorating the centennial of the Florida Engineering Society was recorded into the House Journal on March 3rd. The Florida Engineering Society was congratulated on the centennial of its founding and honored for the achievements of the society and its members.

Now that the 2016 Legislative Session has concluded, we are expecting campaigns to ramp up over the next few months until the November election. If you have any questions about the campaigns in your area, don’t hesitate to reach out. This Session just concluded, but know that the 2017 Legislative Session will be here before we know it. Next year, Session will begin as it normally has in the past, with the exception of redistricting years, and will run from early March to the beginning of May. Another notable out of this Session includes legislation that passed to move the 2018 Legislative Session to the beginning of the year in January.

Bills of Interest Summary

PASSED

Public Records Requests HB 273/SB 390 (Beshears/Simpson)
FES/FICE worked closely with bill sponsors and other stakeholders supporting HB273/SB 390 to mitigate engineering firms’ exposure to litigation from deceitful requests for documents related to public agency clients. The Governor signed the bill into law March 8, 2016 making it effective upon becoming law. Executive Summary

Public Private Partnerships (P3) SB 124,126/ HB 95, 97 (Evers/Steube)
These bills revise 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. Effective Date: July 1, 2016. (Governor has until 03/30/16 to act on this bill)
Water Bill SB 552/ HB 7005 (Dean/Caldwell)
This bill passed early as a priority of House and Senate leadership. It contains 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 protection. This bill was largely supported by industry groups, FDACS and FDEP. The bill has already been signed by the Governor and will take effect on July 1, 2016.

Transportation Bills HB 7027/ HB 7061 (Rooney/Santiago, Cortes)
This Florida Department of Transportation (FDOT) bill increases the minimum mandatory funding for the Florida Seaport and Economic Development (FSTED) program, creates a new Florida Department of Transportation Financing Corporation to act as a conduit for bond issuance, and allows FDOT to assume some environmental review responsibilities currently handled by the U.S Department of Transportation. The bill grants the Legislative Budget Commission the power to review proposed amendments to FDOT’s work plan for multimillionaire projects, but the House refused to concur with those changes. HB 7061 included $15 million increase in the statutory minimum funding for FSTED. The bill also made a number of changes to the state's airport zoning codes and created a new seaport grant program and advisory board to increase security at ports around the state. These bills are now on the way to the Governor.

Public Corruption HB 7071/ SB 0582 (Gaetz/Workman)
FES/FICE successfully lobbied to remove language in the definition of “public servant” that could have had an impact on engineering firms business, not just the engineer who failed to comply. The offending language implied that if a private engineering firm was contracted to perform services for a public entity, the private engineering firm and its officers and employees could be subject to prosecution under the public corruption statutes. This bill now amends the laws related to public corruption and defines “public contractor” as an entity that has entered into a contract with a governmental entity. The application of official misconduct and bid tampering laws now extends to public contractors. If approved by the Governor, this law will take effect on October 1, 2016. (Governor has until 03/26/16 to act on this bill)

Relating to Building Codes HB 535/ SB704 (Eagle/Hutson)
This bill revises several provisions related to Florida Building Code to include - revises provisions regarding Florida Building Code Compliance and Mitigation Program; restricts application of Florida Building Code for certain aspects of construction; revises provisions related to portable pools; revises provisions regarding Florida Homeowners' Construction Recovery Fund; revises minimum requirements for certificate of completion for residential swimming pools; revises provisions regarding authority of building officials to issue building permits; revises provisions regarding appeal boards; revising provisions addressing certain fire service access elevators; creates task force to study electrical safety in swimming pools; creates construction industry workforce task force to study issues associated with training of construction workforce. Effective Date: July 1, 2016. (Governor has until 03/26/16 to act on this bill) Executive Summary

Teacher Certification HB 189/ SB 432 (Diaz/Hutson)
This bill creates a streamlined certification means for professional educators wanting to teach STEM subject courses. This bill will create opportunities for STEM involvement at early levels of learning, which will help to position Florida as leader in STEM job creation. Effective Date: July 1, 2016. (Governor has until 03/26/16 to act on this bill)
_FAILED

Consultant’s Competitive Negotiation Act (CCNA)
Our SUPPORT for the CCNA was well expressed this Session to all legislative members. Although there were negotiations in the beginning of Session with stakeholders to raise the threshold limits and define “work of a specified nature”, negotiations were ended before a bill was filed and CCNA remains unchanged.

