

Tab 1	SB 334 by Gruters (CO-INTRODUCERS) Hutson, Perry, Harrell; (Compare to H 00239) Regulation of Smoking in Public Places					
112054	A	S	RCS	EN, Brodeur	Delete L.29 - 42:	03/15 06:12 PM
Tab 2	SB 1058 by Burgess; (Compare to H 00773) Sanitary Sewer Lateral Inspection Programs					
786480	A	S	RCS	EN, Burgess	Delete L.40 - 158:	03/15 06:26 PM
Tab 3	SB 1086 by Hutson; (Similar to CS/H 00639) Operation and Safety of Motor Vehicles and Vessels					
878734	D	S	RCS	EN, Hutson	Delete everything after	03/15 06:26 PM
Tab 4	SB 1482 by Garcia (CO-INTRODUCERS) Pizzo; (Identical to H 01177) Biscayne Bay					
Tab 5	SB 1752 by Rodriguez; (Similar to H 00367) Independent Special District Utilities					
337530	D	S	RCS	EN, Rodriguez	Delete everything after	03/15 06:26 PM
Tab 6	SB 1954 by Rodrigues; (Similar to H 07019) Statewide Flooding and Sea-level Rise Resilience					
753772	A	S	RCS	EN, Rodrigues	Delete L.76 - 173:	03/15 06:26 PM
366818	A	S	RCS	EN, Rodrigues	Delete L.397:	03/15 06:26 PM
Tab 7	SB 1480 by Brodeur; (Identical to H 01173) Land Acquisition Trust Fund					
Tab 8	SPB 7060 by EN; Ratification of Department of Environmental Protection Rules					
875020	A	S	WD	EN, Brodeur	Delete L.39 - 52:	03/15 08:42 AM
838464	A	S	FAV	EN, Brodeur	Delete L.39 - 52:	03/15 06:26 PM
Tab 9	SPB 7062 by EN; Central Florida Water Initiative					
202408	A	S	FAV	EN, Brodeur	Delete L.135 - 145.	03/15 06:35 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

ENVIRONMENT AND NATURAL RESOURCES

Senator Brodeur, Chair
Senator Stewart, Vice Chair

MEETING DATE: Monday, March 15, 2021

TIME: 3:30—6:00 p.m.

PLACE: Mallory Horne Committee Room, 37 Senate Building

MEMBERS: Senator Brodeur, Chair; Senator Stewart, Vice Chair; Senators Albritton, Ausley, Bean, and Perry

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
PUBLIC TESTIMONY WILL BE RECEIVED FROM ROOM A2 AT THE DONALD L. TUCKER CIVIC CENTER, 505 W PENSACOLA STREET, TALLAHASSEE, FL 32301			
1	SB 334 Gruters (Compare H 239)	Regulation of Smoking in Public Places; Revising a short title; authorizing counties and municipalities to further restrict smoking within the boundaries of public beaches and public parks under certain circumstances; prohibiting smoking within the boundaries of a state park, etc. CA 01/26/2021 Favorable EN 03/15/2021 Fav/CS RC	Fav/CS Yeas 5 Nays 0
2	SB 1058 Burgess (Compare H 773)	Sanitary Sewer Lateral Inspection Programs; Authorizing counties and municipalities, respectively, to access sanitary sewer laterals within their jurisdiction for specified purposes; requiring counties and municipalities to notify private property owners within a specified timeframe if the county or municipality intends to access the owner's sanitary sewer lateral; providing that the counties and municipalities that establish programs are legally and financially responsible for all work done, etc. EN 03/15/2021 Fav/CS AEG AP	Fav/CS Yeas 6 Nays 0
3	SB 1086 Hutson (Similar CS/H 639)	Operation and Safety of Motor Vehicles and Vessels; Revising conditions under which a person's driving privilege is suspended and under which the person commits a misdemeanor relating to tests for alcohol, chemical substances, or controlled substances; providing circumstances under which a person may operate a human-powered vessel within the boundaries of the marked channel of the Florida Intracoastal Waterway; authorizing a county or municipality to establish a boating-restricted area within and around a public mooring field, etc. EN 03/15/2021 Fav/CS AEG AP	Fav/CS Yeas 5 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Environment and Natural Resources

Monday, March 15, 2021, 3:30—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 1482 Garcia (Identical H 1177)	Biscayne Bay; Establishing the Biscayne Bay Commission; providing for commission purpose, membership, duties, and authority; prohibiting sewage disposal facilities from disposing of any wastes into Biscayne Bay, etc. EN 03/15/2021 Favorable AEG AP	Favorable Yeas 6 Nays 0
5	SB 1752 Rodriguez (Similar H 367)	Independent Special District Utilities; Directing the Department of Environmental Protection to amend specified rules to exempt construction or maintenance of a water or sewer system by an independent special district utility from certain authorization requirements, etc. EN 03/15/2021 Fav/CS CA RC	Fav/CS Yeas 6 Nays 0
6	SB 1954 Rodrigues (Similar H 7019, Compare H 901, H 7021, S 1252)	Statewide Flooding and Sea-level Rise Resilience; Establishing the Resilient Florida Grant Program within the Department of Environmental Protection; requiring the department to develop a Statewide Flooding and Sea-Level Rise Resilience Plan and annually submit the plan to the Governor and Legislature by a specified date; establishing the Florida Flood Hub for Applied Research and Innovation within the University of South Florida College of Marine Science for a specified purpose; requiring the Office of Economic and Demographic Research to include specified information relating to inland and coastal flood control in certain assessments, etc. EN 03/15/2021 Fav/CS AP	Fav/CS Yeas 6 Nays 0
7	SB 1480 Brodeur (Identical H 1173, Compare H 1211, S 1510)	Land Acquisition Trust Fund; Extending the date by which bonds issued to fund the Florida Forever Act are intended to be retired, etc. EN 03/15/2021 Favorable AEG AP	Favorable Yeas 6 Nays 0

Consideration of proposed bill:

COMMITTEE MEETING EXPANDED AGENDA

Environment and Natural Resources

Monday, March 15, 2021, 3:30—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SPB 7060	Ratification of Department of Environmental Protection Rules; Ratifying specified rules relating to biosolids management for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule exceeding any specified thresholds for likely adverse impact or increase in regulatory costs; exempting the rules from certain review and approval by the Environmental Regulation Commission, etc.	Submitted and Reported Favorably as Committee Bill Yeas 4 Nays 1

Consideration of proposed bill:

9	SPB 7062	Central Florida Water Initiative; Ratifying specified rules relating to the Central Florida Water Initiative, for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule exceeding any specified thresholds for likely adverse impact or increase in regulatory costs; requiring the Department of Environmental Protection to provide reports relating to implementation of the requirements of the Central Florida Water Initiative rules to the Legislature by specified dates; requiring the department, in consultation with specified water management districts, to adopt rules to limit the amount of groundwater that existing and future permittees may withdraw from the Floridan Aquifer based on certain information, etc.	Temporarily Postponed
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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.			
Governing Board of the St. Johns River Water Management District			
10	Bradley, Rob (Fleming Island)	03/01/2024	Recommend Confirm Yeas 4 Nays 0
11	Price, Janet (Fernandina Beach)	03/01/2022	Recommend Confirm Yeas 4 Nays 0
12	Peterson, J Christian, Jr. (Winter Park)	03/01/2023	Recommend Confirm Yeas 4 Nays 0
13	Oliver, John Cole Esquire (Merritt Island)	03/01/2022	Recommend Confirm Yeas 4 Nays 0
14	Bournique, Douglas C. (Vero Beach)	03/01/2024	Recommend Confirm Yeas 4 Nays 0
Governing Board of the South Florida Water Management District			
15	Martinez, Carlos "Charlie" E. (Miami)	03/01/2024	Recommend Confirm Yeas 4 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Environment and Natural Resources

Monday, March 15, 2021, 3:30—6:00 p.m.

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Governing Board of the Southwest Florida Water Management District			
16	Armstrong, Elijah D. III (Dunedin)	03/01/2022	Recommend Confirm Yeas 4 Nays 0
17	Williamson, Michelle D. (Dover)	03/01/2024	Recommend Confirm Yeas 4 Nays 0
18	Mitten, John Richard (Brooksville)	03/01/2024	Recommend Confirm Yeas 4 Nays 0
19	Barnett, Ashley B. (Winter Haven)	03/01/2023	Recommend Confirm Yeas 4 Nays 0
Governing Board of the Suwannee River Water Management District			
20	Smith, Harry (Lake City)	03/01/2024	Recommend Confirm Yeas 4 Nays 0
21	Thompson, Larry K. (Bell)	03/01/2024	Recommend Confirm Yeas 4 Nays 0
22	Sessions, Larry C. (Live Oak)	03/01/2022	Recommend Confirm Yeas 4 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 Environment and Natural Resources

BILL: CS/SB 334

INTRODUCER: Environment and Natural Resources Committee and Senator Gruters and others

SUBJECT: Regulation of Smoking in Public Places

DATE: March 16, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Paglialonga	Ryon	CA	Favorable
2.	Schreiber	Rogers	EN	Fav/CS
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 334 amends the “Florida Clean Indoor Air Act” in part II of ch. 386, F.S., which regulates vaping and tobacco smoking in Florida. The bill allows counties and municipalities to restrict smoking, except for smoking cigars and pipe tobacco, within the boundaries of any of the public beaches and public parks they own. Currently, the regulation of smoking is preempted to the state, and counties and municipalities are prohibited from regulating smoking. “Smoking” is defined in ch. 386, F.S., as “inhaling, exhaling, burning, carrying, or possessing any lighted tobacco product, including cigarettes, cigars, pipe tobacco, and any other lighted tobacco product.”

The bill also prohibits smoking, except for smoking cigars and pipe tobacco, within the boundaries of a state park and changes the title of the “Florida Clean Indoor Air Act” to the “Florida Clean Air Act” to account for the broader application of the act proposed in the bill. The bill takes effect on July 1, 2021.

II. Present Situation:

The Florida Clean Indoor Air Act (act) in part II of ch. 386, F.S., regulates vaping and tobacco smoking in Florida. The legislative purpose of the act is to protect the public from the health

hazards of secondhand tobacco smoke and to implement the Florida health initiative in s. 20, Art. X of the State Constitution.¹

Florida Constitution

Tobacco Smoking

On November 5, 2002, the voters of Florida approved Amendment 6 to the State Constitution, which prohibits tobacco smoking in enclosed indoor workplaces. Codified as s. 20, Art. X, Florida Constitution, the amendment defines an “enclosed indoor workplace,” in part, as “any place where one or more persons engages in work, and which place is predominantly or totally bounded on all sides and above by physical barriers ... without regard to whether work is occurring at any given time.” The amendment defines “work” as “any persons providing any employment or employment-type service for or at the request of another individual or individuals or any public or private entity, whether for compensation or not, whether full or part-time, whether legally or not.” The amendment provides limited exceptions for private residences “whenever they are not being used commercially to provide child care, adult care, or health care, or any combination thereof,” retail tobacco shops, designated smoking guest rooms at hotels and other public lodging establishments, and stand-alone bars.

The constitutional amendment directed the Legislature to implement the amendment “in a manner consistent with its broad purpose and stated terms.” The amendment required that implementing legislation have an effective date of no later than July 1, 2003, and required that implementing legislation provide civil penalties for violations, provide for administrative enforcement, and require and authorize agency rules for implementation and enforcement. The amendment further provided that the Legislature may enact legislation constituting or allowing a more restrictive regulation of tobacco smoking than is provided in the Florida Constitution.

Vaping

On November 6, 2018, the voters of Florida approved Amendment 9 to the Florida Constitution, to ban the use of vapor-generating electronic devices, such as electronic cigarettes (e-cigarettes), in enclosed indoor workplaces.² The use of e-cigarettes is commonly referred to as vaping.

Amendment 9 added vapor-generating electronic devices to the existing prohibition against tobacco smoking in enclosed indoor workplaces. The amendment makes exceptions for the same enclosed indoor workplace locations where tobacco smoking is permitted and further permits tobacco smoking and the use of vapor-generating electronic devices in a “vapor-generating electronic device retailer.”

The amendment defines a “vapor-generating electronic device retailer” to mean “any enclosed indoor workplace dedicated to or predominantly for the retail sale of vapor-generating electronic devices and components, parts, and accessories for such products, in which the sale of other products or services is merely incidental.”

¹ Section 386.202, F.S.

² Amendment 9 also bans offshore oil and natural gas drilling on lands beneath state waters. *See* FLA. CONST. art II, s. 7.

A vapor-generating electronic device is defined as “any product that employs an electronic, a chemical, or a mechanical means capable of producing vapor or aerosol from a nicotine product or any other substance.” The definition includes electronic cigarettes, electronic cigars, electronic cigarillos, electronic pipes, and other similar devices or products, replacement cartridges for such devices, and other containers of a solution or other substance intended to be used with or within the devices.

Section 20, Art. X, Florida Constitution, as amended, directed the Legislature to implement the amendment “in a manner consistent with its broad purpose and stated terms.” The implementing legislation must have an effective date of no later than July 1 of the year following approval (July 1, 2019). The implementing legislation must also provide civil penalties for violations; provide for administrative enforcement; and require and authorize agency rules for implementation and enforcement. The Legislature may enact legislation constituting or allowing more restrictive regulation of tobacco smoking or vaping than is provided in the State Constitution.

Under the amendment, local governments may adopt more restrictive local ordinances on the use of vapor-generating electronic devices.

Florida’s Clean Indoor Air Act

The Legislature implemented the smoking ban by enacting ch. 2003-398, Laws of Fla., which amended part II of ch. 386, F.S., and created s. 561.695, F.S., of the Beverage Law. The act, as amended, implements the constitutional amendment’s prohibition. Specifically, s. 386.204, F.S., prohibits smoking in an enclosed indoor workplace unless the act provides an exception. The act adopts and implements the amendment’s definitions and adopts the amendment’s exceptions for private residences whenever not being used for certain commercial purposes;³ stand-alone bars;⁴ designated smoking rooms in hotels and other public lodging establishments;⁵ and retail tobacco shops, including businesses that manufacture, import, or distribute tobacco products and tobacco loose leaf dealers.⁶

Section 386.207, F.S., provides for enforcement of the act by the Department of Health (DOH) and the Department of Business and Professional Regulation (DBPR) within each department’s specific areas of regulatory authority. Sections 386.207(1) and 386.2125, F.S., grant rulemaking authority to the DOH and the DBPR and require that the departments consult with the State Fire Marshal during the rulemaking process.

Section 386.207(3), F.S., provides penalties for violations of the act by proprietors or persons in charge of an enclosed indoor workplace.⁷ The penalty for a first violation is a fine of not less than \$250 and not more than \$750. The act provides fines for subsequent violations in the amount of not less than \$500 and not more than \$2,000. Penalties for individuals who violate the

³ Section 386.2045(1), F.S. *See also* definition of the term “private residence” in s. 386.203(1), F.S.

⁴ Section 386.2045(5), F.S. *See also* definition of the term “stand-alone bar” in s. 386.203(12), F.S.

⁵ Section 386.2045(4), F.S. *See also* definition of the term “designated guest rooms at public lodging establishments” in s. 386.203(4), F.S.

⁶ Section 386.2045(2), F.S. *See also* definition of the term “retail tobacco shop” in s. 386.203(9), F.S.

⁷ The applicable penalties for violations by designated stand-alone bars are set forth in s. 561.695(7), F.S.

act are provided in s. 386.208, F.S., which provides for a fine of not more than \$100 for a first violation and not more than \$500 for a subsequent violation. The penalty range for an individual violation is identical to the penalties for violations of the act before the implementation of the constitutional smoking prohibition.

During the 2019 Regular Session, the Legislature amended part II of ch. 386, F.S., to ban the use of vapor-generating electronic devices, such as electronic cigarettes (e-cigarettes), in enclosed indoor workplaces.⁸

Smoking Prohibited Near School Property

Section 386.212(1), F.S., prohibits smoking by any person under 18 years of age in, on, or within 1,000 feet of the real property comprising a public or private elementary, middle, or secondary school between the hours of 6 a.m. and midnight. The prohibition does not apply to any person occupying a moving vehicle or within a private residence.

Enforcement

Section 386.212(2), F.S., authorizes law enforcement officers to issue citations in the form as prescribed by a county or municipality to any person violating the provisions of ch. 386, F.S., and prescribes the information that must be included in the citation.

The issuance of a citation under s. 386.212(2), F.S., constitutes a civil infraction punishable by a maximum civil penalty not to exceed \$25 or 50 hours of community service or, where available, successful completion of a school-approved anti-tobacco or anti-vaping “alternative to suspension” program.⁹

If a person fails to comply with the directions on the citation, the person will waive his or her right to contest the citation, and the court may issue an order to show cause.¹⁰

Regulation of Smoking Preempted to State

Section 386.209, F.S., provides that the act expressly preempts regulation of smoking to the state and supersedes any municipal or county ordinance on the subject.

As an exception to the state’s preemption of smoking regulation, s. 386.209, F.S., permits school districts to further restrict smoking by persons on school district property.

Section 386.209, F.S., adopts and implements the Florida Constitution’s grant of authority to local governments to adopt more restrictive local ordinances on the use of vapor-generating electronic devices.

Regarding the issue of preemption, a Florida Attorney General Opinion concluded that the St. Johns Water Management District could not adopt a regulation prohibiting smoking by all

⁸ See ch. 2019-14, Laws of Fla.

⁹ Section 386.212(3), F.S.

¹⁰ Section 386.212(4), F.S.

persons on district property.¹¹ The Attorney General reasoned that s. 386.209, F.S., represents a clear expression of the legislative intent that the act preempts the field of smoking regulation for indoor and outdoor smoking. The Attorney General noted that the 2011 amendment of s. 386.209, F.S.,¹² authorizes school districts to prohibit smoking on school district property and concluded that further legislative authorization would be required for the water management district to regulate smoking on its property.

Public Parks Owned by Counties and Municipalities

In Florida, there are 67 separate county park systems and more than 400 separate municipal park systems.¹³ For example, Orange County Florida maintains and operates 118 county-owned parks, which consist of a wide array of available activities and facilities.¹⁴ Parks provide a variety of activities to the public, including nature trails, bird watching, youth and adult athletics, bike paths, horse trails, boat ramps, fishing piers, metal detecting locations, outdoor gyms, and outdoor pavilions.¹⁵ Additionally, municipalities within Orange County also own and operate parks and outdoor recreational facilities. For example, the City of Winter Park, within Orange County, owns and operates 11 city parks, which offer similar recreational activities.¹⁶

The Division of Recreation and Parks within the Florida Department of Environmental Protection maintains a comprehensive inventory of the existing park facilities and outdoor resources in Florida. The inventory provides details about the parks and recreation areas in the state and consists of over 13,000 separate records, the majority of which are county and municipal parks.¹⁷

Florida's State Parks

Florida's award-winning state park system contains 175 state parks, including nearly 800,000 acres of state lands and 100 miles of sandy beaches.¹⁸ Florida's state parks include all real property in the state of Florida under the jurisdiction of the Department of Environmental Protection's (DEP) Division of Recreation and Parks (division) or real property that may come under the division's jurisdiction regardless of its designation.¹⁹ There are numerous designations in Florida's state park system, and examples include state park, state preserve, historic site, archaeological site, botanical site, museum, and culture center.²⁰ The statutory law governing Florida's state parks is primarily contained in ch. 258, F.S., State Parks and Preserves.

¹¹ Op. Att'y Gen. Fla. 2011-15 (July 21, 2011). *See also*, Op. Att'y Gen. Fla. 2005-63 (Nov. 21, 2005), which opined that a municipality is preempted from regulating smoking in a public park other than as prescribed by the Legislature.

¹² Chapter 2011-108, L.O.F.

¹³ Florida Division of Recreation and Parks, *Frequently Asked Questions*, available at: <http://prodenv.dep.state.fl.us/DrpOrpcr/StaticFiles/FAQ.pdf> (last visited Jan. 13, 2021).

¹⁴ Orange County Government Florida, *Parks*, available at: <http://www.orangecountyfl.net/CultureParks/Parks.aspx?m=lstaz#.Xcwjw8GP6Uk> (last visited Jan. 13, 2021).

¹⁵ *Id.*

¹⁶ City of Winter Park, *Parks*, available at: <https://cityofwinterpark.org/departments/parks-recreation/parks-playgrounds/parks/> (last visited Jan. 13, 2021).

¹⁷ Florida Division of Recreation and Parks, *Florida Outdoor Recreation Inventory*, available at: <https://floridadep.gov/parks/florida-outdoor-recreation-inventory> (last visited Jan. 13, 2021).

¹⁸ DEP, *Division of Recreation and Parks*, available at: <https://floridadep.gov/parks> (last visited Jan. 13, 2021).

¹⁹ Fla. Admin. Code R. 62D-2.013(1).

²⁰ *Id.*

Requirements and prohibitions under ch. 258, F.S., are enforced by DEP and the Fish and Wildlife Conservation Commission's Division of Law Enforcement.²¹ State rules prohibit disposing of smoking materials within any park except in designated receptacles.²²

Laws in Other States

In 2009, Maine passed a law prohibiting “[smoking] tobacco or any other substance in, on or within 20 feet of a beach, playground, snack bar, group picnic shelter, business facility, enclosed area, public place or restroom in a state park or state historic site.”²³ In 2015, Hawaii passed a law prohibiting smoking within its state park system.²⁴ In 2018, New Jersey banned smoking at public parks and beaches.²⁵ New Jersey's legislature found that “[t]he prohibition of smoking at public parks and beaches would better preserve and maintain the natural assets of this State by reducing litter and increasing fire safety in those areas, while lessening exposure to secondhand tobacco smoke and providing for a more pleasant park or beach experience for the public[.]”²⁶

Alaska law prohibits individuals from smoking outdoors “within 10 feet of playground equipment located at a public or private school or a state or municipal park while children are present.”²⁷ Puerto Rico prohibits smoking in “public or private recreational installations.”²⁸ The definition of public or private recreational installations under Puerto Rico law includes parks.²⁹ Oklahoma law designates all buildings and other properties owned or operated by the state as nonsmoking, effectively prohibiting smoking at state parks in Oklahoma, except for at any designated outdoor smoking areas.³⁰

Oregon's Parks and Recreation Department prohibits smoking tobacco products at park properties but provides exceptions, including smoking in vehicles and at designated campsites.³¹

²¹ Section 258.601, F.S.

²² Fla. Admin. Code R. 62D-2.013(3); National Fire Protection Association, Public Education, *Smoking*, available at: <https://www.nfpa.org/Public-Education/By-topic/Top-causes-of-fire/Smoking> (last visited Jan. 13, 2021). The term “smoking materials” is commonly used to refer to cigarettes, pipes, and cigars.

²³ Me. Rev. Stat. tit. 22, ss. 1580-E(2) and 1541(6). Under Maine law, “‘Smoking’ includes carrying or having in one's possession a lighted or heated cigarette, cigar or pipe or a lighted or heated tobacco or plant product intended for human consumption through inhalation whether natural or synthetic in any manner or in any form. ‘Smoking’ includes the use of an electronic smoking device.”

²⁴ Haw. Rev. Stat. Ann. § 184-4.5. “Smoking” is defined in the statute as “inhaling or exhaling upon, burning, or carrying any lit cigarette, cigar, or pipe or the use of an electronic smoking device.”

²⁵ 2018 NJ Sess. Law Serv. Ch. 64, S. 2534 (2018), available at: https://www.njleg.state.nj.us/2018/Bills/PL18/64_.PDF (last visited Jan. 13, 2021). The law defines “smoking” as “the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.”

²⁶ N.J. Stat. Ann. § 26:3D-56(e).

²⁷ Alaska Stat. Ann. ss. 18.35.301(c)(1) and 18.35.399(12). Alaska law defines “smoking” as “using an e-cigarette or other oral smoking device or inhaling, exhaling, burning, or carrying a lighted or heated cigar, cigarette, pipe, or tobacco or plant product intended for inhalation.”

²⁸ 24 L.P.R.A. ss. 891 and 892. “Smoking” is defined as “the activity of inhaling and exhaling smoke from [tobacco] and other substances that are lit in cigars, cigarettes, and pipes, and to possess or transport cigars, cigarettes, pipes, and smoking articles while lit and it shall also include the use of the so-called electronic cigarette.”

²⁹ 24 L.P.R.A. § 891.

³⁰ Okla. Stat. Ann. tit. 21, § 1247(B).

³¹ Or. Admin. R. 736-010-0040(8)(j).

Outside of Florida, many local governments in the United States have restricted or prohibited smoking in public parks.³²

Health and Environmental Concerns

In 2020, an estimated 15 percent of the adults in Florida were tobacco smokers.³³ Tobacco smoke contains over 7,000 chemicals, including hundreds that are toxic and up to 69 that are known to cause cancer.³⁴ Exposure to secondhand smoke can cause numerous health problems and has been causally linked to cancer and other fatal diseases.³⁵ Secondhand smoke is generally defined as smoke from burning tobacco products or smoke that is exhaled by a tobacco smoker.³⁶ Studies suggest that secondhand smoke in crowded outdoor areas can cause concentrations of air contaminants comparable to those caused by indoor smoking.³⁷

Another significant issue with tobacco smoking in natural areas is litter consisting of used cigarette filters, commonly known as cigarette butts. Cigarette butts are typically comprised mainly of cellulose acetate, a plastic-like material that can take years to decompose.³⁸ It is estimated that, of the roughly 6 trillion cigarettes smoked annually worldwide, up to two-thirds

³² American Nonsmokers' Rights Foundation, *Municipalities with Smokefree Park Laws* (2017), available at: <https://no-smoke.org/wp-content/uploads/pdf/SmokefreeParks.pdf> (last visited Jan. 13, 2021). This document lists local governments in the U.S. that have created laws that restrict or prohibit smoking in public parks within their jurisdiction.

³³ United Health Foundation, America's Health Rankings, *Annual Report*, available at: <https://www.americashealthrankings.org/explore/annual/measure/Smoking/state/FL> (last visited Jan. 13, 2021).

³⁴ *Id.*; U.S. Department of Health and Human Services, *The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General*, 148 (2014), available at: <https://www.surgeongeneral.gov/library/reports/50-years-of-progress/full-report.pdf> (last visited Jan. 13, 2021).

³⁵ U.S. Department of Health and Human Services, *The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General*, 7 (2014); Center for Disease Control and Prevention, *Secondhand Smoke (SHS) Facts*, available at: https://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/general_facts/index.htm (last visited Jan. 13, 2021).

³⁶ Center for Disease Control and Prevention, *Secondhand Smoke (SHS) Facts*, available at: https://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/general_facts/index.htm (last visited Jan. 13, 2021).

³⁷ Nipapun Kungskulniti et al., *Secondhand Smoke Point-Source Exposures Assessed By Particulate Matter At Two Popular Public Beaches in Thailand*, 40 J. PUBLIC HEALTH 3, 527–532 (2017), available at: <https://academic.oup.com/jpubhealth/article/40/3/527/4110319?guestAccessKey=5947c328-fd75-4b6c-acfe-28f989c4c639> (last visited Jan. 13, 2021); James Repace, *Benefits of Smoke-free Regulations in Outdoor Settings: Beaches, Golf Courses, Parks, Patios and in Motor Vehicles*, 34 WM MITCHELL L. REV. 1621, 1622–1624, 1638 (2008), available at: <https://open.mitchellhamline.edu/wmlr/vol34/iss4/15/> (last visited Feb. 28, 2021).

³⁸ NOAA, National Ocean Service, *What Is the Most Common Form of Ocean Litter?* available at: <https://oceanservice.noaa.gov/facts/most-common-ocean-litter.html> (last visited Jan. 13, 2021); Bonanomi, Giuliano et al., *Cigarette Butt Decomposition and Associated Chemical Changes Assessed by 13C CPMAS NMR*, 10 PLoS ONE 1 e0117393, 2 (2015), available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4307979/pdf/pone.0117393.pdf> (last visited Jan. 13, 2021).

of the cigarette butts are discarded as litter.³⁹ Furthermore, cigarette butts contain hazardous substances, and studies have shown these substances to be potentially toxic to animals.⁴⁰

Under Florida law, it is illegal to discard any tobacco product as litter.⁴¹ Discarding a cigarette butt as litter is a noncriminal infraction, punishable by a penalty of \$100 in addition to any court-ordered litter pickup or other commensurate labor.⁴²

Fires are another significant issue regarding smoking tobacco in public parks. The Legislature has found that cigarettes are the leading cause of fire deaths in Florida and the nation.⁴³ Florida law requires that cigarettes sold in the state meet standards for reduced ignition propensity.⁴⁴ In addition to the risk of fires in buildings, Florida generally has a year-round risk of wildfire.⁴⁵ Cigarettes or other smoking materials can cause wildfires when discarded as litter. Data from the United States Forest Service shows that a significant number of wildfires were started by “smoking” between 1992 and 2015.⁴⁶ The Florida Forest Service reported an increased risk of wildfires for areas of northwest Florida in the aftermath of Hurricane Michael, due to factors such as increased fuel loadings and reduced access for fire mitigation equipment.⁴⁷

III. Effect of Proposed Changes:

Section 1 changes the title of part II of ch. 386, F.S., from “Indoor Air: Smoking and Vaping” to “Smoking and Vaping.”

Section 2 amends s. 386.201, F.S., to provide that the short title of part II of ch. 386, F.S., may be cited as the “Florida Clean Air Act,” removing the reference to indoor air.

³⁹ World Health Organization, *Tobacco and Its Environmental Impact: An Overview*, 20, 24 (2017) available at: <https://apps.who.int/iris/bitstream/handle/10665/255574/9789241512497-eng.pdf;jsessionid=8E8DFDA81D9C76448B2C9EAD445BC784?sequence=1> (last visited Jan. 13, 2021); Thomas E. Novotny and Elli Slaughter, *Tobacco Product Waste: An Environmental Approach to Reduce Tobacco Waste*, 1 CURR. ENVIRON. HEALTH REP. 3: 208–216, 208 (2014), available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4129234/> (last visited Jan. 13, 2021).

⁴⁰ Wenjau Lee and Chih Chun Lee, *Developmental Toxicity of Cigarette Butts - An Underdeveloped Issue*, 113 ECOTOXICOLOGY AND ENVIRON. SAFETY 362–368, 362–363, 367 (2015), available at: http://tweb.cjcu.edu.tw/journal/2015_03_04_11_23_24.114.pdf (last visited Jan. 13, 2021); Stephanie L. Wright, *Bioaccumulation and Biological Effects of Cigarette Litter in Marine Worms*, 2015 SCI. REP. 5: 14119, 1 (2015), available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4569891/> (last visited Jan. 13, 2021).

⁴¹ Section 403.413(2)(d) and (f), (4), F.S.

⁴² Section 403.413(6)(a), F.S. Littering is a noncriminal infraction if the litter does not exceed 15 pounds in weight or 27 cubic feet in volume.

⁴³ Section 633.142(2)(a), F.S.

⁴⁴ Section 633.142, F.S.

⁴⁵ Florida Department of Agriculture and Consumer Services, *Wildland Fire, Prevention*, available at: <https://www.fdacs.gov/Forest-Wildfire/Wildland-Fire> (last visited Jan. 13, 2021).

⁴⁶ Karen C. Short, *Spatial Wildfire Occurrence Data For the United States, 1992-2015* (2017), available at: <https://www.fs.usda.gov/rds/archive/Product/RDS-2013-0009.4/> (last visited Jan. 13, 2021). The data can be viewed by clicking on the file labeled “RDS-2013-0009.4_ACCDB.zip,” and viewing the column labeled “STAT_CAUSE_DESCR.”

⁴⁷ Jim Karels, Director, Florida Forest Service, Presentation to the Florida Senate Environment and Natural Resources Committee, January 8, 2019, *Hurricane Michael Impacts, Actions and Needs*, slides 14-16, 18 (2019) available at <https://www.flsenate.gov/Committees/Show/EN/Meeting%20Packet/4316> (last visited Feb. 28, 2021).

Section 3 amends s. 386.209, F.S., to provide counties and municipalities the authority to further restrict smoking, except for smoking cigars and pipe tobacco, within the boundaries of any public beaches and public parks they own. Given the existing definition of “smoking” in ch. 386, F.S., counties and municipalities may restrict the ability of any person to inhale, exhale, burn, carry, or possess cigarettes or any other lighted tobacco product that is not a cigar or pipe tobacco within parks and beaches owned by the county or municipality. The bill allows municipalities to further restrict smoking, except for smoking cigars and pipe tobacco, within county-owned beaches and parks located within the municipality’s jurisdiction if doing so would not conflict with a county ordinance.

This bill specifically relates to certain forms of “smoking,” counties and municipalities are currently allowed to impose more restrictive regulation on the use of vapor-generating devices under s. 386.209, F.S.

Section 4 creates s. 386.2095, F.S., which prohibits smoking within the boundaries of a state park. The bill states that this prohibition does not apply to smoking cigars or pipe tobacco.

Section 5 amends s. 381.84, F.S., to conform the reference to the short title of part II of ch. 386, F.S., to changes made by the bill.

Section 6 amends s. 386.211, F.S., to conform the reference to the short title of part II of ch. 386, F.S., to changes made by the bill. The bill changes the requirements for public announcements in mass transportation terminals, requiring announcements to include a statement to the effect that Florida is a clean air state, instead of a clean indoor air state.

Section 7 provides an effective date of July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

Visitors to county and municipal beaches and parks, or to state parks, who violate smoking restrictions imposed by a local or state government entity may be subject to the applicable fines or civil penalties for such violations.

C. Government Sector Impact:

Counties and municipalities that opt to restrict smoking within the boundaries of public beaches or parks may incur indeterminate expenses related to enacting and enforcing such restrictions.

To the extent any imposed smoking restrictions deter or encourage visitation of county and municipal beaches and parks, local governments may experience fluctuation in revenues generated by any fees for beach and park admittance.

State parks may see an increase in the number of fines that are assessed for violations of the smoking prohibition. Pursuant to s. 258.008(1), F.S., such fines are paid to the Fish and Wildlife Conservation Commission (FWC) and deposited in the State Game Trust Fund, or paid to the Department of Environmental Protection (DEP) and deposited in the State Park Trust Fund, as applicable. Thus, the bill may increase revenue for the FWC's State Game Trust Fund or the DEP's State Park Trust Fund.

The DEP may incur costs to adopt rules and implement the prohibition of smoking in state parks. The DEP and the FWC's Division of Law Enforcement may incur additional costs to enforce the prohibition of smoking in state parks.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 386.201, 386.209, 381.84, and 386.211.

This bill creates section 386.2095 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 Environment and Natural Resources Committee on March 15, 2021:

- Removes the smoking of cigars and pipe tobacco from the authorization for counties and municipalities to further restrict smoking at public beaches and parks that they own.
- Removes the smoking of cigars and pipe tobacco from the prohibition of smoking in state parks.

B. Amendments:

None.



112054

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/15/2021	.	
	.	
	.	
	.	

The Committee on Environment and Natural Resources (Brodeur)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 29 - 42

and insert:

smoking, except for smoking cigars or pipe tobacco, within
the boundaries of any public beaches and public parks that they
own. Municipalities may further restrict smoking, except for
smoking cigars or pipe tobacco, within the boundaries of public
beaches and public parks that are within their jurisdiction but
are owned by the county if doing so would not conflict with a



112054

county ordinance. School districts may further restrict smoking by persons on school district property. This section does not preclude the adoption of municipal or county ordinances that impose more restrictive regulation on the use of vapor-generating devices than is provided in this part.

Section 4. Section 386.2095, Florida Statutes, is created to read:

386.2095 Smoking prohibited in state parks.-A person may not smoke within the boundaries of a state park. This prohibition does not apply to smoking cigars or pipe tobacco.

===== T I T L E A M E N D M E N T =====
And the title is amended as follows:

Delete lines 6 - 9
and insert:

and municipalities to further restrict smoking, except for smoking cigars or pipe tobacco, within the boundaries of public beaches and public parks under certain circumstances; creating s. 386.2095, F.S.; prohibiting smoking, except for smoking cigars or pipe tobacco, within the boundaries of a

By Senator Gruters

23-00464-21

2021334__

A bill to be entitled
An act relating to regulation of smoking in public
places; revising the title of part II of ch. 386,
F.S.; amending s. 386.201, F.S.; revising a short
title; amending s. 386.209, F.S.; authorizing counties
and municipalities to further restrict smoking within
the boundaries of public beaches and public parks
under certain circumstances; creating s. 386.2095,
F.S.; prohibiting smoking within the boundaries of a
state park; amending ss. 381.84 and 386.211, F.S.;
conforming provisions to changes made by the act;
providing an effective date.

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

Section 1. Part II of chapter 386, Florida Statutes,
entitled "INDOOR AIR: SMOKING AND VAPING," is renamed "SMOKING
AND VAPING."

Section 2. Section 386.201, Florida Statutes, is amended to
read:

386.201 Short title ~~Popular name~~.—This part may be cited as
~~by the popular name~~ the "Florida Clean ~~Indoor~~ Air Act."

Section 3. Section 386.209, Florida Statutes, is amended to
read:

386.209 Regulation of smoking preempted to state.—This part
expressly preempts regulation of smoking to the state and
supersedes any municipal or county ordinance on the subject;
however, counties and municipalities may further restrict
smoking within the boundaries of any public beaches and public

23-00464-21

2021334__

30 parks that they own. Municipalities may further restrict smoking
31 within the boundaries of public beaches and public parks that
32 are within their jurisdiction but are owned by the county if
33 doing so would not conflict with a county ordinance. School
34 districts may further restrict smoking by persons on school
35 district property. This section does not preclude the adoption
36 of municipal or county ordinances that impose more restrictive
37 regulation on the use of vapor-generating devices than is
38 provided in this part.

39 Section 4. Section 386.2095, Florida Statutes, is created
40 to read:

41 386.2095 Smoking prohibited in state parks.—A person may
42 not smoke within the boundaries of a state park.

43 Section 5. Paragraph (h) of subsection (3) of section
44 381.84, Florida Statutes, is amended to read:

45 381.84 Comprehensive Statewide Tobacco Education and Use
46 Prevention Program.—

47 (3) PROGRAM COMPONENTS AND REQUIREMENTS.—The department
48 shall conduct a comprehensive, statewide tobacco education and
49 use prevention program consistent with the recommendations for
50 effective program components contained in the 1999 Best
51 Practices for Comprehensive Tobacco Control Programs of the CDC,
52 as amended by the CDC. The program shall include the following
53 components, each of which shall focus on educating people,
54 particularly youth and their parents, about the health hazards
55 of tobacco and discouraging the use of tobacco:

56 (h) *Enforcement and awareness of related laws.*—In
57 coordination with the Department of Business and Professional
58 Regulation, the program shall monitor the enforcement of laws,

23-00464-21

2021334__

59 rules, and policies prohibiting the sale or other provision of
60 tobacco to minors, as well as the continued enforcement of the
61 Florida Clean ~~Indoor~~ Air Act prescribed in chapter 386. The
62 advertisements produced in accordance with paragraph (a) may
63 also include information designed to make the public aware of
64 these related laws and rules. The departments may enter into
65 interagency agreements to carry out this program component.

66 Section 6. Section 386.211, Florida Statutes, is amended to
67 read:

68 386.211 Public announcements in mass transportation
69 terminals.—Announcements about the Florida Clean ~~Indoor~~ Air Act
70 shall be made regularly over public address systems in terminals
71 of public transportation carriers located in metropolitan
72 statistical areas with populations over 230,000 according to the
73 latest census. These announcements shall be made at least every
74 30 minutes and shall be made in appropriate languages. Each
75 announcement must include a statement to the effect that Florida
76 is a clean ~~indoor~~ air state and that smoking and vaping are
77 prohibited except as provided in this part.

78 Section 7. This act shall take effect July 1, 2021.

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 Environment and Natural Resources

BILL: CS/SB 1058

INTRODUCER: Environment and Natural Resources Committee and Senator Burgess

SUBJECT: Sanitary Sewer Lateral Inspection Programs

DATE: March 16, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Anderson	Rogers	EN	Fav/CS
2.			AEG	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1058 authorizes counties and municipalities to access any sanitary sewer lateral within their jurisdictions to investigate, clean, repair, recondition, or replace the sanitary sewer lateral.

The bill adds to and revises the discretionary minimum program requirements for counties and municipalities that establish an evaluation and rehabilitation program for sanitary sewer laterals on residential and commercial properties. For counties and municipalities that identify a defective, damaged, or deteriorated sanitary sewer lateral and initiate a program to eliminate extraneous flow, the bill:

- Requires notice by certified mail, return receipt requested, by the county or municipality to the property owner, specifying that the county or municipality intends to access the owner's property within 14 days to address the sanitary sewer lateral.
- Provides that the county or municipality is responsible for any repair work done on the private property and is required to ensure that the property is restored to at least its pre-work conditions after the repair is complete.
- Requires that the repair work done to a sanitary sewer lateral by a county or municipality provide one continuous monolithic pipe system with connections for the structure, mainline, and cleanout installed and integrated into the continuous monolithic pipe system by a Florida licensed plumber; and be inspected using a lateral launch or similar CCTV camera system conducted by a Pipeline Assessment Certification Program (PACP) and Lateral Assessment and Certification Program (LACP)-certified camera operator.

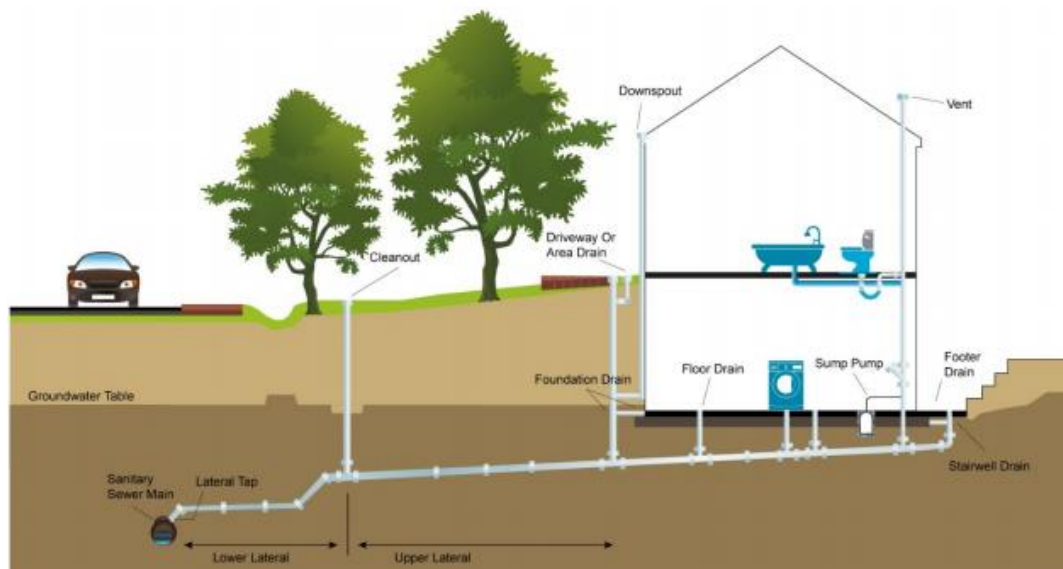
- Authorizes the county or municipality to consider economical methods to repair or replace a defective, damaged, or deteriorated sanitary sewer lateral.

The county or municipality may use state or local funds allocated for the purpose of environmental preservation or the protection of water quality for a sanitary sewer lateral program.

II. Present Situation:

Sanitary Sewer Laterals

A private sanitary sewer lateral is an underground pipe that connects private plumbing systems to a public sewer network,¹ to convey wastewater from homes and businesses to wastewater treatment plants.² The diagram below shows an example of a sanitary sewer lateral configuration.³



Sanitary sewer laterals are often in poor condition and defects can occur due to aging systems, structural failure, lack of maintenance, or poor construction and design practices.⁴ Problems in sanitary sewer laterals can have a significant impact on the performance of the sewer system and treatment plant and can account for half of the infiltration and inflow to sanitary sewers.⁵ Cracked or broken laterals can allow groundwater and infiltrating rainwater to enter into the

¹ See State of Florida Department of Environmental Protection, *Design and Specifications Guidelines for Low Pressure Sewer Systems* at xi, available at https://floridadep.gov/sites/default/files/guide_lowpres.pdf (last visited Mar. 1, 2021).

² Water Environment Federation, *Sanitary Sewers* (May 2011), available at <https://www.wef.org/globalassets/assets-wef/3---resources/topics/a-n/collection-systems/technical-resources/ss-fact-sheet-with-wider-margins-1.pdf> (last visited Mar. 1, 2021).

³ Water Environment Federation, *Sanitary Sewer Rehabilitation Fact Sheet*, available at <https://www.wef.org/globalassets/assets-wef/direct-download-library/public/03---resources/wsec-2017-fs-009---csc---sewer-rehabilitation---final---9.27.17.pdf> (last visited Mar. 1, 2021).

⁴ *Id.*

⁵ *Id.*

sewer system which, at high levels, can cause problems at the treatment facility or overload the sewers and cause sanitary sewer overflows.⁶

The Florida Building Code requires every building in which plumbing fixtures are installed to be connected to a publicly or investor-owned sewage system, or if none is available, then to an approved onsite sewage treatment and disposal system.⁷

There are no statewide requirements for inspections of sanitary sewer laterals. Generally, local governments are responsible for maintaining sewer mains and the portions of sewer laterals in public rights-of-way,⁸ but the property owner is responsible for the maintenance and repair of a sanitary sewer lateral on the person's private property.⁹

Sanitary Sewer Lateral Inspection Programs for Counties and Municipalities

A sanitary sewer lateral is defined in Florida law as “a privately owned pipeline connecting a property to the main sewer line which is maintained and repaired by the property owner.”¹⁰

Chapter 2020-158, Laws of Florida, encouraged counties and municipalities to establish an evaluation and rehabilitation program, by July 1, 2022, for sanitary sewer laterals on residential and commercial properties within the county's jurisdiction to identify and reduce extraneous flow from leaking sanitary sewer laterals.¹¹ Counties and municipalities that opt to establish such a program are authorized to do the following:

- Establish a system to identify defective, damaged, or deteriorated sanitary sewer laterals on residential and commercial properties within the jurisdiction of the county;
- Consider economical methods for a property owner to repair or replace a defective, damaged, or deteriorated sanitary sewer lateral; and
- Establish and maintain a publicly accessible database to store information concerning properties where a defective, damaged, or deteriorated sanitary sewer lateral has been identified. For each property, the database must include, but is not limited to, the address of the property, the names of any persons the county notified concerning the faulty sanitary sewer lateral, and the date and method of such notification.¹²

III. Effect of Proposed Changes:

The bill amends ss. 125.569 and 166.0481, F.S., relating to counties and municipalities, respectively. The bill makes the following changes to both sections of law.

⁶ U.S. Environmental Protection Agency, *Private Sewer Laterals* (Jun. 2014), available at <https://www3.epa.gov/region1/sso/pdfs/PrivateSewerLaterals.pdf> (last visited Mar. 1, 2021).

⁷ Ch. 7, § 701.2 Florida Building Code – Plumbing 6th Edition (July 2017).

⁸ See, e.g., *Sewer Laterals*, http://www.beachapedia.org/Sewer_Laterals (last visited Mar. 1, 2021).

⁹ Sections 125.569 and 166.0481, F.S.

¹⁰ Chapter 2020-150, Laws of Fla.

¹¹ Sections 125.569 and 166.0481, F.S.

¹² *Id.*

The bill defines the term “continuous monolithic pipe system” to mean a pipe system with no joints or seams anywhere, including all points where it connects to the structure, the mainline, and the cleanout.

The bill authorizes counties and municipalities to access any sanitary sewer lateral within its jurisdiction to investigate, clean, repair, recondition, or replace the sanitary sewer lateral.

The bill deletes the deadline by which counties are encouraged to establish a sanitary sewer lateral evaluation and rehabilitation program.

The bill adds to and revises the discretionary minimum program requirements for counties and municipalities that establish an evaluation and rehabilitation program for sanitary sewer laterals on residential and commercial properties. For a county or municipality that identifies a defective, damaged, or deteriorated sanitary sewer lateral and initiates a program to eliminate extraneous flow, the bill:

- Requires the county or municipality to notify the property owner of the issue by certified mail, return receipt requested. The notice must specify that the county or municipality intends to access the owner’s property within 14 days after receiving the notice to address the defective, damaged, or deteriorated sanitary sewer lateral. The notice must identify the issue, inform the property owner that he or she will be indemnified and held harmless in the repair process, and provide a proposed timeline and plan for the duration of the project, including start and completion dates.
- Provides that the county or municipality is responsible for any repair work done on the private property. The bill requires the county or municipality to ensure that the property is restored to at least its pre-work conditions after the repair is complete if it is necessary to disrupt the property to access the sanitary sewer lateral.
- Requires that the repair work done to a sanitary sewer lateral by a county or municipality meets the following requirements:
 - Provide one continuous monolithic pipe system with connections for the structure, mainline, and cleanout installed and integrated into the continuous monolithic pipe system by a Florida licensed plumber; and
 - Be inspected using a lateral launch or similar CCTV camera system conducted by a Pipeline Assessment Certification Program (PACP) and Lateral Assessment and Certification Program (LACP)-certified camera operator. The contractor must produce and provide the county or municipality with a PACP- and LACP-certified report describing the conditions of the continuous monolithic pipe system and the connections to the main sewer pipe and structure.
- Authorizes the county or municipality to consider economical methods for the county or municipality, rather than the homeowner, to repair or replace a defective, damaged, or deteriorated sanitary sewer lateral.

The bill authorizes the county or municipality to use state or local funds allocated for the purpose of environmental preservation or the protection of water quality for a sanitary sewer lateral program.

The bill takes effect on July 1, 2021.

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

The bill adds discretionary requirements to the evaluation and rehabilitation program that counties and municipalities may establish for sanitary sewer laterals. The bill is not a mandate because it does not require the expenditure of funds for the program.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

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 substantially amends the following sections of the Florida Statutes: 125.569 and 166.0481.

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 Environment and Natural Resources on March 15, 2021:

- Revises the notice requirement to require notice by certified mail, return receipt requested.
- Clarifies that state or local funds can be used for the protection of water quality.
- Deletes the deadline by which counties are encouraged to establish a sanitary sewer lateral evaluation and rehabilitation program.

- B. **Amendments:**

None.



786480

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/15/2021	.	
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	.	
	.	

The Committee on Environment and Natural Resources (Burgess)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 40 - 158
and insert:

(3) ~~By July 1, 2022,~~ Each county is encouraged to establish
an evaluation and rehabilitation program for sanitary sewer
laterals on residential and commercial properties within the
county's jurisdiction to identify and reduce extraneous flow
from leaking sanitary sewer laterals. At a minimum, the program
may do all of the following:



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(a) Establish a system to identify defective, damaged, or deteriorated sanitary sewer laterals on residential and commercial properties within the jurisdiction of the county. If a county identifies a defective, damaged, or deteriorated sanitary sewer lateral and initiates a program to eliminate extraneous flow, the county:

1. Shall notify the property owner of the issue by certified mail, return receipt requested. The notice must specify that within 14 days after receiving the notice, the county intends to access the owner's property to address the defective, damaged, or deteriorated sanitary sewer lateral. The notice must identify the issue, inform the property owner that he or she will be indemnified and held harmless in the repair process, and provide a proposed timeline and plan for the duration of the project, including start and completion dates.

2. Is responsible for any repair work done on the private property. If any disruption of the property is necessary to access the sanitary sewer lateral, the county shall ensure that the property is restored to at least its pre-work conditions after the repair is complete. Any repair work done to a sanitary sewer lateral must meet all of the following requirements:

a. Provide one continuous monolithic pipe system. The connections for the structure, mainline, and cleanout must be installed and integrated into the continuous monolithic pipe system by a Florida-licensed plumber; and

b. Be inspected using a lateral launch or similar CCTV camera system conducted by a Pipeline Assessment Certification Program (PACP) and Lateral Assessment and Certification Program (LACP)-certified camera operator. The contractor must produce



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and provide the county with a PACP- and LACP-certified report describing the conditions of the continuous monolithic pipe system and the respective connections to the main sewer pipe and the structure.

(b) Consider economical methods for the county ~~a property owner~~ to repair or replace a defective, damaged, or deteriorated sanitary sewer lateral.

(c) Establish and maintain a publicly accessible database to store information concerning properties where a defective, damaged, or deteriorated sanitary sewer lateral has been identified. For each property, the database must include, but is not limited to, the address of the property, the names of any persons the county notified concerning the faulty sanitary sewer lateral, and the date and method of such notification.

(d) Use state or local funds allocated for the purpose of environmental preservation or the protection of water quality.

Section 2. Section 166.0481, Florida Statutes, is amended to read:

166.0481 Municipal sanitary sewer lateral inspections ~~inspection programs for municipalities.~~

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

(a) "Sanitary sewer lateral" means a privately owned pipeline connecting a property to the main sewer line which is maintained and repaired by the property owner.

(b) "Continuous monolithic pipe system" means a pipe system with no joints or seams anywhere, including all points where it connects to the structure, the mainline, and the cleanout.

(2) A municipality may access any sanitary sewer lateral within its jurisdiction to investigate, clean, repair,



786480

recondition, or replace the sanitary sewer lateral.

(3) ~~By July 1, 2022,~~ Each municipality is encouraged to establish an evaluation and rehabilitation program for sanitary sewer laterals on residential and commercial properties within the municipality's jurisdiction to identify and reduce extraneous flow from leaking sanitary sewer laterals. At a minimum, the program may do all of the following:

(a) Establish a system to identify defective, damaged, or deteriorated sanitary sewer laterals on residential and commercial properties within the jurisdiction of the municipality. If a municipality identifies such a defective, damaged, or deteriorated sanitary sewer lateral and initiates a program to eliminate extraneous flow, the municipality:

1. Shall notify the property owner of the issue by certified mail, return receipt requested. The notice must specify that within 14 days after receiving the notice, the municipality intends to access the owner's property to address the defective, damaged, or deteriorated sanitary sewer lateral. The notice must identify the issue, inform the property owner that he or she will be indemnified and held harmless in the repair process, and provide a proposed timeline and plan for the duration of the project, including start and completion dates.

2. Is responsible for any repair work done on the private property. If any disruption of the property is necessary to access the sanitary sewer lateral, the municipality must ensure that the property is restored to at least its pre-work conditions after the repair is complete. Any repair work done to a sanitary sewer lateral must meet all of the following requirements:



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a. Provide one continuous monolithic pipe system. The connections for the structure, mainline, and cleanout must be installed and integrated into the continuous monolithic pipe system by a Florida-licensed plumber; and

b. Be inspected using a lateral launch or similar CCTV camera system and conducted by a Pipeline Assessment Certification Program (PACP) and Lateral Assessment and Certification Program (LACP)-certified camera operator. The contractor must produce and provide the county with a PACP- and LACP-certified report stating the conditions of the continuous monolithic pipe system and the respective connections to the main sewer pipe and the structure.

(b) Consider economical methods for the municipality a ~~property owner~~ to repair or replace a defective, damaged, or deteriorated sanitary sewer lateral.

(c) Establish and maintain a publicly accessible database to store information concerning properties where a defective, damaged, or deteriorated sanitary sewer lateral has been identified. For each property, the database must include, but is not limited to, the address of the property, the names of any persons the municipality notified concerning the faulty sanitary sewer lateral, and the date and method of such notification.

(d) Use state or local funds allocated for the purpose of environmental preservation or the protection of water quality.

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

And the title is amended as follows:

Delete lines 21 - 22
and insert:



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127 environmental preservation or the protection of water
128 quality; providing an effective date.

By Senator Burgess

20-00710A-21

20211058__

A bill to be entitled
An act relating to sanitary sewer lateral inspection programs; amending ss. 125.569 and 166.0481, F.S.; defining the term "continuous monolithic pipe system"; authorizing counties and municipalities, respectively, to access sanitary sewer laterals within their jurisdiction for specified purposes; requiring counties and municipalities to notify private property owners within a specified timeframe if the county or municipality intends to access the owner's sanitary sewer lateral; providing that the counties and municipalities that establish programs are legally and financially responsible for all work done; requiring the counties and municipalities that establish programs to consider economical methods for the counties and municipalities, rather than the property owners, to complete such work; authorizing a program established by a county to evaluate and rehabilitate sanitary sewer laterals on residential and commercial properties to use state or local funds allocated for environmental preservation or the protection of a clean water supply; providing an effective date.

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

Section 1. Section 125.569, Florida Statutes, is amended to read:

125.569 County sanitary sewer lateral inspections
~~inspection programs for counties.~~

20-00710A-21

20211058__

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

(a) "Sanitary sewer lateral" means a privately owned pipeline connecting a property to the main sewer line which is maintained and repaired by the property owner.

(b) "Continuous monolithic pipe system" means a pipe system with no joints or seams anywhere, including all points where it connects to the structure, the mainline, and the cleanout.

(2) A county may access any sanitary sewer lateral within its jurisdiction to investigate, clean, repair, recondition, or replace the sanitary sewer lateral.

(3) By July 1, 2022, each county is encouraged to establish an evaluation and rehabilitation program for sanitary sewer laterals on residential and commercial properties within the county's jurisdiction to identify and reduce extraneous flow from leaking sanitary sewer laterals. At a minimum, the program may do all of the following:

(a) Establish a system to identify defective, damaged, or deteriorated sanitary sewer laterals on residential and commercial properties within the jurisdiction of the county. If a county identifies a defective, damaged, or deteriorated sanitary sewer lateral and initiates a program to eliminate extraneous flow, the county:

1. Shall notify the property owner of the issue by mail. The notice must specify that within 14 days after receiving the notice, the county intends to access the owner's property to address the defective, damaged, or deteriorated sanitary sewer lateral. The notice must identify the issue, inform the property owner that he or she will be indemnified and held harmless in the repair process, and provide a proposed timeline and plan for

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the duration of the project, including start and completion dates.

2. Is responsible for any repair work done on the private property. If any disruption of the property is necessary to access the sanitary sewer lateral, the county shall ensure that the property is restored to at least its pre-work conditions after the repair is complete. Any repair work done to a sanitary sewer lateral must meet all of the following requirements:

a. Provide one continuous monolithic pipe system. The connections for the structure, mainline, and cleanout must be installed and integrated into the continuous monolithic pipe system by a Florida-licensed plumber; and

b. Be inspected using a lateral launch or similar CCTV camera system conducted by a Pipeline Assessment Certification Program (PACP) and Lateral Assessment and Certification Program (LACP)-certified camera operator. The contractor must produce and provide the county with a PACP- and LACP-certified report describing the conditions of the continuous monolithic pipe system and the respective connections to the main sewer pipe and the structure.

(b) Consider economical methods for the county ~~a property owner~~ to repair or replace a defective, damaged, or deteriorated sanitary sewer lateral.

(c) Establish and maintain a publicly accessible database to store information concerning properties where a defective, damaged, or deteriorated sanitary sewer lateral has been identified. For each property, the database must include, but is not limited to, the address of the property, the names of any persons the county notified concerning the faulty sanitary sewer

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lateral, and the date and method of such notification.

(d) Use state or local funds allocated for the purpose of environmental preservation or the protection of a clean water supply.

Section 2. Section 166.0481, Florida Statutes, is amended to read:

166.0481 Municipal sanitary sewer lateral inspections ~~inspection programs for municipalities.~~—

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

(a) "Sanitary sewer lateral" means a privately owned pipeline connecting a property to the main sewer line which is maintained and repaired by the property owner.

(b) "Continuous monolithic pipe system" means a pipe system with no joints or seams anywhere, including all points where it connects to the structure, the mainline, and the cleanout.

(2) A municipality may access any sanitary sewer lateral within its jurisdiction to investigate, clean, repair, recondition, or replace the sanitary sewer lateral.

(3) By July 1, 2022, each municipality is encouraged to establish an evaluation and rehabilitation program for sanitary sewer laterals on residential and commercial properties within the municipality's jurisdiction to identify and reduce extraneous flow from leaking sanitary sewer laterals. At a minimum, the program may do all of the following:

(a) Establish a system to identify defective, damaged, or deteriorated sanitary sewer laterals on residential and commercial properties within the jurisdiction of the municipality. If a municipality identifies such a defective, damaged, or deteriorated sanitary sewer lateral and initiates a

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117 program to eliminate extraneous flow, the municipality:

118 1. Shall notify the property owner of the issue by mail.
119 The notice must specify that within 14 days after receiving the
120 notice, the municipality intends to access the owner's property
121 to address the defective, damaged, or deteriorated sanitary
122 sewer lateral. The notice must identify the issue, inform the
123 property owner that he or she will be indemnified and held
124 harmless in the repair process, and provide a proposed timeline
125 and plan for the duration of the project, including start and
126 completion dates.

