



2022 LEGISLATIVE UPDATE

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2022 Session – The Basics

- January 11, 2022 – Start of the Regular Session
- March 11, 2022 – Last Day of Regular Session
- Passing a budget is the Legislature's only job
 - \$105 to \$108 Billion for upcoming year
- More than 3,000 bills filed




CS/HB 1241
Local Government
Solid Waste and
Recycling Collection
Services

CS/HB 1241

(1 of 2)

- Prohibits local governments from collecting liquidated damages (LDs) from haulers for missed collections during an emergency if:
 - The miss is a direct result of the emergency
 - The service is provided within 36 hours
- HB 1241 does not apply to the collection of storm-generated yard trash


- HB 1241 applies to collection contracts executed or renewed after July 1, 2022
- Local governments must pay for delayed service, but are not required to pay for no service
- Originally limited LDs to 50% of the amount paid by the resident for daily collection service (i.e., less than \$1/day/missed household).



HB 6063 – SB 320
Preemption of
Recyclable and
Polystyrene Materials

HB 6063/SB 320

- Under Section 403.7033, F.S., FDEP and local governments cannot regulate the use, disposal, or tax of disposable plastic bags until the Legislature approves.
- Section 500.90, F.S., states that the use or sale of polystyrene products is preempted by FDEP.
- HB 6063/SB 320 would allow local governments to regulate plastic bags and polystyrene products.



HB 935/SB 1156
Comprehensive
Waste Reduction
and Recycling Plan

- FDEP must develop a comprehensive waste reduction and recycling plan by July 1, 2023.
- FDEP shall convene a Technical Assistance Group to help develop the plan
- FDEP must provide a report and recommendations to the Legislature

- The FDEP's comprehensive plan must
 - Identify recycling goals based on sustainable materials management and waste diversion
 - Provide for recycling education and outreach
 - Provide assistance to local government recycling programs, potentially including grants
 - Promote the development of markets for recyclable materials



HB 1419/SB 1764

Municipal Solid


Waste-to-Energy

Program

- Creates the Municipal Solid Waste-to-Energy Program within the Florida Department of Agriculture and Consumer Services (DACCS).
- Provides financial assistance grants and incentive grants for WTE facilities
- Promotes the production of energy from WTE facilities and the reduction of MSW disposal in landfills.

- Provides financial assistance (≤ 2 cents per kilowatt-hour) to existing WTE facilities that no longer receive capacity payments from IOUs.
- Provides incentive grants for planning and designing new, upgraded, or expanded WTE facilities.
 - Applicants must provide matching funds
 - Proposed projects must be cost effective, permittable, and implementable.

- Requires FDACS to adopt rules implementing the new financial programs.
- Appropriates \$100 million in recurring funds for 2022-23.
- Funds must be used for financial assistance grants, before providing incentive grants.



HB 1475/SB 1418

Cleanup Target

Levels

for Perfluoralkyl

and Polyfluoroalkyl

HB 1475 / SB 1418

(1 of 2)

- Requires DEP to adopt rules establishing Cleanup Target Levels for PFAS in soils and groundwater.
- The FDEP rules shall not take effect until ratified by the Legislature.
- Until the FDEP rules are ratified, a person may not be subject to any administrative or judicial action by local or state entities to compel site rehabilitation or to require payment for rehabilitation.

- The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall study programs in other states concerning the cleanup of soil and groundwater contamination.
- OPPAGA shall submit a report to the Governor and Legislature by January 1, 2023.



HB 1151/SB 7012 PFAS Task Force

HB 1151/SB 7012

- Creates a PFAS Task Force in FDEP.
- The Task Force shall develop recommendations for regulatory standards for PFAS in drinking water, groundwater, and soil.
- The Task Force shall include a SWANA representative.
- The Task Force shall submit annual reports to the Governor and Legislature each year on October 1, beginning in 2023.
- The law creating the Task Force will sunset on July 1, 2026.



HB 463/SB 380 Greenhouse Gas Emissions

HB 463/SB 380

- Prohibits any state agency from adopting or enforcing a state or regional program to regulate greenhouse gas emissions (GHGs) until the agency receives specific authorization from the Legislature.
 - DACS recently published notice of rulemaking to reduce GHGs



HB 105/SB 224 Regulation of Smoking

HB 105/SB 224

- Authorizes cities and counties to restrict smoking within any public beaches or parks that they own.
- Prohibits smoking in state parks.
- Does not prohibit smoking cigars with no plastic tips




HB 403/SB 280 Suits Against Local Governments

- Before enacting a proposed ordinance, the local government must estimate the economic impact on businesses.
- The estimate must consider direct economic impacts, direct compliance costs, new charges and fees, estimated revenues, and the number of businesses that will be impacted.

- The new requirements do not apply to local ordinances enacted to implement growth management laws, federal or state laws, or a contract.
- Does not apply to emergency ordinances.
- A local government must suspend enforcement of the ordinance if suit is filed within 90 days after the adoption of the ordinance.

- Authorizes courts to award attorneys' fees (up to \$50,000), costs, and damages to the prevailing party in lawsuits against local governments where an ordinance is arbitrary or unreasonable.
- Applies to ordinances adopted after October 1, 2022.



