The Florida Engineering Society (FES) and the American Council of Engineering Companies of Florida (ACEC-FL – Formally known as 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 2018 Legislative Session was full of ups and downs, as the initial focus on the impact of Hurricane Irma and the opioid epidemic shifted drastically on February 14, 2018. The mass shooting tragedy in the community of Parkland, Florida reverberated across Florida and the country. With a few weeks left in the legislative session, the House and Senate crafted a comprehensive school/gun safety package that included $400 million in funding for school safety measures. Similar to years past, work on the budget was not completed in order to fulfill the requirement of a 72-hour “cooling” period and the Legislature extended until Sunday, March 11th. In total, the 2018 regular session included: 3,250 Bills/PCBs filed, with only 200 Bills passing both chambers, a record low on bills passed in decades.

The next legislative session is not scheduled to begin until March 2019.

Included in the budget are the following items of interest:

- $10.1 billion for the Florida Department of Transportation Work Program
- $3.7 billion to expand transportation capacity
- $1 billion for maintenance and operation
- $359 million for aviation improvements
- $171.6 million in seaport improvements

**Threats to the Engineering Profession Included:**

- Attempts by a group to expand their scope of work to include work that currently must be performed by a Professional Engineer.
- Attempts to remove the mechanical/electrical engineering seat on the Florida Building Commission.
- An attempt to eliminate the Florida Engineers Management Corporation (FEMC) (a key component of the structure that regulates engineers) turning their responsibilities over to the Florida Department of Business and Professional Regulation.
- Finally, an attempt on the last day of the Florida Legislative Session to prevent engineering firms from doing both design and CEI in the same FDOT district.

Your Association, with the help of our staff, lobbyists and members, were able to stop these attempts from becoming law.
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**The Practice of Engineering** – DEFEND the practice of engineering and OPPOSE attempts by non-engineers to provide engineering services as defined by the Florida Board of Professional Engineers.

HB 741/SB 1868 - Professional Geology (Goodson/Broxson) **DID NOT PASS**
Discussions were attempted to be held between representatives of the Florida Engineering Society, American Council of Engineering Companies of Florida and the Florida Association of Professional Geologists. The bill as filed would have contained 14 new provisions related to the scope of work a professional geologist may perform; several of which are currently defined as “engineering services”. Both the Senate and House bills died in their first committee stop.

HB 1041/SB 1114 - Relating to Professional Regulation (Plakon/Brandes) **DID NOT PASS**
These professional deregulation bills included an amendment added during the last weeks of Session that added a provision to the House bill that would transfer the duties and responsibilities of the Florida Engineers Management Corporation (FEMC) to the Department of Business and Professional Regulation. It also would have required that the FEMC develop a detailed plan for its termination and the return of all regulatory functions to DBPR. The plan must detail the process for, effect of, and financial impact of such transfer. Through the work of our lobbying team and key contact engineer members we were successful in ensuring this amendment was not placed on the Senate version of the bill. Although the House bill passed its chamber, the Senate only made it through its second committee.

**Transportation Infrastructure** – SUPPORT a transportation plan that meets the following goals: safety, infrastructure condition, mobility, economy and the environment. The goals are all interrelated and together create Florida’s transportation future.

HB 1287 - Transportation (Drake) **DID NOT PASS**
An attempt on the last day of the Florida Legislative Session to prevent engineering firms from doing both design and CEI in the same FDOT district was stopped. Working with many stakeholders this amendment was not considered and ultimately the bill died in Senate messages in Transportation.

**Water Infrastructure and Environment** – SUPPORT protecting Florida’s water future by supporting science-based infrastructure investments and initiatives that allow our state to grow while protecting our natural resources and streamlining state processes.

HB 1075/SB 1438 - Inland Protection (Raburn/Grimslley) **DID NOT PASS**
This bill would have supported the additional investment in the Dry-Cleaning Solvent Cleanup Program for restoration of Florida’s environmental resources. However, the section requiring FDEP to adopt, by
rule, a contractor scoring system was in conflict with Chapter 287 procurement statute 287.055. Although, we had an amendment to fix the 287.055 procurement issue, the bill died in the Senate’s second committee stop.