127 2. Is responsible for any repair work done on the private
128 property. If any disruption of the property is necessary to
129 access the sanitary sewer lateral, the municipality must ensure
130 that the property is restored to at least its pre-work
131 conditions after the repair is complete. Any repair work done to
132 a sanitary sewer lateral must meet all of the following
133 requirements:

134 a. Provide one continuous monolithic pipe system. The
135 connections for the structure, mainline, and cleanout must be
136 installed and integrated into the continuous monolithic pipe
137 system by a Florida-licensed plumber; and

138 b. Be inspected using a lateral launch or similar CCTV
139 camera system and conducted by a Pipeline Assessment
140 Certification Program (PACP) and Lateral Assessment and
141 Certification Program (LACP)-certified camera operator. The
142 contractor must produce and provide the county with a PACP- and
143 LACP-certified report stating the conditions of the continuous
144 monolithic pipe system and the respective connections to the
145 main sewer pipe and the structure.

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146 (b) Consider economical methods for the municipality ~~a~~
147 ~~property owner~~ to repair or replace a defective, damaged, or
148 deteriorated sanitary sewer lateral.

149 (c) Establish and maintain a publicly accessible database
150 to store information concerning properties where a defective,
151 damaged, or deteriorated sanitary sewer lateral has been
152 identified. For each property, the database must include, but is
153 not limited to, the address of the property, the names of any
154 persons the municipality notified concerning the faulty sanitary
155 sewer lateral, and the date and method of such notification.

156 (d) Use state or local funds allocated for the purpose of
157 environmental preservation or the protection of a clean water
158 supply.

159 Section 3. This act shall take effect July 1, 2021.



Space Florida and The Future of Aerospace

History & Background

- The space industry in Florida experienced a record year in 2020 with 31 launches from Cape Canaveral Spaceport, humans returning to space with the DEMO-2 SpaceX Crewed Dragon, Mars 2020, SAOCOM IB- First polar launch in over 50 years from Florida and the Crew 1- SpaceX Crewed Dragon.
- Florida plays a leading role in spaceport operations, launch operations, and the commercial Aerospace/Space industry Supply Chain.
- New projects last year included the Made in Space Headquarters in Jacksonville, Leonardo Aerospace in Santa Rosa, SIMCOM International World Headquarters in Orlando, Aerion in Melbourne and CAE USA in Tampa, as well as many smaller supply chain companies.

The Next Decade of Aerospace in Florida

- 2021 has over 50 launches on the manifest
- The next decade should see up to 100 launches annually from Florida
- Continue to build a launch on command and satellite on command capability.
- The marketplace estimates anywhere from 12,000 to 48,000 satellites that will be deployed over the next decade. The number could be larger as we track some 26 constellations that are in the process of being deployed, one of which is 48,000 satellites for one constellation. This introduces concerns for both commercial and national security space issues. Keeping track of and setting ground rules for space commerce activity and space traffic management will increasingly be a focus of the industry.
- This is the decade of emerging new space commerce. Over the decade that number will grow between \$1-3 trillion of new economy. Florida should play a major role in low earth services and Cis-lunar economy.

Florida's Opportunity Targets

- Public Infrastructure- Support for Technology Complexes
 - Freight/Logistics support of Florida's Spaceport System
 - "Base Infrastructure" Public-Private Partnerships
- Space Segment Infrastructure
 - Satellite/Satellite Constellations
 - Spacecraft and On-Orbit Destination Platforms
 - Robotic Servicers/Rovers/Landers
 - Service Businesses in Space Florida
- Position Florida as a global interplanetary tradeport
- Supply Chain

Questions? Contact:

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2021 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: Florida Fish and Wildlife Conservation Commission

BILL INFORMATION

BILL NUMBER:	<u>Senate Bill (SB) 1086</u>
BILL TITLE:	<u>Operation and Safety of Motor Vehicles and Vessels</u>
BILL SPONSOR:	<u>Senator Travis Hutson</u>
EFFECTIVE DATE:	<u>July 1, 2021</u>

COMMITTEES OF REFERENCE

1) Environment and Natural Resources
2) Appropriations Subcommittee on Agriculture, Environment, and General Government
3) Appropriations
4) Click or tap here to enter text.
5) Click or tap here to enter text.

PREVIOUS LEGISLATION

BILL NUMBER:	Click or tap here to enter text.
SPONSOR:	Click or tap here to enter text.
YEAR:	Click or tap here to enter text.
LAST ACTION:	Click or tap here to enter text.

CURRENT COMMITTEE

Environment and Natural Resources

SIMILAR BILLS

BILL NUMBER:	Click or tap here to enter text.
SPONSOR:	

IDENTICAL BILLS

BILL NUMBER:	House Bill (HB) 639
SPONSOR:	Representative Tyler Sirois

Is this bill part of an agency package?

Yes.

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	February 10, 2021
LEAD AGENCY ANALYST:	Gary Klein
ADDITIONAL ANALYST(S):	Ed Bishop, Rob Rowe, Rob Beaton
LEGAL ANALYST:	Brandy Elliott
FISCAL ANALYST:	Charlotte Jerrett

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

SB 1086 would amend various Florida Statutes regarding the operation and safety of motor vehicles and vessels. SB 1086 would provide an effective date of July 1, 2021, unless otherwise expressly provided in this act.

2. SUBSTANTIVE BILL ANALYSIS

1. **PRESENT SITUATION:**

BUI/DUI

Under current law, there is a lack of conformity between how refusals to submit to tests for impairment for boating under the influence (BUI) and driving under the influence (DUI) are punished. This has primarily been caused by having fines assessed for BUI refusals to submit to chemical testing while for a DUI refusal a person's license is suspended. SB 1086 would allow for progressive penalties for multiple refusals regardless of whether a past refusal was from a BUI or a DUI. There is also cleanup language included in SB 1086 that eliminates the criminal penalty for refusal of a blood test to determine if there was presence of alcohol or controlled substance. This is based on a Supreme Court ruling.

Rulemaking

Currently, the Florida Fish and Wildlife Conservation Commission (FWC) does not have rulemaking authority granted by the Florida Legislature with respect to the statewide issue of derelict vessels. SB 1086 would give FWC the ability to enact rules to address this statewide issue.

Spaceflight Recovery

Florida is a national leader in spaceflight activities, which brings additional challenges when parts of spaceflight assemblies fall into waters of this state as well as when recovery operations are necessary. There is no existing state statute in place to keep boaters away from potentially sensitive spaceflight operations. Spectator separation is necessary to prevent interference with sensitive operations as well as for public safety reasons.

Human-Powered Vessels and the ICW

According to the 2018 National Recreational Boating Safety Survey (NRBSS), there were 13.4 million unregistered boats and 11.9 million registered boats in the United States. Florida has nearly 1 million registered boats, but the number of unregistered boats is unknown. Extrapolating from the national data, it could be assumed that there are likely over a million unregistered (no motor) boats in Florida. If a person is operating a vessel that has no motor, they are exempt from boating education requirements. As such, they could have no exposure to the Navigation Rules or any safety messages that would inform them that human-powered vessels do not have inherent right of way status when there is a risk of collision. Many of the larger vessels that use the Intracoastal Waterway (ICW) are constrained by their draft (if they leave the channel, they would likely run aground) and enjoy right of way superior to a person on a kayak in the channel. Because human-powered vessels are generally small and light, they can enjoy much more total acreage of Florida's water. SB 1086 would require that human-powered vessels using the marked channel of the ICW do so only by crossing it as quickly as possible and not when it would affect other boats. This portion of the bill would create enhanced safety through user group separation, similar to that found on interstate highways.

Boating Safety Education

In 2019, 57% of all operators involved in reportable boating accidents had no boating safety education. In that same year, 80% of all operators involved in a fatal boating accident also had no boating safety education. In 2018, 59% of all operators involved in reportable boating accidents had no boating safety education. In that same year, 77% of all operators involved in a fatal boating accident also had no boating safety education. A review of the last five years of boating accidents revealed 1,974 operators aged 32 or older had no boating education. These accidents resulted in 219 deaths and 1,133 injured persons. Since 2011, operators 51 years of age and older have been the largest group of persons involved in boating accidents. This represents 991 operators involved in boating accidents. It also represents 131 fatalities and 543 injuries. Instead of the current statute where the requirement for boating safety education is tied to a "born before" date (January 1, 1988), which currently requires persons approximately 33 years and younger to have boating safety education if operating a motor boat with 10 horsepower or greater, this bill would make it applicable to all ages with an implementation date of January 1, 2023. It should be noted that there is

currently another mechanism in place where a vessel operator could opt to take a temporary certificate examination that, if passed, would allow them to operate a vessel for up to 90 days before the requirement to complete a boating safety course would be triggered.

Under current Florida law, several vessel operators are exempt from the boating safety requirements. The exempt persons are currently licensed by the United States Coast Guard as a master of a vessel, persons operating a vessel on a private lake or pond, persons being supervised by either exempt persons or ones who have proof of boating safety education and are over 18 years of age, a non-resident who has passed a boating safety course that has reciprocity with Florida, a person operating a boat within 90 days of purchasing the boat or a person who has passed a boating safety course within 90 days; but has not yet received their certificate, but can prove they passed the course. SB 1086 would also allow for an exemption from the boating safety education requirement for those persons who were previously licensed by the United States Coast Guard as the Master of a vessel to provide proof of such and get a boating safety identification card issued in his/her name. The rigor of this training vastly exceeds that of the state's approved boating education course, so such a boater would likely be well versed on boating safety and associated navigation rules. They would not, however, be exposed to state specific laws such as diver-down laws in Florida.

At-Risk Vessels and Notification

When dealing with vessels that are "at-risk" of becoming derelict, it is often the case that an officer will encounter the owner directly on the vessel. Currently, there is no provision for an officer to deliver the notification that he or she has reason to believe that an at-risk vessel does not have an effective means of propulsion for safe navigation in-person; the law only allows for it to be done in writing, email, fax or other electronic communication. Some of the persons who own or squat on vessels that lack an effective means of propulsion for safe navigation have effectively unplugged from the digital world and giving officer's the ability to deliver the notification orally if captured on body cameras, as this bill would provide, allows for greater flexibility without compromising accountability.

Currently, there is no specific prohibition against vessel owners tying off to mangroves and other upland vegetation. Furthermore, removing vessels which sink and are derelict while in tight proximity to mangroves and other upland vegetation often costs considerably more money due to conservation and depth concerns. SB 1086 would provide for marine officers to relocate these vessels while holding them harmless from damages except in cases of gross negligence or willful misconduct.

There is currently no process in place for state and local governments to remove vessels from state waters prior to them becoming derelict. Derelict vessel prevention programs, which provide incentives to remove vessels from state waters or prompt owners to not allow the vessel to decay into derelict status can save the state removal costs. It is approximately ten times less expensive to remove a floating vessel than it is to remove a sunken one that is breaking apart. SB 1086 would expand upon the prevention approach which is currently limited to a suite of "at-risk" infraction enforcement measures. Specifically, this would allow for the removal of "Nuisance Vessels" (to be described later in this document) and the creation of a vessel turn-in program to encourage at-risk vessel owners to turn over their vessel and title without having to pay for the removal as well as several other prevention methods designed to reduce the overall financial burden caused by derelict vessels. In order to be flexible in prevention programs, the bill allows for FWC to adopt rules to implement the programs.

Anchoring Setbacks

There have been instances where marinas have had vessel congregation areas crop up in close proximity to their operations that have significant and large boating operations. The problems associated with maneuvering significant boating traffic attempting to secure vessels to docking systems while watching out for vessels disembarking from congregation areas are not unique to public marinas. SB 1086 would expand the current 150 feet anchoring setback so that it would also apply to private marinas.

Presently, if a local government wants to enact a slow speed, minimum wake boating restricted area within a permitted mooring field, it would have to apply to FWC and submit substantial competent evidence that the restriction is necessary for public safety. This requires researching past citations and accident reports, among other items, and then submitting it to FWC for review. Within 68D-21.004 (3)(b) F.A.C., which is the criteria for approval of ordinances, it states in part "Navigational hazards are presumed to exist within the marked boundaries of mooring fields permitted by section (s.) 327.40, Florida Statutes (F.S.)." Ch. 327.46 (1)(b), F.S., currently lists other areas where navigational hazards are presumed to exist, such as: public boat ramps, bridges with fender systems, public fueling facilities, lock structures, narrow waterbodies less than 75 feet wide and so forth. These scenarios do not require a showing of substantial competent evidence because the hazards are presumed in statute. Since the hazards are also presumed within a permitted mooring field by rule, this is the logical standard that should be applied to slow speed, minimum wake boating-restricted areas. This will streamline the process for local governments and end unnecessary administrative tasks for processing by FWC.

Slow speed, minimum wake is not currently defined in Florida Statutes. SB 1086 includes language that mirrors the language currently found in 68D-24.002 (1) (a)-(d) F. A. C. where slow speed, minimum wake is defined.

“Move Over” Law

Florida Statutes do not expressly state that vessels must slow down when approaching emergency vessels such as fire/rescue, law enforcement and United States Coast Guard when their emergency lights are engaged. There are occasions when all these types of vessels might be dealing with persons injured from a boating accident and a passing vessel wake could compound injury to persons being recovered. This would be similar to the motor vehicle “Move Over” law passed several years ago, as it would require that vessels slow down to a speed no greater than slow speed, minimum wake when within 300 feet of emergency vessels with their lights activated.

Annually, the FWC Boating and Waterways Section fields many requests for temporary speed reductions associated with construction activities. There is no provision in statute or rule that authorizes speed reductions for that purpose. This can be unsafe to marine construction contractors who are actively engaged in construction activities. SB 1086 would allow marine construction crews to erect an orange flag at least two feet by three feet with a required stiffener from the highest point of the work vessel or barge which would create a 300 feet in all directions slow speed, minimum wake boating-restricted area while construction activity is actively underway. If the construction is not actively underway and the flag is not taken down, the owner or responsible party would be subject to a noncriminal infraction as well.

No Discharge Zones

The discharge of untreated marine sewage is not allowed in state waters. However, the discharge of treated marine sewage is currently permissible in state waters, except for Destin Harbor, City of Key West waters, and the state waters within the Florida Keys National Marine Sanctuary. Treated sewage removes much of the bacteria found in waste, but it does not remove the solids or the nutrients. Dumping treated sewage on shellfish beds or in waters that do not have much flushing due to lack of water flow is not a desirable practice. Florida has had many recent and persistent algal blooms whose cause is a subject of debate. There are currently 469 separate sewage pump out facilities located in Florida, 345 of which are available for public use. The location in Florida with the least pump outs is the sparsely populated Big Bend area on the Gulf of Mexico. SB 1086 would prohibit all dumping of sewage, treated and untreated from vessels in state waters effective upon approval by the U.S. Environmental Protection Agency. Since it is currently legal to pump out in Federal waters, the farthest a vessel owner would need to travel offshore to legally pump out sewage would be nine miles on the Gulf coast and three miles on the East coast. The criticism heard from the boating industry is that this would penalize those persons who paid thousands of dollars to outfit their vessels with marine sanitation devices that actually treat their sewage prior to dumping overboard. Florida would not be the first state to outlaw all dumping of sewage into its waters; it would be joining Massachusetts, Michigan, New Hampshire, New Mexico, Rhode Island, Vermont and Wisconsin. The act of making Florida a statewide no discharge zone would require that the administrator of the U.S. Environmental Protection Agency determine that Florida has adequate facilities for the safe and sanitary removal and treatment of sewage from vessels and that they are reasonably available. This process is outlined in 33 United States Code 1322 (f)(3).

This portion of the bill would also require both liveaboard vessels, as defined in Ch. 327.02 (a) or (c), F.S., and houseboats as defined in Ch. 327.17, F.S., to maintain a log for no less than one year of the date and locations of all pump outs of marine sewage.

Clean Up

Under present law, a person who by age is required to have boating safety education that fails to have proof of completion of that education with them when stopped is fined the same amount regardless of whether or not they actually had completed an approved boating safety course at the time they were charged. SB 1086 would prevent those persons who had the required education but failed to have proof of such present with them at the time they were cited from being convicted. This is consistent with laws in place regarding hunting or fishing licenses.

In addition to doubling the fines for vessels found to be at-risk of becoming derelict from \$50 to \$100 for the first offense and from \$100 to \$250 for the second offense that is 30 days or more after the first offense and from \$250 to \$500 for any third or subsequent offense that is 30 days or more after the second offense, SB 1086 would create a new status called a nuisance vessel, which was previously referred to in this analysis. A nuisance vessel would be any vessel that has had three or more at-risk violations issued pursuant to the same paragraph of Ch. 327.4107(2), F.S., within an 18-month period which resulted in dispositions other than acquittal or dismissal. Rather than the current situation, where a vessel owner or responsible person could accumulate citation after citation without ever being forced to remove their vessel and thereby allowing it to inexorably deteriorate into a derelict condition, state and/or local governments could now remove and destroy the vessel prior to it becoming derelict, with much lower costs. This would also provide incentive for owners of such vessels to participate in a vessel turn-in program, anticipated in another section of SB 1086.

Under current law, when an owner of a derelict vessel fails to repay within 30 days, he/she is subjected to having their ability to register any motor vehicle or vessel in the state of Florida revoked until that money is paid back. There have been several known instances of persons, who even though they are aware that their privilege to register vehicles/vessels has been revoked, are still somehow convincing clerks to bypass the revocation and successfully register a vehicle/vessel. SB 1086 would make it a first-degree misdemeanor for a person who received written notice by certified mail that their privilege to register a vehicle/vessel was revoked to subsequently apply for and receive registration of a vehicle or vessel prior to full repayment.

Similarly to slow speed, minimum wake, the elements "wrecked, junked or substantially dismantled" of the derelict vessel statute aren't expressly provided for in Florida Statutes. SB 1086 would define them in a manner consistent with the training that FWC has provided to state and local marine officers over the years. This would allow for more consistent application by marine officers around the state as well as more precisely describing the legislative intent behind the words.

2. EFFECT OF THE BILL:

SB 1086 would amend various Florida Statutes regarding the operation and safety of motor vehicles and vessels.

Section 1. would amend subsection 316.1932, F.S., which relates to tests for alcohol, chemical substances, or controlled substances, implied consent, and refusal. The bill would revise conditions under which a person's driving privilege is suspended and under which the person commits a misdemeanor relating to tests for alcohol, chemical substances, or controlled substances. The bill would specify such misdemeanor as a misdemeanor of the first degree.

Section 2. would amend ss. 316.1939, F.S., which relates to refusal to submit to testing and penalties. The bill would specify a violation of this subsection is a misdemeanor of the first degree.

Section 3. would amend s. 327.02, F.S., to define the term "human-powered vessel" to mean a vessel powered only by its occupant or occupants, including, but not limited to, a vessel powered only by the occupants' hands or feet, oars, or paddles. The bill would provide updated dates with reference to the term "navigation rules."

Section 4. would amend s. 327.04, F.S., to provide additional rulemaking authority to FWC to implement the provisions of this act.

Section 5. would create s. 327.462, F.S., to provide temporary protection zones for spaceflight launches and the recovery of spaceflight assets. The bill would define the following terms:

"Launch services" means the conduct of a launch and activities involved in the preparation of a launch vehicle, payload, government astronaut, commercial astronaut, or spaceflight participant for such launch.

"Re-entry services" means the conduct of a re-entry and activities involved in the preparation of a re-entry vehicle, payload, government astronaut, commercial astronaut, or spaceflight participant for such re-entry.

"Spaceflight assets" means any item, or any part of an item, owned by a spaceflight entity which is used in launch services or re-entry services, including crewed and un-crewed spacecraft, launch vehicles, parachutes and other landing aids, and any spacecraft or ancillary equipment that was attached to the launch vehicle during launch, orbit, or re-entry.

"Spaceflight entity" has the same meaning as provided in s. 331.501, F.S., which states that a spaceflight entity is any public or private entity holding a United States Federal Aviation Administration launch, re-entry, operator, or launch site license for spaceflight activities. The term also includes any manufacturer or supplier of components, services, or vehicles that have been reviewed by the United States Federal Aviation Administration as part of issuing such a license, permit, or authorization.

The bill would authorize the head of a law enforcement agency or entity identified in s. 327.70(1), F.S., or his or her designee, to temporarily establish a protection zone requiring vessels to leave, or prohibiting vessels from entering water bodies when necessary for preparations in advance of a launch service or re-entry service, or for the recovery of spaceflight assets before or after a launch service or re-entry service. A protection zone may remain in effect only as long as necessary to ensure security around the launch and recovery areas and to recover spaceflight assets and any personnel being transported within a spacecraft following the launch or re-entry activity. Such protection zones may not be in place more than 72 hours before or 72 hours after the launch. The head of a law enforcement agency or entity establishing a protection zone under this section, or his or her designee, must report the establishment of such protection zone via e-mail to the commission's Division of Law Enforcement, Boating and Waterways Section, and to the appropriate United States Coast Guard Sector Command having responsibility over the water body, at least 72 hours before establishment of the protection zone. Such report must include the reasons for the protection zone, the portion of the water body or water bodies that will be included in the protection zone, and the duration of the protection zone. No later than 72 hours after the end of the protection zone period, the head of the law enforcement agency or entity, or his or her designee, must report via e-mail to the commission's Division of Law Enforcement, Boating and Waterways Section, the details of all citations issued for violating the protection zone. A person who

violates these provisions or any directive given by a law enforcement officer relating to the establishment of a protection zone after being advised of the establishment of the protection zone commits a misdemeanor of the second degree.

Section 6. would amend s. 327.352, F.S., relating to tests for alcohol, chemical substances, or controlled substances, implied consent, and refusal. The bill would revise conditions under which a person commits a misdemeanor for a violation while operating a vessel and specifies that such misdemeanor as a misdemeanor of the first degree.

Section 7. would amend s. 327.359, F.S., relating to refusal to submit to testing and penalties. The bill would specify a violation of this subsection is a misdemeanor of the first degree.

Section 8. would create s. 327.371, F.S., to regulate the operation of human-powered vessels and specify the circumstances under which a person may operate a human-powered vessel within the boundaries of the marked channel of the Florida Intracoastal Waterway. The bill would provide that a person may operate a human-powered vessel within the boundaries of the marked channel of the Florida Intracoastal Waterway:

- When the marked channel is the only navigable portion of the waterway available due to vessel congestion or obstructions on the water. The operator of the human-powered vessel shall proceed with diligence to a location where he or she may safely operate the vessel outside the marked channel of the Florida Intracoastal Waterway.
- When crossing the marked channel, provided that the crossing is done in the most direct, continuous, and expeditious manner possible and does not interfere with other vessel traffic in the channel.
- During an emergency endangering life or limb.

The bill would provide that a person who violates these provisions commits a noncriminal infraction, punishable as provided in s. 327.73, F.S.

Section 9. would amend s. 327.391, F.S., relating to airboats to conform cross-references.

Section 10. would amend s. 327.395, F.S., relating to boating safety education. The bill would provide that beginning January 1, 2023, a person, regardless of date of birth, may not operate a vessel powered by a motor of ten horsepower or greater unless they have in their possession, aboard the vessel, photographic identification and a boating safety identification card issued by FWC, a state-issued identification card or driver license indicating possession of the boating safety identification card, or photographic identification and a temporary certificate issued or approved by FWC.

The bill would amend the section to exempt a person licensed by the United States Coast Guard to serve as Master of a vessel or has been previously licensed by the United States Coast Guard to serve as Master of a vessel, provides proof of such licensure to FWC, and requests that a boating safety identification card be issued in his or her name.

Section 11. would amend s. 327.4107, F.S., relating to derelict vessels. The bill would authorize officers to provide notice that a vessel is at risk of becoming derelict orally via body camera recordings. The bill would provide that a law enforcement agency or officer specified in s. 327.70, F.S., may relocate or cause to be relocated an at-risk vessel found to be in violation to a distance greater than 20 feet from a mangrove or upland vegetation. A law enforcement agency or officer acting pursuant to this provision upon waters of this state shall be held harmless for all damages to the at-risk vessel resulting from such relocation unless the damage results from gross negligence or willful misconduct. The bill would provide that FWC may establish a derelict vessel prevention program to address vessels at risk of becoming derelict. Such program may, but is not required to, include:

- Removal, relocation, and destruction of vessels declared a public nuisance, derelict or at risk of becoming derelict, or lost or abandoned in accordance with s. 327.521(2), s. 327.53(7), s. 327.73(1)(aa), s. 705.103(2) and (4), or s. 823.11(3).
- Creation of a vessel turn-in program, allowing the owner of a vessel determined by law enforcement to be at risk of becoming derelict to turn his or her vessel and vessel title over to FWC to be destroyed without penalty.
- Providing for removal and destruction of an abandoned vessel for which an owner cannot be identified or the owner of which is deceased, and no heir is interested in acquiring the vessel.
- Purchase of anchor line, anchors, and other equipment necessary for securing vessels at risk of becoming derelict.
- Creating or acquiring moorings designated for securing vessels at risk of becoming derelict.

The bill would provide that a derelict vessel prevention program created may include other preventative efforts and methods as determined appropriate and necessary by FWC. The bill would provide that FWC may adopt rules to implement this program. Implementation of the derelict vessel prevention program shall be subject to appropriation by the Legislature and shall be funded by the Marine Resources Conservation Trust Fund or the Florida Coastal Protection Trust Fund.

Section 12. would amend s. 327.4109, F.S., relating to anchoring and mooring. The bill would prohibit the anchoring or mooring of a vessel or floating structure within 150 feet of any public or private marina, boat ramp, boatyard, or other public vessel launching or loading facility. The bill would provide an exemption to this prohibition if:

- The vessel suffers a mechanical failure that poses an unreasonable risk of harm to the vessel or the persons onboard such vessel. The owner or operator of the vessel may anchor or moor for five business days or until the vessel is repaired, whichever occurs first.
- Imminent or existing weather conditions in the vicinity of the vessel pose an unreasonable risk of harm to the vessel or the persons onboard such vessel. The owner or operator of the vessel may anchor or moor until weather conditions no longer pose such risk. During a hurricane or tropical storm, weather conditions are deemed to no longer pose an unreasonable risk of harm when the hurricane or tropical storm warning affecting the area has expired.

Section 13. would amend s. 327.46, F.S., relating to boating-restricted areas. The bill would authorize a county or municipality to establish a boating-restricted area within and around a public mooring field.

Section 14. would create s. 327.463, F.S., relating to special hazards. The bill would provide that a vessel is operating at slow speed, minimum wake only if it is:

- Fully off plane and completely settled into the water; and
- Proceeding without wake or with minimum wake.

A vessel that is operating at slow speed, minimum wake may not proceed at a speed greater than a speed that is reasonable and prudent to avoid the creation of an excessive wake or other hazardous condition under the existing circumstances.

A vessel is not proceeding at slow speed, minimum wake if it is:

- Operating on plane;
- In the process of coming off plane and settling into the water or getting on plane; or
- Operating at a speed that creates a wake that unreasonably or unnecessarily endangers other vessels.

The bill would provide that a person may not operate a vessel faster than slow speed, minimum wake within 300 feet of any emergency vessel, including, but not limited to, a law enforcement vessel, United States Coast Guard vessel, or firefighting vessel, when such emergency vessel's emergency lights are activated.

The bill would further provide that a person may not operate a vessel faster than slow speed, minimum wake within 300 feet of any construction vessel or barge when the vessel or barge is displaying an orange flag from a pole extending:

- At least 10 feet above the tallest portion of the vessel or barge, indicating that the vessel or barge is actively engaged in construction operations; or
- At least five feet above any superstructure permanently installed upon the vessel or barge, indicating that the vessel or barge is actively engaged in construction operations.

The bill would provide that a flag displayed on a construction vessel or barge must:

- Be at least two feet by three feet in size.
- Have a wire or other stiffener or be otherwise constructed to ensure that the flag remains fully unfurled and extended in the absence of a wind or breeze.
- Be displayed so that the visibility of the flag is not obscured in any direction.

The bill would provide that during periods of low visibility, including any time between 30 minutes after sunset and 30 minutes before sunrise, a person may not be cited for a violation of these provisions unless the orange flag is illuminated and visible from a distance of at least two nautical miles. Such illumination does not relieve the construction vessel or barge from complying with all navigation rules.

The bill would provide penalties for violations as follows:

- A person operating a vessel in violation of this section commits a noncriminal infraction, punishable as provided in s. 327.73, F.S.
- The owner of, or party who is responsible for, a construction vessel or barge who displays an orange flag on the vessel or barge when it is not actively engaged in construction operations commits a noncriminal infraction, punishable as provided in s. 327.73, F.S..

The bill would provide that the speed and penalty provisions do not apply to a law enforcement, firefighting, or rescue vessel that is owned or operated by a governmental entity.

Section 15. would amend s. 327.50, F.S., relating to vessel safety regulations, equipment, and lighting requirements. The bill would authorize FWC to exempt owners and operators of vessels from safety equipment requirements.

Section 16. would create s. 327.521, F.S., relating to no-discharge zones. The bill would provide that upon approval by the United States Environmental Protection Agency, all waters of Florida are designated no-discharge zones. A person may not discharge sewage of any type, whether treated or untreated, from any vessel or floating structure into waters of this state. A person who violates this subsection commits a noncriminal infraction, punishable by a civil penalty of up to \$250. If any discharge prohibited by this subsection is ongoing or continuous, the person may be assessed a penalty of up to \$250 for each day the violation continues.

The bill would provide that a vessel or floating structure in violation of these provisions is declared a nuisance and a hazard to public safety and health. The owner or operator of a vessel or floating structure convicted a second time for violating these provisions shall, within 30 days following the conviction, remove the vessel or floating structure from the waters of Florida. If the vessel or floating structure remains on the waters of this state in violation of these provisions, law enforcement officers charged with the enforcement of this chapter under s. 327.70, F.S., shall apply to the appropriate court in the county in which the vessel or floating structure is located to order or otherwise cause the removal of such vessel or floating structure from the waters of this state at the owner's expense. If the owner cannot be found or otherwise fails to pay the removal costs, the provisions of s. 328.17, F.S., shall apply. If the proceeds under s. 328.17, F.S., are not sufficient to pay all removal costs, funds appropriated from the Marine Resources Conservation Trust Fund pursuant to sections 327.53(6)(b) or s. 328.72(15)(c), F.S., may be used.

The bill would provide that the term "conviction" means a disposition other than acquittal or dismissal.

Section 17. would amend s. 327.53, F.S., relating to marine sanitation. The bill would require the owner or operator of a live-aboard vessel or houseboat equipped with a marine sanitation device to maintain a record of the date of each pump out of the marine sanitation device and the location of the pump out station or waste reception facility. Each record must be maintained for one year after the date of the pump out.

Section 18. would amend s. 327.54, F.S., relating to liveries. The bill would prohibit a livery from leasing, hiring, or renting a vessel to a person required to complete a FWC-approved boating safety education course unless such person presents to the livery photographic identification and a valid boater safety identification card issued by FWC, a state-issued identification card or driver license indicating possession of the boating safety identification card, or photographic identification and a valid temporary certificate issued or approved by FWC.

Section 19. would amend s. 327.60, F.S., relating to local regulations. The bill would authorize a local government to enact and enforce regulations allowing the local law enforcement agency to remove an abandoned or lost vessel affixed to a public mooring.

Section 20. would amend s. 327.73, F.S., relating to noncriminal infractions. The bill would provide additional violations that qualify as noncriminal infractions. These are:

- Section 327.53(1), (2), and (3), and (8), F.S., relating to marine sanitation.
- Section 327.395, F.S., relating to boater safety education. However, a person cited for violating the requirements of s. 327.395, F.S., relating to failure to have required proof of boating safety education in his or her possession may not be convicted if, before or at the time of a county court hearing, the person produces proof of the boating safety education identification card or temporary certificate for verification by the hearing officer or the court clerk and the identification card or temporary certificate was valid at the time the person was cited.
- Section 327.4107, F.S., relating to vessels at risk of becoming derelict on the waters of this state, for which the civil penalty is:
 - For a first offense, \$100 \$50.
 - For a second offense occurring 30 days or more after a first offense, \$250 \$100.
 - For a third or subsequent offense occurring 30 days or more after a previous offense, \$500 \$250.

A vessel that is the subject of three or more violations issued within an 18-month period which result in dispositions other than acquittal or dismissal shall be declared to be a public nuisance. FWC, an FWC officer, a law enforcement agency, or officer specified in s. 327.70, F.S., may relocate, remove, or cause to be relocated or removed such public nuisance vessels from waters of this state. FWC, an FWC officer, a law enforcement agency, or officer acting pursuant to this provisions upon waters of this state shall be held harmless for all damages to the vessel resulting from such relocation or removal unless the damage results from gross negligence or willful misconduct.

- Section 327.463(4)(a) and (b), F.S., relating to vessels creating special hazards, for which the penalty is:
 - For a first offense, \$50.
 - For a second offense occurring within 12 months after a prior offense, \$100.
 - For a third offense occurring within 36 months after a prior offense, \$250.

- Section 327.371, F.S., relating to the regulation of human-powered vessels.
- Section 327.521, F.S., relating to no-discharge zones, for which the penalty is up to \$250 for each offense.

Section 21. would amend s. 328.09, F.S., relating to the refusal to issue and authority to cancel a certificate of title or registration. The bill would prohibit the Department of Highway Safety and Motor Vehicles from issuing a certificate of title to an applicant for a vessel that has been deemed derelict.

Section 22. would amend s. 328.09, F.S., relating to the refusal to issue and the authority to cancel a certificate of title or registration. The bill would authorize the department, at a later date, to reject an application for a certificate of title for a derelict vessel.

Section 23. would amend s. 376.15, F.S., relating to derelict vessels - relocation or removal from public waters. The bill would conform these provisions to changes made by the act and authorizes a governmental subdivision that has received authorization from a law enforcement officer or agency to direct a contractor to perform vessel relocation or removal activities. The bill would provide licensure, insurance, and equipment requirements for such governmental subdivisions and would authorize FWC to provide local government grants for destruction and disposal of derelict vessels. The bill would provide for funding from the Marine Resources Conservation Trust Fund or the Florida Coastal Protection Trust Fund.

Section 24. would amend s. 705.103, F.S., relating to procedure for abandoned or lost property. The bill would provide notice procedures for when a law enforcement officer ascertains that a derelict or public nuisance vessel is present on the waters of this state. The bill would require a mailed notice to the owner or party responsible for the vessel to inform him or her of the right to a hearing and would provide hearing requirements. The bill would authorize a law enforcement agency to take actions if a hearing is not requested or a vessel is determined to be derelict or otherwise in violation of law. The bill would revise provisions relating to liability for vessel removal costs and notification of the amount owed and would provide penalties for a person who is issued a registration for a vessel or motor vehicle before such costs are paid. The bill would provide that a person who has neglected or refused to pay all costs of removal, storage, and destruction of a vessel or motor vehicle, after having been provided written notice via certified mail that such costs are owed, and who applies for and is issued a registration for a vessel or motor vehicle before such costs have been paid in full commits a misdemeanor of the first degree.

Section 25. would amend s. 823.11, F.S., relating to derelict vessels, relocation or removal, and penalties. The bill would revise the definition of the term "derelict vessel" to mean in a wrecked, junked, or substantially dismantled condition upon any public waters of this state.

- A vessel is wrecked if it is sunken or sinking; aground without the ability to extricate itself absent mechanical assistance; or remaining after a marine casualty, including, but not limited to, a boating accident, extreme weather, or a fire.
- A vessel is junked if it has been substantially stripped of vessel components, if vessel components have substantially degraded or been destroyed, or if the vessel has been discarded by the owner or operator. Attaching an outboard motor to a vessel that is otherwise junked will not cause the vessel to no longer be junked if such motor is not an effective means of propulsion.
- A vessel is substantially dismantled if at least two of the three following vessel systems or components are missing, compromised, incomplete, inoperable, or broken - the steering system, the propulsion system or the exterior hull integrity. Attaching an outboard motor to a vessel that is otherwise substantially dismantled will not cause the vessel to no longer be substantially dismantled if such motor is not an effective means of propulsion.

The bill would provide that relocation or removal costs incurred by a governmental subdivision are recoverable against the vessel owner and would provide a penalty of a misdemeanor of the first degree for a person who is issued a registration for a vessel or motor vehicle before such costs are paid. The bill would provide that a governmental subdivision that has received authorization from a law enforcement officer or agency to direct a contractor to perform vessel relocation or removal activities, and provides licensure, insurance, and equipment requirements for such governmental subdivision.

Section 26. The bill would provide an effective of July 1, 2021, unless otherwise expressly provided in this act.

3. DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? Y ☒ N ☐

If yes, explain:	SB 1086 would provide additional rulemaking authority to FWC to implement the provisions of this act.
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Is the change consistent with the agency's core mission?	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>
Rule(s) impacted (provide references to F.A.C., etc.):	N/A

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

Proponents and summary of position:	The Florida Fish and Wildlife Conservation Commission
Opponents and summary of position:	Unknown.

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL?Y ☐ N ☒

If yes, provide a description:	N/A
Date Due:	N/A
Bill Section Number(s):	N/A

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL?Y ☐ N ☒

Board:	N/A
Board Purpose:	N/A
Who Appoints:	N/A
Changes:	N/A
Bill Section Number(s):	N/A

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT?Y ☐ N ☒

Revenues:	N/A
Expenditures:	N/A
Does the legislation increase local taxes or fees? If yes, explain.	N/A
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	N/A

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT?Y ☐ N ☒

Revenues:	N/A
Expenditures:	N/A
Does the legislation contain a State Government appropriation?	The bill would provide for funding from the Marine Resources Conservation Trust Fund or the Florida Coastal Protection Trust Fund for derelict vessel removal. A specific amount is not identified.
If yes, was this appropriated last year?	No.

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR?Y ☐ N ☒

Revenues:	N/A
Expenditures:	N/A
Other:	N/A

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?Y ☐ N ☒

If yes, explain impact.	N/A
Bill Section Number:	N/A

TECHNOLOGY IMPACT**1. DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)?**Y ☐ N ☒

If yes, describe the anticipated impact to the agency including any fiscal impact.	N/A
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FEDERAL IMPACT**1. DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)?**Y ☒ N ☐

If yes, describe the anticipated impact including any fiscal impact.	The EPA would have to approve Florida state waters becoming a no discharge zone.
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ADDITIONAL COMMENTS

N/A

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:	N/A
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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 Environment and Natural Resources

BILL: CS/SB 1086

INTRODUCER: Environment and Natural Resources Committee and Senator Hutson

SUBJECT: Operation and Safety of Motor Vehicles and Vessels

DATE: March 16, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Anderson	Rogers	EN	Fav/CS
2.			AEG	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1086 contains numerous changes to existing laws administered by the Fish and Wildlife Conservation Commission (FWC) and other law enforcement entities.

Relating to rulemaking, the bill:

- Provides additional rulemaking authority to FWC to implement provisions relating to derelict vessels.

Relating to boater safety, the bill:

- Revises conditions under which a person operating a motor vehicle or vessel commits a misdemeanor by failing to submit to breath or urine testing for alcohol, chemical substances, and controlled substances.
- Deletes the provisions establishing a misdemeanor for the refusal to submit to blood testing for alcohol, chemical substances, and controlled substances.
- Defines the term “human-powered vessel” and restricts the operation of such vessels within the boundaries of the Florida Intracoastal Waterway.
- Prohibits a livery from leasing, hiring, or renting a vessel to a person required to complete a FWC-approved boating safety education course unless the person presents certain documentation indicating compliance.
- Revises boating-restricted areas to include certain areas around public or private marinas, permitted public mooring fields, and the Florida Intracoastal Waterway.
- Designates Monroe County as an anchoring limitation area.

- Authorizes FWC to establish anchoring/mooring/beaching/grounding protection zones for springs.
- Prohibits the operation of vessels faster than slow speed, minimum wake upon approaching certain hazardous conditions, including approaching an emergency or construction vessel.

Relating to derelict vessels, the bill:

- Authorizes officers to provide in-person notice that a vessel is at risk of becoming derelict if there is a body camera recording.
- Authorizes law enforcement officers to relocate at-risk vessels to a certain distance from mangroves or vegetation.
- Authorizes FWC to establish a derelict vessel prevention program.
- Authorizes local governments to enact and enforce regulations to remove an abandoned or lost vessel affixed to a public mooring.
- Authorizes law enforcement officers to relocate or remove public nuisance vessels from the waters of this state.
- Prohibits the Department of Highway Safety and Motor Vehicles from issuing a certificate of title to an applicant for a vessel that has been deemed derelict, and beginning in 2023, authorizes the department to reject an application for a certificate of title for a vessel that has been deemed derelict.
- Authorizes FWC to provide local government grants for the destruction and disposal of derelict vessels.
- Creates specific procedures for derelict vessels or vessels that have been declared a public nuisance that are present on waters of this state, including notice and hearing requirements and liability for removal costs.
- Revises the definition of the term “derelict vessel” to specify requirements for a vessel to be considered “wrecked,” “junked,” or “substantially dismantled.”
- Authorizes certain governmental subdivisions to perform relocation or removal activities and specifies requirements for licensure, insurance, and equipment.

Relating to marine sanitation devices, the bill:

- Requires the owner/operator of a live-aboard vessel or houseboat equipped with a marine sanitation device to maintain records of each pumpout.

Relating to penalties, the bill:

- Increases the civil penalties for a vessel deemed at risk of becoming derelict.
- Creates civil penalties for vessels creating special hazards as specified in the bill.
- Adds operating a human-powered vessel in the Intracoastal Waterway to the list of violations resulting in a noncriminal infraction.

Relating to spaceflight, the bill:

- Authorizes FWC to establish temporary protective zones in certain water bodies in preparation for a launch service or reentry service, or for the recovery of spaceflight assets before or after a launch service or reentry service.

II. Present Situation:

Fish and Wildlife Conservation Commission

The Fish and Wildlife Conservation Commission (FWC) is responsible for regulating, managing, protecting, and conserving the state's fish and wildlife resources.¹ FWC is governed by a board of seven members who are appointed by the Governor and confirmed by the Florida Senate to five-year terms.² Under Article IV, Section 9 of the Florida Constitution, FWC is granted the authority to exercise the regulatory and executive powers of the state with respect to wild animal life, fresh water aquatic life, and marine life. The Legislature may enact laws that aid FWC in its exercise of regulatory functions and executive powers in the areas of planning, budgeting, personnel management, and purchasing.³

Chapters 327 and 328, F.S., concerning vessel safety and vessel title certificates, liens, and registration, are enforced by FWC's Division of Law Enforcement and its officers, county sheriffs and deputies, municipal police officers, and any other law enforcement officer.⁴ The Division of Law Enforcement manages the state's waterways to ensure boating safety for residents of and visitors to the state.⁵ This includes enforcing boating rules and regulations; coordinating boating safety campaigns and education; managing public waters and access to the waters; conducting boating accident investigations; identifying and removing derelict vessels; and investigating vessel theft and title fraud.⁶

Boater Safety Education

A person born on or after January 1, 1988, who will be operating a boat in Florida waters with an engine of 10 horsepower or more, must obtain a Florida boating safety identification card.⁷ To obtain a card, a person must complete an approved boating safety course.⁸ There are several courses available at various price points ranging from free up to \$50.⁹ The course must meet the 8-hour instruction requirement established by the National Association of State Boating Law Administrators and must include a component regarding diving vessels.¹⁰ The card is valid for

¹ FLA. CONST. art. IV, s. 9.

² *Id.*; see also s. 379.102(1), F.S.

³ FLA. CONST. art. IV, s. 9.

⁴ Section 327.70(1), F.S.; see s. 943.10(1), F.S., which defines "law enforcement officer" as any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The definition also includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.

⁵ Fish and Wildlife Conservation Commission (FWC), *Boating*, <https://myfwc.com/boating/> (last visited Feb. 13, 2021).

⁶ FWC, *Law Enforcement*, <https://myfwc.com/about/inside-fwc/le/> (last visited Feb. 15, 2021). See s. 327.70(1) and (4), F.S.

⁷ Section 327.395(1), F.S.

⁸ FWC, *Boater Education Identification Card*, <https://myfwc.com/boating/safety-education/id/> (last visited Feb. 23, 2021).

This card is not a boating license, it is a certification that the person named on the card has successfully completed the required boating safety course.

⁹ FWC, *Boating Safety Courses*, <https://myfwc.com/boating/safety-education/courses/> (last visited Feb. 23, 2021).

¹⁰ Section 327.395(1), F.S.

life, unless it was obtained by passing a temporary certificate examination, in which case it is valid for 90 days after the date of issuance.¹¹

Certain persons are exempt from the requirement to obtain a boating safety identification card. A person is exempt if he or she:

- Is licensed by the United States Coast Guard (Coast Guard) to serve as master of a vessel.
- Operates a vessel only on a private lake or pond.
- Is accompanied in the vessel by a person who is exempt from this section or who holds an identification card in compliance with this section, is 18 years of age or older, and is attendant to the operation of the vessel and responsible for the safe operation of the vessel and for any violation that occurs during the operation of the vessel.
- Is a nonresident who has in his or her possession proof that he or she has completed a boater education course or equivalency examination in another state which meets or exceeds the requirements in Florida.
- Is operating a vessel within 90 days after the purchase of that vessel and has available for inspection aboard that vessel a bill of sale.
- Is operating a vessel within 90 days after completing the boater education course and has a photographic identification card and a boater education certificate available for inspection as proof of having completed a boater education course. The boater education certificate must provide, at a minimum, the student's first and last name, the student's date of birth, and the date that he or she passed the course examination.
- Is exempted by FWC rule.¹²

A person who operates a vessel without the required boating safety identification card can be charged with a noncriminal infraction and is subject to a uniform boating citation and a \$50 civil penalty.¹³

A livery may not knowingly lease, hire, or rent vessels under certain conditions meant to ensure boater safety.¹⁴ A livery may also not knowingly lease, hire, or rent any vessel powered by a motor of 10 horsepower or greater to any person who is required to comply with boater safety education requirements, unless the person presents photographic identification and a valid boater safety identification card to the livery or meets one of the listed exemptions.¹⁵

Boating Safety Regulations

An operator of a vessel in Florida must operate the vessel in a reasonable and prudent manner, having regard for other waterborne traffic, posted speed and wake restrictions, and all other attendant circumstances so as not to endanger the life, limb, or property of another person

¹¹ Section 327.395(5), F.S.

¹² Section 327.395(6), F.S.

¹³ Section 327.73(1)(s), F.S.

¹⁴ Section 327.54(1), F.S. For example, vessels must have proper safety equipment and be seaworthy and the number of vessel occupants may not exceed the maximum safety load of the vessel.

¹⁵ Section 327.54(2), F.S.

outside the vessel or due to vessel overloading or excessive speed.¹⁶ Operating a vessel in excess of a posted speed limit is a civil infraction, for which the penalty is \$50.¹⁷

Vessel owners and operators must carry, store, maintain, and use safety equipment in accordance with current Coast Guard safety equipment requirements, unless expressly exempted.¹⁸ Vessel owners and operators are also subject to additional safety requirements relating to appropriate equipment and the use of personal flotation devices.¹⁹

Anchoring or Mooring

Anchoring or mooring refers to a boater's practice of seeking and using a safe harbor on the public waterway system for an undefined duration. Anchoring is accomplished using an anchor carried on the vessel.²⁰ Mooring is accomplished through the use of moorings permanently affixed to the bottom of the water body. Anchorages are areas that boaters regularly use for anchoring or mooring, whether designated or managed for that purpose or not. Mooring fields are areas designated and used for a system of properly spaced moorings.²¹

State law prohibits a person from anchoring a vessel, except in case of emergency, in a manner which unreasonably or unnecessarily constitutes a navigational hazard or interferes with another vessel.²² Interference with navigation is a noncriminal infraction and punishable by a fine of \$50.²³

The owner or operator of a vessel or floating structure may not anchor or moor such that the nearest approach of the anchored or moored vessel or floating structure is:

- Within 150 feet of any marina, boat ramp, boatyard, or vessel launching or loading facility;
- Within 300 feet of a superyacht repair facility (a facility that services or repairs a yacht with a water line of 120 feet or more in length); or
- Within 100 feet outward from the marked boundary of a public mooring field or a lesser distance if approved by the local government within which the mooring field is located.²⁴

However, there are exceptions if:

- The vessel suffers a mechanical failure that poses an unreasonable risk of harm to the vessel or the persons onboard such vessel. The owner or operator of the vessel may anchor or moor for 5 business days or until the vessel is repaired, whichever occurs first; or

¹⁶ Section 327.33, F.S.

¹⁷ Section 327.73(h), F.S.

¹⁸ Section 327.50, F.S.

¹⁹ *Id.*

²⁰ Section 327.02, F.S., defines the term "vessel" to include every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

²¹ Ankersen, Hamann, & Flagg, *Anchoring Away: Government Regulation and the Rights of Navigation in Florida*, 2 (Rev. May 2012), available at https://www.flseagrant.org/wp-content/uploads/anchoring_away_5_12_update_web.pdf (last visited Mar. 10, 2021).

²² Section 327.44, F.S.

²³ Section 327.73, F.S.

²⁴ Section 327.4109(1)(a), F.S.

- Imminent or existing weather conditions in the vicinity of the vessel pose an unreasonable risk of harm to the vessel or the persons onboard such vessel. The owner or operator of the vessel may anchor or moor until weather conditions no longer pose such risk.²⁵

Additionally, the owner or operator of a vessel or floating structure may not anchor or moor within the marked boundary of a public mooring field unless the owner or operator has a lawful right to do so by contractual agreement or other business arrangement.²⁶

Local Regulation of the Anchoring or Mooring of Vessels

Local governments are authorized by general permit to construct, operate, and maintain public mooring fields, each for up to 100 vessels.²⁷ Mooring fields are required to be located where navigational access already exists between the mooring field and the nearest customarily used access channel or navigable waters which the mooring field is designed to serve. Each mooring field must be associated with a land-based support facility that provides amenities and conveniences, such as parking, bathrooms, showers, and laundry facilities. Major boat repairs and maintenance, fueling activities other than from the land-based support facility, and boat hull scraping and painting are not authorized within mooring fields.²⁸

Local governments are authorized to enact and enforce ordinances that prohibit or restrict the mooring or anchoring of floating structures²⁹ or live-aboard vessels³⁰ within their jurisdictions and vessels that are within the marked boundaries of permitted mooring fields.³¹ However, local governments are prohibited from enacting, continuing in effect, or enforcing any ordinance or local regulation that regulates the anchoring of vessels, other than live-aboard vessels, outside the marked boundaries of permitted mooring fields.³²

Anchoring Limitation Areas

State law designates certain densely populated urban areas as anchoring limitation areas.³³ To promote the public's use and enjoyment of these waterways, anchoring a vessel is prohibited at any time between 30 minutes after sunset and 30 minutes before sunrise in an anchoring limitation area.³⁴ However, there are some exceptions where anchoring is permitted in an anchoring limitation area:

²⁵ Section 327.4109(2), F.S.

²⁶ Section 327.4109(3), F.S.

²⁷ See s. 373.118, F.S. and Fla. Admin. Code R. 62-330.420(1).

²⁸ See Fla. Admin. Code R. 62-330.420.

²⁹ Section 327.02, F.S., defines the term "floating structure" as a "floating entity, with or without accommodations built thereon, which is not primarily used as a means of transportation on water but which serves purposes or provides services typically associated with a structure or other improvement to real property. The term includes an entity used as a residence, place of business, or office with public access; a hotel or motel; a restaurant or lounge; a clubhouse; a meeting facility; a storage or parking facility; or a mining platform, dredge, dragline, or similar facility or entity represented as such."

³⁰ Section 327.02, F.S., defines the term "live-aboard vessel" as "a vessel used solely as a residence and not for navigation; a vessel represented as a place of business or a professional or other commercial enterprise; or a vessel for which a declaration of domicile has been filed. The definition expressly excludes commercial fishing boats."

³¹ Section 327.60(3), F.S.

³² Section 327.60(2)(f), F.S.

³³ Section 327.4108(1), F.S.

³⁴ Section 327.4108(2), F.S.

- When a vessel suffers a mechanical failure that poses an unreasonable risk of harm to the vessel or the persons onboard unless the vessel anchors;
- If imminent or existing weather conditions in the vicinity of the vessel pose an unreasonable risk of harm to the vessel or the persons onboard unless the vessel anchors; or
- During certain special events.³⁵

Certain types of vessels are exempt from anchoring limitation areas, including certain government, construction, and fishing vessels.³⁶ Law enforcement officers or agencies may remove and impound vessels from anchoring limitation areas when a vessel operator who was previously issued a citation continues to anchor the vessel in or refuses to leave the anchoring limitation area.³⁷

Boating-Restricted Areas

FWC may establish boating-restricted areas on the waters of this state for any purpose deemed necessary to ensure the safety of the public if the restrictions are necessary based on boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards or to protect seagrasses on privately owned submerged lands.³⁸ FWC adopts boating-restricted areas by rule.³⁹

Each boating-restricted area must be developed in consultation and coordination with the governing body of the county or municipality in which the boating-restricted area is located. When the boating-restricted area is to be on the navigable waters of the United States, FWC must consult and coordinate with the Coast Guard and the United States Army Corps of Engineers.⁴⁰

Local governments also have authority to establish boating-restricted areas by ordinance.⁴¹ These areas include, but are not limited to:

- Idle-speed, no wake areas;
- Slow speed, minimum wake areas; and
- Vessel-exclusion zones.

Local ordinances establishing boating-restricted areas are subject to FWC review and approval. FWC must make its determination based on substantial competent evidence that the ordinance is necessary to protect public safety.⁴² However, navigational hazards are presumed to exist in several areas noted under FWC rule and statute.⁴³ In these cases, a showing of substantial competent evidence is not required.

³⁵ Section 327.4108(3), F.S.

³⁶ Section 327.4108(4), F.S.

³⁷ Section 327.4108(5), F.S.

³⁸ Section 327.46, F.S. Boating-restricted areas can include, but are not limited to, restrictions of vessel speeds and vessel traffic.

³⁹ See Fla. Admin. Code R. 68D-24, for established boating restricted areas by county.

⁴⁰ Section 327.46(3), F.S.

⁴¹ Section 327.46(1), F.S.

⁴² *Id.*

⁴³ *Id.*; Fla. Admin. Code R. 68D-21.004. Navigational hazards are presumed to exist in areas including: within certain distances of launching and landing facilities, fuel pumps, lock structures, bridge fenders; in certain small waterways or areas

Additionally, the Coast Guard can establish safety zones,⁴⁴ security zones,⁴⁵ regulated navigation areas,⁴⁶ or naval vessel protection zones⁴⁷ where persons may not knowingly operate a vessel or authorize the operation of a vessel in violation of the restrictions under the zone.⁴⁸ The restricted vessel access protects against destruction, loss, or injury from various causes.⁴⁹ Generally, the Coast Guard establishes security zones around vessels, harbors, ports, and waterfront facilities. The Coast Guard has established several safety zones, security zones, and regulated navigation areas in Florida,⁵⁰ including a security zone around the Kennedy Space Center.⁵¹

A person who knowingly operates a vessel or authorizes the operation of a vessel in violation of an established zone or area, and without authorization by the Coast Guard Captain of the Port, commits a misdemeanor of the first degree.⁵² A person who continues to do so after receiving a warning, or refusing to leave, commits a felony of the third degree.⁵³ State and local law enforcement may enforce these zones at the request of a federal authority if necessary to augment federal law enforcement efforts and if there is a compelling need to protect the residents and infrastructure of the state.⁵⁴

Protection Zones for Springs

FWC is authorized to establish protection zones that restrict the speed and operation of vessels to protect and prevent harm to springs, including negative impacts to water quality, water quantity, hydrology, wetlands, and aquatic and wetland-dependent species.⁵⁵ To develop a springs protection zone, FWC consults and coordinates with the appropriate water management district, DEP, and the county and municipality, if applicable, where the zone is located.⁵⁶

The restrictions in a springs protection zone do not apply to certain law enforcement, firefighting, or rescue personnel operating a vessel in the course of performing their official duties, or in emergency situations.⁵⁷

designated as a public bathing or swimming area; near certain bends in the waterway; areas subject to unsafe levels of vessel traffic congestion, hazardous water levels or currents; and canoe trails.

⁴⁴ 33 C.F.R. pt. 165 subpart C.

⁴⁵ 33 C.F.R. pt. 165 subpart D.

⁴⁶ 33 C.F.R. pt. 165 subpart B.

⁴⁷ 33 C.F.R. pt. 165 subpart G.

⁴⁸ Section 327.461(1)(a), F.S.

⁴⁹ 33 C.F.R. pt. 165; *see* United States Coast Guard, *Regulated Navigation Areas*, <https://www.dco.uscg.mil/RNA/> (last visited Feb. 17, 2021).

⁵⁰ 33 C.F.R. s. 165.T07-0794 - 165.786, providing safety and security zones and regulated navigation areas in the Seventh Coast Guard District.

⁵¹ 33 C.F.R. s. 165.701.

⁵² Section 327.461(2), (7), F.S.

⁵³ Section 327.461(3), F.S.

⁵⁴ Section 327.461(1)(a), F.S.

⁵⁵ Section 327.45(2), F.S.

⁵⁶ Section 327.45(3), F.S. If the zone includes navigable waters of the United States, FWC is required to coordinate with the United States Coast Guard and the United States Army Corps of Engineers.

⁵⁷ Section 327.45(5), F.S.

Derelict Vessels

A derelict vessel is a vessel that is left, stored, or abandoned in a wrecked, junked, or substantially dismantled condition upon any public waters of this state; at a port in the state without the consent of the agency that has jurisdiction of the port; or docked, grounded, or beached upon the property of another without the consent of the owner of the property.⁵⁸ It is unlawful for a person, firm, or corporation to store, leave, or abandon any derelict vessel in this state.⁵⁹

At-Risk Vessels

In 2016, the Legislature prohibited neglected vessels or those in deteriorating conditions from anchoring, mooring, or occupying the waters of this state.⁶⁰ A vessel is at risk of becoming derelict if any of the following conditions exist:

- The vessel is taking on or has taken on water without an effective means to dewater;
- Spaces on the vessel that are designed to be enclosed are incapable of being sealed off or remain open to the elements for extended periods of time;
- The vessel has broken loose or is in danger of breaking loose from its anchor;
- The vessel is left or stored aground unattended in such a state that would prevent the vessel from getting underway, or is listing due to water intrusion, or is sunk or partially sunk; or
- The vessel does not have an effective means of propulsion for safe navigation within 72 hours after the vessel owner or operator receives telephonic or written notice from an officer, and the vessel owner or operator is unable to provide a receipt, proof of purchase, or other documentation of having ordered necessary parts for vessel repair.⁶¹

Abandoned Vessels

“Abandoned property”⁶² means all tangible personal property that does not have an identifiable owner and that has been disposed of on public property in a wrecked, inoperative, or partially dismantled condition or has no apparent intrinsic value to the rightful owner. The term includes derelict vessels, as defined in s. 823.11, F.S.

When an article of lost or abandoned property is present on public property and is not easily removable, the law enforcement officer must place a notice of removal on the property. The law enforcement agency must then contact the Department of Highway Safety and Motor Vehicles to determine the name and address of the owner, and must mail a copy of the notice to the owner.⁶³

If, after 5 days of posting the notice and mailing such notice, the owner has not removed the items from public property or shown reasonable cause for failure to do so, the law enforcement agency may retain the property for its own use, trade the property, donate the property, sell the property, or remove the property.⁶⁴

⁵⁸ Section 823.11(1)(b), F.S.

⁵⁹ Section 376.15, F.S.; s. 823.11(2), F.S.

⁶⁰ Chapter 2016-108, Laws of Fla.; s. 327.4107, F.S.

⁶¹ Section 327.4107, F.S.

⁶² Section 705.101(3), F.S.

⁶³ Section 705.103(2), F.S.

