2019 FES/ACEC-FL Post Legislative Report

On Saturday, May 4th the Florida Legislature ended the 2019 Regular Session by adopting a $91.1 billion budget. They had to extend the regular session one day through Saturday because they failed to complete the budget and conforming bills in time for the Session's scheduled end on Friday. Although there were initial disputes between the two chambers, they came together in the end and worked out the largest budget in history.

Despite passing the largest budget in history, the session was the least productive, in terms of the number of bills passed, in the past 20 years. With nearly 3,500 bills filed, only 197 passed both the Senate and House and will move on to Governor's desk. Below is a summary of relevant bills of interest that were passed this year.

The Florida Engineering Society (FES) and the American Council of Engineering Companies of Florida (ACEC-FL) 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 next legislative session is scheduled to begin on January 14, 2020.

BILLS THAT DID NOT PASS

- Deregulation of Professions and Occupations – HB 27 Ingoglia/SB 1640 Albritton
- Professional Geology – HB 279 Stevenson/SB 578 Broxson
- Statewide Procurement Efficiency Task Force – SB 490 Albritton
- State Procurement – HB 633 Driskell/ SB 652 Berman
- Florida Transportation Commission – HB 681 Zika/SB 1448 Gruters

BILLS PASSED

HB 827/SB 616 - Engineering (Toledo/Perry)
This bill, proposed by FES and ACEC-FL, has passed both the House and Senate and is awaiting action from the Governor. The provisions include:

- Removes the requirement that engineers obtain a separate engineering business license (certificate of authorization) for their engineering firm
- Allows a licensed engineer to qualify an engineering business and provides requirements for such

Please contact shobbs@fleng.org for an entire list of bills tracked for 2019.
Questions? Would you like to get more involved in legislative affairs in your Society?
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• Requires a temporary registration instead of a temporary certificate of authorization for out-of-state engineering businesses
• Requires successor engineers to assume full responsibility when assuming the work of another engineer and releases an original engineer from liability for prior work assumed by the successor engineer
• Prohibits a local government from contracting for construction engineering inspections with the same entities that perform design services on the same project when a project is wholly or partially funded by FDOT under Ch. 337
• Clarifies the types of projects that require a special inspection
• Allows graduates with a Bachelor of Science degree in engineering to sit for the PE Exam prior to completion of the 4-year experience requirement (4 years of experience is still required before the license is approved), and allows graduates with a Bachelor degree in Engineering Technology to obtain a PE license with 6 years of experience
• Requires applicants for licensure to submit proof of being 18 years of age or older
• Allows the Board to toll the timeframe that an application must be granted or denied in certain circumstances instead of requiring automatic denial
• Allows Boards that regulate professions under Ch. 455, F.S., to accept applications from applicants with a voided license without completely repeating the initial application process
• Revises provisions related to alternate plans review by private providers under ch. 553

HB 7103/SB 1730 - Community Development and Housing (Fischer/Lee)
This bill makes substantive changes to many areas including, but not limited to:

• Inclusionary housing ordinances
• Development permits and development orders
• Comprehensive plans
• Impact fees
• Private providers of plan review and inspection services

HB 385/SB 898 - Transportation (MDX) (Avila/Diaz)
In addition to other substantive changes. This bill eliminates the Miami-Dade Expressway Authority and replaces it with the Greater Miami Expressway Agency, creates a new board composed of 9 members, and creates a new rebate program with the goal of reducing tolls for vehicles licensed in Miami-Dade County by 25%.

Due to concerns that language included in the bill stating consultants that have worked for MDX would be barred from working with the new agency for 4 years, ACEC-FL was successful in the final days of session to add an exemption for engineers from that language.

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HB 7113/SB 7068 - Transportation (New Corridors)
Transportation & Tourism Appropriations Subcommittee/ Infrastructure and Security
This bill was a priority of Senate Speaker Bill Galvano. It creates three new corridors (toll roads) - one connecting Polk County and Collier County, one extending the Suncoast Parkway to I-10 and the Georgia line, and the third connecting the Florida Turnpike to the Suncoast Parkway.

HB 905/SB 1044 - Transportation (Andrade/Albritton)
This bill prohibits local governments from adopting specifications or standards contrary to department standards or specifications for permissible use of aggregates, reclaimed asphalt, qualifications for contractors and amends various other statutory provisions.

HB 5/SB 336 - Ballot Measures/Local Tax Referenda (DiCeglie/Brandes)
This bill requires the vote on local tax referenda occur on the date of the general election. All referenda currently scheduled for a vote prior to January 1, 2020 are exempt.