**Vertical Support** – SUPPORT engaging structural, mechanical, electrical and civil engineers that work on architectural projects or other functional vertical construction (buildings).

**HB 299 - Relating to the Florida Building Commission (McClain) DID NOT PASS**
This bill would have made changes to the Florida Building Commission. This legislation sought to reduce the number of members on this commission from 27 to 11 which would have removed the mechanical/electrical engineering seat. Through discussions with other stakeholders and insistence from our lobbying team, we were able to stop a Senate bill from being filed.

**Energy – SUPPORT** proactive legislative and regulatory advocacy on energy by developing industry-wide consensus and leadership positions on a wide range of energy issues.

**HB 405/SB 494 - Linear Facilities (Williamson/Lee) PASSED**
This bill modifies the definition of “development” to exclude work by electric utility providers in constructing transmission lines in right-of-way corridors and clarifies that the determination of overhead or underground powerlines is entirely within the jurisdiction of the Public Service Commission. This bill also sets standards for authorizing variances in the site certification process. (Signed by Governor on 3/19)

**PASSED - Environmental Bills Summary**

**HB 53/SB 232 - Coral Reefs (Jacobs/Book)**
Creates the Southeast Florida Coral Reef Ecosystem Conservation Area. The conservation area consists of the sovereignty submerged lands and state waters offshore of Broward, Martin, Miami-Dade, and Palm Beach Counties from the St. Lucie Inlet to the northern boundary of the Biscayne National Park. Such designation may increase the ability for the area to receive grant funding. The designation specifically did not include any authority to adopt regulations or restrict any activities. (Signed by Governor on March 19th)

**HB 703/SB 806 - Water Management District Surplus Lands (Burgess/Baxley)**
This bill modifies the process for Water Management Districts to sell surplus lands to adjacent owners and the public. It allows the sale of property valued less than $25,000 to adjacent property owners without bidding - requiring only a public notice of the proposed sale. The bill also allows sale to the public at the highest obtainable price at any time if it does not sell to an adjacent owner. (At the time of this writing, this bill has not been submitted to the Governor)
HB 705/SB 808 - Pub. Rec./Water Management District Surplus Lands (Burgess/Baxley)
The bill, which is linked to the passage of HB 703, creates a public record exemption for written valuations of WMD land determined to be surplus. The exemption includes related documents used to form, or which pertain to, the valuation and written offers to purchase such surplus land. The public record exemption expires two weeks before the WMD first considers the contract. (At the time of this writing, this bill has not been submitted to the Governor)

HB 1149/SB 1308 - Environmental Regulation (Payne/Perry)
This is a multi-subject, general environmental bill touching on ERP permitting, reuse and aquifer recharge, recycling and domestic wastewater collection system operation and maintenance. The bill sets forth criteria by which an expired individual ERP can be reissued, upon request by the applicant and allows the repair or replacement of a dock within five feet of the original location and of the same shape and size to be reconstructed and allows a mitigation area created by a local government and scored using UMAM to be used for mitigation when no other mitigation bank is available. The bill encourages use of reclaimed water by providing examples of types of reuse that can be used for impact offset credits for water use, provides direction to the department and WMDs to enter into an agreement to provide coordinated reviews “of any reclaimed water project requiring a reclaimed water facility permit, an underground injection control permit and a consumptive use permit.” Regarding recycling, this bill requires local governments to address contamination of recyclable materials to be collected by contract operators. In south Florida, the bill directs the SFWMD to use the C-51 Reservoir to reduce impacts of Lake Okeechobee releases on the St. Lucie and Caloosahatchee estuaries “to the extent practicable.” Finally, the bill creates the blue star certification program for domestic wastewater collection systems. Systems that apply for and receive certification, according to the standards in the bill, will have a presumption of compliance for quality standards for pathogens in TMDLs, will receive reduced penalties for sanitary sewer overflows, and such penalties may be used on investment in assessment and maintenance activities to address the cause of the overflow and certified systems can receive 10-year operating permits. (At the time of this writing, this bill has not been submitted to the Governor)