⁶⁴ *Id.*

The owner of abandoned or lost property who does not remove the property after being noticed, is liable to the law enforcement agency for all costs of removal, storage, and destruction of the property, less any salvage value obtained by the disposal of the property.⁶⁵ Upon the final disposition of the property, the law enforcement officer is required to notify the owner of the amount owed. A person who neglects or refuses to pay the amount owed is not entitled to be issued a certificate of registration for the vessel, or any other vessel, until such costs have been paid.⁶⁶

Local governments are authorized to enact and enforce regulations to implement the procedures for abandoned or lost property that allow the local law enforcement agency, after providing written notice, to remove a vessel affixed to a public dock within its jurisdiction that is abandoned or lost property.⁶⁷

Removal of Derelict Vessels

FWC's Division of Law Enforcement and its officers, the sheriffs of the various counties and their deputies, municipal police officers, and any other law enforcement officers have the responsibility and authority to enforce vessel safety and vessel title certificates, liens, and registration.⁶⁸

Both state and local law enforcement are authorized and empowered to relocate or remove a derelict vessel from public waters if the derelict vessel obstructs or threatens to obstruct navigation or in any way constitutes a danger to the environment, property, or persons.⁶⁹ FWC officers and other law enforcement agency officers or contractors who perform relocation or removal activities at FWC's direction are required to be licensed, insured, and properly equipped to perform the services to be provided.⁷⁰

The costs incurred by FWC or another law enforcement agency for relocating or removing a derelict vessel are recoverable against the vessel owner.⁷¹ A vessel owner who neglects or refuses to pay the costs of removal, storage, and destruction of the vessel, less any salvage value obtained by disposal of the vessel, is not entitled to be issued a certificate of registration for such vessel, or any other vessel or motor vehicle, until the costs are paid.⁷²

FWC may provide grants, funded from the Florida Coastal Protection Trust Fund, to local governments for the removal of derelict vessels from waters of this state, if funds are appropriated for the grant program.⁷³ Grants are awarded based on a set of criteria outlined in FWC rules.⁷⁴ Removal or relocation of a vessel on private property is not eligible for grant

⁶⁵ Section 705.103(4), F.S.

⁶⁶ *Id.*

⁶⁷ Section 327.60(5), F.S.

⁶⁸ Section 327.70, F.S.

⁶⁹ Section 823.11(3), F.S.; s. 376.15(3)(a), F.S.

⁷⁰ Section 823.11(3)(c), F.S.; s. 376.15(3)(c), F.S.

⁷¹ Section 823.11(3)(a), F.S.; s. 376.15(3)(a), F.S.

⁷² Section 705.103(4), F.S.

⁷³ Section 376.15, F.S.

⁷⁴ Fla. Admin. Code R. 68-1.003.

funding.⁷⁵ However, each fiscal year, if all program funds are not requested by and granted to local governments for the removal of derelict vessels by the end of the third quarter, FWC may use the remainder of the funds to remove, or to pay private contractors to remove, derelict vessels.⁷⁶

Penalties for Prohibited Acts Relating to Derelict Vessels and Anchoring and Mooring

It is a first degree misdemeanor to store, leave, or abandon a derelict vessel in Florida.⁷⁷ Violations are punishable by a term of imprisonment of no more than one year and a fine of up to \$1,000.⁷⁸ Further, such violation is punishable by a civil penalty of up to \$75,000 per violation per day.⁷⁹ Each day during any portion of which the violation occurs constitutes a separate offense.⁸⁰

Section 327.73(1)(aa), F.S., provides that an owner or operator of a vessel at risk of becoming derelict on waters of this state or who allows such vessel to occupy such waters, is subject to a uniform boating citation and civil penalty. The civil penalty provided is:

- \$50 for a first offense;
- \$100 for a second offense occurring 30 days or more after a first offense; and
- \$250 for a third offense occurring 30 days or more after a previous offense.⁸¹

Section 327.73(1)(bb), F.S., provides that an owner or operator of a vessel or floating structure who anchors or moors in a prohibited area is subject to a uniform boating citation and penalties. The civil penalty provided is up to a maximum of:

- \$50 for a first offense;
- \$100 for a second offense; and
- \$250 for a third offense.⁸²

Finally, s. 327.73(1) F.S., provides that any person who fails to appear or otherwise properly respond to a uniform boating citation must, in addition to the charge relating to the violation of the boating laws, be charged with a second degree misdemeanor, which is punishable by a maximum fine of \$500 and no more than 60 days imprisonment.⁸³

Artificial Reef Program

Artificial reefs are reef habitats using one or more objects of natural or human origin intentionally placed on the seafloor to enhance marine life for human use. Artificial reefs provide benefits including:

⁷⁵ National Oceanic and Atmospheric Association, Marine Debris Program, *Abandoned and Derelict Vessels in Florida*, <https://marinedebris.noaa.gov/abandoned-and-derelict-vessels/florida> (last visited Feb. 22, 2021).

⁷⁶ Section 376.15, F.S.

⁷⁷ Sections 376.15(2) and 823.11(2) and (5), F.S. A first degree misdemeanor is punishable by up to one year in county jail and a fine of up to \$1,000. Sections 775.082 and 775.083, F.S.

⁷⁸ Sections 775.082(4)(a) and 775.083(1)(d), F.S.

⁷⁹ Sections 376.15(2) and 376.16(1), F.S.

⁸⁰ Section 376.16(1), F.S.

⁸¹ Section 327.73(1)(aa), F.S.

⁸² Section 327.73(1)(bb), F.S.

⁸³ Sections 775.082 and 775.083, F.S.

- Enhancing recreational and diving opportunities;
- Providing socio-economic benefits to local coastal communities;
- Increasing reef fish habitat;
- Mitigation reefs to replace hard bottom habitat lost through activities such as beach re-nourishment and damage caused by vessel groundings;
- Oyster reef regeneration; and
- Shoreline protection.⁸⁴

Florida has one of the most active artificial reef programs in the nation. Since the 1940s, more than 3,750 planned public artificial reefs have been placed in state and federal waters off of Florida's coast.⁸⁵ FWC is authorized to accept title, on behalf of the state, of vessels to use as offshore reefs in the artificial reef program.⁸⁶ Under the program, FWC provides grants and financial and technical assistance to coastal local governments, state universities, and qualified nonprofit organizations for the siting and development of artificial reefs, and for monitoring and evaluating such reefs and their recreational, economic, and biological effectiveness.⁸⁷

Marine Sanitation Devices

Certain vessels, including those that are 26 feet or longer with an enclosed cabin and berthing facilities, houseboats,⁸⁸ and floating structures with an enclosed living space with berthing facilities or work space with public access, are required to have a working toilet on board.⁸⁹ Permanently installed toilets must be properly attached to a Coast Guard certified or labeled marine sanitation device.⁹⁰ A marine sanitation device is equipment that is designed to receive, retain, treat, or discharge sewage and the process to treat such sewage.⁹¹

Florida prohibits the discharge of untreated sewage from any vessel, including houseboats, or any floating structure into state waters.⁹² This prohibition also applies to live-aboard vessels, which are defined as: a vessel used solely as a residence and not for navigation; for which a declaration of domicile has been filed; or used as a residence that does not have an effective means of propulsion for safe navigation; and specifically excludes commercial fishing vessels.⁹³ Vessel owners with Type III⁹⁴ marine sanitation devices must dispose of sewage in an approved

⁸⁴ FWC, *Artificial Reefs*, <https://myfwc.com/fishing/saltwater/artificial-reefs/> (last visited Feb. 22, 2021).

⁸⁵ *Id.*

⁸⁶ Section 379.249(1), F.S.

⁸⁷ *Id.*

⁸⁸ Section 327.02(17), F.S. defines a "houseboat" as a vessel used primarily as a residence and not moved for 21 out of 30 days in a county of this state if the residential use of the vessel is to the preclusion of its use as a means of transportation. Section 327.02(17).

⁸⁹ Section 327.53(1)-(3), F.S.

⁹⁰ *Id.*

⁹¹ DEP, *Clean Boater FAQ*, <https://floridadep.gov/rcp/cva/content/clean-boater-faq> (last visited Feb. 22, 2021).

⁹² Section 327.53(4)(a), F.S.

⁹³ Section 327.02(23), F.S.

⁹⁴ Type III marine sanitation devices hold sewage, preventing the direct overboard discharge of sewage. Type I marine sanitation devices treat sewage by chemical or thermal means before discharge. Type II marine sanitation devices treat sewage by biological means, using bacteria, before discharge.

pump-out facility.⁹⁵ Violators are subject to a noncriminal infraction, for which the penalty is \$50.⁹⁶

Nuisance Vessels

Florida law declares that vessels or floating structures that are operated or occupied on the waters of this state and violate marine sanitation device requirements are a nuisance and hazard to public safety and health.⁹⁷ If an owner or operator does not correct a violation within 30 days after a citation is issued, and their vessel or floating structure remains on the waters of this state, law enforcement officers are required to apply to the appropriate court in the county where the vessel or floating structure is located, to order or cause the removal of the vessel or floating structure from the waters of this state at the owner's expense.⁹⁸ If the owner cannot be found or fails to pay the removal costs, the vessel or floating structure will be sold at a nonjudicial sale and the proceeds will be used to pay the removal costs.⁹⁹

Testing for Alcohol, Chemical Substances, and Controlled Substances

Anyone who operates a motor vehicle or vessel in the state is, by operating such a vehicle or vessel, deemed to have given his or her consent to submit to an approved chemical or physical test of his or her breath to determine the alcoholic content of his or her blood or breath, or a urine test to detect the presence of chemical substances or controlled substances.¹⁰⁰ These tests may be performed if the person is lawfully arrested for any offense allegedly committed while the person was driving or in actual physical control of a motor vehicle, or operating a vessel, while under the influence of alcohol or chemical or controlled substances.¹⁰¹

Additionally, anyone who operates a motor vehicle or vessel in the state is deemed to have given his or her consent to submit to an approved blood test to determine the alcoholic content of his or her blood or to detect the presence of chemical substances or controlled substances.¹⁰² These tests may be performed if there is reasonable cause to believe that the person was driving or in actual physical control of a motor vehicle, or operating a vessel, while under the influence of alcohol or chemical or controlled substances and the person appears for treatment at a hospital, clinic, or emergency vehicle, and the administration of a breath or urine test is impractical or impossible.¹⁰³

A person who operates a motor vehicle and fails to submit to a breath, urine, or blood test will have his or her driver's license suspended for a period of 1 year for a first refusal, or 18 months for a repeat refusal.¹⁰⁴ A person who operates a motor vehicle who fails to submit to such test

⁹⁵ Section 327.53(4)(b), F.S.

⁹⁶ Section 327.53(6)(a), F.S.

⁹⁷ Section 327.53(7), F.S.

⁹⁸ *Id.*

⁹⁹ Section 328.17, F.S.

¹⁰⁰ Sections 316.1932(1)(a) and 327.352(1)(a), F.S.

¹⁰¹ *Id.*

¹⁰² Sections 316.1932(1)(c) and 327.352(1)(c), F.S.

¹⁰³ *Id.*

¹⁰⁴ Section 316.1932(1)(a) and (1)(c), F.S.

who has previously had his or her license suspended for a prior refusal commits a misdemeanor of the first degree and is subject to additional penalties.¹⁰⁵

A person who operates a vessel and fails to submit to a breath, urine, or blood test is subject to a civil penalty of \$500 for a first refusal.¹⁰⁶ A person who operates a vessel and fails to submit to such test who has been previously fined commits a misdemeanor and is subject to additional penalties.¹⁰⁷

However, in 2016, the United States Supreme Court issued a ruling in *Birchfield v. North Dakota* that prohibits warrantless blood tests incident to arrests for driving under the influence.¹⁰⁸ The Court held that the Fourth Amendment prohibits unreasonable searches, and the taking of a blood sample or administration of a blood test is a search.¹⁰⁹ Under the Court's ruling, refusing a blood test may not subject a person to criminal penalties.¹¹⁰ Thus, Florida's current laws relating to the refusal to submit to a blood test are unenforceable.

Mangroves

Mangroves are tropical plants that are adapted to loose, wet soils, salt water, and periodic submersion by tides.¹¹¹ They provide protected nursery areas for fishes, crustaceans, and shellfish; food, shelter, and nesting areas for a multitude of species;¹¹² protection of the shoreline from storm surge and erosion;¹¹³ and water quality protection.¹¹⁴

Currently, there are not any state regulations for anchoring or mooring near mangroves, although the trimming of mangroves is regulated under the Mangrove Trimming and Preservation Act.¹¹⁵ Through the Mangrove Trimming and Preservation Act, the Legislature intends to protect and preserve mangrove resources valuable to our environment and economy from unregulated removal, defoliation, and destruction.¹¹⁶ FWC notes that removing derelict and at-risk vessels from areas in close proximity to mangroves and other upland vegetation can be considerably more expensive than from other areas due to conservation and depth concerns.¹¹⁷

¹⁰⁵ *Id.*; s. 316.1939, F.S.

¹⁰⁶ Section 327.352(1)(a) and (1)(c), F.S.

¹⁰⁷ *Id.*; s. 327.259, F.S.

¹⁰⁸ *Birchfield v. North Dakota*, 136 U.S. 2160 (2016).

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ DEP, *What is a Mangrove?*, <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/what-mangrove> (last visited Feb. 23, 2021).

¹¹² DEP, *Florida's Mangroves*, <https://floridadep.gov/rcp/rcp/content/floridas-mangroves> (last visited Feb. 23, 2021).

¹¹³ FWC, *Mangrove Forests*, <https://myfwc.com/research/habitat/coastal-wetlands/information/mangroves/> (last visited Feb. 23, 2021).

¹¹⁴ *Id.*

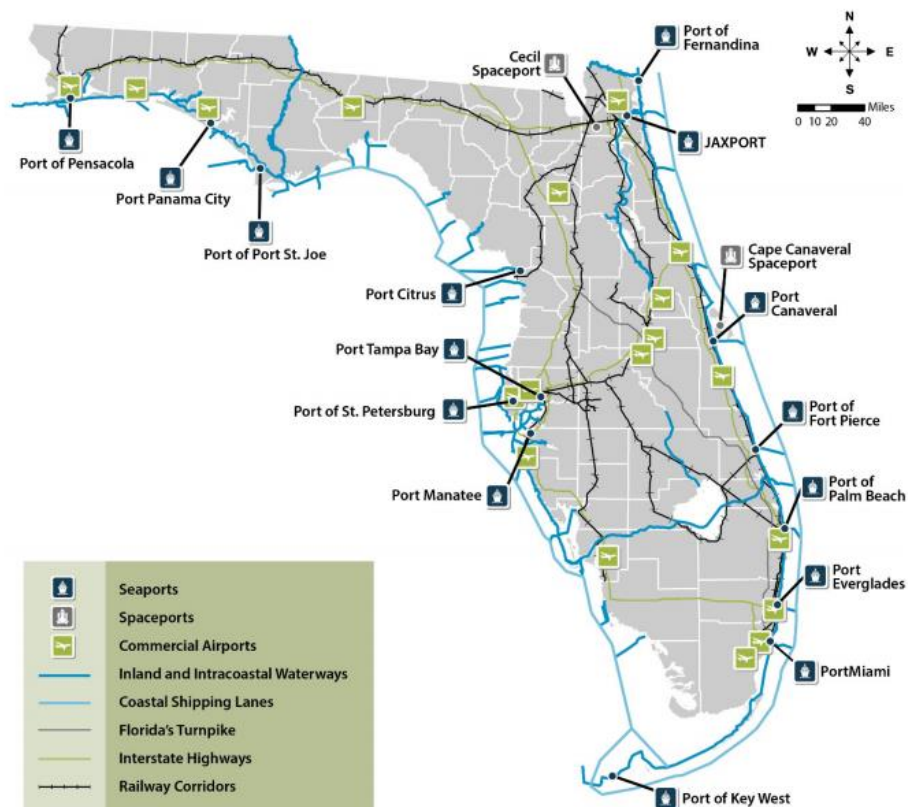
¹¹⁵ Sections 403.9321-403.9333, F.S.

¹¹⁶ Section 403.9323, F.S.

¹¹⁷ FWC, *Senate Bill 1086 Agency Bill Analysis* (February 10, 2021)(on file with the Senate Committee on Environment and Natural Resources).

Florida Intracoastal Waterway

The Florida Intracoastal Waterway is defined as the Atlantic Intracoastal Waterway, the Georgia state line north of Fernandina to Miami; the Port Canaveral lock and canal to the Atlantic Intracoastal Waterway; the Atlantic Intracoastal Waterway, Miami to Key West; the Okeechobee Waterway, Stuart to Fort Myers; the St. Johns River, Jacksonville to Sanford; the Gulf Intracoastal Waterway, Anclote to Fort Myers; the Gulf Intracoastal Waterway, Carrabelle to Tampa Bay; Carrabelle to Anclote open bay section, using the Gulf of Mexico; the Gulf Intracoastal Waterway, Carrabelle to the Alabama state line west of Pensacola; and the Apalachicola, Chattahoochee, and Flint Rivers in Florida.¹¹⁸ The Florida Intracoastal Waterway is shown in the map below.¹¹⁹



Spaceflight

With the recent resurgence of space activity, Florida is emerging as a national leader in spaceflight activities. In 2020, the space industry in Florida completed 31 launches from Cape Canaveral Spaceport,¹²⁰ including the SpaceX Demo-2 mission in May 2020¹²¹ and the SpaceX

¹¹⁸ Section 327.02(15), F.S.

¹¹⁹ Florida Department of Transportation, *Florida Waterways System Plan*, Figure 1-2 on p. 1-12 (2015), available at https://www.fdot.gov/docs/default-source/seaport/pdfs/2015-Florida-Waterways-System-Plan_Final.pdf (last visited Mar. 1, 2021).

¹²⁰ Space Florida, *Space Florida and the Future of Aerospace* (undated memo)(on file with the Senate Committee on Environment and Natural Resources).

¹²¹ National Aeronautics and Space Administration (NASA), *NASA, SpaceX Successfully Launch Demo-2 Mission*, <https://blogs.nasa.gov/kennedy/2020/05/30/nasa-spacex-successfully-launch-demo-2-mission/> (last visited Feb. 22, 2021).

Crew-1 mission in November 2020.¹²² According to Space Florida, over 50 launches are expected in 2021, and up to 100 launches are expected annually going forward.¹²³ Upon re-entry, the space capsules splashed down in waters off of Florida's coasts for the first time in 45 years.¹²⁴ NASA and SpaceX teams coordinated with the Coast Guard to ensure crew safety upon splashdown, including providing extra ships and air assets to patrol the splashdown zone to mitigate safety concerns for boaters approaching the landing area.¹²⁵

When the capsule landed in waters near Pensacola in August 2020, private boats approached the landing area too closely, according to the National Aeronautics and Space Administration (NASA).¹²⁶ This led to confusion as recovery crews tried to reach the spacecraft. There were concerns that private boats could have interfered with the emergency recovery operation and that the spacecraft's thrusters could have released toxic propellant fumes.¹²⁷ Although the Coast Guard had patrol boats in the area ahead of the splashdown, it stated that "numerous boaters ignored the Coast Guard crews' requests and decided to encroach the area, putting themselves and those involved in the operation in potential danger."¹²⁸

There are no existing state statutes in place to protect spaceflight operations and astronauts. FWC stated in its agency bill analysis that "spectator separation is necessary to prevent interference with sensitive operations, as well as for public safety reasons."¹²⁹

III. Effect of Proposed Changes:

Testing for Alcohol, Chemical Substances, or Controlled Substances: Sections 1, 2, 6, and 7

Section 1 of the bill amends s. 316.1932, F.S., relating to tests for alcohol, chemical substances, or controlled substances while driving a motor vehicle. **Section 2** of the bill amends s. 316.1939, F.S., relating to refusal to submit to testing for alcohol, chemical substances, or controlled substances.

The bill revises the conditions under which a person's driving privilege is suspended and under which a person commits a misdemeanor relating to tests for alcohol, chemical substances, or controlled substances. The bill provides that failure to submit to a lawful breath test for alcohol, chemical substances, or controlled substances if a person has previously been fined for failure to submit to such test is a misdemeanor of the first degree.

¹²² NASA, NASA, *SpaceX Officials Thrilled with Crew-1 Launch Success*, <https://blogs.nasa.gov/kennedy/2020/11/15/nasa-spacex-officials-thrilled-with-crew-1-launch-success/> (last visited Feb. 22, 2021).

¹²³ Space Florida, *Space Florida and the Future of Aerospace* (undated memo)(on file with the Senate Committee on Environment and Natural Resources).

¹²⁴ AP News, *SpaceX Capsule and NASA Crew Make 1st Splashdown in 45 Years*, <https://apnews.com/article/virus-outbreak-ap-top-news-ca-state-wire-gulf-of-mexico-pensacola-bf77af89c527340793d15a9957d30c84> (last visited Feb. 22, 2021).

¹²⁵ NASA, NASA and SpaceX Teams Prepare for Crew-1 Mission, <https://blogs.nasa.gov/kennedy/2020/09/30/nasa-and-spacex-teams-prepare-for-crew-1-mission/> (last visited Feb. 22, 2021).

¹²⁶ AP News, *SpaceX Capsule and NASA Crew Make 1st Splashdown in 45 Years*, <https://apnews.com/article/virus-outbreak-ap-top-news-ca-state-wire-gulf-of-mexico-pensacola-bf77af89c527340793d15a9957d30c84> (last visited Feb. 22, 2021).

¹²⁷ The Verge, *SpaceX capsule Swarmed by Boaters After Successful Splashdown*, <https://www.theverge.com/2020/8/2/21351811/spacex-capsule-boaters-splashdown-boats> (last visited Feb. 22, 2021).

¹²⁸ *Id.*

¹²⁹ FWC, *Senate Bill 1086 Agency Bill Analysis* (February 10, 2021)(on file with the Senate Committee on Environment and Natural Resources).

Section 6 of the bill amends s. 327.352, F.S., relating to tests for alcohol, chemical substances, or controlled substances while operating a vessel. The bill revises the conditions under which a person commits a misdemeanor relating to boating while impaired or intoxicated. The bill provides that failure to submit to a lawful breath or urine test for alcohol, chemical substances, or controlled substances if a person has previously been fined for failure to submit to such test, or had his or her driver's license suspended for an unlawful blood-alcohol or breath-alcohol level, is a misdemeanor of the first degree.

Section 7 of the bill amends s. 327.359, F.S., relating to refusal to submit to testing for alcohol, chemical substances, or controlled substances. The bill revises the conditions under which a person commits a misdemeanor of the first degree for failure to submit to a chemical or physical breath or urine test for alcohol, chemical substances, or controlled substances to include refusal to submit to such a test, and either a previous fine for failure to submit to a chemical or physical breath test, or a driver's license suspension for an unlawful blood-alcohol or breath-alcohol level. The bill deletes from the list of misdemeanors the refusal to submit to a lawful blood test for alcohol, chemical substances, or controlled substances.

In **Sections 1, 2, 6, and 7**, the bill deletes the provisions establishing that a person commits a misdemeanor for refusing to submit to a lawful blood test for alcohol, chemical substances, or controlled substances if the person has been previously fined for refusal to submit to a lawful breath, urine, or blood test.

Human-Powered Vessels: Sections 3 and 8

Section 3 of the bill amends s. 327.02, F.S., relating to definitions. The bill defines the term "human-powered vessel" to mean a vessel powered only by its occupant or occupants, including, but not limited to, a vessel powered only by the occupants' hands or feet, oars, or paddles.

The bill revises references to the International Navigational Rules Act of 1977 and Inland Navigational Rules Act of 1980 to the most recent versions of the Acts, as amended.

Section 8 of the bill creates a new section of law, s. 327.371, F.S., regulating human-powered vessels. The bill authorizes persons to operate a human-powered vessel within the boundaries of the marked channel of the Florida Intracoastal Waterway only under the following conditions:

- When the marked channel is the only navigable portion of the waterway available due to vessel congestion or obstructions on the water and the operator proceeds with diligence to a location where he or she may safely operate the vessel outside the marked channel;
- While crossing the marked channel in the most direct, continuous, and expeditious manner possible and not interfering with other vessel traffic in the channel; or
- During an emergency endangering life or limb.

The bill provides that a person who operates a human-powered vessel within the marked channel outside of these conditions commits a noncriminal infraction.

Rulemaking Authority: Section 4

Section 4 of the bill amends s. 327.04, F.S., related to the Fish and Wildlife Conservation Commission (FWC) rules. The bill provides additional rulemaking authority to FWC to implement the provisions of:

- Chapter 705, F.S., relating to lost or abandoned vessels;
- Section 376.15, F.S., relating to relocation or removal of derelict vessels from public waters; and
- Section 823.11, F.S., relating to criminal penalties for relocation or removal of derelict vessels.

Spaceflight: Section 5

Section 5 of the bill creates a new section of law, s. 327.462, F.S., regulating the temporary establishment of protection zones in water bodies to ensure security around the launch and recovery of spaceflight assets.

The bill defines the following terms for the new section of law:

- “Launch services” means the conduct of a launch and activities involved in the preparation of a launch vehicle, payload, government astronaut, commercial astronaut, or spaceflight participant for such launch.
- “Reentry services” means the conduct of a reentry and activities involved in the preparation of a reentry vehicle, payload, government astronaut, commercial astronaut, or spaceflight participant for such reentry.
- “Spaceflight assets” means any item, or any part of an item, owned by a spaceflight entity which is used in launch services or reentry services, including crewed and uncrewed spacecraft, launch vehicles, parachutes and other landing aids, and any spacecraft or ancillary equipment that was attached to the launch vehicle during launch, orbit, or reentry.
- “Spaceflight entity” means any public or private entity holding a United States Federal Aviation Administration (FAA) launch, reentry, operator, or launch site license for spaceflight activities. The term also includes any manufacturer or supplier of components, services, or vehicles that have been reviewed by FAA as part of issuing such a license, permit, or authorization.¹³⁰

The bill authorizes the head of a law enforcement agency or entity, or his or her designee (“law enforcement”), to, within the agency or entity’s jurisdiction, temporarily establish a protection zone requiring vessels to leave, or prohibiting vessels from entering, water bodies when necessary for preparations in advance of or for recovery of spaceflight assets before or after a launch service or reentry service.

A temporary protection zone must be established under the following conditions:

- The zone must be located within five hundred yards of where launch services, reentry services, or spaceflight asset recovery operations are being conducted. However, the protection zone may be located at a distance greater than five hundred yards if law enforcement determines that such greater distance is in the best interest of public safety.

¹³⁰ The bill defines “spaceflight entity” to have the same definition as in s. 331.501, F.S.

- The zone may remain in effect only as long as necessary to ensure security around the launch and recovery areas and to recover spaceflight assets and any personnel being transported within a spacecraft following the launch or reentry activity. Such protection zone may not be in place more than 72 hours before or 72 hours after the launch.
- Law enforcement may also restrict vessels from operating within up to 500 yards of any vessel transporting recovered spaceflight assets following a launch or reentry while the transport vessel is continuously underway transporting such assets to a location for removal.
- Law enforcement must report the establishment of the temporary protection zone via email to FWC's Division of Law Enforcement, Boating and Waterways Section, and to the appropriate Coast Guard Sector Command having responsibility over the water body, at least 72 hours before establishment of the protection zone. The report must include:
 - Reasons for the protection zone;
 - The portion of the water body or water bodies that will be included in the protection zone; and
 - The duration of the protection zone.
- Law enforcement must report via email to FWC's Division of Law Enforcement, Boating and Waterways Section, the details of all citations issued for violation of the protection zone no later than 72 hours after the end of the protection zone period.

The section of law applies only to launch services, reentry services, or the recovery of spaceflight assets occurring or originating within spaceport territory,¹³¹ and to federally licensed or federally authorized launches and reentries occurring or transiting to an end destination upon waters of this state.

The bill provides that a person who violates this section or any directive given by law enforcement relating to an established temporary protection zone after being advised of the establishment of the protection zone commits a misdemeanor of the second degree.

Boating Safety: Sections 10, 16, 15, and 19

Section 10 of the bill amends s. 327.395, F.S., relating to boater safety identification.

The bill exempts from the boater safety identification card requirement:

- Persons who have been previously licensed by the Coast Guard to serve as master of a vessel, provided proof of such licensure to FWC, and requested that a boating safety identification card be issued in his or her name; and
- Persons who possess an International Certificate of Competence in sailing.

The bill deletes a provision authorizing FWC to appoint liveries, marinas, or other persons as its agents to administer a boating safety education course or temporary certificate examination and issue identification cards or temporary certificates, and requiring the agent to charge a \$2 examination fee. However, the provision is retained in another subsection within the same section of law.

¹³¹ Section 331.304, F.S. establishes as spaceport territory specified real property in Brevard, Santa Rosa, Okaloosa, Gulf, Walton, and Duval Counties, and real property which is a spaceport licensed by the FAA, as designated by the board of directors of Space Florida.

Section 16 of the bill creates s. 327.463, F.S., relating to special hazards requiring slow speeds by vessel operators. The bill specifies conditions under which a vessel is and is not considered to be operating at slow speed, minimum wake.

A vessel is considered to be operating at slow speed, minimum wake only if it is:

- Fully off plane and completely settled into the water; and
- Proceeding without wake or with minimum wake.

A vessel is not considered to be operating at slow speed, minimum wake if it is:

- Operating on plane;
- In the process of coming off plane and settling into the water or getting on plane; or
- Operating at a speed that creates a wake which unreasonably or unnecessarily endangers other vessels.

The bill prohibits a vessel that is required to operate at slow speed, minimum wake from proceeding at a speed greater than is reasonable and prudent to avoid the creation of an excessive wake or other hazardous condition under the existing circumstances.

The bill prohibits vessel operators from operating a vessel faster than slow speed, minimum wake upon approaching certain hazardous conditions and provides that a vessel operator found in violation of this requirement is guilty of a noncriminal infraction. The hazardous conditions are:

- Approaching within 300 feet of any emergency vessel, including but not limited to, a law enforcement vessel, Coast Guard vessel, or firefighting vessel, when such emergency vessel has its emergency lights activated; and
- Approaching within 300 feet of any construction vessel or barge displaying an orange flag indicating that the vessel or barge is actively engaged in construction operations.
 - The flag must be displayed from a pole that extends at least 10 feet above the tallest portion of the vessel or barge, or at least five feet above any superstructure permanently installed upon the vessel or barge.
 - The flag must meet certain requirements, including:
 - Be a size of at least two feet by three feet;
 - Include a wire or other stiffener or be otherwise constructed to ensure that the flag remains fully unfurled and extended in the absence of a wind or breeze; and
 - Be displayed so the visibility of the flag is not obscured in any direction.

The bill specifies that a person may not be cited for a violation during periods of low visibility, including any time between the hours from 30 minutes after sunset to 30 minutes before sunrise, unless the orange flag is illuminated and visible from a distance of at least two nautical miles. Such illumination does not relieve the construction vessel or barge from complying with all navigation rules.

The bill also provides that a person operating a vessel who violates this section, or the owner of or responsible party for a construction vessel or barge that displays an orange flag when it is not actively engaged in construction operations, is guilty of a noncriminal infraction.

The bill specifies that the speed and penalty provisions of this section do not apply to law enforcement, firefighting, or rescue vessels that are owned or operated by a governmental entity.

Section 19 of the bill amends s. 327.54, F.S., relating to safety regulations of liveries. The bill prohibits liveries from knowingly leasing, hiring, or renting a vessel unless the person renting presents:

- Photographic identification and a valid boater safety identification card issued by FWC;
- A state-issued identification card or driver license indicating possession of the boating safety identification card; or
- Photographic identification and a valid temporary certificate issued or approved by FWC.

Boating-Restricted Areas: Sections 12, 13, 14, and 15

Section 12 of the bill amends s. 327.4108, F.S., relating to anchoring of vessels in anchoring limitation areas. The bill designates Monroe County as an anchoring limitation area within which a vessel may only be anchored in the same location for a maximum of 90 days. The bill requires FWC to adopt rules to implement the anchoring limitation area. The bill provides that this anchoring limitation area does not apply to an approved and permitted mooring field.

The bill deletes a provision that references an obsolete section of law.

Section 13 of the bill amends s. 327.4109, F.S., relating to prohibited anchoring and mooring. The bill revises existing anchoring and mooring restrictions to prohibit anchoring and mooring within 150 feet of a *public or private* marina or other *public* vessel launching or loading facility. However, vessels may anchor and moor within these areas under the exemptions in existing law.

Section 14 of the bill amends s. 327.45, F.S., relating to protection zones for springs. The bill authorizes FWC to establish protection zones for springs which prohibit the anchoring, mooring, beaching, or grounding of vessels, to protect and prevent harm to first, second, and third magnitude springs and springs groups, including their associated spring runs, as determined by FWC using the most recent Florida Geological Survey springs bulletin.

Section 15 of the bill amends s. 327.46, F.S., relating to boating-restricted areas. The bill authorizes municipalities and counties to establish slow speed, minimum wake boating-restricted areas by ordinance if the area is within the boundaries of a permitted public mooring field and up to a 100 foot buffer around the mooring field.

The bill also authorizes municipalities and counties to establish boating-restricted areas within the portion of the Florida Intracoastal Waterway within their jurisdiction, except that the municipality or county may not establish a vessel-exclusion zone for public bathing beaches or swim areas within the waterway. This provision is notwithstanding existing law that prohibits municipalities and counties from regulating vessels upon the Florida Intracoastal Waterway.¹³²

¹³² Section 327.60(2)(c), F.S.

Derelict/At-Risk Vessels: Sections 11, 20, 22, 23, 24, 25, and 27

Section 11 of the bill amends s. 327.4107, F.S., relating to vessels at risk of becoming derelict on waters of this state. The bill revises the conditions under which a vessel is determined to be at risk of becoming derelict to delete vessels that are left or stored aground unattended in such a state that would prevent the vessel from getting underway or are sunk or partially sunk.

The bill authorizes FWC and other law enforcement officers to provide notice to a vessel owner or operator that a vessel is at risk of becoming derelict via in-person notice recorded on an agency-approved body camera.

The bill authorizes FWC and other law enforcement officers to relocate or cause to be relocated a vessel at risk of becoming derelict to a distance greater than 20 feet from a mangrove or upland vegetation. Law enforcement agencies and officers must be held harmless for damages to an at-risk vessel that result from relocation unless the damage results from gross negligence¹³³ or willful misconduct.¹³⁴

The bill authorizes FWC to establish a derelict vessel prevention program to address vessels at risk of becoming derelict. The program may, but is not required to, include:

- Removal, relocation, and destruction of vessels declared a public nuisance, derelict or at risk of becoming derelict, or lost or abandoned in accordance with state law;
- Creation of a vessel turn-in program allowing the owner of a vessel determined by law enforcement to be at risk of becoming derelict to turn his or her vessel and vessel title over to FWC to be destroyed without penalty;
- Removal and destruction of an abandoned vessel for which an owner cannot be identified or the owner of which is deceased and no heir is interested in acquiring the vessel;
- Purchase of anchor line, anchors, and other equipment necessary for securing vessels at risk of becoming derelict; and
- Creation or acquisition of moorings designated for securing vessels at risk of becoming derelict.

The bill authorizes FWC to adopt rules to implement the program. Implementation of the program is subject to appropriation by the Legislature and is funded by the Marine Resources Conservation Trust Fund or the Florida Coastal Protection Trust Fund.

Section 20 of the bill amends s. 327.60, F.S., relating to local regulations. The bill authorizes local governments to enact and enforce regulations to implement the procedures for abandoned or lost property that allow the local law enforcement agency to remove an abandoned or lost vessel within its jurisdiction that is affixed to a public mooring.

Section 22 and Section 23 of the bill amend s. 328.09, F.S., relating to the refusal to issue and authority to cancel a certificate of title or registration. The bill prohibits the Department of

¹³³ “Gross negligence” means conduct so reckless or wanting in care that it constitutes a conscious disregard or indifference to the safety of the property exposed to such conduct. Section 823.11, F.S.

¹³⁴ “Willful misconduct” means conduct evidencing carelessness or negligence of such a degree or recurrence as to manifest culpability, wrongful intent, or evil design or to show an intentional and substantial disregard of the interests of the vessel owner. Section 823.11, F.S.

Highway Safety and Motor Vehicles (DHSMV) from issuing a certificate of title to an applicant for a vessel that has been deemed derelict.

Section 23 of the bill takes effect on July 1, 2023. At that time, the bill authorizes DHSMV to reject an application for a certificate of title for a vessel that has been deemed derelict.

Section 24 of the bill amends s. 376.15, F.S., relating to the relocation or removal of derelict vessels from public waters. The bill deletes the prohibition in existing law against storing or abandoning a derelict vessel and provides that it is unlawful for any person, firm, or corporation to leave a derelict vessel upon the waters of this state. The bill provides that for purposes of this section, the term “leave” means to allow a vessel to remain occupied or unoccupied on the waters of this state for more than 24 hours.

The bill prohibits charging a person who owns or operates a vessel that becomes derelict upon the waters of this state solely as a result of a boating accident that is reported to law enforcement in a written report or otherwise; a hurricane; or another sudden event outside of his or her control with a violation if:

- The individual documents for law enforcement the specific event that led to the vessel being derelict upon the waters of this state; and
- The vessel has been removed from the waters of this state or has been repaired or addressed such that it is no longer derelict upon the waters of this state:
 - For a vessel that has become derelict as a result of a boating accident or other sudden event outside of his or her control, within 7 days after such accident or event; or
 - Within 45 days after the hurricane has passed over this state.

However, this provision does not apply to a vessel that was derelict upon the waters of this state before a stated accident or event.

The bill authorizes FWC or law enforcement agencies or officers to store, destroy, or dispose of derelict vessels, in addition to relocating or removing them. The bill authorizes the recovery of relocation, removal, storage, destruction, and disposal costs incurred by FWC or a law enforcement agency from the party determined to be legally responsible for the vessel being upon the waters of this state in a derelict condition. FWC or law enforcement agencies or officers, are held harmless for damages to the derelict vessel resulting from these actions, unless the damage results from gross negligence or willful misconduct.

The bill requires a governmental subdivision that has received authorization from a law enforcement agency to perform vessel relocation or removal activities to be licensed, insured, and properly equipped to perform such activities.

The bill adds storage, destruction, and disposal to the list of authorized actions for which FWC may provide grants from the Marine Resources Conservation Trust Fund or Florida Coastal Protection Trust Fund to local governments under an established program for derelict vessels.

Section 25 of the bill amends s. 705.103, F.S., relating to the procedures for abandoned or lost property. The bill creates specific procedures for derelict vessels or vessels that have been declared a public nuisance that are present on waters of this state. When a law enforcement

officer ascertains that such a vessel exists, the officer must cause a notice to be placed on the vessel in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED VESSEL. This vessel, to wit: ...(setting forth brief description)... has been determined to be (derelict or a public nuisance) and is unlawfully upon waters of this state ...(setting forth brief description of location)... and must be removed within 21 days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner and other interested parties may have the right to a hearing to challenge the determination that this vessel is derelict or otherwise in violation of the law. Please contact ... (contact information for person who can arrange for a hearing in accordance with this section) The owner or the party determined to be legally responsible for the vessel being upon the waters of this state in a derelict condition will be liable for the costs of removal, destruction, and disposal if this vessel is not removed by the owner. Dated this: ... (setting forth the date of posting of notice) ..., signed: ... (setting forth name, title, address, and telephone number of law enforcement officer)

The bill requires the law enforcement agency to mail a copy of the notice and inform the owner or responsible party that he or she has a right to a hearing to dispute the determination that the vessel is derelict or otherwise in violation of the law. If a request for a hearing is made, the bill requires a state agency to follow the statutory processes for proceedings in which the substantial interests of a party are determined by an agency, except that a local judge, magistrate, or code enforcement officer may be designated to conduct a hearing.

The bill authorizes the law enforcement agency, or its designee, if the owner or responsible party for a derelict vessel or vessel that has been declared a nuisance has not requested a hearing at the end of 21 days after the notice is published, or if, following a hearing, the judge, magistrate, administrative law judge, or hearing officer has determined the vessel to be derelict or at risk of becoming derelict and a final order has been entered or the case is otherwise closed, to:

- Remove the vessel from the waters of this state and destroy and dispose of the vessel or authorize another governmental entity or its designee to do so; or
- Authorize the vessel's use as an artificial reef in accordance with FWC's artificial reef program if all necessary federal, state, and local authorizations are received.

The bill provides that the party determined to be legally responsible for the vessel being upon the waters of this state in a derelict condition is liable to the law enforcement agency, governmental entity, or the agency's or entity's designee for removal, storage, and destruction costs.

The bill provides that neglecting or refusing to pay all costs of removal, storage, disposal, and destruction of a vessel or motor vehicle, after having been provided written notice via certified mail that such costs are owed, and after having applied for and been issued a registration for a vessel or motor vehicle before such costs have been paid in full, is a misdemeanor of the first degree.

Section 27 of the bill amends s. 823.11, F.S., relating to the relocation or removal of derelict vessels. The bill revises the definition of "derelict vessel" to delete that the vessel is left, stored, or abandoned. The portion of the definition of "derelict vessel" that describes the vessel as in a

wrecked, junked, or substantially dismantled condition upon any public waters of this state is also revised to delete the word “public.” The new definition provides that a vessel is:

- Wrecked if it is sunken or sinking; aground without the ability to extricate itself absent mechanical assistance; or remaining after a marine casualty, including, but not limited to, a boating accident, extreme weather, or a fire.
- Junked if it has been substantially stripped of vessel components, if vessel components have substantially degraded or been destroyed, or if the vessel has been discarded by the owner or operator. Attaching an outboard motor to a vessel that is otherwise junked will not cause the vessel to no longer be junked if such motor is not an effective means of propulsion for safe navigation within 72 hours after the vessel owner or operator receives telephonic or written notice of such from an officer, and the vessel owner or operator is unable to provide a receipt, proof of purchase, or other documentation of having ordered necessary parts for vessel repair.
- Substantially dismantled if at least two of the three following vessel systems or components are missing, compromised, incomplete, inoperable, or broken: the steering system; the propulsion system; or the exterior hull integrity. Attaching an outboard motor to a vessel that is otherwise substantially dismantled will not cause the vessel to no longer be substantially dismantled if the motor is not an effective means of propulsion.

The bill deletes the prohibition against storing or abandoning a derelict vessel in existing law and prohibits a person, firm, or corporation from leaving a derelict vessel upon the waters of this state. The bill provides that for purposes of the paragraph, the term “leave” means to allow a vessel to remain occupied or unoccupied on the waters of this state for more than 24 hours.

The bill prohibits charging a person who owns or operates a vessel that becomes derelict upon the waters of this state solely as a result of a boating accident that is reported to law enforcement in a written report or otherwise; a hurricane; or another sudden event outside of his or her control with a violation if:

- The individual documents for law enforcement the specific event that led to the vessel being derelict upon the waters of this state; and
- The vessel has been removed from the waters of this state or has been repaired or addressed such that it is no longer derelict upon the waters of this state:
 - For a vessel that has become derelict as a result of a boating accident or other sudden event outside of his or her control, within 7 days after such accident or event; or
 - Within 45 days after the hurricane has passed over this state.

However, this provision does not apply to a vessel that was derelict upon the waters of this state before a stated accident or event.

The bill authorizes FWC or law enforcement agencies or officers to store, destroy, or dispose of derelict vessels, in addition to relocating or removing them, if the derelict vessel obstructs or threatens to obstruct navigation or constitutes a danger to the environment, property, or persons. FWC or law enforcement agencies or officers, are held harmless for damages to the derelict vessel resulting from these actions, unless the damage results from gross negligence or willful misconduct.

The bill allows for FWC, law enforcement agencies, or governmental subdivisions that have received authorization from a law enforcement officer or agency to recover costs for relocation,

removal, storage, destruction, and disposal of a derelict vessel from a vessel owner or the party determined to be legally responsible for the vessel being upon the waters of this state in a derelict condition. The bill provides that neglecting or refusing to pay all costs of removal, storage, destruction, or disposal of a derelict vessel, after having been provided written notice via certified mail that such costs are owed, and after having applied for and been issued a registration for a vessel or motor vehicle before such costs have been paid in full, is a misdemeanor of the first degree.

The bill requires a governmental subdivision that has received authorization from a law enforcement agency to perform vessel relocation or removal activities to be licensed, insured, and properly equipped to perform such activities.

Marine Sanitation Devices: Section 18

Section 18 of the bill amends s. 327.53, F.S., relating to marine sanitation. The bill requires the owner or operator of a live-aboard vessel or houseboat that is equipped with a marine sanitation device to maintain a record of the date of each pumpout of the device and the location of the pumpout station or waste reception facility. The bill requires each record to be maintained for 1 year after the pumpout date.

Penalties: Section 21

Section 21 of the bill amends s. 327.73, F.S., relating to civil penalties for violations of specified vessel laws.

The bill amends the noncriminal infraction for a violation of s. 327.395, F.S., relating to boater safety education to provide that a person cited for failing to have the required proof of boating safety education in his or her possession may not be convicted if, before or at the time of a county court hearing, the person produces proof of the boating safety education identification card or temporary certificate for verification by the hearing officer or the court clerk and the identification card or temporary certificate was valid at the time the person was cited.

The bill increases civil penalties for a violation of s. 327.4107, F.S., relating to vessels at risk of becoming derelict on waters of this state, from:

- \$50 to \$100 for a first offense;
- \$100 to \$250 for a second offense occurring 30 days or more after a previous offense; and
- \$250 to \$500 for a third or subsequent offense occurring 30 days or more after a previous offense.

The bill declares that a vessel that is the subject of three or more violations issued within an 18-month period by a law enforcement officer for being at risk of becoming derelict, which result in a disposition other than acquittal or dismissal, is a public nuisance and is subject to relocation or removal. The bill authorizes FWC or other law enforcement to relocate or remove the vessel or cause it to be relocated or removed. Law enforcement officers who relocate or remove such a

vessel are held harmless for damages to the vessel unless the damage results from gross negligence¹³⁵ or willful misconduct.¹³⁶

The bill creates civil penalties for a violation of s. 327.463(4)(a) and (b), F.S., the new section relating to vessels creating special hazards, of:

- \$50 for a first offense;
- \$100 for a second offense occurring within 12 months after a prior offense; and
- \$250 for a third offense occurring within 36 months after a prior offense.

The bill adds to the list of violations resulting in a noncriminal offense:

- Failing to maintain the required pump-out records of a marine sanitation device for a live-aboard vessel or houseboat; and
- Operating a human-powered vessel within the boundaries of a marked channel of the Florida Intracoastal Waterway in violation of the new statutory restrictions.

Conforming Changes: Sections 9, 17, and 26

Section 9 of the bill amends s. 327.391, F.S., relating to the regulation of airboats, to make conforming and technical changes.

Section 17 of the bill amends s. 327.50, F.S., relating to vessel safety regulations, equipment, and lighting requirements. The bill corrects an incorrect reference to clarify that FWC may exempt vessel owners and operators from current Coast Guard safety equipment requirements.

Section 26 of the bill amends s. 705.103, F.S., relating to the procedures for abandoned or lost property, to conform with revisions from ch. 2019-76 that take effect in 2023.

Effective Date: Section 28

Section 28 of the bill provides that except as otherwise expressly provided, the effective date is July 1, 2021. (*Section 23 of the bill takes effect July 1, 2023.*)

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹³⁵ “Gross negligence” means conduct so reckless or wanting in care that it constitutes a conscious disregard or indifference to the safety of the property exposed to such conduct. Section 823.11, F.S.

¹³⁶ “Willful misconduct” means conduct evidencing carelessness or negligence of such a degree or recurrence as to manifest culpability, wrongful intent, or evil design or to show an intentional and substantial disregard of the interests of the vessel owner. Section 823.11, F.S.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

Indeterminate. There may be a positive fiscal impact to FWC due to the new and increased civil penalties provided under the bill. However, FWC may also experience increased costs due to increased enforcement.

If FWC establishes a derelict vessel prevention program, the agency is likely to incur costs from implementing the program. The bill provides that establishment of the program is subject to legislative appropriation, but it is unknown what amount the appropriation would be.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.1932, 316.1939, 327.02, 327.04, 327.352, 327.359, 327.391, 327.395, 327.4107, 327.4108, 327.4109, 327.45, 327.46, 327.463, 327.50, 327.53, 327.54, 327.60, 327.73, 328.09, 376.15, 705.103, 823.11.

This bill creates the following sections of the Florida Statutes: 327.462, 327.371, 327.463.

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 Environment and Natural Resources on March 15, 2021:**

- Deletes the requirement from the underlying bill that persons have boating safety identification documents in his or her possession aboard a vessel beginning in 2023.
- Adds persons who possess an International Certificate of Competence in sailing to those exempt from the boating safety identification card requirement.
- Revises the conditions under which a vessel is determined to be at risk of becoming derelict to delete vessels that are left or stored aground unattended in such a state that would prevent the vessel from getting underway or are sunk or partially sunk.
- Deletes a provision authorizing the derelict vessel prevention program created under the bill to include other preventative efforts and methods as determined appropriate and necessary by FWC.
- Designates Monroe County as an anchoring limitation area within which a vessel may only be anchored in the same location for a maximum of 90 days, excluding approved and permitted mooring fields.
- Requires FWC to adopt rules to implement the Monroe County anchoring limitation area.
- Authorizes FWC to establish protection zones for first, second, and third magnitude springs and springs groups, including their associated spring runs, which prohibit the anchoring, mooring, beaching, or grounding of vessels.
- Provides that the springs, springs groups, and springs runs be determined by FWC using the most recent Florida Geological Survey springs bulletin.
- Clarifies that vessels that are required to operate at slow speed, minimum wake are prohibited from proceeding at certain speeds.
- Deletes provisions from the underlying bill designating the waters of this state as a no-discharge zone and associated penalties for violation.
- Revises provisions relating to derelict vessels to prohibit persons, firms, or corporations from leaving, rather than storing or abandoning, a derelict vessel upon the waters of this state.
- Provides that, for derelict vessels provisions, the term “leave” means to allow a vessel to remain occupied or unoccupied on the waters of this state for more than 24 hours.
- Provides that persons who own or operate a vessel that becomes derelict as a result of a reported boating accident, hurricane, or other uncontrollable event may not be charged with having a derelict vessel if the person provides documentation of the events leading to the vessel being derelict or the vessel has been removed or repaired within a specific time frame.
- Authorizes FWC and law enforcement officers to store, destroy, or dispose of derelict vessels, in addition to relocating and removing the vessels.
- Authorizes the recovery of relocation, removal, storage, destruction, and disposal costs incurred by FWC or a law enforcement agency from the party determined to be legally responsible for the vessel being upon the waters of this state in a derelict condition.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/15/2021	.	
	.	
	.	
	.	

The Committee on Environment and Natural Resources (Hutson)
recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraphs (a) and (c) of subsection (1) of
section 316.1932, Florida Statutes, are amended to read:

316.1932 Tests for alcohol, chemical substances, or
controlled substances; implied consent; refusal.—

(1)(a)1.a. A ~~Any~~ person who accepts the privilege extended
by the laws of this state of operating a motor vehicle within



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11 this state is, by ~~so~~ operating such vehicle, deemed to have
12 given his or her consent to submit to an approved chemical test
13 or physical test including, but not limited to, an infrared
14 light test of his or her breath for the purpose of determining
15 the alcoholic content of his or her blood or breath if the
16 person is lawfully arrested for any offense allegedly committed
17 while the person was driving or was in actual physical control
18 of a motor vehicle while under the influence of alcoholic
19 beverages. The chemical or physical breath test must be
20 incidental to a lawful arrest and administered at the request of
21 a law enforcement officer who has reasonable cause to believe
22 such person was driving or was in actual physical control of the
23 motor vehicle within this state while under the influence of
24 alcoholic beverages. The administration of a breath test does
25 not preclude the administration of another type of test. The
26 person shall be told that his or her failure to submit to any
27 lawful test of his or her breath will result in the suspension
28 of the person's privilege to operate a motor vehicle for a
29 period of 1 year for a first refusal, or for a period of 18
30 months if the driving privilege of such person has been
31 previously suspended or if he or she has previously been fined
32 under s. 327.35215 as a result of a refusal to submit to ~~such~~ a
33 test or tests required under this chapter or chapter 327, and
34 shall also be told that if he or she refuses to submit to a
35 lawful test of his or her breath and his or her driving
36 privilege has been previously suspended or if he or she has
37 previously been fined under s. 327.35215 for a prior refusal to
38 submit to a lawful test of his or her breath, urine, or blood as
39 required under this chapter or chapter 327, he or she commits a



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40 misdemeanor of the first degree, punishable as provided in s.
41 775.082 or s. 775.083, in addition to any other penalties
42 provided by law. The refusal to submit to a chemical or physical
43 breath test upon the request of a law enforcement officer as
44 provided in this section is admissible into evidence in any
45 criminal proceeding.

46 b. A ~~Any~~ person who accepts the privilege extended by the
47 laws of this state of operating a motor vehicle within this
48 state is, by ~~so~~ operating such vehicle, deemed to have given his
49 or her consent to submit to a urine test for the purpose of
50 detecting the presence of chemical substances as set forth in s.
51 877.111 or controlled substances if the person is lawfully
52 arrested for any offense allegedly committed while the person
53 was driving or was in actual physical control of a motor vehicle
54 while under the influence of chemical substances or controlled
55 substances. The urine test must be incidental to a lawful arrest
56 and administered at a detention facility or any other facility,
57 mobile or otherwise, which is equipped to administer such tests
58 at the request of a law enforcement officer who has reasonable
59 cause to believe such person was driving or was in actual
60 physical control of a motor vehicle within this state while
61 under the influence of chemical substances or controlled
62 substances. The urine test shall be administered at a detention
63 facility or any other facility, mobile or otherwise, which is
64 equipped to administer such test in a reasonable manner that
65 will ensure the accuracy of the specimen and maintain the
66 privacy of the individual involved. The administration of a
67 urine test does not preclude the administration of another type
68 of test. The person shall be told that his or her failure to



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submit to any lawful test of his or her urine will result in the suspension of the person's privilege to operate a motor vehicle for a period of 1 year for the first refusal, or for a period of 18 months if the driving privilege of such person has been previously suspended or if he or she has previously been fined under s. 327.35215 as a result of a refusal to submit to ~~such~~ a test or tests required under this chapter or chapter 327, and shall also be told that if he or she refuses to submit to a lawful test of his or her urine and his or her driving privilege has been previously suspended or if he or she has previously been fined under s. 327.35215 for a prior refusal to submit to a lawful test of his or her breath, urine, or blood as required under this chapter or chapter 327, he or she commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, in addition to any other penalties provided by law. The refusal to submit to a urine test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.

2. The Alcohol Testing Program within the Department of Law Enforcement is responsible for the regulation of the operation, inspection, and registration of breath test instruments utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327. The program is responsible for the regulation of the individuals who operate, inspect, and instruct on the breath test instruments utilized in the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327. The program is further responsible for the regulation of blood analysts who conduct



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blood testing to be utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327. The program shall:

a. Establish uniform criteria for the issuance of permits to breath test operators, agency inspectors, instructors, blood analysts, and instruments.

b. Have the authority to permit breath test operators, agency inspectors, instructors, blood analysts, and instruments.

c. Have the authority to discipline and suspend, revoke, or renew the permits of breath test operators, agency inspectors, instructors, blood analysts, and instruments.

d. Establish uniform requirements for instruction and curricula for the operation and inspection of approved instruments.

e. Have the authority to specify one approved curriculum for the operation and inspection of approved instruments.

f. Establish a procedure for the approval of breath test operator and agency inspector classes.

g. Have the authority to approve or disapprove breath test instruments and accompanying paraphernalia for use pursuant to the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327.

h. With the approval of the executive director of the Department of Law Enforcement, make and enter into contracts and agreements with other agencies, organizations, associations, corporations, individuals, or federal agencies as are necessary, expedient, or incidental to the performance of duties.

i. Issue final orders which include findings of fact and



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conclusions of law and which constitute final agency action for the purpose of chapter 120.

j. Enforce compliance with ~~the provisions of~~ this section through civil or administrative proceedings.

k. Make recommendations concerning any matter within the purview of this section, this chapter, chapter 322, or chapter 327.

l. Promulgate rules for the administration and implementation of this section, including definitions of terms.

m. Consult and cooperate with other entities for the purpose of implementing the mandates of this section.

n. Have the authority to approve the type of blood test utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327.

o. Have the authority to specify techniques and methods for breath alcohol testing and blood testing utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327.

p. Have the authority to approve repair facilities for the approved breath test instruments, including the authority to set criteria for approval.

Nothing in this section shall be construed to supersede provisions in this chapter and chapters 322 and 327. The specifications in this section are derived from the power and authority previously and currently possessed by the Department of Law Enforcement and are enumerated to conform with the mandates of chapter 99-379, Laws of Florida.



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(c) A ~~Any~~ person who accepts the privilege extended by the laws of this state of operating a motor vehicle within this state is, by operating such vehicle, deemed to have given his or her consent to submit to an approved blood test for the purpose of determining the alcoholic content of the blood or a blood test for the purpose of determining the presence of chemical substances or controlled substances as provided in this section if there is reasonable cause to believe the person was driving or in actual physical control of a motor vehicle while under the influence of alcoholic beverages or chemical or controlled substances and the person appears for treatment at a hospital, clinic, or other medical facility and the administration of a breath or urine test is impractical or impossible. As used in this paragraph, the term "other medical facility" includes an ambulance or other medical emergency vehicle. The blood test shall be performed in a reasonable manner. A ~~Any~~ person who is incapable of refusal by reason of unconsciousness or other mental or physical condition is deemed not to have withdrawn his or her consent to such test. A blood test may be administered whether or not the person is told that his or her failure to submit to such a blood test will result in the suspension of the person's privilege to operate a motor vehicle upon the public highways of this state and that a refusal to submit to a lawful test of his or her blood, if his or her driving privilege has been previously suspended for refusal to submit to a lawful test of his or her breath, urine, or blood, is a misdemeanor. A ~~Any~~ person who is capable of refusal shall be told that his or her failure to submit to such a blood test will result in the suspension of the person's privilege to operate a motor vehicle



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for a period of 1 year for a first refusal, or for a period of 18 months if the driving privilege of the person has been suspended previously or if he or she has previously been fined under s. 327.35215 as a result of a refusal to submit to ~~such a~~ test or tests required under this chapter or chapter 327, and ~~that a refusal to submit to a lawful test of his or her blood, if his or her driving privilege has been previously suspended for a prior refusal to submit to a lawful test of his or her breath, urine, or blood, is a misdemeanor.~~ The refusal to submit to a blood test upon the request of a law enforcement officer is admissible in evidence in any criminal proceeding.

Section 2. Subsection (1) of section 316.1939, Florida Statutes, is amended to read:

316.1939 Refusal to submit to testing; penalties.—

(1) ~~A~~ Any person who has refused to submit to a chemical or physical test of his or her breath, ~~blood,~~ or urine, as described in s. 316.1932, and whose driving privilege was previously suspended or who was previously fined under s. 327.35215 for a prior refusal to submit to a lawful test of his or her breath, urine, or blood required under this chapter or chapter 327, and:

(a) Who the arresting law enforcement officer had probable cause to believe was driving or in actual physical control of a motor vehicle in this state while under the influence of alcoholic beverages, chemical substances, or controlled substances;

(b) Who was placed under lawful arrest for a violation of s. 316.193 unless such test was requested pursuant to s. 316.1932(1)(c);



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(c) Who was informed that, if he or she refused to submit to such test, his or her privilege to operate a motor vehicle would be suspended for a period of 1 year or, in the case of a second or subsequent refusal, for a period of 18 months;

(d) Who was informed that a refusal to submit to a lawful test of his or her breath or, urine, ~~or blood~~, if his or her driving privilege has been previously suspended or if he or she has previously been fined under s. 327.35215 for a prior refusal to submit to a lawful test of his or her breath, urine, or blood as required under this chapter or chapter 327, is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, in addition to any other penalties provided by law; and

(e) Who, after having been so informed, refused to submit to any such test when requested to do so by a law enforcement officer or correctional officer

commits a misdemeanor of the first degree and is subject to punishment as provided in s. 775.082 or s. 775.083.

