



2017 FES/FICE Post Legislative Report

The Florida Engineering Society (FES) and the Florida Institute of Consulting Engineers (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.

Attempt to Erode Qualifications-Based Selection (CCNA) of Engineering Services - HB 789 (Stone) **FAILED**

Qualifications-based selection (Consultants Competitive Negotiation Act – CCNA) is a procedure whereby service providers are retained on the basis of qualifications, rather than price factors. Under the CCNA method, the procuring agency reviews the qualifications submitted by interested individuals and firms, ranks respondents, and then negotiates with the most qualified respondent for a mutually agreeable contract. The Federal Brooks Architect-Engineers (A/E) Act (PL 92-582), enacted in 1972, requires federal agencies to use QBS procedures when procuring design services. QBS is vital to the public health, safety, and welfare and ensures the best engineering outcomes. This proposed bill would have amended competitive negotiation to essentially allow for price to be considered for 50% of the selection and would allow firms to bid against each other; among other provisions. Your FES/FICE team worked with ACEC and NSPE as well as the three other professions named in the statute to defeat the House bill which was named a priority for Speaker Corcoran. A Senate bill was not filed.

A procurement task force bill was also filed this Session **HB1281/SB 1540 (Albritten/Brandes)**. This bill would have created a task force to evaluate procurement laws and policies and make specified recommendations, as well as specified the membership of the task force. The membership of the task force was a big concern, as it would have relied heavily on government as the membership. Although FES/FICE was able to amend the bill to add an engineer as a seat on the task force, we still did not feel the procurement task force membership make-up was fair to all design professionals nor a benefit to the State as written. This bill was defeated and failed.

Scrutiny of Occupational Licensure – HB 7047/SB 802 (Beshears/Passidomo) **FAILED**

The debate over the role of government in regulating occupations and professions has recently come to the forefront. According to the Bureau of Labor Statistics, occupational licensing directly affects nearly 30% of US workers. While the work of professional engineers—like that of doctors, registered architects, and attorneys—clearly affects the public health, safety, and welfare, it is not uncommon for highly educated and trained PEs to be incorrectly grouped with barbers and cosmetologists in the debate over eliminating occupational licenses. PE licensure is vital for the protection of the public's health, safety and welfare. Your lobbying team was successful in keeping engineers out of this legislation.



Changes to Licensing Board Composition and Oversight – HB 1193/SB 582 (Raulerson/Latvala)
FAILED

The 2015 US Supreme Court decision in North Carolina Board of Dental Examiners vs. Federal Trade Commission led Florida to introduce legislation to ensure that state boards do not subject themselves to increased liability. FES/FICE was in support of these bills and will continue to support legislation that indemnifies, defends, and holds harmless from claims, actions, demands, suits, investigations, damages, and liability of all current and former board members and any companies or businesses with which they have or had specified affiliations. As long as composition and oversight does not interfere with the capacity of state licensing boards to properly regulate the profession.

Construction and Florida Building Code (FBC) – HB 1021/SB 1312 (Avila/Perry)
PASSED

This bill authorizes solar energy systems manufactured or sold in the state to be certified by professional engineers; revises an exemption from construction contracting regulation for certain public utilities; prohibits a political subdivision from adopting or enforcing certain building permits or other development order requirement; requires the Florida Building Code Administrators and Inspectors Board to establish rules; prohibits local enforcement agencies, independent districts, and special districts from charging certain fees; and revises requirements for updating the Florida Building Code. There were many bills, starting with SB 7000 (Lee) that attempted to amend the FBC. FES/FICE was fully engaged in all discussions and negotiations on all of the bills and amendments filed on this issue. In the end the amended changes to the FBC were - 2/3 vote is needed on all TAC's (was 3/4 vote) and amends how amendments are added to the code. Effective Date: If the Governor signs it, the bill takes effect July 1, 2017.

Expressway Authorities – HB 1049/SB 1562 (Avila/Garcia)
PASSED

Several controversial bills relating to expressway authorities were filed this Session. Of the bills filed only one passed that relates to limited access and toll facilities. The bill, subject to certain requirements, prohibits the Miami-Dade County Expressway Authority (MDX) from increasing its tolls unless justified by an independent traffic and revenue study, except to adjust for inflation. The MDX must dedicate at least 20 percent, but no more than 50 percent, of certain surplus revenues to transportation- and transit-related expenses for projects in the MDX's service area. Lastly, the bill authorizes FDOT to require use of an electronic transponder interoperable with the FDOT's electronic toll collection system for the use of high-occupancy toll lanes or express lanes, including express lanes on the turnpike system. Effective Date: If the Governor signs it, the bill takes effect July 1, 2017.

Limitations on Liability – HB 377/SB 204 (Leek and Passidomo)
PASSED

This bill clarifies when the completion of a construction contract occurs. Effective Date: If the Governor signs it, the bill takes effect July 1, 2017.



Environmental Bills

PASSED

Water Resources - SB 10 (Bradley)

The bill requires the SFWMD to pursue the completion of a reservoir south of Lake Okeechobee by securing the Corps agreement to make a change to Everglades restoration plans and getting Congressional approval for such a change. The SFWMD is to renegotiate and/or terminate leases on property within the EAA to facilitate construction of a 240,000 acre-foot reservoir. It also creates a loan fund for water storage facilities to be administered by DEP. The bill became effective when Governor Scott signed it on May 9th.

