After an Extended Session of almost a week, the Florida Legislature officially adjourned Sine Die the 2020 Legislative Session on the 20th of March. The reason for the Extended Session was due to passing the annual state budget. With the COVID-19 crisis looming in all corners of the state, lawmakers decided they had to take action by adding funds in order to combat this pandemic. The total $93.2 billion-dollar budget includes: raises for teachers and state workers, full funding for affordable housing programs, generous financing for environmental programs and protection, and funds for Florida’s crucial tourism industry. The 2020-2021 Fiscal Year budget includes $60M for the COVID-19 response, a 3% across-the-board raise for the 113K state workers, and $1.7B for Hurricane response. There was a 2.4% increase in spending over current fiscal year appropriation with a 3.7% General Revenue fund increase and a total of $3.9B in state reserves. This budget is slated to take effect on July 1st, 2020.

Seven silos make up the largest budget in state history:

- $39.4B for Health & Human Services (43%)
- $17B for PreK-12 Education (19%)
- $13.8B for Transportation & Economic Development (15%)
- $8.5B for Higher Education (10%)
- $5.6B for Criminal & Civil Justice (6%)
- $4.5B for Agriculture & Natural Resources (5%)
- $2.1B for General Government (2%)

The budget accounts for updates to the Department of Transportation Work Program that increased funding available for the state’s transportation infrastructure by $368.5 million, including lane resurfacing, highway construction, and scheduled repairs and replacement of bridges:

- Transportation Work Program - $9.3 billion TF
- County Transportation Programs:
  - Small County Road Resurface Assistance Program (SCRAP) - $47.6 million
  - Small County Outreach Program (SCOP) - $96.0 million
- Other County Transportation Programs - $56.8 million
- Local Transportation Initiatives (Road Fund) Projects - $81.3 million

Department of Transportation (DoT) - $10.3 billion TF; 6,194 positions
Transportation Work Program - $9.3 billion TF
Transportation Highway Maintenance Contracts - $494.8 million
Intrastate Highway Construction - $1.7 billion
Bridge Construction - $422.5 million
Planning & Engineering of the Comprehensive Everglades Restoration Plan (CERP) - $169.9 million
Rail Development Grants - $245.1 million
Seaport Engineering - $777.1 million
Resurfacing - $832.5 million
Counties:
County Transportation Programs - $56.7 million
Small County Road Resurface Assistance Program (SCRAP) - $47.6 million
Small County Outreach Program (SCOP) - $96.0 million, including:
  Municipal Transportation Projects - $9 million
Other County Transportation Programs - $56.8 million
Aviation Development Grants - $395.5 million
Transportation Disadvantaged Program Grants - $70.4 million TF

Local Infrastructure:
Local Government Reimbursement - $17.6 million
Local Transportation Initiatives (Road Fund) Projects - $81.3 million

Rural:
Rural Infrastructure Grants - $8.6 million GR
Rural Community Development Revolving Loan Fund - $6.2 million GR
Economic Development Projects - $10.0 million GR
Housing and Community Development Projects - $20.2 million GR

Other:
Required Local Effort (RLE) increase of $158.8 million for new construction only; RLE Millage reduced from 3.888 to 3.733 mills
Seaport and Intermodal Development Grants - $186.6 million
Wastewater Revolving Loan Program - $228.6 million ($11.9 million GR; $216.7 million TF)
Additional Hurricane Recovery Related Drinking & Wastewater Revolving Loan Programs - $177.8 million ($25.4 million GR; $152.4 million TF)
Hurricane Housing Fund - $30 million

With a total of 3,578 bills and PCBs filed, 2,596 amendments filed, 40 floor sessions held, and 4,223 votes taken... you can say the State of Florida had a very busy Legislative Session this year. A total of 210 bills successfully passed both chambers this Session - and only nine have been acted upon by the Governor and signed into law. We will have to wait and see if the Governor signs the remaining proposals into law, or if uses his veto power to shut it down. Pursuant to Article III, section 8, of the Florida Constitution, "Every bill passed by the legislature shall be presented to the governor for approval and shall become a law if the Governor approves and signs it, or fails to veto it within seven consecutive days after presentation. If during that period or on the seventh day the legislature adjourns sine die or takes recess of more than thirty days, the Governor shall have fifteen consecutive days from the date of presentation to act on the bill."

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.