Section 3. Present subsections (18) through (47) of section 327.02, Florida Statutes, are redesignated as subsections (19) through (48), respectively, a new subsection (18) is added to that section, and present subsection (31) of that section is amended, to read:

327.02 Definitions.—As used in this chapter and in chapter 328, unless the context clearly requires a different meaning, the term:

(18) "Human-powered vessel" means a vessel powered only by its occupant or occupants, including, but not limited to, a vessel powered only by the occupants' hands or feet, oars, or



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paddles.

~~(32)(31)~~ "Navigation rules" means, for vessels on:

(a) Waters outside established navigational lines of demarcation as specified in 33 C.F.R. part 80, the International Navigational Rules Act of 1977, 33 U.S.C. s. 1602, as amended, including the appendix and annexes thereto, through December 31, 2020 ~~October 1, 2012~~.

(b) All waters not outside of such established lines of demarcation, the Inland Navigational Rules Act of 1980, 33 C.F.R. parts 83-90, as amended, through December 31, 2020 ~~October 1, 2012~~.

Section 4. Section 327.04, Florida Statutes, is amended to read:

327.04 Rules.—The commission may ~~has authority to~~ adopt rules pursuant to ss. 120.536(1) and 120.54 to implement ~~the provisions of this chapter,~~ the provisions of chapter 705 relating to vessels, and ss. 376.15 and 823.11 conferring powers or duties upon it.

Section 5. Section 327.462, Florida Statutes, is created to read:

327.462 Temporary protection zones for spaceflight launches and recovery of spaceflight assets.—

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

(a) "Launch services" means the conduct of a launch and activities involved in the preparation of a launch vehicle, payload, government astronaut, commercial astronaut, or spaceflight participant for such launch.

(b) "Reentry services" means the conduct of a reentry and activities involved in the preparation of a reentry vehicle,



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payload, government astronaut, commercial astronaut, or
spaceflight participant for such reentry.

(c) "Spaceflight assets" means any item, or any part of an
item, owned by a spaceflight entity which is used in launch
services or reentry services, including crewed and uncrewed
spacecraft, launch vehicles, parachutes and other landing aids,
and any spacecraft or ancillary equipment that was attached to
the launch vehicle during launch, orbit, or reentry.

(d) "Spaceflight entity" has the same meaning as provided
in s. 331.501.

(2) The head of a law enforcement agency or entity
identified in s. 327.70(1), or his or her designee, may, upon
waters of this state within the law enforcement agency's or
entity's jurisdiction, when necessary for preparations in
advance of a launch service or reentry service or for the
recovery of spaceflight assets before or after a launch service
or reentry service, temporarily establish a protection zone
requiring vessels to leave, or prohibiting vessels from
entering, water bodies within:

(a) Five hundred yards of where launch services, reentry
services, or spaceflight asset recovery operations are being
conducted; or

(b) A distance greater than provided in paragraph (a) if
the head of such law enforcement agency or entity, or his or her
designee, determines such greater distance is in the best
interest of public safety.

(3) A protection zone established under subsection (2) may
remain in effect only as long as necessary to ensure security
around the launch and recovery areas and to recover spaceflight



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assets and any personnel being transported within a spacecraft following the launch or reentry activity. Such protection zone may not be in place more than 72 hours before or 72 hours after the launch. The head of a law enforcement agency or entity identified in s. 327.70(1), or his or her designee, may also restrict vessels from operating within up to 500 yards of any vessel transporting recovered spaceflight assets following a spaceflight launch or reentry while such vessel is continuously underway transporting such assets to a location for removal from the waters of this state.

(4) The head of a law enforcement agency or entity establishing a protection zone under this section, or his or her designee, must report the establishment of such protection zone via e-mail to the commission's Division of Law Enforcement, Boating and Waterways Section, and to the appropriate United States Coast Guard Sector Command having responsibility over the water body, at least 72 hours before establishment of the protection zone. Such report must include the reasons for the protection zone, the portion of the water body or water bodies which will be included in the protection zone, and the duration of the protection zone. No later than 72 hours after the end of the protection zone period, the head of the law enforcement agency or entity, or his or her designee, must report via e-mail to the commission's Division of Law Enforcement, Boating and Waterways Section, the details of all citations issued for violating the protection zone.

(5) This section applies only to launch services, reentry services, or the recovery of spaceflight assets occurring or originating within spaceport territory, as defined in s.



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331.304, and to federally licensed or federally authorized
launches and reentries occurring or transiting to an end
destination upon waters of this state.

(6) A person who violates this section or any directive
given by a law enforcement officer relating to the establishment
of a protection zone under this section after being advised of
the establishment of the protection zone commits a misdemeanor
of the second degree, punishable as provided in s. 775.082 or s.
775.083.

Section 6. Paragraphs (a) and (c) of subsection (1) of
section 327.352, Florida Statutes, are amended to read:

327.352 Tests for alcohol, chemical substances, or
controlled substances; implied consent; refusal.—

(1)(a)1. The Legislature declares that the operation of a
vessel is a privilege that must be exercised in a reasonable
manner. In order to protect the public health and safety, it is
essential that a lawful and effective means of reducing the
incidence of boating while impaired or intoxicated be
established. Therefore, a ~~any~~ person who accepts the privilege
extended by the laws of this state of operating a vessel within
this state is, by ~~so~~ operating such vessel, deemed to have given
his or her consent to submit to an approved chemical test or
physical test including, but not limited to, an infrared light
test of his or her breath for the purpose of determining the
alcoholic content of his or her blood or breath if the person is
lawfully arrested for any offense allegedly committed while the
person was operating a vessel while under the influence of
alcoholic beverages. The chemical or physical breath test must
be incidental to a lawful arrest and administered at the request



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of a law enforcement officer who has reasonable cause to believe such person was operating the vessel within this state while under the influence of alcoholic beverages. The administration of a breath test does not preclude the administration of another type of test. The person shall be told that his or her failure to submit to any lawful test of his or her breath under this chapter will result in a civil penalty of \$500, and shall also be told that if he or she refuses to submit to a lawful test of his or her breath and he or she has been previously fined under s. 327.35215 or has previously had his or her driver license suspended under s. 322.2615 for refusal to submit to any lawful test of his or her breath, urine, or blood, he or she commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, in addition to any other penalties provided by law. The refusal to submit to a chemical or physical breath test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.

2. A ~~Any~~ person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by ~~so~~ operating such vessel, deemed to have given his or her consent to submit to a urine test for the purpose of detecting the presence of chemical substances as set forth in s. 877.111 or controlled substances if the person is lawfully arrested for any offense allegedly committed while the person was operating a vessel while under the influence of chemical substances or controlled substances. The urine test must be incidental to a lawful arrest and administered at a detention facility or any other facility, mobile or otherwise, which is equipped to



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administer such tests at the request of a law enforcement officer who has reasonable cause to believe such person was operating a vessel within this state while under the influence of chemical substances or controlled substances. The urine test shall be administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such test in a reasonable manner that will ensure the accuracy of the specimen and maintain the privacy of the individual involved. The administration of a urine test does not preclude the administration of another type of test. The person shall be told that his or her failure to submit to any lawful test of his or her urine under this chapter will result in a civil penalty of \$500, and shall also be told that if he or she refuses to submit to a lawful test of his or her urine and he or she has been previously fined under s. 327.35215 or has previously had his or her driver license suspended under s. 322.2615 for refusal to submit to any lawful test of his or her breath, urine, or blood, he or she commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, in addition to any other penalties provided by law. The refusal to submit to a urine test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.

(c) A ~~Any~~ person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by operating such vessel, deemed to have given his or her consent to submit to an approved blood test for the purpose of determining the alcoholic content of the blood or a blood test for the purpose of determining the presence of chemical



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substances or controlled substances as provided in this section if there is reasonable cause to believe the person was operating a vessel while under the influence of alcoholic beverages or chemical or controlled substances and the person appears for treatment at a hospital, clinic, or other medical facility and the administration of a breath or urine test is impractical or impossible. As used in this paragraph, the term "other medical facility" includes an ambulance or other medical emergency vehicle. The blood test shall be performed in a reasonable manner. A ~~Any~~ person who is incapable of refusal by reason of unconsciousness or other mental or physical condition is deemed not to have withdrawn his or her consent to such test. A ~~Any~~ person who is capable of refusal shall be told that his or her failure to submit to such a blood test will result in a civil penalty of \$500 ~~and that a refusal to submit to a lawful test of his or her blood, if he or she has previously been fined for refusal to submit to any lawful test of his or her breath, urine, or blood, is a misdemeanor.~~ The refusal to submit to a blood test upon the request of a law enforcement officer shall be admissible in evidence in any criminal proceeding.

Section 7. Section 327.359, Florida Statutes, is amended to read:

327.359 Refusal to submit to testing; penalties.—A ~~Any~~ person who has refused to submit to a chemical or physical test of his or her breath, ~~blood,~~ or urine, as described in s. 327.352, and who has been previously fined under s. 327.35215 or has previously had his or her driver license suspended under s. 322.2615 for refusal to submit to a lawful test of his or her breath, urine, or blood, and:



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(1) Who the arresting law enforcement officer had probable cause to believe was operating or in actual physical control of a vessel in this state while under the influence of alcoholic beverages, chemical substances, or controlled substances;

(2) Who was placed under lawful arrest for a violation of s. 327.35 unless such test was requested pursuant to s. 327.352(1)(c);

(3) Who was informed that if he or she refused to submit to such test, he or she is subject to a fine of \$500;

(4) Who was informed that a refusal to submit to a lawful test of his or her breath or, ~~urine, or blood~~, if he or she has been previously fined under s. 327.35215 or has previously had his or her driver license suspended under s. 322.2615 for refusal to submit to a lawful test of his or her breath, urine, or blood, is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083; and

(5) Who, after having been so informed, refused to submit to any such test when requested to do so by a law enforcement officer or correctional officer

commits a misdemeanor of the first degree, punishable ~~and is subject to punishment~~ as provided in s. 775.082 or s. 775.083.

Section 8. Section 327.371, Florida Statutes, is created to read:

327.371 Human-powered vessels regulated.—

(1) A person may operate a human-powered vessel within the boundaries of the marked channel of the Florida Intracoastal Waterway as defined in s. 327.02:

(a) When the marked channel is the only navigable portion



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of the waterway available due to vessel congestion or
obstructions on the water. The operator of the human-powered
vessel shall proceed with diligence to a location where he or
she may safely operate the vessel outside the marked channel of
the Florida Intracoastal Waterway.

(b) When crossing the marked channel, provided that the
crossing is done in the most direct, continuous, and expeditious
manner possible and does not interfere with other vessel traffic
in the channel.

(c) During an emergency endangering life or limb.

(2) A person may not operate a human-powered vessel in the
marked channel of the Florida Intracoastal Waterway except as
provided in subsection (1).

(3) A person who violates this section commits a
noncriminal infraction, punishable as provided in s. 327.73.

Section 9. Subsection (1) and paragraphs (a) and (b) of
subsection (5) of section 327.391, Florida Statutes, are amended
to read:

327.391 Airboats regulated.—

(1) The exhaust of every internal combustion engine used on
any airboat operated on the waters of this state shall be
provided with an automotive-style factory muffler, underwater
exhaust, or other manufactured device capable of adequately
muffling the sound of the exhaust of the engine as described in
s. 327.02(31) ~~s. 327.02(30)~~. The use of cutouts or flex pipe as
the sole source of muffling is prohibited, except as provided in
subsection (4). A ~~Any~~ person who violates this subsection
commits a noncriminal infraction, punishable as provided in s.
327.73(1).



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(5) (a) ~~Beginning July 1, 2019,~~ A person may not operate an airboat to carry one or more passengers for hire on waters of this ~~the~~ state unless he or she has all of the following onboard the airboat:

1. A photographic identification card.

2. Proof of completion of a boater education course that complies with s. 327.395(2) (a) ~~s. 327.395(1) (a)~~. Except as provided in paragraph (b), no operator is exempt from this requirement, regardless of age or the exemptions provided under s. 327.395.

3. Proof of successful completion of a commission-approved airboat operator course that meets the minimum standards established by commission rule.

4. Proof of successful course completion in cardiopulmonary resuscitation and first aid.

(b) A person issued a captain's license by the United States Coast Guard is not required to complete a boating safety education course that complies with s. 327.395(2) (a) ~~s. 327.395(1) (a)~~. Proof of the captain's license must be onboard the airboat when carrying one or more passengers for hire on waters of this ~~the~~ state.

Section 10. Section 327.395, Florida Statutes, is amended to read:

327.395 Boating safety education.—

(1) A person born on or after January 1, 1988, may not operate a vessel powered by a motor of 10 horsepower or greater unless such person has in his or her possession aboard the vessel the documents required by subsection (2).

(2) While operating a vessel, a person identified under



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subsection (1) must have in his or her possession aboard the vessel photographic identification and a boating safety identification card issued by the commission, a state-issued identification card or driver license indicating possession of the boating safety identification card, or photographic identification and a temporary certificate issued or approved by the commission, which shows that he or she has:

(a) Completed a commission-approved boating safety education course that meets the minimum requirements established by the National Association of State Boating Law Administrators; or

(b) Passed a temporary certificate examination developed or approved by the commission.

(3) (a) ~~(2) (a)~~ A person may obtain a boating safety identification card by successfully completing a boating safety education course that meets the requirements of this section and rules adopted by the commission pursuant to this section.

(b) A person may obtain a temporary certificate by passing a temporary certificate examination that meets the requirements of this section and rules adopted by the commission pursuant to this section.

(4) (3) ~~A~~ Any commission-approved boating safety education course or temporary certificate examination developed or approved by the commission must include a component regarding diving vessels, awareness of divers in the water, divers-down warning devices, and the requirements of s. 327.331.

~~(4) The commission may appoint liveries, marinas, or other persons as its agents to administer the course or temporary certificate examination and issue identification cards or~~



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~~temporary certificates in digital, electronic, or paper format
under guidelines established by the commission. An agent must
charge the \$2 examination fee, which must be forwarded to the
commission with proof of passage of the examination and may
charge and keep a \$1 service fee.~~

(5) A boating safety identification card issued to a person who has completed a boating safety education course is valid for life. A temporary certificate issued to a person who has passed a temporary certification examination is valid for 90 days after the date of issuance. The commission may issue either the boating safety identification card or the temporary certificate in a digital, electronic, or paper format.

(6) A person is exempt from subsection (1) if he or she:

(a) 1. Is licensed by the United States Coast Guard to serve as master of a vessel;

2. Has been previously licensed by the United States Coast Guard to serve as master of a vessel, provides proof of such licensure to the commission, and requests that a boating safety identification card be issued in his or her name; or

3. Possesses an International Certificate of Competence in sailing.

(b) Operates a vessel only on a private lake or pond.

(c) Is accompanied in the vessel by a person who is exempt from this section or who holds a boating safety identification card in compliance with this section, who is 18 years of age or older, and who is attendant to the operation of the vessel and responsible for the safe operation of the vessel and for any violation that occurs during the operation of the vessel.

(d) Is a nonresident who has in his or her possession



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photographic identification and proof that he or she has completed a boating safety education course or equivalency examination in another state or a United States territory which meets or exceeds the minimum requirements established by the National Association of State Boating Law Administrators.

(e) Is operating a vessel within 90 days after the purchase of that vessel and has available for inspection aboard that vessel a bill of sale meeting the requirements of s. 328.46(1).

(f) Is operating a vessel within 90 days after completing a boating safety education course in accordance with paragraph

(2) (a) ~~the requirements of paragraph (1) (a)~~ and has a photographic identification card and a boating safety education certificate available for inspection as proof of having completed a boating safety education course. The boating safety education certificate must provide, at a minimum, the student's first and last name, the student's date of birth, and the date that he or she passed the course examination.

(g) Is exempted by rule of the commission.

(7) A person who operates a vessel in violation of this section ~~subsection (1)~~ commits a noncriminal infraction, punishable as provided in s. 327.73.

(8) The commission shall institute and coordinate a statewide program of boating safety instruction and certification to ensure that boating safety courses and examinations are available in each county of this ~~the~~ state. The commission may appoint agents to administer the boating safety education course or temporary certificate examination and may authorize the agents to issue temporary certificates in digital, electronic, or paper format. An agent ~~The agents~~ shall charge



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and collect the \$2 fee required in subsection (9) for each temporary certificate requested of the commission by that agent, which must be forwarded to the commission. The agent may charge and keep a \$1 service fee.

(9) The commission may ~~is authorized to~~ establish and ~~to~~ collect a \$2 fee for each card and temporary certificate issued pursuant to this section.

(10) The commission shall design forms and adopt rules pursuant to chapter 120 to implement ~~the provisions of~~ this section.

(11) This section may be cited as the "Osmany 'Ozzie' Castellanos Boating Safety Education Act."

Section 11. Present subsection (5) of section 327.4107, Florida Statutes, is redesignated as subsection (6), a new subsection (5) and subsection (7) are added to that section, and paragraphs (d) and (e) of subsection (2) of that section are amended, to read:

327.4107 Vessels at risk of becoming derelict on waters of this state.—

(2) An officer of the commission or of a law enforcement agency specified in s. 327.70 may determine that a vessel is at risk of becoming derelict if any of the following conditions exist:

(d) The vessel is ~~left or stored aground unattended in such a state that would prevent the vessel from getting underway, is listing due to water intrusion, or is sunk or partially sunk.~~

(e) The vessel does not have an effective means of propulsion for safe navigation within 72 hours after the vessel owner or operator receives telephonic notice, in-person notice



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recorded on an agency-approved body camera, or written notice, which may be provided by facsimile, electronic mail, or other electronic means, stating such from an officer, and the vessel owner or operator is unable to provide a receipt, proof of purchase, or other documentation of having ordered necessary parts for vessel repair. The commission may adopt rules to implement this paragraph.

(5) The commission, an officer of the commission, or a law enforcement agency or officer specified in s. 327.70 may relocate or cause to be relocated an at-risk vessel found to be in violation of this section to a distance greater than 20 feet from a mangrove or upland vegetation. The commission, an officer of the commission, or a law enforcement agency or officer acting pursuant to this subsection upon waters of this state shall be held harmless for all damages to the at-risk vessel resulting from such relocation unless the damage results from gross negligence or willful misconduct as these terms are defined in s. 823.11.

(7) The commission may establish a derelict vessel prevention program to address vessels at risk of becoming derelict. Such program may, but is not required to, include:

(a) Removal, relocation, and destruction of vessels declared a public nuisance, derelict or at risk of becoming derelict, or lost or abandoned in accordance with s. 327.53(7), s. 327.73(1)(aa), s. 705.103(2) and (4), or s. 823.11(3).

(b) Creation of a vessel turn-in program allowing the owner of a vessel determined by law enforcement to be at risk of becoming derelict in accordance with this section to turn his or her vessel and vessel title over to the commission to be



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destroyed without penalty.

(c) Providing for removal and destruction of an abandoned vessel for which an owner cannot be identified or the owner of which is deceased and no heir is interested in acquiring the vessel.

(d) Purchase of anchor line, anchors, and other equipment necessary for securing vessels at risk of becoming derelict.

(e) Creating or acquiring moorings designated for securing vessels at risk of becoming derelict.

The commission may adopt rules to implement this subsection. Implementation of the derelict vessel prevention program shall be subject to appropriation by the Legislature and shall be funded by the Marine Resources Conservation Trust Fund or the Florida Coastal Protection Trust Fund.

Section 12. Section 327.4108, Florida Statutes, is amended to read:

327.4108 Anchoring of vessels in anchoring limitation areas.—

(1) The following densely populated urban areas, which have narrow state waterways, residential docking facilities, and significant recreational boating traffic, are designated as anchoring limitation areas, within which a person may not anchor a vessel at any time during the period between one-half hour after sunset and one-half hour before sunrise, except as provided in subsections (3) and (4):

(a) The section of Middle River lying between Northeast 21st Court and the Intracoastal Waterway in Broward County.

(b) Sunset Lake in Miami-Dade County.



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(c) The sections of Biscayne Bay in Miami-Dade County lying between:

1. Rivo Alto Island and Di Lido Island.
2. San Marino Island and San Marco Island.
3. San Marco Island and Biscayne Island.

(2) (a) Monroe County is designated as an anchoring limitation area within which a vessel may only be anchored in the same location for a maximum of 90 days. The commission shall adopt rules to implement this subsection.

(b) This subsection does not apply to an approved and permitted mooring field.

~~(2) To promote the public's use and enjoyment of the designated waterway, except as provided in subsections (3) and (4), a person may not anchor a vessel at any time during the period between one-half hour after sunset and one-half hour before sunrise in an anchoring limitation area.~~

(3) Notwithstanding subsections (1) and subsection (2), a person may anchor a vessel in an anchoring limitation area during a time that would otherwise be unlawful:

(a) If the vessel suffers a mechanical failure that poses an unreasonable risk of harm to the vessel or the persons onboard unless the vessel anchors. The vessel may anchor for 3 business days or until the vessel is repaired, whichever occurs first.

(b) If imminent or existing weather conditions in the vicinity of the vessel pose an unreasonable risk of harm to the vessel or the persons onboard unless the vessel anchors. The vessel may anchor until weather conditions no longer pose such risk. During a hurricane or tropical storm, weather conditions



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are deemed to no longer pose an unreasonable risk of harm when the hurricane or tropical storm warning affecting the area has expired.

(c) During events described in s. 327.48 or other special events, including, but not limited to, public music performances, local government waterfront activities, or fireworks displays. A vessel may anchor for the lesser of the duration of the special event or 3 days.

(4) This section does not apply to:

(a) Vessels owned or operated by a governmental entity for law enforcement, firefighting, military, or rescue purposes.

(b) Construction or dredging vessels on an active job site.

(c) Vessels actively engaged in commercial fishing.

(d) Vessels engaged in recreational fishing if the persons onboard are actively tending hook and line fishing gear or nets.

(5)(a) As used in this subsection, the term "law enforcement officer or agency" means an officer or agency authorized to enforce this section pursuant to s. 327.70.

(b) A law enforcement officer or agency may remove a vessel from an anchoring limitation area and impound the vessel for up to 48 hours, or cause such removal and impoundment, if the vessel operator, after being issued a citation for a violation of this section:

1. Anchors the vessel in violation of this section within 12 hours after being issued the citation; or

2. Refuses to leave the anchoring limitation area after being directed to do so by a law enforcement officer or agency.

(c) A law enforcement officer or agency acting under this subsection to remove or impound a vessel, or to cause such



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removal or impoundment, shall be held harmless for any damage to the vessel resulting from such removal or impoundment unless the damage results from gross negligence or willful misconduct.

(d) A contractor performing removal or impoundment services at the direction of a law enforcement officer or agency pursuant to this subsection must:

1. Be licensed in accordance with United States Coast Guard regulations, as applicable.

2. Obtain and carry a current policy issued by a licensed insurance carrier in this state to insure against any accident, loss, injury, property damage, or other casualty caused by or resulting from the contractor's actions.

3. Be properly equipped to perform such services.

(e) In addition to the civil penalty imposed under s. 327.73(1)(z), the operator of a vessel that is removed and impounded pursuant to paragraph (b) must pay all removal and storage fees before the vessel is released. A vessel removed pursuant to paragraph (b) may not be impounded for longer than 48 hours.

(6) A violation of this section is punishable as provided in s. 327.73(1)(z).

~~(7) This section shall remain in effect notwithstanding the Legislature's adoption of the commission's recommendations for the regulation of mooring vessels outside of public mooring fields pursuant to s. 327.4105.~~

Section 13. Paragraph (a) of subsection (1) and subsection (2) of section 327.4109, Florida Statutes, are amended to read:

327.4109 Anchoring or mooring prohibited; exceptions; penalties.—



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(1) (a) The owner or operator of a vessel or floating structure may not anchor or moor such that the nearest approach of the anchored or moored vessel or floating structure is:

1. Within 150 feet of any public or private marina, boat ramp, boatyard, or other public vessel launching or loading facility;

2. Within 300 feet of a superyacht repair facility. For purposes of this subparagraph, the term "superyacht repair facility" means a facility that services or repairs a yacht with a water line of 120 feet or more in length; or

3. Within 100 feet outward from the marked boundary of a public mooring field or a lesser distance if approved by the commission upon request of a local government within which the mooring field is located. The commission may adopt rules to implement this subparagraph.

(2) Notwithstanding subsection (1), an owner or operator of a vessel may anchor or moor within 150 feet of any public or private marina, boat ramp, boatyard, or other public vessel launching or loading facility; within 300 feet of a superyacht repair facility; or within 100 feet outward from the marked boundary of a public mooring field if:

(a) The vessel suffers a mechanical failure that poses an unreasonable risk of harm to the vessel or the persons onboard such vessel. The owner or operator of the vessel may anchor or moor for 5 business days or until the vessel is repaired, whichever occurs first.

(b) Imminent or existing weather conditions in the vicinity of the vessel pose an unreasonable risk of harm to the vessel or the persons onboard such vessel. The owner or operator of the



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vessel may anchor or moor until weather conditions no longer pose such risk. During a hurricane or tropical storm, weather conditions are deemed to no longer pose an unreasonable risk of harm when the hurricane or tropical storm warning affecting the area has expired.

Section 14. Subsection (2) of section 327.45, Florida Statutes, is amended to read:

327.45 Protection zones for springs.—

(2) The commission may establish by rule protection zones that restrict the speed and operation of vessels, or which prohibit the anchoring, mooring, beaching, or grounding of vessels, to protect and prevent harm to first, second, and third magnitude springs and springs groups, including their associated spring runs, as determined by the commission using the most recent Florida Geological Survey springs bulletin. This harm includes negative impacts to water quality, water quantity, hydrology, wetlands, and aquatic and wetland-dependent species.

Section 15. Paragraph (b) of subsection (1) of section 327.46, Florida Statutes, is amended to read:

327.46 Boating-restricted areas.—

(1) Boating-restricted areas, including, but not limited to, restrictions of vessel speeds and vessel traffic, may be established on the waters of this state for any purpose necessary to protect the safety of the public if such restrictions are necessary based on boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards or to protect seagrasses on privately owned submerged lands.

(b) Municipalities and counties may ~~have the authority to~~



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establish the following boating-restricted areas by ordinance:

1. An ordinance establishing an idle speed, no wake boating-restricted area, if the area is:

a. Within 500 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways more than 300 feet in width or within 300 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways not exceeding 300 feet in width.

b. Within 500 feet of fuel pumps or dispensers at any marine fueling facility that sells motor fuel to the general boating public on waterways more than 300 feet in width or within 300 feet of the fuel pumps or dispensers at any licensed terminal facility that sells motor fuel to the general boating public on waterways not exceeding 300 feet in width.

c. Inside or within 300 feet of any lock structure.

2. An ordinance establishing a slow speed, minimum wake boating-restricted area if the area is:

a. Within 300 feet of any bridge fender system.

b. Within 300 feet of any bridge span presenting a vertical clearance of less than 25 feet or a horizontal clearance of less than 100 feet.

c. On a creek, stream, canal, or similar linear waterway if the waterway is less than 75 feet in width from shoreline to shoreline.

d. On a lake or pond of less than 10 acres in total surface area.

e. Within the boundaries of a permitted public mooring



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field and a buffer around the mooring field of up to 100 feet.

3. An ordinance establishing a vessel-exclusion zone if the area is:

a. Designated as a public bathing beach or swim area.

b. Within 300 feet of a dam, spillway, or flood control structure.

4. Notwithstanding the prohibition in s. 327.60(2)(c), within the portion of the Florida Intracoastal Waterway within their jurisdiction, except that the municipality or county may not establish a vessel-exclusion zone for public bathing beaches or swim areas within the waterway.

Section 16. Section 327.463, Florida Statutes, is created to read:

327.463 Special hazards.—

(1) For purposes of this section, a vessel:

(a) Is operating at slow speed, minimum wake only if it is:

1. Fully off plane and completely settled into the water;

and

2. Proceeding without wake or with minimum wake.

A vessel that is required to operate at slow speed, minimum wake may not proceed at a speed greater than a speed that is reasonable and prudent to avoid the creation of an excessive wake or other hazardous condition under the existing circumstances.

(b) Is not proceeding at slow speed, minimum wake if it is:

1. Operating on plane;

2. In the process of coming off plane and settling into the water or getting on plane; or



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910 3. Operating at a speed that creates a wake that
911 unreasonably or unnecessarily endangers other vessels.

912 (2) A person may not operate a vessel faster than slow
913 speed, minimum wake within 300 feet of any emergency vessel,
914 including, but not limited to, a law enforcement vessel, United
915 States Coast Guard vessel, or firefighting vessel, when such
916 emergency vessel's emergency lights are activated.

917 (3) (a) A person may not operate a vessel faster than slow
918 speed, minimum wake within 300 feet of any construction vessel
919 or barge when the vessel or barge is displaying an orange flag
920 from a pole extending:

921 1. At least 10 feet above the tallest portion of the vessel
922 or barge, indicating that the vessel or barge is actively
923 engaged in construction operations; or

924 2. At least 5 feet above any superstructure permanently
925 installed upon the vessel or barge, indicating that the vessel
926 or barge is actively engaged in construction operations.

927 (b) A flag displayed on a construction vessel or barge
928 pursuant to this subsection must:

929 1. Be at least 2 feet by 3 feet in size.

930 2. Have a wire or other stiffener or be otherwise
931 constructed to ensure that the flag remains fully unfurled and
932 extended in the absence of a wind or breeze.

933 3. Be displayed so that the visibility of the flag is not
934 obscured in any direction.

935 (c) In periods of low visibility, including any time
936 between 30 minutes after sunset and 30 minutes before sunrise, a
937 person may not be cited for a violation of this subsection
938 unless the orange flag is illuminated and visible from a



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distance of at least 2 nautical miles. Such illumination does not relieve the construction vessel or barge from complying with all navigation rules.

(4) (a) A person operating a vessel in violation of this section commits a noncriminal infraction, punishable as provided in s. 327.73.

(b) The owner of, or party who is responsible for, a construction vessel or barge who displays an orange flag on the vessel or barge when it is not actively engaged in construction operations commits a noncriminal infraction, punishable as provided in s. 327.73.

(5) The speed and penalty provisions of this section do not apply to a law enforcement, firefighting, or rescue vessel that is owned or operated by a governmental entity.

Section 17. Paragraph (a) of subsection (1) of section 327.50, Florida Statutes, is amended to read:

327.50 Vessel safety regulations; equipment and lighting requirements.—

(1) (a) The owner and operator of every vessel on the waters of this state shall carry, store, maintain, and use safety equipment in accordance with current United States Coast Guard safety equipment requirements as specified in the Code of Federal Regulations, unless expressly exempted by the commission ~~department~~.

Section 18. Paragraph (a) of subsection (6) and subsection (7) of section 327.53, Florida Statutes, are amended, and subsection (8) is added to that section, to read:

327.53 Marine sanitation.—

(6) (a) A violation of this section is a noncriminal



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infraction, punishable as provided in s. 327.73. Each violation shall be a separate offense. The owner and operator of any vessel shall be jointly and severally liable for the civil penalty imposed pursuant to this section.

(7) A ~~Any~~ vessel or floating structure operated or occupied on the waters of this ~~the~~ state in violation of this section is declared a nuisance and a hazard to public safety and health. The owner or operator of a ~~any~~ vessel or floating structure cited for violating this section shall, within 30 days following the issuance of the citation, correct the violation for which the citation was issued or remove the vessel or floating structure from the waters of this ~~the~~ state. If the violation is not corrected within the 30 days and the vessel or floating structure remains on the waters of this ~~the~~ state in violation of this section, law enforcement officers charged with the enforcement of this chapter under s. 327.70 shall apply to the appropriate court in the county in which the vessel or floating structure is located, ~~to order or otherwise cause the removal of~~ such vessel or floating structure from the waters of this ~~the~~ state at the owner's expense. If the owner cannot be found or otherwise fails to pay the removal costs, the provisions of s. 328.17 shall apply. If the proceeds under s. 328.17 are not sufficient to pay all removal costs, funds appropriated from the Marine Resources Conservation Trust Fund pursuant to paragraph (6) (b) or s. 328.72(15) (c) ~~s. 328.72(16)~~ may be used.

(8) The owner or operator of a live-aboard vessel as defined in s. 327.02(23) (a) or (c), or a houseboat as defined in s. 327.02(17), that is equipped with a marine sanitation device must maintain a record of the date of each pumpout of the marine



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sanitation device and the location of the pumpout station or waste reception facility. Each record must be maintained for 1 year after the date of the pumpout.

Section 19. Subsection (2) of section 327.54, Florida Statutes, is amended to read:

327.54 Liveries; safety regulations; penalty.—

(2) A livery may not knowingly lease, hire, or rent a ~~any~~ vessel ~~powered by a motor of 10 horsepower or greater~~ to a ~~any~~ person who is required to comply with s. 327.395~~7~~, unless such person presents to the livery photographic identification and a valid boater safety identification card issued by the commission, a state-issued identification card or driver license indicating possession of the boating safety identification card, or photographic identification and a valid temporary certificate issued or approved by the commission as required under s. 327.395(2) ~~s. 327.395(1)~~, or meets the exemption provided under s. 327.395(6)(f).

Section 20. Subsection (5) of section 327.60, Florida Statutes, is amended to read:

327.60 Local regulations; limitations.—

(5) A local government may enact and enforce regulations to implement the procedures for abandoned or lost property that allow the local law enforcement agency to remove a vessel affixed to a public dock or mooring within its jurisdiction that is abandoned or lost property pursuant to s. 705.103(1). Such regulation must require the local law enforcement agency to post a written notice at least 24 hours before removing the vessel.

Section 21. Paragraphs (q), (s), and (aa) of subsection (1) of section 327.73, Florida Statutes, are amended, and paragraphs



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(cc) and (dd) are added to that subsection, to read:

327.73 Noncriminal infractions.—

(1) Violations of the following provisions of the vessel laws of this state are noncriminal infractions:

(q) Section 327.53(1), (2), ~~and~~ (3), and (8), relating to marine sanitation.

(s) Section 327.395, relating to boater safety education. However, a person cited for violating the requirements of s. 327.395 relating to failure to have required proof of boating safety education in his or her possession may not be convicted if, before or at the time of a county court hearing, the person produces proof of the boating safety education identification card or temporary certificate for verification by the hearing officer or the court clerk and the identification card or temporary certificate was valid at the time the person was cited.

(aa) Section 327.4107, relating to vessels at risk of becoming derelict on waters of this state, for which the civil penalty is:

1. For a first offense, \$100 ~~\$50~~.

2. For a second offense occurring 30 days or more after a first offense, \$250 ~~\$100~~.

3. For a third or subsequent offense occurring 30 days or more after a previous offense, \$500 ~~\$250~~.

A vessel that is the subject of three or more violations issued pursuant to the same paragraph of s. 327.4107(2) within an 18-month period which result in dispositions other than acquittal or dismissal shall be declared to be a public nuisance and



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subject to ss. 705.103(2) and (4) and 823.11(3). The commission, an officer of the commission, or a law enforcement agency or officer specified in s. 327.70 may relocate, remove, or cause to be relocated or removed such public nuisance vessels from waters of this state. The commission, an officer of the commission, or a law enforcement agency or officer acting pursuant to this paragraph upon waters of this state shall be held harmless for all damages to the vessel resulting from such relocation or removal unless the damage results from gross negligence or willful misconduct as these terms are defined in s. 823.11.

(cc) Section 327.463(4)(a) and (b), relating to vessels creating special hazards, for which the penalty is:

1. For a first offense, \$50.

2. For a second offense occurring within 12 months after a prior offense, \$100.

3. For a third offense occurring within 36 months after a prior offense, \$250.

(dd) Section 327.371, relating to the regulation of human-powered vessels.

Any person cited for a violation of any provision of this subsection shall be deemed to be charged with a noncriminal infraction, shall be cited for such an infraction, and shall be cited to appear before the county court. The civil penalty for any such infraction is \$50, except as otherwise provided in this section. Any person who fails to appear or otherwise properly respond to a uniform boating citation shall, in addition to the charge relating to the violation of the boating laws of this state, be charged with the offense of failing to respond to such



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citation and, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A written warning to this effect shall be provided at the time such uniform boating citation is issued.

Section 22. Subsection (4) of section 328.09, Florida Statutes, is amended to read:

328.09 Refusal to issue and authority to cancel a certificate of title or registration.—

(4) The department may not issue a certificate of title to an ~~any~~ applicant for a ~~any~~ vessel that has been deemed derelict by a law enforcement officer under s. 376.15 or s. 823.11. A law enforcement officer must inform the department in writing, which may be provided by facsimile, electronic mail, or other electronic means, of the vessel's derelict status and supply the department with the vessel title number or vessel identification number. The department may issue a certificate of title once a law enforcement officer has verified in writing, which may be provided by facsimile, electronic mail, or other electronic means, that the vessel is no longer a derelict vessel.

Section 23. Effective July 1, 2023, paragraph (e) of subsection (3) of section 328.09, Florida Statutes, as amended by section 12 of chapter 2019-76, Laws of Florida, is amended to read:

328.09 Refusal to issue and authority to cancel a certificate of title or registration.—

(3) Except as otherwise provided in subsection (4), the department may reject an application for a certificate of title only if:

(e) The application is for a vessel that has been deemed



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derelict by a law enforcement officer under s. 376.15 or s. 823.11. In such case, a law enforcement officer must inform the department in writing, which may be provided by facsimile, e-mail, or other electronic means, of the vessel's derelict status and supply the department with the vessel title number or vessel identification number. The department may issue a certificate of title once a law enforcement officer has verified in writing, which may be provided by facsimile, e-mail, or other electronic means, that the vessel is no longer a derelict vessel.

Section 24. Section 376.15, Florida Statutes, is amended to read:

376.15 Derelict vessels; relocation or removal from ~~public~~ waters of this state.—

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

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

(b) "Gross negligence" means conduct so reckless or wanting in care that it constitutes a conscious disregard or indifference to the safety of the property exposed to such conduct.

(c) "Willful misconduct" means conduct evidencing carelessness or negligence of such a degree or recurrence as to manifest culpability, wrongful intent, or evil design or to show an intentional and substantial disregard of the interests of the vessel owner.

(2)(a) It is unlawful for any person, firm, or corporation to ~~store, leave, or abandon~~ any derelict vessel as defined in s. 823.11 upon the waters of in this state. For purposes of this paragraph, the term "leave" means to allow a vessel to remain



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occupied or unoccupied on the waters of this state for more than
24 hours.

(b) Notwithstanding paragraph (a), a person who owns or
operates a vessel that becomes derelict upon the waters of this
state solely as a result of a boating accident that is reported
to law enforcement in accordance with s. 327.301 or otherwise
reported to law enforcement; a hurricane; or another sudden
event outside of his or her control may not be charged with a
violation if:

1. The individual documents for law enforcement the
specific event that led to the vessel being derelict upon the
waters of this state; and

2. The vessel has been removed from the waters of this
state or has been repaired or addressed such that it is no
longer derelict upon the waters of this state:

a. For a vessel that has become derelict as a result of a
boating accident or other sudden event outside of his or her
control, within 7 days after such accident or event; or

b. Within 45 days after the hurricane has passed over this
state.

(c) This subsection does not apply to a vessel that was
derelict upon the waters of this state before the stated
accident or event.

(3) (a) The commission, an officer ~~officers~~ of the
commission, or a ~~and any~~ law enforcement agency or officer
specified in s. 327.70 ~~may are authorized and empowered to~~
relocate, remove, store, destroy, or dispose of or cause to be
relocated, ~~or removed, stored, destroyed, or disposed of a~~ any
derelict vessel as defined in s. 823.11 from ~~public~~ waters of



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this state as defined in s. 327.02. All costs, including costs owed to a third party, incurred by the commission or other law enforcement agency in the relocation, ~~or~~ removal, storage, destruction, or disposal of any abandoned or derelict vessel are recoverable against the owner of the vessel or the party determined to be legally responsible for the vessel being upon the waters of this state in a derelict condition. The Department of Legal Affairs shall represent the commission in actions to recover such costs.

(b) The commission, an officer ~~officers~~ of the commission, or a ~~and any other~~ law enforcement agency or officer specified in s. 327.70 acting pursuant to under this section to relocate, remove, store, destroy, or dispose of or cause to be relocated, ~~or removed, stored, destroyed, or disposed of~~ a derelict vessel from ~~public~~ waters of this state as defined in s. 327.02 shall be held harmless for all damages to the derelict vessel resulting from such action ~~relocation or removal~~ unless the damage results from gross negligence or willful misconduct as these terms are defined in s. 823.11.

(c) A contractor performing relocation or removal activities at the direction of the commission, an officer ~~officers~~ of the commission, ~~or~~ a law enforcement agency or officer, or a governmental subdivision, when the governmental subdivision has received authorization for the relocation or removal from a law enforcement officer or agency pursuant to this section, must be licensed in accordance with applicable United States Coast Guard regulations where required; obtain and carry in full force and effect a policy from a licensed insurance carrier in this state to insure against any accident,



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loss, injury, property damage, or other casualty caused by or resulting from the contractor's actions; and be properly equipped to perform the services to be provided.

(d) The commission may establish a program to provide grants to local governments for the removal, storage, destruction, and disposal of derelict vessels from the ~~public~~ waters of ~~this~~ the state as defined in s. 327.02. The program shall be funded from the Marine Resources Conservation Trust Fund or the Florida Coastal Protection Trust Fund. Notwithstanding ~~the provisions in~~ s. 216.181(11), funds available for grants may only be authorized by appropriations acts of the Legislature. In a given fiscal year, if all funds appropriated pursuant to this paragraph are not requested by and granted to local governments for the removal, storage, destruction, and disposal of derelict vessels by the end of the third quarter, the Fish and Wildlife Conservation Commission may use the remainder of the funds to remove, store, destroy, and dispose of, or to pay private contractors to remove, store, destroy, and dispose of, derelict vessels.

(e) The commission shall adopt by rule procedures for submitting a grant application and criteria for allocating available funds. Such criteria shall include, but not be limited to, the following:

1. The number of derelict vessels within the jurisdiction of the applicant.

2. The threat posed by such vessels to public health or safety, the environment, navigation, or the aesthetic condition of the general vicinity.

3. The degree of commitment of the local government to



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maintain waters free of abandoned and derelict vessels and to seek legal action against those who abandon vessels in the waters of this the state as defined in s. 327.02.

(f) This section constitutes the authority for such removal but is not intended to be in contravention of any applicable federal act.

Section 25. Subsections (2) and (4) of section 705.103, Florida Statutes, are amended to read:

705.103 Procedure for abandoned or lost property.—

(2) (a)1. Whenever a law enforcement officer ascertains that:

a. An article of lost or abandoned property other than a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa) is present on public property and is of such nature that it cannot be easily removed, the officer shall cause a notice to be placed upon such article in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY. This property, to wit: ...(setting forth brief description)... is unlawfully upon public property known as ...(setting forth brief description of location)... and must be removed within 5 days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner will be liable for the costs of removal, storage, and publication of notice. Dated this: ...(setting forth the date of posting of notice)...., signed: ...(setting forth name, title, address, and telephone number of law enforcement officer)....



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b. A derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa) is present on the waters of this state, the officer shall cause a notice to be placed upon such vessel in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED VESSEL. This vessel, to wit: ...(setting forth brief description)... has been determined to be (derelict or a public nuisance) and is unlawfully upon waters of this state ...(setting forth brief description of location)... and must be removed within 21 days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner and other interested parties have the right to a hearing to challenge the determination that this vessel is derelict or otherwise in violation of the law. Please contact ...(contact information for person who can arrange for a hearing in accordance with this section).... The owner or the party determined to be legally responsible for the vessel being upon the waters of this state in a derelict condition will be liable for the costs of removal, destruction, and disposal if this vessel is not removed by the owner. Dated this: ...(setting forth the date of posting of notice)..., signed: ...(setting forth name, title, address, and telephone number of law enforcement officer)....

2. The notices required under subparagraph 1. may ~~Such~~ ~~notice shall be~~ not be less than 8 inches by 10 inches and shall be sufficiently weatherproof to withstand normal exposure to the elements. In addition to posting, the law enforcement officer shall make a reasonable effort to ascertain the name and address



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of the owner. If such is reasonably available to the officer, she or he shall mail a copy of such notice to the owner on or before the date of posting. If the property is a motor vehicle as defined in s. 320.01(1) or a vessel as defined in s. 327.02, the law enforcement agency shall contact the Department of Highway Safety and Motor Vehicles in order to determine the name and address of the owner and any person who has filed a lien on the vehicle or vessel as provided in s. 319.27(2) or (3) or s. 328.15(1). On receipt of this information, the law enforcement agency shall mail a copy of the notice by certified mail, return receipt requested, to the owner and to the lienholder, if any, except that a law enforcement officer who has issued a citation for a violation of s. 376.15 or s. 823.11 to the owner of a derelict vessel is not required to mail a copy of the notice by certified mail, return receipt requested, to the owner. For a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the mailed notice must inform the owner or responsible party that he or she has a right to a hearing to dispute the determination that the vessel is derelict or otherwise in violation of the law. If a request for a hearing is made, a state agency shall follow the processes set forth in s. 120.569. Local governmental entities shall follow the processes set forth in s. 120.569, except that a local judge, magistrate, or code enforcement officer may be designated to conduct such a hearing. If, at the end of 5 days after posting the notice in sub-subparagraph 1.a., or at the end of 21 days after posting the notice in sub-subparagraph 1.b., and mailing such notice, if required, the owner or any person interested in the lost or abandoned article or articles described has not removed the



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article or articles from public property or shown reasonable cause for failure to do so, and, in the case of a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), has not requested a hearing in accordance with this section, the following shall apply:

a.~~(a)~~ For abandoned property other than a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the law enforcement agency may retain any or all of the property for its own use or for use by the state or unit of local government, trade such property to another unit of local government or state agency, donate the property to a charitable organization, sell the property, or notify the appropriate refuse removal service.

b. For a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the law enforcement agency or its designee may:

(I) Remove the vessel from the waters of this state and destroy and dispose of the vessel or authorize another governmental entity or its designee to do so; or

(II) Authorize the vessel's use as an artificial reef in accordance with s. 379.249 if all necessary federal, state, and local authorizations are received.

A law enforcement agency or its designee may also take action as described in this sub-subparagraph if, following a hearing pursuant to this section, the judge, magistrate, administrative law judge, or hearing officer has determined the vessel to be derelict as provided in s. 823.11 or otherwise in violation of the law in accordance with s. 327.73(1)(aa) and a final order



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has been entered or the case is otherwise closed.

(b) For lost property, the officer shall take custody and the agency shall retain custody of the property for 90 days. The agency shall publish notice of the intended disposition of the property, as provided in this section, during the first 45 days of this time period.

1. If the agency elects to retain the property for use by the unit of government, donate the property to a charitable organization, surrender such property to the finder, sell the property, or trade the property to another unit of local government or state agency, notice of such election shall be given by an advertisement published once a week for 2 consecutive weeks in a newspaper of general circulation in the county where the property was found if the value of the property is more than \$100. If the value of the property is \$100 or less, notice shall be given by posting a description of the property at the law enforcement agency where the property was turned in. The notice must be posted for not less than 2 consecutive weeks in a public place designated by the law enforcement agency. The notice must describe the property in a manner reasonably adequate to permit the rightful owner of the property to claim it.

2. If the agency elects to sell the property, it must do so at public sale by competitive bidding. Notice of the time and place of the sale shall be given by an advertisement of the sale published once a week for 2 consecutive weeks in a newspaper of general circulation in the county where the sale is to be held. The notice shall include a statement that the sale shall be subject to any and all liens. The sale must be held at the



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nearest suitable place to that where the lost or abandoned property is held or stored. The advertisement must include a description of the goods and the time and place of the sale. The sale may take place no earlier than 10 days after the final publication. If there is no newspaper of general circulation in the county where the sale is to be held, the advertisement shall be posted at the door of the courthouse and at three other public places in the county at least 10 days prior to sale. Notice of the agency's intended disposition shall describe the property in a manner reasonably adequate to permit the rightful owner of the property to identify it.

(4) The owner of any abandoned or lost property, or in the case of a derelict vessel, the owner or other party determined to be legally responsible for the vessel being upon the waters of this state in a derelict condition, who, after notice as provided in this section, does not remove such property within the specified period shall be liable to the law enforcement agency, other governmental entity, or the agency's or entity's designee for all costs of removal, storage, and destruction of such property, less any salvage value obtained by disposal of the property. Upon final disposition of the property, the law enforcement officer or representative of the law enforcement agency or other governmental entity shall notify the owner, if known, of the amount owed. In the case of an abandoned vessel or motor vehicle, any person who neglects or refuses to pay such amount is not entitled to be issued a certificate of registration for such vessel or motor vehicle, or any other vessel or motor vehicle, until such costs have been paid. A person who has neglected or refused to pay all costs of removal,



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storage, disposal, and destruction of a vessel or motor vehicle as provided in this section, after having been provided written notice via certified mail that such costs are owed, and who applies for and is issued a registration for a vessel or motor vehicle before such costs have been paid in full commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. The law enforcement officer or representative of the law enforcement agency or other governmental entity shall supply the Department of Highway Safety and Motor Vehicles with a list of persons whose vessel registration privileges and ~~or whose~~ motor vehicle privileges have been revoked under this subsection. ~~Neither~~ The department or a ~~nor any other~~ person acting as an agent of the department may not ~~thereof shall~~ issue a certificate of registration to a person whose vessel and ~~or~~ motor vehicle registration privileges have been revoked, as provided by this subsection, until such costs have been paid.

Section 26. Effective July 1, 2023, subsection (2) of section 705.103, Florida Statutes, as amended by section 29 of chapter 2019-76, Laws of Florida, is amended to read

705.103 Procedure for abandoned or lost property.—

(2) (a)1. Whenever a law enforcement officer ascertains that:

a. An article of lost or abandoned property other than a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa) is present on public property and is of such nature that it cannot be easily removed, the officer shall cause a notice to be placed upon such article in substantially the following form:



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NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY. This property, to wit: ...(setting forth brief description)... is unlawfully upon public property known as ...(setting forth brief description of location)... and must be removed within 5 days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner will be liable for the costs of removal, storage, and publication of notice. Dated this: ...(setting forth the date of posting of notice)..., signed: ...(setting forth name, title, address, and telephone number of law enforcement officer)....

b. A derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa) is present on the waters of this state, the officer shall cause a notice to be placed upon such vessel in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED VESSEL. This vessel, to wit: ...(setting forth brief description of location)... has been determined to be (derelict or a public nuisance) and is unlawfully upon the waters of this state ...(setting forth brief description of location)... and must be removed within 21 days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner and other interested parties have the right to a hearing to challenge the determination that this vessel is derelict or otherwise in violation of the law. Please contact ...(contact information for person who can arrange for a hearing in accordance with this section)... The owner or the party



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determined to be legally responsible for the vessel being upon
the waters of this state in a derelict condition will be liable
for the costs of removal, destruction, and disposal if this
vessel is not removed by the owner. Dated this: ...(setting
forth the date of posting of notice)..., signed: ...(setting
forth name, title, address, and telephone number of law
enforcement officer)....

2. The notices required under subparagraph 1. may ~~Such~~
~~notice shall be~~ not be less than 8 inches by 10 inches and shall
be sufficiently weatherproof to withstand normal exposure to the
elements. In addition to posting, the law enforcement officer
shall make a reasonable effort to ascertain the name and address
of the owner. If such is reasonably available to the officer,
she or he shall mail a copy of such notice to the owner on or
before the date of posting. If the property is a motor vehicle
as defined in s. 320.01(1) or a vessel as defined in s. 327.02,
the law enforcement agency shall contact the Department of
Highway Safety and Motor Vehicles in order to determine the name
and address of the owner and any person who has filed a lien on
the vehicle or vessel as provided in s. 319.27(2) or (3) or s.
328.15. On receipt of this information, the law enforcement
agency shall mail a copy of the notice by certified mail, return
receipt requested, to the owner and to the lienholder, if any,
except that a law enforcement officer who has issued a citation
for a violation of s. 376.15 or s. 823.11 to the owner of a
derelict vessel is not required to mail a copy of the notice by
certified mail, return receipt requested, to the owner. For a
derelict vessel or a vessel declared a public nuisance pursuant



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to s. 327.73(1)(aa), the mailed notice must inform the owner or responsible party that he or she has a right to a hearing to dispute the determination that the vessel is derelict or otherwise in violation of the law. If a request for a hearing is made, a state agency shall follow the processes as set forth in s. 120.569. Local governmental entities shall follow the processes set forth in s. 120.569, except that a local judge, magistrate, or code enforcement officer may be designated to conduct such hearings. If, at the end of 5 days after posting the notice in sub-subparagraph 1.a., or at the end of 21 days after posting the notice in sub-subparagraph 1.b., and mailing such notice, if required, the owner or any person interested in the lost or abandoned article or articles described has not removed the article or articles from public property or shown reasonable cause for failure to do so, and, in the case of a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), has not requested a hearing in accordance with this section, the following shall apply:

a. ~~(a)~~ For abandoned property other than a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the law enforcement agency may retain any or all of the property for its own use or for use by the state or unit of local government, trade such property to another unit of local government or state agency, donate the property to a charitable organization, sell the property, or notify the appropriate refuse removal service.

b. For a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the law enforcement agency or its designee may:



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(I) Remove the vessel from the waters of this state and
destroy and dispose of the vessel or authorize another
governmental entity or its designee to do so; or

(II) Authorize the vessel's use as an artificial reef in
accordance with s. 379.249 if all necessary federal, state, and
local authorizations are received.

A law enforcement agency or its designee may also take action as
described in this sub-subparagraph if, following a hearing
pursuant to this section, the judge, magistrate, administrative
law judge, or hearing officer has determined the vessel to be
derelict as provided in s. 823.11 or otherwise in violation of
the law in accordance with s. 327.73(1)(aa) and a final order
has been entered or the case is otherwise closed.

(b) For lost property, the officer shall take custody and
the agency shall retain custody of the property for 90 days. The
agency shall publish notice of the intended disposition of the
property, as provided in this section, during the first 45 days
of this time period.

1. If the agency elects to retain the property for use by
the unit of government, donate the property to a charitable
organization, surrender such property to the finder, sell the
property, or trade the property to another unit of local
government or state agency, notice of such election shall be
given by an advertisement published once a week for 2
consecutive weeks in a newspaper of general circulation in the
county where the property was found if the value of the property
is more than \$100. If the value of the property is \$100 or less,
notice shall be given by posting a description of the property



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at the law enforcement agency where the property was turned in. The notice must be posted for not less than 2 consecutive weeks in a public place designated by the law enforcement agency. The notice must describe the property in a manner reasonably adequate to permit the rightful owner of the property to claim it.

2. If the agency elects to sell the property, it must do so at public sale by competitive bidding. Notice of the time and place of the sale shall be given by an advertisement of the sale published once a week for 2 consecutive weeks in a newspaper of general circulation in the county where the sale is to be held. The notice shall include a statement that the sale shall be subject to any and all liens. The sale must be held at the nearest suitable place to that where the lost or abandoned property is held or stored. The advertisement must include a description of the goods and the time and place of the sale. The sale may take place no earlier than 10 days after the final publication. If there is no newspaper of general circulation in the county where the sale is to be held, the advertisement shall be posted at the door of the courthouse and at three other public places in the county at least 10 days prior to sale. Notice of the agency's intended disposition shall describe the property in a manner reasonably adequate to permit the rightful owner of the property to identify it.

Section 27. Subsections (1), (2), and (3) of section 823.11, Florida Statutes, are amended to read:

823.11 Derelict vessels; relocation or removal; penalty.—

(1) As used in this section and s. 376.15, the term:

(a) "Commission" means the Fish and Wildlife Conservation



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Commission.

(b) "Derelict vessel" means a vessel, as defined in s. 327.02, that is ~~left, stored, or abandoned~~:

1. In a wrecked, junked, or substantially dismantled condition upon any ~~public~~ waters of this state.

a. A vessel is wrecked if it is sunken or sinking; aground without the ability to extricate itself absent mechanical assistance; or remaining after a marine casualty, including, but not limited to, a boating accident, extreme weather, or a fire.

b. A vessel is junked if it has been substantially stripped of vessel components, if vessel components have substantially degraded or been destroyed, or if the vessel has been discarded by the owner or operator. Attaching an outboard motor to a vessel that is otherwise junked will not cause the vessel to no longer be junked if such motor is not an effective means of propulsion as required by s. 327.4107(2) (e) and associated rules.

c. A vessel is substantially dismantled if at least two of the three following vessel systems or components are missing, compromised, incomplete, inoperable, or broken:

(I) The steering system;

(II) The propulsion system; or

(III) The exterior hull integrity.

Attaching an outboard motor to a vessel that is otherwise substantially dismantled will not cause the vessel to no longer be substantially dismantled if such motor is not an effective means of propulsion as required by s. 327.4107(2) (e) and associated rules.



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2. At a port in this state without the consent of the agency having jurisdiction thereof.

3. Docked, grounded, or beached upon the property of another without the consent of the owner of the property.

(c) "Gross negligence" means conduct so reckless or wanting in care that it constitutes a conscious disregard or indifference to the safety of the property exposed to such conduct.

(d) "Willful misconduct" means conduct evidencing carelessness or negligence of such a degree or recurrence as to manifest culpability, wrongful intent, or evil design or to show an intentional and substantial disregard of the interests of the vessel owner.

(2)(a) ~~It is unlawful for~~ A person, firm, or corporation ~~may not to store, leave, or abandon~~ any derelict vessel upon waters of in this state. For purposes of this paragraph, the term "leave" means to allow a vessel to remain occupied or unoccupied on the waters of this state for more than 24 hours.

(b) Notwithstanding paragraph (a), a person who owns or operates a vessel that becomes derelict upon the waters of this state solely as a result of a boating accident that is reported to law enforcement in accordance with s. 327.301 or otherwise reported to law enforcement; a hurricane; or another sudden event outside of his or her control may not be charged with a violation if:

1. The individual documents for law enforcement the specific event that led to the vessel being derelict upon the waters of this state; and

2. The vessel has been removed from the waters of this



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state or has been repaired or addressed such that it is no longer derelict upon the waters of this state:

a. For a vessel that has become derelict as a result of a boating accident or other sudden event outside of his or her control, within 7 days after such accident or event; or

b. Within 45 days after the hurricane has passed over the state.

(c) This subsection does not apply to a vessel that was derelict upon the waters of this state before the stated accident or event.

(3) The commission, an officer ~~officers~~ of the commission, or a ~~and any~~ law enforcement agency or officer specified in s. 327.70 ~~may are authorized and empowered to~~ relocate, remove, store, destroy, or dispose of or cause to be relocated, ~~or removed, stored, destroyed, or disposed of~~ a derelict vessel from ~~public~~ waters of this state as defined in s. 327.02 if the derelict vessel obstructs or threatens to obstruct navigation or in any way constitutes a danger to the environment, property, or persons. The commission, an officer ~~officers~~ of the commission, or any other law enforcement agency or officer acting pursuant to ~~under~~ this subsection to relocate, remove, store, destroy, dispose of or cause to be relocated, ~~or removed, stored, destroyed, or disposed of~~ a derelict vessel from ~~public~~ waters of this state shall be held harmless for all damages to the derelict vessel resulting from such action ~~relocation or removal~~ unless the damage results from gross negligence or willful misconduct.

(a) Removal of derelict vessels under this subsection may be funded by grants provided in ss. 206.606 and 376.15. The



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commission shall implement a plan for the procurement of any available federal disaster funds and use such funds for the removal of derelict vessels.

(b) All costs, including costs owed to a third party, incurred by the commission, another ~~or other~~ law enforcement agency, or a governmental subdivision, when the governmental subdivision has received authorization from a law enforcement officer or agency, in the relocation, ~~or~~ removal, storage, destruction, or disposal of a derelict vessel are recoverable against the vessel owner or the party determined to be legally responsible for the vessel being upon the waters of this state in a derelict condition. The Department of Legal Affairs shall represent the commission in actions to recover such costs. As provided in s. 705.103(4), a person who neglects or refuses to pay such costs may not be issued a certificate of registration for such vessel or for any other vessel or motor vehicle until such costs have been paid. A person who has neglected or refused to pay all costs of removal, storage, destruction, or disposal of a derelict vessel as provided in this section, after having been provided written notice via certified mail that such costs are owed, and who applies for and is issued a registration for a vessel or motor vehicle before such costs have been paid in full commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) A contractor performing such ~~relocation or removal~~ activities at the direction of the commission, an officer ~~officers~~ of the commission, ~~or~~ a law enforcement agency or officer, or a governmental subdivision, when the governmental subdivision has received authorization for the relocation or



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removal from a law enforcement officer or agency, pursuant to this section must be licensed in accordance with applicable United States Coast Guard regulations where required; obtain and carry in full force and effect a policy from a licensed insurance carrier in this state to insure against any accident, loss, injury, property damage, or other casualty caused by or resulting from the contractor's actions; and be properly equipped to perform the services to be provided.

