

Tab 1 SB 928 by Stargel; (Similar to CS/H 00573) Water Protection and Sustainability						
531102	D	S	RCS	EP, Stargel	Delete everything after	03/28 04:53 PM

Tab 2 SB 1104 by Perry; (Similar to CS/H 00335) Resource Recovery and Management						
228236	D	S	RCS	EP, Perry	Delete everything after	03/28 04:53 PM
516838	AA	S	RCS	EP, Perry	Delete L.12 - 109:	03/28 04:53 PM

Tab 3 SB 1288 by Baxley; (Compare to CS/H 01133) Recovered Materials						
656422	D	S	RCS	EP, Baxley	Delete everything after	03/28 04:53 PM

Tab 4 SB 1438 by Broxson; (Identical to H 00755) Aquifer Replenishment						
366806	D	S	RCS	EP, Broxson	Delete everything after	03/28 04:53 PM

Tab 5 SB 1624 by Farmer; (Compare to CS/H 01143) Coral Reefs						
854396	D	S	RCS	EP, Farmer	Delete everything after	03/28 04:53 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
ENVIRONMENTAL PRESERVATION AND CONSERVATION
Senator Book, Chair
Senator Bradley, Vice Chair

MEETING DATE: Tuesday, March 28, 2017
TIME: 3:00—5:00 p.m.
PLACE: *Mallory Horne Committee Room, 37 Senate Office Building*

MEMBERS: Senator Book, Chair; Senator Bradley, Vice Chair; Senators Farmer, Hutson, Latvala, Simmons, and Stewart

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 928 Stargel (Similar CS/H 573)	Water Protection and Sustainability; Creating the "Heartland Headwaters Protection and Sustainability Act"; exempting an entity created by a specified interlocal agreement from the requirement that the Secretary of Environmental Protection must approve the interlocal agreement; requiring the Polk Regional Water Cooperative to prepare an annual report concerning water resource projects within a specified area, etc. EP 03/28/2017 Fav/CS AEN AP	Fav/CS Yeas 6 Nays 0
2	SB 1104 Perry (Similar CS/H 335)	Resource Recovery and Management; Providing that materials recovered via pyrolysis or gasification to fuels, chemicals, and feedstocks are to be considered used or reused materials, etc. EP 03/28/2017 Fav/CS AEN AP	Fav/CS Yeas 6 Nays 0
3	SB 1288 Baxley (Compare CS/H 1133)	Recovered Materials; Providing that specified materials are not solid waste, etc. EP 03/28/2017 Fav/CS CA RC	Fav/CS Yeas 5 Nays 1
4	SB 1438 Broxson (Identical H 755)	Aquifer Replenishment; Requiring additional permit conditions for projects involving certain underground injection; authorizing the Department of Environmental Protection to develop specific rule criteria for advanced water treatment; authorizing the department to establish additional conditions for the construction of advanced water treatment facilities and underground injection under certain circumstances, etc. EP 03/28/2017 Fav/CS AEN AP	Fav/CS Yeas 6 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Environmental Preservation and Conservation
 Tuesday, March 28, 2017, 3:00—5:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	SB 1624 Farmer (Compare CS/H 1143)	Coral Reefs; Establishing the Southeast Florida Coral Reef Ecosystem Protection Area; requiring the Coral Reef Conservation Program, in coordination with the Fish and Wildlife Conservation Commission, to develop a comprehensive management plan for the area using and building on previous stakeholder engagement and public comment, etc. EP 03/28/2017 Fav/CS AEN AP	Fav/CS Yeas 6 Nays 0

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.			
Environmental Regulation Commission			
6	Gummey, Frank B. III (Daytona Beach Shores)	07/01/2017	Recommend Confirm Yeas 6 Nays 0
	Varn, Craig D. (Tallahassee)	07/01/2019	Recommend Confirm Yeas 6 Nays 0
	McCarthy, James W. (Ponte Vedra Beach)	07/01/2019	Recommend Confirm Yeas 6 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	Other Related Meeting Documents		

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Environmental Preservation and Conservation

BILL: CS/SB 928

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Stargel

SUBJECT: Water Protection and Sustainability

DATE: March 28, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Mitchell</u>	<u>Rogers</u>	<u>EP</u>	<u>Fav/CS</u>
2.	_____	_____	<u>AEN</u>	_____
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 928 creates the “Heartland Headwaters Protection and Sustainability Act.” The bill contains legislative findings and intent regarding the significance of, and protections for, water resources in the Green Swamp Area of central Florida.

The bill requires the Polk County Regional Water Cooperative (PRWC), in coordination with all of its member county and municipal governments, to prepare a comprehensive annual report on water resource projects identified for priority state funding within its members’ jurisdictions. The report must include lists of projects, identified by the PRWC for priority state funding, ranked in several categories, and the source and amount of financial assistance to be provided by the PRWC, the member county or municipal governments, or other entity for each listed project. The bill requires the PRWC to submit its annual report beginning December 1, 2017 to the Governor, Legislature, Department of Environmental Protection (DEP), and appropriate water management districts (WMDs). The bill also requires the PRWC to coordinate with appropriate WMDs on the inclusion in consolidated WMD annual reports of a status report on projects receiving priority state funding.

Finally, the bill clarifies the spending of a discretionary local government infrastructure surtax by authorizing a county or municipality that receives tax proceeds to transfer some part or all of the tax proceeds to a regional water supply authority whose purpose is to develop, recover, store, and supply water.

II. Present Situation:

Water Supply Planning

The Floridan Aquifer

The Floridan Aquifer is one of the most productive aquifers in the world, underlying approximately 100,000 square miles in southern Alabama, southeastern Georgia, southern South Carolina, and all of Florida. It is a multiple-use aquifer system. Where it contains freshwater, it is the principal source of water supply for several large cities (e.g., Savannah and Brunswick in Georgia; Jacksonville, Tallahassee, Orlando, and St. Petersburg in Florida) and for hundreds of thousands in smaller communities and rural areas.¹

Regional Water Supply Planning

In 1998, each of Florida's five water management districts (WMDs) prepared water supply assessments to determine the existing and future water needs of the state. The WMDs evaluated the adequacy of existing and potential sources to meet reasonable-beneficial needs and sustain natural systems for the following 20-year period. At that time, four of the five WMDs determined that sources were inadequate to meet future needs while sustaining the natural resources and were required to prepare a regional water supply plan (RWSP).²

By the end of 2015, the South Florida WMD, the St. Johns River WMD, and the Southwest Florida WMD had developed RWSPs for all regions within their districts and were working on their next 5-year updates. The Northwest Florida WMD currently has two RWSPs. Additionally, in areas where ground water basins (GWBs) are shared between WMDs, inter-district water supply planning efforts are developed, such as the Central Florida Water Initiative (CFWI) and the North Florida Regional Water supply Partnership involving the Suwannee River WMD and the St. Johns River WMD.³

Regional water supply planning must be conducted in an open public process, in coordination and cooperation with local governments, regional water supply authorities,⁴ government-owned and privately owned water and wastewater utilities, multijurisdictional water supply entities, self-suppliers, reuse utilities, the Department of Environmental Protection (DEP), the Department of Agriculture and Consumer Services (DACCS), and other affected and interested parties.⁵ It is based on a 20 year planning period and includes a water supply development component (e.g., further development of fresh ground water and surface water, demineralization of brackish ground water, desalination of seawater, reuse of reclaimed water, water conservation) and a water resource development component (e.g., increasing water storage capabilities through

¹ USGS. *Floridan Aquifer System*, https://pubs.usgs.gov/ha/ha730/ch_g/G-text6.html (last visited Mar. 22, 2017).

² Section 373.709(1), F.S.; DEP, *Regional Water Supply Planning*, <http://www.dep.state.fl.us/water/waterpolicy/rwsp.htm> (last visited Mar. 22, 2017).

³ DEP, *Regional Water Supply Planning Fact Sheet*, <http://www.dep.state.fl.us/water/waterpolicy/docs/factsheets/wrfss-regional-water-supply-planning.pdf> (last visited Mar. 22, 2017).

⁴ A regional water supply authority is created pursuant to s. 373.713, F.S.; It can be an "agency" under ch. 120, F.S.; see s. 120.52(1), F.S.; A "governmental authority" under ch. 367, F.S.; see s. 367.021(7), F.S.

⁵ Section 373.709(1), F.S.; s. 373.036(2), F.S.

surface reservoirs, aquifer storage and recovery) that could meet the projected reasonable-beneficial needs.⁶

Heartland Water Supply Planning Region

The Heartland water supply planning region covers approximately 2,569 square miles and includes Hardee County and the portions of Polk and Highlands counties within the Southwest Florida WMD.⁷ The remaining portions of Polk and Highlands counties are within the South Florida WMD and are in separate water supply planning regions, the Upper Kissimmee and Lower Kissimmee, respectively.⁸

The Central Florida Water Initiative

The Central Florida Water Initiative (CFWI) is a collaborative process involving DEP, the St. Johns River WMD, the South Florida WMD, the Southwest Florida WMD, DACS, regional public water supply utilities, and other stakeholders to address the current and long-term water supply needs of central Florida without causing harm to the water resources and associated natural systems.⁹ The CFWI area includes all of Orange, Osceola, Polk, and Seminole counties, and southern Lake County.¹⁰ The area covers approximately 5,300 square miles and encompasses:

- The headwaters for seven river systems:
 - The Alafia, located in Polk County;¹¹
 - The Hillsborough, located in the Green Swamp in southeast Pasco County;¹²
 - The Kissimmee;
 - The Ocklawaha, located in the Green Swamp near Lake Apopka, in Orange County;¹³
 - The Peace, located in the Green Swamp in northern Polk County;¹⁴
 - The St. Johns, located in Indian River and Brevard counties;¹⁵
 - The Withlacoochee, located in the Green Swamp in northwestern Polk and southern Sumter counties.¹⁶

⁶ Section 373.709(2), F.S.; DEP, *Regional Water Supply Planning*, <http://www.dep.state.fl.us/water/waterpolicy/rwsp.htm> (last visited Mar. 22, 2017).

⁷ Southwest Florida WMD. *Regional Water Supply Plan*, <https://www.swfwmd.state.fl.us/documents/plans/RWSP/heartland.php> (last visited Mar. 20, 2017).

⁸ Southwest Florida WMD. *Florida's Water Management Districts*, <http://www.swfwmd.state.fl.us/about/wmds.php> (last visited Mar. 22, 2017).

⁹ Section 373.0465(1)(c), F.S.; CFWI. *Central Florida Water Initiative Guiding Document* (January 2015), http://cfwiwater.com/pdfs/CFWI_Guiding_Document_2015-01-30.pdf (last visited Mar. 22, 2017).

¹⁰ Section 373.0465(2)(a), F.S.; CFWI. *Central Florida Water Initiative Guiding Document* (January 2015), http://cfwiwater.com/pdfs/CFWI_Guiding_Document_2015-01-30.pdf (last visited Mar. 21, 2017).

¹¹ See *infra* n. 48 and accompanying text.

¹² Southwest Florida WMD. *Green Swamp Interactive*, <https://www.swfwmd.state.fl.us/education/interactive/greenswamp/rivers.html> (last visited Mar. 20, 2017).

¹³ *Id.*

¹⁴ Southwest Florida WMD. *The Peace River*, <http://www.swfwmd.state.fl.us/education/interactive/peacriver/natural.php>; Southwest Florida WMD. *Green Swamp Interactive*, <https://www.swfwmd.state.fl.us/education/interactive/greenswamp/rivers.html> (last visited Mar. 22, 2017).

¹⁵ St. Johns River WMD. *Upper St. Johns River Basin*, <http://www.sjrwm.com/upperstjohnsriver/> (last visited Mar. 21, 2017).

¹⁶ Southwest Florida WMD. *Green Swamp Interactive*, <https://www.swfwmd.state.fl.us/education/interactive/greenswamp/rivers.html> (last visited Mar. 20, 2017).

- Four distinct ground water basins (GWBs). These GWBs meet in north-central Polk County, and in general this location represents an important area of recharge with ground water flow radiating out in all directions.¹⁷
- Approximately 1,200 square miles or 782,000 acres of wetlands.
- Approximately 475 square miles or 300,300 acres of open water bodies.
- Seven regional wetlands systems: the Green Swamp, Reedy Creek Swamp, Davenport Creek Swamp, Big Bend Swamp, Cat Island Swamp, Boggy Creek Swamp, and Shingle Creek Swamp.
- 16 first, second, and third magnitude springs.¹⁸

Areas that appear to be more susceptible to the effects of ground water withdrawals include the Wekiva Springs/River System, western Seminole County and western Orange County, southern Lake County, the Lake Wales Ridge, and the Southern Water Use Caution Area (SWUCA) in Polk County. The Southwest Florida WMD has already adopted rules for the SWUCA that are as restrictive, if not more restrictive, than those in the CFWI. Since portions of Polk County are in both areas, only the portion of Polk County that is outside the SWUCA is subject to the CFWI rules.¹⁹

The Southern Water Use Caution Area

The SWUCA was established in 1992, by the Southwest Florida WMD, in response to growing water demands from public supply, agriculture, mining, power generation and recreational uses and environmental concerns related to these ground water withdrawals.²⁰ It is an area of approximately 5,100 square miles in the Southern West-Central GWB that includes all of Desoto, Hardee, Manatee, and Sarasota counties and parts of Charlotte, Highlands, Hillsborough, and Polk counties.²¹

In 2006, the Southwest Florida WMD adopted the SWUCA Recovery Strategy²² that has four main goals:

- Achieve minimum flows in the upper Peace River;
- Achieve minimum lake levels in lakes along the Lake Wales Ridge, which extends roughly 90 miles along the center of the state in Polk and Highlands counties;
- Achieve the saltwater intrusion minimum aquifer level; and

¹⁷ CFWI. *Central Florida Water Initiative Guiding Document* (January 2015), http://cfwiwater.com/pdfs/CFWI_Guiding_Document_2015-01-30.pdf (last visited Mar. 22, 2017).

¹⁸ CFWI. *Central Florida Water Initiative Regional Water Supply Plan Public Draft*, http://cfwiwater.com/pdfs/plans/CFWI_RWSP_DrftPblc2_VolIa_5-1-15.pdf (last visited Mar. 22, 2017).

¹⁹ *Id.*

²⁰ Section 373.0363(2)(a), F.S.; Southwest Florida WMD. *Southern Water Use Caution Area*, <https://www.swfwmd.state.fl.us/projects/swuca/> (last visited Mar. 22, 2017); Southwest Florida WMD. *Southern Water Use Caution Area Recovery Strategy* (March 2006), https://www.swfwmd.state.fl.us/documents/plans/swuca_recovery_strategy.pdf (last visited Mar. 21, 2017).

²¹ Section 373.0363(1)(c), F.S.; SWFWMD. *Southern Water Use Caution Area Recovery Strategy* (March 2006), https://www.swfwmd.state.fl.us/documents/plans/swuca_recovery_strategy.pdf (last visited Mar. 20, 2017).

²² The “Southern Water Use Caution Area Recovery Strategy” is the district’s planning, regulatory, and financial strategy for ensuring that adequate water supplies are available to meet growing demands while protecting and restoring the water and related natural resources of the area; s. 373.0363(1)(d), F.S.

- Ensure water supply needs are met for existing and projected reasonable and beneficial uses.²³

Ground water withdrawals have since stabilized in the SWUCA. Water supply needs for the region are being met through the planning period as a result of regional water supply planning and management efforts. However, depressed aquifer levels continue to cause saltwater intrusion into the Floridan Aquifer and contribute to reduced flows in the upper Peace River and lowered lake levels of some of the lakes in the upland areas of Polk and Highlands counties.²⁴ The Southwest Florida WMD has formed two separate stakeholder workgroups to assist in identifying additional options for achieving these goals.²⁵

Consolidated Water Management District Annual Report

Each year each WMD must prepare and submit to DEP, the Governor, the President of the Senate, and the Speaker of the House of Representatives a consolidated WMD annual report on the management of water resources. Also, they must provide copies to all legislative committee chairs having substantive or fiscal jurisdiction over the WMDs and the governing board of each county in the WMD having jurisdiction or deriving any funds for operations of the WMD. Copies must also be available to the public, either in printed or electronic format.²⁶

Among other requirements, the report must contain information on all projects related to water quality or water quantity as part of a 5-year work program, including:

- A list of all specific projects identified to implement a basin management action plan or a recovery or prevention strategy;
- A priority ranking for each listed project for which state funding through the water resources development work program is requested, which must be made available to the public for comment at least 30 days before submission of the consolidated annual report;
- The estimated cost for each listed project;
- The estimated completion date for each listed project;
- The source and amount of financial assistance to be made available by DEP, a WMD, or other entity for each listed project; and
- A quantitative estimate of each listed project's benefit to the watershed, water body, or water segment in which it is located.²⁷

Regional Water Supply Authorities

Counties, municipalities, or special districts may enter into interlocal agreements to create a regional water supply authority (RWSA) for the purpose of developing, recovering, storing, and

²³ Southwest Florida WMD. *Southern Water Use Caution Area*, <https://www.swfwmd.state.fl.us/projects/swuca/> (last visited Mar. 22, 2017).

²⁴ Section 373.0363(2)(b), F.S.; Southwest Florida WMD. *Southern Water Use Caution Area Recovery Strategy* (March 2006), https://www.swfwmd.state.fl.us/documents/plans/swuca_recovery_strategy.pdf (last visited Mar. 22, 2017); CFWI. *Central Florida Water Initiative Regional Water Supply Plan Public Draft*, http://cfwiwater.com/pdfs/plans/CFWI_RWSP_DrftPblc2_VolIa_5-1-15.pdf (last visited Mar. 21, 2017).

²⁵ Southwest Florida WMD. *Southern Water Use Caution Area*, <https://www.swfwmd.state.fl.us/projects/swuca/> (last visited Mar. 22, 2017).

²⁶ Section 373.036(7)(a), F.S.

²⁷ Section 373.036(7)(b)8.a.-f., F.S.

supplying water for county or municipal purposes that will give priority to reducing adverse environmental effects of excessive or improper withdrawals of water from concentrated areas. These agreements must be approved by the Secretary of DEP to ensure that the agreement will be in the public interest and complies with the intent and purposes of the Florida Interlocal Cooperation Act.²⁸

In approving such an agreement, the Secretary of DEP must consider, but is not limited to, the following:

- Whether the geographic territory of the proposed authority is of sufficient size and character to reduce the environmental effects of improper or excessive withdrawals of water from concentrated areas.
- The maximization of economic development of the water resources within the territory of the proposed authority.
- The availability of a dependable and adequate water supply.
- The ability of any proposed authority to design, construct, operate, and maintain water supply facilities in the locations, and at the times necessary, to ensure that an adequate water supply will be available within the authority.
- The effect or impact of any proposed authority on any municipality, county, or existing authority or authorities.²⁹

Currently, there are four RWSAs: Tampa Bay Water (formerly known as the West Coast RWSA), Peace River/Manasota RWSA, Withlacoochee RWSA, and Walton/Okaloosa/Santa Rosa Regional Utility Authority.³⁰

Polk County Regional Water Cooperative

In June 2016, Polk County and 16 municipalities within Polk County³¹ entered into an interlocal agreement to create a RWSA known as the Polk County Regional Water Cooperative (PRWC).³² The role of the PRWC is to proactively identify alternative water resources and projects that ensure the future sustainability of the regional water supply. The PRWC will specifically identify sustainable ground water sources, develop strategies that meet water demands, determine needed infrastructure, and establish consistent rules.³³

The Green Swamp

The Green Swamp includes portions of Polk, Lake, Sumter, Hernando and Pasco counties. The region consists of 560,000 acres of wetlands, flatlands and low ridges bound by prominent sandy

²⁸ Sections 373.713(1), F.S., and 163.01, F.S.

²⁹ Section 373.713(1)(a)-(f), F.S.

³⁰ DEO. *Water Supply Planning*, <http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/water-supply-planning> (last visited Mar. 22, 2017).

³¹ The City of Auburndale; City of Bartow; City of Davenport; Town of Dundee; City of Eagle Lake; City of Fort Meade; City of Frostproof; Haines City; City of Lake Alfred; Town of Lake Hampton; City of Lakeland; City of Lake Wales; City of Mulberry; Polk City; and City of Winter Haven; Polk County Regional Water Cooperative. *Members*, <http://www.prcwater.org/Members.aspx> (last visited Mar. 20, 2017).

³² Polk County Regional Water Cooperative. *Interlocal Agreement Relating to the Establishment of the Polk County Regional Water Cooperative*, <http://www.prcwater.org/boccsite/WorkArea/DownloadAsset.aspx?id=11306> (last visited Mar. 22, 2017).

³³ Polk County Regional Water Cooperative. *Homepage* <http://www.prcwater.org/> (last visited Mar. 21, 2017).

ridgelines that form the headwaters of the Withlacoochee,³⁴ the Ocklawaha,³⁵ the Hillsborough³⁶ and the Peace Rivers.³⁷ The Peace and Hillsborough Rivers are potable water sources for Tampa and Sarasota. The Ocklawaha, Withlacoochee and Hillsborough Rivers are designated Outstanding Florida Waters.³⁸

The Green Swamp is elevated above outlying areas and the Floridan Aquifer rises very close to the land surface, which causes the region to function as the pressure head for the aquifer, helping maintain free-flowing springs, rivers, and abundant high quality drinking water. Accordingly, protecting the Green Swamp is vital to protecting the quality and quantity of Florida's water supply. In recognizing the statewide significance of this area's valuable hydrologic functions, second only to that of the Everglades, and the need to specifically regulate encroaching development that would imperil these functions, the state in 1979, designated 322,690 acres of the Green Swamp as an area of critical state concern.³⁹ The designated area is located in northern Polk and southern Lake counties.⁴⁰

Areas of Critical State Concern

The Governor and Cabinet, sitting as the Administration Commission,⁴¹ are authorized to designate certain areas within the state that contain resources of statewide significance as areas of critical state concern.⁴² An area of critical state concern may only be designated for an area:

- Containing, or having a significant impact upon, environmental or natural resources of regional or statewide importance, including, state or federal parks, forests, wildlife refuges, wilderness areas, aquatic preserves, major rivers and estuaries, state environmentally endangered lands, Outstanding Florida Waters,⁴³ and aquifer recharge areas, where uncontrolled development would cause substantial deterioration of such resources;
- Containing, or having a significant impact upon, historical or archaeological resources, sites, or statutorily defined historical or archaeological districts, where development would cause substantial deterioration or complete loss of such resources, sites, or districts; or

³⁴ See *supra* n. 17 and accompanying text.

³⁵ See *supra* n. 14 and accompanying text.

³⁶ See *supra* n. 13 and accompanying text.

³⁷ See *supra* n. 15 and accompanying text.

³⁸ DEO. *Green Swamp Area*, <http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern/the-green-swamp> (last visited Mar. 22, 2017); “Outstanding Florida Waters” are waters designated by the Environmental Regulation Commission as being worthy of special protection because of their natural attributes; r. 62-302.200(26), F.A.C.

³⁹ Section 380.0551, F.S.; Southwest Florida WMD. *Green Swamp Wilderness Preserve*, <http://www.swfwmd.state.fl.us/recreation/areas/greenswamp.html> (last visited Mar. 22, 2017); DEO. *Green Swamp Area*, <http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern/the-green-swamp> (last visited Mar. 21, 2017); Southwest Florida WMD *Green Swamp Interactive*, <https://www.swfwmd.state.fl.us/education/interactive/greenswamp/textonly.html> (last visited Mar. 22, 2017).

⁴⁰ DEO. *Green Swamp Area*, <http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern/the-green-swamp> (last visited Mar. 20, 2017).

⁴¹ See ss. 380.031(1) and 14.202, F.S.

⁴² Section 380.05, F.S.

⁴³ “Outstanding Florida Waters” means waters designated by the Environmental Regulation Commission as worthy of special protection because of their natural attributes; r. 62-302.200(26), F.A.C.

