



# DAILY BRIEF

For the 2020 Legislative Session

**From January 22, 2020**

## **ENVIRONMENT**

### **SB 712 – Relating to Water Quality Improvements**

On Wednesday, January 22, **SB 712** by Senator Debbie Mayfield (R-Melbourne) was heard by the Senate Appropriations Subcommittee on Agriculture, Environment and General Government and was reported favorable with 9 yeas and 0 nays. **AIF stood in support of this legislation.**

Phosphorus and nitrogen are naturally present in water and are essential nutrients for the healthy growth of plant and animal life. The correct balance of both nutrients is necessary for a healthy ecosystem; however, excessive nitrogen and phosphorus can cause significant water quality problems. Phosphorus and nitrogen are derived from natural and human-made sources. Natural inputs include the atmosphere, soils, and the decay of plants and animals. Human-made sources include sewage disposal systems (wastewater treatment facilities and septic systems), overflows of storm and sanitary sewers (untreated sewage), agricultural production and irrigation practices, and stormwater runoff.

The bill includes recommendations from the Blue-Green Algae Task Force. The major topics in this bill include onsite sewage treatment and disposal systems (OSTDSs, commonly known as septic systems), wastewater, stormwater, agriculture, and biosolids. The bill directs the Department of Environmental Protection (DEP) to make rules relating to most of these topics.

In addition to DEP's role in monitoring and inspecting OSTDSs and other runoff areas, the bill authorizes the Florida Department of Agriculture and Consumer Services (FDACS) to perform onsite inspections of agricultural producers enrolled in best management practices (BMP) to verify that each practice is being properly implemented. The verification review will include a review of the BMP documentation including, but not limited to, nitrogen and phosphorus fertilizer application records.

The bill is a huge step forward in addressing Florida's current water quality crisis and the data collected will prove invaluable in preventing further degradation of our waterways.

SB 712 will now move to the Senate Appropriations Committee.

**AIF supports legislation that addresses the existing water quality issues as Florida's businesses and citizens alike rely on access to clean, uncontaminated water.**

## **HB 73 – Relating to Environmental Regulation**

On Wednesday, January 22, **HB 73** by Representative Toby Overdorf (R-Stuart) was read for a second and third time on the House floor and passed with 119 yeas and 0 nays.

Current state law requires each county to implement a recyclable materials recycling program within its boundaries and encourages counties to work with municipalities for this purpose. Recyclable materials can become contaminated when residents place materials that are not recyclable into curbside recycling bins. While facilities are equipped to handle some non-recyclable materials, excessive contamination can undermine the recycling process and result in increased costs due to equipment downtime, repair, or replacement needs. In addition to the increased recycling processing costs, contamination also results in poorer quality recyclables, increased rejection, and landfilling of unusable materials. Counties and municipalities may contract with private companies to operate their recycling programs, but current law does not require the contracts to address the contamination of recyclable materials.

The bill requires counties and municipalities to address nonhazardous 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 to reduce the amount of contaminated recyclable materials 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.

Additionally, state law allows water management districts and the Department of Environmental Protection (DEP) to require an environmental resource permit (ERP) and impose reasonable conditions to ensure certain construction activities comply with the law and will not harm water resources. Some projects can be exempted from ERP permitting if they meet specific statutory restrictions, and local governments may require an applicant get verification from DEP that an activity qualifies for an ERP exception. For example, an ERP exception currently exists for the replacement or repair of a dock or pier if the replacement or repaired dock or pier is in the same location and under specific conditions. The exception allows minor deviations to upgrade the dock or pier to current structural and design standards.

The bill prohibits local governments from requiring further verification from DEP that a construction activity meets an ERP exception. In addition, the bill revises the ERP exception for docks and piers to allow for the repair or replacement if it is within five feet of the same location and no larger than the existing dock or pier and no additional aquatic resources are adversely and permanently impacted. HB 73 will now go to the Senate for consideration.

**AIF supports efforts to streamline recycling systems and scale back onerous permits thus creating a more efficient and productive business climate in Florida.**

## LEGAL & JUDICIAL

### **Proposed Committee Bill CJS 20-01 – Relating to Litigation Financing Consumer Protection**

On Wednesday, January 22, **PCB CJS 20-01**, sponsored and heard by the House Civil Justice Subcommittee, was reported favorable with 15 yeas and 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

Litigation financing is a non-recourse transaction in which a third party (“litigation financier”) provides funds to a person bringing a civil action or claim in exchange for an assignment of the person’s contingent right to receive an amount of the civil action or claim’s potential proceeds

The PCB establishes various requirements, such as registering with the Department of State and posting a bond, on litigation financiers. The bill also establishes requirements regarding the contracts, disclosure to consumers, and prohibited conduct. Specifically, the bill caps the fees to \$500 for any civil action or claim, regardless of the number of contracts of a litigation financier. Lastly, it provides that violation of the Act is a violation of the Florida Deceptive and Unfair Trade Practices Act.

The PCB will now be given a number and committee references.

**AIF supports efforts that create transparency and accountability to prevent malevolent litigation financiers from driving up litigation costs, and therefore, driving up the cost to do business in Florida.**