Section 28. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2021.

===== 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 operation and safety of motor vehicles and vessels; amending ss. 316.1932 and 316.1939, F.S.; revising conditions under which a person's driving privilege is suspended and under which the person commits a misdemeanor relating to tests for alcohol, chemical substances, or controlled substances; specifying such misdemeanor as a misdemeanor of the first degree; amending s. 327.02, F.S.; defining the term "human-powered vessel"; revising the definition of the term "navigation rules"; amending s. 327.04, F.S.; providing additional rulemaking authority to the Fish and Wildlife Conservation Commission; creating s. 327.462, F.S.;



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1722 defining terms; authorizing heads of certain entities
1723 to establish temporary protection zones in certain
1724 water bodies for certain purposes; providing
1725 protection zone requirements; requiring reports of
1726 establishment of such protection zones to the
1727 commission and to the appropriate United States Coast
1728 Guard Sector Command; providing report requirements;
1729 providing applicability; providing penalties; amending
1730 ss. 327.352 and 327.359, F.S.; revising conditions
1731 under which a person commits a misdemeanor the first
1732 degree for refusing to submit to certain tests;
1733 creating s. 327.371, F.S.; providing circumstances
1734 under which a person may operate a human-powered
1735 vessel within the boundaries of the marked channel of
1736 the Florida Intracoastal Waterway; providing a
1737 penalty; amending s. 327.391, F.S.; conforming cross-
1738 references; amending s. 327.395, F.S.; removing
1739 authority of the commission to appoint certain
1740 entities to administer a boating safety education
1741 course or temporary certificate examination and issue
1742 certain credentials; exempting certain persons from
1743 the requirement to possess certain documents aboard a
1744 vessel; amending s. 327.4107, F.S.; revising the
1745 conditions under which officers may determine a vessel
1746 is at risk of becoming derelict; authorizing certain
1747 officers to provide notice that a vessel is at risk of
1748 becoming derelict via body camera recordings;
1749 authorizing the commission or certain officers to
1750 relocate at-risk vessels to a certain distance from



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1751 mangroves or vegetation; providing that the commission
1752 or officers are not liable for damages to such
1753 vessels; providing an exception; authorizing the
1754 commission to establish a derelict vessel prevention
1755 program consisting of certain components; authorizing
1756 the commission to adopt rules; providing that such
1757 program is subject to appropriation by the
1758 Legislature; providing for funding; amending s.
1759 327.4108, F.S.; designating Monroe County as an
1760 anchoring limitation area subject to certain
1761 requirements; requiring the commission to adopt rules;
1762 providing applicability; deleting obsolete language;
1763 amending s. 327.4109, F.S.; prohibiting the anchoring
1764 or mooring of a vessel or floating structure within a
1765 certain distance of certain facilities; providing
1766 exceptions; amending s. 327.45, F.S.; authorizing the
1767 commission to establish protection zones where certain
1768 activities are prohibited in or near springs; amending
1769 s. 327.46, F.S.; authorizing a county or municipality
1770 to establish a boating-restricted area within and
1771 around a public mooring field and within certain
1772 portions of the Florida Intracoastal Waterway;
1773 providing an exception with respect to a certain
1774 vessel-exclusion zone; creating s. 327.463, F.S.;
1775 specifying conditions under which a vessel is and is
1776 not operating at slow speed, minimum wake; prohibiting
1777 a person from operating a vessel faster than slow
1778 speed, minimum wake within a certain distance from
1779 other specified vessels; exempting a person from being



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1780 cited for a violation under certain circumstances;
1781 providing penalties; providing applicability; amending
1782 s. 327.50, F.S.; authorizing the commission to exempt
1783 vessel owners and operators from certain safety
1784 equipment requirements; amending s. 327.53, F.S.;
1785 requiring the owner or operator of a live-aboard
1786 vessel or houseboat equipped with a marine sanitation
1787 device to maintain a record of the date and location
1788 of each pumpout of the device for a certain period;
1789 conforming a cross-reference; making technical
1790 changes; amending s. 327.54, F.S.; prohibiting a
1791 livery from leasing, hiring, or renting a vessel to a
1792 person required to complete a commission-approved
1793 boating safety education course unless such person
1794 presents certain documentation indicating compliance;
1795 amending s. 327.60, F.S.; authorizing a local
1796 government to enact and enforce regulations allowing
1797 the local law enforcement agency to remove an
1798 abandoned or lost vessel affixed to a public mooring;
1799 amending s. 327.73, F.S.; providing additional
1800 violations that qualify as noncriminal infractions;
1801 providing civil penalties; prohibiting conviction of a
1802 person cited for a violation relating to possessing
1803 proof of boating safety education under certain
1804 circumstances; increasing certain civil penalties;
1805 providing that certain vessels shall be declared a
1806 public nuisance subject to certain statutory
1807 provisions; authorizing the commission or certain
1808 officers to relocate or remove public nuisance vessels



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1809 from the waters of this state; providing that the
1810 commission or officers are not liable for damages to
1811 such vessels; providing an exception; amending s.
1812 328.09, F.S.; prohibiting the Department of Highway
1813 Safety and Motor Vehicles from issuing a certificate
1814 of title to an applicant for a vessel that has been
1815 deemed derelict pursuant to certain provisions;
1816 authorizing the department, at a later date, to reject
1817 an application for a certificate of title for such a
1818 vessel; amending s. 376.15, F.S.; revising unlawful
1819 acts relating to derelict vessels; defining the term
1820 "leave"; prohibiting an owner or operator whose vessel
1821 becomes derelict due to specified accidents or events
1822 from being charged with a violation under certain
1823 circumstances; providing applicability; conforming
1824 provisions to changes made by the act; authorizing a
1825 governmental subdivision that has received
1826 authorization from a law enforcement officer or agency
1827 to direct a contractor to perform vessel storage,
1828 destruction, and disposal activities; authorizing the
1829 commission to provide local government grants for the
1830 storage, destruction, and disposal of derelict
1831 vessels; providing for funding; amending s. 705.103,
1832 F.S.; providing notice procedures for when a law
1833 enforcement officer ascertains that a derelict or
1834 public nuisance vessel is present on the waters of
1835 this state; requiring a mailed notice to the owner or
1836 party responsible for the vessel to inform him or her
1837 of the right to a hearing; providing hearing



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1838 requirements; authorizing a law enforcement agency to
1839 take certain actions if a hearing is not requested or
1840 a vessel is determined to be derelict or otherwise in
1841 violation of law; revising provisions relating to
1842 liability for vessel removal costs and notification of
1843 the amount owed; providing penalties for a person who
1844 is issued a registration for a vessel or motor vehicle
1845 before such costs are paid; requiring persons whose
1846 vessel registration and motor vehicle privileges have
1847 been revoked for failure to pay certain costs to be
1848 reported to the department; prohibiting issuance of a
1849 certificate of registration to such persons until such
1850 costs are paid; amending s. 823.11, F.S.; revising
1851 application of definitions; revising the definition of
1852 the term "derelict vessel"; specifying requirements
1853 for a vessel to be considered wrecked, junked, or
1854 substantially dismantled; providing construction;
1855 revising unlawful acts relating to derelict vessels;
1856 defining the term "leave"; prohibiting an owner or
1857 operator whose vessel becomes derelict due to
1858 specified accidents or events from being charged with
1859 a violation under certain circumstances; providing
1860 applicability; providing that relocation or removal
1861 costs incurred by a governmental subdivision are
1862 recoverable against the vessel owner or the party
1863 determined to be legally responsible for the vessel
1864 being derelict; providing penalties for a person who
1865 is issued a registration for a vessel or motor vehicle
1866 before such costs are paid; authorizing a governmental



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1867 subdivision that has received authorization from a law
1868 enforcement officer or agency to direct a contractor
1869 to perform vessel relocation or removal activities;
1870 providing effective dates.

By Senator Hutson

7-00598A-21

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A bill to be entitled

An act relating to operation and safety of motor vehicles and vessels; amending ss. 316.1932 and 316.1939, F.S.; revising conditions under which a person's driving privilege is suspended and under which the person commits a misdemeanor relating to tests for alcohol, chemical substances, or controlled substances; specifying such misdemeanor as a misdemeanor of the first degree; amending s. 327.02, F.S.; defining the term "human-powered vessel"; revising the definition of the term "navigation rules"; amending s. 327.04, F.S.; providing additional rulemaking authority to the Fish and Wildlife Conservation Commission; creating s. 327.462, F.S.; providing definitions; authorizing heads of certain entities to establish temporary protection zones in certain water bodies for certain purposes; providing protection zone requirements; requiring reports of establishment of such protection zones to the commission and to the appropriate United States Coast Guard Sector Command; providing report requirements; providing applicability; providing penalties; amending s. 327.352, F.S.; revising conditions under which a person commits a misdemeanor; specifying such misdemeanor as a misdemeanor of the first degree; amending s. 327.359, F.S.; revising conditions under which a person commits a misdemeanor of the first degree; creating s. 327.371, F.S.; providing circumstances under which a person may operate a

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human-powered vessel within the boundaries of the marked channel of the Florida Intracoastal Waterway; providing a penalty; amending s. 327.391, F.S.; conforming cross-references; amending s. 327.395, F.S.; prohibiting all persons, beginning on a specified date, from operating a vessel powered by a motor of 10 horsepower or greater unless the person has certain documents in his or her possession aboard the vessel; removing authority of the commission to appoint certain entities to administer a boating safety education course or temporary certificate examination and issue certain credentials; exempting certain persons from the requirement to possess certain documents aboard a vessel; amending s. 327.4107, F.S.; authorizing certain officers to provide notice that a vessel is at risk of becoming derelict via body camera recordings; authorizing the commission or certain officers to relocate at-risk vessels to a certain distance from mangroves or vegetation; providing that the commission or officers are not liable for damages to such vessels; providing an exception; authorizing the commission to establish a derelict vessel prevention program consisting of certain components; authorizing the commission to adopt rules; providing that such program is subject to appropriation by the Legislature; providing for funding; amending s. 327.4109, F.S.; prohibiting the anchoring or mooring of a vessel or floating structure within a certain distance of certain facilities;

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59 providing exceptions; amending s. 327.46, F.S.;

60 authorizing a county or municipality to establish a

61 boating-restricted area within and around a public

62 mooring field; creating s. 327.463, F.S.; specifying

63 conditions under which a vessel is and is not

64 operating at slow speed, minimum wake; prohibiting a

65 person from operating a vessel faster than slow speed,

66 minimum wake within a certain distance from other

67 specified vessels; exempting a person from being cited

68 for a violation under certain circumstances; providing

69 penalties; providing applicability; amending s.

70 327.50, F.S.; authorizing the commission to exempt

71 vessel owners and operators from certain safety

72 equipment requirements; creating s. 327.521, F.S.;

73 designating waters of this state as no-discharge zones

74 upon approval by the United States Environmental

75 Protection Agency; prohibiting discharge of sewage

76 from a vessel or floating structure into such waters;

77 providing penalties; declaring a vessel or floating

78 structure that violates such prohibition a nuisance

79 and a hazard to public safety; providing for removal

80 of such vessel or structure from the waters of this

81 state upon a second conviction; providing requirements

82 for removal and sale of such vessel or structure under

83 certain circumstances; defining the term "conviction";

84 amending s. 327.53, F.S.; requiring the owner or

85 operator of a live-aboard vessel or houseboat equipped

86 with a marine sanitation device to maintain a record

87 of the date and location of each pumpout of the device

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for a certain period; amending s. 327.54, F.S.;
prohibiting a livery from leasing, hiring, or renting
a vessel to a person required to complete a
commission-approved boating safety education course
unless such person presents certain documentation
indicating compliance; amending s. 327.60, F.S.;
authorizing a local government to enact and enforce
regulations allowing the local law enforcement agency
to remove an abandoned or lost vessel affixed to a
public mooring; amending s. 327.73, F.S.; providing
additional violations that qualify as noncriminal
infractions; providing civil penalties; prohibiting
conviction of a person cited for a violation relating
to possessing proof of boating safety education under
certain circumstances; increasing certain civil
penalties; providing that certain vessels shall be
declared a public nuisance subject to certain
statutory provisions; authorizing the commission or
certain officers to relocate or remove public nuisance
vessels from the waters of this state; providing that
the commission or officers are not liable for damages
to such vessels; providing an exception; amending s.
328.09, F.S.; prohibiting the Department of Highway
Safety and Motor Vehicles from issuing a certificate
of title to an applicant for a vessel that has been
deemed derelict pursuant to certain provisions;
authorizing the department, at a later date, to reject
an application for a certificate of title for such a
vessel; amending s. 376.15, F.S.; conforming

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provisions to changes made by the act; authorizing a governmental subdivision that has received authorization from a law enforcement officer or agency to direct a contractor to perform vessel relocation or removal activities; providing licensure, insurance, and equipment requirements for such governmental subdivision; authorizing the commission to provide local government grants for destruction and disposal of derelict vessels; providing for funding; amending s. 705.103, F.S.; providing notice procedures for when a law enforcement officer ascertains that a derelict or public nuisance vessel is present on the waters of this state; requiring a mailed notice to the owner or party responsible for the vessel to inform him or her of the right to a hearing; providing hearing requirements; authorizing a law enforcement agency to take certain actions if a hearing is not requested or a vessel is determined to be derelict or otherwise in violation of law; revising provisions relating to liability for vessel removal costs and notification of the amount owed; providing penalties for a person who is issued a registration for a vessel or motor vehicle before such costs are paid; requiring persons whose vessel registration and motor vehicle privileges have been revoked for failure to pay certain costs to be reported to the department; prohibiting issuance of a certificate of registration to such persons until such costs are paid; amending s. 823.11, F.S.; revising application of definitions; revising the definition of

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the term "derelict vessel"; specifying requirements for a vessel to be considered wrecked, junked, and substantially dismantled; providing construction; providing that relocation or removal costs incurred by a governmental subdivision are recoverable against the vessel owner; providing penalties for a person who is issued a registration for a vessel or motor vehicle before such costs are paid; authorizing a governmental subdivision that has received authorization from a law enforcement officer or agency to direct a contractor to perform vessel relocation or removal activities; providing licensure, insurance, and equipment requirements for such governmental subdivision; providing effective dates.

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

Section 1. Paragraphs (a) and (c) of subsection (1) of section 316.1932, Florida Statutes, are amended to read:

316.1932 Tests for alcohol, chemical substances, or controlled substances; implied consent; refusal.-

(1)(a)1.a. A ~~Any~~ person who accepts the privilege extended by the laws of this state of operating a motor vehicle within this state is, by ~~so~~ operating such vehicle, deemed to have given his or her consent to submit to an approved chemical test or physical test including, but not limited to, an infrared light test of his or her breath for the purpose of determining the alcoholic content of his or her blood or breath if the person is lawfully arrested for any offense allegedly committed

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175 while the person was driving or was in actual physical control
176 of a motor vehicle while under the influence of alcoholic
177 beverages. The chemical or physical breath test must be
178 incidental to a lawful arrest and administered at the request of
179 a law enforcement officer who has reasonable cause to believe
180 such person was driving or was in actual physical control of the
181 motor vehicle within this state while under the influence of
182 alcoholic beverages. The administration of a breath test does
183 not preclude the administration of another type of test. The
184 person shall be told that his or her failure to submit to any
185 lawful test of his or her breath will result in the suspension
186 of the person's privilege to operate a motor vehicle for a
187 period of 1 year for a first refusal, or for a period of 18
188 months if the driving privilege of such person has been
189 previously suspended or if he or she has previously been fined
190 under s. 327.35215 as a result of a refusal to submit to ~~such~~ a
191 test or tests required under this chapter or chapter 327, and
192 shall also be told that if he or she refuses to submit to a
193 lawful test of his or her breath and his or her driving
194 privilege has been previously suspended or if he or she has
195 previously been fined under s. 327.35215 for a prior refusal to
196 submit to a lawful test of his or her breath, urine, or blood as
197 required under this chapter or chapter 327, he or she commits a
198 misdemeanor of the first degree, punishable as provided in s.
199 775.082 or s. 775.083, in addition to any other penalties
200 provided by law. The refusal to submit to a chemical or physical
201 breath test upon the request of a law enforcement officer as
202 provided in this section is admissible into evidence in any
203 criminal proceeding.

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204 b. ~~A~~ Any person who accepts the privilege extended by the
205 laws of this state of operating a motor vehicle within this
206 state is, by ~~se~~ operating such vehicle, deemed to have given his
207 or her consent to submit to a urine test for the purpose of
208 detecting the presence of chemical substances as set forth in s.
209 877.111 or controlled substances if the person is lawfully
210 arrested for any offense allegedly committed while the person
211 was driving or was in actual physical control of a motor vehicle
212 while under the influence of chemical substances or controlled
213 substances. The urine test must be incidental to a lawful arrest
214 and administered at a detention facility or any other facility,
215 mobile or otherwise, which is equipped to administer such tests
216 at the request of a law enforcement officer who has reasonable
217 cause to believe such person was driving or was in actual
218 physical control of a motor vehicle within this state while
219 under the influence of chemical substances or controlled
220 substances. The urine test shall be administered at a detention
221 facility or any other facility, mobile or otherwise, which is
222 equipped to administer such test in a reasonable manner that
223 will ensure the accuracy of the specimen and maintain the
224 privacy of the individual involved. The administration of a
225 urine test does not preclude the administration of another type
226 of test. The person shall be told that his or her failure to
227 submit to any lawful test of his or her urine will result in the
228 suspension of the person's privilege to operate a motor vehicle
229 for a period of 1 year for the first refusal, or for a period of
230 18 months if the driving privilege of such person has been
231 previously suspended or if he or she has previously been fined
232 under s. 327.35215 as a result of a refusal to submit to ~~such~~ a

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test or tests required under this chapter or chapter 327, and shall also be told that if he or she refuses to submit to a lawful test of his or her urine and his or her driving privilege has been previously suspended or if he or she has previously been fined under s. 327.35215 for a prior refusal to submit to a lawful test of his or her breath, urine, or blood as required under this chapter or chapter 327, he or she commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, in addition to any other penalties provided by law. The refusal to submit to a urine test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.

2. The Alcohol Testing Program within the Department of Law Enforcement is responsible for the regulation of the operation, inspection, and registration of breath test instruments utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327. The program is responsible for the regulation of the individuals who operate, inspect, and instruct on the breath test instruments utilized in the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327. The program is further responsible for the regulation of blood analysts who conduct blood testing to be utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327. The program shall:

a. Establish uniform criteria for the issuance of permits to breath test operators, agency inspectors, instructors, blood analysts, and instruments.

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b. Have the authority to permit breath test operators, agency inspectors, instructors, blood analysts, and instruments.

c. Have the authority to discipline and suspend, revoke, or renew the permits of breath test operators, agency inspectors, instructors, blood analysts, and instruments.

d. Establish uniform requirements for instruction and curricula for the operation and inspection of approved instruments.

e. Have the authority to specify one approved curriculum for the operation and inspection of approved instruments.

f. Establish a procedure for the approval of breath test operator and agency inspector classes.

g. Have the authority to approve or disapprove breath test instruments and accompanying paraphernalia for use pursuant to the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327.

h. With the approval of the executive director of the Department of Law Enforcement, make and enter into contracts and agreements with other agencies, organizations, associations, corporations, individuals, or federal agencies as are necessary, expedient, or incidental to the performance of duties.

i. Issue final orders which include findings of fact and conclusions of law and which constitute final agency action for the purpose of chapter 120.

j. Enforce compliance with the provisions of this section through civil or administrative proceedings.

k. Make recommendations concerning any matter within the purview of this section, this chapter, chapter 322, or chapter

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327.

1. Promulgate rules for the administration and implementation of this section, including definitions of terms.

m. Consult and cooperate with other entities for the purpose of implementing the mandates of this section.

n. Have the authority to approve the type of blood test utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327.

o. Have the authority to specify techniques and methods for breath alcohol testing and blood testing utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327.

p. Have the authority to approve repair facilities for the approved breath test instruments, including the authority to set criteria for approval.

Nothing in this section shall be construed to supersede provisions in this chapter and chapters 322 and 327. The specifications in this section are derived from the power and authority previously and currently possessed by the Department of Law Enforcement and are enumerated to conform with the mandates of chapter 99-379, Laws of Florida.

(c) A ~~Any~~ person who accepts the privilege extended by the laws of this state of operating a motor vehicle within this state is, by operating such vehicle, deemed to have given his or her consent to submit to an approved blood test for the purpose of determining the alcoholic content of the blood or a blood test for the purpose of determining the presence of chemical

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substances or controlled substances as provided in this section if there is reasonable cause to believe the person was driving or in actual physical control of a motor vehicle while under the influence of alcoholic beverages or chemical or controlled substances and the person appears for treatment at a hospital, clinic, or other medical facility and the administration of a breath or urine test is impractical or impossible. As used in this paragraph, the term "other medical facility" includes an ambulance or other medical emergency vehicle. The blood test shall be performed in a reasonable manner. A ~~Any~~ person who is incapable of refusal by reason of unconsciousness or other mental or physical condition is deemed not to have withdrawn his or her consent to such test. A blood test may be administered whether or not the person is told that his or her failure to submit to such a blood test will result in the suspension of the person's privilege to operate a motor vehicle upon the public highways of this state and that a refusal to submit to a lawful test of his or her blood, if his or her driving privilege has been previously suspended for refusal to submit to a lawful test of his or her breath, urine, or blood, is a misdemeanor. A ~~Any~~ person who is capable of refusal shall be told that his or her failure to submit to such a blood test will result in the suspension of the person's privilege to operate a motor vehicle for a period of 1 year for a first refusal, or for a period of 18 months if the driving privilege of the person has been suspended previously or if he or she has previously been fined under s. 327.35215 as a result of a refusal to submit to ~~such a~~ test or tests required under this chapter or chapter 327, ~~and that a refusal to submit to a lawful test of his or her blood,~~

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349 ~~if his or her driving privilege has been previously suspended~~
350 ~~for a prior refusal to submit to a lawful test of his or her~~
351 ~~breath, urine, or blood, is a misdemeanor.~~ The refusal to submit
352 to a blood test upon the request of a law enforcement officer is
353 admissible in evidence in any criminal proceeding.

354 Section 2. Subsection (1) of section 316.1939, Florida
355 Statutes, is amended to read:

356 316.1939 Refusal to submit to testing; penalties.—

357 (1) A ~~Any~~ person who has refused to submit to a chemical or
358 physical test of his or her breath, ~~blood,~~ or urine, as
359 described in s. 316.1932, and whose driving privilege was
360 previously suspended or who was previously fined under s.
361 327.35215 for a prior refusal to submit to a lawful test of his
362 or her breath, urine, or blood required under this chapter or
363 chapter 327, and:

364 (a) Who the arresting law enforcement officer had probable
365 cause to believe was driving or in actual physical control of a
366 motor vehicle in this state while under the influence of
367 alcoholic beverages, chemical substances, or controlled
368 substances;

369 (b) Who was placed under lawful arrest for a violation of
370 s. 316.193 unless such test was requested pursuant to s.
371 316.1932(1)(c);

372 (c) Who was informed that, if he or she refused to submit
373 to such test, his or her privilege to operate a motor vehicle
374 would be suspended for a period of 1 year or, in the case of a
375 second or subsequent refusal, for a period of 18 months;

376 (d) Who was informed that a refusal to submit to a lawful
377 test of his or her breath or, urine, ~~or blood,~~ if his or her

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driving privilege has been previously suspended or if he or she
has previously been fined under s. 327.35215 for a prior refusal
to submit to a lawful test of his or her breath, urine, or blood
as required under this chapter or chapter 327, is a misdemeanor
of the first degree, punishable as provided in s. 775.082 or s.
775.083, in addition to any other penalties provided by law; and

(e) Who, after having been so informed, refused to submit
to any such test when requested to do so by a law enforcement
officer or correctional officer

commits a misdemeanor of the first degree and is subject to
punishment as provided in s. 775.082 or s. 775.083.

Section 3. Present subsections (18) through (47) of section
327.02, Florida Statutes, are redesignated as subsections (19)
through (48), respectively, a new subsection (18) is added to
that section, and present subsection (31) of that section is
amended, to read:

327.02 Definitions.—As used in this chapter and in chapter
328, unless the context clearly requires a different meaning,
the term:

(18) "Human-powered vessel" means a vessel powered only by
its occupant or occupants, including, but not limited to, a
vessel powered only by the occupants' hands or feet, oars, or
paddles.

(32)~~(31)~~ "Navigation rules" means, for vessels on:

(a) Waters outside established navigational lines of
demarcation as specified in 33 C.F.R. part 80, the International
Navigational Rules Act of 1977, 33 U.S.C. s. 1602, as amended,
including the appendix and annexes thereto, through December 31,

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2020 ~~October 1, 2012~~.

(b) All waters not outside of such established lines of demarcation, the Inland Navigational Rules Act of 1980, 33 C.F.R. parts 83-90, as amended, through December 31, 2020 ~~October 1, 2012~~.

Section 4. Section 327.04, Florida Statutes, is amended to read:

327.04 Rules.—The commission may ~~has authority to~~ adopt rules pursuant to ss. 120.536(1) and 120.54 to implement ~~the provisions of this chapter,~~ the provisions of chapter 705 relating to vessels, and ss. 376.15 and 823.11 conferring powers or duties upon it.

Section 5. Section 327.462, Florida Statutes, is created to read:

327.462 Temporary protection zones for spaceflight launches and recovery of spaceflight assets.—

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

(a) "Launch services" means the conduct of a launch and activities involved in the preparation of a launch vehicle, payload, government astronaut, commercial astronaut, or spaceflight participant for such launch.

(b) "Reentry services" means the conduct of a reentry and activities involved in the preparation of a reentry vehicle, payload, government astronaut, commercial astronaut, or spaceflight participant for such reentry.

(c) "Spaceflight assets" means any item, or any part of an item, owned by a spaceflight entity which is used in launch services or reentry services, including crewed and uncrewed spacecraft, launch vehicles, parachutes and other landing aids,

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and any spacecraft or ancillary equipment that was attached to the launch vehicle during launch, orbit, or reentry.

(d) "Spaceflight entity" has the same meaning as provided in s. 331.501.

(2) The head of a law enforcement agency or entity identified in s. 327.70(1), or his or her designee, may, upon waters of this state within the law enforcement agency's or entity's jurisdiction, when necessary for preparations in advance of a launch service or reentry service, or for the recovery of spaceflight assets before or after a launch service or reentry service, temporarily establish a protection zone requiring vessels to leave, or prohibiting vessels from entering, water bodies within:

(a) Five hundred yards of where launch services, reentry services, or spaceflight asset recovery operations are being conducted; or

(b) A distance greater than provided in paragraph (a) if the head of such law enforcement agency or entity, or his or her designee, determines such greater distance is in the best interest of public safety.

(3) A protection zone established under subsection (2) may remain in effect only as long as necessary to ensure security around the launch and recovery areas and to recover spaceflight assets and any personnel being transported within a spacecraft following the launch or reentry activity. Such protection zone may not be in place more than 72 hours before or 72 hours after the launch. The head of a law enforcement agency or entity identified in s. 327.70(1), or his or her designee, may also restrict vessels from operating within up to 500 yards of any

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465 vessel transporting recovered spaceflight assets following a
466 spaceflight launch or reentry while such vessel is continuously
467 underway transporting such assets to a location for removal from
468 the waters of this state.

469 (4) The head of a law enforcement agency or entity
470 establishing a protection zone under this section, or his or her
471 designee, must report the establishment of such protection zone
472 via e-mail to the commission's Division of Law Enforcement,
473 Boating and Waterways Section, and to the appropriate United
474 States Coast Guard Sector Command having responsibility over the
475 water body, at least 72 hours before establishment of the
476 protection zone. Such report must include the reasons for the
477 protection zone, the portion of the water body or water bodies
478 that will be included in the protection zone, and the duration
479 of the protection zone. No later than 72 hours after the end of
480 the protection zone period, the head of the law enforcement
481 agency or entity, or his or her designee, must report via e-mail
482 to the commission's Division of Law Enforcement, Boating and
483 Waterways Section, the details of all citations issued for
484 violating the protection zone.

485 (5) This section applies only to launch services, reentry
486 services, or the recovery of spaceflight assets occurring or
487 originating within spaceport territory, as defined in s.
488 331.304, and to federally licensed or federally authorized
489 launches and reentries occurring or transiting to an end
490 destination upon waters of this state.

491 (6) A person who violates this section or any directive
492 given by a law enforcement officer relating to the establishment
493 of a protection zone under this section after being advised of

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the establishment of the protection zone commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 6. Paragraphs (a) and (c) of subsection (1) of section 327.352, Florida Statutes, are amended to read:

327.352 Tests for alcohol, chemical substances, or controlled substances; implied consent; refusal.—

(1)(a)1. The Legislature declares that the operation of a vessel is a privilege that must be exercised in a reasonable manner. In order to protect the public health and safety, it is essential that a lawful and effective means of reducing the incidence of boating while impaired or intoxicated be established. Therefore, a ~~any~~ person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by ~~so~~ operating such vessel, deemed to have given his or her consent to submit to an approved chemical test or physical test including, but not limited to, an infrared light test of his or her breath for the purpose of determining the alcoholic content of his or her blood or breath if the person is lawfully arrested for any offense allegedly committed while the person was operating a vessel while under the influence of alcoholic beverages. The chemical or physical breath test must be incidental to a lawful arrest and administered at the request of a law enforcement officer who has reasonable cause to believe such person was operating the vessel within this state while under the influence of alcoholic beverages. The administration of a breath test does not preclude the administration of another type of test. The person shall be told that his or her failure to submit to any lawful test of his or her breath under this

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chapter will result in a civil penalty of \$500, and shall also be told that if he or she refuses to submit to a lawful test of his or her breath and he or she has been previously fined under s. 327.35215 or has previously had his or her driver license suspended under s. 322.2615 for refusal to submit to any lawful test of his or her breath, urine, or blood, he or she commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, in addition to any other penalties provided by law. The refusal to submit to a chemical or physical breath test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.

2. A ~~Any~~ person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by ~~so~~ operating such vessel, deemed to have given his or her consent to submit to a urine test for the purpose of detecting the presence of chemical substances as set forth in s. 877.111 or controlled substances if the person is lawfully arrested for any offense allegedly committed while the person was operating a vessel while under the influence of chemical substances or controlled substances. The urine test must be incidental to a lawful arrest and administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such tests at the request of a law enforcement officer who has reasonable cause to believe such person was operating a vessel within this state while under the influence of chemical substances or controlled substances. The urine test shall be administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer

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such test in a reasonable manner that will ensure the accuracy of the specimen and maintain the privacy of the individual involved. The administration of a urine test does not preclude the administration of another type of test. The person shall be told that his or her failure to submit to any lawful test of his or her urine under this chapter will result in a civil penalty of \$500, and shall also be told that if he or she refuses to submit to a lawful test of his or her urine and he or she has been previously fined under s. 327.35215 or has previously had his or her driver license suspended under s. 322.2615 for refusal to submit to any lawful test of his or her breath, urine, or blood, he or she commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, in addition to any other penalties provided by law. The refusal to submit to a urine test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.

(c) ~~A~~ Any person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by operating such vessel, deemed to have given his or her consent to submit to an approved blood test for the purpose of determining the alcoholic content of the blood or a blood test for the purpose of determining the presence of chemical substances or controlled substances as provided in this section if there is reasonable cause to believe the person was operating a vessel while under the influence of alcoholic beverages or chemical or controlled substances and the person appears for treatment at a hospital, clinic, or other medical facility and the administration of a breath or urine test is impractical or

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impossible. As used in this paragraph, the term "other medical facility" includes an ambulance or other medical emergency vehicle. The blood test shall be performed in a reasonable manner. ~~A Any~~ person who is incapable of refusal by reason of unconsciousness or other mental or physical condition is deemed not to have withdrawn his or her consent to such test. ~~A Any~~ person who is capable of refusal shall be told that his or her failure to submit to such a blood test will result in a civil penalty of \$500 ~~and that a refusal to submit to a lawful test of his or her blood, if he or she has previously been fined for refusal to submit to any lawful test of his or her breath, urine, or blood, is a misdemeanor.~~ The refusal to submit to a blood test upon the request of a law enforcement officer shall be admissible in evidence in any criminal proceeding.

Section 7. Section 327.359, Florida Statutes, is amended to read:

327.359 Refusal to submit to testing; penalties.-~~A Any~~ person who has refused to submit to a chemical or physical test of his or her breath, ~~blood,~~ or urine, as described in s. 327.352, and who has been previously fined under s. 327.35215 or has previously had his or her driver license suspended under s. 322.2615 for refusal to submit to a lawful test of his or her breath, urine, or blood, and:

(1) Who the arresting law enforcement officer had probable cause to believe was operating or in actual physical control of a vessel in this state while under the influence of alcoholic beverages, chemical substances, or controlled substances;

(2) Who was placed under lawful arrest for a violation of s. 327.35 unless such test was requested pursuant to s.

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610 327.352(1)(c);

611 (3) Who was informed that if he or she refused to submit to
612 such test, he or she is subject to a fine of \$500;

613 (4) Who was informed that a refusal to submit to a lawful
614 test of his or her breath or, ~~urine, or blood~~, if he or she has
615 been previously fined under s. 327.35215 or has previously had
616 his or her driver license suspended under s. 322.2615 for
617 refusal to submit to a lawful test of his or her breath, urine,
618 or blood, is a misdemeanor of the first degree, punishable as
619 provided in s. 775.082 or s. 775.083; and

620 (5) Who, after having been so informed, refused to submit
621 to any such test when requested to do so by a law enforcement
622 officer or correctional officer

623
624 commits a misdemeanor of the first degree, punishable and is
625 ~~subject to punishment~~ as provided in s. 775.082 or s. 775.083.

626 Section 8. Section 327.371, Florida Statutes, is created to
627 read:

628 327.371 Human-powered vessels regulated.—

629 (1) A person may operate a human-powered vessel within the
630 boundaries of the marked channel of the Florida Intracoastal
631 Waterway as defined in s. 327.02:

632 (a) When the marked channel is the only navigable portion
633 of the waterway available due to vessel congestion or
634 obstructions on the water. The operator of the human-powered
635 vessel shall proceed with diligence to a location where he or
636 she may safely operate the vessel outside the marked channel of
637 the Florida Intracoastal Waterway.

638 (b) When crossing the marked channel, provided that the

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crossing is done in the most direct, continuous, and expeditious manner possible and does not interfere with other vessel traffic in the channel.

(c) During an emergency endangering life or limb.

(2) A person may not operate a human-powered vessel in the marked channel of the Florida Intracoastal Waterway except as provided in subsection (1).

(3) A person who violates this section commits a noncriminal infraction, punishable as provided in s. 327.73.

Section 9. Subsection (1) and paragraphs (a) and (b) of subsection (5) of section 327.391, Florida Statutes, are amended to read:

327.391 Airboats regulated.—

(1) The exhaust of every internal combustion engine used on any airboat operated on the waters of this state shall be provided with an automotive-style factory muffler, underwater exhaust, or other manufactured device capable of adequately muffling the sound of the exhaust of the engine as described in s. 327.02(31) ~~s. 327.02(30)~~. The use of cutouts or flex pipe as the sole source of muffling is prohibited, except as provided in subsection (4). A ~~Any~~ person who violates this subsection commits a noncriminal infraction, punishable as provided in s. 327.73(1).

(5) (a) ~~Beginning July 1, 2019,~~ A person may not operate an airboat to carry one or more passengers for hire on waters of the state unless he or she has all of the following onboard the airboat:

1. A photographic identification card.

2. Proof of completion of a boater education course that

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668 complies with s. 327.395(2)(a) ~~s. 327.395(1)(a)~~. Except as
669 provided in paragraph (b), no operator is exempt from this
670 requirement, regardless of age or the exemptions provided under
671 s. 327.395.

672 3. Proof of successful completion of a commission-approved
673 airboat operator course that meets the minimum standards
674 established by commission rule.

675 4. Proof of successful course completion in cardiopulmonary
676 resuscitation and first aid.

677 (b) A person issued a captain's license by the United
678 States Coast Guard is not required to complete a boating safety
679 education course that complies with s. 327.395(2)(a) ~~s.~~
680 ~~327.395(1)(a)~~. Proof of the captain's license must be onboard
681 the airboat when carrying one or more passengers for hire on
682 waters of the state.

683 Section 10. Section 327.395, Florida Statutes, is amended
684 to read:

685 327.395 Boating safety education.—

686 (1) (a) A person born on or after January 1, 1988, may not
687 operate a vessel powered by a motor of 10 horsepower or greater
688 unless such person has in his or her possession aboard the
689 vessel the documents required by subsection (2).

690 (b) Beginning January 1, 2023, a person, regardless of his
691 or her date of birth, may not operate a vessel powered by a
692 motor of 10 horsepower or greater unless such person has in his
693 or her possession aboard the vessel the documents required by
694 subsection (2).

695 (2) While operating a vessel, a person must have in his or
696 her possession aboard the vessel photographic identification and

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a boating safety identification card issued by the commission, a state-issued identification card or driver license indicating possession of the boating safety identification card, or photographic identification and a temporary certificate issued or approved by the commission, which shows that he or she has:

(a) Completed a commission-approved boating safety education course that meets the minimum requirements established by the National Association of State Boating Law Administrators; or

(b) Passed a temporary certificate examination developed or approved by the commission.

(3)~~(2)~~ (a) A person may obtain a boating safety identification card by successfully completing a boating safety education course that meets the requirements of this section and rules adopted by the commission pursuant to this section.

(b) A person may obtain a temporary certificate by passing a temporary certificate examination that meets the requirements of this section and rules adopted by the commission pursuant to this section.

(4)~~(3)~~ A ~~Any~~ commission-approved boating safety education course or temporary certificate examination developed or approved by the commission must include a component regarding diving vessels, awareness of divers in the water, divers-down warning devices, and the requirements of s. 327.331.

~~(4) The commission may appoint liveries, marinas, or other persons as its agents to administer the course or temporary certificate examination and issue identification cards or temporary certificates in digital, electronic, or paper format under guidelines established by the commission. An agent must~~

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~~charge the \$2 examination fee, which must be forwarded to the
commission with proof of passage of the examination and may
charge and keep a \$1 service fee.~~

(5) A boating safety identification card issued to a person who has completed a boating safety education course is valid for life. A temporary certificate issued to a person who has passed a temporary certification examination is valid for 90 days after the date of issuance. The commission may issue either the boating safety identification card or the temporary certificate in a digital, electronic, or paper format.

(6) A person is exempt from subsection (1) if he or she:

(a) 1. Is licensed by the United States Coast Guard to serve as master of a vessel; or

2. Has been previously licensed by the United States Coast Guard to serve as master of a vessel, provides proof of such licensure to the commission, and requests that a boating safety identification card be issued in his or her name.

(b) Operates a vessel only on a private lake or pond.

(c) Is accompanied in the vessel by a person who is exempt from this section or who holds a boating safety identification card in compliance with this section, who is 18 years of age or older, and who is attendant to the operation of the vessel and responsible for the safe operation of the vessel and for any violation that occurs during the operation of the vessel.

(d) Is a nonresident who has in his or her possession photographic identification and proof that he or she has completed a boating safety education course or equivalency examination in another state or a United States territory which meets or exceeds the minimum requirements established by the

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755 National Association of State Boating Law Administrators.

756 (e) Is operating a vessel within 90 days after the purchase
757 of that vessel and has available for inspection aboard that
758 vessel a bill of sale meeting the requirements of s. 328.46(1).

759 (f) Is operating a vessel within 90 days after completing a
760 boating safety education course in accordance with paragraph
761 (2) (a) ~~the requirements of paragraph (1) (a)~~ and has a
762 photographic identification card and a boating safety education
763 certificate available for inspection as proof of having
764 completed a boating safety education course. The boating safety
765 education certificate must provide, at a minimum, the student's
766 first and last name, the student's date of birth, and the date
767 that he or she passed the course examination.

768 (g) Is exempted by rule of the commission.

769 (7) A person who operates a vessel in violation of this
770 section ~~subsection (1)~~ commits a noncriminal infraction,
771 punishable as provided in s. 327.73.

772 (8) The commission shall institute and coordinate a
773 statewide program of boating safety instruction and
774 certification to ensure that boating safety courses and
775 examinations are available in each county of the state. The
776 commission may appoint agents to administer the boating safety
777 education course or temporary certificate examination and may
778 authorize the agents to issue temporary certificates in digital,
779 electronic, or paper format. An agent ~~The agents~~ shall charge
780 and collect the \$2 fee required in subsection (9) for each
781 temporary certificate requested of the commission by that agent,
782 which must be forwarded to the commission. The agent may charge
783 and keep a \$1 service fee.

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(9) The commission may ~~is authorized to~~ establish and ~~to~~ collect a \$2 fee for each card and temporary certificate issued pursuant to this section.

(10) The commission shall design forms and adopt rules pursuant to chapter 120 to implement ~~the provisions of~~ this section.

(11) This section may be cited as the "Osmany 'Ozzie' Castellanos Boating Safety Education Act."

Section 11. Present subsection (5) of section 327.4107, Florida Statutes, is redesignated as subsection (6), paragraph (e) of subsection (2) of that section is amended, and a new subsection (5) and subsection (7) are added to that section, to read:

327.4107 Vessels at risk of becoming derelict on waters of this state.—

(2) An officer of the commission or of a law enforcement agency specified in s. 327.70 may determine that a vessel is at risk of becoming derelict if any of the following conditions exist:

(e) The vessel does not have an effective means of propulsion for safe navigation within 72 hours after the vessel owner or operator receives telephonic notice, in-person notice recorded on an agency-approved body camera, or written notice, which may be provided by facsimile, electronic mail, or other electronic means, stating such from an officer, and the vessel owner or operator is unable to provide a receipt, proof of purchase, or other documentation of having ordered necessary parts for vessel repair. The commission may adopt rules to implement this paragraph.

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813 (5) The commission, an officer of the commission, or a law
814 enforcement agency or officer specified in s. 327.70 may
815 relocate or cause to be relocated an at-risk vessel found to be
816 in violation of this section to a distance greater than 20 feet
817 from a mangrove or upland vegetation. The commission, an officer
818 of the commission, or a law enforcement agency or officer acting
819 pursuant to this subsection upon waters of this state shall be
820 held harmless for all damages to the at-risk vessel resulting
821 from such relocation unless the damage results from gross
822 negligence or willful misconduct as these terms are defined in
823 s. 823.11.

824 (7) The commission may establish a derelict vessel
825 prevention program to address vessels at risk of becoming
826 derelict. Such program may, but is not required to, include:

827 (a) Removal, relocation, and destruction of vessels
828 declared a public nuisance, derelict or at risk of becoming
829 derelict, or lost or abandoned in accordance with s. 327.521(2),
830 s. 327.53(7), s. 327.73(1)(aa), s. 705.103(2) and (4), or s.
831 823.11(3).

832 (b) Creation of a vessel turn-in program allowing the owner
833 of a vessel determined by law enforcement to be at risk of
834 becoming derelict in accordance with this section to turn his or
835 her vessel and vessel title over to the commission to be
836 destroyed without penalty.

837 (c) Providing for removal and destruction of an abandoned
838 vessel for which an owner cannot be identified or the owner of
839 which is deceased and no heir is interested in acquiring the
840 vessel.

841 (d) Purchase of anchor line, anchors, and other equipment

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necessary for securing vessels at risk of becoming derelict.

(e) Creating or acquiring moorings designated for securing vessels at risk of becoming derelict.

The derelict vessel prevention program created pursuant to this subsection may include other preventative efforts and methods as determined appropriate and necessary by the commission. The commission may adopt rules to implement this subsection.

Implementation of the derelict vessel prevention program shall be subject to appropriation by the Legislature and shall be funded by the Marine Resources Conservation Trust Fund or the Florida Coastal Protection Trust Fund.

Section 12. Paragraph (a) of subsection (1) and subsection (2) of section 327.4109, Florida Statutes, are amended to read:
327.4109 Anchoring or mooring prohibited; exceptions; penalties.—

(1)(a) The owner or operator of a vessel or floating structure may not anchor or moor such that the nearest approach of the anchored or moored vessel or floating structure is:

1. Within 150 feet of any public or private marina, boat ramp, boatyard, or other public vessel launching or loading facility;

2. Within 300 feet of a superyacht repair facility. For purposes of this subparagraph, the term "superyacht repair facility" means a facility that services or repairs a yacht with a water line of 120 feet or more in length; or

3. Within 100 feet outward from the marked boundary of a public mooring field or a lesser distance if approved by the commission upon request of a local government within which the

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mooring field is located. The commission may adopt rules to implement this subparagraph.

(2) Notwithstanding subsection (1), an owner or operator of a vessel may anchor or moor within 150 feet of any public or private marina, boat ramp, boatyard, or other public vessel launching or loading facility; within 300 feet of a superyacht repair facility; or within 100 feet outward from the marked boundary of a public mooring field if:

(a) The vessel suffers a mechanical failure that poses an unreasonable risk of harm to the vessel or the persons onboard such vessel. The owner or operator of the vessel may anchor or moor for 5 business days or until the vessel is repaired, whichever occurs first.

(b) Imminent or existing weather conditions in the vicinity of the vessel pose an unreasonable risk of harm to the vessel or the persons onboard such vessel. The owner or operator of the vessel may anchor or moor until weather conditions no longer pose such risk. During a hurricane or tropical storm, weather conditions are deemed to no longer pose an unreasonable risk of harm when the hurricane or tropical storm warning affecting the area has expired.

Section 13. Paragraph (b) of subsection (1) of section 327.46, Florida Statutes, is amended to read:

327.46 Boating-restricted areas.—

(1) Boating-restricted areas, including, but not limited to, restrictions of vessel speeds and vessel traffic, may be established on the waters of this state for any purpose necessary to protect the safety of the public if such restrictions are necessary based on boating accidents,

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visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards or to protect seagrasses on privately owned submerged lands.

(b) Municipalities and counties may ~~have the authority to~~ establish the following boating-restricted areas by ordinance:

1. An ordinance establishing an idle speed, no wake boating-restricted area, if the area is:

a. Within 500 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways more than 300 feet in width or within 300 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways not exceeding 300 feet in width.

b. Within 500 feet of fuel pumps or dispensers at any marine fueling facility that sells motor fuel to the general boating public on waterways more than 300 feet in width or within 300 feet of the fuel pumps or dispensers at any licensed terminal facility that sells motor fuel to the general boating public on waterways not exceeding 300 feet in width.

c. Inside or within 300 feet of any lock structure.

2. An ordinance establishing a slow speed, minimum wake boating-restricted area if the area is:

a. Within 300 feet of any bridge fender system.

b. Within 300 feet of any bridge span presenting a vertical clearance of less than 25 feet or a horizontal clearance of less than 100 feet.

c. On a creek, stream, canal, or similar linear waterway if the waterway is less than 75 feet in width from shoreline to

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shoreline.

d. On a lake or pond of less than 10 acres in total surface area.

e. Within the boundaries of a permitted public mooring field and a buffer around the mooring field of up to 100 feet.

3. An ordinance establishing a vessel-exclusion zone if the area is:

a. Designated as a public bathing beach or swim area.

b. Within 300 feet of a dam, spillway, or flood control structure.

4. Notwithstanding the prohibition in s. 327.60(2)(c), within the portion of the Florida Intracoastal Waterway within their jurisdiction, except that the municipality or county may not establish a vessel-exclusion zone for public bathing beaches or swim areas within the waterway.

Section 14. Section 327.463, Florida Statutes, is created to read:

327.463 Special hazards.—

(1) For purposes of this section, a vessel:

(a) Is operating at slow speed, minimum wake only if it is:

1. Fully off plane and completely settled into the water;

and

2. Proceeding without wake or with minimum wake.

A vessel that is operating at slow speed, minimum wake may not proceed at a speed greater than a speed that is reasonable and prudent to avoid the creation of an excessive wake or other hazardous condition under the existing circumstances.

(b) Is not proceeding at slow speed, minimum wake if it is:

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958 1. Operating on plane;

959 2. In the process of coming off plane and settling into the
960 water or getting on plane; or

961 3. Operating at a speed that creates a wake that
962 unreasonably or unnecessarily endangers other vessels.

963 (2) A person may not operate a vessel faster than slow
964 speed, minimum wake within 300 feet of any emergency vessel,
965 including, but not limited to, a law enforcement vessel, United
966 States Coast Guard vessel, or firefighting vessel, when such
967 emergency vessel's emergency lights are activated.

968 (3) (a) A person may not operate a vessel faster than slow
969 speed, minimum wake within 300 feet of any construction vessel
970 or barge when the vessel or barge is displaying an orange flag
971 from a pole extending:

972 1. At least 10 feet above the tallest portion of the vessel
973 or barge, indicating that the vessel or barge is actively
974 engaged in construction operations; or

975 2. At least 5 feet above any superstructure permanently
976 installed upon the vessel or barge, indicating that the vessel
977 or barge is actively engaged in construction operations.

978 (b) A flag displayed on a construction vessel or barge
979 pursuant to this subsection must:

980 1. Be at least 2 feet by 3 feet in size.

981 2. Have a wire or other stiffener or be otherwise
982 constructed to ensure that the flag remains fully unfurled and
983 extended in the absence of a wind or breeze.

984 3. Be displayed so that the visibility of the flag is not
985 obscured in any direction.

986 (c) In periods of low visibility, including any time

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between 30 minutes after sunset and 30 minutes before sunrise, a person may not be cited for a violation of this subsection unless the orange flag is illuminated and visible from a distance of at least 2 nautical miles. Such illumination does not relieve the construction vessel or barge from complying with all navigation rules.

(4) (a) A person operating a vessel in violation of this section commits a noncriminal infraction, punishable as provided in s. 327.73.

(b) The owner of, or party who is responsible for, a construction vessel or barge who displays an orange flag on the vessel or barge when it is not actively engaged in construction operations commits a noncriminal infraction, punishable as provided in s. 327.73.

(5) The speed and penalty provisions of this section do not apply to a law enforcement, firefighting, or rescue vessel that is owned or operated by a governmental entity.

Section 15. Paragraph (a) of subsection (1) of section 327.50, Florida Statutes, is amended to read:

327.50 Vessel safety regulations; equipment and lighting requirements.—

(1) (a) The owner and operator of every vessel on the waters of this state shall carry, store, maintain, and use safety equipment in accordance with current United States Coast Guard safety equipment requirements as specified in the Code of Federal Regulations, unless expressly exempted by the commission ~~department~~.

Section 16. Section 327.521, Florida Statutes, is created to read:

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327.521 No-discharge zones.—Effective upon approval by the United States Environmental Protection Agency of a no-discharge zone determination for the waters of the United States within the territorial limits of this state:

(1) All waters of this state are designated no-discharge zones. A person may not discharge sewage of any type, whether treated or untreated, from any vessel or floating structure into waters of this state. A person who violates this subsection commits a noncriminal infraction, punishable by a civil penalty of up to \$250. If any discharge prohibited by this subsection is ongoing or continuous, the person may be assessed a penalty of up to \$250 for each day the violation continues.

(2) A vessel or floating structure in violation of this section is declared a nuisance and a hazard to public safety and health. The owner or operator of a vessel or floating structure convicted a second time for violating this section shall, within 30 days following the conviction, remove the vessel or floating structure from the waters of this state. If the vessel or floating structure remains on the waters of this state in violation of this subsection, law enforcement officers charged with the enforcement of this chapter under s. 327.70 shall apply to the appropriate court in the county in which the vessel or floating structure is located to order or otherwise cause the removal of such vessel or floating structure from the waters of this state at the owner's expense. If the owner cannot be found or otherwise fails to pay the removal costs, the provisions of s. 328.17 shall apply. If the proceeds under s. 328.17 are not sufficient to pay all removal costs, funds appropriated from the Marine Resources Conservation Trust Fund pursuant to s.

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1045 327.53(6)(b) or s. 328.72(15)(c) may be used.

1046 (3) For purposes of this section, the term "conviction"
1047 means a disposition other than acquittal or dismissal.

1048 Section 17. Paragraph (a) of subsection (6) and subsection
1049 (7) of section 327.53, Florida Statutes, are amended, and
1050 subsection (8) is added to that section, to read:

1051 327.53 Marine sanitation.—

1052 (6)(a) A violation of this section is a noncriminal
1053 infraction, punishable as provided in s. 327.73. Each violation
1054 shall be a separate offense. The owner and operator of any
1055 vessel shall be jointly and severally liable for the civil
1056 penalty imposed pursuant to this section.

1057 (7) A ~~Any~~ vessel or floating structure operated or occupied
1058 on the waters of the state in violation of this section is
1059 declared a nuisance and a hazard to public safety and health.
1060 The owner or operator of a ~~any~~ vessel or floating structure
1061 cited for violating this section shall, within 30 days following
1062 the issuance of the citation, correct the violation for which
1063 the citation was issued or remove the vessel or floating
1064 structure from the waters of the state. If the violation is not
1065 corrected within the 30 days and the vessel or floating
1066 structure remains on the waters of the state in violation of
1067 this section, law enforcement officers charged with the
1068 enforcement of this chapter under s. 327.70 shall apply to the
1069 appropriate court in the county in which the vessel or floating
1070 structure is located, to order or otherwise cause the removal of
1071 such vessel or floating structure from the waters of the state
1072 at the owner's expense. If the owner cannot be found or
1073 otherwise fails to pay the removal costs, the provisions of s.

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328.17 shall apply. If the proceeds under s. 328.17 are not sufficient to pay all removal costs, funds appropriated from the Marine Resources Conservation Trust Fund pursuant to paragraph (6) (b) or s. 328.72(15) (c) ~~s. 328.72(16)~~ may be used.

(8) The owner or operator of a live-aboard vessel as defined in s. 327.02(23) (a) or (c), or a houseboat as defined in s. 327.02(17), that is equipped with a marine sanitation device must maintain a record of the date of each pumpout of the marine sanitation device and the location of the pumpout station or waste reception facility. Each record must be maintained for 1 year after the date of the pumpout.

Section 18. Subsection (2) of section 327.54, Florida Statutes, is amended to read:

327.54 Liveries; safety regulations; penalty.—

(2) A livery may not knowingly lease, hire, or rent a ~~any~~ vessel ~~powered by a motor of 10 horsepower or greater~~ to a ~~any~~ person who is required to comply with s. 327.395~~7~~, unless such person presents to the livery photographic identification and a valid boater safety identification card issued by the commission, a state-issued identification card or driver license indicating possession of the boating safety identification card, or photographic identification and a valid temporary certificate issued or approved by the commission as required under s. 327.395(2) ~~s. 327.395(1)7~~, or meets the exemption provided under s. 327.395(6) (f).

Section 19. Subsection (5) of section 327.60, Florida Statutes, is amended to read:

327.60 Local regulations; limitations.—

(5) A local government may enact and enforce regulations to

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implement the procedures for abandoned or lost property that allow the local law enforcement agency to remove a vessel affixed to a public dock or mooring within its jurisdiction that is abandoned or lost property pursuant to s. 705.103(1). Such regulation must require the local law enforcement agency to post a written notice at least 24 hours before removing the vessel.

Section 20. Paragraphs (q), (s), and (aa) of subsection (1) of section 327.73, Florida Statutes, are amended, and paragraphs (cc), (dd), and (ee) are added to that subsection, to read:

327.73 Noncriminal infractions.—

(1) Violations of the following provisions of the vessel laws of this state are noncriminal infractions:

(q) Section 327.53(1), (2), ~~and~~ (3), and (8), relating to marine sanitation.

(s) Section 327.395, relating to boater safety education. However, a person cited for violating the requirements of s. 327.395 relating to failure to have required proof of boating safety education in his or her possession may not be convicted if, before or at the time of a county court hearing, the person produces proof of the boating safety education identification card or temporary certificate for verification by the hearing officer or the court clerk and the identification card or temporary certificate was valid at the time the person was cited.

(aa) Section 327.4107, relating to vessels at risk of becoming derelict on waters of this state, for which the civil penalty is:

1. For a first offense, \$100 ~~\$50~~.

2. For a second offense occurring 30 days or more after a

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first offense, \$250 ~~\$100~~.

3. For a third or subsequent offense occurring 30 days or more after a previous offense, \$500 ~~\$250~~.

A vessel that is the subject of three or more violations issued pursuant to the same paragraph of s. 327.4107(2) within an 18-month period which result in dispositions other than acquittal or dismissal shall be declared to be a public nuisance and subject to ss. 705.103(2) and (4) and 823.11(3). The commission, an officer of the commission, or a law enforcement agency or officer specified in s. 327.70 may relocate, remove, or cause to be relocated or removed such public nuisance vessels from waters of this state. The commission, an officer of the commission, or a law enforcement agency or officer acting pursuant to this paragraph upon waters of this state shall be held harmless for all damages to the vessel resulting from such relocation or removal unless the damage results from gross negligence or willful misconduct as these terms are defined in s. 823.11.

(cc) Section 327.463(4) (a) and (b), relating to vessels creating special hazards, for which the penalty is:

1. For a first offense, \$50.

2. For a second offense occurring within 12 months after a prior offense, \$100.

3. For a third offense occurring within 36 months after a prior offense, \$250.

(dd) Section 327.371, relating to the regulation of human-powered vessels.

(ee) Section 327.521, relating to no-discharge zones, for which the penalty is up to \$250 for each offense.

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Any person cited for a violation of any provision of this subsection shall be deemed to be charged with a noncriminal infraction, shall be cited for such an infraction, and shall be cited to appear before the county court. The civil penalty for any such infraction is \$50, except as otherwise provided in this section. Any person who fails to appear or otherwise properly respond to a uniform boating citation shall, in addition to the charge relating to the violation of the boating laws of this state, be charged with the offense of failing to respond to such citation and, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A written warning to this effect shall be provided at the time such uniform boating citation is issued.

Section 21. Subsection (4) of section 328.09, Florida Statutes, is amended to read:

328.09 Refusal to issue and authority to cancel a certificate of title or registration.—

(4) The department may not issue a certificate of title to an ~~any~~ applicant for a ~~any~~ vessel that has been deemed derelict by a law enforcement officer under s. 376.15 or s. 823.11. A law enforcement officer must inform the department in writing, which may be provided by facsimile, electronic mail, or other electronic means, of the vessel's derelict status and supply the department with the vessel title number or vessel identification number. The department may issue a certificate of title once a law enforcement officer has verified in writing, which may be provided by facsimile, electronic mail, or other electronic means, that the vessel is no longer a derelict vessel.

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Section 22. Effective July 1, 2023, paragraph (e) of subsection (3) of section 328.09, Florida Statutes, as amended by section 12 of chapter 2019-76, Laws of Florida, is amended to read:

328.09 Refusal to issue and authority to cancel a certificate of title or registration.—

(3) Except as otherwise provided in subsection (4), the department may reject an application for a certificate of title only if:

(e) The application is for a vessel that has been deemed derelict by a law enforcement officer under s. 376.15 or s. 823.11. In such case, a law enforcement officer must inform the department in writing, which may be provided by facsimile, e-mail, or other electronic means, of the vessel's derelict status and supply the department with the vessel title number or vessel identification number. The department may issue a certificate of title once a law enforcement officer has verified in writing, which may be provided by facsimile, e-mail, or other electronic means, that the vessel is no longer a derelict vessel.

Section 23. Subsection (3) of section 376.15, Florida Statutes, is amended to read:

376.15 Derelict vessels; relocation or removal from public waters.—

(3)(a) The commission, an officer ~~officers~~ of the commission, or a ~~and any~~ law enforcement agency or officer specified in s. 327.70 may ~~are authorized and empowered to~~ relocate, remove, or cause to be relocated or removed any derelict vessel as defined in s. 823.11 from ~~public~~ public waters of ~~this state as defined in s. 327.02~~. All costs, including costs

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owed to a third party, incurred by the commission or other law enforcement agency in the relocation or removal of any abandoned or derelict vessel are recoverable against the owner of the vessel. The Department of Legal Affairs shall represent the commission in actions to recover such costs.