- Having a significant impact upon, or being significantly impacted by, an existing or proposed major public facility or other area of major public investment including, highways, ports, airports, energy facilities, and water management projects.⁴⁴

In addition to the Green Swamp Area, the Big Cypress Area,⁴⁵ the Florida Keys Area, the City of Key West Area,⁴⁶ and the Apalachicola Bay Area⁴⁷ are areas of critical state concern.

The Alafia River

The Alafia River consists of two major branches, the North Prong and the South Prong, which originate in western Polk County and converge in eastern Hillsborough County to form the river.⁴⁸ The Alafia River now contributes the largest outflow of any river to Tampa Bay. The Hillsborough River was Tampa Bay's biggest freshwater contributor, but a prolonged drought, coupled with Tampa's water needs, has placed heavy demands on the Hillsborough River and its watershed.⁴⁹

The Kissimmee River

The Kissimmee River Basin covers approximately 2,940 square miles in Central Florida. The watershed is approximately 105 miles long, extending from Orlando southward to Lake Okeechobee, encompassing Orange, Osceola, Okeechobee, Highlands, and Polk Counties and a small portion of Lake County.⁵⁰ The basin is made up of more than two dozen lakes in the Kissimmee Chain of Lakes, their tributary streams and associated marshes and the Kissimmee River and floodplain, forming the headwaters of Lake Okeechobee and the Everglades.⁵¹

Historically, the Kissimmee Chain of Lakes and the Kissimmee River were an integrated system of headwater lakes connected by broad shallow wetlands and creeks. These systems were substantially altered by the construction of the Central and South Florida Flood Control Project in the 1960s. The river, which once meandered for 103 miles throughout Central Florida, with its floodplain reaching up to 3 miles wide, was reconfigured into a 56 mile long canal for flood control. Restoration efforts are underway for portions of the Kissimmee River.⁵²

Local Government Infrastructure Surtax

A county may levy a discretionary sales surtax of 0.5 percent or 1 percent pursuant to ordinance enacted by a majority of the members of the county governing authority and approved by a majority of the electors of the county voting in a referendum on the surtax. If municipalities

⁴⁴ Section 380.05(2)(a)-(c), F.S.

⁴⁵ Section 380.055, F.S.

⁴⁶ Section 380.0552, F.S.

⁴⁷ Section 380.0555, F.S.

⁴⁸ USGS. Gerold Morrison and Holly Greening, *Freshwater Flows* ch. 6, p. 169, <https://pubs.usgs.gov/circ/1348/pdf/> (Jan. 2012) (last visited Mar. 20, 2017).

⁴⁹ Southwest Florida WMD. *Alafia River Watershed Excursion*, <http://www.swfwmd.state.fl.us/education/watersheds/alafia/geology> (last visited Mar. 21, 2017).

⁵⁰ DEP, *Kissimmee River Basin Lakes, Rivers, Streams, and Aquifers*, <https://www.dep.state.fl.us/water/monitoring/docs/bmr/kissimmee.pdf> (last visited Mar. 20, 2017).

⁵¹ South Florida WMD. *Kissimmee River*, <https://www.swfwmd.gov/our-work/kissimmee-river> (last visited Mar. 22, 2017).

⁵² *Id.*

representing a majority of the county's population adopt uniform resolutions establishing the rate of the surtax and calling for a referendum on the surtax, the levy of the surtax must be placed on the ballot and will take effect if approved by a majority of the electors of the county voting in the referendum on the surtax.⁵³ Surtax proceeds and any accrued interest must be expended by the school district, within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county.⁵⁴

III. Effect of Proposed Changes:

CS/SB 928 creates the "Heartland Headwaters Protection and Sustainability Act."

The bill creates s. 373.462, F.S., containing legislative findings and intent regarding the significance of, and protections for, water resources in the Green Swamp Area of central Florida, and providing legislative recognition of the following:

- By law in 1979, portions of Lake and Polk Counties were designated as the Green Swamp Area of Critical State Concern in acknowledgment of the regional and statewide importance of the area in maintaining the quality and quantity of Florida's water supply and water resources for the public and the environment; and
- The Southern Water Use Caution Area (SWUCA) Recovery Strategy dated March of 2006, and the Central Florida Water Initiative (CFWI) Guiding Document dated January 30, 2015, both recognized the fact that the surface water and ground water resources in the heartland counties of Hardee, Highlands, and Polk are integral to the health, public safety, and economic future of the Green Swamp Area and surrounding regions.

The bill makes specific legislative findings that:

- The Green Swamp Area and the surrounding region are economically, environmentally, and socially defined by some of the most important and vulnerable water resources in the state;
- The Green Swamp Area, which encompasses approximately 560,000 acres, is located in a regionally significant high recharge area of the Floridan Aquifer system and helps protect coastal communities from saltwater intrusion;
- The Green Swamp Area's unique topography and geology receives no water inputs other than rainfall. The area is essential in maintaining the potentiometric head of the Floridan Aquifer system that directly influences the aquifer's productivity for water supply; and
- The headwaters of six major river systems are located in the Green Swamp Area or in Polk County.

The bill makes additional legislative declarations that:

- There is an important state interest in partnering with RWSAs, local governments, and water management districts to protect the water resources of the Alafia, Hillsborough, Kissimmee, Ocklawaha, Peace, and Withlacoochee Rivers and surrounding areas; and
- Priority state funding consideration must be given to solutions to manage the water resources of these headwaters and the local Floridan Aquifer system in the most efficient, cost-effective, and environmentally beneficial way.

⁵³ Section 212.055(2)(a)1., F.S.

⁵⁴ Section 212.055(2)(d), F.S.

The bill requires the PRWC, in coordination with all of its member county and municipal governments, to prepare a comprehensive annual report on water resource projects identified for priority state funding within its members' jurisdictions. The report must include, at a minimum:

- Lists of projects, identified by the PRWC for priority state funding, in each of the following categories, which may list the same project in more than one category:
 - Drinking water supply;
 - Wastewater, including reuse;
 - Stormwater and flood control;
 - Environmental restoration; and
 - Conservation;
- A priority ranking within each category for each listed project that will be ready for implementation in the upcoming fiscal year;
- The estimated cost of each listed project;
- The estimated completion date of each listed project; and
- The source and amount of financial assistance to be provided by the PRWC, the member county or municipal governments, or other entity for each listed project.

The bill requires the PRWC to submit its annual report beginning December 1, 2017, to the Governor, Legislature, DEP, and appropriate water management districts. The bill also requires the PRWC to coordinate with appropriate water management districts on the inclusion in consolidated water management district annual reports of a status report on projects receiving priority state funding.

Finally, the bill clarifies the spending of a discretionary local government infrastructure surtax by authorizing a county or municipality that receives tax proceeds to transfer some part or all of the tax proceeds to a regional water supply authority whose purpose is to develop, recover, store, and supply water.

The bill takes effect July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Article III, section 10 of the Florida Constitution prohibits the Legislature from enacting any special law unless notice is first published or a referendum is conducted. A special law or “local law” relates to or operates upon a particular person, thing, or part of the state; it does not apply with geographic uniformity across the state and bears no reasonable relationship to differences in population or other legitimate criteria.⁵⁵ On the other hand, a general law of local application relates to a class of persons or things or subdivisions of the state, based upon distinctions or differences that are inherent or particular to the class or location. The Legislature is granted wide discretion in making such classifications.⁵⁶ If a particular condition exists in only a portion of the state, enactments that reference the limited geographic area may be general laws.⁵⁷ “[I]f a law utilizes a classification that is geographical in its terms but the purpose of the statute is one of statewide importance and impact, and the classification is reasonably related to the law’s purpose, it is a valid general law.”⁵⁸

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates sections 373.462 and 373.463 of the Florida Statutes

This bill substantially amends section 212.055 of the Florida Statutes.

⁵⁵ See *State ex rel. Landis v. Harris*, 163 So. 237, 240 (Fla. 1934); and *Lawnwood Medical Center, Inc. v. Seeger*, 990 So.2d 503 (Fla. 2008).

⁵⁶ *Shelton v. Reeder*, 121 So.2d 145, 151 (Fla. 1960). *But see also* Art. X, s. 11 of the Florida Constitution.

⁵⁷ *Schrader v. Florida Keys Aqueduct Authority*, 840 So.2d 1050, 1055 (Fla. 2003).

⁵⁸ *Id.* at 1056.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Environmental Preservation and Conservation on March 28, 2017:

- Removes an exemption from the bill so that the Secretary of Environmental Protection must, under s. 373.713(1), F.S., approve the Polk County Regional Water Cooperative (PRWC).
- Adds reuse to the wastewater category of projects listed for priority state funding in the annual report by the PRWC.
- Requires the PRWC to submit its annual report beginning December 1, 2017, to the Governor, Legislature, DEP, and appropriate water management districts.
- Requires the PRWC to coordinate with appropriate water management districts on the inclusion in consolidated water management district annual reports of a status report on projects receiving priority state funding.
- Clarifies spending of a local government infrastructure surtax by authorizing a county or municipality that receives tax proceeds to transfer some part or all of the tax proceeds to a regional water supply authority whose purpose is to develop, recover, store, and supply water.
- Removes an annual appropriation, beginning in the 2017-2018 fiscal year and ending in the 2036-2037 fiscal year, for an unspecified amount of funds to DEP for projects identified for priority state funding in the PRWC annual report.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/28/2017	.	
	.	
	.	
	.	

The Committee on Environmental Preservation and Conservation
(Stargel) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. This act may be cited as the "Heartland
Headwaters Protection and Sustainability Act."

Section 2. Section 373.462, Florida Statutes, is created to
read:

373.462 Legislative findings and intent.—

(1) The Legislature recognizes that, in 1979, specified



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11 portions of Lake and Polk Counties were designated by law as an
12 area of critical state concern, known as the Green Swamp Area,
13 in acknowledgment of their regional and statewide importance in
14 maintaining the quality and quantity of Florida's water supply
15 and water resources for the public and the environment.

16 (2) The Legislature also recognizes that the entire Green
17 Swamp Area, which encompasses approximately 560,000 acres, is
18 located in a regionally significant high recharge area of the
19 Floridan Aquifer system, and that it helps protect coastal
20 communities from saltwater intrusion.

21 (3) The Legislature finds that the Green Swamp Area or Polk
22 County make up the headwaters or portions of the headwaters of
23 six major river systems in the state, the Alafia, Hillsborough,
24 Kissimmee, Ocklawaha, Peace, and Withlacoochee Rivers. In
25 addition, due to the area's unique topography and geology, it
26 receives no water inputs other than rainfall. The area is
27 essential in maintaining the potentiometric head of the Floridan
28 Aquifer system, which directly influences the aquifer's
29 productivity for water supply.

30 (4) The Legislature also finds that the Green Swamp Area
31 and surrounding areas are economically, environmentally, and
32 socially defined by some of the most important and vulnerable
33 water resources in the state.

34 (5) The Legislature recognizes that the Central Florida
35 Water Initiative Guiding Document, dated January 30, 2015, and
36 the Southern Water Use Caution Area Recovery Strategy, dated
37 March 2006, found that the surface water and groundwater
38 resources in the heartland counties of Hardee, Highlands, and
39 Polk are integral to the health, public safety, and economic



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40 future of those regions.

41 (6) The Legislature declares that there is an important
42 state interest in partnering with regional water supply
43 authorities, local governments, and water management districts
44 in accordance with s. 373.705, to protect the water resources of
45 the headwaters of the Alafia, Hillsborough, Kissimmee,
46 Ocklawaha, Peace, and Withlacoochee Rivers and the areas that
47 surround them. The Legislature further declares that priority
48 state funding consideration must be given to funding solutions
49 that manage the water resources of these headwaters and the
50 local Floridan Aquifer system in the most efficient, cost-
51 effective, and environmentally beneficial way.

52 Section 3. Section 373.463, Florida Statutes, is created to
53 read:

54 373.463 Heartland headwaters annual reports.—

55 (1) The Polk Regional Water Cooperative, in coordination
56 with all of its member county and municipal governments, shall
57 prepare a comprehensive annual report on water resource projects
58 identified for priority state funding within its members'
59 jurisdictions. The report must include, at a minimum:

60 (a) A list of projects identified by the cooperative for
61 priority state funding for each of the following categories. A
62 project may be listed in more than one category:

- 63 1. Drinking water supply.
- 64 2. Wastewater, including reuse.
- 65 3. Stormwater and flood control.
- 66 4. Environmental restoration.
- 67 5. Conservation.

68 (b) A priority ranking for each listed project that will be



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69 ready to proceed in the upcoming fiscal year, identified by the
70 categories specified in paragraph (a).

71 (c) The estimated cost of each listed project.

72 (d) The estimated completion date of each listed project.

73 (e) The source and amount of financial assistance to be
74 provided by the cooperative, the member county or municipal
75 governments, or other entities for each listed project.

76 (2) By December 1, 2017, and each year thereafter, the
77 cooperative shall submit the comprehensive annual report to the
78 Governor, the President of the Senate, the Speaker of the House
79 of Representatives, the department, and the appropriate water
80 management districts.

81 (3) The cooperative shall also annually coordinate with the
82 appropriate water management district to submit a status report
83 on projects receiving priority state funding for inclusion in
84 the consolidated water management district annual report
85 required by s. 373.036(7).

86 Section 4. Present paragraph (h) of subsection (2) of
87 section 212.055, Florida Statutes, is redesignated as paragraph
88 (i) of that subsection and amended, and a new paragraph (h) is
89 added to that subsection, to read:

90 212.055 Discretionary sales surtaxes; legislative intent;
91 authorization and use of proceeds.—It is the legislative intent
92 that any authorization for imposition of a discretionary sales
93 surtax shall be published in the Florida Statutes as a
94 subsection of this section, irrespective of the duration of the
95 levy. Each enactment shall specify the types of counties
96 authorized to levy; the rate or rates which may be imposed; the
97 maximum length of time the surtax may be imposed, if any; the



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98 procedure which must be followed to secure voter approval, if
99 required; the purpose for which the proceeds may be expended;
100 and such other requirements as the Legislature may provide.
101 Taxable transactions and administrative procedures shall be as
102 provided in s. 212.054.

103 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

104 (h) A county or municipality that receives proceeds under
105 the provisions of this subsection may transfer such proceeds to
106 an entity created under s. 373.713 whose purpose is to develop,
107 recover, store, and supply water. Such transferred proceeds must
108 be used for the purposes specified in paragraph (d).

109 (i) ~~(h)~~ Notwithstanding any other provision of this section,
110 a county may ~~shall~~ not levy local option sales surtaxes
111 authorized in this subsection and subsections (3), (4), and (5)
112 in excess of a combined rate of 1 percent.

113 Section 5. This act shall take effect July 1, 2017.

114

115 ===== T I T L E A M E N D M E N T =====

116 And the title is amended as follows:

117 Delete everything before the enacting clause
118 and insert:

119 A bill to be entitled
120 An act relating to water protection and
121 sustainability; creating the "Heartland Headwaters
122 Protection and Sustainability Act"; creating s.
123 373.462, F.S.; providing legislative findings and a
124 declaration of important state interest; creating s.
125 373.463, F.S.; requiring the Polk Regional Water
126 Cooperative, in coordination with its member county



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127 and municipal governments, to prepare a comprehensive
128 annual report on certain water resource projects
129 within its members' jurisdictions; specifying
130 requirements for such report; specifying to whom such
131 report must be submitted; requiring the Polk Regional
132 Water Cooperative, in coordination with appropriate
133 water management districts, to submit an annual status
134 report on projects receiving priority state funding;
135 requiring that such report be included in specified
136 annual reports; amending s. 212.055, F.S.; authorizing
137 local government infrastructure surtax proceeds to be
138 allocated to regional water supply authorities under
139 certain conditions; providing an effective date.

By Senator Stargel

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1 A bill to be entitled
2 An act relating to water protection and
3 sustainability; creating the "Heartland Headwaters
4 Protection and Sustainability Act"; creating s.
5 373.462, F.S.; providing legislative findings and
6 intent; exempting an entity created by a specified
7 interlocal agreement from the requirement that the
8 Secretary of Environmental Protection must approve the
9 interlocal agreement; creating s. 373.463, F.S.;
10 requiring the Polk Regional Water Cooperative to
11 prepare an annual report concerning water resource
12 projects within a specified area; specifying
13 requirements for such report; requiring the inclusion
14 of such report in the appropriate consolidated water
15 management district annual report; amending s.
16 212.055, F.S.; authorizing certain entities to expend
17 proceeds of local government infrastructure surtaxes
18 for certain purposes; providing for annual
19 appropriations; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. This act may be cited as the "Heartland
24 Headwaters Protection and Sustainability Act."

25 Section 2. Section 373.462, Florida Statutes, is created to
26 read:

27 373.462 Legislative findings and intent; exemption.-

28 (1) The Legislature recognizes that by law in 1979,
29 portions of Lake and Polk Counties were designated as the Green

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30 Swamp area of critical state concern in acknowledgment of its
31 regional and statewide importance in maintaining the quality and
32 quantity of Florida's water supply and water resources for the
33 public and the environment. The entire Green Swamp Area, which
34 encompasses approximately 560,000 acres, is located in a
35 regionally significant high recharge area of the Floridan
36 Aquifer system, and it helps protect coastal communities from
37 saltwater intrusion.

38 (2) The Legislature finds that the headwaters of six major
39 river systems in the state, including the Alafia, Hillsborough,
40 Kissimmee, Ocklawaha, Peace, and Withlacoochee Rivers, are
41 located in the Green Swamp Area or Polk County. In addition, due
42 to the area's unique topography and geology in which it receives
43 no other water inputs other than rainfall, the area is essential
44 in maintaining the potentiometric head of the Floridan Aquifer
45 system that directly influences the aquifer's productivity for
46 water supply in 32 counties, including Alachua, Broward,
47 Charlotte, Citrus, Clay, Collier, DeSoto, Duval, Glades, Hardee,
48 Hendry, Hernando, Highlands, Hillsborough, Lake, Lee, Levy,
49 Manatee, Marion, Martin, Miami-Dade, Monroe, Okeechobee, Orange,
50 Osceola, Palm Beach, Pasco, Polk, Putnam, Sarasota, St. Johns,
51 and Sumter.

52 (3) The Legislature also finds that the Green Swamp Area
53 and the surrounding areas are economically, environmentally, and
54 socially defined by some of the most important and vulnerable
55 water resources in the state. In addition, the Legislature
56 recognizes that the Central Florida Water Initiative Guiding
57 Document dated January 30, 2015, and the Southern Water Use
58 Caution Area Recovery Strategy dated March 2006 recognized the

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59 fact that the surface water and groundwater resources in the
60 heartland counties of Hardee, Highlands, and Polk are integral
61 to the health, public safety, and economic future of those
62 regions.

63 (4) The Legislature declares that there is an important
64 state interest in partnering with regional water supply
65 authorities and local governments, in accordance with s.
66 373.705, to protect the water resources of the headwaters of the
67 Alafia, Hillsborough, Kissimmee, Ocklawaha, Peace, and
68 Withlacoochee Rivers and the surrounding areas. The Legislature
69 further declares that priority funding consideration must be
70 given to solutions to manage the water resources of these
71 headwaters and the local Floridan Aquifer system in the most
72 efficient, cost-effective, and environmentally beneficial way.

73 (5) The Legislature finds that the Polk Regional Water
74 Cooperative, created by interlocal agreement pursuant to s.
75 373.713 to protect the water resources of the headwaters of the
76 Alafia, Hillsborough, Kissimmee, Ocklawaha, Peace, and
77 Withlacoochee Rivers and the surrounding area, is in the public
78 interest and complies with the intent and purposes of part VII
79 of this chapter. Therefore, notwithstanding s. 373.713(1), the
80 Secretary of Environmental Protection is not required to approve
81 this interlocal agreement.

82 Section 3. Section 373.463, Florida Statutes, is created to
83 read:

84 373.463 Heartland headwaters annual report.-

85 (1) The Polk Regional Water Cooperative, in coordination
86 with all of its member county and municipal governments, shall
87 prepare a comprehensive annual report for water resource

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88 projects identified for priority state funding within its
89 members' jurisdictions. The report must include, at a minimum:

90 (a) A list of projects identified by the cooperative for
91 priority state funding for each of the following categories. A
92 project may be listed in more than one category:

- 93 1. Drinking water supply.
- 94 2. Wastewater.
- 95 3. Stormwater and flood control.
- 96 4. Environmental restoration.
- 97 5. Conservation.

98 (b) A priority ranking for each listed project that will be
99 ready to proceed in the upcoming fiscal year within each
100 category.

101 (c) The estimated cost of each listed project.

102 (d) The estimated completion date of each listed project.

103 (e) The source and amount of financial assistance to be
104 provided by the cooperative, the member county or municipal
105 governments, or other entity for each listed project.

106 (2) The cooperative shall coordinate with the appropriate
107 water management district to ensure that the report is included
108 in the consolidated water management district annual report
109 required by s. 373.036(7).

110 Section 4. Paragraph (d) of subsection (2) of section
111 212.055, Florida Statutes, is amended to read:

112 212.055 Discretionary sales surtaxes; legislative intent;
113 authorization and use of proceeds.—It is the legislative intent
114 that any authorization for imposition of a discretionary sales
115 surtax shall be published in the Florida Statutes as a
116 subsection of this section, irrespective of the duration of the

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117 levy. Each enactment shall specify the types of counties
 118 authorized to levy; the rate or rates which may be imposed; the
 119 maximum length of time the surtax may be imposed, if any; the
 120 procedure which must be followed to secure voter approval, if
 121 required; the purpose for which the proceeds may be expended;
 122 and such other requirements as the Legislature may provide.
 123 Taxable transactions and administrative procedures shall be as
 124 provided in s. 212.054.

125 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

126 (d)1. The proceeds of the surtax authorized by this
 127 subsection and any accrued interest shall be expended:

128 a. By the school district;~~7~~

129 b. By the county for use within the county and
 130 municipalities within the county, or, in the case of a
 131 negotiated joint county agreement, within another county; ~~or,~~

132 c. By an entity created under s. 373.713 whose purpose is
 133 to develop, recover, store, and supply water, if the county is a
 134 member of that entity,

135
 136 to finance, plan, and construct infrastructure; to acquire any
 137 interest in land for public recreation, conservation, or
 138 protection of natural resources or to prevent or satisfy private
 139 property rights claims resulting from limitations imposed by the
 140 designation of an area of critical state concern; to provide
 141 loans, grants, or rebates to residential or commercial property
 142 owners who make energy efficiency improvements to their
 143 residential or commercial property, if a local government
 144 ordinance authorizing such use is approved by referendum; or to
 145 finance the closure of county-owned or municipally owned solid

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146 waste landfills that have been closed or are required to be
147 closed by order of the Department of Environmental Protection.
148 Any use of the proceeds or interest for purposes of landfill
149 closure before July 1, 1993, is ratified. The proceeds and any
150 interest may not be used for the operational expenses of
151 infrastructure, except that a county that has a population of
152 fewer than 75,000 and that is required to close a landfill may
153 use the proceeds or interest for long-term maintenance costs
154 associated with landfill closure. Counties, as defined in s.
155 125.011, and charter counties may, in addition, use the proceeds
156 or interest to retire or service indebtedness incurred for bonds
157 issued before July 1, 1987, for infrastructure purposes, and for
158 bonds subsequently issued to refund such bonds. Any use of the
159 proceeds or interest for purposes of retiring or servicing
160 indebtedness incurred for refunding bonds before July 1, 1999,
161 is ratified.

162 ~~2.1.~~ For the purposes of this paragraph, the term
163 "infrastructure" means:

164 a. Any fixed capital expenditure or fixed capital outlay
165 associated with the construction, reconstruction, or improvement
166 of public facilities that have a life expectancy of 5 or more
167 years, any related land acquisition, land improvement, design,
168 and engineering costs, and all other professional and related
169 costs required to bring the public facilities into service. For
170 purposes of this sub-subparagraph, the term "public facilities"
171 means facilities as defined in s. 163.3164(38), s. 163.3221(13),
172 or s. 189.012(5), regardless of whether the facilities are owned
173 by the local taxing authority or another governmental entity.