Department of Business and Professional Regulation HB 1187/SB1050 (Grant, LaRosa/Brandes)
This bill contained several “deregulation” initiatives offered by DBPR, including a provision to deregulate Landscape Architectural firms (would no longer have required a Certificate of Authorization to advertise or offer Landscape Architectural services). Several affected professions, including the Professional Geologists, requested that their provisions be stripped from the bill. In the end, it lacked support needed to push it across the finish line. The bill died on the calendar with many amendments in the last days of Session.

Small Business Participation in State Contracting HB 0211/SB 438 (Rogers/Bullard)
This bill had provisions to define “contract bundling” among other language which included provisions that heightened the level of bureaucracy and therefore would put extreme restraints on all engineering businesses. This bill died in committee.

_PASSED_

Conservation and Environmental Quality (CEQ) Report

Pollution Discharge Removal and Prevention SB 0100/HB 0697 (Simpson/Grant)
This bill started as a Petroleum Restoration Program “glitch bill”, and was a priority of Senator Simpson since last year. It includes some positive changes, including increases to the Low Scored Site Initiative (now known as Low Risk Site Initiative), and increases in annual funding for the Advanced Cleanup Program. It also includes some other interesting changes that expand eligibility for state funding, and despite its “significant fiscal impacts” and lukewarm concerns raised by DEP, these provisions stayed in the bill. Late in the session, the RBCA provisions from SB 0092 were moved over to SB 0100, so this bill now also includes the new “background concentration” and “long term natural attenuation” provisions, the use of risk assessment modeling to create site-specific cleanup levels, and other improvements. If approved by the Governor, this law will take effect on July 1, 2016.

Environmental Control SB 1052/HB 0589 (Hays/Pigman)
This bill is a collection of various changes to chapters 373 and 403, including provisions related to consumptive use permit holders, well contractors, clay settling areas, water quality credit trading, solid waste landfill closure, and the stormwater “10/2 general permit”. If approved by the Governor, this law will take effect immediately.

Dredge and Fill SB 1176/HB 0795 (Diaz de la Portilla/Edwards)
This bill authorizes FDEP to implement a State Programmatic General Permit (SPGP) for dredge and fill activities impacting up to ten acres of wetlands. It also authorizes FDEP to pursue assumption of the
Clean Water Act, section 404 from the Corps of Engineers. If approved by the Governor, this law will take effect immediately.

State Lands SB 1290/HB 1075 (Simpson/Caldwell)
This bill was significantly amended through the process, and many originally controversial aspects of the bill were removed, in large part as a result of opposition from the environmental lobby. In the end, the bill still accomplishes some significant changes to the acquisition and management processes related to state lands, including consolidating the acquisition and disposition procedures into one section of law, providing an exchange process for contiguous land owners, and authorizing some non-water dependent uses that are related to a water-dependent use of sovereign submerged lands. We finally have a common sense solution for fish cleaning stations and water-front dining! If approved by the Governor, this law will take effect on July 1, 2016.

Organizational Structure of DEP SB 0400/HB 0561 (Hays/Combee)
This bill removes the statutory organization of FDEP and authorizes the Secretary to organize the agency “to promote the efficient and effective operation of the FDEP”. If approved by the Governor, this law will take effect on July 1, 2016.

Administrative Procedures SB 0372/HB 0183 (Lee/Adkins)
This bill revises the Administrative Procedures Act, which regulates agency rulemaking. It includes the following provisions: Rulemaking must be completed within 180 days of commencement; Additional notices of agency rulemaking must be posted to the Florida Administrative Register; and Summary hearing procedures are now applicable to special events over sovereign submerged lands (e.g. boat shows). If approved by the Governor, this law will take effect on July 1, 2016.

FAILED
Contaminated Sites SB 0092/HB 0351 (Evers/Drake)
Late in session, a provision related to RESTORE Act funding was amended on to this bill. The bill died in messages in the House, but the balance of the RBCA provisions of the bill were moved to SB 0100.

Oil & Gas Regulation SB 0318/HB 0191 (Richter/Rodriguez)
This bill would have placed a temporary moratorium on unconventional production techniques (e.g. “fracking”) in Florida until FDEP conducts a study of the potential environmental impacts and then completes new rulemaking to govern unconventional production techniques. The environmental lobby raised significant concerns over the practice of fracking and opposed this bill, since it would have created a path forward for the practice to continue. Instead, they called for an outright ban of the practice. As a result of this bill’s failure, the status quo continues, which authorizes the practice of unconventional production techniques, including fracking, without the need for a permit from FDEP.

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, if they have not already been signed.