(b) The commission, an officer ~~officers~~ of the commission, or a ~~and any other~~ law enforcement agency or officer specified in s. 327.70 acting pursuant to ~~under~~ this section to relocate, remove, or cause to be relocated or removed a derelict vessel from public waters of this state as defined in s. 327.02 shall be held harmless for all damages to the derelict vessel resulting from such relocation or removal unless the damage results from gross negligence or willful misconduct as these terms are defined in s. 823.11.

(c) A contractor performing relocation or removal activities at the direction of the commission, an officer ~~officers~~ of the commission, ~~or~~ a law enforcement agency or officer, or a governmental subdivision, when the governmental subdivision has received authorization for the relocation or removal from a law enforcement officer or agency pursuant to this section must be licensed in accordance with applicable United States Coast Guard regulations where required; obtain and carry in full force and effect a policy from a licensed insurance carrier in this state to insure against any accident, loss, injury, property damage, or other casualty caused by or resulting from the contractor's actions; and be properly equipped to perform the services to be provided.

(d) The commission may establish a program to provide grants to local governments for the removal, destruction, and

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1248 disposal of derelict vessels from the public waters of this ~~the~~
1249 state as defined in s. 327.02. The program shall be funded from
1250 the Marine Resources Conservation Trust Fund or the Florida
1251 Coastal Protection Trust Fund. Notwithstanding ~~the provisions in~~
1252 s. 216.181(11), funds available for grants may only be
1253 authorized by appropriations acts of the Legislature. In a given
1254 fiscal year, if all funds appropriated pursuant to this
1255 paragraph are not requested by and granted to local governments
1256 for the removal, destruction, and disposal of derelict vessels
1257 by the end of the third quarter, the Fish and Wildlife
1258 Conservation Commission may use the remainder of the funds to
1259 remove, destroy, and dispose of, or to pay private contractors
1260 to remove, destroy, and dispose of, derelict vessels.

1261 (e) The commission shall adopt by rule procedures for
1262 submitting a grant application and criteria for allocating
1263 available funds. Such criteria shall include, but not be limited
1264 to, the following:

1265 1. The number of derelict vessels within the jurisdiction
1266 of the applicant.

1267 2. The threat posed by such vessels to public health or
1268 safety, the environment, navigation, or the aesthetic condition
1269 of the general vicinity.

1270 3. The degree of commitment of the local government to
1271 maintain waters free of abandoned and derelict vessels and to
1272 seek legal action against those who abandon vessels in the
1273 waters of this ~~the~~ state as defined in s. 327.02.

1274 (f) This section constitutes the authority for such removal
1275 but is not intended to be in contravention of any applicable
1276 federal act.

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Section 24. Subsections (2) and (4) of section 705.103, Florida Statutes, are amended to read:

705.103 Procedure for abandoned or lost property.—

(2) (a)1. Whenever a law enforcement officer ascertains that:

a. An article of lost or abandoned property other than a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa) is present on public property and is of such nature that it cannot be easily removed, the officer shall cause a notice to be placed upon such article in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY. This property, to wit: ...(setting forth brief description)... is unlawfully upon public property known as ...(setting forth brief description of location)... and must be removed within 5 days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner will be liable for the costs of removal, storage, and publication of notice. Dated this: ...(setting forth the date of posting of notice)..., signed: ...(setting forth name, title, address, and telephone number of law enforcement officer)....

b. A derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa) is present on the waters of this state, the officer shall cause a notice to be placed upon such vessel in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED VESSEL. This vessel, to wit: ...(setting forth brief description)... has been determined to be (derelict or a public nuisance) and is unlawfully upon waters of this state

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(...setting forth brief description of location)... and must be removed within 21 days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner and other interested parties may have the right to a hearing to challenge the determination that this vessel is derelict or otherwise in violation of the law. Please contact ...(contact information for person who can arrange for a hearing in accordance with this section).... The owner or the party determined to be legally responsible for the vessel being upon the waters of this state in a derelict condition will be liable for the costs of removal, destruction, and disposal if this vessel is not removed by the owner. Dated this: ...(setting forth the date of posting of notice)...., signed: ...(setting forth name, title, address, and telephone number of law enforcement officer)....

2. A ~~Such~~ notice required under subparagraph 1. ~~may shall~~ ~~be~~ not be less than 8 inches by 10 inches and shall be sufficiently weatherproof to withstand normal exposure to the elements. In addition to posting, the law enforcement officer shall make a reasonable effort to ascertain the name and address of the owner. If such is reasonably available to the officer, she or he shall mail a copy of such notice to the owner on or before the date of posting. If the property is a motor vehicle as defined in s. 320.01(1) or a vessel as defined in s. 327.02, the law enforcement agency shall contact the Department of Highway Safety and Motor Vehicles in order to determine the name and address of the owner and any person who has filed a lien on the vehicle or vessel as provided in s. 319.27(2) or (3) or s. 328.15(1). On receipt of this information, the law enforcement

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agency shall mail a copy of the notice by certified mail, return receipt requested, to the owner and to the lienholder, if any, except that a law enforcement officer who has issued a citation for a violation of s. 376.15 or s. 823.11 to the owner of a derelict vessel is not required to mail a copy of the notice by certified mail, return receipt requested, to the owner. For a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the mailed notice shall inform the owner or responsible party that he or she has a right to a hearing to dispute the determination that the vessel is derelict or otherwise in violation of the law. If a request for a hearing is made, a state agency shall follow the processes set forth in s. 120.569. Local government entities shall follow the processes set forth in s. 120.569, except that a local judge, magistrate, or code enforcement officer may be designated to conduct such a hearing. If, at the end of 5 days after posting the notice in sub-subparagraph 1.a., or at the end of 21 days after posting the notice in sub-subparagraph 1.b., and mailing such notice, if required, the owner or any person interested in the lost or abandoned article or articles described has not removed the article or articles from public property or shown reasonable cause for failure to do so, and, in the case of a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), has not requested a hearing in accordance with this section, the following shall apply:

a. ~~(a)~~ For abandoned property other than a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the law enforcement agency may retain any or all of the property for its own use or for use by the state or unit

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of local government, trade such property to another unit of local government or state agency, donate the property to a charitable organization, sell the property, or notify the appropriate refuse removal service.

b. For a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the law enforcement agency or its designee may:

(I) Remove the vessel from the waters of this state and destroy and dispose of the vessel or authorize another governmental entity or its designee to do so; or

(II) Authorize the vessel's use as an artificial reef in accordance with s. 379.249 if all necessary federal, state, and local authorizations are received.

A law enforcement agency or its designee may also take action as described in this sub-subparagraph if, following a hearing pursuant to this section, the judge, magistrate, administrative law judge, or hearing officer has determined the vessel to be derelict as provided in s. 823.11 or otherwise in violation of the law in accordance with s. 327.73(1)(aa) and a final order has been entered or the case is otherwise closed.

(b) For lost property, the officer shall take custody and the agency shall retain custody of the property for 90 days. The agency shall publish notice of the intended disposition of the property, as provided in this section, during the first 45 days of this time period.

1. If the agency elects to retain the property for use by the unit of government, donate the property to a charitable organization, surrender such property to the finder, sell the

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property, or trade the property to another unit of local government or state agency, notice of such election shall be given by an advertisement published once a week for 2 consecutive weeks in a newspaper of general circulation in the county where the property was found if the value of the property is more than \$100. If the value of the property is \$100 or less, notice shall be given by posting a description of the property at the law enforcement agency where the property was turned in. The notice must be posted for not less than 2 consecutive weeks in a public place designated by the law enforcement agency. The notice must describe the property in a manner reasonably adequate to permit the rightful owner of the property to claim it.

2. If the agency elects to sell the property, it must do so at public sale by competitive bidding. Notice of the time and place of the sale shall be given by an advertisement of the sale published once a week for 2 consecutive weeks in a newspaper of general circulation in the county where the sale is to be held. The notice shall include a statement that the sale shall be subject to any and all liens. The sale must be held at the nearest suitable place to that where the lost or abandoned property is held or stored. The advertisement must include a description of the goods and the time and place of the sale. The sale may take place no earlier than 10 days after the final publication. If there is no newspaper of general circulation in the county where the sale is to be held, the advertisement shall be posted at the door of the courthouse and at three other public places in the county at least 10 days prior to sale. Notice of the agency's intended disposition shall describe the

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property in a manner reasonably adequate to permit the rightful owner of the property to identify it.

(4) The owner of any abandoned or lost property who, after notice as provided in this section, does not remove such property within the specified period shall be liable to the law enforcement agency, other governmental entity, or the agency's or entity's designee for all costs of removal, storage, and destruction of such property, less any salvage value obtained by disposal of the property. Upon final disposition of the property, the law enforcement officer or representative of the law enforcement agency or other governmental entity shall notify the owner, if known, of the amount owed. In the case of an abandoned vessel or motor vehicle, any person who neglects or refuses to pay such amount is not entitled to be issued a certificate of registration for such vessel or motor vehicle, or any other vessel or motor vehicle, until such costs have been paid. A person who has neglected or refused to pay all costs of removal, storage, and destruction of a vessel or motor vehicle as provided in this section, after having been provided written notice via certified mail that such costs are owed, and who applies for and is issued a registration for a vessel or motor vehicle before such costs have been paid in full commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. The law enforcement officer or representative of the law enforcement agency or other governmental entity shall supply the Department of Highway Safety and Motor Vehicles with a list of persons whose vessel registration privileges and ~~or whose~~ motor vehicle privileges have been revoked under this subsection. ~~Neither~~ The department

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or a ~~nor any other~~ person acting as an agent of the department may ~~not~~ ~~thereof shall~~ issue a certificate of registration to a person whose vessel and ~~or~~ motor vehicle registration privileges have been revoked, as provided by this subsection, until such costs have been paid.

Section 25. Subsections (1), (2), and (3) of section 823.11, Florida Statutes, are amended to read:

823.11 Derelict vessels; relocation or removal; penalty.—

(1) As used in this section and s. 376.15, the term:

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

(b) "Derelict vessel" means a vessel, as defined in s. 327.02, that is ~~left, stored, or abandoned~~:

1. In a wrecked, junked, or substantially dismantled condition upon any public waters of this state.

a. A vessel is wrecked if it is sunken or sinking; aground without the ability to extricate itself absent mechanical assistance; or remaining after a marine casualty, including, but not limited to, a boating accident, extreme weather, or a fire.

b. A vessel is junked if it has been substantially stripped of vessel components, if vessel components have substantially degraded or been destroyed, or if the vessel has been discarded by the owner or operator. Attaching an outboard motor to a vessel that is otherwise junked will not cause the vessel to no longer be junked if such motor is not an effective means of propulsion as required by s. 327.4107(2) (e) and associated rules.

c. A vessel is substantially dismantled if at least two of the three following vessel systems or components are missing,

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compromised, incomplete, inoperable, or broken:

(I) The steering system;

(II) The propulsion system; or

(III) The exterior hull integrity.

Attaching an outboard motor to a vessel that is otherwise substantially dismantled will not cause the vessel to no longer be substantially dismantled if such motor is not an effective means of propulsion as required by s. 327.4107(2)(e) and associated rules.

2. At a port in this state without the consent of the agency having jurisdiction thereof.

3. Docked, grounded, or beached upon the property of another without the consent of the owner of the property.

(c) "Gross negligence" means conduct so reckless or wanting in care that it constitutes a conscious disregard or indifference to the safety of the property exposed to such conduct.

(d) "Willful misconduct" means conduct evidencing carelessness or negligence of such a degree or recurrence as to manifest culpability, wrongful intent, or evil design or to show an intentional and substantial disregard of the interests of the vessel owner.

(2) ~~It is unlawful for~~ A person, firm, or corporation may not ~~to~~ store, leave, or abandon any derelict vessel in this state.

(3) The commission, an officer ~~officers~~ of the commission, or a ~~and any~~ law enforcement agency or officer specified in s. 327.70 may ~~are authorized and empowered to~~ relocate, remove, or

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1509 cause to be relocated or removed a derelict vessel from public
1510 waters of this state as defined in s. 327.02 if the derelict
1511 vessel obstructs or threatens to obstruct navigation or in any
1512 way constitutes a danger to the environment, property, or
1513 persons. The commission, an officer ~~officers~~ of the commission,
1514 or any other law enforcement agency or officer acting pursuant
1515 to ~~under~~ this subsection to relocate, remove, or cause to be
1516 relocated or removed a derelict vessel from public waters of
1517 this state shall be held harmless for all damages to the
1518 derelict vessel resulting from such relocation or removal unless
1519 the damage results from gross negligence or willful misconduct.

1520 (a) Removal of derelict vessels under this subsection may
1521 be funded by grants provided in ss. 206.606 and 376.15. The
1522 commission shall implement a plan for the procurement of any
1523 available federal disaster funds and use such funds for the
1524 removal of derelict vessels.

1525 (b) All costs, including costs owed to a third party,
1526 incurred by the commission, another ~~or other~~ law enforcement
1527 agency, or a governmental subdivision, when the governmental
1528 subdivision has received authorization from a law enforcement
1529 officer or agency, in the relocation or removal of a derelict
1530 vessel are recoverable against the vessel owner. The Department
1531 of Legal Affairs shall represent the commission in actions to
1532 recover such costs. As provided in s. 705.103(4), a person who
1533 neglects or refuses to pay such costs may not be issued a
1534 certificate of registration for such vessel or for any other
1535 vessel or motor vehicle until such costs have been paid. A
1536 person who has neglected or refused to pay all costs of removal,
1537 storage, and destruction of a derelict vessel as provided in

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1538 this section, after having been provided written notice via
1539 certified mail that such costs are owed, and who applies for and
1540 is issued a registration for a vessel or motor vehicle before
1541 such costs have been paid in full commits a misdemeanor of the
1542 first degree, punishable as provided in s. 775.082 or s.
1543 775.083.

1544 (c) A contractor performing relocation or removal
1545 activities at the direction of the commission, an officer
1546 ~~officers~~ of the commission, ~~or~~ a law enforcement agency or
1547 officer, or a governmental subdivision, when the governmental
1548 subdivision has received authorization for the relocation or
1549 removal from a law enforcement officer or agency, pursuant to
1550 this section must be licensed in accordance with applicable
1551 United States Coast Guard regulations where required; obtain and
1552 carry in full force and effect a policy from a licensed
1553 insurance carrier in this state to insure against any accident,
1554 loss, injury, property damage, or other casualty caused by or
1555 resulting from the contractor's actions; and be properly
1556 equipped to perform the services to be provided.

1557 Section 26. Except as otherwise expressly provided in this
1558 act, this act shall take effect July 1, 2021.

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 Environment and Natural Resources

BILL: SB 1482

INTRODUCER: Senator Garcia

SUBJECT: Biscayne Bay

DATE: March 12, 2021

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Schreiber	Rogers	EN	Favorable
2. _____	_____	AEG	_____
3. _____	_____	AP	_____

I. Summary:

SB 1482 creates the Biscayne Bay Commission to coordinate and advocate for new and existing plans and programs for improvement of Biscayne Bay and the surrounding areas. The commission is authorized to seek and receive funding. The bill does not affect or supersede the regulatory authority or responsibilities of any governmental entity, but the commission is authorized to accept any specifically defined coordinating authority or functions delegated to it.

The bill requires that the commission consist of a policy committee, a chief officer, and a working group. The policy committee must be comprised of members of state, local, and federal government entities and it must meet at least quarterly. The chief officer must represent the commission to different groups and implement its plans. The working group must consist of all government agencies with jurisdiction in the bay area, and representatives from business and civic groups.

The bill establishes powers and duties for the commission's policy committee, including:

- Hire the commission's chief officer and employ any necessary additional staff.
- Establish the working group.
- Accept any specifically defined coordinating authority or function delegated to it.
- Prepare a coordinated strategic plan and an integrated financial plan.
- Publish a semiannual report and distribute it to specified groups.
- Seek grant funding from public and private sources.
- Provide technical assistance and support, a clearinghouse for information, and a forum for conflict resolution.

The bill also prohibits sewage disposal facilities from disposing of any wastes into Biscayne Bay or its tributaries without providing advanced waste treatment.

II. Present Situation:

Biscayne Bay

Biscayne Bay is a 428-square mile estuary extending nearly the entire length of Miami-Dade County.¹ The Bay is home to over 500 species of fish and other marine organisms, and it is a source of sustenance, economic activity, and recreational opportunities for nearly 2.8 million residents and millions of visitors each year.² Historically, Biscayne Bay would receive freshwater from the Everglades through coastal water bodies and wetlands, as well as groundwater discharges.³ The shoreline originally consisted of mangroves and freshwater and saltwater marshes, and the estuary's benthic (bottom) habitat was dominated by seagrasses, corals, and sponges.⁴ The Bay is part of a watershed that covers most of Miami-Dade County, and today the land to the west of the Bay is generally characterized by three major regions: a highly urbanized northern region enclosed with islands, a central suburban region that is highly urbanized, and a southern region that is used largely for agriculture.⁵

Around the mid-1900's, environmental conditions in Biscayne Bay began to change in response to rapid population growth in southeast Florida and large-scale drainage and flood protection systems along the coast, including the Central and Southern Florida (C&SF) project.⁶ Natural sheet flow and groundwater discharges into the Bay were almost completely eliminated due to conversion of rivers and creeks into canals, construction of levies, and development of urban and agricultural areas.⁷ The coastal water table has been lowered, which increases saltwater encroachment.⁸ Destruction of coastal wetlands eliminated natural filtration of pollutants, and increased runoff from urbanized and agricultural areas have increased nutrient loading, decreasing water quality in the Bay.⁹ In recent years, the Bay has experienced widespread loss of seagrass and decreasing biodiversity.¹⁰ Since 2005, the Bay has experienced six major ecological events, including algal blooms, seagrass die-offs, and a fish kill in 2020.¹¹

¹ Biscayne Bay Task Force, *A Unified Approach to Recovery for a Healthy & Resilient Biscayne Bay*, Biscayne Bay Task Force Report and Recommendations (June 2020)[hereinafter 2020 Task Force Report], available at [https://ecmrer.miamidade.gov/OpenContent/rest/content/content/MANAGEMENT%20PLAN.pdf?id=0902a1348f07bc65&contentType\[\]=pdf,txt,*/true](https://ecmrer.miamidade.gov/OpenContent/rest/content/content/MANAGEMENT%20PLAN.pdf?id=0902a1348f07bc65&contentType[]=pdf,txt,*/true) (last visited Mar. 8, 2021).

² *Id.* at 4; USACE, *Biscayne Bay Coastal Wetlands Project*, <https://www.saj.usace.army.mil/BBCW/> (last visited Mar. 9, 2021).

³ Anna Wachnicka, SFWMD, Governing Board Workshop, *Ecological Characteristics of Biscayne Bay*, slide 3 (Dec. 9, 2020), available at <https://apps.sfwmd.gov/ci/publicmeetings/viewFile/26871> (last visited Mar. 9, 2021).

⁴ Anna Wachnicka, SFWMD, Governing Board Workshop, video around 0:11:00 (Dec. 9, 2020), available at <http://sfwmd.igm2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=2043&Format=Agenda> (last visited Mar. 9, 2021).

⁵ Lawrence Glenn, SFWMD, Governing Board Workshop, *Biscayne Bay Workshop*, slides 2-4 (Dec. 9, 2020), available at <https://apps.sfwmd.gov/ci/publicmeetings/viewFile/26870> (last visited Mar. 9, 2021).

⁶ *Id.*; see Matahal Ansar, SFWMD, Governing Board Workshop, *Operations of C&SF Water Control Structures Discharging to Biscayne Bay*, slide 3 (Dec. 9, 2020), available at <https://apps.sfwmd.gov/ci/publicmeetings/viewFile/26872> (last visited Mar. 9, 2021).

⁷ Anna Wachnicka, SFWMD, *Governing Board Workshop*, video around 0:14:00 (Dec. 9, 2020).

⁸ *Id.*

⁹ *Id.*

¹⁰ Anna Wachnicka, SFWMD, Governing Board Workshop, *Ecological Characteristics of Biscayne Bay*, slides 3, 8-10, 21 (Dec. 9, 2020), available at <https://apps.sfwmd.gov/ci/publicmeetings/viewFile/26871> (last visited Mar. 9, 2021).

¹¹ Christian Avila, SFWMD, Governing Board Workshop, *Water Quality of the Biscayne Bay Watershed*, 4-5 (Dec. 9, 2020), available at <https://apps.sfwmd.gov/ci/publicmeetings/viewFile/26873> (last visited Mar. 9, 2021).

Today, the Bay receives pulsed, point source discharges from canals, in addition to rainfall and groundwater discharges.¹² The Bay currently faces numerous sources of pollution including pet waste, fertilizer, yard clippings, leaking sewer infrastructure, and septic tank effluent.¹³ Challenges presented by storms and sea level rise compound and complicate these issues.¹⁴

The Bay is managed mainly by the Department of Environmental Protection (DEP) or the National Park Service within the U.S. Department of the Interior. Biscayne Bay contains or abuts numerous areas designated as having special ecological significance and legal protections at the national, state, and local levels. These areas include the following:

- Miami-Dade County Aquatic Park and Conservation Area.¹⁵
- Biscayne Bay Aquatic Preserve.¹⁶
- Biscayne Bay-Cape Florida to Monroe County Line Aquatic Preserve.¹⁷
- Bill Sadowski Critical Wildlife Area.¹⁸
- Bill Baggs Cape Florida State Park.¹⁹
- Biscayne National Park.²⁰
- Florida Keys National Marine Sanctuary.²¹

Biscayne Bay is subject to estuary-specific numeric nutrient criteria that are established by DEP.²² Under DEP's rules, the waters in Biscayne Bay's state aquatic preserves and Biscayne National Park are designated as Outstanding Florida Waters.²³

The Comprehensive Everglades Restoration Plan (CERP) is a regional program, implemented through a partnership between the South Florida Water Management District (SFWMD) and the U.S. Army Corps of Engineers (USACE), largely based on modifications to the C&SF project.²⁴ Recently, in partnership with USACE, the SFWMD began the Biscayne Bay and Southeastern Everglades Restoration initiative, a planning feasibility study involving six CERP component projects.²⁵ The objectives of the study include improving distribution of freshwater to Biscayne

¹² 2020 Task Force Report, at 4.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ See Miami-Dade County Code of Ordinances, s. 24-48.22.

¹⁶ Section 258.397, F.S. The law prohibits the discharge into the preserve of wastes or effluents which substantially inhibit the purposes of the section.

¹⁷ See s. 258.39(11), F.S.

¹⁸ FWC, Bill Sadowski CWA, <https://myfwc.com/conservation/terrestrial/cwa/bill-sadowski/> (last visited Mar. 9, 2021).

¹⁹ DEP, Bill Baggs Cape Florida State Park, <https://www.floridastateparks.org/parks-and-trails/bill-baggs-cape-florida-state-park> (last visited Mar. 9, 2021).

²⁰ NPS, Biscayne National Park, <https://www.nps.gov/bisc/index.htm> (last visited Mar. 9, 2021).

²¹ NOAA, Florida Keys National Marine Sanctuary, <https://floridakeys.noaa.gov/> (last visited Mar. 9, 2021).

²² Fla. Admin. Code R. 62-302.532(1)(h).

²³ Fla. Admin. Code R. 62-302.700(9).

²⁴ USACE and DOI, 2015-2020 Momentum, Report to Congress, Comprehensive Everglades Restoration Plan, Central and Southern Florida Project, 6 (Dec. 2020), available at https://issuu.com/usace_saj/docs/final_2020_report_to_congress_on_cerp_progress_hig (last visited Jan. 18, 2021).

²⁵ Mindy Parrott, SFWMD, Governing Board Workshop, Biscayne Bay and Southeastern Everglades Restoration (BBSEER), Comprehensive Everglades Restoration Plan, 2 (Dec. 9, 2020), available at <https://apps.sfwmd.gov/ci/publicmeetings/viewFile/26877> (last visited Mar. 9, 2021).

Bay, improving ecological and hydrological connectivity between coastal wetlands, and increasing resiliency of costal habitats to sea level rise.²⁶

In August of 2019, a grand jury convened by the Miami-Dade State Attorney's Office issued a report finding that Biscayne Bay is now in a "precarious balance," with three major problems negatively impacting the water quality of the Bay:

- Sewage contamination, which results in excessive amounts of harmful bacteria;
- The presence of excess nutrients, which results in destructive algal blooms; and
- Pollution and littering, which result in massive amounts of trash being discharged into the bay via the storm drainage system.²⁷

The report stated that, without corrective action, the declining water quality of Biscayne Bay may become irreversible.²⁸

Biscayne Bay Task Force

In 2019, the Miami-Dade Board of County Commissioners established by resolution the Biscayne Bay Task Force (Task Force).²⁹ The Task Force was established to advise the Board of County Commissioners and Mayor of Miami-Dade County on issues related to Biscayne Bay.³⁰ It was required to review existing information, hear comments from County staff and stakeholders, and prepare a report including: an action plan identifying problem areas and projects, and recommendations regarding proposed state and federal legislation, activities or appropriations.³¹ Membership consisted of nine County residents including the Director of the County Division of Environmental Resources Management, the County's Chief Resilience Officer, experts in a range of issues, and other community members engaged on the issues.³² Ultimately, the Task Force met 18 times and received approximately 35 presentations regarding Biscayne Bay from a broad array of stakeholders.³³ The Task Force submitted its report in June of 2020 and dissolved in August of 2020.

In the report, the Task Force recommends a unified and collaborative approach to restoring Biscayne Bay. The report recommends establishment of an overarching administrative structure to implement the report's recommendations.³⁴ This recommended structure involves Miami-Dade County creating: an intergovernmental Biscayne Bay Watershed Management Board supported by necessary experts and community input, a Chief Bay Officer in the Office of the

²⁶ *Id.* at 3.

²⁷ Miami-Dade County Grand Jury, *Final Report of the Miami-Dade County Grand Jury: Fall Term A.D. 2018*, 2 (Aug. 8, 2019), available at <https://www.documentcloud.org/documents/6248684-Grand-Jury-Report-Biscayne-Bay.html> (last visited Mar. 9, 2021). In general, the report discusses many topics including direct discharge of sewage into the ocean, leaking sewer pipes, single use plastics, sediment, stormwater runoff, agricultural activities, and contamination of the Biscayne Aquifer through septic tanks and hypersaline water in cooling canals associated with a power plant.

²⁸ *Id.*

²⁹ Miami-Dade County, *Biscayne Bay Task Force*, <https://www.miamidade.gov/global/government/taskforce/biscayne-bay-task-force.page> (last visited Mar. 8, 2021).

³⁰ Miami-Dade County Board of County Commissioners, *Resolution No. 165-19*, 2-4 (Feb. 5, 2019), available at <https://www.miamidade.gov/global/government/taskforce/biscayne-bay-task-force.page> (last visited Mar. 8, 2021).

³¹ *Id.* at 5.

³² *Id.* at 6.

³³ See *2020 Task Force Report*, at 2.

³⁴ *Id.* at 7.

Mayor, and a Biscayne Bay Watershed Restoration Plan, developed and implemented by the watershed management board, which implements the recommendations of the Task Force.³⁵ The report contains over 60 Task Force recommendations under the following seven policy themes:

- Water Quality.
- Governance.
- Infrastructure.
- Watershed Habitat Restoration and Natural Infrastructure.
- Marine Debris.
- Education and Outreach.
- Funding.³⁶

Advanced Waste Treatment

Chapter 403, F.S., requires that any facility or activity which discharges wastes into waters of the state or which will reasonably be expected to be a source of water pollution must obtain a permit from DEP.³⁷ Generally, persons who intend to collect, transmit, treat, dispose, or reuse wastewater are required to obtain a wastewater permit. A wastewater permit issued by DEP is required for both operation and certain construction activities associated with domestic or industrial wastewater facilities or activities. A DEP permit must also be obtained prior to construction of a domestic wastewater collection and transmission system.³⁸

Florida law prohibits sewage disposal facilities from disposing of any wastes into certain specified water bodies,³⁹ or into any river, stream, channel, canal, bay, bayou, sound, or other water tributary thereto, without providing advanced waste treatment that is approved by the DEP.⁴⁰ The applicable standard for advanced waste treatment is defined in statute using the maximum concentrations of nutrients or contaminants that a reclaimed water product may contain.⁴¹ The reclaimed water product may contain no more, on a permitted annual average basis, than the concentrations listed in the table below.⁴² The standard also requires high-level disinfection, as defined in rule by DEP.⁴³

These requirements do not prohibit or regulate septic tanks or other means of individual waste disposal which are otherwise subject to state regulation.⁴⁴

³⁵ *Id.* at 7.

³⁶ *Id.* at 9-29, 39-40.

³⁷ Section 403.087, F.S.

³⁸ DEP, *Wastewater Permitting*, <https://floridadep.gov/water/domestic-wastewater/content/wastewater-permitting> (last visited Mar. 9, 2021).

³⁹ Section 403.086, (1)(c), F.S. These specified water bodies are: Old Tampa Bay, Tampa Bay, Hillsborough Bay, Boca Ciega Bay, St. Joseph Sound, Clearwater Bay, Sarasota Bay, Little Sarasota Bay, Roberts Bay, Lemon Bay, Charlotte Harbor Bay, and, beginning July 1, 2025, Indian River Lagoon; ch. 86-173, s. 2, Laws of Fla. This prohibition was originally passed in 1987; ch. 2020-150, s. 17, Laws of Fla. The prohibition was amended in 2020.

⁴⁰ Section 403.086, (1)(c), F.S.

⁴¹ Section 403.086(4), F.S.

⁴² *Id.*

⁴³ Section 403.086(4)(b), F.S.; Fla. Admin. Code R. 62-600.440(6).

⁴⁴ Section 403.086(3), F.S.

Nutrient or Contaminant	Maximum Concentration Annually
Biochemical Oxygen Demand	5 mg/L
Suspended Solids	5 mg/L
Total Nitrogen	3 mg/L
Total Phosphorus ⁴⁵	1 mg/L

When a reclaimed water product has been established to be in compliance with these standards, that water is presumed to be allowable, and its discharge is permitted in the specified waters at a reasonably accessible point where such discharge results in minimal negative impact.⁴⁶ This presumption may only be overcome by a demonstration that one or more of the following would occur:

- Discharging the reclaimed water meeting the advanced waste treatment standard will be, by itself, a cause of considerable degradation to an Outstanding Florida Water or to other waters, and is not clearly in the public interest.
- The reclaimed water discharge will have a substantial negative impact on an approved shellfish harvesting area or a water used as a public domestic water supply.
- The increased volume of fresh water contributed by the reclaimed water product will seriously alter the natural fresh-salt water balance of the receiving water after reasonable opportunity for mixing.⁴⁷

If one of these three conditions has been demonstrated, remedies may include, but are not limited to: requiring more stringent effluent limitations, ordering the point or method of discharge changed, limiting the duration or volume of the discharge, or prohibiting the discharge only if no other alternative is in the public interest.⁴⁸

III. Effect of Proposed Changes:

Section 1 creates s. 163.11, F.S., entitled “Biscayne Bay Commission.”

The bill establishes the Biscayne Bay Commission (Commission) as the official coordinating clearinghouse for all public policy and projects related to Biscayne Bay. The purposes of the Commission are to unite all governmental agencies, businesses, and residents in the areas to speak with one voice on bay issues; to develop coordinated plans, priorities, programs, projects, and budgets that might substantially improve the bay area; and to act as the principal advocate and watchdog to ensure that bay projects are funded and implemented in a proper and timely manner. The bill requires the Commission, except as otherwise provided in the bill, to comply with s. 20.052, F.S., which contains requirements for establishing, evaluating, or maintaining commissions that are created by specific statutory enactment.

The bill authorizes the Commission to seek and receive funding to further its coordinating authority or functions regarding bay improvement projects of the Commission. The bill states

⁴⁵ Section 403.086(4), F.S. In waters where phosphorus has been shown not to be a limiting nutrient or contaminant, DEP is authorized to waive or alter the compliance levels for phosphorus until there is a demonstration that phosphorus is a limiting nutrient or a contaminant.

⁴⁶ Section 403.086(5), F.S.

⁴⁷ Section 403.086(5)(a), F.S.

⁴⁸ Section 403.086(5)(b), F.S.

that it does not affect or supersede the regulatory authority of any governmental agency or any local government, and that any responsibilities of any governmental entity relating to Biscayne Bay remain with the respective governmental entity. However, the bill authorizes the Commission to accept any specifically defined coordinating authority or functions delegated to the Commission by any governmental entity through a memorandum of understanding or other legal instrument. The bill requires the Commission to use powers of persuasion to achieve its objectives through the process of building a consensus work plan and through widespread publication of regular progress reports.

The Commission must consist of the following:

- Policy Committee. The policy committee must meet quarterly and may meet monthly. The membership of the policy committee is comprised of the following, and all members are voting members:
 - Three members of the Miami-Dade Board of County Commissioners;
 - Three members of the Miami-Dade County League of Cities;
 - One member of the South Florida Water Management District Governing Board who resides in Miami-Dade County;
 - One representative of the Department of Environmental Protection (DEP);
 - One representative of the Fish and Wildlife Conservation Commission;
 - One representative of the Florida Inland Navigation District;⁴⁹ and
 - One representative of the United States Department of the Interior.
- Chief Officer. The bill authorizes the chief officer to represent the Commission and implement all policies, plans, and programs of the Commission. The chief officer must advise the Miami-Dade County Mayor and act as a liaison with county departments, county boards, external agencies, stakeholder groups, and local, state, and federal governments.
- Working Group. The working group must consist of all governmental agencies that have jurisdiction in the Biscayne Bay area, as well as representatives from business and civic associations.

The bill establishes for the Commission's policy committee the following powers and duties:

- Consolidate existing plans, programs, and proposals, including the recommendations outlined in the June 2020 Biscayne Bay Task Force report, into a coordinated strategic plan for improvement of Biscayne Bay and the surrounding areas. The plan must address environmental, economic, social, recreational, and aesthetic issues. The committee must monitor the progress on each element of the coordinated strategic plan and revise it regularly.
- Prepare an integrated financial plan using the different jurisdictional agencies available for projected financial resources. The committee must monitor the progress on each element of the integrated financial plan and revise it regularly.
- Provide technical assistance and political support as needed to help implement each element of the strategic and financial plans.
- Accept any specifically defined coordinating authority or function delegated to the committee by any level of government through a memorandum of understanding or other legal instrument.

⁴⁹ See Florida Inland Navigation District, <http://www.aicw.org/> (last visited March 9, 2021). The Florida Inland Navigation District is a special State taxing district for the continued management and maintenance of the Atlantic Intracoastal Waterway, commonly referred to as M-95 marine highway.

- Publicize a semiannual report describing the accomplishments of the Commission and each member agency, as well as the status of each pending task. The committee must distribute the report to:
 - The Miami City Commission;
 - The Miami-Dade County Board of County Commissioners;
 - The Mayor of Miami;
 - The Mayor of Miami-Dade County;
 - The Governor;
 - The chair of the Miami-Dade County Legislative Delegation;
 - Stakeholders; and
 - The local media.
- Seek grants from public and private sources and receive grant funds to provide for the enhancement of its coordinating authority, functions, and activities, and administer contracts that achieve these goals.
- Provide a forum for the exchange of information and facilitate the resolution of conflicts.
- Act as a clearinghouse for public information and conduct public education programs.
- Establish the Biscayne Bay working group, appoint members to the group, and organize subcommittees, delegate tasks, and seek counsel from members of the working group as necessary to carry out the powers and duties of the policy committee listed in the bill.
- Elect officers and adopt rules of procedure as necessary to carry out the powers and duties of the policy committee and solicit appointing authorities to name replacements for policy committee members who do not participate on a regular basis.
- Hire the Commission's chief officer and employ any additional staff necessary to assist the chief officer.

Section 2 amends s. 403.086, F.S., which establishes waste treatment requirements for sewage disposal facilities.

The bill prohibits sewage disposal facilities from disposing of any wastes into Biscayne Bay, or into any river, stream, channel, canal, bay, bayou, sound, or other water tributary thereto, without providing advanced waste treatment, as defined in s. 403.086(4), F.S., approved by DEP. This requirement does not apply to facilities which were permitted by February 1, 1987, and which discharge secondary treated effluent, followed by water hyacinth treatment, to tributaries of tributaries of Biscayne Bay.

Section 3 states that the act shall take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill prohibits sewage disposal facilities from disposing of wastes into Biscayne Bay or its tributaries without providing advanced waste treatment. This may result in indeterminate increased costs to private sewage disposal facilities in the areas surrounding Biscayne Bay.

C. Government Sector Impact:

The bill creates a commission that must meet at least quarterly, and part of it must consist of members from specified local, state, and federal government entities. This may result in indeterminate increased costs to the government entities required to provide one or more members. The commission is authorized to seek and receive funding, including grant funding, to further or enhance its purposes. Pursuant to s. 20.052(4)(d), F.S., members may be authorized to receive per diem and reimbursement for travel expenses.

The bill prohibits sewage disposal facilities from disposing of wastes into Biscayne Bay or its tributaries without providing advanced waste treatment. This may result in indeterminate increased costs to public sewage disposal facilities in the areas surrounding Biscayne Bay.

VI. Technical Deficiencies:

The bill requires the commission, except as otherwise provided therein, to comply with s. 20.052, F.S., which applies to a commission created by statute as an adjunct to an executive agency. The bill does not specify an executive agency to which the commission is made an adjunct. Section 20.052, F.S., requires any commission to conform with definitions in s. 20.03, F.S., which defines “commission” as a body within a department or other specified executive offices. Also, the bill does not specify the process by which members of the policy committee are appointed. An amendment is recommended that creates the commission adjunct to the

Department of Environmental Protection, and expressly describes the process for appointing members to the commission.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 163.11 of the Florida Statutes.

This bill substantially amends section 403.086 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.)

None.

B. Amendments:

None.

By Senator Garcia

37-01395-21

20211482__

A bill to be entitled
An act relating to Biscayne Bay; creating s. 163.11,
F.S.; establishing the Biscayne Bay Commission;
providing for commission purpose, membership, duties,
and authority; amending s. 403.086, F.S.; prohibiting
sewage disposal facilities from disposing of any
wastes into Biscayne Bay; providing an effective date.

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

Section 1. Section 163.11, Florida Statutes, is created to
read:

163.11 Biscayne Bay Commission.—

(1) (a) The Biscayne Bay Commission is hereby established as
the official coordinating clearinghouse for all public policy
and projects related to Biscayne Bay to unite all governmental
agencies, businesses, and residents in the area to speak with
one voice on bay issues; to develop coordinated plans,
priorities, programs, projects, and budgets that might
substantially improve the bay area; and to act as the principal
advocate and watchdog to ensure that bay projects are funded and
implemented in a proper and timely manner. The commission shall
comply with the requirements of s. 20.052 except as otherwise
provided in this section.

(b) The commission may seek and receive funding to further
its coordinating authority or functions regarding bay
improvement projects of the commission. This act does not affect
or supersede the regulatory authority of any governmental agency
or any local government, and any responsibilities of any

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30 governmental entity relating to Biscayne Bay remain with the
31 respective governmental entity. However, the commission may
32 accept any specifically defined coordinating authority or
33 functions delegated to the commission by any governmental entity
34 through a memorandum of understanding or other legal instrument.
35 The commission shall use powers of persuasion to achieve its
36 objectives through the process of building a consensus work plan
37 and through widespread publication of regular progress reports.

38 (2) The Biscayne Bay Commission shall consist of:

39 (a) A policy committee comprised of three members of the
40 Miami-Dade Board of County Commissioners; three members of the
41 Miami-Dade County League of Cities; one member of the South
42 Florida Water Management District Governing Board who resides in
43 Miami-Dade County; one representative of the Department of
44 Environmental Protection; one representative of the Fish and
45 Wildlife Conservation Commission; one representative of the
46 Florida Inland Navigation District; and one representative of
47 the United States Department of the Interior. All members shall
48 be voting members. The policy committee may meet monthly, but
49 shall meet at least quarterly.

50 (b) A chief officer, who shall be authorized to represent
51 the commission and to implement all policies, plans, and
52 programs of the commission. The chief officer shall advise the
53 Miami-Dade County Mayor and act as a liaison with county
54 departments, county boards, external agencies, stakeholder
55 groups, and local, state, and federal governments.

56 (c) A working group consisting of all governmental agencies
57 that have jurisdiction in the Biscayne Bay area, as well as
58 representatives from business and civic associations.

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59 (3) The policy committee shall have the following powers
60 and duties:

61 (a) Consolidate existing plans, programs, and proposals,
62 including the recommendations outlined in the June 2020 Biscayne
63 Bay Task Force report, into a coordinated strategic plan for
64 improvement of Biscayne Bay and the surrounding areas,
65 addressing environmental, economic, social, recreational, and
66 aesthetic issues. The committee shall monitor the progress on
67 each element of such plan and shall revise the plan regularly.

68 (b) Prepare an integrated financial plan using the
69 different jurisdictional agencies available for projected
70 financial resources. The committee shall monitor the progress on
71 each element of such plan and revise the plan regularly.

72 (c) Provide technical assistance and political support as
73 needed to help implement each element of the strategic and
74 financial plans.

75 (d) Accept any specifically defined coordinating authority
76 or function delegated to the committee by any level of
77 government through a memorandum of understanding or other legal
78 instrument.

79 (e) Publicize a semiannual report describing
80 accomplishments of the commission and each member agency, as
81 well as the status of each pending task. The committee shall
82 distribute the report to the Miami City Commission, the Miami-
83 Dade County Board of County Commissioners, the Mayor of Miami,
84 the Mayor of Miami-Dade County, the Governor, the chair of the
85 Miami-Dade County Legislative Delegation, stakeholders, and the
86 local media.

87 (f) Seek grants from public and private sources and receive

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grant funds to provide for the enhancement of its coordinating authority and functions and activities and administer contracts that achieve these goals.

(g) Provide a forum for the exchange of information and facilitate the resolution of conflicts.

(h) Act as a clearinghouse for public information and conduct public education programs.

(i) Establish the Biscayne Bay working group, appoint members to the group, and organize subcommittees, delegate tasks, and seek counsel from members of the working group as necessary to carry out the powers and duties listed in this subsection.

(j) Elect officers and adopt rules of procedure as necessary to carry out the powers and duties listed in this subsection and solicit appointing authorities to name replacements for policy committee members who do not participate on a regular basis.

(k) Hire the commission's chief officer and employ any additional staff necessary to assist the chief officer.

Section 2. Paragraph (c) of subsection (1) of section 403.086, Florida Statutes, is amended to read:

403.086 Sewage disposal facilities; advanced and secondary waste treatment.—

(1)

(c) Notwithstanding this chapter or chapter 373, sewage disposal facilities may not dispose of any wastes into Old Tampa Bay, Tampa Bay, Hillsborough Bay, Boca Ciega Bay, St. Joseph Sound, Clearwater Bay, Sarasota Bay, Little Sarasota Bay, Roberts Bay, Lemon Bay, Charlotte Harbor Bay, Biscayne Bay, or,

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beginning July 1, 2025, Indian River Lagoon, or into any river,
stream, channel, canal, bay, bayou, sound, or other water
tributary thereto, without providing advanced waste treatment,
as defined in subsection (4), approved by the department. This
paragraph does not apply to facilities which were permitted by
February 1, 1987, and which discharge secondary treated
effluent, followed by water hyacinth treatment, to tributaries
of tributaries of the named waters; or to facilities permitted
to discharge to the nontidally influenced portions of the Peace
River.

Section 3. 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 Environment and Natural Resources

BILL: SB 1752

INTRODUCER: Senator Rodriguez

SUBJECT: Independent Special District Utilities

DATE: March 12, 2021

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Schreiber	Rogers	EN	Pre-meeting
2. _____	_____	CA	_____
3. _____	_____	RC	_____

I. Summary:

SB 1752 directs the Department of Environmental Protection (DEP) to amend Rule 18-21.005 of the Florida Administrative Code, to provide an exception from authorization requirements under Chapter 18-21 of the Florida Administrative Code, for construction or maintenance of a water or sewer system in accordance with s. 153.04, F.S., by an independent special district utility, provided the required location map, plans, and drawings for such water or sewer system are submitted to the Board of Trustees of the Internal Improvement Trust Fund.

II. Present Situation:

Construction and Maintenance of Water and Sewer Systems

Chapter 153, F.S., authorizes a county government to purchase, construct, operate, and/or maintain water supply systems¹ or sewage disposal systems,² and improvements thereto, within such county or adjoining counties.³ Whenever a county commission chooses to exercise this authority it must make or cause to be made surveys, investigations, studies, borings, maps, plans,

¹ Section 153.02(3), F.S. "Water system" is defined to include "any plant, wells, pipes, tanks, reservoirs, system, facility, or property used or useful or having the present capacity for future use in connection with the obtaining and supplying water and alternative water supplies, including, but not limited to, reclaimed water and water from aquifer storage and recovery and desalination systems, for human consumption, fire protection, irrigation, consumption by business, or consumption by industry, and, without limiting the generality of the foregoing definition shall embrace all necessary appurtenances and equipment and shall include all property, rights, easements and franchises relating to any such system and deemed necessary or convenient for the operation thereof."

² Section 153.02(5), F.S. "Sewage disposal system" is defined to include "any plant, system, facility, or property used or useful or having the present capacity for future use in connection with the collection, treatment, purification, or disposal of sewage, or reuse of wastewater, and, without limiting the generality of the foregoing definition shall embrace treatment plants, pumping stations, intercepting sewers, pressure lines, mains, and all necessary appurtenances and equipment and shall include all property, rights, easements, and franchises relating to any such system and deemed necessary or convenient for the operation thereof."

³ Section 153.03, F.S. This authorization generally requires the consent of any municipality in which the facilities are located.

drawings, and estimates of costs and revenues that the county deems necessary in order to provide a comprehensive study and report to the county commission.⁴ Section 153.04, F.S., contains requirements for the report that must be made available to the county commission, including the type and estimated cost of each water supply or sewage disposal system, the location, and any necessary improvements. If the study and report for a sewage disposal plant or system reveals or it is a fact that any property served by the contemplated county-owned facilities is served by privately-owned facilities then the county may not serve such property without the written consent of the owner(s) of the privately owned facilities.⁵

Sovereignty Submerged Lands

Sovereignty submerged lands are lands that are landward of the ordinary or mean high water line,⁶ or beneath navigable fresh water or tidally-influenced waters, which are owned by the state.⁷ Under the State Constitution, the title to all sovereign submerged lands is held by the state in trust for the people.⁸ The Board of Trustees of the Internal Improvement Trust Fund,⁹ comprised of the Governor and Cabinet, generally holds title to all sovereign submerged lands in the state.¹⁰ Florida law authorizes the Board of Trustees to adopt rules to administer state-owned lands, including sovereign submerged lands.¹¹ The Department of Environmental Protection (DEP) and the Department of Agriculture and Consumer Services (DACS) generally act as staff to the Board of Trustees in the review of proposed uses of sovereign submerged lands.¹² Under Chapter 18-21 of the Florida Administrative Code, DEP is responsible for environmental permitting of activities and water quality protection on sovereign submerged lands, while DACS is responsible for managing aquacultural activities on sovereign submerged lands.¹³

Rule 18-21.005 of the Florida Administrative Code lists the various forms of authorization necessary for specified activities on sovereign submerged lands. The rule lists exceptions for activities that do not require authorization under Chapter 18-21 of the Florida Administrative Code.¹⁴ One such exception is provided for: “[c]onstruction or maintenance of a water or sewer

⁴ Section 153.04, F.S.

⁵ Section 153.04(2)(b), F.S.

⁶ See ss. 177.27(15), (16) and 177.28, F.S. The mean high water line is the point on the shore marking the average height of the high waters over a 19-year period, and it is the boundary between the state-owned foreshore (land alternately covered and uncovered by the tide) and the dry area above the mean high water line that is subject to private ownership.

⁷ Fla. Admin. Code R. 18-21.003(65). “Sovereignty submerged lands” are defined as “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. For the purposes of this chapter sovereignty submerged lands shall include all submerged lands title to which is held by the Board.”

⁸ FLA. CON., art. X, s. 11.

⁹ The Governor and Cabinet, *Structure of the Florida Cabinet*, <http://www.myflorida.com/myflorida/cabinet/structurehistory.html> (last visited Mar. 9, 2021).

¹⁰ See s. 253.03, F.S.

¹¹ Sections 253.03(7) and 253.73, F.S.

¹² DEP, *Sovereign Submerged Lands (SSL) - Proprietary Authority versus Regulatory Authority in Chapter 18-21, F.A.C.*, <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/sovereign-submerged-lands-ssl> (last visited Mar. 10, 2021); DACS, *Aquaculture Submerged Land Leasing*, <https://www.fdacs.gov/Agriculture-Industry/Aquaculture/Aquaculture-Submerged-Land-Leasing> (last visited Mar. 10, 2021).

¹³ Fla. Admin. Code R. 18-21.002.

¹⁴ Fla. Admin. Code R. 18-21.005(a).

system by a county in accordance with section 153.04, F.S., provided the required location map, plans and drawings are submitted to the Board.”¹⁵

Independent Special Districts

Chapter 189, F.S., provides general provisions for the definition, creation, and operation of special districts. A special district is a unit of local government created for a special purpose which has jurisdiction to operate within a limited geographic boundary and is created by general law, special act, local ordinance, or rule of the Governor and Cabinet.¹⁶ A “dependent special district” meets at least one of the following criteria:

- The membership of its governing body is identical to that of the governing body of a single county or a single municipality.
- All members of its governing body are appointed by the governing body of a single county or a single municipality.
- During their unexpired terms, members of the special district's governing body are subject to removal at will by the governing body of a single county or a single municipality.
- The district has a budget that requires approval through an affirmative vote or can be vetoed by the governing body of a single county or a single municipality.¹⁷

An “independent special district” is a special district that is not a dependent special district.¹⁸ A district that includes more than one county is an independent special district unless it lies wholly within the boundaries of a single municipality.¹⁹ Independent special districts may be used by the private and public sectors, as authorized by state law, to manage, own, operate, construct, and finance basic capital infrastructure, facilities, and services.²⁰

The Department of Economic Opportunity’s website contains comprehensive information and resources on special districts.²¹ According to the website’s interactive list of special districts, there are 1161 active independent special districts in Florida.²²

III. Effect of Proposed Changes:

Section 1 directs the Department of Environmental Protection (DEP) to amend Rule 18-21.005 of the Florida Administrative Code to provide an exception from authorization requirements

¹⁵ Fla. Admin. Code R. 18-21.005(a)(1); Fla. Admin. Code R. 18-21.003(14). “Board” is defined as the “Board of Trustees of the Internal Improvement Trust Fund or delegate.”

¹⁶ See s. 189.012(6), F.S. The full definition of “special district” is “a unit of local government created for a special purpose, as opposed to a general purpose, which has jurisdiction to operate within a limited geographic boundary and is created by general law, special act, local ordinance, or by rule of the Governor and Cabinet. The term does not include a school district, a community college district, a special improvement district created pursuant to s. 285.17, a municipal service taxing or benefit unit as specified in s. 125.01, or a board which provides electrical service and which is a political subdivision of a municipality or is part of a municipality.”

¹⁷ Section 189.012(2), F.S.

¹⁸ Section 189.012(3), F.S.

¹⁹ *Id.*

²⁰ Section 189.03, F.S.

²¹ DEO, *Official List of Special Districts*, <https://floridajobs.org/community-planning-and-development/special-districts/special-district-accountability-program/official-list-of-special-districts> (last visited Mar. 10, 2021).

²² DEO, *Create a Customized List of Special Districts*, <http://specialdistrictreports.floridajobs.org/webreports/criteria.aspx> (last visited Mar. 10, 2021).

under Chapter 18-21 of the Florida Administrative Code for construction or maintenance of a water or sewer system in accordance with s. 153.04, F.S., by an independent special district utility, provided the required location map, plans, and drawings for such water or sewer system are submitted to the Board of Trustees of the Internal Improvement Trust Fund.

Section 2 provides an effective date of July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill does not substantially amend, create, or repeal any section 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.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



337530

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/15/2021	.	
	.	
	.	
	.	

The Committee on Environment and Natural Resources (Rodriguez)
recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 153.04, Florida Statutes, is amended to
read:

153.04 Construction of water supply systems, water system
improvements, sewage disposal systems, and sewer improvements.—

(1) Whenever a ~~the~~ county commission ~~of any of the several~~
~~counties of the state~~ by resolution chooses to exercise the



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powers granted by this chapter, or the governing board of an independent special district chooses to exercise the powers granted in the charter of the special district which are coextensive with the powers granted by this chapter, it shall make or cause to be made ~~such~~ surveys, investigations, studies, borings, maps, plans, drawings and estimates of costs and ~~of~~ revenues as it deems ~~may deem~~ necessary to prepare or have prepared so that the ~~such~~ county commission has ~~shall have~~ available to it a comprehensive study and report.

(a) The study and report must include ~~setting forth~~ either or both of the following:

1. ~~(1)~~ The type and estimate of costs of each water supply system, the purchase or construction of which is ~~shall be~~ deemed by the county commission or the governing board of the independent special district ~~it~~ to be desirable and feasible, together with the location thereof, and of each integral part, and also setting forth what water system improvements, if any, are deemed ~~it deems~~ necessary to purchase or construct to protect the health of and render fire protection to the inhabitants of the county or the independent special district, as applicable, together with the location by terminal points and route of each ~~such~~ improvement, a description thereof by its material, nature, character, and size, and an estimate of the cost of its purchase or construction.

2. ~~(2)~~ ~~(a)~~ The type of treatment and estimate of cost of each sewage disposal plant or system, the purchase, or construction of which is ~~shall be~~ deemed by the county commission or governing board of the independent special district to be desirable and feasible, together with the location thereof and



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of each integral part, and also setting forth what sewer improvements, if any, are deemed ~~it deems~~ necessary to purchase or construct to protect the health of the inhabitants of the county or the independent special district, as applicable, together with the location by terminal points and route of each such improvement, a description thereof by its material, nature, character, and size and an estimate of the cost of its purchase or construction.

(b) ~~(b)~~ If the ~~such~~ study and report reveals, or if it is a fact that any parcel, plot, or area of land proposed to be served by facilities owned and operated by a county or an independent special district pursuant to ~~county-owned and operated facilities as contemplated by~~ this chapter is being served by ~~or there is available to it for service such~~ facilities ~~which are~~ owned and operated by private individuals, copartnerships, corporations or associations or service by such facilities is available to the parcel, plot, or area of land, ~~then~~ the county or the independent special district is ~~hereby~~ prohibited from furnishing the facilities provided by this chapter to such land property without the written consent of the owner or owners of the ~~such~~ privately owned and operated facilities.

(c) ~~(c)~~ The obtaining of ~~such~~ surveys, investigations, studies, borings, maps, plans, drawings and estimates pursuant to this subsection serves ~~is hereby declared to be a public~~ ~~county~~ purpose and the costs thereof may be paid out of the general funds of the county or the independent special district.

(d) ~~(d)~~ Upon receipt of the ~~such~~ report, the county commission or the county commission for each county in which the



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independent special district is exercising the authority granted
under this section may authorize the purchase and ~~and/or~~
construction of ~~such~~ facilities as it deems ~~may deem~~ feasible
and practicable.

(e) ~~(e)~~ All public or private property damaged or destroyed
in carrying out the powers granted by this chapter must ~~shall~~ be
restored or repaired and placed in its original condition as
nearly as practicable or adequate compensation made therefor out
of the funds provided to the county by this chapter or, if the
damage or destruction is caused by an independent special
district, from the funds derived from the revenue sources
authorized for the district in its charter.

(f) ~~(f)~~ The state hereby consents to the use of all state
lands lying under water which are necessary for the
accomplishments or purposes of this chapter.

(2) The construction or maintenance of a water supply or
sewage disposal system by a county or an independent special
district is exempt from the requirements of s. 253.77, provided
the county or the independent special district utility completes
the requirements of subsection (1).

Section 2. This act shall take effect July 1, 2021.

===== 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 construction and maintenance of
water supply and sewage disposal systems by counties



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98 and independent special districts; amending s. 153.04;
99 providing requirements for independent special
100 districts that choose to exercise certain powers;
101 providing an exception for certain entities to
102 construct water supply systems; providing an effective
103 date.

By Senator Rodriguez

39-01405-21

20211752__

1 A bill to be entitled
2 An act relating to independent special district
3 utilities; directing the Department of Environmental
4 Protection to amend specified rules to exempt
5 construction or maintenance of a water or sewer system
6 by an independent special district utility from
7 certain authorization requirements; providing an
8 effective date.

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

11
12 Section 1. The Department of Environmental Protection is
13 directed to amend rule 18-21.005, Florida Administrative Code,
14 to provide an exception from authorization requirements under
15 chapter 18-21, Florida Administrative Code, for construction or
16 maintenance of a water or sewer system in accordance with s.
17 153.04, Florida Statutes, by an independent special district
18 utility, provided the required location map, plans, and drawings
19 for such water or sewer system are submitted to the Board of
20 Trustees of the Internal Improvement Trust Fund.

21 Section 2. This act shall take effect July 1, 2021.

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 Environment and Natural Resources

BILL: SB 1954

INTRODUCER: Senator Rodrigues

SUBJECT: Statewide Flooding and Sea-level Rise Resilience

DATE: March 12, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Schreiber	Rogers	EN	Pre-meeting
2.			AP	

I. Summary:

SB 1954 establishes statewide resiliency programs that assess and address inland and coastal flooding and sea level rise. The bill creates:

- The “Resilient Florida Grant Program” within the Department of Environmental Protection (DEP) that provides funding, subject to appropriation, to local governments for the costs of resilience planning such as vulnerability assessments and new plans or policies.
- The “Comprehensive Statewide Flood Vulnerability and Sea-Level Rise Data Set and Assessment,” to be updated every three years. DEP must:
 - Develop a statewide data set necessary to determine the risks to inland and coastal communities, including statewide sea level rise projections; and
 - Develop a statewide assessment, based on the statewide data set, that identifies vulnerable areas and infrastructure, including “critical assets” as defined in the bill.
- The “Statewide Flooding and Sea-Level Rise Resilience Plan.” DEP must annually submit a plan proposing up to \$100 million in funding for projects that address risks from flooding and sea level rise. Local governments and regional entities may submit projects, water management districts must evaluate projects and annually submit lists to DEP, and DEP must implement a scoring system for assessing projects for inclusion in the plan.

The bill authorizes local governments to form regional resilience coalitions to assist with community resilience efforts, including utilization of the programs created by the bill. DEP is authorized, subject to appropriation, to provide funding to regional resilience coalitions.

The bill requires the University of South Florida to create a hub to coordinate and lead statewide efforts for research and innovation regarding flooding and sea level rise.

The bill requires the Office of Economic and Demographic Research to add an analysis of flooding issues to its annual assessment of Florida’s water resources and conservation lands.

II. Present Situation:

Flooding and Sea Level Rise

The effects of climate change¹ include sea level rise, increasing storm intensity, and increasing frequency and severity of extreme rainfall events.² These trends result in increased flooding in inland and coastal areas.³ With 1,350 miles of coastline, relatively low elevations, and a porous geology, Florida is particularly vulnerable to coastal flooding.⁴ Coastal areas are facing the combined effects of sea level rise, storm surges, and extreme precipitation.⁵

Sea level rise is an observed increase in the average local sea level or global sea level trend.⁶ Climate change is causing global sea level rise through two primary factors: the loss of land-based ice (ice sheets and glaciers) due to melting and thermal expansion caused by the warming of the oceans (water expands as it warms).⁷ Global mean sea level has risen about 8–9 inches since 1880, and the rate of rise is accelerating: 0.06 inches per year throughout most of the twentieth century, 0.14 inches per year from 2006–2015, and 0.24 inches per year from 2018–2019.⁸

Sea level rise data is obtained through various scientific equipment: tide gauge stations record the local height of the surrounding water level relative to a reference point on land, and satellite laser altimeters measure the average height of the entire ocean.⁹ Data is incorporated into

¹ See NASA, Global Climate Change, Facts, *Effects*, <https://climate.nasa.gov/effects/> (last visited Feb. 6, 2021).

