

FAPG Legislative Report

February 22, 2016

2016 Session Week 6

Today is Day 42 of the 60-day legislative session, leaving only 18 days until the Legislature adjourns on Friday, March 11. There are three full weeks of business left before lawmakers return home and begin campaigning for what is shaping up to be a busy and important election season leading up to the November presidential election. This is the time when things start moving very fast at the Capitol and we continue to work to push our bills across the finish line. As the seventh week of the 2016 legislative session opens today, we are still waiting for budget allocation and conference conferees to be released. This is the next step in the budget process, as the House and Senate attempt to find common ground and close the \$1 billion gap between their proposed budgets.

From what I have heard at the Capitol, the House and Senate are still not close enough in their negotiations to release initial allocations at this point. There will be no budget conference this weekend, but we remain hopeful that allocations and conferees will be announced before the end of next week.

Some of the main contentions between the House and Senate remain the same. The House is very supportive of the Governor's tax cuts, having passed a \$1 billion tax cut package last week. However, the Senate is taking a different approach, supporting a tax cut worth about \$250 million and supporting the Governor's request for \$250 million in economic incentives to recruit new businesses to Florida and create more jobs - something the House did not include in their budget. Until those important details are ironed out, I do not expect the budget process to move forward

The following is an update on bill activity for Week 5 of the 2016 Regular Session:

2016 Legislation Week 5

SB 1052/HB1187 Regulated Professions and Occupations: Revises DBPR's responsibilities & duties; revises provisions relating to licensure, certification, & regulation of yacht & ship brokers, labor organizations & labor business agents, talent agencies, athlete agents, asbestos consultants & contractors; veterinary acupuncture & veterinary massage, hair wrapping, body wrapping & nail polish applying, electrical & alarm system contractors; architects, interior designers, landscape architects, & professional geologists.

On Tuesday in the House, Rep. Grant presented his bill (HB 1187) in the Government Operations Appropriations Subcommittee, after significant discussion and debate by members both democratic and republican, he stated that prior to the bill going to the Regulatory Affairs Committee on Thursday February 25th, and he would make amendments to the bill to address all of the stakeholder's issues. As this was a fiscal committee, policy changes/amendments are not generally made. I will be meeting with Rep. Grant and again request Geologists be taken out of the bill, as was done in the Senate.

On Wednesday in the Senate General Government Appropriations Subcommittee Senator Brandes bill SB 1050 was heard and fortunately no amendment was filed to put Geologists back in the bill, which was a huge relief to me. I don't trust the department or Brandes to not make an attempt to put Geologists back in the bill. Both bills are moving through the committee process late in the session. The Senate bill is now going to the full Appropriations Committee where there are many bills waiting to be placed on the agenda for a hearing. This late in the session if the bills are not a leadership priority it will be a "heavy lift" to get them to a final vote on the House and Senate Floor. The Senate bill is now going to the full Appropriations Committee, the last committee stop in the Senate and the House bill is scheduled for the Regulatory Affairs Committee next Thursday (25th) which is the last committee stop in the House. At this point, it is probably a better than 50-50 both bills make it through the process before session ends.

SB 100/HB 697 Petroleum Restoration Program (Sen. Wilton Simpson and Rep. Jamie grant) Revising the eligibility requirements of the Abandoned Tank Restoration Program; deleting provisions prohibiting the relief of liability for persons who acquired title after a certain date; revising the conditions for eligibility and methods for payment of costs for the low-risk site initiative; revising the eligibility requirements for receiving rehabilitation funding; reducing the number of sites that may be proposed for certain advanced cleanup applications, etc. **The Senate bill passed unanimously out of the full Senate on Thursday and is now in House messages. The House bill passed unanimously out of the State Affairs Committee and now goes to the House Floor.**

SB 92/HB 351 Contaminated Sites (Sen. Greg Evers/Rep. Brad Drake) Contaminated Sites; Defining the terms "background concentration" and "long-term natural attenuation"; requiring the Department of Environmental Protection to include protocols for the use of long-term natural attenuation where site conditions warrant; providing that institutional controls are not required under certain circumstances if alternative cleanup target levels are used; providing additional contamination cleanup criteria for brownfield sites and brownfield areas, etc. **The Senate bill was read a third time on Thursday, laid on the table and referred to CS/HB 351 which passed 40-0 and has been sent to the Governor for signing into law. - Now on Governor's desk.**