174 b. A fire department vehicle, an emergency medical service

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175 vehicle, a sheriff's office vehicle, a police department
176 vehicle, or any other vehicle, and the equipment necessary to
177 outfit the vehicle for its official use or equipment that has a
178 life expectancy of at least 5 years.

179 c. Any expenditure for the construction, lease, or
180 maintenance of, or provision of utilities or security for,
181 facilities, as defined in s. 29.008.

182 d. Any fixed capital expenditure or fixed capital outlay
183 associated with the improvement of private facilities that have
184 a life expectancy of 5 or more years and that the owner agrees
185 to make available for use on a temporary basis as needed by a
186 local government as a public emergency shelter or a staging area
187 for emergency response equipment during an emergency officially
188 declared by the state or by the local government under s.
189 252.38. Such improvements are limited to those necessary to
190 comply with current standards for public emergency evacuation
191 shelters. The owner must enter into a written contract with the
192 local government providing the improvement funding to make the
193 private facility available to the public for purposes of
194 emergency shelter at no cost to the local government for a
195 minimum of 10 years after completion of the improvement, with
196 the provision that the obligation will transfer to any
197 subsequent owner until the end of the minimum period.

198 e. Any land acquisition expenditure for a residential
199 housing project in which at least 30 percent of the units are
200 affordable to individuals or families whose total annual
201 household income does not exceed 120 percent of the area median
202 income adjusted for household size, if the land is owned by a
203 local government or by a special district that enters into a

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204 written agreement with the local government to provide such
205 housing. The local government or special district may enter into
206 a ground lease with a public or private person or entity for
207 nominal or other consideration for the construction of the
208 residential housing project on land acquired pursuant to this
209 sub-subparagraph.

210 ~~3.2.~~ For the purposes of this paragraph, the term "energy
211 efficiency improvement" means any energy conservation and
212 efficiency improvement that reduces consumption through
213 conservation or a more efficient use of electricity, natural
214 gas, propane, or other forms of energy on the property,
215 including, but not limited to, air sealing; installation of
216 insulation; installation of energy-efficient heating, cooling,
217 or ventilation systems; installation of solar panels; building
218 modifications to increase the use of daylight or shade;
219 replacement of windows; installation of energy controls or
220 energy recovery systems; installation of electric vehicle
221 charging equipment; installation of systems for natural gas fuel
222 as defined in s. 206.9951; and installation of efficient
223 lighting equipment.

224 ~~4.3.~~ Notwithstanding any other provision of this
225 subsection, a local government infrastructure surtax imposed or
226 extended after July 1, 1998, may allocate up to 15 percent of
227 the surtax proceeds for deposit into a trust fund within the
228 county's accounts created for the purpose of funding economic
229 development projects having a general public purpose of
230 improving local economies, including the funding of operational
231 costs and incentives related to economic development. The ballot
232 statement must indicate the intention to make an allocation

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233 under the authority of this subparagraph.

234 Section 5. Beginning in the 2017-2018 fiscal year and
235 ending in the 2036-2037 fiscal year, \$XX million is appropriated
236 annually to the Department of Environmental Protection to be
237 distributed for projects identified for priority state funding
238 in the heartland headwaters annual report prepared pursuant to
239 s. 373.463, Florida Statutes.

240 Section 6. This act shall take effect July 1, 2017.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Environmental Preservation and Conservation

BILL: CS/SB 1104

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Perry

SUBJECT: Resource Recovery and Management

DATE: March 29, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Mitchell	Rogers	EP	Fav/CS
2.			AEN	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1104 adds pyrolysis facilities to those materials and facilities that are exempt from solid waste regulations if a majority of the recovered materials at a facility are demonstrated to be sold, used, or reused within 1 year. The bill specifies that the phrase “used or reused” includes, but is not limited to, the conversion by gasification or pyrolysis of post-use polymers into crude oil, fuels, feedstocks, or other raw materials or intermediate or final products.

The bill adds new statutory definitions for the following terms related to the bill’s addition of pyrolysis facilities to those materials and facilities that are eligible for exemption from solid waste regulations:

- Gasification to fuels, chemicals, and feedstocks;
- Post-use polymers;
- Pyrolysis; and
- Pyrolysis facility.

The bill also amends existing statutory definitions of terms to add references based on the exemption from solid waste regulations for converting post-use polymers by gasification or pyrolysis to fuels, chemicals, and feedstocks.

Finally, the bill provides that a recovered materials dealer may process recovered materials at a pyrolysis facility to satisfy local government registration and reporting requirements for a recovered materials business.

II. Present Situation:

Gasification

Gasification is a manufacturing process that converts material containing carbon—such as coal, petroleum coke, biomass, or waste—into synthesis gas (syngas) by creating a chemical reaction with the material at high temperatures, without combustion, with a controlled amount of oxygen and/or steam. Gasification may be used to produce electricity, chemicals, fuels, fertilizers, plastics, and other products. The U.S. Department of Energy believes gasification is a method to reduce our nation's dependence on foreign oil and provide a clean, carbon capture-ready source of energy.¹

Recently, efforts have increased to utilize gasification to convert municipal solid waste (MSW) into energy rather than traditional incineration. Incineration uses MSW as a fuel to create heat and electricity by burning the MSW with high volumes of air to form carbon dioxide and heat. Waste-to-energy plants then use these hot gases to make steam used to generate electricity. During the process, toxins escape in the exhaust steam.²

The MSW is not a fuel in the gasification process, but rather is a feedstock³ for a high temperature chemical conversion process. In the gasifier, MSW reacts with little or no oxygen, breaking down the feedstock into simple molecules and converting them into syngas. Instead of making just heat and electricity as is done with incineration, the syngas produced by gasification can be turned into commercial products such as transportation fuels, chemicals, and fertilizers. Further, the gasification process controls the release of toxins by inhibiting the formation of dioxins or furans by limiting oxygen in the chemical reaction. Lastly, the ash from gasification may be used to make cement, roofing shingles, asphalt filler, and material for sandblasting.⁴

Pyrolysis

Pyrolysis is the heating of a material, such as plastics, at high temperatures in the absence of oxygen. Sometimes this process includes the introduction of pressure or water. Without oxygen, the material does not combust, but rather the chemical compounds that make up the material thermally decompose into gases and oil. Pyrolysis oil may be used directly as fuel or further refined into diesel or jet fuel.⁵

Due to the increased demand for plastics and fuels and limited space in solid waste facilities, solid waste managers have increased efforts to employ pyrolysis on non-recycled plastics.

¹ Gasification and Syngas Technologies Council, *The Gasification Process*, <http://www.gasification-syngas.org/technology/the-gasification-process/> (last visited March 23, 2017); U.S. Department of Energy, *National Energy Technology Laboratory, What is Gasification?* <https://www.netl.doe.gov/research/coal/energy-systems/gasification/publications/photo#whatis> (last visited March 23, 2017).

² Gasification and Syngas Technologies Council, *Gasification v. Incineration*, <http://www.gasification-syngas.org/applications/gasification-vs-incineration/> (last visited March 21, 2017).

³ Feedstock is raw material supplied to a machine or processing plant. Merriam-Webster, *Feedstock*, <https://www.merriam-webster.com/dictionary/feedstock> (last visited March 23, 2017).

⁴ Gasification and Syngas Technologies Council, *Gasification v. Incineration*, <http://www.gasification-syngas.org/applications/gasification-vs-incineration/> (last visited March 23, 2017).

⁵ Whole System Foundation, *Recycling and Pyrolysis of Plastic*, http://www.whole-systems.org/recycling_and_pyrolysis_of_plastic.html (last visited March 22, 2017).

Pyrolysis may be used to decrease the need to dispose plastics in landfills and create a renewable source of energy and fuels.⁶ The fuel produced from the pyrolysis of plastics does not contain sulphur because the plastic feedstock does not contain sulphur.⁷ Because pyrolysis does not incinerate the plastic waste, the emission of harmful compounds is reduced.⁸

Solid Waste Regulation

“Solid waste” is sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.⁹

The Department of Environmental Protection (DEP) implements and enforces the state’s solid waste management program.¹⁰ The solid waste management program includes a waste tire management program,¹¹ administration of solid waste grant programs,¹² and the classification, construction, operation, maintenance, and closure of solid waste management facilities.¹³

Section 403.7045(1), F.S., exempts certain wastes and activities from regulation under the Resource Recovery and Management Act.¹⁴ This includes exemption of recovered materials and recovered materials processing facilities from solid waste regulations if they meet certain criteria.¹⁵

“Recovered materials” are metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other. The term does not include materials destined for any use that constitutes disposal. Recovered materials are not solid waste.¹⁶ A “recovered materials processing facility” is a facility engaged solely in the storage, processing, resale, or reuse of recovered materials.¹⁷ “Recycling” is any

⁶ Feng Gao, *Pyrolysis of Waste Plastics into Fuels*, 6, available at https://ir.canterbury.ac.nz/bitstream/handle/10092/4303/Thesis_fulltext.pdf;jsessionid=75F7FC1942BA6D076AE426687A9FD20F?sequence=1 (last visited March 22, 2017).

⁷ *Id.* at 7.

⁸ Debora Almeida and Maria de Fatima Marques, *Thermal and catalytic pyrolysis of plastic waste*, http://www.scielo.br/scielo.php?script=sci_arttext&pid=S0104-14282016000100007 (last visited March 21, 2017).

⁹ Section 403.703(32), F.S.

¹⁰ Section 403.705, F.S.

¹¹ Section 403.717, F.S.; Fla. Admin. Code Ch. 62-701.

¹² Section 403.7095, F.S.; Fla. Admin. Code Ch. 62-716.

¹³ Section 403.703(35), F.S., defines a “solid waste management facility” as any solid waste disposal area, volume reduction plant, transfer station, materials recovery facility, or other facility, the purpose of which is resource recovery or the disposal, recycling, processing, or storage of solid waste. The term does not include recovered materials processing facilities that meet the requirements of s. 403.7046, F.S., except the portion of such facilities, if any, which is used for the management of solid waste.

¹⁴ Chapter 88-130, Laws of Fla.; Ch. 403, F.S.; *See* 99-60 Fla. Op. Att’y Gen. 3 (1999).

¹⁵ Section 403.7045(1)(e), F.S.; *see also* Fla. Admin. Code R. 62-701.220(2)(c).

¹⁶ Section 403.703(24), F.S.

¹⁷ Section 403.703(25), F.S.

process that collects separates, or processes and reuses or returns solid waste, or materials that would otherwise become solid waste, to use in the form of raw materials or products.¹⁸

Recovered materials or recovered materials processing facilities do not have to meet the solid waste regulations if:

- A majority of the recovered materials at the facility are demonstrated to be sold, used, or reused within 1 year;
- The recovered materials handled by the facility or the byproducts of operations that process recovered materials are not discharged or deposited upon any land or water by the owner or operator of such facility so that such recovered materials enter the environment such that a threat of contamination in excess of the applicable DEP standards and criteria is caused;
- The recovered materials handled by the facility are not hazardous wastes;¹⁹ and
- The facility is registered with DEP.²⁰

Solid waste regulations that apply to non-exempt recovered materials and recovered materials processing facilities include requirements:

- That a solid waste management facility obtain a permit to store, process, or dispose of solid waste;
- That a permit be obtained to construct, operate, maintain, modify, or close a solid waste management facility;
- For siting, that prohibit the storage or disposal of solid waste in certain areas;
- For burning, that place stringent controls on open burning of solid waste and prohibit controlled burning except in a permitted incinerator or at a facility authorized by a site certification order;
- That a solid waste management facility obtain a specific permit to dispose of hazardous waste;
- That prohibit the disposal of certain items in waste-to-energy facilities;²¹
- For leachate control systems; and
- For closure of a facility and providing financial assurance of closure cost coverage.²²

Solid waste management facility construction and operation permit fees range from \$500 to \$10,000. Operation permits are valid for 5 years, but may be obtained for longer periods of time by paying a pro-rated fee amount for the number of years in the permit length beyond the 5-year term.²³

¹⁸ Section 403.703(27), F.S.

¹⁹ "Hazardous waste" is solid waste, or a combination of solid wastes, that, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or otherwise managed. s. 403.703(13), F.S.

²⁰ Section 403.7045(1)(e), F.S.; Fla. Admin. Code R. 62-701.220(2)(c). Any person in Florida who handles, purchases, receives, recovers, sells or is an end user of 600 tons or more of recovered materials must annually report to DEP, and to all counties from which it received materials, certain information for the preceding calendar year, unless such person is exempt. Section 403.7046, F.S., and Fla. Admin. Code R. 62-722.400(2).

²¹ Fla. Admin. Code R. 62-701.300 and Fla. Admin. Code R. 62-701.320.

²² Fla. Admin. Code R. 62-701.710.

²³ Fla. Admin. Code R. 62-701.315.

DEP does not require solid waste combustors to obtain a solid waste permit if the facility operates under a current valid permit for a stationary source of air pollution, open burning, or electrical power plant and transmission line siting.²⁴ A “solid waste combustor” is an enclosed device that uses controlled combustion whose primary purpose is to thermally break down solid, liquid, or gaseous combustible solid wastes to an ash residue that contains little or no combustible material. A solid waste combustor includes any facility that uses incineration, gasification, or pyrolysis to break down solid waste.²⁵ “Combustion” is the treatment of solid waste in a device that uses heat as the primary means to change the chemical, physical, or biological character or composition of the waste. Combustion processes include incineration, gasification, and pyrolysis.²⁶

III. Effect of Proposed Changes:

CS/SB 1104 adds pyrolysis facilities to those materials and facilities that are exempt from solid waste regulations if a majority of the recovered materials at a facility are demonstrated to be sold, used, or reused within 1 year.²⁷ The bill specifies that the phrase “used or reused” includes, but is not limited to, the conversion by gasification or pyrolysis of post-use polymers into crude oil, fuels, feedstocks, or other raw materials or intermediate or final products.

The bill adds new statutory definitions for terms related to the bill’s addition of pyrolysis facilities to those materials and facilities that are eligible for exemption from solid waste regulations, as follows:

- “Gasification” is defined as a process through which post-use polymers are heated and converted to synthesis gas in an oxygen-deficient atmosphere, and then converted to crude oil, fuels, or chemical feedstocks.
- “Post-use polymer” is defined as a plastic polymer that:²⁸
 - Is derived from any domestic, commercial, or municipal activity;
 - Not recycled in commercial markets; and
 - May otherwise become waste if not converted to manufacture crude oil, fuels, or other raw materials or intermediate or final products using gasification or pyrolysis.A post-use polymer may contain incidental contaminants or impurities such as paper labels or metal rings.
- “Pyrolysis” is defined as a process through which post-use polymers are heated in the absence of oxygen until melted and thermally decomposed, and then cooled, condensed, and converted to:
 - Crude oil, diesel, gasoline, home heating oil, or another fuel;
 - Feedstocks;
 - Diesel and gasoline blendstocks;
 - Chemicals, waxes, or lubricants; or
 - Other raw materials or intermediate or final products.

²⁴ Fla. Admin. Code R. 62-701.320(14)(a) and (b) and Fla. Admin. Code R. 62-701.710(1)(a).

²⁵ Fla. Admin. Code R. 62-701.200(108).

²⁶ Fla. Admin. Code R. 62-701.200(21).

²⁷ Section 403.7045(1)(e)1., F.S.

²⁸ A polymer is a chemical compound or mixture of compounds formed by polymerization and consisting essentially of repeating structural units. See Merriam-Webster, *Polymer*, <https://www.merriam-webster.com/dictionary/polymer>, (last visited March 23, 2017).

- "Pyrolysis facility" is defined as a facility that receives, separates, stores, and converts post-use polymers, using gasification or pyrolysis.
A pyrolysis facility meeting the conditions of s. 403.7045(1)(e) (exemption from solid waste regulations) is not a solid waste management facility under the definition.

The bill also amends existing statutory definitions of terms to add references based on the bill's addition of pyrolysis facilities to those materials and facilities that are eligible for exemption from solid waste regulations, as follows:

- "Recycling" is amended to also include any process by which solid waste, or materials that would otherwise become solid waste, are reused or returned to use in the form of intermediate or final products, and further defines raw materials or intermediate or final products as including, but not limited to:
 - Crude oil;
 - Fuels; and
 - Fuel substitutes; and
- "Solid waste management facility" is amended to exclude pyrolysis facilities that meet the requirements of s. 403.7046, except the portion of such facilities, if any, which is used for the management of solid waste, from the definition.

The bill includes a pyrolysis facility with a recovered materials processing facility as facilities where a recovered materials dealer may process recovered materials to satisfy local government registration and reporting requirements for a recovered materials business.

Owners or operators of facilities converting recovered materials by pyrolysis or gasification to fuels, chemicals, and feedstocks that are exempted from solid waste regulations under this bill may still be required to meet other regulatory requirements, such as:

- Registering recovered materials processing facilities with DEP;
- Obtaining a stationary source of air pollution permit;
- Obtaining an open burning permit; or
- Obtaining an electrical power plant and transmission line siting permit.

Lastly, the bill amends ss. 171.205(2), 316.003(28), 377.709(2)(f), and 487.048(1), F.S., to conform cross-references.

The bill takes effect July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may have a positive fiscal impact on businesses operating recovered materials processing facilities that convert recovered materials by pyrolysis or gasification to fuels, chemicals, and feedstocks by exempting them from solid waste regulations.

C. Government Sector Impact:

The bill may have a positive fiscal impact on governmental entities operating recovered materials processing facilities that convert recovered materials by pyrolysis or gasification to fuels, chemicals, and feedstocks by exempting them from solid waste regulations.

DEP will likely need to revise its solid waste rules as a result of the statutory changes in the bill, but such revisions are anticipated to have an insignificant fiscal impact. DEP has sufficient rulemaking authority to amend its solid waste regulations to conform to changes made in the bill.

VI. Technical Deficiencies:

Lines 102 and 105 of the bill should be amended to add “or post-use polymers” on each line to effectuate the bill’s intent.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 403.703, 403.7045, and 403.7046 of the Florida Statutes.

This bill amends sections 171.205, 316.003, 377.709, and 487.048 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Environmental Preservation and Conservation on March 28, 2017:

- Rewords the definitions of “gasification,” “post-use polymer,” and “pyrolysis facility” for clarification purposes and makes minor technical changes to reflect the rewording of the definitions.
- Changes the definition of “post-use polymer” from a plastic polymer that is recycled in commercial markets to a plastic polymer that is not recycled in commercial markets.
- Removes post-use polymers that are converted to manufacture fuels, chemicals, feedstocks, or other raw materials or intermediate or final products using gasification or pyrolysis from the definition of “recovered materials” and makes minor technical changes to reflect this change in the definition.
- Removes pyrolysis facilities from the definition of “recovered materials processing facility” and makes minor technical changes to reflect this change in the definition.
- Includes a pyrolysis facility with a recovered materials processing facility as facilities where a recovered materials dealer may process recovered materials to satisfy local government registration and reporting requirements for a recovered materials business; and
- Changes the effective date from “on becoming a law” to July 1, 2017.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/28/2017	.	
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The Committee on Environmental Preservation and Conservation (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Present subsections (2) and (3) of section 403.703, Florida Statutes, are redesignated as subsections (3) and (2), respectively, present subsections (10) through (22) of that section are redesignated as subsections (11) through (23), respectively, present subsection (23) of that section is redesignated as subsection (25), present subsections (24)



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11 through (43) of that section are redesignated as subsections
12 (28) through (47), respectively, present subsections (24), (27),
13 (32), and (35) of that section are amended, and new subsections
14 (10), (24), (26), and (27) are added to that section, to read:

15 403.703 Definitions.—As used in this part, the term:

16 (10) "Gasification" means a process through which recovered
17 materials are heated and converted to synthesis gas in an
18 oxygen-deficient atmosphere, and then converted to crude oil,
19 fuels, or chemical feedstocks.

20 (24) "Post-use polymer" means a plastic polymer that is
21 derived from any domestic, commercial, or municipal activity and
22 recycled in commercial markets and that might otherwise become
23 waste if not converted to manufacture crude oil, fuels, or other
24 raw materials or intermediate or final products using
25 gasification or pyrolysis. A post-use polymer may contain
26 incidental contaminants or impurities such as paper labels or
27 metal rings.

28 (26) "Pyrolysis" means a process through which post-use
29 polymers are heated in the absence of oxygen until melted and
30 thermally decomposed, and then cooled, condensed, and converted
31 to:

32 (a) Crude oil, diesel, gasoline, home heating oil, or
33 another fuel;

34 (b) Feedstocks;

35 (c) Diesel and gasoline blendstocks;

36 (d) Chemicals, waxes, or lubricants; or

37 (e) Other raw materials or intermediate or final products.

38 (27) "Pyrolysis facility" means a facility that receives,
39 separates, stores, and converts recovered materials, including



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40 post-use polymers, using gasification or pyrolysis. A pyrolysis
41 facility meeting the conditions of s. 403.7045(1)(e) is not a
42 solid waste management facility.

43 (28)(a)-(24) "Recovered materials" means metal, paper,
44 glass, plastic, textile, or rubber materials that have known
45 recycling potential, can be feasibly recycled, and have been
46 diverted and source separated or have been removed from the
47 solid waste stream for sale, use, or reuse as raw materials,
48 whether or not the materials require subsequent processing or
49 separation from each other.

50 (b) The term includes post-use polymers that are converted
51 to manufacture crude oil, fuels, or other raw materials or
52 intermediate or final products using gasification or pyrolysis,
53 but ~~The term~~ does not include materials destined for any use
54 that constitutes disposal. Recovered materials as defined
55 ~~described~~ in this subsection are not solid waste.

56 (31)-(27) "Recycling" means any process by which solid
57 waste, or materials that would otherwise become solid waste, are
58 collected, separated, or processed and reused or returned to use
59 in the form of raw materials or intermediate or final products.
60 Such raw materials or intermediate or final products may
61 include, but are not limited to, crude oil, fuels, and fuel
62 substitutes.

63 (36)-(32) "Solid waste" means sludge unregulated under the
64 federal Clean Water Act or Clean Air Act, sludge from a waste
65 treatment works, water supply treatment plant, or air pollution
66 control facility, or garbage, rubbish, refuse, special waste, or
67 other discarded material, including solid, liquid, semisolid, or
68 contained gaseous material resulting from domestic, industrial,



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69 commercial, mining, agricultural, or governmental operations.
70 Recovered materials as defined in subsection (28) ~~(24)~~ are not
71 solid waste.

72 ~~(39)~~ ~~(35)~~ "Solid waste management facility" means any solid
73 waste disposal area, volume reduction plant, transfer station,
74 materials recovery facility, or other facility, the purpose of
75 which is resource recovery or the disposal, recycling,
76 processing, or storage of solid waste. The term does not include
77 recovered materials processing facilities or pyrolysis
78 facilities that meet the requirements of s. 403.7046, except the
79 portion of such facilities, if any, which is used for the
80 management of solid waste.

81 Section 2. Subsection (1) of section 403.7045, Florida
82 Statutes, is amended to read:

83 403.7045 Application of act and integration with other
84 acts.—

85 (1) The following wastes or activities may ~~shall~~ not be
86 regulated pursuant to this act:

87 (a) Byproduct material, source material, and special
88 nuclear material, the generation, transportation, disposal,
89 storage, or treatment of which is regulated under chapter 404 or
90 the federal Atomic Energy Act of 1954, ch. 1073, 68 Stat. 923,
91 as amended;

92 (b) Suspended solids and dissolved materials in domestic
93 sewage effluent or irrigation return flows or other discharges
94 which are point sources subject to permits pursuant to this
95 chapter or s. 402 of the Clean Water Act, Pub. L. No. 95-217;

96 (c) Emissions to the air from a stationary installation or
97 source regulated under this chapter or the Clean Air Act, Pub.