² U.S. Global Change Research Program, *Fourth National Climate Assessment, Volume II: Impacts, Risks, and Adaptation in the United States*, 31, 40-43, 97, 116-118, 745, 762, 1482 (2018)[hereinafter *NCA4*], available at https://nca2018.globalchange.gov/downloads/NCA4_2018_FullReport.pdf (last visited Feb. 6, 2021); IPCC, *Climate Change 2014: Synthesis Report, Contribution of Working Groups I, II and III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change*, 7-8, 10, 42, 47-49, 53, 60, 74 (2014), available at https://www.ipcc.ch/site/assets/uploads/2018/02/SYR_AR5_FINAL_full.pdf (last visited Mar. 8, 2021).

³ *NCA4*, at 757-768.

⁴ Florida Division of Emergency Management, *Enhanced State Hazard Mitigation Plan*, 107-108, 162 (2018) [hereinafter *SHMP*], available at https://www.floridadisaster.org/globalassets/dem/mitigation/mitigate-fl--shmp/shmp-2018-full_final_approved.6.11.2018.pdf (last visited Feb 6, 2021). Florida has over 8,000 miles of coastline when considering intricacies such as bays, inlets, and waterways; McKinsey Global Institute, *Will Mortgages and Markets Stay Afloat in Florida?*, 10, 12, 27 (2020)[hereinafter *MGI Mortgages and Markets*], available at https://www.mckinsey.com/~media/McKinsey/Business%20Functions/Sustainability/Our%20Insights/Will%20mortgages%20and%20markets%20stay%20afloat%20in%20Florida/MGI_Climate%20Risk_Case%20Studies_Florida_May2020.pdf (last visited Jan. 31, 2020). Florida's porous limestone foundation causes saltwater intrusion and seepage from underground.

⁵ See *SHMP*, at 107.

⁶ DEP, *Florida Adaptation Planning Guidebook*, Glossary (2018) [hereinafter *DEP Guidebook*], available at <https://floridadep.gov/sites/default/files/AdaptationPlanningGuidebook.pdf> (last visited Jan. 31, 2021).

⁷ *Id.*; NOAA, *Climate Change: Ocean Heat Content*, <https://www.climate.gov/news-features/understanding-climate/climate-change-ocean-heat-content> (last visited Jan. 31, 2021). More than 90 percent of the warming that has happened on Earth over the past 50 years has occurred in the ocean.

⁸ NOAA, *Climate Change: Global Sea Level*, <https://www.climate.gov/news-features/understanding-climate/climate-change-global-sea-level> (last visited Jan. 31, 2021). The melting of glaciers and ice sheets (such as the Greenland and Antarctic Ice Sheets) is accelerating, and from 2005–2013 melting caused nearly twice as much sea level rise as thermal expansion.

⁹ NOAA, *Tides and Currents, Sea Level Trends*, <https://tidesandcurrents.noaa.gov/sltrends/> (last visited Jan. 31, 2021). Showing trends in data from tide gauge stations around Florida; NOAA, *Is Sea Level Rising?*, <https://oceanservice.noaa.gov/facts/sealevel.html> (last visited Jan. 31, 2021); see *SHMP*, at 107. “Relative sea level” is measured locally using tide gauges. “Eustatic sea level” is measured globally based on the volume of water in earth’s oceans.

numerous online tools for visualization.¹⁰ Scientific projections for future sea level rise and precipitation vary based on modeling using different scenarios of future greenhouse gas emissions and atmospheric concentrations.¹¹ After 2050, the various projections for sea level rise and precipitation diverge significantly based on different scenarios of emissions trajectories.¹²

Rising sea levels result in gradual coastal inundation.¹³ Sea level rise raises the height of high tide.¹⁴ Since 2000, the frequency of “high tide flooding” in the U.S. has more than doubled, with data showing significant increases at tide gauge locations in Florida.¹⁵ For example, research shows that in Miami Beach, between 1998 and 2013, the frequency of recurrent tidal flooding events quadrupled.¹⁶ The frequency of such flooding is expected to continue to increase.¹⁷ In 2018, NOAA Technical Report NOS CO-OPS 086 established definitive numerical thresholds for minor (high tide flooding), moderate, and major coastal flooding.¹⁸

Impacts of flooding from sea level rise in Florida include disruptions in transportation and impairment of infrastructure such as roads, stormwater systems, and wastewater systems.¹⁹ Sea level rise causes saltwater intrusion of both surface water and groundwater, threatening fresh water resources including coastal aquifers.²⁰ It causes coastal erosion and threatens coastal ecosystems which, when healthy and allowed space for landward migration, are critical for resilience.²¹ Sea level rise also raises coastal groundwater tables and pushes salt water further inland.²² Many of these processes are exacerbated by Florida’s porous limestone geology.²³

¹⁰ DEP, *Presentation to the Florida House of Representatives Environment, Agriculture, & Flooding Subcommittee* (Feb. 4, 2021), available at <https://www.myfloridahouse.gov/VideoPlayer.aspx?eventID=6697> (last visited Feb 10, 2021).

¹¹ *NCA4*, at 1, 6, 40-43, 84-91, 338, 751, 758, 762.

¹² *Id.* at 41-42, 109; IPCC, *The Ocean and Cryosphere in a Changing Climate*, 4-9–4-10 (Sept. 2019), available at https://report.ipcc.ch/srocc/pdf/SROCC_FinalDraft_FullReport.pdf (last visited Jan. 31, 2021); SFRCCC, *Unified Sea Level Rise Projection Southeast Florida - 2019 Update*, 7, 25, 29 (2019)[hereinafter *SFRCCC Update*], available at https://southeastfloridaclimatecompact.org/wp-content/uploads/2020/04/Sea-Level-Rise-Projection-Guidance-Report_FINAL_02212020.pdf (last visited Jan. 31, 2021).

¹³ *SHMP*, at 108; *SFRCCC Update*, at 17. Rapid pulses are possible.

¹⁴ *SHMP*, at 101, 108.

¹⁵ NOAA, *2019 State of U.S. High Tide Flooding with a 2020 Outlook*, v-3, 15-16 (2020), available at https://tidesandcurrents.noaa.gov/publications/Techrpt_092_2019_State_of_US_High_Tide_Flooding_with_a_2020_Outlook_30June2020.pdf (last visited Jan. 31, 2021). High tide flooding (also called “nuisance” or “sunny-day” flooding) begins to occur when coastal water levels reach heights between .5–.65 meters above the daily average highest tide.

¹⁶ *SFRCCC Update*, at 31.

¹⁷ NOAA, *2019 State of U.S. High Tide Flooding with a 2020 Outlook*, v, 11-12 (2020); *SFRCCC Update*, at 31-32.

¹⁸ NOAA, *Patterns and Projections of High Tide Flooding Along the U.S. Coastline Using a Common Impacts Threshold*, vii, 4, 7, 31 (Feb. 2018), available at https://beta.tidesandcurrents.noaa.gov/publications/techrpt86_PaP_of_HTFlooding.pdf (last visited Mar. 3, 2021).

¹⁹ See *SFRCCC Update*, at 5.

²⁰ *SHMP*, at 106; *SFRCCC Update*, at 33-35.

²¹ *SFRCCC Update*, at 35; *SHMP*, at 106, 221; *NCA4*, at 340-341, 690, 775, 833. Coastal ecosystems reduce erosion, buffer against waves and storm surge, attenuate wave energy, maintain water quality, and provide habitat for wildlife.

²² *SHMP*, at 108.

²³ See Urban Land Institute, *The Business Case for Resilience - Regional Economic Benefits of Climate Adaptation*, 20 (2020) [hereinafter *Business Case for Resilience*], available at https://knowledge.uli.org/-/media/files/research-reports/2020/the-business-case-for-resilience-in-southeast-florida_final.pdf?rev=81609c7f6b72479d89c49aff72fea446&hash=FB2E953B8A456CFE781169A0CAA82333 (last visited Jan. 31, 2021).

Future storms are generally expected to have increased average intensity and precipitation rates.²⁴ Storm intensity is a principal determinant of storm surge height.²⁵ Storm surges are water driven ashore by the wind during severe weather, and they are an especially dangerous aspect of coastal flooding.²⁶ Sea level rise is expected to increase the damage from storm surges as they will build on top of a higher base of water, travel farther inland, and impact more areas and properties than in the past.²⁷

A warmer atmosphere holds more water vapor, leading to more frequent and intense extreme rainfall events that are contributing to increased inland and coastal flooding.²⁸ Extreme rainfall events can stress or overwhelm stormwater infrastructure, while sea level rise impairs gravity-driven systems and reduces the discharge capacity of coastal water control structures.²⁹ By raising groundwater levels, sea level rise reduces the ability of rainfall to infiltrate the soil, and the reduced soil storage capacity causes flooding.³⁰

Florida's 35 coastal counties contain 76% of its population and 79% of its total economy as of 2012.³¹ One study found that 20.5% of properties in Florida were at substantial risk of flooding in 2020 and 24.3% will be at such risk by 2050.³² Another study found tidal flooding could result in a total property devaluation of \$10–\$30 billion by 2030 and \$30–\$80 billion by 2050, and that real estate losses during 100-year storm surge events could reach \$50–\$75 billion by 2050.³³ A regional analysis found that in Southeast Florida alone, by 2040, \$4.2 billion in property value could be lost to daily tidal inundation and one 10-year storm tide event could cause \$3.2 billion in property damage.³⁴ It is estimated that Florida has nine of the top ten counties in the nation for

²⁴ NCA4, at 97, 116–118, 1482; see Knutson et al., *Tropical Cyclones and Climate Change Assessment, Part II: Projected Response to Anthropogenic Warming*, American Meteorological Society, E317–E318 (2020), available at <https://journals.ametsoc.org/bams/article/101/3/E303/345043/Tropical-Cyclones-and-Climate-Change-Assessment> (last visited Jan. 31, 2021).

²⁵ SHMP, at 141.

²⁶ SHMP, at 100; Emrich et al., *Climate-Sensitive Hazards in Florida, Identifying and Prioritizing Threats to Build Resilience against Climate Effects*, Storm Surge 1 of 37 (2014), available at <https://flbrace.org/images/docs/climate-sensitive-hazards-in-florida-final-report.pdf> (last visited Feb. 4, 2021).

²⁷ SHMP, at 100, 106–108, available at https://www.floridadisaster.org/globalassets/dem/mitigation/mitigate-fl--shmp/shmp-2018-full_final_approved.6.11.2018.pdf (last visited Jan. 31, 2021); NCA4, at 758, available at https://nca2018.globalchange.gov/downloads/NCA4_2018_FullReport.pdf (last visited Jan. 31, 2021).

²⁸ NCA4, at 88, 97, 113, 745, 762, 1447; SHMP, at 106.

²⁹ NCA4, at 763; SFRCCC Update, at 5, 34.

³⁰ SFRCCC Update, at 33; SHMP, at 106, 181.

³¹ DEP Guidebook, at III, available at <https://floridadep.gov/sites/default/files/AdaptationPlanningGuidebook.pdf> (last visited Oct. 16, 2019); see MGI Mortgages and Markets, at 13. Almost 10% of the state's population is less than 4.9 feet (1.5 meters) above sea level.

³² First Street Foundation, *The First National Flood Risk Assessment: Defining America's Growing Risk*, 39 (2020), available at https://assets.firststreet.org/uploads/2020/06/first_street_foundation_first_national_flood_risk_assessment.pdf (last visited Oct. 8, 2020). The study calculates substantial risk as a 1% annual risk of 1 cm of inundation or more.

³³ MGI Mortgages and Markets, at 15–19, available at https://www.mckinsey.com/~media/McKinsey/Business%20Functions/Sustainability/Our%20Insights/Will%20mortgages%20and%20markets%20stay%20afloat%20in%20Florida/MGI_Climate%20Risk_Case%20Studies_Florida_May2020.pdf (last visited Jan. 31, 2020).

³⁴ *Business Case for Resilience*, at 6. In 2070, the estimated potential harm in Southeast Florida increases to \$53.6 billion of lost property value from daily tidal inundation and \$16.5 billion of property damage from one 10-year storm.

total annual risk of economic loss from flooding.³⁵ Despite the risks, people and capital continue to flow into exposed coastal areas in Florida.³⁶

As sea level rise continues, financial impacts may include increases in flood insurance costs,³⁷ decreases in property sales or property values, and increased risk for lenders.³⁸ Coastal flooding can disrupt local economies and tourism, leading to lost revenues for the public and private sectors, and over time risks include loss or impairment of employment opportunities and public services and infrastructure.³⁹ Coastal flooding can cause displacement in frontline communities, and the burdens of adaptation are likely to disproportionately impact vulnerable populations.⁴⁰

Studies show significant positive returns on investment calculated for resilience measures, including the following benefit-cost ratios: \$6 for every \$1 spent through federal grants on natural hazard mitigation, and, for future resilience investments in Southeast Florida, \$4 for every \$1 on building-level adaptations and \$2 for every \$1 on community-wide adaptations.⁴¹

Sea Level Rise Projections

Entities from the international to the local level use scientific data and modeling to create projections of future sea level rise for planning and decision-making. The Intergovernmental Panel on Climate Change (IPCC) includes 195 member countries compiling climate change science reviewed by thousands of experts around the globe and intended to reflect the full range of scientific views.⁴² The National Oceanic and Atmospheric Administration (NOAA) operates tide gauges along the nation's coasts and satellites that measure changes in sea level. In 2012 and 2017, NOAA published sea level rise projections for the U.S.⁴³ NOAA's projections include six scenarios ranging from "low" to "extreme," with several intermediate scenarios.⁴⁴ NOAA's projections were used in the fourth national climate assessment by the U.S. Global Change

³⁵ First Street Foundation, *The Cost of Climate, America's Growing Flood Risk*, 11 (Feb. 2021), available at https://assets.firststreet.org/uploads/2021/02/The_Cost_of_Climate_FSF20210219-1.pdf (last visited Mar. 3, 2021).

³⁶ *MGI Mortgages and Markets*, at 13.

³⁷ First Street Foundation, *The Cost of Climate, America's Growing Flood Risk*, 39 (Feb. 2021). The report finds that if insurance prices were adjusted to account for actual current flood risk premiums for many properties in Florida would increase significantly, by as much as 4.8 to 7.7 times the current rates (depending on location), impacting property values.

³⁸ *MGI Mortgages and Markets*, at 22-27 (lending risks involve not only banks investing in private homes and businesses, but also potential downgrades to bond ratings for local governments that do not implement adaptation strategies); *SFRCCC Update*, at 5, available at https://southeastfloridacclimatecompact.org/wp-content/uploads/2020/04/Sea-Level-Rise-Projection-Guidance-Report_FINAL_02212020.pdf (last visited Jan. 31, 2021).

³⁹ *Business Case for Resilience*, at 13, 14, 19, 20, available at https://knowledge.uli.org/-/media/files/research-reports/2020/the-business-case-for-resilience-in-southeast-florida_final.pdf?rev=81609c7f6b72479d89c49aff72fea446&hash=FB2E953B8A456CFE781169A0CAA82333 (last visited Jan. 31, 2021).

⁴⁰ *Id.*; *NCA4* at 333-335.

⁴¹ *Business case for Resilience*, at 26; National Institute of Building Sciences, *Natural Hazard Mitigation Saves*, 1-2 (Dec. 2019), available at https://cdn.ymaws.com/www.nibs.org/resource/resmgr/reports/mitigation_saves_2019/mitigationsaves2019report.pdf (last visited Feb. 10, 2021).

⁴² IPCC, *About the IPCC*, <https://www.ipcc.ch/about/> (last visited Feb. 2, 2021).

⁴³ NOAA, *Climate Change: Global Sea Level*, available at <https://www.climate.gov/news-features/understanding-climate/climate-change-global-sea-level> (last visited Feb. 2, 2021).

⁴⁴ Sweet et al., NOAA, *Global and Regional Sea Level Rise Scenarios for the United States*, 21-23 (2017), available at https://tidesandcurrents.noaa.gov/publications/techrpt83_Global_and_Regional_SLR_Scenarios_for_the_US_final.pdf (last visited Feb. 2, 2021).

Research Program, a program of thirteen federal agencies analyzing the changing global environment.⁴⁵ The U.S. Army Corps of Engineers (USACE) has developed policies requiring consideration of specific scenarios of sea level change at every step in a project's life cycle.⁴⁶

Sea level rise is experienced differently in different areas, depending on many factors including ocean currents, changing land elevations, land use, and erosion.⁴⁷ The Southeast Florida Regional Climate Change Compact, a collaboration including Broward, Miami-Dade, Monroe, and Palm Beach counties, periodically assembles a technical work group of experts to produce sea level rise projections to assist planning and decision-making in Southeast Florida.⁴⁸ In 2019, the Tampa Bay Climate Science Advisory Panel recommended a common set of sea level rise projections for use throughout the Tampa Bay region.⁴⁹

Sea Level Rise Projections				
Source	Scale	Years	Low (feet)	High (feet)
IPCC Assessment Report 5 ⁵⁰	Global	2046-2065	0.72	1.25
		2081-2100	1.48	2.69
		2100	1.71	3.22
NOAA (Sweet et al., 2017), Low–Extreme ⁵¹	Global	2040	0.43	1.35
		2070	0.72	3.94
		2100	.98	8.20
SFRCCC Unified Sea Level Rise Projection, 2019 Update ⁵²	Southeast Florida	2040	.83	1.42
		2070	1.75	3.33
		2120	3.33	7.67
Tampa Bay Climate Science Advisory Panel ⁵³	Tampa Bay Region	2050	1	2.5
		2100	2	8.5

⁴⁵ U.S. Global Change Research Program, *About USGCRP*, <https://www.globalchange.gov/about> (last visited Feb. 2, 2021).

⁴⁶ See USACE, *Policies*, https://www.usace.army.mil/corpsclimate/climate_policies/ (last visited Mar. 8, 2021).

⁴⁷ *NCA4*, at 757, 855, 1495.

⁴⁸ *SFRCCC Update*, at 8.

⁴⁹ Tampa Bay Climate Science Advisory Panel, *Recommended Projections of Sea Level Rise in the Tampa Bay Region*, 7 (Apr. 2019), available at http://www.tbrpc.org/wp-content/uploads/2019/05/CSAP_SLR_Recommendation_2019.pdf (last visited Feb. 2, 2021).

⁵⁰ IPCC, *Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change*, 23, 79-81, 1180, 1461 (2013), available at https://www.ipcc.ch/site/assets/uploads/2018/02/WG1AR5_all_final.pdf (last visited Feb. 2, 2021).

⁵¹ Sweet et al., NOAA, *Global and Regional Sea Level Rise Scenarios for the United States*, 21, 23 (2017), available at https://tidesandcurrents.noaa.gov/publications/techrpt83_Global_and_Regional_SLR_Scenarios_for_the_US_final.pdf (last visited Feb. 2, 2021).

⁵² *SFRCCC Update*, 9-10, available at https://southeastfloridacclimatecompact.org/wp-content/uploads/2020/04/Sea-Level-Rise-Projection-Guidance-Report_FINAL_02212020.pdf (last visited Feb. 2, 2021). The range in the table shows regional applications of the IPCC Representative Concentration Pathway 8.5 Median curve and the NOAA Intermediate High curve.

⁵³ Tampa Bay Climate Science Advisory Panel, *Recommended Projections of Sea Level Rise in the Tampa Bay Region*, 7 (Apr. 2019), available at http://www.tbrpc.org/wp-content/uploads/2019/05/CSAP_SLR_Recommendation_2019.pdf (last visited Feb. 2, 2021).

Mapping

In addition to sea level rise projections, many other aspects of mapping are relevant to resilience planning and adaptation.⁵⁴ A vertical datum is a surface of zero elevation to which heights are referenced. The current vertical datum for the contiguous United States and Alaska is the North American Vertical Datum of 1988 (NAVD 88).⁵⁵ NOAA's National Geodetic Survey is currently in the process of replacing NAVD 88, with initial estimates for completion as soon as 2022.⁵⁶ The Florida State Plane Coordinate System is a system of coordinates for defining positions on the surface of the earth within the state.⁵⁷

The Department of Environmental Protection (DEP) has recently begun statewide efforts involving sea level rise projections and mapping of coastal hazards. In 2020, the Legislature required that public entities commissioning or managing a construction project within the coastal building zone,⁵⁸ using funds appropriated from the state, must conduct a sea level impact projection (SLIP) study prior to commencing construction.⁵⁹ The study must assess the risks from potential sea level rise and storms over the expected life of the structure up to 50 years, and it must provide design and siting alternatives and assess costs for the structure.⁶⁰ DEP must perform rulemaking to establish the specific standards for conducting the SLIP studies.⁶¹

DEP is currently developing a web-based tool to enable constructors to create and submit SLIP study reports pursuant to the legislation.⁶² The innovative tool will also provide resources to educate the public. The public features of the tool will include an interactive statewide map for visualizing future scenarios of sea level rise and coastal flood hazards.⁶³

The Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program (NFIP), comprised of three interconnected parts: insurance, regulations, and mapping.⁶⁴

⁵⁴ See USGS, *What Are Digital Elevation Models (DEMs)?*, https://www.usgs.gov/faqs/what-are-digital-elevation-models-dems?qt-news_science_products=3#qt-news_science_products (last visited Mar. 4, 2021).

⁵⁵ NOAA, National Geodetic Survey, *Vertical Datums*, <https://www.ngs.noaa.gov/datums/vertical/> (last visited Mar. 3, 2021).

⁵⁶ NOAA, National Geodetic Survey, *New Datums: Replacing NAVD 88 and NAD 83*, <https://geodesy.noaa.gov/datums/newdatums/index.shtml> (last visited Mar. 3, 2021); NOAA, National Geodetic Survey, *Delayed Release of the Modernized NSRS*, <https://geodesy.noaa.gov/datums/newdatums/delayed-release.shtml> (last visited Mar. 3, 2021).

⁵⁷ Sections 177.031(19) and 177.151, F.S.; NOAA, National Geodetic Survey, *State Plane Coordinate System*, <https://www.ngs.noaa.gov/SPCS/> (last visited Mar. 3, 2021).

⁵⁸ Section 161.54(1), F.S. “Coastal Building Zone” is defined as “the land area from the seasonal high-water line landward to a line 1,500 feet landward from the coastal construction control line as established pursuant to s. 161.053, and, for those coastal areas fronting on the Gulf of Mexico, Atlantic Ocean, Florida Bay, or Straits of Florida and not included under s. 161.053, the land area seaward of the most landward velocity zone (V-zone) line as established by the Federal Emergency Management Agency and shown on flood insurance rate maps”; s. 161.55(4), F.S. Coastal barrier island requirements differ.

⁵⁹ Section 161.551, F.S.; see ch. 2020-119, Laws of Fla.

⁶⁰ Section 161.551(3), F.S.

⁶¹ *Id.*; DEP, *Resilience and Coastal Protection Rules in Development*, <https://floridadep.gov/rcp/beaches-funding-program/content/resilience-and-coastal-protection-rules-development> (last visited Feb. 2, 2021).

⁶² DEP, *Presentation to the Florida House of Representatives Environment, Agriculture, & Flooding Subcommittee* (Feb. 4, 2021), available at <https://www.myfloridahouse.gov/VideoPlayer.aspx?eventID=6697> (last visited Feb 10, 2021).

⁶³ *Id.*

⁶⁴ FEMA, *National Flood Insurance Program (NFIP), Floodplain Management Requirements*, FEMA 480, 2-6-2-8 (2005)[hereinafter *FEMA 480*], available at https://www.fema.gov/sites/default/files/documents/fema-480_floodplain-management-study-guide_local-officials.pdf (last visited Feb. 4, 2021).

A Flood Insurance Rate Map (FIRM) is an official map FEMA provides to communities which delineates different zones used primarily for insurance rating purposes.⁶⁵ The “base flood” (or “100-year flood”) is a flood having a 1% chance of being equaled or exceeded in any given year.⁶⁶ The base flood elevation, used for regulatory purposes,⁶⁷ is the elevation to which floodwater is anticipated to rise during the base flood.⁶⁸ The land area covered by the floodwaters of the base flood is the base floodplain, which is called a Special Flood Hazard Area⁶⁹ on FIRM maps.⁷⁰ Special Flood Hazard Areas include “A Zones,” which are the regular base floodplain, and “V Zones,” which are coastal high hazard areas, subject to more stringent regulatory requirements and different flood insurance rates, where structures must be protected from hazards such as waves, storm surges, hurricane-force winds, and erosion.⁷¹

Resilience

DEP’s Florida Resilient Coastlines Program helps prepare coastal communities and habitats for the effects of climate change, especially rising sea levels, by offering technical assistance and funding to communities dealing with increasingly complex flooding, erosion, and habitat shifts.⁷² The program provides resilience grants to local governments of the 35 coastal counties and all municipalities within their boundaries required to include a coastal element in their comprehensive plans.⁷³

Currently, there are two types of grants provided under the program. Resilience Planning Grants promote community resilience planning, for projects such as vulnerability assessments, adaptation/resilience plans, and regional collaboration efforts. Vulnerability assessments help communities determine which structural and social assets are likely to be impacted by coastal flooding and sea level rise, and they can provide valuable data and mapping at the local level.⁷⁴ Resilience Implementation Grants assist with implementation of adaptation/resilience plans for projects such as nature-based erosion and flood control, elevation of public structures, and

⁶⁵ *Id.* at 2-13, 3-29.

⁶⁶ *Id.* at 3-3–3-5.

⁶⁷ *Id.* at 5-4. To participate in the NFIP, local governments must adopt and enforce floodplain management regulations meeting or exceeding minimum federal regulatory requirements; see 44 C.F.R. parts 59 and 60; see Building a Safer Florida, Inc., *Flood Resistant Construction and the 6th Edition Florida Building Code*, 1 (2017), available at https://floridabuilding.org/fbc/thecode/2017-6edition/BASF_2017_flood_061217.pdf (last visited Feb. 4, 2021).

⁶⁸ *FEMA 480*, at 3-3–3-5.

⁶⁹ *Id.* at 9-7–9-9. Buildings located in Special Flood Hazard Areas are required to have flood insurance to receive grants or loans from federal agencies or federally-related loan programs for purchasing, constructing, repairing, or improving buildings.

⁷⁰ *Id.* at 3-3–3-5.

⁷¹ *Id.* at 3-22–3-23, 3-29, 5-51, 7-59. The “V” in V Zone stands for “velocity wave action.”

⁷² DEP, *Florida Resilient Coastlines Program*, <https://floridadep.gov/rcp/florida-resilient-coastlines-program> (last visited Feb. 2, 2021).

⁷³ DEP, *FRCP Resilience Grants*, <https://floridadep.gov/rcp/florida-resilient-coastlines-program/content/frcp-resilience-grants> (last visited Feb. 2, 2021).

⁷⁴ *DEP Guidebook*, at 19, 131-167, available at <https://floridadep.gov/sites/default/files/AdaptationPlanningGuidebook.pdf> (last visited Feb. 2, 2021).

projects specifically included in existing plans.⁷⁵ Under the program, DEP has awarded funding to 129 local governments, including 86 planning projects and 11 implementation projects.⁷⁶

In 2018, DEP published the Florida Adaptation Planning Guidebook to be used by local governments to develop and update adaptation plans for sea level rise.⁷⁷ The comprehensive guidebook breaks down the adaptation planning process into four steps, summarized below:

- **Context:** organize and engage stakeholders, and delineate the geographic boundaries of the planning area, including the assets and structures contained therein.
- **Vulnerability Assessment:** conduct an exposure analysis to determine how much sea level rise will occur and where, conduct a sensitivity analysis to provide an inventory of community assets and features located in areas at risk, and assign focus areas that will receive attention in adaptation strategies.
- **Adaptation Strategies:** assess adaptive capacities such as planning capabilities and fiscal capacity, prioritize adaptation needs, and identify adaptation strategies, which may include strategies in the following categories:
 - “Protection” strategies that are structurally defensive measures (e.g., seawalls, revetments, levees, beach nourishment, oyster reef restoration, and living shorelines⁷⁸);
 - “Accommodation” strategies that alter the design of vulnerable structures so structures or land use can stay in place with modification (e.g., floodproofing, elevating structures, floodable development, floating structures, and increased stormwater infiltration through Low Impact Development/Green Infrastructure);
 - “Retreat” strategies; and
 - “Avoidance” strategies that guide development away from areas subject to coastal hazards, by implementing policies or offering incentives.
- **Implementation:** survey funding options; create a schedule of activities, actions, and actors; and monitor and evaluate adaptation strategies.⁷⁹

Regional Government Entities

The water management districts address flood protection as a core part of their respective missions, and many of their activities involve resilience issues. As part of their required strategic and financial planning and reporting, the districts annually prepare a five-year work program that includes lists of projects and related funding information.⁸⁰

⁷⁵ DEP, *FRCP Resilience Grants*, <https://floridadep.gov/rcp/florida-resilient-coastlines-program/content/frcp-resilience-grants> (last visited Feb. 2, 2021).

⁷⁶ Florida Senate Environment and Natural Resources Committee, *Committee Meeting Expanded Agenda*, 46 (Jan. 1, 2021), available at https://www.flsenate.gov/Committees/Show/EN/MeetingPacket/4947/8845_MeetingPacket_4947.11.21.pdf (last visited Mar. 7, 2021).

⁷⁷ *DEP Guidebook*, at I.

⁷⁸ DEP, *Living Shorelines*, <https://floridadep.gov/rcp/rcp/content/living-shorelines> (last visited Feb. 3, 2021); see NOAA and USACE, *Natural and Structural Measures for Shoreline Stabilization*, 3–6 (2015), available at http://www.sagecoast.org/docs/SAGE_LivingShorelineBrochure_Print.pdf (last visited Feb. 3, 2021).

⁷⁹ *DEP Guidebook*, at 1-61.

⁸⁰ See ss. 373.019(24), 373.036(7), 373.536(6), and 373.709, F.S.; see NFWMD, *Consolidated Annual Report, Fiscal Year 2020-2021*, 5-1–5-14 (2021), available at <https://nfwwater.com/content/download/18775/126393/NFWMD%202021%20Consolidated%20Annual%20Report.pdf> (last visited Mar. 8, 2021); see generally SFWMD, *2021 South Florida Environmental Report - Volume II, Chapter 5A: Fiscal Year 2021 Five-Year Water Resource Development Work Program* (2021), available at http://apps.sfwmd.gov/sfwmd/SFER/2021_sfer_final/v2/chapters/v2_ch5a.pdf (last visited Mar. 8, 2021).

The St. John's River Water Management District is implementing the following activities for adaptation to climate change: utilizing its cost-share program for local government projects, providing technical assistance on water resources issues, and making water resource-related data available for use by communities in their resilience planning activities.⁸¹ The South Florida Water Management District (SFWMD) is implementing comprehensive plans for addressing climate change, including a flood protection level of service program, incorporating sea level rise projections into planning efforts, conducting vulnerability assessments, and assisting local governments.⁸² In 2020, the SFWMD appointed a District Resiliency Officer.⁸³

Florida is divided into ten Regional Planning Councils (RPCs). Membership to RPCs is required for counties and optional for municipalities.⁸⁴ Several RPCs are taking steps to advance regional resilience efforts in the state:

- The Northeast Florida Regional Council provides grant funding, technical support, and resources including an online mapping tool for determining risk.⁸⁵
- The East Central Florida Regional Planning Council has formed the East Central Florida Regional Resilience Collaborative, which includes 25 member counties and cities and six member organizations and agencies working to advance regional resilience and sustainability.⁸⁶
- The Tampa Bay Regional Planning Council has a range of initiatives, including a resiliency coalition, various projects and events, and development of a regional resiliency action plan.⁸⁷

In addition to scientific projections of future sea level rise, the Southeast Regional Climate Change Compact maintains a regional climate action plan that includes recommendations, guidelines for implementation, and shared best practices for local entities.⁸⁸

⁸¹ St. John's River Water Management District, *Sea-Level Rise and Resiliency*, <https://www.sjrwmd.com/localgovernments/sea-level-rise/> (last visited Feb. 4, 2021).

⁸² Akintunde Owosina, Chief, Hydrology and Hydraulics Bureau, South Florida Water Management District, Governing Board Meeting, June 13, 2019, *Impact of Sea Level Rise on the SFWMD Mission, Focus on Flood Protection*, 2, 6-10 (June 13, 2019), available at <https://apps.sfwmd.gov/webapps/publicMeetings/viewFile/21964> (last visited Feb. 4, 2021).

⁸³ Dr. Carolina Maran, District Resiliency Officer, South Florida Water Management District, Governing Board Meeting, March 12, 2020, *Central and Southern Florida Flood Resiliency Study*, 1, 6-10 (Mar. 12, 2020), available at <https://apps.sfwmd.gov/ci/publicmeetings/viewFile/25445> (last visited Nov. 4, 2021); Dr. Carolina Maran, District Resiliency Officer, South Florida Water Management District, Governing Board Meeting March 12, 2020, *Central and Southern Florida Flood Resiliency Study*, video begins at 4:50:30 (Mar. 12, 2020), available at <http://sfwmd.ig2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=2008&Format=Agenda> (last visited Feb. 4, 2021).

⁸⁴ Sections 186.501-186.513, F.S.

⁸⁵ Northeast Florida Regional Council, *Resiliency Services*, <https://www.nefrc.org/resiliency> (last visited Feb. 4, 2021).

⁸⁶ East Central Florida Regional Planning Council, *East Central Florida Regional Resilience Collaborative*, <https://www.ecfrpc.org/resiliencycollaborative> (last visited Feb. 4, 2021).

⁸⁷ Tampa Bay Regional Planning Council, *Resiliency Planning*, <https://www.tbrpc.org/resiliency-2/> (last visited Feb. 4, 2021).

⁸⁸ Southeast Florida Regional Climate Change Compact, *Regional Climate Action Plan*, <https://southeastfloridacclimatecompact.org/regional-climate-action-plan/> (last visited Feb. 4, 2021).

Local Governments

Florida's local governments are at the forefront of preparing for and addressing flooding and sea level rise.⁸⁹ Generally, every community will need to go through a process of planning and implementing adaptation strategies and projects.⁹⁰ Florida's coastal local governments must have a coastal management element in their comprehensive plans that advances objectives to protect public safety and coastal resources.⁹¹ In 2011, the Legislature authorized local governments to establish an "adaptation action area" designation within their coastal management element for purposes of adaptation planning and prioritizing funding for infrastructure needs.⁹²

Comprehensive plans' coastal management elements must contain a redevelopment component for eliminating inappropriate and unsafe development in coastal areas when opportunities arise.⁹³ In 2015, the Legislature passed the "Peril of Flood" law, which added new requirements for redevelopment components.⁹⁴ The Peril of Flood law requires redevelopment components to:

- Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea level rise.
- Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by FEMA.
- Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in Florida.
- Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable federal flood plain management regulations in 44 C.F.R. pt. 60.
- Require that any construction activities seaward of the Coastal Construction Control Line⁹⁵ be consistent with ch. 161, F.S., which regulates coastal construction.
- Encourage local governments to participate in the NFIP's Community Rating System⁹⁶ to achieve flood insurance premium discounts for their residents.⁹⁷

⁸⁹ See *DEP Guidebook*, at I, available at <https://floridadep.gov/sites/default/files/AdaptationPlanningGuidebook.pdf> (last visited Jan. 31, 2021).

⁹⁰ See DEP, *Florida Resilient Coastlines Program Funded Projects*, <https://floridadep.gov/rcp/florida-resilient-coastlines-program/content/florida-resilient-coastlines-program-funded> (last visited Feb. 3, 2021).

⁹¹ Sections 380.24, 163.3177(6)(g), and 163.3178(2), F.S. Section 380.24, F.S., provides the description of which local governments are subject to these requirements: "[u]nits of local government abutting the Gulf of Mexico or the Atlantic Ocean, or which include or are contiguous to waters of the state where marine species of vegetation listed by rule as ratified in s. 373.4211 constitute the dominant plant community..."

⁹² Chapter 2011-139, Laws of Fla.; ss. 163.3164(1) and 163.3177(6)(g)10., F.S.; see *Adaptation Action Areas: A Planning Guidebook for Florida's Local Governments* (2014), available at https://floridadep.gov/sites/default/files/AAA-Planning-Guide_1.pdf (last visited Feb. 3, 2021).

⁹³ Section 163.3178(2)(f), F.S.

⁹⁴ Ch. 2015-69, Laws of Fla.; s. 163.3178(2)(f), F.S. This is referred to as the "Peril of Flood" law.

⁹⁵ DEP, *Coastal Construction Control Line Program*, <https://floridadep.gov/rcp/coastal-construction-control-line> (last visited Feb. 3, 2021); s. 161.053, F.S.; Fla. Admin. Code Chapters 62B-33, 62B-34, and 62B-56.

⁹⁶ *FEMA 480*, at 9-22. The Community Rating System provides reductions in flood insurance premium rates of up to 45 percent for communities that implement certain activities above and beyond the minimum requirements of the NFIP.

⁹⁷ Section 163.3178(2)(f), F.S.

University of South Florida College of Marine Science

The University of South Florida (USF) College of Marine Science is an interdisciplinary group implementing programs for research, education, and community engagement on a wide variety of ocean-related issues.⁹⁸ The college's research includes the core study areas of biological oceanography, geological oceanography, chemical oceanography, physical oceanography, and marine resource assessment.⁹⁹ Many of the college's research initiatives are fundamental to addressing issues of flooding and sea level rise. For example, the Center for Ocean Mapping and Innovative Technologies involves a partnership between USF and NOAA for developing and implementing cutting-edge ocean and coastal mapping.¹⁰⁰

The college maintains partnerships with federal and state agencies, hosts many groups working on ocean-related issues, and aims to train a well-educated workforce.¹⁰¹ The College of Marine Science faculty includes experts specializing in each of the many scientific components of oceanography.¹⁰²

The Office of Economic and Demographic Research

The Legislature's Office of Economic and Demographic Research (EDR) is a research arm principally concerned with forecasting economic and social trends that affect policy making, revenues, and appropriations.¹⁰³ In 2016, the Legislature required EDR to conduct an annual assessment of Florida's water resources and conservation lands.¹⁰⁴ The law requires DEP, the water management districts, the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, and local governments to provide assistance to EDR related to their respective areas of expertise.¹⁰⁵

For water resources, the assessment must include historical, current, and estimated future expenditures associated with water supply and demand, water quality protection and restoration, and government revenues dedicated for such purposes.¹⁰⁶ For conservation lands, the assessment must include expenditures, revenues, and tax implications related to government acquisition and maintenance of conservation lands in the state.¹⁰⁷

⁹⁸ USF College of Marine Science, *About Us*, <https://www.usf.edu/marine-science/about-us/index.aspx> (last visited Mar. 3, 2021).

⁹⁹ USF College of Marine Science, *Research - Overview*, <https://www.usf.edu/marine-science/research/index.aspx> (last visited Mar. 3, 2021).

¹⁰⁰ USF and NOAA, *COMIT*, <https://www.marine.usf.edu/comit/> (last visited Mar. 3, 2021); USF College of Marine Science, *USF and NOAA to Launch World-Class Cooperative Ocean Mapping Center*, <https://www.usf.edu/marine-science/news/2020/usf-and-noaa-to-launch-world-class-cooperative-ocean-mapping-center.aspx> (last visited Mar. 3, 2021).

¹⁰¹ USF College of Marine Science, *Partners and Groups*, <https://www.usf.edu/marine-science/research/partners-and-groups/index.aspx> (last visited Mar. 3, 2021); USF College of Marine Science, *Our Vision*, <https://www.usf.edu/marine-science/about-us/our-vision.aspx> (last visited Mar. 3, 2021).

¹⁰² USF College of Marine Science, *Faculty - Overview*, <https://www.usf.edu/marine-science/faculty/index.aspx> (last visited Mar. 3, 2021).

¹⁰³ EDR, *Welcome*, <http://edr.state.fl.us/Content/> (last visited Mar. 3, 2021); *see* s. 1.01(19), F.S.

¹⁰⁴ Section 403.928, F.S.

¹⁰⁵ Section 403.928(5), F.S.

¹⁰⁶ Section 403.928(1), F.S.

¹⁰⁷ Section 403.928(2), F.S.

EDR must submit the assessment to the Legislature by January 1 of each year.¹⁰⁸ In 2021, EDR published the most recent edition of the Annual Assessment of Florida's Water Resources and Conservation Lands.¹⁰⁹

III. Effect of Proposed Changes:

Section 1 creates s. 380.093, F.S., entitled "Statewide Flooding and Sea-Level Rise Resilience Plan."

The bill contains statements of legislative intent. The statements recognize that communities across Florida are vulnerable to the adverse impacts of flooding resulting from increasing rainfall events, storm surge, and sea level rise. The legislative intent includes conducting a comprehensive statewide assessment of flood risk, coordinating a statewide approach to resilience, and allocating funding to effectively address the challenges of flood risk.

The bill contains a definitions section. As used in s. 380.093, F.S., the term "critical asset" is defined to include:

- Transportation assets and evacuation routes, including airports, bridges, bus terminals, ports, major roadways, marinas, rail facilities, and railroad bridges.
- Critical infrastructure, including wastewater treatment facilities, stormwater treatment facilities, drinking water facilities, electric production and supply facilities, solid and hazardous waste facilities, military installations, communications facilities, and disaster debris management sites.
- Critical community and emergency facilities, including schools, colleges, universities, community centers, correctional facilities, disaster recovery centers, emergency medical service facilities, emergency operation centers, fire stations, health care facilities, hospitals, law enforcement facilities, local government facilities, logistical staging areas, affordable public housing, risk shelter inventory, and state government facilities.
- Natural, cultural, and historical resources, including conservation lands, parks, shorelines, surface waters, wetlands, and historical and cultural assets.

Resilient Florida Grant Program

The bill creates the "Resilient Florida Grant Program" within the Department of Environmental Protection (DEP). DEP is authorized to provide, subject to appropriation, grants to a county or municipality to fund the costs of community resilience planning. Such planning may include projects that address the requirements of the Peril of Flood law,¹¹⁰ vulnerability assessments that identify or address risks of flooding and sea level rise, and the development of plans and policies that allow communities to prepare for threats from flooding and sea level rise.

Vulnerability assessments funded through the Resilient Florida Grant Program must meet the following conditions, as specified in the bill:

- Encompass an entire county or municipality.

¹⁰⁸ Section 403.928(7), F.S.

¹⁰⁹ EDR, *Annual Assessment of Florida's Water Resources and Conservation Lands* (2021), available at http://edr.state.fl.us/Content/natural-resources/LandandWaterAnnualAssessment_2021Edition.pdf (last visited Mar. 3, 2021).

¹¹⁰ Section 163.3178(2)(f), F.S.

- Use the most recent publicly available Digital Elevation Model and dynamic modeling techniques, if available.
- Include an analysis of the vulnerability of and risks to critical assets, including regionally significant assets, owned or managed by the county or municipality.
- Upon completion of the vulnerability assessment, the county or municipality must submit to DEP:
 - A report detailing the findings of the assessment.
 - All electronic mapping data used to illustrate flooding and sea level rise impacts identified in the assessment. Such data must include: geotechnical data in an electronic file format suitable for input to DEP's mapping tool, and Geographic Information System data that has been projected into the appropriate Florida State Plane Coordinate System and that is suitable for DEP's mapping tool. The county or municipality must also submit metadata using standards prescribed by DEP.
 - A list of critical assets, including regionally significant assets, impacted by flooding and sea level rise.

Vulnerability assessments funded through the Resilient Florida Grant Program for a county or municipality subject to the Peril of Flood requirements¹¹¹ must meet the following additional conditions, as specified in the bill:

- A peril of flood analysis that addresses the requirements of s. 163.3178(2)(f), F.S.
- The depth of sea level rise, calculated using the North American Vertical Datum of 1988 (NAVD 88), expected for the county or municipality using, at a minimum, all of the following:
 - Two local sea level rise scenarios, which must equal or exceed the 2017 National Oceanic and Atmospheric Administration (NOAA) intermediate-low and intermediate-high sea level rise projections.
 - At least two planning horizons that must be, at a minimum, 20 years and 50 years from the date of the assessment.
 - Local sea level rise data that has been interpolated between the two closest coastal tide gauges with NOAA sea level rise data.
- The depth of expected storm surge flooding using Federal Emergency Management Agency (FEMA) storm surge data. The storm surge flood depth used must equal or exceed the 100-year flood event and must be calculated using NAVD 88.
- The depth of potential future flooding from combinations of sea level rise, storm surge, and high tides using, at a minimum, all of the following:
 - Two local sea level rise scenarios, which must equal or exceed the 2017 NOAA intermediate-low and intermediate-high sea level rise projections.
 - At least two planning horizons that must be, at a minimum, 20 years and 50 years from the date of the assessment.
 - Local sea level rise data that has been interpolated between the two closest coastal tide gauges with NOAA sea level rise data.

¹¹¹ Sections 380.24, 163.3177(6)(g), 163.3178(2), F.S. The coastal local governments subject to these additional conditions are those described in s. 380.24, F.S.: “[u]nits of local government abutting the Gulf of Mexico or the Atlantic Ocean, or which include or are contiguous to waters of the state where marine species of vegetation listed by rule as ratified in s. 373.4211 constitute the dominant plant community...”

- The depth of expected storm surge flooding using FEMA storm surge data. The storm surge flood depth used must equal or exceed the 100-year flood event and must be calculated using NAVD 88.
- Future high tide flooding, which must be derived using NOAA Technical Report NOS CO-OPS 086.

Comprehensive Statewide Flood Vulnerability and Sea-Level Rise Data Set and Assessment

The bill requires DEP to complete the development of a “comprehensive statewide flood vulnerability and sea level rise data set” by July 1, 2022. The data set must include information necessary to determine the risks to inland and coastal communities, such as elevation, tidal levels, and precipitation. The data set must be sufficient to conduct a comprehensive statewide flood vulnerability and sea level rise assessment. The bill requires DEP’s Chief Science Officer to develop, in coordination with necessary experts and resources, statewide sea level rise projections for inclusion in the data set. To the extent practicable, the projections must incorporate temporal and spatial variability.

The bill requires DEP to complete a “comprehensive statewide flood vulnerability and sea-level rise assessment” by July 1, 2023. The assessment must identify inland and coastal infrastructure, geographic areas, and communities in Florida that are vulnerable to flooding and sea level rise and the associated risks. DEP must use the statewide data set to conduct the assessment. The assessment must incorporate local and regional analyses of vulnerability and risks.

The assessment must include an inventory of critical assets, including regionally significant assets, which are essential for the following:

- Critical government and business functions.
- National security.
- Public health and safety.
- The economy.
- Flood and storm protection.
- Water quality management.
- Wildlife habitat management.

The assessment must identify and analyze the vulnerability of and risks to such critical assets.

The bill requires DEP to update both the data set and the assessment every three years. DEP may update the data set and assessment more frequently if it determines updates are necessary to maintain their validity.

Statewide Flooding and Sea-Level Rise Resilience Plan

The bill requires DEP to develop a “Statewide Flooding and Sea-Level Rise Resilience Plan” and submit it to the Governor and the Legislature by December 1, 2021, and each December 1 thereafter. The plan must consist of ranked projects that address risks of flooding and sea level rise to coastal and inland communities in the state and must be on a three-year planning horizon.

Each project included in the plan must have a minimum 50 percent cost share. The total amount of funding proposed in the plan may not exceed \$100 million. Upon review, and subject to appropriation, the Legislature will approve funding for the projects as specified in the plan.

Multiyear projects that receive funding for the first year of the project must be included in subsequent plans and funded until the project is complete, provided that the project sponsor has complied with all contractual obligations and funds are available.

The bill requires each plan submitted by DEP to include the following information for each recommended project:

- A description of the project.
- The location of the project.
- An estimate of how long the project will take to complete.
- An estimate of the cost of the project.
- The cost-share percentage available for the project.
- A summary of the priority score assigned to the project.

The bill requires the water management districts (WMDs) to submit to DEP a list of proposed projects for inclusion in the plan by September 1, 2021, and each September 1 thereafter. The bill authorizes local governments, and regional entities whose responsibilities include addressing flooding or sea level rise, to submit to the WMDs proposed projects for such purposes. The projects submitted by the WMDs to DEP must mitigate or eliminate risks of flooding or sea level rise. The WMDs must include for each project the aforementioned project-specific information required for DEP's plan. In addition to the list of proposed projects, the WMDs must submit to DEP a corresponding evaluation for each proposed project. The evaluation must assess the degree to which the project addresses the following:

- Threats to critical assets, including regionally significant assets, and reductions of future damage costs.
- Risks identified in local government vulnerability assessments or the statewide assessment, as applicable.

For a project to be eligible for inclusion in DEP's plan, it must address risks to a critical asset identified in a local government vulnerability assessment or the statewide assessment, as applicable. The bill states that projects ineligible for inclusion in the plan include, but are not limited to, the following:

- Aesthetic vegetation.
- Recreational structures such as piers, docks, and boardwalks.
- Water quality components of stormwater and wastewater management systems, except projects to prevent saltwater intrusion.
- Maintenance and repair of over-walks.
- Park activities and facilities, except projects to control flooding or erosion.
- Navigation construction, operation, and maintenance activities.
- Projects that provide only recreational benefits.

The bill requires DEP to implement a scoring system for assessing each project submitted by WMDs for inclusion in the plan. The scoring system must include the following tiers and associated criteria:

- Tier 1 must account for 50 percent of the total score and consist of all of the following criteria:

- The degree to which the project addresses the risks posed by flooding and sea level rise identified in the local government vulnerability assessments or the statewide assessment, as applicable.
 - The degree to which the project addresses risks to regionally significant assets.
 - The degree to which the project reduces risks to areas with an overall higher percentage of vulnerable critical assets.
- Tier 2 must account for 20 percent of the total score and consist of all of the following criteria:
 - The availability of local, state, and federal matching funds, considering the cost-share percentage, the status of the funding award, and federal authorization, if applicable.
 - Previous state commitment and involvement in the project, considering previously funded phases, the total amount of previous state funding, and previous partial appropriations for the proposed project.
 - The overall readiness of the project to proceed in a timely manner, considering the project's readiness for the construction phase of development, the status of required permits, the status of any needed easement acquisition, and the availability of local funding sources.
 - The cost-effectiveness of the project.
- Tier 3 must account for 20 percent of the total score and consist of all of the following criteria:
 - The current condition of the project area, including any recent impacts from storm damage.
 - The use of practices that reduce losses due to flooding and claims made under flood insurance policies issued in Florida.
 - The degree to which the project contributes to existing flooding mitigation projects that reduce upland damage costs by incorporating new or enhanced structures or restoration and revegetation projects.
 - The exceedance of the flood-resistant construction requirements of the Florida Building Code and applicable floodplain management regulations.
- Tier 4 must account for 10 percent of the total score and consist of all of the following criteria:
 - The proposed innovative technologies designed to reduce project costs and provide regional collaboration.
 - The environmental habitat enhancement or the inclusion of nature-based options for resilience, prioritizing state or federal critical habitat areas for threatened or endangered species.
 - The assistance to financially disadvantaged communities.

The bill establishes that the plan submitted by December 1, 2021, which will be submitted before the first statewide assessment is completed on July 1, 2023, will be a preliminary plan that addresses risks of flooding and sea level rise identified in local government vulnerability assessments. The plan submitted by December 1, 2022 will be an update to the preliminary plan. The plan submitted by December 1, 2023, and each plan submitted thereafter, must address risks of flooding and sea level rise identified in the statewide assessment.

Regional Resilience Coalitions

The bill authorizes counties and municipalities to enter into agreements to form regional resilience coalitions. The purpose of these coalitions is planning for the resilience needs of communities and coordinating intergovernmental solutions to mitigate the adverse impacts of flooding and sea level rise. Regional resilience coalitions may provide technical assistance to counties and municipalities for:

- Preparing and conducting vulnerability assessments and developing plans and policies funded by the Resilient Florida Grant Program.
- Developing project proposals to be submitted for inclusion in the Statewide Flooding and Sea-Level Rise Resilience Plan and implementing projects that are approved for funding.

The bill authorizes DEP, subject to specific legislative appropriation, to provide funding to regional resilience coalitions for the purpose of carrying out the requirements under section 1 of the bill.

Section 2 creates s. 380.0933, F.S., entitled “Florida Flood Hub for Applied Research and Innovation.”

The bill establishes within the University of South Florida (USF) College of Marine Science the Florida Flood Hub for Applied Research and Innovation (Hub) to coordinate efforts between the academic and research institutions of the state. USF’s College of Marine Science must serve as the lead institution and engage other academic and research institutions, private partners, and financial sponsors to coordinate efforts to support applied research and innovation to address the flooding and sea level rise challenges of the state.

The Hub must employ an executive director. At a minimum, the Hub must:

- Organize existing data needs for a comprehensive statewide flood vulnerability and sea level rise analysis and perform a gap analysis to determine data needs.
- Develop statewide open source hydrologic models for physically based flood frequency estimation and real-time forecasting of floods, including hydraulic models of floodplain inundation mapping, real-time compound and tidal flooding forecasts, future groundwater elevation conditions, and economic damage and loss estimates.
- Coordinate research funds from the state, the federal government, or other funding sources for related Hub activities across all participating entities.
- Establish community-based programs to improve flood monitoring and prediction along major waterways, including intracoastal waterways and coastlines, of this state and to support ongoing flood research.
- Coordinate with agencies, including, but not limited to, DEP and WMDs.
- Share its resources and expertise.
- Assist in the development of training and a workforce in this state that is knowledgeable about flood and sea level rise research, prediction, and adaptation and mitigation strategies.
- Develop opportunities to partner with other flood and sea level rise research and innovation leaders for sharing technology or research.
- Conduct the activities under the bill in cooperation with various local, state, and federal government entities as well as other flood and sea level rise research centers.

The bill requires the Hub to provide an annual comprehensive report to the Governor and the Legislature by July 1, 2022, and each July 1 thereafter. The report must outline the Hub's clearly defined goals and its efforts and progress on reaching such goals.

Section 3 amends s. 403.928, F.S., which establishes requirements for the Office of Economic and Demographic Research (EDR) to conduct an annual assessment of Florida's water resources and conservation lands.

The bill requires EDR to include in its annual assessment an analysis of inland and coastal flood control, beginning with the assessment due by January 1, 2022. EDR must analyze future expenditures by federal, state, regional, and local governments required to achieve the Legislature's intent of minimizing the adverse economic effects of inland and coastal flooding, thereby decreasing the likelihood of severe dislocations or disruptions in the economy and preserving the value of real and natural assets to the extent economically feasible. To the extent possible, the analysis must evaluate the cost of resilience efforts necessary to address inland and coastal flooding associated with sea level rise, high tide events, storm surge, flash flooding, stormwater runoff, and increased annual precipitation over a 50-year planning horizon. Additionally, when dedicated revenues are provided in law for these purposes or recurring expenditures are made, EDR's analysis must identify the gap, if any, between the estimated revenues and the projected expenditures.

Section 4 states that the act shall take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

The bill may have an indeterminate, positive fiscal impact on the private sector. The bill creates programs to help fund local government projects that plan for and address flooding and sea level rise. Increased resilience planning and implementation may reduce the short- and/or long-term financial loss or risk of loss for the private sector, such as impacts to local economies or private properties.

C. Government Sector Impact:

The bill may result in increased costs for the Department of Environmental Protection (DEP). The bill requires DEP to create a new grant program, conduct statewide scientific studies that are updated every three years, and create a statewide plan proposing up to \$100 million in project funding that is developed annually based on a new scoring system implemented by DEP. DEP may need to engage in rulemaking to implement the bill.

The bill may result in increased costs for the water management districts. The bill requires water management districts to receive and evaluate projects from local governments, and submit project lists and corresponding evaluations annually to DEP.

The bill may result in increased costs for the University of South Florida. The bill requires the University of South Florida to create a program to coordinate and lead certain statewide efforts on flooding and sea level rise.

The bill may result in increased costs for the Office of Economic and Demographic Research. The bill requires the office to add another complex subject to its annual assessment of Florida's water resources and conservation lands.

The bill may have an indeterminate, positive fiscal impact on local governments. The bill creates a grant program for counties and municipalities to fund the costs of community resilience planning. It creates a statewide plan which may propose up to \$100 million dollars in annual funding for local government projects addressing flooding and sea level rise. The bill also authorizes local governments to form regional resilience coalitions to facilitate efforts, and authorizes DEP, subject to specific legislative appropriation, to provide funding to regional coalitions. Furthermore, by providing funding and resources for resilience planning and addressing flood risk and sea level rise, the bill may reduce the short- and/or long-term financial loss or risk of loss for local governments.

VI. Technical Deficiencies:

Sections 1 and 2 of the bill create sections of law that would go into part I of ch. 380, F.S. Both of those bill sections use the term "department" to refer, presumably, to the Department of

Environmental Protection (DEP). However, according to s. 380.031(18), F.S., the Department of Economic Opportunity may be referred to as the “department” in part I of ch. 380, F.S. Therefore, an amendment is recommended, to add a definition in section 1 of the bill (in the existing definition section) clarifying that “department” means DEP in s. 380.093, F.S., and to spell out DEP’s name in place of “department” on line 397 in section 2 of the bill.

VII. Related Issues:

Between lines 137 and 173, the bill references specific sources or standards, including the North American Vertical Datum of 1988, specific scenarios from the National Oceanic and Atmospheric Administration’s (NOAA’s) 2017 sea level rise projections, and NOAA Technical Report NOS CO-OPS 086. These scientific sources or standards will likely be updated or replaced subsequent to the passage of the bill, in which case the Florida Statutes may contain requirements that include obsolete references. An amendment is recommended so that when the scientific sources or standards specifically referenced in the bill are updated or replaced those changes will be incorporated at the appropriate time so the statutory requirements may contain the most current sources and standards.

VIII. Statutes Affected:

This bill creates sections 380.093 and 380.0933 of the Florida Statutes.

This bill amends section 403.928 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.)

None.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/15/2021	.	
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The Committee on Environment and Natural Resources (Rodrigues)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 76 - 173
and insert:

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

(a) "Critical asset" includes:

1. Transportation assets and evacuation routes, including
airports, bridges, bus terminals, ports, major roadways,
marinas, rail facilities, and railroad bridges.

2. Critical infrastructure, including wastewater treatment



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facilities, stormwater treatment facilities, drinking water facilities, electric production and supply facilities, solid and hazardous waste facilities, military installations, communications facilities, and disaster debris management sites.

3. Critical community and emergency facilities, including schools, colleges, universities, community centers, correctional facilities, disaster recovery centers, emergency medical service facilities, emergency operation centers, fire stations, health care facilities, hospitals, law enforcement facilities, local government facilities, logistical staging areas, affordable public housing, risk shelter inventory, and state government facilities.

4. Natural, cultural, and historical resources, including conservation lands, parks, shorelines, surface waters, wetlands, and historical and cultural assets.

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

(3) RESILIENT FLORIDA GRANT PROGRAM.—

(a) The Resilient Florida Grant Program is established within the department.

(b) Subject to appropriation, the department may provide grants to a county or municipality to fund the costs of community resilience planning, including projects that address the requirements of s. 163.3178(2)(f), vulnerability assessments that identify or address risks of flooding and sea-level rise, and the development of plans and policies that allow communities to prepare for threats from flooding and sea-level rise.

(c) A vulnerability assessment conducted pursuant to paragraph (b) must encompass an entire county or municipality



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and must use the most recent publicly available Digital
Elevation Model and dynamic modeling techniques, if available.

1. The assessment must include an analysis of the
vulnerability of and risks to critical assets, including
regionally significant assets, owned or managed by the county or
municipality.

2. Upon completion of a vulnerability assessment, the
county or municipality shall submit to the department the
following:

a. A report detailing the findings of the assessment.

b. All electronic mapping data used to illustrate flooding
and sea-level rise impacts identified in the assessment. When
submitting such data, the county or municipality shall include:

(I) Geotechnical data in an electronic file format suitable
for input to the department's mapping tool.

(II) Geographic Information System data that has been
projected into the appropriate Florida State Plane Coordinate
System and that is suitable for the department's mapping tool.
The county or municipality must also submit metadata using
standards prescribed by the department.

c. A list of critical assets, including regionally
significant assets, that are impacted by flooding and sea-level
rise.