SB 166/HB 19 (Rep. Jenne/Sen. Soto) Well Stimulation Treatments: Prohibits well stimulation treatments for exploration or production of oil or natural Gas. Oil and Natural Gas Production or Recovery: Defining the terms "hydraulic fracturing" and "well stimulation treatment"; prohibiting a person from engaging in hydraulic fracturing or performing well stimulation treatments in this state or the waters adjacent to this state; prohibiting a person from disposing of related materials and byproducts of hydraulic fracturing or well stimulation treatments, etc. **Both bills have been referenced to Committee's in both the House and Senate but have not been agendaed for a hearing. - Both bills are dead for this session.**

HB 191/SB 318 Regulation of Oil & Gas Resources by Rep. Ray Rodrigues/ Rep. Cary Pigman and Sen. Garrett Richter - Regulation of Oil and Gas Resources; Preempts regulation of all matters relating to exploration, development, production, processing, storage, & transportation of oil & gas; declares existing ordinances & regulations relating thereto void; provides exception for certain zoning ordinances; revises DEP rulemaking authority; requires permits be obtained before performance of high-pressure well stimulation; deletes provisions requiring Division of Resource Management to get certain approval from municipal governing bodies; requires division to consider additional criteria when issuing permits; authorizes DEP

to issue permits for performance of high-pressure well stimulation; requires DEP to conduct study; requires applicants & operators to provide surety; increases maximum amount for civil penalties; requires DEP to designate national chemical registry as state's registry; requires service providers, vendors, & well owners or operators to report certain information to DEP; requires DEP to report certain information to registry; provides that act preempts & supersedes certain regulations; **The Senate bill is in the Full Appropriations Committee waiting to be agendaed for a hearing, and the House bill is now in Senate Messages. - No Change**

SB 552/HB 7005 Environmental Resources; Provides for conservation lands database; provides assistance to self-suppliers of water; authorizes pilot projects for certain water management districts (WMDs); requires adoption of minimum flows & levels for Outstanding Florida Springs; requires concurrent adoption of recovery or prevention strategies & minimum flows & levels; provides for Central Florida Water Initiative Area; authorizes allocation of water by SFWMD; requires monitoring of consumptive use permits; provides for certain preferred water supply sources; prohibits modification of permitted water allocations; provides priority consideration to certain public-private partnerships for water storage, groundwater recharge, & water quality improvements on private agricultural lands; revises Northern Everglades & Estuaries Protection Program; revises membership qualifications for Harris Chain of Lakes Restoration Council; requires certain funding plans in water resource development work program; authorizes private landowners to assist WMDs; requires promotion of certain cost-share criteria; creates the Florida Springs & Aquifer Protection Act; authorizes funding for nutrient & sediment reduction & conservation pilot projects; revises requirements for basin management action plans; provides treated potable water supply as designated use of surface waters; requires DEP & DACS to assess water resources & conservation lands. **HB 7005 passed out of the full House and Senate and was signed into law by the Governor.**

SB 400/HB 561: Organizational Structure of the Department of Environmental Protection GENERAL BILL by Sen. Alan [Hays](#) and Rep. Neil Combee - Organizational Structure of the Department of Environmental Protection; Authorizing the secretary of the Department of Environmental Protection to establish divisions as necessary to accomplish the missions and goals of the department, etc. **The Senate Bill is in the full Appropriations Committee. The House bill passed out of the State Affairs Committee and has been placed on the House Calendar.**

HB 589/SB 1052(Rep. Cary Pigman/Sen. Alan Hays) Environmental Control; Prohibiting water management districts from modifying or reducing consumptive use permit allocations if actual water use is less than permitted water use due to water conservation measures or specified circumstances; requiring the Department of Environmental Protection to adopt by rule a specific surface water classification to protect surface waters used for treated potable water supply, **The House bill passed unanimously out of the State Affairs Committee on Wednesday and the Senate is in the full Appropriations Committee.**

Please contact me if you have any questions or would like additional information.

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