SB 2500/ HB 5001 - General Appropriations Act
Included in the $91.1 billion-dollar budget for Fiscal Year 2019-2020 (that has not been signed by Governor DeSantis to date) are the following items of interest:

Department of Transportation
Total: $10.8 billion TF; 6,212 positions

Transportation Work Program - $9.8 billion TF
Tamiami Trail - $40 million
Highway and Bridge Construction - $3.6 billion
Resurfacing and Maintenance - $1.1 billion
Design and Engineering - $1.1 billion
Right of Way Land Acquisition - $673.1 million
Public Transit Development Grants - $668.1 million
Rail Development Grants - $222.9 million

County Transportation Programs:
Small County Road Resurface Assistance Program (SCRAP) - $29.3 million
Small County Outreach Program (SCOP) - $71.3 million, including:
Municipalities in Rural Areas of Opportunity - $9 million
Municipalities and Counties Impacted by Hurricane Michael - $15 million

Other County Transportation Programs - $55 million
Aviation Development Grants - $266.5 million
Seaport and Intermodal Development Grants - $229.2 million

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Local Transportation Initiatives (Road Fund) Projects - $85.3 million, including:
Hurricane Michael Recovery Projects - $5.6 million TF
Transportation Disadvantaged Program - $55.9 million TF

Rebuild Local Government Infrastructure
Grant program for local governments/schools in Division of Emergency Management - $25 million GR
Jackson County Courthouse Repairs - $1.6 million GR
Repair and Rebuild City of Blountstown Infrastructure - $.8 million TF
Repair and Rebuild City of Altha Infrastructure - $.6 million TF
Repair and Rebuild Calhoun County Infrastructure - $.6 million GR
Repair and Rebuild Franklin County Infrastructure - $.8 million TF
Repair and Rebuild City of Port St. Joe Infrastructure - $.3 million TF
Repair and Rebuild City of Wewahitchka Infrastructure - $.6 million TF
Repair and Rebuild Gulf County Infrastructure - $.9 million TF
Repair and Rebuild City of Parker Infrastructure - $.2 million TF
Repair and Rebuild Gadsden County Infrastructure - $.3 million GR
City of Gretna Water System Damage - $.08 million GR
City of Callaway Storm Water System Repairs - $.5 million TF
Bay County Storm Water and Wastewater System Repairs - $.4 million GR and $.15 million TF
Repair and Rebuild City of Quincy Infrastructure - $.08 million GR
Repair and Rebuild City of Chattahoochee Infrastructure - $.08 million GR
Repair and Rebuild Liberty County Infrastructure - $.8 million GR
Repair and Rebuild Washington County Agriculture Center - $.05 million GR
Repair and Rebuild Bay County Infrastructure - $1.4 million GR

Environmental Bills Summary

BILLS THAT DID NOT PASS
HB 105/SB 286 - Domestic Wastewater Collection System Assessment and Maintenance (Jacobs/Albritton)
HB 141/SB 216 – Water Quality Improvements (Fine/Gruters)
HB 405/SB 1278 – Biosolids Management (Grall/Mayfield)
HB 1199/ SB 628 – Water Resources (Jacobs/Albritton)
HB 799 – Dredge and Fill Permitting Program (Overdorf)
HB 973/SB 1022 – Water Quality Improvements/Onsite Treatment and Disposal Systems (Payne/Albritton)
HB 1343/ SB 1344 – Statewide Environmental Resource Permitting Rules (Good/Cruz)
SB 1758 – Clean Waterways Act (Mayfield)

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HB 95/SB92 - C-51 Reservoir Project (Jacobs/Book)
This bill has the effect of expanding the use and availability of the C-51 reservoir by making any portion of the reservoir (i.e. any phase), available to the SFWMD for acquisition outright or via partnership. It also directs the district, “to the extent practicable,” to use the reservoir to minimize high volume Lake Okeechobee discharges to the St. Lucie or Caloosahatchee estuaries. The bill further stipulates that water from Lake Okeechobee may be available to support consumptive use permits in accordance with district rules.

HB 325/SB 446 – Coastal Management (LaMarca/Mayfield)
After a few years of consideration, this bill finally passed both chambers. It revises and updates the criteria DEP must consider when ranking inlet management projects for funding consideration and requires DEP to weigh each criterion equally. The bill also authorizes DEP to pay up to 75 percent of the construction costs of an initial major inlet management project component and allows DEP to share the costs of the other components of inlet management projects equally with the local sponsor. Further, the bill requires DEP to rank the inlet monitoring activities for inlet management projects as one overall request for funding, separate from the beach management project funding requests and eliminates the requirement for the Legislature to designate one of the three highest ranked inlet management projects on the priority list as the Inlet of the Year. The bill updates how DEP must develop and maintain a Comprehensive Long-Term Beach Management Plan that requires DEP to include, at a minimum, the following: a strategic beach management plan, critically eroded beaches report, and statewide long-range budget plan that includes a three-year work plan identifying beach nourishment and inlet management projects viable for implementation during the ensuing fiscal years.