Relating to Renewable Energy Source Devices - SB 90 (Brandes)

The bill amends s. 193.624, F.S., which prohibits including the value of a renewable energy source device in assessing the value of real property for tax purposes. The bill also expands on the definition of "renewable energy source device;" expands the prohibition to all real property, not just that used for residential purposes, including a specific exemption for certain municipal installations; applies the prohibition to devices without regard to the date of installation, as opposed to the current requirement that they be installed on or after January 1, 2013. These amendments expire December 31, 2037, and the text of the amended subsections reverts to that in existence on December 31, 2017, with stated exceptions. The bill exempts renewable energy source devices from tangible personal property tax and creates a set of statutes to govern distributed energy generation system sales, with provisions on safety compliance, mandatory disclosures, rulemaking authority for the Department of Business and Professional Regulation, penalties, and exemptions. Effective Date: If the Governor signs it, the bill takes effect July 1, 2017.

Natural Hazards - HB 181/SB 464 (Jacobs/Clemens)

This bill creates an interagency workgroup to share information regarding disaster preparedness, response and recovery relating to natural hazards. Agencies are required to designate a liaison and requires the Division of Emergency Management to prepare an annual report to the governor and legislature. Effective Date: If the Governor signs it, the bill takes effect July 1, 2017.

Resource Recovery and Management - HB 335/SB 1104 (Clemens/Perry)

This bill defines the terms "gasification," "post-use polymer," "pyrolysis," and "pyrolysis facility" while modifying other definitions in 403.703. The bill expands the exemption from solid waste regulations to facilities that convert recovered materials by gasification, pyrolysis, or other thermal conversion processes. The bill also defines terms used in the exemption and makes conforming changes to other statutes. DEP will likely need to revise its solid waste rules as a result of the statutory changes in the bill. Effective Date: If the Governor signs it, the bill takes effect July 1, 2017.

Water Protection and Sustainability - HB 573/SB 928 (Burton/Stargel)

The bill creates the "Heartland Headwaters Protection and Sustainability Act" and specifies legislative findings and intent regarding such. It recognizes the Green Swamp Area of Critical State Concern that it is located in a regionally significant high recharge area of the Floridan Aquifer system, and encompasses



the headwaters or portions thereof of six major river systems in the state, which are the Alafia, Hillsborough, Kissimmee, Ocklawaha, Peace, and Withlacoochee Rivers. The Legislature declares that there is an important state interest in partnering with RWSAs and local governments to protect the water resources and directs the Polk Regional Water Cooperative to produce an annual report and coordinate with the appropriate WMD. Effective Date: If the Governor signs it, the bill takes effect July 1, 2017.

Public Works Projects - HB 599/SB 534 (Williamson/Perry)

Specifies that, for a public works project, political subdivisions may not require contractors or suppliers to: pay a set amount of wages; provide specific benefits; provide specific staffing; nor use specific employee recruitment or training services. Also, political subdivisions may not prohibit contractors and suppliers that are qualified under state law from submitting bids on public works projects. As used in the revised statute, a Public Works Project must have 50% or more paid from state funds to be subject to the limitations in the bill. Effective Date: If the Governor signs it, the bill takes effect July 1, 2017.

Pollution - SB 1018/HB 753 (Grimsley/Stone)

DEP-initiated bill seeking to incentivize redevelopment of contaminated property. Increases the annual funding that may be used for the “advanced cleanup program” and specifies criteria for assessment of drycleaner facilities out of priority order. Public Notification of Pollution was amended to the original bill during the second-to-last week of session. The public notification provision defines a reportable release and requires an owner to notify DEP within 24 hours of a reportable release and that DEP provide that information on a publicly available website and via an email notification. The act also requires updated notification if the pollution travels offsite and formally establishes the State Watch Office within the Division of Emergency Management. Effective Date: If the Governor signs it, the bill takes effect July 1, 2017.

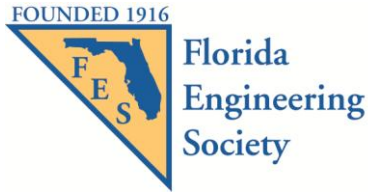
Vessels - HB 7043/SB 1338 (Natural Resources & Public Lands/Book)

The bill incorporates many of the findings and recommendations from the FWC pilot program. The bill creates definitions, removes the expiration of anchoring limitation areas, provides prohibitions from anchoring or mooring in specified areas, provides penalties for operation with an expired registration and for anchoring or mooring where prohibited. It also allows local governments to enact and enforce regulations related to proof of proper sewage disposal and removal of a vessel affixed to a public dock that is abandoned or lost property. Effective Date: If the Governor signs it, the bill takes effect July 1, 2017.

FAILED

Aquifer Replenishment - HB 755/SB 1438 (Albritton/Broxson)

DEP-initiated bill intended to address water quantity issues in addition to water quality for aquifer recharge projects. Bill also introduced “advanced water treatment,” recognizing its need for use of reclaimed water, stormwater and other water resources, and directed DEP to establish rules and conditions for permits for the construction of advanced water treatment facilities. Although there were several stakeholder meetings and amendments proposed, the bill failed. However, we would expect to see a version of this bill filed next year.



Coastal Management - SB 1590/HB 1213 (Latvala/ Peters & Moraitis)

This bill sought to revise the criteria for state & local participation in authorized beach and inlet projects & studies relating to beach management & erosion control and to revise procedures for prioritizing & funding beach restoration, beach management, & inlet management projects. The senate version passed that chamber but died in messages while the house version made it through two of three committee stops. We would expect to see this again next Session.

Environmental Regulation Commission - SB 198/HB 861 (Stewart/Willhite)

Sparked by the ERC's 3-2 approval vote on updating Human Health Criteria, this bill would require the governor to fill any vacant seat on the commission within 90 days and would require at least 4 affirmative votes to approve new water quality or air quality standards.

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 or 850-224-7121.