PASSED

SB 72/HB 613 – Higher Education (CCNA related provision)
This bill makes several changes in the area of higher education unrelated to engineering but became controversial when the House added a late amendment on the floor to remove the requirement in current law
that state universities comply with F.S. 287.055 or CCNA. The change was reversed on the Senate floor during the last hour of session before final passage of the bill.

**HB 441/SB 506 – Public Procurement of Services**
The bill increases the maximum limits for continuing contracts covered by the CCNA from an estimated per-project construction cost of $2 million to $4 million. The bill also increases the maximum limit for procuring a study using a continuing contract from $200,000 per study to $500,000.

**HB 178/SB 579 – Public Financing of Construction Projects**
This bill would require a public entity that commissions or manages a construction project within the coastal building zone using funds appropriated from the state to conduct a sea-level impact projection (SLIP) study prior to commencing construction. The bill provides that this provision is effective one year after the Department of Environmental Protection’s (DEP) rule regarding SLIP studies is finalized.

**HB 1193/SB 474 – Deregulation of Professions and Occupations**
This bill affects a number of different industries including engineering, architecture, landscape architecture, surveying and mapping, and geology. Please see the full text of the bill and/or the last analysis for further information. The substantive changes related to engineering include:

Amends F.S. 725.08 Design Professional Contracts; Limitation in Indemnification to clarify an individual or entity licensed under Chapter 471 be qualified rather than certified (due to the elimination of the certificate of authorization).

The bill reduces the number of years that a professional engineer must be licensed in another jurisdiction in order to be deemed to have passed the licensure examinations for a license by endorsement. If such applicant has been licensed in another jurisdiction for:

- 10 years, they are deemed to have passed the fundamentals examination;
- 15 years, they are deemed to have passed both the fundamental examination and the principles and practices examination.

The bill reduces the number of members on the Florida Building Commission from 27 to 19. The bill removes the following members:

- One member from fire protection engineering or technology;
- One member who represents the Dept of Financial Services;
- One member who is a county code enforcement official;
- One member who is a representative of a municipality or a charter county;
- One member who is a representative of public education;
- One member who is a representative of the Dept of Agriculture and Consumer Services’ Office of Energy;
- One member who is solely the chair.

**DID NOT PASS**

**HB 707/SB 1124 – Legislative Review of Occupational Regulations (PE License Repeal - Sunset Bill)**
This bill scheduled repeal of the Professional Engineer License for July 1, 2024 based on “the intent of the legislature to complete a systematic review of the costs and benefits” of the PE regulatory program. The bill
passed the full House but died in messages to the Senate having not been heard in all Senate committees of reference.

**HB 1127/SB 1214 – Engineers (Structural)**
This bill would create a professional structural engineering license. Both bills died in committee and did not reach the floor of either chamber.

**HB 257/SB 1518 – Acquisition of Certain Professional Services**
This bill would have allowed cooperative purchasing agreements between governmental agencies under CCNA. The bill did not receive a committee hearing in either chamber.

**HB 829/SB 1090 – Express Lanes**
This bill would prohibit FDOT from operating any express lanes or imposing any tolls on State Road 826 in Miami-Dade County, and would require FDOT to remove all express lanes on State Road 826, convert those lanes to general purpose lanes, and remove the imposition of any tolls.

The bill was ultimately withdrawn after an agreement was negotiated between FDOT, the Miami-Dade legislative delegation, and local leaders.

2020 POST ENVIRONMENTAL LEGISLATIVE SUMMARY

PASSED

**HB 73/SB 326 - Environmental Regulation**
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 October 1, 2020, 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 exemption. In addition, the bill relaxes the location requirements for the exempt replacement or repair of certain docks or piers, allowing them to be replaced within 5 feet of their previous location.

**HB 279/SB 504 – Local Government Public Construction Works**
This bill requires local governments and special districts to competitively bid building projects if projected to be in excess of $300,000 or greater than $75,000 for electrical work. An exemption exists if it is determined that it is in the public’s best interest to use the local government’s own services, employees, and equipment. The bill requires the estimated project cost to fully account for all costs associated with performing and completing the work, including employee compensation and benefits; the cost of direct materials to be used in the construction of the project including materials to be purchased by the local government; and other direct costs, plus a factor of 20 percent for management, overhead, and other indirect costs. The bill also requires local governments to consider the same costs when determining the estimated cost of road and bridge construction and reconstruction projects performed utilizing proceeds from the state gas tax. Finally, the bill requires local governments issuing competitive bids to include a listing of all other governmental entities that may have additional permits or fees generated by the project, and requires a local government performing a public
building construction project using its own resources to create a report summarizing completed projects constructed by the local government.