HB 5001/SB 2500 - General Appropriations Act
This year we saw the passing of the largest budget in state history. Below are some selected highlights from the budget passed by the legislature and signed into law by the Governor on March 16th. In approving the budget, the Governor vetoed approximately $64 million from the budget, his lowest veto amount, of which only one item valued at $750,000 was in the Department of Environmental Protection’s budget.

Program Description: 2018 Proposed Funding –

Agricultural Nonpoint Sources BMP Implementation: $35,497,449
Conservation and Rural Land Protection: $5,807,500
Water Management District MFL’s: $3,446,000
SFWMD Dispersed Water Storage: $5,000,000
Florida Keys Area of Critical State Concern: $5,000,000
Everglades Restoration: $213,204,985
Northern Everglades and Estuaries Protection: $31,000,000
St. Johns River and Keystone Heights Lake Region Projects: $20,000,000
Restore Act/Deepwater Horizon: $200,000
Beach Recovery – Hurricanes Hermine/Matthew: $11,198,282
Springs Restoration: $50,000,000
Water Projects (95 projects): $30,123,311
Non-point Source Management Planning Grants: $13,500,000
Beach Projects: $50,000,000
Drinking Water State Revolving Fund Loan Program: $127,976,016
Clean Water State Revolving Fund Loan Program: $175,018,887
Small County Wastewater Treatment Grants: $15,000,000
Total Maximum Daily Loads: $1,210,000
Underground Storage Tank Cleanup: $76,578
Dry Cleaning Solvent Contaminated Site Cleanup: $8,500,000
Petroleum Tanks Cleanup: $110,000,000
Hazardous Waste Contaminated Site Cleanup: $5,000,000
Total FDEP Positions: $2,888.5 (-0.4% from 2017)
Total FDEP Budget: $1,776,879,901 (+24.0% from 2017)
Total Budget: $88,663,483,657 (+7.6% from 2017)

HB 7035/SB 670 - Ratification of Rules of the St. Johns River Water Management District (NRPL//Baxley)
This bill ratifies the St. Johns River Water Management District’s rule providing for the implementation of the District's prevention strategy to address Silver Springs minimum flows & water levels. The bill was required because the cost of the rule is anticipated to have an adverse regulatory impact in excess of $1,000,000 in aggregate over five years. (Signed by Governor on 3/19)

HB 7043/SB 1402 - State Assumption of Federal Section 404 Dredge and Fill Permitting Authority (NRPL/Simmons)
This legislation authorizes FDEP to assume “Assumption” (delegation) of the Clean Water Act § 404 (“Federal Dredge and Fill”) Program, which is currently administered by the U.S. Army Corps of Engineers. FDEP's approach is to take over the Corps program “as is”, by adopting the applicable Corps and EPA regulations into state rule by reference. The FDEP contemplates implementing the federal permitting program using current ERP staff and budget. If signed by the Governor, this legislation confirms that FDEP has specific authority to pursue delegation, adopt the federal rules by reference and to ensure that no conflicts between state and federal law prevent final approval by EPA. FDEP’s implementation of the § 404 Program implicates other laws, such as the Endangered Species Act and jurisdiction over federal vs. state waters. FDEP is optimistic that these issues will be resolved through negotiated agreements with the requisite federal agencies and receive final Program approval from the U.S. EPA by the end of 2018. (Governor must act by 3/29)

Please contact shobbs@fleng.org for an entire list of bills tracked for 2018.

Questions? Would you like to get more involved in legislative affairs in your Society?
Contact Samantha Hobbs, Director of Government Affairs and Executive Policy at shobbs@fleng.org.