HB 521/SB 532 - Wetland Mitigation (McClure, Overdorf/Lee)
This bill affects mitigation banking under the control of a local government. Previously, local governments were prohibited from providing mitigation for projects other than their own unless it provides the same financial assurances as private mitigation banks and uses land that was not previously purchased for conservation. This bill will allow permitting the restoration or enhancement of conservation lands for mitigation, if state and federal mitigation credits are not available in the geographic area (mitigation basin).

HB 771/SB 816 - Environmental Regulation (Overdorf/Perry)
The bill requires counties and municipalities to address non-hazardous contamination of recyclable materials in contracts with residential recycling collectors and recovered materials processing facilities. Contracts executed or renewed after July 1, 2019, must define the term “contaminated recyclable material” in a manner that is appropriate for the local community; include strategies and obligations of the parties to reduce the amount of contaminated recyclable material being collected or processed; create procedures for identifying, documenting, managing, and rejecting contaminated recyclable materials; authorize remedies in handling contaminated containers; and provide education and enforcement measures for collection contracts. The bill also prohibits local governments from requiring further verification from DEP that a particular activity meets an ERP permit exception. In addition, the bill relaxes the location requirements for the exempt replacement or repair of certain docks or piers, allowing

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them to be replaced within 5 feet of their previous location. Finally, the bill creates a moratorium on local governments regulating single-use plastic straws until July 1, 2024.

**HB 797/ SB 796 - Public Utility Storm Protection Plans (Fine/Gruters)**
The Public Utility Storm Protection Plans bill declares that it is in the public interest to promote storm protection activities to reduce storm related outages and restoration costs. The bill applies to investor owned utilities and requires them to prepare and submit a storm protection plan for review and approval and allows for direct cost recovery, as approved by the Public Service Commission, instead of through base rates.

**HB 1221/ SB 1666 - Vessels (Raschein/ Flores/Polsky)**
From an environmental perspective, this bill directs the Florida Fish and Wildlife Conservation Commission to conduct a study on the impacts of long-term (> 30 days) stored vessels and how much they contribute to derelict and abandoned vessels, impacts to communities, and to recommend management options. The bill also allows certain counties to create no discharge zones for freshwater waterbodies.

**HB 5401 - Department of Environmental Protection (ANR)**
The department bill transfers the environmental crimes unit from FWCC to a newly established Division of Law Enforcement within FDEP. To accommodate the transfer, the bill requires a memorandum of agreement between the two agencies outlining the division of responsibilities, transfer of equipment, etc. The transfer involves 19 full-time employees and designates the law enforcement officers as “law enforcement officers of the state.”

**SB 2500 HB/5001 - General Appropriations Act**
This year we saw the passing of the largest budget in state history. Below are some selected budget highlights from the budget passed by the legislature. The budget has not yet been signed by the Governor, who has line item veto authority to delete certain items from the final budget.

<table>
<thead>
<tr>
<th>Program Description</th>
<th>2019 Proposed Funding</th>
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<tbody>
<tr>
<td>Agricultural Nonpoint Sources BMP Implementation:</td>
<td>$35,497,948</td>
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<tr>
<td>Land Acquisition:</td>
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<tr>
<td>Increased Water Quality Monitoring/Portal:</td>
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<td>Water Management District MFL’s:</td>
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<td>SFWMD Dispersed Water Storage:</td>
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<td>Innovative Technologies to combat/clean-up algal blooms:</td>
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<td>Florida Keys Area of Critical State Concern:</td>
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<td>Everglades Restoration:</td>
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<td>Northern Everglades and Estuaries Protection:</td>
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<td>SFWMD CERP Lake O Watershed Restoration Projects:</td>
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<td>Water Supply and Water Resource Development Grants:</td>
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<td>St. Johns River and Keystone Heights Lake Region Projects:</td>
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<td>Restore Act/Deepwater Horizon:</td>
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<td>Hurricane Matthew Recovery:</td>
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Springs Restoration: $50,000,000
Water Projects (81 projects): $49,082,803
Non-point Source Management Planning Grants: $17,500,000
Beach Projects: $50,000,000

Drinking Water State Revolving Fund Loan Program: $125,547,958
Clean Water State Revolving Fund Loan Program: $181,685,055
Small County Wastewater Treatment Grants: $13,000,000
Total Maximum Daily Loads: $26,216,111
Underground Storage Tank Cleanup: $7,817,008
Dry Cleaning Solvent Contaminated Site Cleanup: $8,500,000
Petroleum Tanks Cleanup: $110,000,000
Hazardous Waste Contaminated Site Cleanup: $5,500,000

Total FDEP Positions: 2,907.5 (+0.66% from 2018)
Total FDEP Budget: $1,826,927,728 (+2.82% from 2018)
Total Budget: $91,106,375,235 (+2.76% from 2018)