HB 609/SB 702 – Petroleum Cleanup
This bill revises provisions relating to the Petroleum Cleanup Participation Program to authorize a demonstration of cost savings to replace or supplement the existing cost-share requirement. It also deletes the authorization that the limited contamination assessment report and the copayment costs may be reduced or eliminated. The bill will delete the 120-day time limitation for negotiations for the cost-share aspect of the Petroleum Cleanup Participation Program (PCPP). Regarding the Advance Cleanup Program, the bill deletes a prohibition for the state to pay for limited contamination assessments and replaces it with a requirement that the state issue purchase orders for such assessments. Finally, the bill makes several revisions to the individual application for the Advance Cleanup Program.

SB 712/HB 1343 – Environmental Resource Management
SB 712, also known as the “Clean Waterways Act,” includes several recommendations from the Blue-Green Algae Task Force. The major topics addressed in this bill include onsite sewage treatment and disposal systems (OSTDSs, commonly referred to as septic tanks), wastewater, stormwater, agriculture, and biosolids management. The bill directs the Department of Environmental Protection (DEP) to develop new or updated rules relating to most of these topics. The bill also addresses topics relating to the appointment of the Secretary of the DEP, bottled water, and the “rights of nature.”

Regarding OSTDSs, the bill:
• Transfers the regulation of OSTDSs from the Department of Health (DOH) to the DEP.
• Directs the DEP to adopt rules regarding the installation of new OSTDSs by July 1, 2022:
  These rules must take into consideration conventional and advanced OSTDS designs, impaired water bodies, wastewater and drinking water infrastructure, potable water sources, nonpotable wells, stormwater infrastructure, OSTDS remediation plans, nutrient pollution, and the recommendations of an OSTDS technical advisory committee; Once those rules are adopted, they will supersede the existing requirements for setbacks.
  • Requires DEP to implement a fast-track approval process for the use in this state of American National Standards Institute 245 systems approved by NSF International.
  • Deletes the DOH OSTDS technical advisory committee and creates a new DEP OSTDS technical advisory committee that will expire on August 15, 2022.
  • Requires local governments to develop OSTDS remediation plans within BMAPs if the OSTDSs contribute at least 20 percent of the nutrient pollution or if the DEP determines remediation is necessary to achieve the total maximum daily load. Such plans must be adopted as part of the BMAPs no later than July 1, 2025.

Regarding wastewater, the bill:
• Creates a wastewater grant program, subject to appropriation, within the DEP that requires a 50 percent local match of funds. Eligible projects include: Projects to upgrade OSTDSs. Projects to construct, upgrade, or expand facilities to provide advanced waste treatment. Projects to connect OSTDSs to sewer facilities.
• Requires the DEP to submit an annual report to the Governor and the Legislature on the projects funded by the wastewater grant program.
• Provides incentives for wastewater projects that promote efficiency by coordinating wastewater infrastructure expansions with other infrastructure improvements.
• Gives priority in the state revolving loan fund for eligible wastewater projects that meet the additional requirements of the bill to prevent leakage, overflows, infiltration, and inflow.
• Requires the DEP to adopt rules to reasonably limit, reduce, and eliminate leaks, seepages, or inputs into the underground pipes of wastewater collection systems.
• Authorizes the DEP to require public utilities seeking a wastewater discharge permit to file reports and other
data regarding utility costs: o Such reports may include data related to expenditures on pollution mitigation and
prevention, including the prevention of sanitary sewer overflows, collection and transmission system pipe
leakages, and inflow and infiltration.
The DEP is required to adopt rules related to these requirements.
• Requires local governments to develop wastewater treatment plans within BMAPs if the domestic wastewater
facilities contribute at least 20 percent of the nutrient pollution or if the DEP determines remediation is
necessary to achieve the total maximum daily load. Such plans must be adopted as part of the BMAPs no later
than July 1, 2025.
• Prohibits the DEP from requiring a higher cost option for a wastewater project within a BMAP if it achieves the
same nutrient load reduction as a lower-cost option and allows a regulated entity to choose a different cost
option if it complies with the pollutant reduction requirements of an adopted total maximum daily load (TMDL)
and provides additional benefits.
• Adds to the DEP’s penalty schedule a penalty of $4,000 for failure to survey an adequate portion of a
wastewater collection system and take steps to reduce sanitary sewer overflows, pipe leaks, and inflow and
infiltration. Substantial compliance with certain bill requirements is evidence in mitigation for penalty
assessment.
• Increases the cap on the DEP’s administrative penalties from $10,000 to $50,000 per day.
• Doubles the DEP’s wastewater administrative penalties.
• Prohibits facilities for sanitary sewage disposal from disposing of treated wastewater into the Indian River
Lagoon and its tributaries without providing advanced waste treatment.
• Requires facilities for sanitary sewage disposal to provide for a power outage contingency plan for collection
systems and pump stations.
• Requires sanitary sewage facilities to prevent sanitary sewer overflows or underground pipe leaks and to
ensure that collected wastewater reaches the facility for appropriate treatment. The bill requires an action plan
related to this requirement and for DEP to adopt rules regarding the implementation of inflow and infiltration
studies and leakage surveys.
• Authorizes certain facilities for sanitary sewage to receive 10-year permits if they are meeting the goals in their
action plan for inflow, infiltration, and leakage prevention.
• Makes the following changes relating to water pollution operation permits: The permit must require the
investigation or surveying of the wastewater collection system to determine pipe integrity. The permit must
require an annual report to the DEP, which details facility revenues and expenditures in a manner prescribed by
the DEP rule, including any deviation from annual expenditures related to their action plan.