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98 L. No. 95-95;

99 (d) Drilling fluids, produced waters, and other wastes
100 associated with the exploration for, or development and
101 production of, crude oil or natural gas which are regulated
102 under chapter 377; or

103 (e) Recovered materials, ~~or~~ recovered materials processing
104 facilities, or pyrolysis facilities, except as provided in s.
105 403.7046, if:

106 1. A majority of the recovered materials at the facility
107 are demonstrated to be sold, used, or reused within 1 year. As
108 used in this subparagraph, the term "used or reused" includes
109 the conversion of recovered materials into crude oil, fuels,
110 feedstocks, or other raw materials or intermediate or final
111 products by gasification or pyrolysis.

112 2. The recovered materials handled by the facility or the
113 products or byproducts of operations that process recovered
114 materials are not discharged, deposited, injected, dumped,
115 spilled, leaked, or placed into or upon any land or water by the
116 owner or operator of the such facility so that the such
117 recovered materials, products or byproducts, or any constituent
118 thereof may enter other lands or be emitted into the air or
119 discharged into any waters, including groundwaters, or otherwise
120 enter the environment such that a threat of contamination in
121 excess of applicable department standards and criteria is
122 caused.

123 3. The recovered materials handled by the facility are not
124 hazardous wastes as defined in under s. 403.703, and in rules
125 adopted under this section promulgated pursuant thereto.

126 4. The facility is registered as required in s. 403.7046.



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127 (f) Industrial byproducts, if:
128 1. A majority of the industrial byproducts are demonstrated
129 to be sold, used, or reused within 1 year.
130 2. The industrial byproducts are not discharged, deposited,
131 injected, dumped, spilled, leaked, or placed upon any land or
132 water so that such industrial byproducts, or any constituent
133 thereof, may enter other lands or be emitted into the air or
134 discharged into any waters, including groundwaters, or otherwise
135 enter the environment such that a threat of contamination in
136 excess of applicable department standards and criteria or a
137 significant threat to public health is caused.
138 3. The industrial byproducts are not hazardous wastes as
139 defined in ~~under~~ s. 403.703 and in rules adopted under this
140 section.
141
142 Sludge from an industrial waste treatment works that meets the
143 exemption requirements of this paragraph is not solid waste as
144 defined in s. 403.703 ~~403.703(32)~~.
145 Section 3. Paragraph (b) of subsection (3) of section
146 403.7046, Florida Statutes, is amended to read:
147 403.7046 Regulation of recovered materials.—
148 (3) Except as otherwise provided in this section or
149 pursuant to a special act in effect on or before January 1,
150 1993, a local government may not require a commercial
151 establishment that generates source-separated recovered
152 materials to sell or otherwise convey its recovered materials to
153 the local government or to a facility designated by the local
154 government, nor may the local government restrict such a
155 generator's right to sell or otherwise convey such recovered



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156 materials to any properly certified recovered materials dealer
157 who has satisfied the requirements of this section. A local
158 government may not enact any ordinance that prevents such a
159 dealer from entering into a contract with a commercial
160 establishment to purchase, collect, transport, process, or
161 receive source-separated recovered materials.

162 (b)1. Before engaging in business within the jurisdiction
163 of the local government, a recovered materials dealer must
164 provide the local government with a copy of the certification
165 provided for in this section. In addition, the local government
166 may establish a registration process whereby a recovered
167 materials dealer must register with the local government before
168 engaging in business within the jurisdiction of the local
169 government. Such registration process is limited to requiring
170 the dealer to register its name, including the owner or operator
171 of the dealer, and, if the dealer is a business entity, its
172 general or limited partners, its corporate officers and
173 directors, its permanent place of business, evidence of its
174 certification under this section, and a certification that the
175 recovered materials will be processed at a recovered materials
176 processing facility or pyrolysis facility satisfying the
177 requirements of this section. The local government may not use
178 the information provided in the registration application to
179 compete unfairly with the recovered materials dealer until 90
180 days after receipt of the application. All counties, and
181 municipalities whose population exceeds 35,000 according to the
182 population estimates determined pursuant to s. 186.901, may
183 establish a reporting process that must be limited to the
184 regulations, reporting format, and reporting frequency



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185 established by the department pursuant to this section, which
186 must, at a minimum, include requiring the dealer to identify the
187 types and approximate amount of recovered materials collected,
188 recycled, or reused during the reporting period; the approximate
189 percentage of recovered materials reused, stored, or delivered
190 to a recovered materials processing facility or pyrolysis
191 facility or disposed of in a solid waste disposal facility; and
192 the locations where any recovered materials were disposed of as
193 solid waste. The local government may charge the dealer a
194 registration fee commensurate with and no greater than the cost
195 incurred by the local government in operating its registration
196 program. Registration program costs are limited to those costs
197 associated with the activities described in this subparagraph.
198 Any reporting or registration process established by a local
199 government with regard to recovered materials is governed by
200 this section and department rules adopted pursuant thereto.

201 2. Information reported under this subsection which, if
202 disclosed, would reveal a trade secret, as defined in s.
203 812.081, is confidential and exempt from s. 119.07(1) and s.
204 24(a), Art. I of the State Constitution. This subparagraph is
205 subject to the Open Government Sunset Review Act in accordance
206 with s. 119.15 and shall stand repealed on October 2, 2021,
207 unless reviewed and saved from repeal through reenactment by the
208 Legislature.

209 Section 4. Subsection (2) of section 171.205, Florida
210 Statutes, is amended to read:

211 171.205 Consent requirements for annexation of land under
212 this part.—Notwithstanding part I, an interlocal service
213 boundary agreement may provide a process for annexation



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214 consistent with this section or with part I.

215 (2) If the area to be annexed includes a privately owned
216 solid waste disposal facility as defined in s. 403.703
217 ~~403.703(33)~~ which receives municipal solid waste collected
218 within the jurisdiction of multiple local governments, the
219 annexing municipality must set forth in its plan the effects
220 that the annexation of the solid waste disposal facility will
221 have on the other local governments. The plan must also indicate
222 that the owner of the affected solid waste disposal facility has
223 been contacted in writing concerning the annexation, that an
224 agreement between the annexing municipality and the solid waste
225 disposal facility to govern the operations of the solid waste
226 disposal facility if the annexation occurs has been approved,
227 and that the owner of the solid waste disposal facility does not
228 object to the proposed annexation.

229 Section 5. Subsection (28) of section 316.003, Florida
230 Statutes, is amended to read:

231 316.003 Definitions.—The following words and phrases, when
232 used in this chapter, shall have the meanings respectively
233 ascribed to them in this section, except where the context
234 otherwise requires:

235 (28) HAZARDOUS MATERIAL.—Any substance or material which
236 has been determined by the secretary of the United States
237 Department of Transportation to be capable of imposing an
238 unreasonable risk to health, safety, and property. This term
239 includes hazardous waste as defined in s. 403.703 ~~403.703(13)~~.

240 Section 6. Paragraph (f) of subsection (2) of section
241 377.709, Florida Statutes, is amended to read:

242 377.709 Funding by electric utilities of local governmental



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243 solid waste facilities that generate electricity.-

244 (2) DEFINITIONS.-As used in this section, the term:

245 (f) "Solid waste facility" means a facility owned or
246 operated by, or on behalf of, a local government for the purpose
247 of disposing of solid waste, as ~~that term is~~ defined in s.
248 403.703 ~~403.703(32)~~, by any process that produces heat and
249 incorporates, as a part of the facility, the means of converting
250 heat to electrical energy in amounts greater than actually
251 required for the operation of the facility.

252 Section 7. Subsection (1) of section 487.048, Florida
253 Statutes, is amended to read:

254 487.048 Dealer's license; records.-

255 (1) Each person holding or offering for sale, selling, or
256 distributing restricted-use pesticides must obtain a dealer's
257 license from the department. Application for the license shall
258 be filed with the department by using a form prescribed by the
259 department or by using the department's website. The license
260 must be obtained before entering into business or transferring
261 ownership of a business. The department may require examination
262 or other proof of competency of individuals to whom licenses are
263 issued or of individuals employed by persons to whom licenses
264 are issued. Demonstration of continued competency may be
265 required for license renewal, as set by rule. The license shall
266 be renewed annually as provided by rule. An annual license fee
267 not exceeding \$250 shall be established by rule. However, a user
268 of a restricted-use pesticide may distribute unopened containers
269 of a properly labeled pesticide to another user who is legally
270 entitled to use that restricted-use pesticide without obtaining
271 a pesticide dealer license. The exclusive purpose of



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272 distribution of the restricted-use pesticide is to keep it from
273 becoming a hazardous waste as defined in s. 403.703 ~~403.703(13)~~.

274 Section 8. This act shall take effect July 1, 2017.

275

276 ===== T I T L E A M E N D M E N T =====

277 And the title is amended as follows:

278 Delete everything before the enacting clause

279 and insert:

280

A bill to be entitled

281

An act relating to resource recovery and management;

282

amending s. 403.703, F.S.; revising definitions;

283

defining the terms "gasification," "post-use polymer,"

284

"pyrolysis," and "pyrolysis facility"; amending s.

285

403.7045, F.S.; providing that certain pyrolysis

286

facilities are exempt from certain resource recovery

287

regulations; conforming a cross-reference; amending s.

288

403.7046, F.S.; authorizing recovered materials

289

dealers to use pyrolysis facilities for recovered

290

materials processing; amending ss. 171.205, 316.003,

291

377.709, and 487.048, F.S.; conforming cross-

292

references; providing an effective date.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/28/2017	.	
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The Committee on Environmental Preservation and Conservation
(Perry) recommended the following:

Senate Amendment to Amendment (228236)

Delete lines 12 - 109

and insert:

(28) through (47), respectively, present subsections (27), (32),
and (35) of that section are amended, and new subsections (10),
(24), (26), and (27) are added to that section, to read:

403.703 Definitions.—As used in this part, the term:

(10) "Gasification" means a process through which post-use
polymers are heated and converted to synthesis gas in an oxygen-



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11 deficient atmosphere, and then converted to crude oil, fuels, or
12 chemical feedstocks.

13 (24) "Post-use polymer" means a plastic polymer that is
14 derived from any domestic, commercial, or municipal activity;
15 that is not recycled in commercial markets; and may otherwise
16 become waste if not converted to manufacture crude oil, fuels,
17 or other raw materials or intermediate or final products using
18 gasification or pyrolysis. A post-use polymer may contain
19 incidental contaminants or impurities such as paper labels or
20 metal rings.

21 (26) "Pyrolysis" means a process through which post-use
22 polymers are heated in the absence of oxygen until melted and
23 thermally decomposed, and then cooled, condensed, and converted
24 to:

25 (a) Crude oil, diesel, gasoline, home heating oil, or
26 another fuel;

27 (b) Feedstocks;

28 (c) Diesel and gasoline blendstocks;

29 (d) Chemicals, waxes, or lubricants; or

30 (e) Other raw materials or intermediate or final products.

31 (27) "Pyrolysis facility" means a facility that receives,
32 separates, stores, and converts post-use polymers, using
33 gasification or pyrolysis. A pyrolysis facility meeting the
34 conditions of s. 403.7045(1) (e) is not a solid waste management
35 facility.

36 ~~(31)~~(27) "Recycling" means any process by which solid
37 waste, or materials that would otherwise become solid waste, are
38 collected, separated, or processed and reused or returned to use
39 in the form of raw materials or intermediate or final products.



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40 Such raw materials or intermediate or final products may
41 include, but are not limited to, crude oil, fuels, and fuel
42 substitutes.

43 (36)~~(32)~~ "Solid waste" means sludge unregulated under the
44 federal Clean Water Act or Clean Air Act, sludge from a waste
45 treatment works, water supply treatment plant, or air pollution
46 control facility, or garbage, rubbish, refuse, special waste, or
47 other discarded material, including solid, liquid, semisolid, or
48 contained gaseous material resulting from domestic, industrial,
49 commercial, mining, agricultural, or governmental operations.
50 Recovered materials as defined in subsection (28) ~~(24)~~ are not
51 solid waste.

52 (39)~~(35)~~ "Solid waste management facility" means any solid
53 waste disposal area, volume reduction plant, transfer station,
54 materials recovery facility, or other facility, the purpose of
55 which is resource recovery or the disposal, recycling,
56 processing, or storage of solid waste. The term does not include
57 recovered materials processing facilities or pyrolysis
58 facilities that meet the requirements of s. 403.7046, except the
59 portion of such facilities, if any, which is used for the
60 management of solid waste.

61 Section 2. Subsection (1) of section 403.7045, Florida
62 Statutes, is amended to read:

63 403.7045 Application of act and integration with other
64 acts.—

65 (1) The following wastes or activities may ~~shall~~ not be
66 regulated pursuant to this act:

67 (a) Byproduct material, source material, and special
68 nuclear material, the generation, transportation, disposal,



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69 storage, or treatment of which is regulated under chapter 404 or
70 the federal Atomic Energy Act of 1954, ch. 1073, 68 Stat. 923,
71 as amended;

72 (b) Suspended solids and dissolved materials in domestic
73 sewage effluent or irrigation return flows or other discharges
74 which are point sources subject to permits pursuant to this
75 chapter or s. 402 of the Clean Water Act, Pub. L. No. 95-217;

76 (c) Emissions to the air from a stationary installation or
77 source regulated under this chapter or the Clean Air Act, Pub.
78 L. No. 95-95;

79 (d) Drilling fluids, produced waters, and other wastes
80 associated with the exploration for, or development and
81 production of, crude oil or natural gas which are regulated
82 under chapter 377; or

83 (e) Recovered materials, ~~or~~ recovered materials processing
84 facilities, or pyrolysis facilities, except as provided in s.
85 403.7046, if:

86 1. A majority of the recovered materials at the facility
87 are demonstrated to be sold, used, or reused within 1 year. As
88 used in this subparagraph, the terms "used" or "reused" include,
89 but are not limited to, the conversion of post-use polymers into
90 crude oil, fuels,

By Senator Perry

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1 A bill to be entitled
2 An act relating to resource recovery and management;
3 amending s. 403.703, F.S.; revising definitions;
4 defining the terms "gasification to fuels, chemicals,
5 and feedstocks," "post-use polymers," "pyrolysis," and
6 "pyrolysis facility"; amending s. 403.7045, F.S.;
7 providing that materials recovered via pyrolysis or
8 gasification to fuels, chemicals, and feedstocks are
9 to be considered used or reused materials; conforming
10 a cross-reference; amending ss. 171.205, 316.003,
11 377.709, and 487.048, F.S.; conforming cross-
12 references; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:
15

16 Section 1. Present sections (10) through (22) of section
17 403.703, Florida Statutes, are redesignated as sections (11)
18 through (23), respectively, present section (23) of that section
19 is redesignated as section (25), present sections (24) through
20 (43) of that section are redesignated as sections (28) through
21 (47), respectively, new subsections (10), (24), (26), and (27)
22 are added to that section, and present subsections (24), (25),
23 (27), and (32) of that section are amended, to read:

24 403.703 Definitions.—As used in this part, the term:
25 (10) "Gasification to fuels, chemicals, and feedstocks"
26 means a process through which post-use polymers are heated in an
27 oxygen-deficient atmosphere and converted to synthesis gas,
28 which can be converted into fuels such as ethanol or into
29 chemical feedstocks.

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30 (24) "Post-use polymers" means polymers that are derived
31 from domestic, commercial, or municipal activities, or other
32 activity sources, polymers that are recycled in commercial
33 markets, or polymers that might otherwise become a waste, and
34 where such polymers are processed through pyrolysis or
35 gasification to manufacture crude oil, fuels, or other valuable
36 final or intermediate products. Post-use polymers may contain
37 incidental contaminants such as, but not limited to, paper
38 labels on plastic bottles and metal rings on plastic bottle
39 caps. Post-use polymers shall be considered recovered materials.

40 (26) "Pyrolysis" means a process through which post-use
41 polymers are heated in the absence of oxygen until melted and
42 thermally decomposed, and are then cooled, condensed, and
43 converted into crude oil or refined into fuels, including, but
44 not limited to, diesel fuel, gasoline, and home heating oil;
45 naphtha and other feedstocks; diesel fuel and gasoline
46 blendstocks; or chemicals, waxes, lubricants, or other raw
47 materials, intermediates, or final products.

48 (27) "Pyrolysis facility" means a facility that collects,
49 separates, or stores post-use polymers and converts them into
50 fuels or other valuable final or intermediate products using a
51 pyrolysis or gasification to fuels, chemicals, and feedstocks
52 process. A pyrolysis facility is not a solid waste management
53 facility.

54 (28)~~(24)~~ "Recovered materials" means metal, paper, glass,
55 plastic, textile, or rubber materials that have known recycling
56 potential, can be feasibly recycled, and have been diverted and
57 source separated or have been removed from the solid waste
58 stream for sale, use, or reuse as raw materials, whether or not

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59 the materials require subsequent processing or separation from
60 each other, but the term does not include materials destined for
61 any use that constitutes disposal. Recovered materials also
62 include any post-use polymers that have subsequently been
63 processed, using pyrolysis or gasification, into fuels,
64 chemicals, and feedstocks. Recovered materials as described in
65 this subsection are not solid waste.

66 ~~(29)~~~~(25)~~ "Recovered materials processing facility" means a
67 facility engaged solely in the storage, processing, recycling,
68 resale, or reuse of recovered materials. This term shall also
69 include pyrolysis facilities. A recovered materials processing
70 ~~Such a~~ facility is not a solid waste management facility ~~if it~~
71 ~~meets the conditions of s. 403.7045(1)(e).~~

72 ~~(31)~~~~(27)~~ "Recycling" means any process by which solid
73 waste, or materials that would otherwise become solid waste, are
74 collected, separated, or processed and reused or returned to use
75 in the form of raw materials, intermediates, or products. Such
76 raw materials, intermediates, or products shall include, but are
77 not limited to, crude oil, naphtha, monomers, chemical
78 feedstocks, fuels, fuel blendstocks, and fuel substitutes.

79 ~~(36)~~~~(32)~~ "Solid waste" means sludge unregulated under the
80 federal Clean Water Act or Clean Air Act, sludge from a waste
81 treatment works, water supply treatment plant, or air pollution
82 control facility, or garbage, rubbish, refuse, special waste, or
83 other discarded material, including solid, liquid, semisolid, or
84 contained gaseous material resulting from domestic, industrial,
85 commercial, mining, agricultural, or governmental operations.
86 Recovered materials as defined in subsection (28) ~~(24)~~ are not
87 solid waste.

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88 Section 2. Subsection (1) of section 403.7045, Florida
89 Statutes, is amended to read:

90 403.7045 Application of act and integration with other
91 acts.—

92 (1) The following wastes or activities may ~~shall~~ not be
93 regulated pursuant to this act:

94 (a) Byproduct material, source material, and special
95 nuclear material, the generation, transportation, disposal,
96 storage, or treatment of which is regulated under chapter 404 or
97 the federal Atomic Energy Act of 1954, ch. 1073, 68 Stat. 923,
98 as amended.†

99 (b) Suspended solids and dissolved materials in domestic
100 sewage effluent or irrigation return flows or other discharges
101 which are point sources subject to permits pursuant to this
102 chapter or s. 402 of the Clean Water Act, Pub. L. No. 95-217.†

103 (c) Emissions to the air from a stationary installation or
104 source regulated under this chapter or the Clean Air Act, Pub.
105 L. No. 95-95.†

106 (d) Drilling fluids, produced waters, and other wastes
107 associated with the exploration for, or development and
108 production of, crude oil or natural gas which are regulated
109 under chapter 377.†~~or~~

110 (e) Recovered materials or recovered materials processing
111 facilities, except as provided in s. 403.7046, if:

112 1. A majority of the recovered materials at the facility
113 are demonstrated to be sold, used, or reused within 1 year. For
114 purposes of this subparagraph, used or reused includes
115 converting the recovered materials via pyrolysis or gasification
116 to fuels, chemicals, and feedstocks as defined in s. 403.703.

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117 2. The recovered materials handled by the facility or the
118 products or byproducts of operations that process recovered
119 materials are not discharged, deposited, injected, dumped,
120 spilled, leaked, or placed into or upon any land or water by the
121 owner or operator of such facility so that such recovered
122 materials, products or byproducts, or any constituent thereof
123 may enter other lands or be emitted into the air or discharged
124 into any waters, including groundwaters, or otherwise enter the
125 environment such that a threat of contamination in excess of
126 applicable department standards and criteria is caused.

127 3. The recovered materials handled by the facility are not
128 hazardous wastes as defined under s. 403.703, and rules
129 promulgated pursuant thereto.

130 4. The facility is registered as required in s. 403.7046.

131 (f) Industrial byproducts, if:

132 1. A majority of the industrial byproducts are demonstrated
133 to be sold, used, or reused within 1 year.

134 2. The industrial byproducts are not discharged, deposited,
135 injected, dumped, spilled, leaked, or placed upon any land or
136 water so that such industrial byproducts, or any constituent
137 thereof, may enter other lands or be emitted into the air or
138 discharged into any waters, including groundwaters, or otherwise
139 enter the environment such that a threat of contamination in
140 excess of applicable department standards and criteria or a
141 significant threat to public health is caused.

142 3. The industrial byproducts are not hazardous wastes as
143 defined under s. 403.703 and rules adopted under this section.

144
145 Sludge from an industrial waste treatment works that meets the

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146 exemption requirements of this paragraph is not solid waste as
147 defined in s. 403.703(36) ~~s. 403.703(32)~~.

148 Section 3. Subsection (2) of section 171.205, Florida
149 Statutes, is amended to read:

150 171.205 Consent requirements for annexation of land under
151 this part.—Notwithstanding part I, an interlocal service
152 boundary agreement may provide a process for annexation
153 consistent with this section or with part I.

154 (2) If the area to be annexed includes a privately owned
155 solid waste disposal facility as defined in s. 403.703(37) ~~s.
156 403.703(33)~~ which receives municipal solid waste collected
157 within the jurisdiction of multiple local governments, the
158 annexing municipality must set forth in its plan the effects
159 that the annexation of the solid waste disposal facility will
160 have on the other local governments. The plan must also indicate
161 that the owner of the affected solid waste disposal facility has
162 been contacted in writing concerning the annexation, that an
163 agreement between the annexing municipality and the solid waste
164 disposal facility to govern the operations of the solid waste
165 disposal facility if the annexation occurs has been approved,
166 and that the owner of the solid waste disposal facility does not
167 object to the proposed annexation.

168 Section 4. Subsection (28) of section 316.003, Florida
169 Statutes, is amended to read:

170 316.003 Definitions.—The following words and phrases, when
171 used in this chapter, shall have the meanings respectively
172 ascribed to them in this section, except where the context
173 otherwise requires:

174 (28) HAZARDOUS MATERIAL.—Any substance or material which

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175 has been determined by the secretary of the United States
176 Department of Transportation to be capable of imposing an
177 unreasonable risk to health, safety, and property. This term
178 includes hazardous waste as defined in s. 403.703(14) ~~s.~~
179 ~~403.703(13)~~.

180 Section 5. Paragraph (f) of subsection (2) of section
181 377.709, Florida Statutes, is amended to read:

182 377.709 Funding by electric utilities of local governmental
183 solid waste facilities that generate electricity.—

184 (2) DEFINITIONS.—As used in this section, the term:

185 (f) "Solid waste facility" means a facility owned or
186 operated by, or on behalf of, a local government for the purpose
187 of disposing of solid waste, as that term is defined in s.
188 403.703(36) ~~s. 403.703(32)~~, by any process that produces heat
189 and incorporates, as a part of the facility, the means of
190 converting heat to electrical energy in amounts greater than
191 actually required for the operation of the facility.

192 Section 6. Subsection (1) of section 487.048, Florida
193 Statutes, is amended to read:

194 487.048 Dealer's license; records.—

195 (1) Each person holding or offering for sale, selling, or
196 distributing restricted-use pesticides must obtain a dealer's
197 license from the department. Application for the license shall
198 be filed with the department by using a form prescribed by the
199 department or by using the department's website. The license
200 must be obtained before entering into business or transferring
201 ownership of a business. The department may require examination
202 or other proof of competency of individuals to whom licenses are
203 issued or of individuals employed by persons to whom licenses

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204 are issued. Demonstration of continued competency may be
205 required for license renewal, as set by rule. The license shall
206 be renewed annually as provided by rule. An annual license fee
207 not exceeding \$250 shall be established by rule. However, a user
208 of a restricted-use pesticide may distribute unopened containers
209 of a properly labeled pesticide to another user who is legally
210 entitled to use that restricted-use pesticide without obtaining
211 a pesticide dealer license. The exclusive purpose of
212 distribution of the restricted-use pesticide is to keep it from
213 becoming a hazardous waste as defined in s. 403.703(14) ~~s.~~
214 ~~403.703(13)~~.