HB 569/SB 620 Local Business Protection Act

HB 569/SB 620

(1 of 2)

- CS/SB 620 authorizes private for-profit businesses to sue local governments for business damages if an ordinance or charter provision reduced the business' profit by at least 15% and the business has been in existence for at least three years.
- CS/SB 620 does not apply to emergency ordinances, land development regulations, the Florida Building Code, the Florida Fire Prevention Code, and certain other matters.
- Before filing suit, the business must submit a written offer to settle and the local government must accept or reject the offer.


- Suit must be filed within one year after the effective date of the ordinance.
- Local governments can avoid liability by repealing, amending, or waiving the ordinance.
- CS/SB 620 applies to all local government ordinances and charter provisions enacted or amended after the effective date of this bill.



HB 745/SB 1562
Brownfields to
Bright Fields Act

HB 745/SB 1562

- FDEP and FDACS shall study brownfield sites and closed landfill sites to determine viable locations for redevelopment with solar photovoltaic facilities.
- FDEP and FDACS shall recommend local and state policy changes to facilitate the redevelopment of such sites.
- FDEP shall submit a report to the Governor and Legislature by August 1, 2023.



HB 81 / SB 366 State Renewable Energy Goals

- Revises the definition of “Biomass” and thereby limits the material that is considered renewable energy
 - Excludes landfill gas
 - Limits MSW to separated food and yard waste.
- By 2040, 100% of the electricity used in Florida must be generated from 100% renewable energy.

- By 2050, Florida shall have net zero carbon emissions.
- Requires FDACS (Office of Energy) to develop a statewide plan for accomplishing these goals.
- Establishes interim goals:
 - 50% renewable energy statewide by 2030
 - 40% reduction in carbon emissions by 2030.

- The statewide plan and recommended strategies must be submitted to the Governor and Legislature by January 1, 2024.
- Creates a Renewable Energy Workforce Development Advisory Committee, which shall identify employment opportunities in the renewable energy industry for environmental justice communities, minorities, and women.
- FDACS shall submit a report to the Senate and House by January 1, 2023.



HB 741/SB 1024 Net Metering

- Seeks the development of renewable energy resources “in a manner that is fair and equitable to all public utility customers.”
- Provides for the “redesign” of net metering by the Public Service Commission.
- Finds that the growth of customer-owned and customer-leased renewable generation equipment “has resulted in increased cross-subsidization of the full cost of electric service onto the public utility’s general body of ratepayers.”

- Customers who own or lease renewable generation equipment must pay the “full cost” of electric service.
- Energy delivered by a public utility shall be purchased at the applicable retail rate.
- Energy delivered by a customer-owned renewable generation shall be credited at the utility’s avoided cost.



SB 182

Retail Sales of
Renewable Energy

SB 182

- Authorizes an owner of a commercial or industrial business to install a renewable energy device on property that the owner owns or leases.
- Authorizes the owner to sell the electricity to an adjacent commercial or industrial business.
- Provides that such sales of electricity are not retail sales and do not trigger regulation by the PSC.




HB 985/SB 974

Sovereign Immunity

HB 985/SB 974

- Section 768.28, F.S., currently allows tort claims against the state and local governments up to \$200,000 per claim and \$300,000 per incident.
- CS/CS/SB 974 authorizes claims up to \$1 million per person and \$3 million per incident.
- Provides for annual CPI adjustments to these limits.



HB 1177/SB 1110 Grease Waste

HB 1177/SB 1110

- Requires disposal of grease waste at certified facilities.
- Prohibits waste haulers from returning grease waste and gray water to grease interceptors and traps.
- Requires haulers to report and document their compliance with the new requirements.



Determining the Status of Pending Legislation

Determining the Status of Pending Legislation (1 of 2)

- Visit the websites for the Florida House and Florida Senate and use their “Tracking” systems.
- Florida League of Cities’ website provides bill summaries, status reports, and a statement of the League’s position.
- Florida Association of Counties also has an on-line bill tracking system and Policy Action Center.

Determining the Status of Pending Legislation (2 of 2)

- Contact Rebecca O'Hara at the League of Cities and Jeff Scala at the Florida Association of Counties.
- Contact Molly Schweers in Lee County, Brittany Sullivan at the Southern Waste Information eXchange, and Willie Puz at the Solid Waste Authority of Palm Beach County.



Recent Bad Legislation

2020 – Contamination of Recyclable Material

- ▶ Section 403.706(22), F.S.
- ▶ All new contracts with haulers and MRFs/RMPFs must define Contaminated Recyclable Material and describe how it will be managed
- ▶ No lawsuits yet to interpret or apply it

2021 Displacement of Haulers

Section 403.70605(3), F.S.

- ▶ Requires local government to pay displaced haulers an amount equal to 18 months of gross receipts
- ▶ Provides windfall profits to haulers
- ▶ Already being used to threaten local governments

Displacement of Haulers (2 of 2)

- ▶ Appears to apply if:
 - ▶ Local government wants to create an exclusive franchise system in a geographic area where there is an open market
 - ▶ Local government wants to expand an exclusive residential franchise to include commercial waste or construction/demolition debris
- ▶ Likely to freeze current market arrangements in place for foreseeable future



Stay Tuned!