Regarding stormwater, the bill:
• Requires the DEP and the Water Management Districts (WMDs) by January 1, 2021 to initiate rulemaking to
update their stormwater rules and includes criteria that must be considered as part of rule development.
• Requires the DEP, by January 1, 2021, to evaluate inspection data relating to entities that self-certify their
stormwater permits and provide the Legislature with recommendations for improvements to the self-
certification process.
• Directs the DEP and the Department of Economic Opportunity to include in their model stormwater
management program ordinances that target nutrient reduction practices and use green infrastructure.

Regarding agriculture, the bill:
• Requires a “cooperative agricultural regional water quality improvement element” as part of a BMAP in
addition to existing strategies such as best management practices (BMPs). The element will be implemented
through cost-sharing projects and authorizes legislative budget requests to fund the projects.
• Requires the Department of Agriculture and Consumer Services (DACS) to collect and provide to the DEP fertilization and nutrient records from each agriculture producer enrolled in best management practices.
• Requires the DACS to perform onsite inspections every two years of each agricultural producer that enrolls in a best management practice and requires the DACS to initially prioritize the inspection of agricultural producers located in the BMAPs for Lake Okeechobee, the Indian River Lagoon, the Caloosahatchee River and Estuary, and Silver Springs.
• Authorizes the DACS and institutions of higher education with agricultural research programs to develop research plans and legislative budget requests relating to the evaluation and improvement of agricultural best management practices and agricultural nutrient runoff reduction projects.

Regarding biosolids, the bill:
• Requires the DEP to adopt rules for biosolids management.
• Clarifies that local governments with biosolids ordinances may retain those ordinances until repealed.
• Requires that all biosolids application sites meet the DEP rules in effect at the time of the renewal of the biosolids application site permit or facility permit, effective July 1, 2020.
• Provides requirements for biosolids application site permittees to include a prohibition on the application of biosolids within 15 centimeters of the seasonal high-water table, adoption of agricultural BMPs, and increased monitoring requirements. Many of these requirements are repealed once the DEP rules go into effect.

The bill also:
• Requires DEP to work with the University of Florida Institute of Food and Agricultural Sciences and regulated entities to consider the adoption by rule of BMPs for nutrient impacts from golf courses;
• Revises the number of Cabinet members that are required to concur with the Governor to approve the secretary of the DEP from three members to one member
• Requires a unanimous vote by a WMD governing board to approve a consumptive use permit to use water derived from a spring for bottled water. This provision expires on June 30, 2022.
• Requires DEP, in coordination with the WMDs, to conduct a study on the bottled water industry in the state.
• Creates a real-time water quality monitoring program, subject to appropriation, within the DEP.
• Prohibits local governments from providing legal rights to any plant, animal, body of water, or other part of the natural environment unless otherwise specifically authorized by state law or the State Constitution.