215 Section 7. This act shall take effect upon becoming a law.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Environmental Preservation and Conservation

BILL: CS/SB 1288

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Baxley

SUBJECT: Recovered Materials

DATE: March 29, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Mitchell	Rogers	EP	Fav/CS
2.			CA	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1288 adds wood, asphalt, and concrete to the list of recovered materials defined in statute. Recovered materials must have known recycling potential and be removed from the waste stream.

These changes in statutory definitions exempt wood, asphalt, and concrete and facilities that store, process, resale, or reuse them from solid waste regulations if they meet criteria in statute. Facilities storing, processing, reselling, or reusing these materials would not have to meet the criteria, if applicable, for construction and demolition debris facilities or organic processing and recycling facilities. Further, this change would prohibit certain local government regulation of these materials and facilities.

II. Present Situation:

Solid Waste Regulation

“Solid waste” is sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.¹

¹ Section 403.703(32), F.S.

The Department of Environmental Protection (DEP) implements and enforces the state's solid waste management program.² The solid waste management program includes a waste tire management program,³ administration of solid waste grant programs,⁴ and the classification, construction, operation, maintenance, and closure of solid waste management facilities.⁵

Solid waste regulations typically require:

- That a solid waste management facility obtain a permit to store, process, or dispose of solid waste;
- That a permit be obtained to construct, operate, maintain, modify, or close a solid waste management facility;
- Siting restrictions that prohibit the storage or disposal of solid waste in certain areas;
- Burning restrictions that place stringent controls on open burning of solid waste and prohibit controlled burning except in a permitted incinerator or at a facility authorized by a site certification order;
- That a solid waste management facility obtain a specific permit to dispose of hazardous waste;
- That certain materials may not be disposed in waste-to-energy facilities;⁶
- Leachate control systems; and
- Closure conditions for facilities, including financial assurance of closure cost coverage.⁷

Solid waste management facility construction and operation permit fees range from \$500 to \$10,000. Operation permits are valid for 5 years, but may be obtained for longer periods of time by paying a pro-rated fee amount for the number of years in the permit length beyond the 5-year term.⁸

Section 403.7045(1), F.S., exempts certain wastes and activities from solid waste regulations.⁹ This includes exemption of recovered materials and recovered materials processing facilities from solid waste regulations if they meet certain criteria.¹⁰

“Recovered materials” are metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other. The term does not include materials destined for any use that constitutes disposal. Recovered

² Section 403.705, F.S.

³ Section 403.717, F.S.; Fla. Admin. Code Ch. 62-701.

⁴ Section 403.7095, F.S.; Fla. Admin. Code Ch. 62-716.

⁵ Section 403.704(9), F.S.; Fla. Admin. Code Chs. 62-701 through 62-722; s. 403.703(35), F.S., defines a “solid waste management facility” as any solid waste disposal area, volume reduction plant, transfer station, materials recovery facility, or other facility, the purpose of which is resource recovery or the disposal, recycling, processing, or storage of solid waste. The term does not include recovered materials processing facilities that meet the requirements of s. 403.7046, F.S., except the portion of such facilities, if any, that is used for the management of solid waste.

⁶ Fla. Admin. Code R. 62-701.300 and Fla. Admin. Code R. 62-701.320.

⁷ Fla. Admin. Code R. 62-701.710.

⁸ Fla. Admin. Code R. 62-701.315.

⁹ Chapter 88-130, Laws of Fla.; ch. 403, F.S.; *See* 99-60 Fla. Op. Att’y Gen. 3 (1999).

¹⁰ Section 403.7045(1)(e), F.S.; *see also* Fla. Admin. Code R. 62-701.220(2)(c).

materials are not solid waste.¹¹ A “recovered materials processing facility” is a facility engaged solely in the storage, processing, resale, or reuse of recovered materials.¹² “Recycling” is any process that collects, separates, or processes and reuses or returns solid waste, or materials that would otherwise become solid waste, to use in the form of raw materials or products.¹³

Recovered materials or recovered materials processing facilities do not have to meet the solid waste regulations if:

- A majority of the recovered materials at the facility are demonstrated to be sold, used, or reused within 1 year;
- The recovered materials handled by the facility or the byproducts of operations that process recovered materials are not discharged or deposited upon any land or water by the owner or operator of such facility so that such recovered materials enter the environment such that a threat of contamination in excess of the applicable DEP standards and criteria is caused;
- The recovered materials handled by the facility are not hazardous wastes;¹⁴ and
- The facility is registered with DEP.¹⁵

A local government may not:

- Require a commercial establishment that generates source-separated recovered materials to sell or otherwise convey its recovered materials to the local government or to a facility designated by the local government;
- Restrict such a generator’s right to sell or otherwise convey such recovered materials to any properly certified recovered materials dealer who has registered with DEP; and
- Enact any ordinance that prevents such a dealer from entering into a contract with a commercial establishment to purchase, collect, transport, process, or receive source-separated recovered materials.¹⁶

Local governments may require a commercial establishment to source separate the recovered materials generated on the premises.¹⁷

Florida’s Recycling Goal

In recognition of the volume of waste generated by Floridians and visitors every year and the value of some of these discarded commodities, the Legislature set a goal to recycle at least 75 percent of the municipal solid waste that would otherwise be disposed of in waste management

¹¹ Section 403.703(24), F.S.

¹² Section 403.703(25), F.S.

¹³ Section 403.703(27), F.S.

¹⁴ “Hazardous waste” is solid waste, or a combination of solid wastes, that, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or otherwise managed, s. 403.703(13), F.S.

¹⁵ Section 403.7045(1)(e), F.S.; Fla. Admin. Code R. 62-701.220(2)(c); Any person in Florida who handles, purchases, receives, recovers, sells or is an end user of 600 tons or more of recovered materials must annually report to DEP, and to all counties from which it received materials, certain information for the preceding calendar year, unless such person is exempt, s. 403.7046, F.S. and Fla. Admin. Code R. 62-722.400(2).

¹⁶ Section 403.7046(3), F.S.

¹⁷ Section 403.7046(3)(a), F.S.

facilities, landfills, or incineration facilities by 2020.¹⁸ DEP established several programs and initiatives to reach that goal. In 2015, Florida's recycling rate in 2015 was 54 percent, meeting the 50 percent target rate specified in statute.¹⁹

Construction and Demolition Debris Disposal and Recycling

“Construction and demolition debris” is discarded materials generally not water-soluble and are considered nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure, and includes rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing or land development operations for a construction project, including the placement of the debris from construction of structures located at a site remote from the construction or demolition project site. The term also includes:

- Clean cardboard, paper, plastic, wood, and metal scraps from a construction project;
- Yard trash and unpainted, nontreated wood scraps and wood pallets from sources other than construction or demolition projects, unless excluded from the definition by a county;
- Scrap from manufacturing facilities that is the type of material generally used in construction projects and would meet the definition of construction and demolition debris if it was generated as part of a construction or demolition project. This includes debris from the construction of manufactured homes and scrap shingles, wallboard, siding concrete, and similar materials from industrial or commercial facilities; and
- De minimis amounts of other nonhazardous wastes generated at construction or destruction projects, provided such amounts are consistent with best management practices of the industry.²⁰

Construction and demolition debris makes up approximately 30 percent of Florida's waste stream, approximately 8.9 million tons.²¹ Florida recycles approximately 55 percent, approximately 5.3 million tons, of its construction and demolition debris.²² Recycling construction and demolition debris provides several benefits including landfill capacity savings, energy savings, reduction in greenhouse gas emissions, job creation, and direct and indirect economic benefits for local economies.²³

Section 403.707(9), F.S., requires DEP to establish a separate category of solid waste management facilities that accept only construction and demolition debris for disposal or recycling. Persons wishing to construct, operate, or close an off-site construction and demolition debris disposal facility must obtain a permit from DEP.²⁴ Applicants must meet certain

¹⁸ Section 403.7032, F.S.; DEP, *75% Recycling Goal Report to the Legislature, January 4, 2010*, http://www.dep.state.fl.us/waste/quick_topics/publications/shw/recycling/75percent/75_recycling_report.pdf (last visited March 24, 2017).

¹⁹ DEP, *Recycling*, <http://www.dep.state.fl.us/waste/categories/recycling/default.htm> (last visited March 24, 2017).

²⁰ Section 403.703(6), F.S.

²¹ DEP, *Presentation on Increasing Construction and Demolition Debris Recycling*, 7, November 17, 2016, available at: http://www.dep.state.fl.us/waste/quick_topics/publications/shw/recycling/CD-Debris-Bin-Webinar_22Nov16.pdf (last visited March 24, 2017).

²² *Id.* at 7.

²³ *Id.* at 72 – 76.

²⁴ Section 403.707(9)(a), F.S.; Fla. Admin. Code R. 62-701.730(1)(a).

construction, operation, monitoring, recordkeeping, financial assurance, closure, and training requirements for such facilities to receive a permit.²⁵ These requirements for construction and demolition debris may be less stringent than other solid waste regulations for facilities that accept only a segregated waste stream that is expected to pose a minimal risk to the environment and public health, such as clean debris.²⁶

Organic Processing and Recycling Facilities

Section 403.7043(1), F.S., requires that compost²⁷ produced, utilized, or disposed of by the composting process at solid waste management facilities in Florida must meet criteria established by DEP. DEP must adopt rules addressing standards for the production of compost, including:

- Requirements necessary to produce hygienically safe compost products for varying applications; and
- A classification scheme for compost based on the types of waste composted, the maturity of the compost, and the levels of organic and inorganic constituents in the compost.

Owners or operators of yard trash²⁸ processing facilities, facilities composting vegetative waste,²⁹ animal byproducts³⁰ or manure³¹ with or without yard trash, and manure blending operations that meet certain criteria do not have to obtain a permit to operate a solid waste management facility, but must register annually with DEP.³² These criteria include:

- Compost disinfection requirements;³³
- Design and operation requirements;³⁴
- Record keeping requirements;³⁵
- Materials management requirements;³⁶ and

²⁵ Section 403.707(9)(a) – (d), F.S.; Fla. Admin. Code R. 62-701.730.

²⁶ *Id.*

²⁷ “Compost” is solid waste which has undergone biological decomposition of organic matter, has been disinfected using composting or similar technologies, and has been stabilized to a degree that is potentially beneficial to plant growth and that is used or sold for use as a soil amendment, artificial top soil, growing medium amendment or other similar uses. Fla. Admin. Code R. 62-709.201(6).

²⁸ “Yard trash” is vegetative matter resulting from landscaping maintenance or land clearing operations and includes materials such as tree and shrub trimmings, grass clippings, palm fronds, trees and tree stumps, and associated rocks and soils, Fla. Admin. Code R. 62-701.200(135) and Fla. Admin. Code R. 62-709.201(25).

²⁹ “Vegetative waste” is source-separated organic solid waste that is vegetative in origin; generated by commercial, institutional, agricultural, or industrial operations; and not considered yard trash. This term includes waste generated by grocery stores, prisons, restaurants, packing houses, and canning operations, as well as products removed from their packaging, such as out-of-date juice, vegetables, condiments, and bread. This term also includes packaging that is vegetative in origin such as paper or corn-starch based products. These wastes are putrescible waste as defined in this chapter, Fla. Admin. Code R. 62-709.201(24).

³⁰ “Animal byproducts” are source-separated organic solid waste that is animal in origin, such as meat, fat, dairy, or eggs, and is generated by commercial, institutional, agricultural, or industrial operations. This term includes waste generated by prison facilities, grocery stores, manufacturing or packaging plants, butcher shops, restaurants, and abattoirs. This term also includes packaging that has come into contact with animal byproducts. Fla. Admin. Code R. 62-709.201(2).

³¹ “Manure” is a solid waste composed of excreta of animals, and residual materials that have been used for bedding, sanitary or feeding purposes for such animals, Fla. Admin. Code R. 62-701.200(69) and Fla. Admin. Code R. 62-709.201(13).

³² Fla. Admin. Code R. 62-709.320(1)(a).

³³ Fla. Admin. Code R. 62-709.300(8) and Fla. Admin. Code R. 62-709.350(6).

³⁴ Fla. Admin. Code R. 62-709.320(2) and Fla. Admin. Code R. 62-709.350(7).

³⁵ Fla. Admin. Code R. 62-709.320(4).

³⁶ Fla. Admin. Code R. 62-709.330(2) and Fla. Admin. Code R. 62-709.350(2) and (3).

- Requirements restricting the type of waste accepted.³⁷

Facilities that do not meet the criteria must obtain a permit from DEP. These permitted facilities must meet certain stormwater management design standards, erect barriers to prevent unauthorized entry, provide all weather access roads, control dust, control litter, provide fire protection and control, control odor, meet certain setback requirements, meet certain waste management criteria, meet testing requirements, and meet reporting requirements.³⁸

In 2012, Florida diverted approximately 1.5 million tons of organic materials away from solid waste disposal.³⁹ There are 307 source-separated organic processing facilities registered in Florida.⁴⁰ Composting organic materials improves biological, chemical, and physical characteristics of soil; reduces stormwater runoff; creates jobs; and increases landfill capacity savings.⁴¹

III. Effect of Proposed Changes:

CS/SB 1288 adds wood, asphalt, and concrete to the list of recovered materials defined in statute. Recovered materials must have known recycling potential and be removed from the waste stream.

These changes exempt wood, asphalt, and concrete and facilities that store, process, resale, or reuse them from solid waste regulations if:

- A majority of the recovered materials at the facility are demonstrated to be sold, used, or reused within 1 year;
- The recovered materials handled by the facility or the byproducts of operations that process recovered materials are not discharged or deposited upon any land or water by the owner or operator of such facility so that such recovered materials enter the environment such that a threat of contamination in excess of the applicable DEP standards and criteria is caused;
- The recovered materials handled by the facility are not hazardous wastes; and
- The facility is registered with DEP.⁴²

Facilities storing, processing, reselling, or reusing these materials in compliance with the above requirements would not have to meet the criteria, if applicable, for construction and demolition debris facilities or organic processing and recycling facilities.⁴³ Further, this change would prohibit local governments from:

- Requiring a commercial establishment that generates source-separated wood, asphalt, or concrete waste to sell or otherwise convey its wood, asphalt, or concrete waste to the local government or to a facility designated by the local government;

³⁷ Fla. Admin. Code R. 62-709.330(3) and Fla. Admin. Code R. 62-709.350(5).

³⁸ Fla. Admin. Code R. 62-709.500, Fla. Admin. Code R. 62-709.510, and Fla. Admin. Code R. 62-709.530.

³⁹ DEP, *Presentation on Organic in Florida: Part II "Strategies and Directions"*, 8 (May 25, 2016) available at: http://www.dep.state.fl.us/waste/quick_topics/publications/shw/recycling/Organics_Webinar_01Jun16.pdf (last visited March 24, 2017).

⁴⁰ *Id.* at 61.

⁴¹ *Id.* at 87 – 88.

⁴² Section 403.7045(1)(e), F.S.; Fla. Admin. Code R. 62-701.220(2)(c).

⁴³ *See* s. 403.703(25), F.S.

- Restricting a generator's right to sell or otherwise convey wood, asphalt, or concrete waste to any properly certified recovered materials dealer who has registered with DEP; or
- Enacting any ordinance that prevents a recovered materials dealer from entering into a contract with a commercial establishment to purchase, collect, transport, process, or receive source-separated wood, asphalt, or concrete waste.

The bill takes effect July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may have a positive fiscal impact on individuals or companies who operate facilities that store, process, resale, or reuse wood, asphalt, or concrete by exempting them from solid waste regulations. Further, this bill may have a positive impact on generators of wood, asphalt, or concrete waste by prohibiting local governments from restricting the selling or conveyance of such materials.

C. Government Sector Impact:

Local governments party to existing contracts for the hauling or management of solid waste may have to renegotiate those contracts as a result of the amended definition of recovered materials exempted from solid waste regulations contained in this bill.

DEP will likely need to revise its solid waste rules as a result of the statutory changes in the bill, but such revisions are anticipated to have an insignificant fiscal impact. DEP has sufficient rulemaking authority to amend its solid waste regulations to conform to changes made in the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 403.703 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Environmental Preservation and Conservation on March 28, 2017:

- Removes the definition of “organic materials.”
- Retains the revision of the definition of “recovered materials” to include certain wood, asphalt, and concrete materials.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/28/2017	.	
	.	
	.	
	.	

The Committee on Environmental Preservation and Conservation
(Baxley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (2) and (3) of section 403.703,
Florida Statutes, are renumbered as subsections (3) and (2),
respectively, and subsection (24) of that section is amended, to
read:

403.703 Definitions.—As used in this part, the term:

(24) "Recovered materials" means metal, paper, glass,



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11 plastic, textile, ~~or~~ rubber, wood, asphalt, or concrete
12 materials that have known recycling potential, can be feasibly
13 recycled, and have been diverted and source separated or have
14 been removed from the solid waste stream for sale, use, or reuse
15 as raw materials, whether or not the materials require
16 subsequent processing or separation from each other, but the
17 term does not include materials destined for any use that
18 constitutes disposal. Recovered materials as described in this
19 subsection are not solid waste.

20 Section 2. This act shall take effect July 1, 2017.

21
22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 Delete everything before the enacting clause
25 and insert:

26 A bill to be entitled
27 An act relating to recovered materials; amending s.
28 403.703, F.S.; revising the definition of "recovered
29 materials" to include certain wood, asphalt, and
30 concrete materials; providing an effective date.

By Senator Baxley

12-01263-17

20171288__

1 A bill to be entitled
2 An act relating to recovered materials; amending s.
3 403.703, F.S.; providing and revising definitions;
4 providing that specified materials are not solid
5 waste; amending ss. 171.205, 377.709, 403.7045, F.S.;
6 conforming cross-references; providing an effective
7 date.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Subsections (2) and (3) of section 403.703,
12 Florida Statutes, are renumbered as subsections (3) and (2),
13 respectively, subsections (22) through (43) are renumbered as
14 subsections (23) through (44), respectively, present subsections
15 (24) and (32) of that section are amended, and a new subsection
16 (22) is added to that section, to read:

17 403.703 Definitions.—As used in this part, the term:

18 (22) "Organic materials" means any vegetative or animal
19 materials or byproducts that will decompose through aerobic or
20 anaerobic processes. The term does not include materials that
21 have been chemically treated or coated to resist decomposition.

22 (25) ~~(24)~~ "Recovered materials" means metal, paper, glass,
23 plastic, textile, ~~or~~ rubber, wood, asphalt, concrete, or organic
24 materials that have known recycling potential, can be feasibly
25 recycled, and have been diverted and source separated or have
26 been removed from the solid waste stream for sale, use, or reuse
27 as raw materials, whether or not the materials require
28 subsequent processing or separation from each other, but the
29 term does not include materials destined for any use that

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30 constitutes disposal. Recovered materials as described in this
31 subsection are not solid waste.

32 (33)~~(32)~~ "Solid waste" means sludge unregulated under the
33 federal Clean Water Act or Clean Air Act, sludge from a waste
34 treatment works, water supply treatment plant, or air pollution
35 control facility, or garbage, rubbish, refuse, special waste, or
36 other discarded material, including solid, liquid, semisolid, or
37 contained gaseous material resulting from domestic, industrial,
38 commercial, mining, agricultural, or governmental operations.
39 Recovered materials as defined in subsection (25)~~(24)~~ are not
40 solid waste.

41 Section 2. Subsection (2) of section 171.205, Florida
42 Statutes, is amended to read:

43 171.205 Consent requirements for annexation of land under
44 this part.—Notwithstanding part I, an interlocal service
45 boundary agreement may provide a process for annexation
46 consistent with this section or with part I.

47 (2) If the area to be annexed includes a privately owned
48 solid waste disposal facility as defined in s. 403.703(34) ~~s.~~
49 ~~403.703(33)~~ which receives municipal solid waste collected
50 within the jurisdiction of multiple local governments, the
51 annexing municipality must set forth in its plan the effects
52 that the annexation of the solid waste disposal facility will
53 have on the other local governments. The plan must also indicate
54 that the owner of the affected solid waste disposal facility has
55 been contacted in writing concerning the annexation, that an
56 agreement between the annexing municipality and the solid waste
57 disposal facility to govern the operations of the solid waste
58 disposal facility if the annexation occurs has been approved,

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59 and that the owner of the solid waste disposal facility does not
60 object to the proposed annexation.

61 Section 3. Paragraph (f) of subsection (2) of section
62 377.709, Florida Statutes, is amended to read:

63 377.709 Funding by electric utilities of local governmental
64 solid waste facilities that generate electricity.—

65 (2) DEFINITIONS.—As used in this section, the term:

66 (f) "Solid waste facility" means a facility owned or
67 operated by, or on behalf of, a local government for the purpose
68 of disposing of solid waste, as that term is defined in s.
69 403.703(33) ~~s. 403.703(32)~~, by any process that produces heat
70 and incorporates, as a part of the facility, the means of
71 converting heat to electrical energy in amounts greater than
72 actually required for the operation of the facility.

73 Section 4. Paragraph (f) of subsection (1) of section
74 403.7045, Florida Statutes, is amended to read:

75 403.7045 Application of act and integration with other
76 acts.—

77 (1) The following wastes or activities shall not be
78 regulated pursuant to this act:

79 (f) Industrial byproducts, if:

80 1. A majority of the industrial byproducts are demonstrated
81 to be sold, used, or reused within 1 year.

82 2. The industrial byproducts are not discharged, deposited,
83 injected, dumped, spilled, leaked, or placed upon any land or
84 water so that such industrial byproducts, or any constituent
85 thereof, may enter other lands or be emitted into the air or
86 discharged into any waters, including groundwaters, or otherwise
87 enter the environment such that a threat of contamination in

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88 excess of applicable department standards and criteria or a
89 significant threat to public health is caused.

90 3. The industrial byproducts are not hazardous wastes as
91 defined under s. 403.703 and rules adopted under this section.

92

93 Sludge from an industrial waste treatment works that meets the
94 exemption requirements of this paragraph is not solid waste as
95 defined in s. 403.703(33) ~~s. 403.703(32)~~.

96 Section 5. This act shall take effect July 1, 2017.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Environmental Preservation and Conservation

BILL: CS/SB 1438

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Broxson

SUBJECT: Aquifer Replenishment

DATE: March 28, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rogers	Rogers	EP	Fav/CS
2.			AEN	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1438 authorizes the Florida Department of Environmental Protection (DEP) to:

- Place additional conditions on permits for underground injection intended to protect, augment, or replenish the state's ground water resources. These conditions can include the establishment of a zone of discharge for ground water standards and associated institutional controls to promote the conservation, reclamation, and sustainability of the state's ground water resources. Examples of institutional controls would include property interests, use restrictions and access controls, and well construction limitations.
- Develop rules establishing voluntary facility classifications and associated operator licensing requirements for treatment facilities that provide treatment for reclaimed water, stormwater, and other water resources as a means of promoting the availability of sufficient water for existing and future reasonable-beneficial uses and natural systems.

II. Present Situation:

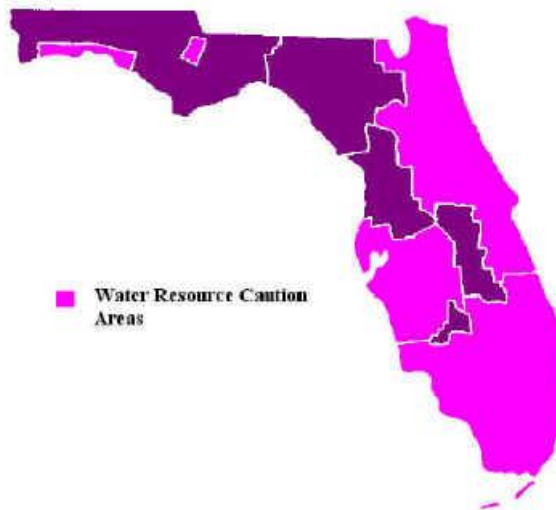
Water Supply and Constraints

By 2030, Florida's population is estimated to reach 23,609,000 – almost a 26 percent increase over 2010.¹ Fresh water demand is projected to reach 7.7 billion gallons per day by 2030, an

¹ DEP, *Report on Expansion of Beneficial Use of Reclaimed Water, Stormwater and Excess Surface Water*, 11 (December 1, 2015) available at <http://www.dep.state.fl.us/water/reuse/docs/sb536/SB536-Report.pdf>.

additional 1.3 billion gallons over 2010 water use for the state.² In Florida, ground water accounts for about 90 percent of public and domestic water supply.³ Over 50 percent of all other water needs including agricultural, industry, mining, and electric power generation are supplied by ground water resources.⁴ The major source of ground water supply in Florida is the Floridan Aquifer System, which underlies the most of the state.⁵ The Floridan is a multiple-use aquifer system.⁶ Where it contains freshwater, it is the principal source of water supply. In several places where the aquifer contains saltwater, such as along the southeastern coast of Florida, treated sewage and industrial wastes are injected into it. Near Orlando, drainage wells are used to divert surface runoff into the Floridan. South of Lake Okeechobee, the aquifer contains saltwater. Some of this saltwater is withdrawn for cooling purposes and some is withdrawn and converted to freshwater by desalinization plants.⁷

Ground water percolates down from the surface. As a result, ground water contains inputs found in surface waters such as agricultural runoff, urban stormwater and domestic and industrial wastewater. Approximately 20 percent of Floridians safely consume ground water without treatment or disinfection.⁸



Water Management Districts (WMDs) are required to ensure an adequate supply of water and water resources for all citizens and natural features, provide protection and improvement of natural systems and water quality, minimize harm to water resources, and promote the reuse of reclaimed water.⁹ The WMDs set minimum flows and minimum levels (MFLs) for surface waters and ground water, respectively. The purpose of setting MFLs is to prevent significant harm to the water resources or ecology of an area as a result of water withdrawals.¹⁰ The WMDs regulate consumptive use of water through a permitting process.¹¹ WMD governing boards are required to conduct regional water supply planning for areas where existing water sources are insufficient to meet projected 20-year demands. Those areas are also to be designated as Water Resource Caution Areas.

² *Id.*

³ *Id.* at 14.

⁴ DEP, *Ground Water Program*, available at <http://www.dep.state.fl.us/water/groundwater/> (last visited March 3, 2017).

⁵ DEP, *Aquifers*, <https://fldep.dep.state.fl.us/swapp/Aquifer.asp#> (last visited March 3, 2017).

⁶ U.S. Geological Survey, *Floridan Aquifer System*, available at https://pubs.usgs.gov/ha/ha730/ch_g/G-text6.html (last visited March 24, 2017).

⁷ *Id.*

⁸ DEP, *Report on Expansion of Beneficial Use of Reclaimed Water, Stormwater and Excess Surface Water*, 14 (December 1, 2015) available at <http://www.dep.state.fl.us/water/reuse/docs/sb536/SB536-Report.pdf>.

⁹ Section 373.036, F.S.

¹⁰ Section 373.042, F.S.

¹¹ Section 373.219, F.S. Note that a WMD may not require a permit for the use of reclaimed water. Section 373.250 (3)(b), F.S.

Water Quality Standards

The U.S. Environmental Protection Agency (EPA) and the Florida Department of Environmental Protection (DEP) enforce Water Quality Standards (WQSs) through the implementation and enforcement of the National Pollutant Discharge Elimination System (NPDES) permitting program.¹² Every point source that discharges a pollutant into waters of the United States must obtain an NPDES permit establishing the amount of a particular pollutant that an individual point source can discharge into a specific waterbody. The amount of the pollutant that a point source can discharge under an NPDES permit is determined through the establishment of a technology-based effluent limitation. If a waterbody fails to meet the applicable WQS through the application of a technology-based effluent limitation, a more stringent pollution control program called the water quality based effluent limitation is applied. Any stationary installation that is reasonably expected to be a source of air or water pollution must not be operated, maintained, constructed, expanded, or modified without an appropriate permit issued by the DEP.¹³

Most wastewater facilities or activities are required to obtain an "individual permit" which includes permit requirements and conditions tailored to the specific wastewater treatment and disposal systems regulated in the permit. Individual permits allow a permittee to both construct and operate the wastewater treatment facility. A Department-issued wastewater permits generally contain requirements for, depending on the type of facility and disposal means, the treatment of the wastewater, disposal to surface water (NPDES), discharge to ground water, the land-application of reclaimed water, the beneficial use of reclaimed water (e.g., landscape irrigation), influent and effluent monitoring and reporting, and, in the case of a domestic wastewater facilities, industrial pretreatment, and domestic residuals management. Self-monitoring reports called monthly Discharge Monitoring Reports (DMRs) are routinely submitted to the Department by the permittee.¹⁴

The Safe Drinking Water Act (SDWA) is the federal law that protects public drinking water supplies throughout the nation.¹⁵ Under the SDWA, the EPA sets standards for drinking water quality and, with its state partners, implements various technical and financial programs to ensure drinking water safety.¹⁶ Florida has the primary authority to implement the SDWA, having adopted a Florida SDWA that has been demonstrated to be at least as stringent as the EPA's requirements (referred to as "state primacy").¹⁷ The Florida SDWA directs DEP to formulate and enforce rules pertaining to drinking water. These rules adopt the national primary and secondary drinking water standards of the federal government and create additional rules to fulfill state requirements. Drinking water standards are set out in Chapter 62-550, Florida Administrative Code.

¹² See generally, DEP, *Wastewater Permitting*, <http://www.dep.state.fl.us/water/wastewater/permitting.htm> (last visited March 5, 2017).

¹³ Section 403.087, F.S.

¹⁴ DEP, *Wastewater Permitting*, available at <http://www.dep.state.fl.us/water/wastewater/permitting.htm> (last visited March 5, 2017).

¹⁵ The Public Health Service Act, 42 U.S. ss. 300f to 300j-26 (2016).

¹⁶ U.S. Environmental Protection Agency, *Safe Water Drinking Act (SDWS)*, available at <https://www.epa.gov/sdwa> (last visited March 3, 2017).

¹⁷ Sections 403.850-403.864, F.S.

Ground Water Regulations

DEP regulates underground injection;¹⁸ water well permitting;¹⁹ water well construction;²⁰ source water and wellhead protection programs;²¹ and ground water classes, standards, and monitoring.²² DEP's Aquifer Protection Program is responsible for regulatory programs affecting ground water.²³ DEP exercises regulatory authority over ground water quality under Chapter 62-520 of the Florida Administrative Code. In Florida, ground water standards are equivalent to the drinking water standards. By definition, a violation of any ground water standard or criterion constitutes pollution.²⁴

To enhance water quality protection, the ground waters of the state are delineated and assigned a class designation based on use and natural water quality. Appropriate water quality criteria for those classes are set forth in Chapter 62-520, Florida Administrative Code. Class F-I and G-I are potable water uses meeting the highest water quality criteria (total dissolved solids content of less than 3,000 mg/L). Class G-II is also for potable water, but with a higher level of total dissolved solids (less than 10,000 mg/L). These categories constitute underground sources of drinking water (USDW), which means an aquifer that supplies drinking water for human consumption. USDWs are subject to Florida's SWDA. Class G-III and G-IV are non-potable water uses.

Zone of Discharge Exemption

DEP is authorized to establish reasonable zones of mixing for discharges into waters. Unless otherwise exempt, DEP prohibits installations²⁵ from directly or indirectly discharging into ground water any contaminant that causes a violation of the water quality standards or minimum criteria for the receiving ground water, except within a zone of discharge established by permit or Rule 62-520.465, Florida Administrative Code. The statute specifies that primary and secondary ground water standards that are exceeded within a zone of discharge do not create liability for site cleanup pursuant to chapters 403 or 376, F.S.

"Zone of discharge," as defined by DEP rule, means a volume of water underlying or surrounding the site and extending to the base of a specifically designated aquifer or aquifers, within which an opportunity for the treatment, mixture or dispersion of wastes into receiving ground water is allowed.²⁶ The zone of discharge provisions are designed to provide an opportunity for the future consideration of factors relating to localized situations including

¹⁸ Fla. Admin. Code R. Ch. 62-528.

¹⁹ Fla. Admin. Code R. Ch. 62-424.

²⁰ Fla. Admin. Code R. Chs. 62-531 (Water Well Contractors) and 62-532 (Water Well Permitting and Construction Requirements)

²¹ Fla. Admin. Code R. Ch. 62-521.

²² Fla. Admin. Code R. Ch. 62-520

²³ DEP, *Ground Water Program*, available at <http://www.dep.state.fl.us/water/groundwater/> (last visited March 3, 2017).

²⁴ Florida Admin. Code s. 62-520.310.

²⁵ Section 403.061(11), F.S.

²⁶ Fla. Admin. Code R. 62-520.200(27).

economic and social consequences, attainability, irretrievable conditions, natural background, and detectability.²⁷

Zones of discharge are allowed when beneficial discharges occur through wells to ground water for:

- Projects designed to recharge aquifers with surface water of comparable quality, or projects designed to transfer water across or between aquifers of comparable quality for the purpose of storage or conservation;
- Aquifer storage and recovery of reclaimed water, ground water recharge by injection of reclaimed water, or creation of salinity barrier systems by injection of reclaimed water; and
- Certain DEP-approved aquifer remediation projects.²⁸

For USDW, the dimensions of a zone of discharge are generally 100 feet from the site boundary or to the installation's property boundary, whichever is less, unless a smaller zone of discharge is necessary to protect the designated use of contiguous waters.²⁹ Other discharges through wells or sinkholes that allow direct contact with ground water designated for public water systems and discharges that may cause an imminent hazard to the public or the environment through contamination of underground supplies of water are not allowed a zone of discharge.³⁰

Ground water monitoring may be used to ensure that permitting of zones of discharge, or the granting of exemptions, will not cause a violation of ground water standards. Monitoring also allows predictions to be made of the movement and composition of the discharge plume and compliance with applicable state ground water standards at the boundary of the zone of discharge.³¹

Ground Water Recharge Rule – Reclaimed Water

Rule 62-610.560 of the Florida Administrative Code governs ground water recharge by injection and restricts the zone of discharge for reclaimed water. Reclaimed water injected into Class G-II ground water containing 3000 mg/L or less of total dissolved solids or into Class G-I or F-I ground water must meet the full treatment and disinfection requirements required by rule. Reclaimed water may be injected into Class G-II ground water containing greater than 3000 mg/L of total dissolved solids, if all of the following conditions are met:

- The reclaimed water meets principal treatment and disinfection requirements.
- The reclaimed water meets primary drinking water standards before injection. Disinfection standards are applicable. The fecal coliform limitations associated with high-level disinfection do not apply. Zones of discharge are not provided for parameters listed as primary drinking water standards (except for sodium).
- The reclaimed water does not have to comply with the secondary drinking water standards before injection. A zone of discharge can be provided for the parameters included in the secondary drinking water standards and for sodium. The ground water must meet all ground water quality standards at the edge of the zone of discharge. If the natural background ground

²⁷ Fla. Admin. Code R. 62-520.300(2)(c).

²⁸ Fla. Admin. Code R. 62-520.310(8).

²⁹ Fla. Admin. Code R. 62-520.461, 62-520.462, and 62-465.

³⁰ Fla. Admin. Code R. 62-520.310(9).

³¹ Fla. Admin. Code R. 62-520.470.

water quality does not meet the ground water quality standards, the injection system must be operated such that the ground water quality will be no worse than the natural background ground water quality at the edge of the zone of discharge.

- The zone of discharge may not extend into zones having total dissolved solids concentrations less than 3000 mg/L.

DEP may approve less restrictive discharge limitations for parameters which are included as drinking water under certain circumstances.

Institutional Controls

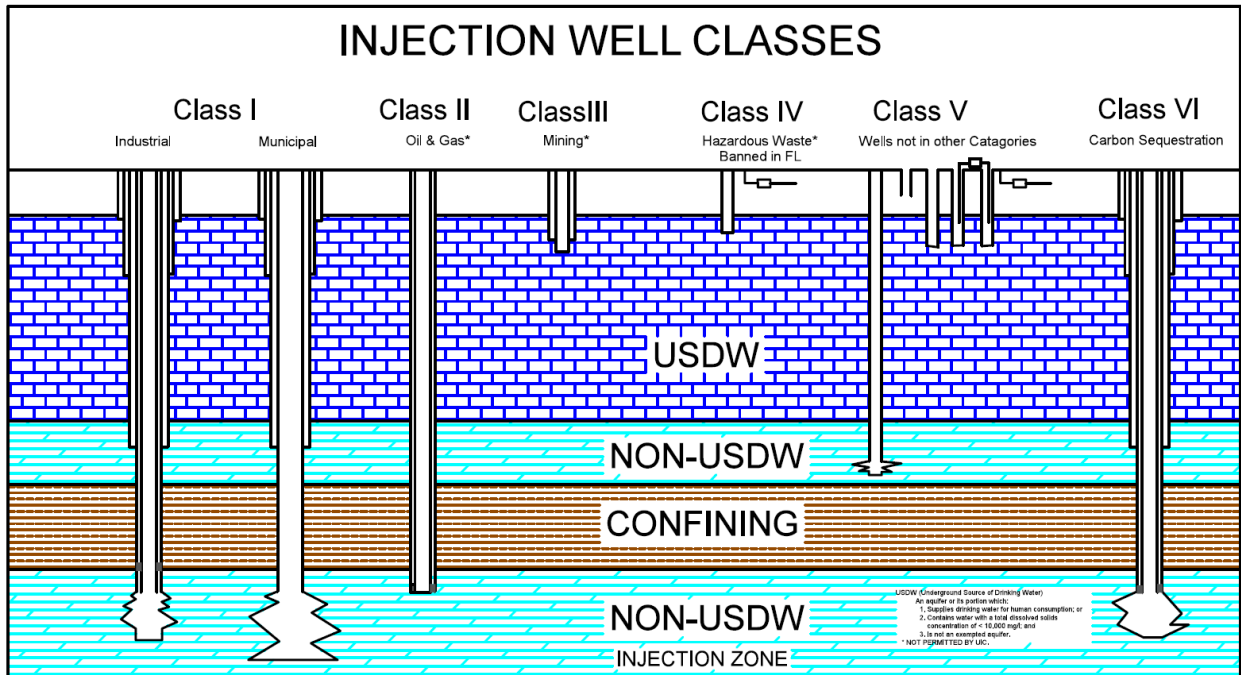
Section 376.301, F.S., defines “institutional controls” as “the restrictions on use or access to a site to eliminate or minimize exposure to petroleum products' chemicals of concern, drycleaning solvents, or other contaminants. This definition applies to sections of law dealing with pollution cleanup.”³² There is no definition for institutional controls for the purposes of ch. 403, F.S.

Injection Wells

Subsurface injection, the practice of emplacing fluids in a permeable underground aquifer by gravity flow or under pressure through an injection well, is one of a variety of wastewater disposal or reuse methods used in Florida. Class V wells are used for the storage or disposal of fluids into or above a USDW. The fluid injected must meet appropriate criteria as determined by the classification of the receiving aquifer. Common types of Class V wells include air conditioning return flow wells, swimming pool drainage wells, stormwater drainage wells, lake level control wells, domestic waste wells, and aquifer storage and recovery (ASR) wells. There are more than 13,000 Class V wells in Florida.³³

³² Section 373.301, F.S.; DEP, *Institutional Controls Procedures Guidance* (November 2013), http://www.dep.state.fl.us/legal/Enforcement/files/rest_cov/institutional_controls.pdf (last visited March 5, 2017); ss. 376.301(22) and 376.79(11), F.S.

³³ DEP, *Underground Injection Control*, <http://www.dep.state.fl.us/Water/uic/index.htm> (last visited March 4, 2017).



ASR is the underground injection and storage of water into a subsurface formation for withdrawal at a later date. In 2014, there were approximately 26 active permitted ASR wellfields in Florida and an additional 13 projects under development.³⁴

Aquifer recharge (AR) is similar to ASR except the water used to recharge the aquifer is not being stored for withdrawal from the same facility at a later date. While ASR is typically considered a water storage and supply strategy, AR is primarily considered a water resource development and conservation strategy that is used to preserve and enhance water resources and natural systems (e.g., sustain water levels, meet MFLs, including river and spring flows, and restore recharge) and to attenuate flooding.³⁵

Federal Underground Injection Control Program – Endangerment Rule

One concern about underground injection of water is that the underground formations available for drinking water storage contain minerals that can be mobilized when in contact with injected water. For example, the oxygen in injected water can cause arsenic present in minerals in the ground to move from the rock formation into the ground water.³⁶

The EPA has developed regulations that generally prohibit injection that causes fluid movement into an USDW.³⁷ Since Florida administers the SDWA, its regulations must comply with these provisions. The EPA advises that when a Class V permit is issued, it must contain conditions that ensure that “injected water only be withdrawn by the public water supply system that injected it,

³⁴ DEP, *Report on Expansion of Beneficial Use of Reclaimed Water, Stormwater and Excess Surface Water*, 83 (December 1, 2015) available at <http://www.dep.state.fl.us/water/reuse/docs/sb536/SB536-Report.pdf>.

³⁵ *Id.*

³⁶ Letter from U.S. Environmental Protection Agency to Division of Water Resource Management, Florida Department of Environmental Protection (Sept. 27, 2013) available at http://www.awwa.org/portals/0/files/legreg/documents/2013-09-27_usepa_asr.pdf.

³⁷ 40 C.F.R. ss. 144.12(a) and 144.82(a).

because that entity is aware of the situation, is accountable for the presence of arsenic, and as a public water supply system must comply with other regulations under the SDWA.”³⁸ The EPA went on to state, “Permit conditions should require practices designed to reduce arsenic mobilization and minimize the area within which potential arsenic mobilization could occur.”³⁹ The EPA advised using tools such as degasification pretreatment, consistent operation to maintain constant volume, and full recovery of injected water when necessary. Such controls should also include requirements for monitoring wells and triggers to identify when further protective action is needed.⁴⁰

Reclaimed Water, Stormwater, and Other Water Resources

Section 373.019(17), F.S., defines reclaimed water as “water that has received at least secondary treatment and basic disinfection and is reused after flowing out of a domestic wastewater treatment facility.” Water conservation and the promotion of the reuse of reclaimed water have been established as formal state objectives in ss. 403.064 and 373.250, F.S.. There are over 524 wastewater treatment facilities in Florida.⁴¹ Florida tracks its reuse inventory in an annual report compiled by the DEP.⁴² In 2015, a total of 478 domestic wastewater treatment facilities reported making reclaimed water available for reuse.⁴³ The 738 mgd of reclaimed water use represents approximately 44 percent of the total domestic wastewater flow in the state.⁴⁴ The 1,668 mgd of reuse capacity represents approximately 65 percent of the total domestic wastewater treatment capacity in the state.⁴⁵ Reclaimed water from these systems was used to irrigate 362,737 residences, 537 golf courses, 1022 parks, and 369 schools.⁴⁶ Over 13,290 acres of edible crops on 68 farms were reported to be irrigated with reclaimed water.⁴⁷ Approximately 46 wastewater treatment facilities do not provide reuse of any kind.⁴⁸ Reclaimed water is a type of alternative water supply as defined in s. 373.019(1), F.S., and is eligible to receive alternative water supply funding.

Originally, water reuse was required only within water resource caution areas, unless such reuse was not economically, environmentally, or technically feasible as determined by a reuse feasibility study. Currently, Chapter 62-40, Florida Administrative Code, requires use of reclaimed water statewide. A domestic wastewater facility in a water resource caution area is

³⁸ Letter from U.S. Environmental Protection Agency to Division of Water Resource Management, Florida Department of Environmental Protection (Sept. 27, 2013) available at http://www.awwa.org/portals/0/files/legreg/documents/2013-09-27_usepa_asr.pdf.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ DEP, *2015 Reuse Inventory*, (2016), available at http://www.dep.state.fl.us/water/reuse/docs/inventory/2015_reuse-report.pdf (last visited March 3, 2017) (note that this report tracks wastewater facilities with permitted capacities of 0.1 mgd or greater).

⁴² See DEP, *2015 Reuse Inventory*, (2016) available at http://www.dep.state.fl.us/water/reuse/docs/inventory/2015_reuse-report.pdf (last visited March 3, 2017); compiled from reports collected pursuant to Fla. Admin. Code R. Ch. 62-610.

⁴³ DEP, *2015 Reuse Inventory*, 2 (2016) available at http://www.dep.state.fl.us/water/reuse/docs/inventory/2015_reuse-report.pdf (last visited March 3, 2017).

⁴⁴ *Id.* at 3.

⁴⁵ *Id.*

⁴⁶ *Id.* at 2.

⁴⁷ *Id.* (noting that “[a]round 80% of the farmland was dedicated to the production of citrus (i.e., oranges, tangerines, grapefruit, etc.).”).

⁴⁸ *Id.* at 3.

required to prepare a reuse feasibility study before receiving a domestic wastewater permit.⁴⁹ Section 403.064, F.S., provides that if the study shows that reuse is feasible, a permit applicant must give significant consideration to implementing the program.

Stormwater runoff is generated when precipitation events flows over land or impervious surfaces and does not percolate into the ground. As the runoff flows over the land or impervious surfaces (paved streets, parking lots, and building rooftops), it accumulates debris, chemicals, sediment or other pollutants that could adversely affect water quality if the runoff is discharged untreated.⁵⁰ Stormwater projects can be used to address issues such as aquifer recharge, MFLs in surface waters, hydration of wetlands, and irrigation for residential, commercial, and agricultural properties.⁵¹

In its analysis of the expansion of beneficial uses of stormwater, DEP made the following recommendation relating to the injection of stormwater for aquifer replenishment:

Aquifer recharge and aquifer storage and recovery represent important strategies to address storage needs, but can be hampered by existing regulatory framework, particularly water quality requirements. DEP should reconsider the present UIC rules that regulate aquifer recharge and work to establish a regulatory framework that improves the viability of using harvested stormwater runoff for aquifer recharge, but also continue to provide the necessary protections for groundwater resources and public health and safety.⁵²

Other water resources include excess surface water. Excess surface water is “water that could be available for withdrawal from rivers, lakes or other water bodies that is in excess of the amount needed to sustain healthy ecological conditions in the water body and downstream waters and otherwise meets the applicable consumptive use permitting criteria.”⁵³

III. Effect of Proposed Changes:

Section 1 amends s. 403.087, F.S., to authorize DEP to place additional conditions on permits for underground injection intended to protect, augment, or replenish the state’s ground water resources. These conditions can include the establishment of a zone of discharge for ground water standards and associated institutional controls to promote the conservation, reclamation, and sustainability of the state’s ground water resources. Examples of institutional controls would include property interests, use restrictions and access controls, and well construction limitations.

Section 2 creates s. 403.0878, F.S., to authorize DEP to develop rules establishing voluntary facility classifications and associated operator licensing requirements for treatment facilities that provide treatment for reclaimed water, stormwater, or other water resources as a means of

⁴⁹ *Id.* at 20

⁵⁰ DEP, *Stormwater*, available at <http://www.dep.state.fl.us/water/stormwater/> (last visited March 4, 2017).

⁵¹ DEP, *Report on Expansion of Beneficial Use of Reclaimed Water, Stormwater and Excess Surface Water*, 44 (December 1, 2015) available at <http://www.dep.state.fl.us/water/reuse/docs/sb536/SB536-Report.pdf>.

⁵² *Id.* at 52.

⁵³ *Id.* at 11.

promoting the availability of sufficient water for existing and future reasonable-beneficial uses and natural systems.