SB 1042/HB 1061 – Aquatic Preserves
SB 1042 designates the coastal region of Pasco, Hernando, and Citrus counties as the Nature Coast Aquatic Preserve. The bill provides the Board of Trustees of the Internal Improvement Trust Fund with the authority to maintain the preserve in a manner that is in the public interest and specifies authorized and prohibited activities within the preserve. The bill requires the Board of Trustees to adopt and enforce rules related to the management and preservation of the preserve and specifies that the creation of the preserve shall not infringe upon the riparian rights of adjacent property owners. The bill provides for civil penalties and specifies the preserve is subject to the Power Plant Siting Act.

HB 1091/SB 1450 – Environmental Enforcement
HB 1091 makes numerous changes to the penalties for violating Florida’s environmental laws. The bill increases required or maximum environmental penalties in various sections of the Florida Statutes. Most of the changes increase a penalty by 50 percent. The bill also changes the duration of several penalties, so that any portion of a day during which certain violations occur may constitute a separate offense. The bill authorizes municipalities and counties to voluntarily establish an evaluation and rehabilitation program for sanitary sewer laterals on residential and commercial properties to identify and reduce extraneous flow from leaking sanitary sewer
lateral. The bill also requires a seller of real property to disclose to a prospective purchaser, before executing a contract for sale, any known defects in the property’s sanitary sewer lateral.

HB 5001/SB 2500 - General Appropriations Act
This year we saw the passing of the largest budget in state history, $93.2 billion. 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.

Program Description:

- 2020 Proposed Funding Ag NPS BMP Implementation $35,877,889
- Lake Okeechobee Agricultural Projects: $4,000,000
- Land Acquisition, Environmental/Unique, Statewide $67,000,000
- Working Waterfronts $2,000,000
- Land Acquisition - FCT $10,000,000
- Water quality monitoring, BGATF support & information portal: $10,800,000
- Dispersed Water Storage $5,000,000
- Innovative Technologies to address algal blooms: $10,000,000
- Everglades Restoration: $266,568,382
- Northern Everglades: $47,043,220
- Alternative Water Supply Grant Program: $40,000,000
- Water Quality Improvements - Everglades $50,000,000
- Hazardous Waste/Site Cleanup: $8,280,902
- NRDR/Final-Deepwater Horizon: $20,239,815
- Springs Restoration $50,000,000
- Water Projects (stormwater, wastewater & water supply): $76,580,163
- Nonpoint Source Management Planning: $19,000,000
- Drinking Water State Revolving Fund: $247,230,794
- Clean Water State Revolving Fund: $289,773,146
- Florida Keys Area of Critical State Concern $10,000,000
- Small County Wastewater Treatment Grants: $13,000,000
- Small/Disadvantaged Water Infrastructure: $2,431,650
- Water Quality Improvement 50% Grants (WW, SW & S2S): $25,000,000
- IRL Water Quality Improvement Projects $25,000,000
- Coral Reef Protection and Restoration $10,000,000
- St Johns/Suwannee/Apalachicola Rivers WQI $25,000,000
- Groundwater Quality Monitoring Network $2,344,432
- Water Quality Management/Planning Grants $3,803,056
- Total Maximum Daily Load Projects: $25,000,000
- Beach Projects: $50,000,000
- Underground Storage Tank Cleanup $7,817,008
- Dry Cleaning/Site Cleanup: $8,500,000
- Cleanup of State Lands: $10,000,000
- Landfill Closures: $2,000,000
- Petroleum Tanks Cleanup: $125,000,000
- Solid Waste Management: $3,000,000
- Reef Protection/Tire Abatement: $2,500,000
- Florida Resilient Coastline Initiative: $10,000,000
- Clean Marina Program: $1,000,000
- Volkswagen Settlement: $67,500,000
Ag NPS BMP Implementation $1,891,813

Total FDEP Positions: 2,917.5 (+0.34% from 2019)
Total FDEP Budget: $2,276,165,642 (+24.59% from 2019)
Total Budget: $93,215,530,723 (+2.32% from 2019)

**DID NOT PASS**

- HB 139/SB 168 - Drinking Water in Public Schools
- SB 200/HB 547 - Advanced Well Stimulation Treatment
- SB 638/HB 1347 - Apalachicola Environmental Stewardship Act
- HB 715/SB 1656 - Reclaimed Water
- HB 1427/SB 1720 - Florida Safe Drinking Water Act
- HB 1073/SB 7016 – Statewide Office of Resiliency