Section 3 of the bill provides an effective date of July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

The title of the bill is Aquifer Replenishment, but section 2 of the bill relates to rules for the operation of treatment facilities. Nothing in section 2 of the bill limits the regulations to aquifer replenishment.

Section 6, Article III of the State Constitution requires that the subject of every law “be briefly expressed in the title.” The subject as expressed in the title circumscribes the one subject to which the act must relate. The title is informative of the subject of the bill, and provisions in a bill not expressed in the title are suspect when analyzing the bill for a single subject violation.⁵⁴

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

DEP will have an indeterminate cost associated with rulemaking.

⁵⁴ *Franklin v. State*, 887 So.2d 1063 (Fla. 2004). *See also Tormey v. Moore*, 824 So.2d 137 (Fla. 2002)(finding single subject violation where preamble declared the act to be the Law Enforcement Protection Act, but the act contained provisions requiring an enhanced penalty for attempted murder of any person); *State v. Thompson*, 750 So.2d 643 (Fla. 1999)(short title of an act relating to justice system is overly broad).

VI. Technical Deficiencies:

It is unclear how “property interests” will serve as institutional controls. It may be that another term should be used.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 403.087 of the Florida Statutes.

This bill creates section 403.0878 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Environmental Preservation and Conservation on March 28, 2017:

- Adds examples of what would constitute “institutional controls.”
- Deletes provisions related to the regulation of advanced wastewater facilities.
- Authorizes DEP to establish voluntary facility classifications and associated operator licensing requirements for treatment facilities.

B. Amendments:

None.



366806

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/28/2017	.	
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	.	
	.	

The Committee on Environmental Preservation and Conservation
(Broxson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (4) of section 403.087, Florida
Statutes, is amended to read:

403.087 Permits; general issuance; denial; revocation;
prohibition; penalty.—

(4) The department shall issue permits on such conditions
as are necessary to effect the intent and purposes of this



366806

11 section. For projects that propose underground injection of
12 reclaimed water or other water resources intended to protect,
13 augment, or replenish the state's groundwater resources, the
14 department may include conditions, such as the establishment of
15 a zone of discharge for groundwater standards, and any
16 associated institutional controls within the area, such as
17 property interests, use restrictions and access controls, and
18 well construction limitations. This subsection does not apply to
19 those natural processes that introduce surface or stormwater
20 into groundwater resources.

21 Section 2. Section 403.0878, Florida Statutes, is created
22 to read:

23 403.0878 Classifications for sustainable water resources.-
24 The Legislature recognizes that communities are providing
25 treatment for reclaimed water, stormwater, and other water
26 resources as a means of promoting the availability of sufficient
27 water for existing and future reasonable-beneficial uses and
28 natural systems in accordance with chapter 373. The department
29 may adopt rules establishing voluntary facility classifications
30 and associated operator licensing requirements for such
31 treatment facilities.

32 Section 3. This act shall take effect July 1, 2017.

33
34 ===== T I T L E A M E N D M E N T =====

35 And the title is amended as follows:

36 Delete everything before the enacting clause
37 and insert:

38 A bill to be entitled

39 An act relating to aquifer replenishment; amending s.



366806

40 403.087, F.S.; authorizing the Department of
41 Environmental Protection to include certain additional
42 conditions on permits issued for projects that involve
43 underground injection of reclaimed water or other
44 water resources; providing applicability; creating s.
45 403.0878, F.S.; authorizing the department to adopt
46 rules establishing voluntary facility classifications
47 and associated operator licensing requirements for
48 certain water treatment facilities; providing an
49 effective date.

By Senator Broxson

1-00414A-17

20171438__

1 A bill to be entitled
2 An act relating to aquifer replenishment; amending s.
3 403.087, F.S.; requiring additional permit conditions
4 for projects involving certain underground injection;
5 creating s. 403.0878, F.S.; authorizing the Department
6 of Environmental Protection to develop specific rule
7 criteria for advanced water treatment; authorizing the
8 department to establish additional conditions for the
9 construction of advanced water treatment facilities
10 and underground injection under certain circumstances;
11 providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Subsection (4) of section 403.087, Florida
16 Statutes, is amended to read:

17 403.087 Permits; general issuance; denial; revocation;
18 prohibition; penalty.—

19 (4) The department shall issue permits on such conditions
20 as are necessary to effect the intent and purposes of this
21 section. For underground injection intended to protect, augment,
22 or replenish the state's ground water resources, such permits
23 must also include additional conditions, including the
24 establishment of a zone of discharge for groundwater standards
25 and any associated institutional controls necessary to uphold
26 the policies established in s. 373.016 to promote the
27 conservation, reclamation, and sustainability of the state's
28 ground water resources.

29 Section 2. Section 403.0878, Florida Statutes, is created

1-00414A-17

20171438__

30 to read:

31 403.0878 Criteria for sustainable water resources.—The
32 Legislature recognizes that communities are providing advanced
33 water treatment for reclaimed water, stormwater, and other water
34 resources as a means of promoting the availability of sufficient
35 water for existing and future reasonable-beneficial uses and
36 natural systems in accordance with chapter 373. In order to
37 acknowledge and provide incentives for such beneficial treatment
38 facilities, the department may develop by rule specific criteria
39 for operation permits for such advanced water treatment
40 facilities. Any such criteria must consider, at a minimum, the
41 intended water use or uses; conditions that may be specifically
42 applicable to the treatment of reclaimed water, stormwater, or
43 excess surface water, as applicable; and requirements for
44 providing monitoring, protection, augmentation, or replenishment
45 of the state's water resources consistent with chapter 373. The
46 authorized use of reclaimed water by advanced water treatment
47 facilities under this section satisfies any requirement to
48 implement a reuse project as part of a reuse program under s.
49 403.064, and must be given significant consideration by the
50 appropriate water management district in an analysis of the
51 economic, environmental, and technical feasibility of providing
52 reclaimed water for reuse under part II of chapter 373. The
53 department may establish by rule any necessary additional
54 conditions that may be imposed on permits for the construction
55 of advanced water treatment facilities and underground
56 injection, for the purpose of monitoring, protecting,
57 augmenting, or replenishing the state's water resources.

58 Section 3. This act shall take effect July 1, 2017.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Environmental Preservation and Conservation

BILL: CS/SB 1624

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Farmer

SUBJECT: Coral Reefs

DATE: March 28, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rogers	Rogers	EP	Fav/CS
2.			AEN	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1624 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.

II. Present Situation:

Coral Reefs

Coral reefs are valuable natural resources. They protect coastlines by reducing wave energy from storms and hurricanes. They serve as a source of food and shelter and provide critical habitat for over 6,000 species, including commercially important fisheries. Many medicines, as well as other health and beauty products, are derived from marine plants, algae, and animals found on coral reefs.¹ Coral reefs in southeast Florida support a rich and diverse assemblage of stony corals, octocorals, macroalgae, sponges, and fishes. These ecological communities run along the coast from the northern border of Biscayne National Park in Miami-Dade County north to the St. Lucie Inlet in Martin County.²

¹ DEP, *Coral Reef Conservation Program*, available at <http://www.dep.state.fl.us/coastal/programs/coral/> (last visited March 15, 2017); DEP, *Coral Reef Conservation Program 2011-2016 Strategic Plan*, 3 (July 2011), available at http://www.dep.state.fl.us/coastal/programs/coral/pub/CRCP_Strategic_Plan_2011-2016.pdf (last visited March 23, 2017).

² *Id.*

People use coral reefs as a resource for recreation, education, scientific research, and public inspiration. Millions of tourists and local residents enjoy scuba diving, snorkeling, and fishing on Florida's coral reefs. These activities provide a source of income for the state and its coastal communities. The natural coral reefs in Martin, Palm Beach, Broward, and Miami-Dade counties generate an estimated \$3.4 billion in sales and income and support 36,000 jobs in the region each year.³

Unfortunately, coral reefs are vulnerable to harmful environmental changes, particularly those resulting from human activities. Coral cover on many Caribbean reefs has declined up to 80 percent over the past three decades. Southeast Florida's reefs, which are a part of the greater Caribbean/Western Atlantic reef province, are being monitored for diseases, bleaching and other problems associated with human activities. Monitoring data from the Florida Keys revealed a 44 percent decline in coral cover from 1996-2005.⁴

The United States Coral Reef Task Force identified eight specific and widely accepted threats to coral reefs as being particularly important:

- Pollution, including eutrophication and sedimentation from intensive land use, chemical loading, oil and chemical spills, marine debris, and invasive species;
- Overfishing and over-exploitation of coral reef species for recreational and commercial purposes and the collateral damage and degradation to habitats and ecosystems from fishing activities;
- Destructive fishing practices, such as cyanide and dynamite fishing that can destroy large sections of reef;
- Dredging and shoreline modification in connection with coastal navigation or development;
- Vessel groundings and anchoring that directly destroy corals and reef framework;
- Disease outbreaks that are increasing in frequency and are affecting a greater diversity of coral reef species; and
- Global climate change and associated impacts including increased coral bleaching, mortality, storm frequency, and sea level rise.⁵

Corals are highly sensitive to even small temperature changes and can react through bleaching, reduced growth rates, reduced reproduction, increased vulnerability to diseases, and die-offs. Corals have a mutually beneficial, or symbiotic, relationship with a type of algae known as zooxanthellae. Zooxanthellae live inside the coral and provide them with energy derived from photosynthesis. The coral provides the algae with shelter. Corals can tolerate only a relatively narrow temperature range and prefer water between 73-84 degrees. Water temperatures over 86 degrees or under 64 degrees are stressful and are eventually fatal for coral. When the water gets too warm and the coral becomes stressed, they can expel their zooxanthellae that causes

³ *Id.*

⁴ DEP, *Threats to Southeast Florida Coral Reefs*, available at <http://www.dep.state.fl.us/coastal/programs/coral/threats.htm> (last visited March 23, 2017).

⁵ U.S. Coral Reef Task Force, *The National Action Plan to Conserve Coral*, 3, available at <http://www.coralreef.gov/about/CRTFAxnPlan9.pdf> (last visited March 23, 2017).

bleaching. Although the colorless coral is still alive, it will eventually die from starvation if the zooxanthellae do not return.⁶

The Florida Reef Tract which extends from Soldier Key, located in Biscayne Bay, to the Tortugas Banks possesses coral formations very similar to those found in the Bahamas and Caribbean Sea. The Florida Reef Tract is nearly 150 miles long and about 4 miles wide extending to the edge of the Florida Straits.⁷ Massive, region-wide bleaching events have become more common on the Florida Reef Tract. Since 1987, six extensive coral bleaching events have affected the entire Florida Reef Tract. Substantial mass coral mortality occurred during the global bleaching events of 1997/1998 and 2014/2015. Corals at the northern end of their range, such as those found on the Florida Reef Tract, are also vulnerable to cold winter temperatures. A severe cold snap in 2010 resulted in high mortality of certain coral species on shallow-water patch reefs throughout the Florida Reef Tract.⁸

Florida Coral Reef Programs

The Coral Reef Conservation Program (CRCP) within the Florida Coastal Office (FCO) of the Department of Environmental Protection (DEP) oversees several programs and initiatives to coordinate research and monitoring, develop management strategies, and promote partnerships to protect the coral reefs, hard bottom communities, and associated reef resources of southeast Florida.⁹ The CRCP implements and coordinates the following:

- *The Southeast Florida Action Network* – This reporting and response system is designed to improve the protection and management of southeast Florida's coral reefs by enhancing marine debris clean-up efforts, increasing response to vessel groundings and anchor damage, and providing early detection of potentially harmful biological disturbances.¹⁰
- *The Southeast Florida Coral Reef Initiative (SEFCRI)* – This program identifies and implements priority action needed to reduce key threats to coral reef resources in southeast Florida through a local action strategy for collaborative action among government and non-governmental partners.¹¹ Groups associated with SEFCRI include:
 - SEFCRI technical advisory committees which may be convened to address specific issues that need special attention or expertise.¹²
 - Our Florida Reefs Community Working Groups, comprised of local reef users, scientists, and representatives from nongovernment organizations and local, state, and federal agencies. Two groups meet once a month to learn about Southeast Florida's living marine resources, and develop a prioritized list of

⁶ FWC, *Long Term Temperature Monitoring*, <http://myfwc.com/research/habitat/coral/cremp/cremp-temp-monitoring/> (last visited March 25, 2017).

⁷ NOAA, *Coral Reef Information System: Florida*, <https://www.coris.noaa.gov/portals/florida.html> (last visited March 27, 2017).

⁸ *Id.*

⁹ DEP, *Coral Reef Conservation Program*, <http://www.dep.state.fl.us/coastal/programs/coral/> (last visited March 23, 2017).

¹⁰ DEP, *Southeast Florida Action Network*, <http://www.dep.state.fl.us/coastal/programs/coral/seafan.htm> (last visited March 15, 2017).

¹¹ SEFCRI, *What is SEFCRI?*, <http://southeastfloridareefs.net/about-us/what-is-sefcri/> (last visited March 23, 2017).

¹² Southeast Florida Coral Reef Initiative, *Team Charter* (Sept. 2012) available at https://www.dep.state.fl.us/coastal/programs/coral/documents/SEFCRI_Charter.pdf.

recommendations that can become part of a comprehensive management strategy to ensure healthy coral reefs in the future. These groups are hosted by SEFCRI.¹³

- *The Southeast Florida's Marine Debris Reporting and Removal Program* – Through a partnership with the DEP, the Fish and Wildlife Conservation Commission (FWC) and the Palm Beach County Reef Rescue, this program encourages local divers and dive shops to report marine debris. The partnership organizes reef clean-up events to remove the debris.¹⁴
- *The Reef Injury Prevention and Response Program* – This program leads the response to, and management of, coral reef and hard bottom injuries resulting from vessel impacts such as grounding, anchoring, and cable drag events.¹⁵ Section 403.93345, F.S., otherwise known as the Florida Coral Reef Protection Act, requires responsible parties to notify the DEP when they run their vessel aground, strike, or otherwise damage coral reefs. The responsible party must remove the vessel and work with the DEP to assess the damage and restore the reef.¹⁶ The DEP may require the responsible party to pay the cost of assessment and restoration, as well as pay a fine.¹⁷
- *The Florida Reef Resilience Program (FRRP)* – The FRRP addresses climate change and coral reefs. Reef managers, scientists, conservation organizations and reef users across South Florida have developed a *Climate Change Action Plan for the Florida Reef System (2010-2015)* (Action Plan). The goals of the Action Plan are to increase coral reef resilience to climate change impacts through active management of local reef impacts; enhance communication and awareness of climate change impacts on coral reefs and reef users; and conduct targeted research to increase understanding of climate change impacts and develop new intervention measures.¹⁸
- *The Southeast Marine Event Response Program* – This program responds to potentially harmful biological disturbances along the northern third of the Florida Reef Tract from the northern border of Biscayne National Park in Miami-Dade County to the St. Lucie Inlet in Martin County. Upon notification of an event such as harmful algal blooms, fish kills, coral bleaching, or diseases, the DEP coordinates with regional partners to schedule initial site assessments, implement event response protocols, and analyze samples, where possible and appropriate.¹⁹
- *The Southeast Florida Fisheries-Independent Monitoring Program* – This program builds partnerships and obtains funding to implement fisheries-independent monitoring.²⁰ Fisheries-independent monitoring is a system-wide approach that evaluates marine communities and the populations of fish and invertebrate species that comprise them. Fisheries-independent

¹³ Our Florida Reefs, *About*, <http://ourfloridareefs.org/about/> (last visited March 22, 2017).

¹⁴ DEP, *Southeast Florida's Marine Debris Reporting and Removal Program*, <http://www.dep.state.fl.us/coastal/programs/coral/debris1.htm> (last visited March 23, 2017).

¹⁵ DEP, *Reef Injury Prevention and Response Program*, <http://www.dep.state.fl.us/coastal/programs/coral/ripr.htm> (last visited March 23, 2017).

¹⁶ Section 403.93345(5), F.S.

¹⁷ Section 403.93345(6), (7), and (8), F.S.

¹⁸ DEP, *Climate Change and Coral Reefs*, http://www.dep.state.fl.us/coastal/programs/coral/climate_change.htm (last visited March 23, 2017).

¹⁹ DEP, *Southeast Marine Event Response Program*, http://www.dep.state.fl.us/coastal/programs/coral/event_response.htm (last visited March 23, 2017).

²⁰ DEP, *Southeast Florida Fisheries-Independent Monitoring Program*, <http://www.dep.state.fl.us/coastal/programs/coral/fisheries-independent.htm> (last visited March 23, 2017).

monitoring also investigates habitat conditions for purposes of learning more about system-wide trends.²¹

The FWC also plays a role in protecting Florida's coral reefs. Through the Coral Reef Evaluation and Monitoring Project (CREMP), the FWC has monitored the condition of coral reef and hard bottom habitats annually throughout the Florida Keys since 1996, southeast Florida since 2003, and the Dry Tortugas since 2004. The CREMP was able to document the temporal changes that have occurred in recent years.²²

The Southeast Florida Coastal Ocean Task Force (COTF) was established in 2012 through enabling resolutions of the Boards of County Commissioners of Miami-Dade, Broward, Palm Beach, and Martin Counties.²³ The Task Force was charged with providing recommendations for coastal ocean resources and conservation priorities and strategies. The membership of the COTF included county commissioners from Southeast Florida, four city commissioners; representatives from the DEP, the FWC, and the National Oceanic and Atmospheric Administration (NOAA); and stakeholders representing recreational fishers, commercial ports, the dive charter industry, and the marine industry. The final report was issued in 2015 and made numerous recommendations for potential adoption by the affected cities and counties.²⁴

The Board of Trustees of the Internal Improvement Trust Fund

The Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) holds state lands in trust for the use and benefit of the people of Florida.²⁵ The Board of Trustees consists of the Governor, Attorney General, Chief Financial Officer, and Commissioner of Agriculture.²⁶ This body may acquire, sell, transfer, and administer state lands in a manner consistent with chs. 253 and 259, F.S.²⁷

The Board of Trustees authorizes several agencies to manage state lands including the Department of Agriculture and Consumer Services, the FWC, the Department of State, and DEP through the FCO and the Florida Park Service. Other entities may also manage state land, subject to approval of the Board of Trustees. These agencies and other entities hold a property interest in the land in the form of a management agreement, lease, or other property instrument.²⁸

²¹ Sarasota County Wateratlas, *Fisheries Independent Monitoring*, http://www.sarasota.wateratlas.usf.edu/shared/learnmore.asp?toolsection=lm_fishindep (last visited March 23, 2017).

²² FWC, *Coral Reef Evaluation and Monitoring Project (CREMP)*, <http://myfwc.com/research/habitat/coral/cremp/> (last visited March 15, 2017).

²³ Southeast Florida Coastal Ocean Task Force, *Final Recommendations Report (2015)*, available at http://205.166.161.204/docs/2016/CCCM/20161206_525/23351_Exhibit%201%20-%20COTF%20Report.pdf (last visited March 23, 2017).

²⁴ *Id.*

²⁵ Section 253.001, F.S.

²⁶ Section 253.02(1), F.S.

²⁷ *Id.*

²⁸ Section 253.034(4), F.S.

State agencies wishing to manage conservation lands²⁹ must develop land management plans that DEP and the Board of Trustees must review and approve or disapprove. These land management plans must meet several criteria including identifying key management activities, land management practices, cost estimates, proposed public uses, and short-term and long-term goals.³⁰ Agencies must update land management plans every ten years, and regional management review teams evaluate whether agencies are complying with their land management plans.³¹

The Board of Trustees governs sovereign submerged lands³² by the criteria set forth in ch. 18-21 of the Florida Administrative Code. These rules include ecological preservation requirements, limitations on the preemption of sovereign submerged lands, riparian rights, dock and pier requirements, and forms of authorization to use sovereign submerged lands.³³

Lastly, aquatic preserves are exceptional areas of submerged lands. Aquatic preserves and their associated waters are set aside to be maintained essentially in their natural or existing condition.³⁴ Aquatic preserves consist only of land or water bottoms owned by the state, lands or water bottoms owned by other governmental agencies as specifically authorized for inclusion, and private lands leased by the Board of Trustees.³⁵

The Board of Trustees may establish aquatic preserves after public notice and a public hearing in the area where the proposed preserve will be located.³⁶ The Legislature must either confirm or deny establishment of the aquatic preserve.³⁷ Except for private lands leased by the Board of Trustees, only the Legislature may withdraw an area from an aquatic preserve designation.³⁸

Under the direction of the Board of Trustees, the FCO manages forty-one aquatic preserves, encompassing approximately 2.2 million acres.³⁹ The Legislature authorized the Board of Trustees to adopt rules to regulate human activities within aquatic preserves so long as such rules do not unreasonably interfere with lawful and traditional public uses of an aquatic preserve, such as sport and commercial fishing, boating, and swimming.⁴⁰

²⁹ “Conservation lands” are lands that are currently managed for conservation, outdoor resource-based recreation, or archaeological or historic preservation, except those lands that were acquired solely to facilitate the acquisition of other conservation lands; s. 253.034(2)(c), F.S.

³⁰ Section 253.034(5), F.S.; Fla. Admin. Code R. 18-2.018.

³¹ *Id.*; s. 259.036, F.S.

³² “Sovereignty submerged lands” are those lands including, but not limited to, tidal lands, islands, sand bars, shallow banks, and lands waterward of the ordinary or mean high water line, beneath navigable fresh water or beneath tidally-influenced waters to which the State of Florida acquired title on March 3, 1845, by virtue of statehood, and which have not been heretofore conveyed or alienated; Fla. Admin. Code R. 18-21.003(61).

³³ Fla. Admin. Code R. 18-21.004 and 18-21.005.

³⁴ Section 258.37(1), F.S.

³⁵ Section 258.40(1), F.S.

³⁶ Sections 258.41(1) and (2), F.S.

³⁷ Section 258.41(1), F.S.

³⁸ Section 258.41(6), F.S.

³⁹ DEP, *Florida’s Aquatic Preserves*, <http://www.dep.state.fl.us/coastal/programs/aquatic.htm> (last visited March 16, 2017).

⁴⁰ Section 58.43(1), F.S. *See also* Fla. Admin. Code Chs. 18-18, 18-20, and 18-23.

III. Effect of Proposed Changes:

CS/SB 1624 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 St. Lucie Inlet to the northern boundary of the Biscayne National Park.

The bill provides an effective date of July 1, 2017.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an undesignated section of law.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Environmental Preservation and Conservation on March 28, 2017:

Removes provisions related to the development of a comprehensive management plan for coral reefs.

- B. **Amendments:**

None.



854396

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/28/2017	.	
	.	
	.	
	.	

The Committee on Environmental Preservation and Conservation
(Farmer) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. There is established the Southeast Florida Coral
Reef Ecosystem Conservation Area. The conservation area shall
consist of the sovereignty submerged lands and state waters
offshore of Broward, Martin, Miami-Dade, and Palm Beach Counties
from St. Lucie Inlet to the northern boundary of the Biscayne
National Park.



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Section 2. This act shall take effect July 1, 2017.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to coral reefs; establishing the
Southeast Florida Coral Reef Ecosystem Conservation
Area; providing an effective date.

By Senator Farmer

34-00831A-17

20171624__

1 A bill to be entitled
 2 An act relating to coral reefs; defining terms;
 3 establishing the Southeast Florida Coral Reef
 4 Ecosystem Protection Area; requiring the Coral Reef
 5 Conservation Program, in coordination with the Fish
 6 and Wildlife Conservation Commission, to develop a
 7 comprehensive management plan for the area using and
 8 building on previous stakeholder engagement and public
 9 comment; requiring the reef program and commission to
 10 seek public comment on the proposed plan; providing
 11 requirements for the plan; requiring the Department of
 12 Environmental Protection to submit the proposed plan
 13 to the Board of Trustees of the Internal Improvement
 14 Trust Fund; providing an effective date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17
 18 Section 1. Southeast Florida Coral Reef Ecosystem
 19 Protection Area.—

20 (1) As used in this section, the term:

21 (a) "Commission" means the Fish and Wildlife Conservation
 22 Commission.

23 (b) "Department" means the Department of Environmental
 24 Protection.

25 (c) "Protection area" means the Southeast Florida Coral
 26 Reef Ecosystem Protection Area established in this section.

27 (d) "Reef program" means the Department of Environmental
 28 Protection's Coral Reef Conservation Program.

29 (2) There is established the Southeast Florida Coral Reef

34-00831A-17

20171624__

30 Ecosystem Protection Area. The protection area shall consist of
31 the sovereignty submerged lands and state waters offshore of
32 Broward, Martin, Miami-Dade, and Palm Beach Counties from St.
33 Lucie Inlet to the northern boundary of the Biscayne National
34 Park.

35 (3) The reef program, in partnership with the commission,
36 shall, by December 31, 2018, develop a comprehensive management
37 plan for the protection area.

38 (4) The reef program, in developing the comprehensive
39 management plan along with the commission, shall include and
40 build on previous stakeholder engagement in and public comment
41 on the reef program which were solicited through the Southeast
42 Florida Coral Reef Initiative, the Southeast Florida Coastal
43 Ocean Taskforce, the reef program Technical Advisory Committee,
44 the Our Florida Reefs Community Working Groups, and other
45 efforts. The reef program, in coordination with the commission,
46 shall solicit public comment on its proposed comprehensive
47 management plan and hold public hearings throughout Southeast
48 Florida before submitting its proposed comprehensive management
49 plan to the department.

50 (5) (a) The portion of the comprehensive management plan
51 which is led by the reef program must include measures to
52 improve the coral reef ecosystem of the protection area,
53 including:

54 1. Improvement of water quality, reef fish assemblages, and
55 the coral reef and its associated habitats; and

56 2. Reduction of cumulative impacts of the multiple
57 stressors on the coral reef and its associated habitats.

58 (b) The commission shall lead the portion of the

34-00831A-17

20171624__

59 comprehensive management plan which addresses fisheries
60 management.

61 (6) By March 1, 2019, the department shall submit the
62 proposed comprehensive management plan to the Board of Trustees
63 of the Internal Improvement Trust Fund for adoption.

64 Section 2. This act shall take effect July 1, 2017.

760

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

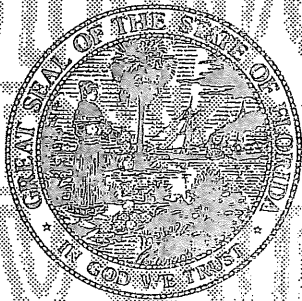
Frank B. Gummey, III

is duly appointed a member of the

Environmental Regulation Commission

for a term beginning on the Sixteenth day of December, A.D.,
2016, until the First day of July, A.D., 2017 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Eleventh day of January, A.D., 2017.*



Ken Detzner

Secretary of State

If photocopied or chemically altered, the word "VOID" will appear

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document



RICK SCOTT
GOVERNOR

AMENDED
Set 13

17 JAN 26 AM 9:33

DIVISION OF ELECTIONS
SECRETARY OF STATE

January 24, 2017

Secretary Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have amended the following appointment under the provisions of Section 20.255, Florida Statutes:

Mr. Frank Bird Gummey
3 Oceans West Boulevard
Apt. 6-C-5
Daytona Beach Shores, Florida 32118

as a member of the Environmental Regulation Commission, filling a vacant seat, subject to confirmation by the Senate. This appointment is effective December 16, 2016, for a term ending July 1, 2017.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/sk

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
2017 JAN -9 AM 11:39

STATE OF FLORIDA

County of Volusia

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Environmental Regulation Commission

(Title of Office)

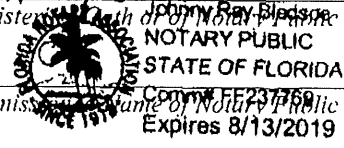
on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Frank B. Gummey, III
Signature

Sworn to and subscribed before me this 11th day of January, 2017.

Thomas Ray Johnson
Signature of Officer Administering Oath of Notary Public



Print, Type, or Stamp Commission Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

3 Oceans West Blvd., Apt. 6-C-5
Street or Post Office Box
Daytona Beach Shores, FL 32118-5944
City, State, Zip Code

Frank B. Gummey, III
Print Name
Frank B. Gummey, III
Signature

760

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

Craig D. Varn

is duly appointed a member of the

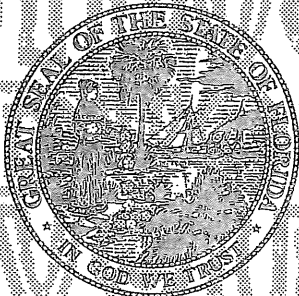
Environmental Regulation Commission

for a term beginning on the Tenth day of May, A.D., 2016, until
the First day of July, A.D., 2019 and is subject to be confirmed
by the Senate during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-First day of July, A.D., 2016.*

Ken Detzner

Secretary of State



If photocopied or chemically altered, the word "VOID" will appear.

State of Florida appears in small letters across the face of this 8 1/2 x 11 document



RICK SCOTT
GOVERNOR

RECEIVED

16 JUN -3 AM 8:54

DIVISION OF ELECTIONS
SECRETARY OF STATE

May 12, 2016

Secretary Kenneth W. Detzner
Department of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following appointment under the provisions of Section ~~1001.71~~, Florida Statutes:

20.255(6)

Mr. Craig Varn
204 South Monroe Street
Suite 201
Tallahassee, Florida 32301

as a member of the Environmental Regulation Commission, succeeding Herbert Montoya, subject to confirmation by the Senate. This appointment is effective May 10, 2016, for a term ending July 1, 2019.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/mb

OATH OF OFFICE RECEIVED
DEPARTMENT OF STATE
(Art. II, § 5(b), Fla. Const.)

2016 JUL 21 AM 9:17

STATE OF FLORIDA

County of LEON

DEPARTMENT OF STATE
DIVISION OF ELECTIONS

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

the Environmental Regulation Commission

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]
Signature

Sworn to and subscribed before me this 18 day of July, 2016

[Signature]
Signature of Officer Administering Oath or of Notary Public

Elizabeth Roberson
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced _____



ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

204 South Monroe Street, Ste 201
Street or Post Office Box
Tallahassee, FL 32301
City, State, Zip Code

Craig D. Varn
Print name as you desire commission issued
[Signature]
Signature

COMMITTEE WITNESS OATH

CHAIR:

**Please raise your right hand and be sworn
in as a witness.**

**Do you swear or affirm that the evidence
you are about to give will be the truth, the
whole truth, and nothing but the truth?**

WITNESS'S NAME: Craig D. Varn

ANSWER: I DO

Pursuant to be noted in the record." §90.605(1), *Florida Statutes*: "The witness's answer shall

COMMITTEE NAME: Environmental Preservation and
Conservation Committee

DATE: March 28, 2017

File 1 copy with the Secretary of the Senate

S-002 (01/12/2015)

760

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

James W. McCarthy

is duly appointed a member of the

Environmental Regulation Commission

for a term beginning on the Sixteenth day of December, A.D.,
2016, until the First day of July, A.D., 2019 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Eleventh day of January, A.D., 2017.*



Ken Detzner

Secretary of State

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State of Florida appears in small letters across the face of this 8 1/2 x 11" document.



RICK SCOTT
GOVERNOR

16 DEC 21 AM 11:10

DIVISION OF ELECTIONS
SECRETARY OF STATE

December 16, 2016

Secretary Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following appointment under the provisions of Section 20.255(7), Florida Statutes:

Mr. James W. McCarthy
232 S. Mill Ridge Trail
Ponte Vedra Beach, Florida 32082

as a member of the Environmental Regulation Commission, succeeding Anna Marelle Dooley, subject to confirmation by the Senate. This appointment is effective December 16, 2016, for a term ending July 1, 2019.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/sk

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of St. Johns

RECEIVED
17 JAN -9 AM 9:35
DIVISION OF ELECTIONS
SECRETARY OF STATE

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Member of the Environmental Regulation Commission

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]



Signature

Sworn to and subscribed before me this 5 day of January, 2017

Linda Callie Medders

Signature of Officer Administering Oath or of Notary Public

Linda Callie Medders

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced Florida Drivers

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

232 S Mill Ridge Trail

Street or Post Office Box

Ponte Vedra Beach, FL 32082

City, State, Zip Code

Jim McCarthy

Print Name

Signature



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations, *Chair*
Appropriations Subcommittee on the
Environment and Natural Resources
Commerce and Tourism
Environmental Preservation and Conservation
Rules

JOINT COMMITTEE:
Joint Legislative Budget Commission,
Alternating Chair

SENATOR JACK LATVALA
16th District

March 28, 2017

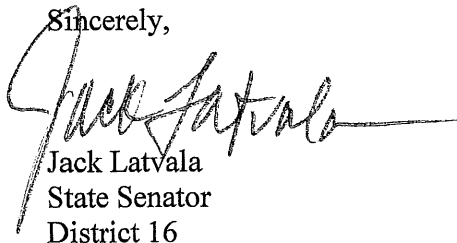
The Honorable Lauren Book
Senate Environmental Preservation and
Conservation Committee
325 Knott Building
404 South Monroe St.
Tallahassee, Fl 32399-1100

Dear Chair Book:

Please excuse me from attending the Senate Environmental Preservation and Conservation Committee on Tuesday, March 28, 2017. I was in the Senate Judiciary Committee presenting two of my bills.

Thank you for your consideration.

Sincerely,


Jack Latvala
State Senator
District 16

JL:tc

REPLY TO:

26133 U.S. Highway 19 North, Suite 201, Clearwater, Florida 33763 (727) 793-2797 FAX: (727) 793-2799
 412 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5016

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/28/17
Meeting Date

1288
Bill Number (if applicable)

Topic Recovered Materials

bill and amendment
Amendment Barcode (if applicable)

Name Rebecca O'Hara

656422

Job Title Sr Legislative Advocate

Address PO Box 1757
Street

Phone 850 339 6211

Tallah FL 32302
City State Zip

Email rohara@flcities.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Fla League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/28/17
Meeting Date

1288
Bill Number (if applicable)

Topic Solid Waste

Amendment Barcode (if applicable)

Name JIM MAGILL

Job Title LOBBYIST

Address 101 N. MONROE ST Suite 1090

Phone 850-681-0411

Tul FL 32301
City State Zip

Email JAMES.MAGILL@BIPC.COM

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLA RECYCLERS ASSOC. TRADEMARK METALS RECYCLING

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/28/17

Meeting Date

SB 1288

Bill Number (if applicable)

Topic RECOVERED MATERIAL

Amendment Barcode (if applicable)

Name KEYNA CORY

Job Title LOBBYIST

Address 730 E. PARK AVE

Phone 850 681-1065

Street

TALLAHASSEE FL 32301

Email keynacory@pacconsultants.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing NATIONAL WASTE & RECYCLING ASSN. FL CHAPTER

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-28-17

Meeting Date

1288

Bill Number (if applicable)

Topic Recovered Materials

Amendment Barcode (if applicable)

Name Albert Balido

Job Title _____

Address 201 W Park Ave #100

Phone 850 257 3466

Street

Tallahassee

FL

32301

Email _____

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Waste Haters & Recyclers Coalition

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-28-17

Meeting Date

1104

Bill Number (if applicable)

ON →

516838

Amendment Barcode (if applicable)

Topic _____

Name DAVID CURRAN

Job Title _____

Address 1674 UNIVERSITY BLVD # 285

Street

Phone 941.323-2404

GARSONA

City

FL

State

34243

Zip

Email curran@senate.fl.gov

201.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing SEARCH CLUB FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/28/17

Meeting Date

SB 1104

Bill Number (if applicable)

Topic RESOURCE RECOVERY + MANAGEMENT

Amendment Barcode (if applicable)

Name KEYNA CORY

Job Title LOBBYIST

Address 730 E. PARK AVE

Phone 850 681-1065

Street

TALLAHASSEE FL 32301

City

State

Zip

Email KeynaCory@paconsultants.com

Speaking: [X] For [] Against [] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing NATIONAL WASTE + RECYCLING ASSN. FL CHAPTER

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 1104
Bill Number (if applicable)

Meeting Date _____

Topic Resource Recovery and MGMT

Amendment Barcode (if applicable) _____

Name Michael Power

Job Title Director, State Government Affairs

Address 1995 N. Park Pl. Suite 240
Street

Phone 7) 421-2991

Atlanta GA 30339
City State Zip

Email Michael.Power@americanchemistry.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing American Chemistry Council

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Srs 1104
Bill Number (if applicable)

Meeting Date _____

Topic Resource Recovery; MGMT

Amendment Barcode (if applicable) _____

Name Mike Dungen

Job Title Director, Sales and Marketing

Address 8584 East Washington St. # 304 Phone 330-607-8477
Street

Chagrin Falls OH 44023
City State Zip

Email mike.dungen@res.polyflow.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing RES Polyflow

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/28/17

Meeting Date

SB 1624

Bill Number (if applicable)

Topic SB 1624 Coral Reefs

Amendment Barcode (if applicable)

Name Carrie Graham

Job Title Legislative Assistant for Bob Harris

Address 2018 Centennial Place

Phone 850 222 0720

Tallahassee

City

FL

State

32308

Zip

Email Cgraham@lawfla.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The Diving Equipment & Marketing Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

Bob Harris

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

3-28-17

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1624

Meeting Date

Bill Number (if applicable)

Topic Coral Reefs

Amendment Barcode (if applicable)

Name Marty Cassini

Job Title Legislative Counsel

Address 115 S. Andrews Ave

Phone 954-357-7575

Street

Fort Lauderdale FL 33301

Email mcassini@broward.org

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Broward County

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/28/17

Meeting Date

1624

Bill Number (if applicable)

Topic CORAL REEFS

Amendment Barcode (if applicable)

Name DEVON WEST

Job Title LEGISLATIVE COORD.

Address 2401 SE MONTEREY

Phone 321-243-2270

Street

STUART

FL

33996

Email dwest@martin.fl.us

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing MARTIN COUNTY BOARD COUNTY COMMISSIONERS.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/28/17
Meeting Date

SB1624
Bill Number (if applicable)

Topic Coral Reefs

Amendment Barcode (if applicable)

Name Holly Parker Curry

Job Title FL Regrowth Manager

Address 1229 Mitchell Ave.

Phone 850-867-3393

Street

Tallahassee FL 32303

City

State

Zip

Email hparker@surfrider.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Surfrider Foundation

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

3/28/17

Bill Number (if applicable)

SB 928

Topic

Healthcare Access Protection & Sustainability

Amendment Barcode (if applicable)

531102

Name

Tom Snylata

Job Title

President, Thomas G. Snylata Consulting

Address

285 Taylor Road

Street

Phone

(850) 556-9733

City

Monticello

State

FL

Zip

32344

Email

tom@tsnylataconsulting.com

Speaking:

For

Against

Information

Waive Speaking:

In Support

Against

(The Chair will read this information into the record.)

Representing

City of Winter Haven

Appearing at request of Chair:

Yes

No

Lobbyist registered with Legislature:

Yes

No

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/28/17

Meeting Date

SB 928

Bill Number (if applicable)

531102

Amendment Barcode (if applicable)

Topic Heartland Headwaters

Name Frank Bernardino

Job Title _____

Address 201 W. Park Ave. Suite 100

Street

Tallahassee

City

Florida

State

32301

Zip

Phone 561/718-2345

Email frankcanfieldflorida.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Polk County

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/28/17

Meeting Date

SB 928

Bill Number (if applicable)

Topic Water Protection

Amendment Barcode (if applicable)

Name David Shepp

Job Title Lobbyist

Address P.O. Box 3739

Phone 863 581-4250

Street

Lakeland

FL

33802

Email sheppesstrategy.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing City of Lakeland

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/28/17
Meeting Date

928
Bill Number (if applicable)

Topic WATER SUSTAINABILITY

Amendment Barcode (if applicable)

Name JIM SPRATT

Job Title _____

Address PO Box 10011
Street

Phone 850-228-1296

TLH FL 32302
City State Zip

Email Jim@magnoliastrategiesllc.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing CITY OF BARTOW

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/28/17
Meeting Date

1438
Bill Number (if applicable)

Topic Aquifer recharge amendment

366806
Amendment Barcode (if applicable)

Name David Childs

Job Title Legal Counsel

Address 119 S. Monroe St Suite 300
Street
Tallahassee FL 32301
City State Zip

Phone 850 222 7500

Email DAVIDC@H6SLAW.COM

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing F.W.E.A. Utility Council

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/28/17
Meeting Date

1438
Bill Number (if applicable)
366804
Amendment Barcode (if applicable)

Topic Aquifer

Name Rebecca O'Hara

Job Title Sr Legislative Advocate

Address PO Box 1757
Street

Phone 850 339 4211

Tallah FL 32302
City State Zip

Email rohara@ftcra.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Fla League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-28-17

Meeting Date

1438

Bill Number (if applicable)

Topic Aquifer Replenishment

366806

Amendment Barcode (if applicable)

Name Mark Thomasson

Job Title Associate

Address 310 W College

Phone 510-2226

Street

Tallahassee FL 32304

City

State

Zip

Email mark@littlejohn.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Section American Water Works Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/28/17

Meeting/Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1438

Bill Number (if applicable)

366806

Amendment Barcode (if applicable)

Topic AQUICER REPLENISHMENT

Name STEPHEN JAMES

Job Title

Address 3900 COMMONWEALTH

Street

Phone 245-3150

City

TALLAHASSEE, FL

State

Zip

Email

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing DEP

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

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3-28-17

Meeting Date

1438

Bill Number (if applicable)

366806

Amendment Barcode (if applicable)

Topic AQUIFER RECHARGEMENT

Name JUSTIN GREEN

Job Title DIRECTOR

Address 2500 BLAIR STONE RD

Street

Phone

TLH

City

FL

State

32399

Zip

Email

Speaking: [X] For [] Against [] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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CourtSmart Tag Report

Room: LL 37
Caption: Senate Committee on Environmental Preservation

Case No.:

Type:
Judge:

Started: 3/28/2017 3:01:25 PM

Ends: 3/28/2017 4:17:09 PM

Length: 01:15:45

3:01:24 PM Meeting called to order
3:01:28 PM Roll call
3:01:31 PM Quorum present
3:01:37 PM Pledge
3:02:00 PM Tab 1
3:02:20 PM SB 928 by Senator Stargel
3:02:32 PM Amendment barcode 531102
3:03:11 PM Questions
3:03:25 PM Tom Singleton, City of Winter Haven
3:03:40 PM Frank Bernardino, Polk County
3:04:12 PM Senator Stargel closes on amendment
3:04:31 PM Back on bill as amended
3:04:35 PM Jim Spratt, City of Bartow
3:04:43 PM David Schepp, City of Lakeland
3:04:49 PM Senator Stargel closes on SB 928
3:05:31 PM SB 928 favorably
3:05:38 PM Tab 5
3:06:01 PM SB 1624 by Senator Farmer
3:06:32 PM Amendment barcode 854396
3:07:32 PM Senator Farmer closes on amendment
3:08:03 PM Back on bill as amended
3:08:12 PM Questions?
3:08:19 PM Appearance forms?
3:08:22 PM Carrie Graham, The Diving Equipment & Marketing association
3:08:30 PM Marty Cassini, Broward County
3:08:37 PM Devon West, Martin County Board of Commissioners
3:08:47 PM Holly Parker Curry, Surfrider Foundation
3:08:54 PM Senator Farmer closes on SB 1624
3:09:26 PM SB 1624 favorably
3:09:31 PM Tab 2
3:09:32 PM SB 1104 by Senator Perry
3:09:50 PM Amendment 228236
3:10:10 PM Amendment to the Amendment
3:10:39 PM Questions?
3:10:53 PM Appearance forms?
3:11:00 PM David Cullen, Sierra Club
3:11:08 PM Debate?
3:11:12 PM Senator Perry closes on the amendment to the amendment
3:11:21 PM Amendment is adopted
3:11:27 PM Back on bill as amended
3:11:42 PM Questions?
3:11:45 PM Appearance forms?
3:11:49 PM Keyna Cory, National Waste & Recycling Association. FL Chapter
3:12:29 PM Michael Power, American Chemistry Council
3:13:02 PM Mike Dungen, RES Polyflow
3:14:13 PM Senator Farmer
3:15:12 PM Senator Perry closes on bill as amended
3:15:38 PM SB 1104 reported favorably
3:16:03 PM Tab 3
3:16:07 PM SB 1288 by Senator Baxley
3:16:18 PM Late-filed amendment barcode 656422
3:17:05 PM Rebecca O'Hara, Florida League of Cities

3:21:50 PM Debate?
3:22:49 PM Senator Baxley closes on amendment
3:23:09 PM Amendment is adopted
3:23:17 PM Back on bill as amended
3:23:23 PM Senator Stewart
3:23:30 PM Senator Baxley
3:25:03 PM Appearance forms?
3:26:02 PM Jim Maggill, FL Recycles Association. Trademark Metals Recycling
3:26:42 PM Kenya Cory, National Waste and Recycling Association FL Chapter
3:28:18 PM Senator Simmons
3:29:17 PM Ms. Cory
3:30:09 PM Senator Simmons
3:31:09 PM Ms. Cory
3:31:41 PM Senator Simmons
3:31:51 PM Ms. Cory
3:32:18 PM Senator Simmons
3:32:52 PM Albert Baldino, Florida Waste Halters & Recyclers Coalition
3:35:51 PM Senator Bradley resumes the chair
3:36:51 PM Senator Simmons
3:37:22 PM Senator Bradley
3:38:33 PM Senator Farmer
3:39:35 PM Mr. Baldino
3:40:37 PM Debate?
3:41:37 PM Senator Farmer
3:42:04 PM Debate?
3:42:38 PM Senator Simmons
3:42:54 PM Senator Baxley closes on SB 1288
3:43:27 PM Roll call on SB 1288
3:44:21 PM SB 1288 reported favorably
3:44:31 PM Tab 4
3:44:47 PM SB 1438 by Senator Broxson
3:45:02 PM Late-filed amendment barcode 366806
3:45:12 PM Senator Hutson
3:45:57 PM Senator Broxson
3:47:31 PM Appearance cards?
3:48:31 PM David Childs, F.W.E.A Utility Council
3:48:40 PM Rebecca O'Hara, FL League of Cities
3:48:44 PM Mark Thomasson, Florida Section American Water Works Association
3:48:56 PM Stephen James, DEP
3:49:14 PM Debate?
3:49:17 PM Senator Simmons
3:49:30 PM Mr. James, DEP in response to Senator Simmons
3:51:22 PM Senator Simmons
3:52:12 PM Mr. James
3:52:58 PM Senator Stewart
3:53:57 PM Mr. James
3:54:37 PM Senator Bradley
3:55:14 PM Mr. James
3:55:30 PM Senator Farmer
3:55:59 PM Mr. James
3:56:43 PM Senator Farmer
3:57:16 PM Mr. James
3:58:41 PM Justin Green, DEP
3:59:40 PM Senator Bradley
4:00:17 PM Senator Farmer
4:01:02 PM Mr. Green
4:01:05 PM Senator Farmer
4:01:50 PM Mr. Green
4:02:11 PM Senator Farmer
4:04:16 PM Mr. Green
4:04:21 PM Senator Broxson
4:05:09 PM Senator Bradley

4:05:23 PM Senator Book resumes the chair
4:05:35 PM Senator Broxson closes on the amendment
4:05:47 PM Amendment adopted
4:06:42 PM Back on the bill as amended
4:06:50 PM Questions?
4:06:52 PM Debate?
4:07:09 PM Senator Stewart
4:07:36 PM Senator Simmons
4:09:25 PM Senator Farmer
4:10:46 PM Senator Bradley
4:13:20 PM Senator Broxson closes on the bill as amended
4:14:18 PM Roll call on SB 1438
4:14:30 PM SB 1438 is reported favorably
4:14:42 PM Tab 6
4:14:45 PM Appointees
4:14:54 PM Senator Simmons
4:15:34 PM Senator Hutson, moves for confirmation on all appointees
4:16:34 PM Senator Simmons moves to adjourn
4:16:58 PM Meeting Adjourned