(d) A vulnerability assessment conducted for a county or
municipality subject to the requirements of s. 163.3178(2) (f)
must include:

1. A peril of flood analysis that addresses the
requirements of s. 163.3178(2) (f).

2. The depth of sea-level rise, calculated using the North



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American Vertical Datum of 1988, expected for the county or municipality using, at a minimum, all of the following:

a. Two local sea-level rise scenarios, which must equal or exceed the 2017 National Oceanic and Atmospheric Administration intermediate-low and intermediate-high sea-level rise projections.

b. At least two planning horizons that must be, at a minimum, 20 years and 50 years from the date of the assessment.

c. Local sea-level rise data that has been interpolated between the two closest coastal tide gauges with National Oceanic and Atmospheric Administration sea-level rise data.

3. The depth of expected storm surge flooding using Federal Emergency Management Agency storm surge data. The storm surge flood depth used must equal or exceed the 100-year flood event and must be calculated using the North American Vertical Datum of 1988.

4. The depth of potential future flooding from combinations of sea-level rise, storm surge, and high tides using, at a minimum, all of the following:

a. Two local sea-level rise scenarios, which must equal or exceed the 2017 National Oceanic and Atmospheric Administration intermediate-low and intermediate-high sea-level rise projections.

b. At least two planning horizons that must be, at a minimum, 20 years and 50 years from the date of the assessment.

c. Local sea-level rise data that has been interpolated between the two closest coastal tide gauges with National Oceanic and Atmospheric Administration sea-level rise data.

d. The depth of expected storm surge flooding using Federal



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Emergency Management Agency storm surge data. The storm surge flood depth used must equal or exceed the 100-year flood event and must be calculated using the North American Vertical Datum of 1988.

e. Future high tide flooding, which must be derived using National Oceanic and Atmospheric Administration Technical Report NOS CO-OPS 086.

(e) The department shall submit written notification to the President of the Senate and the Speaker of the House of Representatives when any scientific source or standard specifically referenced in this subsection is updated or replaced with a subsequent source or standard. Such written notification shall be submitted within 30 days of the department learning of an update or replacement.

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

And the title is amended as follows:

Delete line 11

and insert:

local government vulnerability assessments; requiring
the department to notify the Legislature if
specifically referenced sources or standards are
updated or replaced; requiring



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/15/2021	.	
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The Committee on Environment and Natural Resources (Rodrigues)
recommended the following:

Senate Amendment

Delete line 397
and insert:
to, the Department of Environmental Protection and water
management districts.

By Senator Rodrigues

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A bill to be entitled

An act relating to statewide flooding and sea-level rise resilience; creating s. 380.093, F.S.; providing legislative intent; defining the term "critical asset"; establishing the Resilient Florida Grant Program within the Department of Environmental Protection; authorizing the department to provide grants to local governments to fund the costs of community resilience planning, subject to appropriation; providing requirements for certain local government vulnerability assessments; requiring the department to complete a comprehensive statewide flood vulnerability and sea-level rise data set and assessment by specified dates; specifying requirements for such data set and assessment; requiring the department to develop a Statewide Flooding and Sea-Level Rise Resilience Plan and annually submit the plan to the Governor and Legislature by a specified date; specifying requirements for the plan; requiring water management districts to annually submit proposed projects to the department for inclusion in the plan; specifying requirements for such projects; specifying projects that are ineligible for inclusion in the plan; requiring the department to implement a scoring system for assessing projects submitted by water management districts; limiting the total amount of funding that may be proposed in the plan; requiring the Legislature, upon review and subject to appropriation, to approve funding for projects as

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specified in the plan; authorizing local governments to create regional resilience coalitions for a specified purpose; authorizing the department to provide funding to the coalitions, subject to appropriation; creating s. 380.0933, F.S.; establishing the Florida Flood Hub for Applied Research and Innovation within the University of South Florida College of Marine Science for a specified purpose; providing duties of the hub; providing for an executive director; requiring the hub to submit an annual report to the Governor and Legislature by a specified date; amending s. 403.928, F.S.; requiring the Office of Economic and Demographic Research to include specified information relating to inland and coastal flood control in certain assessments; providing an effective date.

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

Section 1. Section 380.093, Florida Statutes, is created to read:

380.093 Statewide Flooding and Sea-Level Rise Resilience Plan.—

(1) LEGISLATIVE INTENT.—

(a) The Legislature recognizes that this state is particularly vulnerable to adverse impacts of flooding resulting from the increasing frequency and duration of rainfall events, storm surge from more frequent and severe weather systems, and sea-level rise. Such adverse impacts pose economic, social,

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environmental, and public health and safety challenges to this state. To most effectively address these challenges, funding should be allocated in a manner that prioritizes and addresses the most significant risks.

(b) The Legislature further recognizes that the adverse impacts of flooding and sea-level rise affect coastal and inland communities all across this state. Consequently, a coordinated approach is necessary to maximize the benefit of efforts to address such impacts and to improve this state's resilience to flooding and sea-level rise.

(c) The Legislature further recognizes that to effectively and efficiently address and prepare for the adverse impacts of flooding and sea-level rise in this state, it is necessary to conduct a comprehensive statewide assessment of the specific risks posed to this state by flooding and sea-level rise and develop a statewide coordinated approach to addressing such risks.

(2) DEFINITION.—As used in this section, the term "critical asset" includes:

(a) Transportation assets and evacuation routes, including airports, bridges, bus terminals, ports, major roadways, marinas, rail facilities, and railroad bridges.

(b) Critical infrastructure, including wastewater treatment facilities, stormwater treatment facilities, drinking water facilities, electric production and supply facilities, solid and hazardous waste facilities, military installations, communications facilities, and disaster debris management sites.

(c) Critical community and emergency facilities, including schools, colleges, universities, community centers, correctional

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88 facilities, disaster recovery centers, emergency medical service
89 facilities, emergency operation centers, fire stations, health
90 care facilities, hospitals, law enforcement facilities, local
91 government facilities, logistical staging areas, affordable
92 public housing, risk shelter inventory, and state government
93 facilities.

94 (d) Natural, cultural, and historical resources, including
95 conservation lands, parks, shorelines, surface waters, wetlands,
96 and historical and cultural assets.

97 (3) RESILIENT FLORIDA GRANT PROGRAM.—

98 (a) The Resilient Florida Grant Program is established
99 within the Department of Environmental Protection.

100 (b) Subject to appropriation, the department may provide
101 grants to a county or municipality to fund the costs of
102 community resilience planning, including projects that address
103 the requirements of s. 163.3178(2)(f), vulnerability assessments
104 that identify or address risks of flooding and sea-level rise,
105 and the development of plans and policies that allow communities
106 to prepare for threats from flooding and sea-level rise.

107 (c) A vulnerability assessment conducted pursuant to
108 paragraph (b) must encompass an entire county or municipality
109 and must use the most recent publicly available Digital
110 Elevation Model and dynamic modeling techniques, if available.

111 1. The assessment must include an analysis of the
112 vulnerability of and risks to critical assets, including
113 regionally significant assets, owned or managed by the county or
114 municipality.

115 2. Upon completion of a vulnerability assessment, the
116 county or municipality shall submit to the department the

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following:

a. A report detailing the findings of the assessment.

b. All electronic mapping data used to illustrate flooding and sea-level rise impacts identified in the assessment. When submitting such data, the county or municipality shall include:

(I) Geotechnical data in an electronic file format suitable for input to the department's mapping tool.

(II) Geographic Information System data that has been projected into the appropriate Florida State Plane Coordinate System and that is suitable for the department's mapping tool. The county or municipality must also submit metadata using standards prescribed by the department.

c. A list of critical assets, including regionally significant assets, that are impacted by flooding and sea-level rise.

(d) A vulnerability assessment conducted for a county or municipality subject to the requirements of s. 163.3178(2)(f) must include:

1. A peril of flood analysis that addresses the requirements of s. 163.3178(2)(f).

2. The depth of sea-level rise, calculated using the North American Vertical Datum of 1988, expected for the county or municipality using, at a minimum, all of the following:

a. Two local sea-level rise scenarios, which must equal or exceed the 2017 National Oceanic and Atmospheric Administration intermediate-low and intermediate-high sea-level rise projections.

b. At least two planning horizons that must be, at a minimum, 20 years and 50 years from the date of the assessment.

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c. Local sea-level rise data that has been interpolated between the two closest coastal tide gauges with National Oceanic and Atmospheric Administration sea-level rise data.

3. The depth of expected storm surge flooding using Federal Emergency Management Agency storm surge data. The storm surge flood depth used must equal or exceed the 100-year flood event and must be calculated using the North American Vertical Datum of 1988.

4. The depth of potential future flooding from combinations of sea-level rise, storm surge, and high tides using, at a minimum, all of the following:

a. Two local sea-level rise scenarios, which must equal or exceed the 2017 National Oceanic and Atmospheric Administration intermediate-low and intermediate-high sea-level rise projections.

b. At least two planning horizons that must be, at a minimum, 20 years and 50 years from the date of the assessment.

c. Local sea-level rise data that has been interpolated between the two closest coastal tide gauges with National Oceanic and Atmospheric Administration sea-level rise data.

d. The depth of expected storm surge flooding using Federal Emergency Management Agency storm surge data. The storm surge flood depth used must equal or exceed the 100-year flood event and must be calculated using the North American Vertical Datum of 1988.

e. Future high tide flooding, which must be derived using National Oceanic and Atmospheric Administration Technical Report NOS CO-OPS 086.

(4) COMPREHENSIVE STATEWIDE FLOOD VULNERABILITY AND SEA-

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LEVEL RISE DATA SET AND ASSESSMENT.—

(a) By July 1, 2022, the department shall complete the development of a comprehensive statewide flood vulnerability and sea-level rise data set sufficient to conduct a comprehensive statewide flood vulnerability and sea-level rise assessment.

1. The Chief Science Officer shall, in coordination with necessary experts and resources, develop statewide sea-level rise projections that incorporate temporal and spatial variability, to the extent practicable, for inclusion in the data set.

2. The data set must include information necessary to determine the risks to inland and coastal communities, such as elevation, tidal levels, and precipitation.

(b) By July 1, 2023, the department shall complete a comprehensive statewide flood vulnerability and sea-level rise assessment that identifies inland and coastal infrastructure, geographic areas, and communities in this state which are vulnerable to flooding and sea-level rise and the associated risks.

1. The department shall use the comprehensive statewide flood vulnerability and sea-level rise data set to conduct the assessment.

2. The assessment must incorporate local and regional analyses of vulnerabilities and risks.

3. The assessment must include an inventory of critical assets, including regionally significant assets, which are essential for critical government and business functions, national security, public health and safety, the economy, flood and storm protection, water quality management, and wildlife

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204 habitat management, and must identify and analyze the
205 vulnerability of and risks to such critical assets.

206 (c) The department shall update the comprehensive statewide
207 flood vulnerability and sea-level rise data set and assessment
208 every 3 years. The department may update the data set and
209 assessment more frequently if it determines that updates are
210 necessary to maintain the validity of the data set and
211 assessment.

212 (5) STATEWIDE FLOODING AND SEA-LEVEL RISE RESILIENCE PLAN.-

213 (a) By December 1, 2021, and each December 1 thereafter,
214 the department shall develop a Statewide Flooding and Sea-Level
215 Rise Resilience Plan on a 3-year planning horizon and submit it
216 to the Governor, the President of the Senate, and the Speaker of
217 the House of Representatives. The plan must consist of ranked
218 projects that address risks of flooding and sea-level rise to
219 coastal and inland communities in this state.

220 (b) The plan submitted by December 1, 2021, before the
221 comprehensive statewide flood vulnerability and sea-level rise
222 assessment is completed, will be a preliminary plan that
223 addresses risks of flooding and sea-level rise identified in
224 local government vulnerability assessments. The plan submitted
225 by December 1, 2022, will be an update to the preliminary plan.
226 The plan submitted by December 1, 2023, and each plan submitted
227 by each December 1 thereafter, shall address risks of flooding
228 and sea-level rise identified in the comprehensive statewide
229 flood vulnerability and sea-level rise assessment.

230 (c) Each plan submitted by the department pursuant to this
231 subsection must include the following information for each
232 recommended project:

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233 1. A description of the project.

234 2. The location of the project.

235 3. An estimate of how long the project will take to
236 complete.

237 4. An estimate of the cost of the project.

238 5. The cost-share percentage available for the project.

239 6. A summary of the priority score assigned to the project.

240 (d) By September 1, 2021, and each September 1 thereafter,
241 each water management district shall submit to the department a
242 list of proposed projects that mitigate or eliminate risks of
243 flooding or sea-level rise and a corresponding evaluation of
244 each project.

245 1. Local governments and regional entities whose
246 responsibilities include addressing flooding or sea-level rise
247 may submit to the water management district proposed projects
248 that mitigate or eliminate risks of flooding or sea-level rise.

249 2. Water management districts shall evaluate the proposed
250 projects to assess the degree to which the project addresses:

251 a. Threats to critical assets, including regionally
252 significant assets, and reductions of future damage costs.

253 b. Risks identified in local government vulnerability
254 assessments or the comprehensive statewide flood vulnerability
255 and sea-level rise assessment, as applicable.

256 3. Each project submitted by a water management district
257 for consideration by the department for inclusion in the plan
258 must include:

259 a. A description of the project.

260 b. The location of the project.

261 c. An estimate of how long the project will take to

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complete.

d. An estimate of the cost of the project.

e. The cost-share percentage available for the project.

(e) Each project included in the plan must have a minimum 50 percent cost share.

(f) To be eligible for inclusion in the plan, a project must address risks to a critical asset identified in a local government vulnerability assessment or the comprehensive statewide flood vulnerability and sea-level rise assessment, as applicable.

(g) Projects ineligible for inclusion in the plan include, but are not limited to:

1. Aesthetic vegetation.

2. Recreational structures such as piers, docks, and boardwalks.

3. Water quality components of stormwater and wastewater management systems, except projects to prevent saltwater intrusion.

4. Maintenance and repair of over-walks.

5. Park activities and facilities, except projects to control flooding or erosion.

6. Navigation construction, operation, and maintenance activities.

7. Projects that provide only recreational benefits.

(h) The department shall implement a scoring system for assessing each project submitted by water management districts for inclusion in the plan. The scoring system must include the following tiers and associated criteria:

1. Tier 1 must account for 50 percent of the total score

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and consist of all of the following criteria:

a. The degree to which the project addresses the risks posed by flooding and sea-level rise identified in the local government vulnerability assessments or the comprehensive statewide flood vulnerability and sea-level rise assessment, as applicable.

b. The degree to which the project addresses risks to regionally significant assets.

c. The degree to which the project reduces risks to areas with an overall higher percentage of vulnerable critical assets.

2. Tier 2 must account for 20 percent of the total score and consist of all of the following criteria:

a. The availability of local, state, and federal matching funds, considering the cost-share percentage, the status of the funding award, and federal authorization, if applicable.

b. Previous state commitment and involvement in the project, considering previously funded phases, the total amount of previous state funding, and previous partial appropriations for the proposed project.

c. The overall readiness of the project to proceed in a timely manner, considering the project's readiness for the construction phase of development, the status of required permits, the status of any needed easement acquisition, and the availability of local funding sources.

d. The cost-effectiveness of the project.

3. Tier 3 must account for 20 percent of the total score and consist of all of the following criteria:

a. The current condition of the project area, including any recent impacts from storm damage.

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b. The use of practices that reduce losses due to flooding and claims made under flood insurance policies issued in this state.

c. The degree to which the project contributes to existing flooding mitigation projects that reduce upland damage costs by incorporating new or enhanced structures or restoration and revegetation projects.

d. The exceedance of the flood-resistant construction requirements of the Florida Building Code and applicable flood plain management regulations.

4. Tier 4 must account for 10 percent of the total score and consist of all of the following criteria:

a. The proposed innovative technologies designed to reduce project costs and provide regional collaboration.

b. The environmental habitat enhancement or the inclusion of nature-based options for resilience, prioritizing state or federal critical habitat areas for threatened or endangered species.

c. The assistance to financially disadvantaged communities.

(i) The total amount of funding proposed in the plan may not exceed \$100 million. Upon review and subject to appropriation, the Legislature shall approve funding for the projects as specified in the plan. Multiyear projects that receive funding for the first year of the project must be included in subsequent plans and funded until the project is complete, provided that the project sponsor has complied with all contractual obligations and funds are available.

(6) REGIONAL RESILIENCE COALITIONS.—

(a) Counties and municipalities may enter into agreements

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to form regional resilience coalitions for the purpose of
planning for the resilience needs of communities and
coordinating intergovernmental solutions to mitigate adverse
impacts of flooding and sea-level rise.

(b) Regional resilience coalitions may provide technical
assistance to counties and municipalities in:

1. Preparing and conducting vulnerability assessments and
developing plans and policies funded by the Resilient Florida
Grant Program.

2. Developing project proposals to be submitted for
inclusion in the Statewide Flooding and Sea-Level Rise
Resilience Plan and implementing projects that are approved for
funding.

(c) Subject to specific legislative appropriation, the
department may provide funding to regional resilience coalitions
for the purpose of carrying out the duties under this section.

Section 2. Section 380.0933, Florida Statutes, is created
to read:

380.0933 Florida Flood Hub for Applied Research and
Innovation.—

(1) The Florida Flood Hub for Applied Research and
Innovation is established within the University of South Florida
College of Marine Science to coordinate efforts between the
academic and research institutions of this state. The University
of South Florida College of Marine Science will serve as the
lead institution and engage other academic and research
institutions, private partners, and financial sponsors to
coordinate efforts to support applied research and innovation to
address the flooding and sea-level rise challenges of this

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state.

(2) The hub shall, at a minimum:

(a) Organize existing data needs for a comprehensive statewide flood vulnerability and sea-level rise analysis and perform a gap analysis to determine data needs.

(b) Develop statewide open source hydrologic models for physically based flood frequency estimation and real-time forecasting of floods, including hydraulic models of floodplain inundation mapping, real-time compound and tidal flooding forecasts, future groundwater elevation conditions, and economic damage and loss estimates.

(c) Coordinate research funds from the state, the federal government, or other funding sources for related hub activities across all participating entities.

(d) Establish community-based programs to improve flood monitoring and prediction along major waterways, including intracoastal waterways and coastlines, of this state and to support ongoing flood research.

(e) Coordinate with agencies, including, but not limited to, the department and water management districts.

(f) Share its resources and expertise.

(g) Assist in the development of training and a workforce in this state that is knowledgeable about flood and sea-level rise research, prediction, and adaptation and mitigation strategies.

(h) Develop opportunities to partner with other flood and sea-level rise research and innovation leaders for sharing technology or research.

(i) Conduct the activities under this subsection in

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cooperation with various local, state, and federal government entities as well as other flood and sea-level rise research centers.

(3) The hub shall employ an executive director.

(4) By July 1, 2022, and each July 1 thereafter, the hub shall provide an annual comprehensive report to the Governor, the President of the Senate, and the Speaker of the House of Representatives that outlines its clearly defined goals and its efforts and progress on reaching such goals.

Section 3. Subsections (3) through (7) of section 403.928, Florida Statutes, are amended to read:

403.928 Assessment of water resources and conservation lands.—The Office of Economic and Demographic Research shall conduct an annual assessment of Florida's water resources and conservation lands.

(3) ASSESSMENT REQUIREMENTS.—The assessment must:

(a) shall Include analyses on a statewide, regional, or geographic basis, as appropriate, and shall identify analytical challenges in assessing information across the different regions of this ~~the~~ state.

(b) (4) The assessment must Identify any overlap in the expenditures for water resources and conservation lands.

(4) INLAND AND COASTAL FLOOD CONTROL.—Beginning with the assessment due by January 1, 2022, the Office of Economic and Demographic Research shall include in the assessment an analysis of future expenditures by federal, state, regional, and local governments required to achieve the Legislature's intent of minimizing the adverse economic effects of inland and coastal flooding, thereby decreasing the likelihood of severe

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436 dislocations or disruptions in the economy and preserving the
437 value of real and natural assets to the extent economically
438 feasible. To the extent possible, the analysis must evaluate the
439 cost of resilience efforts necessary to address inland and
440 coastal flooding associated with sea-level rise, high tide
441 events, storm surge, flash flooding, stormwater runoff, and
442 increased annual precipitation over a 50-year planning horizon.
443 At such time that dedicated revenues are provided in law for
444 these purposes or that recurring expenditures are made, the
445 analysis must also identify the gap, if any, between the
446 estimated revenues and the projected expenditures.

447 (5) ASSESSMENT ASSISTANCE.—

448 (a) The water management districts, the Department of
449 Environmental Protection, the Department of Agriculture and
450 Consumer Services, the Fish and Wildlife Conservation
451 Commission, counties, municipalities, and special districts
452 shall provide assistance to the Office of Economic and
453 Demographic Research related to their respective areas of
454 expertise.

455 (b) ~~(6)~~ The Office of Economic and Demographic Research must
456 be given access to any data held by an agency as defined in s.
457 112.312 if the Office of Economic and Demographic Research
458 considers the data necessary to complete the assessment,
459 including any confidential data.

460 ~~(6)~~ ~~(7)~~ ASSESSMENT SUBMISSION.—The assessment shall be
461 submitted to the President of the Senate and the Speaker of the
462 House of Representatives by January 1, 2017, and by January 1 of
463 each year thereafter.

464 Section 4. 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 Environment and Natural Resources

BILL: SB 1480

INTRODUCER: Senator Brodeur

SUBJECT: Land Acquisition Trust Fund

DATE: March 8, 2021

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Anderson	Rogers	EN	Favorable
2. _____	_____	AEG	_____
3. _____	_____	AP	_____

I. Summary:

SB 1480 extends the date by which bonds issued to fund the Florida Forever Act are intended to be retired to December 31, 2054. Under current law, the bonds are intended to be retired by December 31, 2040.

The bill takes effect on July 1, 2021.

II. Present Situation:

Florida Forever

As a successor to Preservation 2000, the Legislature created the Florida Forever program in 1999 as the Blueprint for conserving Florida's natural resources.¹ The Florida Forever Act reinforced the state's commitment to conserve its natural and cultural heritage, provide urban open space, and better manage the land acquired by the state.² Florida Forever encompasses a wide range of goals including: land acquisition; environmental restoration; water resource development and supply; increased public access; public lands management and maintenance; and increased protection of land through the purchase of conservation easements.³ The state has acquired more than 2.4 million acres since 1991 under the Preservation 2000 and the Florida Forever programs.⁴

¹ Chapter 99-247, Laws of Fla.

² Department of Environmental Protection (DEP), *Florida Forever Five Year Plan* (2020), 17, available at <http://publicfiles.dep.state.fl.us/DSL/FFWeb/Current%20Florida%20Forever%20Five-Year%20Plan.pdf> (last visited Mar. 3, 2021).

³ Section 259.105, F.S.

⁴ DEP, *Frequently Asked Questions about Florida Forever*, <https://floridadep.gov/lands/environmental-services/content/faq-florida-forever> (last visited Mar. 3, 2021). See Florida Natural Areas Inventory, *Summary of Florida Conservation Lands* (Feb. 2019), available at https://www.fnai.org/PDF/Maacres_201902_FCL_plus_LTF.pdf (last visited Mar. 3, 2021) for a complete summary of the total amount of conservation lands in Florida.

Under Florida Forever, the issuance of up to \$5.3 billion in Florida Forever bonds is authorized to finance or refinance the cost of acquisition and improvement of land, water areas, and related property interests and resources, in urban and rural settings, for the purposes of restoration, conservation, recreation, water resource development, or historical preservation, and for capital improvements⁵ to lands and water areas which accomplish environmental restoration, enhance public access and recreational enjoyment, promote long-term management goals, and facilitate water resource development.⁶

Florida Forever Bonds

Florida Forever bonds are payable from a dedicated state tax revenue: documentary stamp tax revenues.⁷ Documentary stamp taxes are levied on deeds and other documents related to real property and are collected under ch. 201, F.S. The bonds are issued by the Division of Bond Finance of the State Board of Administration.⁸

Before distribution of the collected documentary stamp tax revenues, the Department of Revenue is required to deduct the amounts necessary to pay the costs of collection and enforcement of the documentary stamp tax.⁹ After the deduction of costs, the remaining tax revenues are required to be first deposited into the Land Acquisition Trust Fund to make payments on Florida Forever bonds and bonds for Everglades Restoration.¹⁰

The amount deposited into the Land Acquisition Trust Fund must be used first for the payment of debt service or funding of debt service reserve funds, rebate obligations, or other amounts payable with respect to Florida Forever bonds.¹¹ The bonds issued to fund the Florida Forever Act generally have a 20-year term and are intended to be retired by December 31, 2040.¹² Except for bonds issued to refund previously issued bonds, no bonds may be issued unless such bonds are approved and the debt service for the remainder of the fiscal year in which the bonds are issued is specifically appropriated in the General Appropriations Act.¹³

In 2017, the Legislature authorized up to \$800 million in new Florida Forever bonds for the Everglades Agricultural Area Reservoir, subject to the existing \$5.3 billion overall bonding

⁵ As defined in s. 259.03, F.S., the terms “capital improvement” or “capital project expenditure” when used in ch. 259, F.S., mean “those activities relating to the acquisition, restoration, public access, and recreational uses of such lands, water areas, and related resources deemed necessary to accomplish the purposes of this chapter. Eligible activities include, but are not limited to: the initial removal of invasive plants; the construction, improvement, enlargement or extension of facilities’ signs, firelanes, access roads, and trails; or any other activities that serve to restore, conserve, protect, or provide public access, recreational opportunities, or necessary services for land or water areas. Such activities shall be identified prior to the acquisition of a parcel or the approval of a project. The continued expenditures necessary for a capital improvement approved under this subsection shall not be eligible for funding provided in this chapter.”

⁶ Section 215.618, F.S.; FLA. CONST. art. VII, s. 11(e).

⁷ Section 215.618(3), F.S.

⁸ Section 215.618(4), F.S.

⁹ *Id.*

¹⁰ Section 201.15(1), F.S. Florida Forever bonds are governed under s. 215.618, F.S., and bonds for Everglades restoration are governed under s. 215.619, F.S.

¹¹ Section 201.15(3), F.S.

¹² *Id.*; s. 215.618(1), F.S.

¹³ Section 201.15(3), F.S.

limit.¹⁴ Such bonds have not yet received the required legislative approval or a specific appropriation necessary prior to issuance.¹⁵

III. Effect of Proposed Changes:

The bill extends the date by which bonds issued to fund the Florida Forever Act are intended to be retired to December 31, 2054.

The bill takes effect on July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None. However, there may be a negative fiscal impact due to debt service payments if bonds are issued in the future.

¹⁴ Ch. 2017-10, Laws of Fla.

¹⁵ Division of Bond Finance, *Official Statement - Florida Forever Revenue Refunding Bonds, Series 2018A* (Jan. 24, 2019), available at <https://emma.msrb.org/ER1182014-ER924237-ER1325017.pdf> (last visited March. 4, 2021).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 201.15 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.)

None.

B. Amendments:

None.

By Senator Brodeur

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1 A bill to be entitled
2 An act relating to the Land Acquisition Trust Fund;
3 amending s. 201.15, F.S.; extending the date by which
4 bonds issued to fund the Florida Forever Act are
5 intended to be retired; providing an effective date.
6

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

9 Section 1. Paragraph (a) of subsection (3) of section
10 201.15, Florida Statutes, is amended to read:

11 201.15 Distribution of taxes collected.—All taxes collected
12 under this chapter are hereby pledged and shall be first made
13 available to make payments when due on bonds issued pursuant to
14 s. 215.618 or s. 215.619, or any other bonds authorized to be
15 issued on a parity basis with such bonds. Such pledge and
16 availability for the payment of these bonds shall have priority
17 over any requirement for the payment of service charges or costs
18 of collection and enforcement under this section. All taxes
19 collected under this chapter, except taxes distributed to the
20 Land Acquisition Trust Fund pursuant to subsections (1) and (2),
21 are subject to the service charge imposed in s. 215.20(1).
22 Before distribution pursuant to this section, the Department of
23 Revenue shall deduct amounts necessary to pay the costs of the
24 collection and enforcement of the tax levied by this chapter.
25 The costs and service charge may not be levied against any
26 portion of taxes pledged to debt service on bonds to the extent
27 that the costs and service charge are required to pay any
28 amounts relating to the bonds. All of the costs of the
29 collection and enforcement of the tax levied by this chapter and

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the service charge shall be available and transferred to the extent necessary to pay debt service and any other amounts payable with respect to bonds authorized before January 1, 2017, secured by revenues distributed pursuant to this section. All taxes remaining after deduction of costs shall be distributed as follows:

(3) Amounts on deposit in the Land Acquisition Trust Fund shall be used in the following order:

(a) Payment of debt service or funding of debt service reserve funds, rebate obligations, or other amounts payable with respect to Florida Forever bonds issued pursuant to s. 215.618. The amount used for such purposes may not exceed \$300 million in each fiscal year. It is the intent of the Legislature that all bonds issued to fund the Florida Forever Act be retired by December 31, 2054 ~~2040~~. Except for bonds issued to refund previously issued bonds, no series of bonds may be issued pursuant to this paragraph unless such bonds are approved and the debt service for the remainder of the fiscal year in which the bonds are issued is specifically appropriated in the General Appropriations Act or other law with respect to bonds issued for the purposes of s. 373.4598.

Bonds issued pursuant to s. 215.618 or s. 215.619 are equally and ratably secured by moneys distributable to the Land Acquisition Trust Fund.

Section 2. This act shall take effect July 1, 2021.

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: _____

BILL: SB 7060

INTRODUCER: Environment and Natural Resources Committee

SUBJECT: Biosolids

DATE: March 16, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Anderson	Rogers		EN Submitted as Comm. Bill/Fav
2.				
3.				
4.				
5.				
6.				

I. Summary:

SB 7060 ratifies the Department of Environmental Protection's (DEP's) revisions to their biosolids rules, chapter 62-640 of the Florida Administrative Code. The bill exempts the rules from review and approval by the Environmental Regulation Commission.

Chapter 2020-150, Laws of Florida, required DEP to adopt rules for biosolids management and included provisions that the rule must:

- Require a new land application site permit or permit renewal issued after July 1, 2020, to:
 - Ensure a minimum unsaturated soil depth of 2 feet between the depth of biosolids placement and the water table level at the time biosolids are applied to the soil;
 - Prohibit applying biosolids to land with a seasonal high water table within 6 inches of the soil surface or depth of biosolids placement unless a department-approved nutrient management plan and water quality monitoring plan provide reasonable assurances that the land application of biosolids at the site will not cause or contribute to a violation of the state's surface water quality standards or groundwater standards; and
 - Require biosolids sites to enroll in a Department of Agriculture and Consumer Services Best Management Practices program;
- Require all permits to comply with these requirements by July 1, 2022; and
- Require biosolids sites to comply with DEP's new rule within two years of the effective date of the rule.

The Statement of Estimated Regulatory Costs (SERC) developed by DEP determined that the proposed rule will likely increase regulatory costs in excess of \$1 million in the aggregate within

5 years after implementation of the rule. This amount triggers the statutory requirement for the rule to be ratified by the Legislature before it may go into effect.

The bill provides a declaratory statement and determination by the Legislature that the rule ratification fulfills an important state interest.

The bill requires DEP to provide notice to and receive consent from a private property owner before entering onto his or her property to install monitoring equipment or conduct sampling for biosolids sites.

The act is effective upon becoming a law. At that time, the rule also becomes effective.

II. Present Situation:

Legislative Ratification

A rule is subject to legislative ratification if it:

- Has an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within five years after the implementation of the rule;
- Has an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within five years after the implementation of the rule; or
- Increases regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within five years after the implementation of the rule.¹

If a rule requires ratification by the Legislature, the rule must be submitted to the President of the Senate and Speaker of the House of Representatives no later than 30 days prior to the regular legislative session. The rule may not go into effect until it is ratified by the Legislature.²

Statement of Estimated Regulatory Costs Requirements

A statement of estimated regulatory costs (SERC) is an analysis prepared by an agency before the adoption, amendment, or repeal of a rule other than an emergency rule. A SERC must be prepared by an agency for a proposed rule that:

- Will have an adverse impact on small business; or
- Is likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in the state within 1 year after the implementation of the rule.³

A SERC must include:

- An economic analysis showing whether the rule exceeds the thresholds requiring legislative ratification;

¹ Section 120.541(2)(a), F.S.

² Section 120.541(3), F.S.

³ Section 120.54(3)(b)1., F.S.

- A good faith estimate of the number and types of individuals and entities likely to be required to comply with the rule, and a general description of the types of individuals likely to be affected by the rule;
- A good faith estimate of the cost to the agency, and to other state and local government entities, of implementing and enforcing the proposed rule, including anticipated effects on state or local revenues;
- A good faith estimate of the transactional costs (direct business costs) likely to be incurred by individuals and entities required to comply with the requirements of the rule;
- An analysis of the impact on small businesses, small counties, and small cities; and
- A description of regulatory alternatives submitted to the agency and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.⁴

Biosolids

When domestic wastewater is treated, a solid, semisolid, or liquid byproduct, known as biosolids,⁵ accumulates in the wastewater treatment plant and must be removed periodically to keep the plant operating properly.⁶ Biosolids also include products and treated material from biosolids treatment facilities and septage management facilities regulated by the Department of Environmental Protection (DEP).⁷ The collected material is high in organic content and contains moderate amounts of nutrients that are needed by plants.⁸

DEP has stated that wastewater treatment facilities produce about 340,000 dry tons of biosolids each year.⁹ Biosolids can be disposed of in several ways: transfer to another facility, placement in a landfill, distribution and marketing as fertilizer, incineration, bioenergy, and land application to pasture or agricultural lands.¹⁰ About one-third of the total amount of biosolids produced is used for land application¹¹ and is subject to regulatory requirements established by DEP to protect public health and the environment.¹²

⁴ Section 120.541(2), F.S.

⁵ Section 373.4595, F.S.; *see also* Fla. Admin. Code R. 62-640.200(6). Biosolids are the solid, semisolid, or liquid residue generated during the treatment of domestic wastewater in a domestic wastewater treatment facility and include products and treated material from biosolids treatment facilities and septage management facilities. The term does not include the treated effluent or reclaimed water from a domestic wastewater treatment facility, solids removed from pump stations and lift stations, screenings and grit removed from the preliminary treatment components of domestic wastewater treatment facilities, or ash generated during the incineration of biosolids.

⁶ DEP, *Domestic Wastewater Biosolids*, <https://floridadep.gov/water/domestic-wastewater/content/domestic-wastewater-biosolids> (last visited Mar. 5, 2021).

⁷ Fla. Admin. Code R. 62-640.200(6).

⁸ DEP, *Domestic Wastewater Biosolids*, <https://floridadep.gov/water/domestic-wastewater/content/domestic-wastewater-biosolids> (last visited Mar. 5, 2021).

⁹ DEP, *Presentation to Senate Committee on Environment and Natural Resources*, 40-62 (Nov. 13, 2019) available at http://www.flsenate.gov/Committees/Show/EN/MeetingPacket/4733/8393_MeetingPacket_4733.13.19.pdf (last visited Mar. 5, 2021); DEP Technical Advisory Committee, *Biosolids Use and Regulations in Florida Presentation*, 5 (Sept. 2018), available at <https://floridadep.gov/sites/default/files/Biosolids101-TAC-090518.pdf> (last visited Mar. 5, 2021).

¹⁰ *Id.* at 4.

¹¹ *Id.* at 5.

¹² Fla. Admin. Code R. 62-640.

Biosolids may be used by land application in farming and ranching operations, forest lands, and public areas such as parks, or in land reclamation projects such as restoration of mining properties. Biosolids contain macronutrients (such as nitrogen and phosphorus) and micronutrients (such as copper, iron, and manganese) that are utilized by crops. The application of nutrient-rich biosolids increases the organic content of the soil, fostering more productive plant growth.¹³ There are approximately 140 permitted land application sites in Florida, with waste haulers being the most common site permittees.¹⁴ The map below shows the permitted sites.



Typically, Class B biosolids are used in land application.¹⁵ The highest quality of biosolids, known in Florida as “Class AA,” are distributed and marketed like other commercial fertilizers. DEP does not track the sale of commercial fertilizers.

Biosolids are regulated under chapter 62-640 of the Florida Administrative Code. The rules provide minimum requirements, including pollutant limits and monitoring and reporting requirements, for the treatment, management, use, and disposal of biosolids. The rules are applicable to wastewater treatment facilities, applicators, and distributors¹⁶ and include permit requirements for both treatment facilities and biosolids application sites.¹⁷

¹³ *Id.* at 20.

¹⁴ DEP, *Presentation to Senate Committee on Environment and Natural Resources*, 40-62 (Nov. 13, 2019) available at http://www.flsenate.gov/Committees/Show/EN/MeetingPacket/4733/8393_MeetingPacket_4733.13.19.pdf (last visited Mar. 5, 2021); DEP Technical Advisory Committee, *Biosolids Use and Regulations in Florida Presentation*, 20 (Sept. 2018), available at <https://floridadep.gov/sites/default/files/Biosolids101-TAC-090518.pdf> (last visited Mar. 5, 2021). Wastewater treatment facilities commonly contract with waste haulers instead of applying the biosolids themselves.

¹⁵ *Id.* at 6.

¹⁶ Fla. Admin. Code R. 62-640.100.

¹⁷ Fla. Admin. Code R. 62-640.300.

The application of Class A and Class B biosolids is banned in South Florida within the Lake Okeechobee, Caloosahatchee River, and St. Lucie River watersheds unless the applicant can affirmatively demonstrate that the nutrients in the biosolids will not add to nutrient loadings in the watershed.¹⁸ However, other communities have expressed concerns that runoff from farms and ranches that use biosolids can lead to toxic blue-green algae blooms and have sought bans locally.¹⁹

Rule 62-640, Florida Administrative Code

In 2018, the DEP created a Biosolids Technical Advisory Committee (TAC) to evaluate current biosolids management practices and explore opportunities to better protect Florida's water resources. The TAC convened four times in 2018 and 2019 and discussed current options for biosolids management in the state, potential improvements in biosolids management to protect our water resources, and looked at what research is necessary for successful improvements.²⁰ DEP issued its first draft rule in October 2019 after the TAC disbanded, but withdrew the rule following the passage of the Clean Waterways Act.²¹

The Clean Waterways Act (Ch. 2020-150, Laws of Florida)

The Clean Waterways Act required DEP to adopt rules for biosolids management and specified that any rules adopted may not take effect until ratified by the Legislature. Section 403.0855, F.S., includes provisions that the rule must:

- Require a new land application site permit or permit renewal issued after July 1, 2020, to:
 - Ensure a minimum unsaturated soil depth of 2 feet between the depth of biosolids placement and the water table level at the time biosolids are applied to the soil;
 - Prohibit applying biosolids to land with a seasonal high water table²² within 6 inches of the soil surface or depth of biosolids placement unless a department-approved nutrient management plan and water quality monitoring plan provide reasonable assurances that the land application of biosolids at the site will not cause or contribute to a violation of the state's surface water quality standards or groundwater standards; and
 - Require biosolids sites to enroll in a DACS Best Management Practices program;
- Require all permits to comply with these requirements by July 1, 2022; and
- Require biosolids sites to comply with DEP's new rule within two years of the effective date of the rule.

¹⁸ Section 373.4595, F.S.

¹⁹ TCPalm, *Ban biosolids use along upper St. Johns River, Indian River County administrator tells DEP*, <https://www.tcpalm.com/story/news/local/indian-river-lagoon/health/2019/06/27/ban-biosolids-use-along-upper-st-johns-river-irc-official-tells-dep/1581585001/> (last visited Mar. 6, 2021). Local bans on the land application of biosolids have been established in Indian River County and the City of Fellsmere. See Indian River County Commission Ordinance 18-2642 (Jan. 14, 2019), available at http://ircgov.granicus.com/player/clip/204?view_id=1&meta_id=77302 (last visited Mar. 6, 2021); Fellsmere City Council Meeting, Agenda (Feb. 7, 2019), available at https://www.cityoffellsmere.org/sites/default/files/fileattachments/city_council/meeting/14391/co20190221agenda.pdf (last visited Mar. 6, 2021).

²⁰ DEP, *DEP Biosolids Technical Advisory Committee*, <https://floridadep.gov/water/domestic-wastewater/content/dep-biosolids-technical-advisory-committee> (last visited Mar. 5, 2021).

²¹ Ch. 2020-150, Laws of Fla.

²² "Seasonal high water" means the elevation to which the ground and surface water may be expected to rise due to a normal wet season. Chapter 2020-150, Laws of Fla.

DEP published its proposed rule implementing the provisions of s. 403.0855, F.S., on December 3, 2020. In addition to the requirements in the Clean Waterways Act, the proposed rule issued by DEP:

- Revises the provisions for determining biosolids land application rates to include basing rates on nitrogen and phosphorus levels;
- Imposes groundwater and surface water monitoring requirements for land application sites; and
- Considers biosolids permit applications as projects of heightened public interest.

DEP Statement of Estimated Regulatory Costs

DEP anticipates the rule costing in excess of \$1 million in the next 5 years. DEP published a SERC on December 3, 2020.²³ DEP projects the following changes would increase costs due to the revised rule:

- A significant reduction (estimated 75%) in biosolids land application which could lead to permitting more land to accommodate the current quantity of biosolids;
- Longer hauling distances to newly permitted land application sites;
- Additional site monitoring requirements and increased operational costs at land application sites;
- Loss of fertilizer cost savings by not being able to land apply biosolids;²⁴ and
- Possible transfer of biosolids out-of-state for management or disposal.

DEP estimates that the cost of the proposed rule over the next five years will be \$310,000,000 to continue land application of Class B biosolids, and \$450,000,000-\$600,000,000 to convert to Class AA biosolids (fertilizer).²⁵ There are innovative technologies to process biosolids for energy or fuel as an alternative to land application, but DEP stated that there is limited evidence that these methods could serve as feasible alternatives and the costs are higher than the costs for conversion to Class AA biosolids.²⁶

In the SERC, DEP states that the majority of biosolids are generated by utilities owned and operated by local government entities. Therefore, estimates for one-time capital costs and recurring costs will primarily affect local government entities. This includes 104 domestic wastewater treatment facilities that treat and land apply biosolids, and unknown numbers of small wastewater treatment facilities that send biosolids to larger treatment facilities and biosolids treatment facilities that treat and land apply biosolids.²⁷

²³ DEP, *Statement of Estimated Regulatory Costs* (Dec. 3, 2020), available at https://floridadep.gov/sites/default/files/SERC%2062-640_120320_Final.pdf (last visited Mar. 5, 2021).

²⁴ DEP states in the SERC that it is unlikely that all of the approximately 94,000 dry tons of Class B biosolids currently land applied in the state will continue to be land applied. *Id.* at 6.

²⁵ *Id.* at 4.

²⁶ *Id.* at 11. DEP states in the SERC that it does not have enough information to make an analysis on innovative technologies. *Id.* at 8.

²⁷ *Id.* at 5.

Environmental Regulation Commission

The Environmental Regulation Commission (ERC) is an unpaid seven-member board within DEP.²⁸ Under specified statutory provisions and with certain exceptions, the ERC must exercise the standard-setting authority of DEP - approving, modifying, or disapproving proposed rules that contain standards.²⁹ In exercising its authority to set standards, the ERC must consider scientific and technical validity, economic impacts, and relative risks and benefits to the public and the environment.³⁰

The ERC is composed of seven state residents appointed by the Governor for four-year terms, subject to confirmation by the Senate.³¹ The appointees must provide reasonable representation from all sections of the state, and be representative of agriculture, the development industry, local government, the environmental community, lay citizens, and members of the scientific and technical community who have substantial expertise related to water pollutants, toxicology, epidemiology, geology, biology, environmental sciences, or engineering.³² Most issues that go before the ERC relate to air pollution, water quality, or waste management.³³ The ERC is scheduled to meet monthly, but has not met since 2019.³⁴ According to DEP's website, two of the memberships to the ERC are vacant and the terms of the five listed members have lapsed.³⁵ However, the Governor recently appointed four members to the ERC.³⁶

III. Effect of Proposed Changes:

The bill ratifies the rules comprising chapter 62-640 of the Florida Administrative Code, titled "Biosolids," for the sole and exclusive purpose of satisfying any condition on effectiveness imposed under s. 120.541(3), F.S. Chapter 62-640 of the Florida Administrative Code, proposed by the Department of Environmental Protection (DEP) and published on December 3, 2020, in the Florida Administrative Register, Vol. 46, No. 234, pages 5281-5297, consists of rules:

- 62-640.100, entitled Scope, Intent, Purpose, and Applicability;
- 62-640.200, entitled Definitions;
- 62-640.210, entitled General Technical Guidance and Forms;
- 62-640.300, entitled General Requirements;
- 62-640.400, entitled Prohibitions;
- 62-640.500, entitled Nutrient Management Plan (NMP);

²⁸ Section 20.255(6), F.S.; DEP, *Environmental Regulation Commission*, <https://floridadep.gov/ogc/ogc/content/environmental-regulation-commission> (last visited Mar. 5, 2021).

²⁹ Sections 403.803(13), 403.804, and 403.805(1), F.S. "Standard" is defined as any DEP rule relating to air and water quality, noise, solid-waste management, and electric and magnetic fields associated with electrical transmission and distribution lines and substations. The term does not include rules relating to internal management or procedural matters.

³⁰ Section 403.804, F.S.

³¹ Section 20.255(6), F.S.

³² *Id.*

³³ DEP, *Environmental Regulation Commission*, <https://floridadep.gov/ogc/ogc/content/environmental-regulation-commission> (last visited Mar. 4, 2021).

³⁴ *Id.*

³⁵ DEP, *ERC Members*, <https://floridadep.gov/ogc/ogc/content/erc-members> (last visited Mar. 5, 2021).

³⁶ News Release, Governor Ron DeSantis, *Governor Ron DeSantis Appoints Four to the Environmental Regulation Commission* (Mar. 12, 2021), <https://www.flgov.com/2021/03/12/governor-ron-desantis-appoints-four-to-the-environmental-regulation-commission/> (last visited Mar. 15, 2021).

- 62-640.600, entitled Pathogen Reduction and Vector Attraction Reduction;
- 62-640.650, entitled Monitoring, Record Keeping, Reporting, and Notification;
- 62-640.700, entitled Requirements for Land Application of Class AA, A, and B Biosolids;
- 62-640.800, entitled Additional Requirements for Land Application at Reclamation Sites;
- 62-640.850, entitled Distribution and Marketing of Class AA Biosolids; and
- 62-640.880, entitled Additional Requirements Related to Biosolids Treatment Facilities.

The bill:

- Exempts the rules from review and approval by the Environmental Regulation Commission (ERC) under s. 403.804(1), F.S.;
- Directs that section 1 of the bill serves no other purpose and may not be codified in the Florida Statutes;
- Requires DEP to publish a notice of the enactment of the exemption from review and approval by the ERC in the Florida Administrative Register; and
- Provides that section 1 of the bill does not:
 - Alter rulemaking authority delegated by prior law;
 - Constitute a legislative preemption of, or exception to, any other provision of law regarding adoption or enforcement of the rule cited; and
 - Does not cure any rulemaking defect or preempt any challenge on lack of authority or a violation of the legal requirements governing adoption of any rule cited.

The bill provides a declaratory statement and determination by the Legislature that section 1 of the bill fulfills an important state interest.

The bill amends s. 403.0855, F.S., to require DEP to provide notice to and receive consent from a private property owner before entering onto his or her property to install monitoring equipment or conduct sampling for biosolids sites.

The act is effective upon becoming a law. At that time, the rule also becomes effective.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The county/municipality mandates provision of Art. VII, s. 18(a) of the Florida Constitution may apply to this bill because local governments may be required to expend funds to manage biosolids under the new requirements of the rule. The bill includes a legislative finding that the rule ratification fulfills an important state interest. The expenditures are required to comply with rules and law that applies to all persons similarly situated. Therefore, an exception from Art. VII, s. 18(a) of the Florida Constitution likely applies.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

According to DEP's statement of estimated regulatory costs, there will likely be increased operational costs to biosolids treatment facilities and septage management facilities. There will also likely be impacts to biosolids haulers and the ranchers and farmers who own land application sites. Utility ratepayers and homeowners may ultimately bear the increased operational costs of wastewater treatment facilities.³⁷ *See discussion of SERC in section II. on page six of the analysis.*

C. Government Sector Impact:

According to DEP's statement of estimated regulatory costs, there will likely be increased operational costs to wastewater treatment facilities.³⁸ *See discussion of SERC in section II. on page six of the analysis.*

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 403.0855 of the Florida Statutes.

³⁷ DEP, *Statement of Estimated Regulatory Costs* (Dec. 3, 2020), available at https://floridadep.gov/sites/default/files/SERC%2062-640_120320_Final.pdf (last visited Mar. 5, 2021).

³⁸ *Id.*

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



875020

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/15/2021	.	
	.	
	.	
	.	

The Committee on Environment and Natural Resources (Brodeur)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 39 - 52
and insert:

(3) This section serves no other purpose and may not be
codified in the Florida Statutes. At the time of filing this
rule for adoption, or as soon thereafter as practicable, the
department shall publish a notice of the enactment of this
exemption in the Florida Administrative Register. This section
does not alter rulemaking authority delegated by prior law and



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does not constitute legislative preemption of or exception to any other provision of law governing adoption or enforcement of the rule cited. This section does not cure any rulemaking defect or preempt any challenge based on a lack of authority or a violation of the legal requirements governing the adoption of any rule cited.

(4) The Legislature determines and declares that this section fulfills an important state interest.

Section 2. Subsection (7) is added to section 403.0855, Florida Statutes, to read:

403.0855 Biosolids management.—

(7) The department shall provide notice to and receive consent from a private property owner before entering onto his or her property to install monitoring equipment for biosolids sites.

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

And the title is amended as follows:

Delete lines 2 - 12

and insert:

An act relating to biosolids; ratifying specified rules relating to biosolids management for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule exceeding any specified thresholds for likely adverse impact or increase in regulatory costs; exempting the rules from certain review and approval by the Environmental Regulation Commission; providing applicability;



875020

40 providing construction; providing a declaration of
41 important state interest; amending s. 403.0855, F.S.;
42 requiring the Department of Environmental Protection
43 to provide notice to and receive consent from private
44 property owners before entering onto private property
45 for specified biosolids testing;



838464

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/15/2021	.	
	.	
	.	
	.	

The Committee on Environment and Natural Resources (Brodeur)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 39 - 52
and insert:

(3) This section serves no other purpose and may not be
codified in the Florida Statutes. At the time of filing this
rule for adoption, or as soon thereafter as practicable, the
department shall publish a notice of the enactment of this
exemption in the Florida Administrative Register. This section
does not alter rulemaking authority delegated by prior law and



838464

does not constitute legislative preemption of or exception to any other provision of law governing adoption or enforcement of the rule cited. This section does not cure any rulemaking defect or preempt any challenge based on a lack of authority or a violation of the legal requirements governing the adoption of any rule cited.

(4) The Legislature determines and declares that this section fulfills an important state interest.

Section 2. Subsection (7) is added to section 403.0855, Florida Statutes, to read:

403.0855 Biosolids management.—

(7) The department shall provide notice to and receive consent from a private property owner before entering onto his or her property to install monitoring equipment or conduct sampling for biosolids sites.

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

And the title is amended as follows:

Delete lines 2 - 12

and insert:

An act relating to biosolids; ratifying specified rules relating to biosolids management for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule exceeding any specified thresholds for likely adverse impact or increase in regulatory costs; exempting the rules from certain review and approval by the Environmental Regulation Commission; providing applicability; providing construction; providing a declaration of important state interest; amending s. 403.0855,



838464

40 F.S.; requiring the Department of Environmental Protection to
41 provide notice to and receive consent from private property
42 owners before entering onto private property for specified
43 biosolids testing;

FOR CONSIDERATION By the Committee on Environment and Natural Resources

592-01107A-21

20217060pb

A bill to be entitled

An act relating to ratification of Department of Environmental Protection rules; ratifying specified rules relating to biosolids management for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule exceeding any specified thresholds for likely adverse impact or increase in regulatory costs; exempting the rules from certain review and approval by the Environmental Regulation Commission; providing applicability; providing a declaration of important state interest; providing an effective date.

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

Section 1. (1) The following rules are ratified for the sole and exclusive purpose of satisfying any condition on the effectiveness imposed under s. 120.541(3), Florida Statutes: Rules 62-640.100, 62-640.200, 62-640.210, 62-640.300, 62-640.400, 62-640.500, 62-640.600, 62-640.650, 62-640.700, 62-640.800, 62-640.850, 62-640.880, Florida Administrative Code, entitled Scope, Intent, Purpose, and Applicability; Definitions; General Technical Guidance and Forms; General Requirements; Prohibitions; Nutrient Management Plan (NMP); Pathogen Reduction and Vector Attraction Reduction; Monitoring, Record Keeping, Reporting, and Notification; Requirements for Land Application of Class AA, A, and B Biosolids; Additional Requirements for Land Application at Reclamation Sites; Distribution and

592-01107A-21

20217060pb

30 Marketing of Class AA Biosolids; and Additional Requirements
31 Related to Biosolids Treatment Facilities, respectively, as
32 published on December 3, 2020, in the Florida Administrative
33 Register, Vol. 46, No. 234, pages 5281-5297.

34 (2) The rules in subsection (1) proposed by the Department
35 of Environmental Protection pursuant to s. 403.0855(2), Florida
36 Statutes, are exempt from review and approval by the
37 Environmental Regulation Commission under s. 403.804(1), Florida
38 Statutes.

39 (3) This act serves no other purpose and may not be
40 codified in the Florida Statutes. At the time of filing this
41 rule for adoption, or as soon thereafter as practicable, the
42 department shall publish a notice of the enactment of this
43 exemption in the Florida Administrative Register. This act does
44 not alter rulemaking authority delegated by prior law and does
45 not constitute legislative preemption of or exception to any
46 other provision of law governing adoption or enforcement of the
47 rule cited. This act does not cure any rulemaking defect or
48 preempt any challenge based on a lack of authority or a
49 violation of the legal requirements governing the adoption of
50 any rule cited.

51 Section 2. The Legislature determines and declares that
52 this act fulfills an important state interest.

53 Section 3. 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:

BILL: SPB 7062

INTRODUCER: For Consideration by the Environment and Natural Resources Committee

SUBJECT: Central Florida Water Initiative

DATE: March 12, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Anderson	Rogers		Pre-Meeting
2.				
3.				
4.				
5.				
6.				

I. Summary:

SPB 7062 ratifies the Department of Environmental Protection (DEP)'s rules for the Central Florida Water Initiative (CFWI), Rules 62-41.300, 62-41.301, 62-41.302, 62-41.303, 62-41.304, and 62-41.305, Florida Administrative Code.

Chapter 2016-1, Laws of Florida, required DEP to establish:

- Uniform processes for conducting permit reviews, setting minimum flows and minimum water levels within the boundaries of the CFWI Area, and establishing a variance process;
- Uniform methods for calculating residential per capita water use;
- A uniform definition of the term "harmful to water resources;" and
- Annual conservation and residential per capita water use goals for consumptive use permits.

The Statement of Estimated Regulatory Costs (SERC) developed by DEP determined that the proposed rule will likely increase regulatory costs in excess of \$1 million in the aggregate within 5 years after implementation of the rule. This amount triggers the statutory requirement for the rule to be ratified by the Legislature before it may go into effect.

Additionally, the bill:

- Requires DEP to report to the Legislature by December 31, 2025, and December 31, 2030, detailing methods DEP has used to address practical and economic barriers to implementing the requirements of the CFWI rules.
- Provides a declaratory statement and determination by the Legislature that the act fulfills an important state interest.

- Revises the legislative findings for the CFWI rulemaking to address harm from cumulative withdrawals.
- Revises the required rulemaking to include a limitation on the amount of groundwater withdrawals by permittees, based on the projected available groundwater that may be cumulatively withdrawn in the CFWI Area.
- Provides that in the CFWI Area, DEP or the St. Johns River, South Florida, or Southwest Florida Water Management Districts are prohibited from pursuing an enforcement action against a permittee that has exceeded its allocated supplemental irrigation use unless the permittee has been given an opportunity to show good cause for the exceedance.
- Requires the water management districts to modify existing permits as needed to be consistent with the rules.
- Establishes a grant program within DEP, subject to appropriation, for the CFWI, which will promote alternative water supply and protect groundwater resources. The bill requires DEP to give priority to projects that use reclaimed water, enhance natural systems, recharge groundwater, optimize beneficial uses of water, expand water conservation programs, or that can demonstrate a significant financial hardship exists as a result of complying with the rules applicable to the CFWI Area.
- Revises the priority system for the Drinking Water State Revolving Loan Fund to give special consideration to projects that implement water supply plans and develop water sources as an alternative to continued reliance on the Floridan aquifer under the CFWI.

The act is effective upon becoming a law. At that time, the rule also becomes effective.

II. Present Situation:

Legislative Ratification

A rule is subject to legislative ratification if it:

- Has an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within five years after the implementation of the rule;
- Has an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within five years after the implementation of the rule; or
- Increases regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within five years after the implementation of the rule.¹

If a rule requires ratification by the Legislature, the rule must be submitted to the President of the Senate and Speaker of the House of Representatives no later than 30 days prior to the regular legislative session. The rule may not go into effect until it is ratified by the Legislature.²

¹ Section 120.541(2)(a), F.S.

² Section 120.541(3), F.S.

Statement of Estimated Regulatory Costs Requirements

A statement of estimated regulatory costs (SERC) is an analysis prepared by an agency before the adoption, amendment, or repeal of a rule other than an emergency rule. A SERC must be prepared by an agency for a proposed rule that:

- Will have an adverse impact on small business; or
- Is likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in the state within 1 year after the implementation of the rule.³

A SERC must include:

- An economic analysis showing whether the rule exceeds the thresholds requiring legislative ratification;
- A good faith estimate of the number and types of individuals and entities likely to be required to comply with the rule, and a general description of the types of individuals likely to be affected by the rule;
- A good faith estimate of the cost to the agency, and to other state and local government entities, of implementing and enforcing the proposed rule, including anticipated effects on state or local revenues;
- A good faith estimate of the transactional costs (direct business costs) likely to be incurred by individuals and entities required to comply with the requirements of the rule;
- An analysis of the impact on small businesses, small counties, and small cities; and
- A description of regulatory alternatives submitted to the agency and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.⁴

Consumptive Use Permits

A consumptive use permit (CUP) establishes the duration and type of water use as well as the maximum amount of water that may be withdrawn daily. Each CUP must be consistent with the objectives of the issuing WMD or DEP and may not be harmful to the water resources of the area.⁵ To obtain a CUP, an applicant must establish that the proposed use of water satisfies the statutory test, commonly referred to as “the three-prong test.” Specifically, the proposed water use must:

- Be a “reasonable-beneficial use;”⁶
- Not interfere with any presently existing legal use of water; and
- Be consistent with the public interest.⁷

³ Section 120.54(3)(b)1., F.S.

⁴ Section 120.541(2), F.S.

⁵ Section 373.219, F.S.

⁶ Section 373.019(16), F.S., defines reasonable-beneficial use as, “the use of water in such quantity as is necessary for economic and efficient utilization for a purpose and in a manner which is both reasonable and consistent with the public interest.” See also Fla. Admin. Code R. 62-40.410(2) for additional factors to help determine if a water use is a reasonable-beneficial use.

⁷ Section 373.233(1), F.S.; Fla. Admin. Code R. 62-40.410(1).

Drinking Water State Revolving Loan Fund

The Drinking Water State Revolving Loan Fund, administered by DEP, provides low-interest loans to eligible entities for planning, designing, and constructing public water facilities to provide safe drinking water and protect water quality.⁸ An investor-owned public water system that is legally responsible for public water services and serves no more than 1,500 connections is eligible for a loan. An investor-owned public water system that serves more than 1,500 connections may qualify for a loan only if the proposed project will result in the consolidation of two or more public water systems.⁹

Loan funding is based on a priority system that takes into account public health considerations, compliance, and affordability.¹⁰ The priority system shall give special consideration to:

- Projects that provide for the development of alternative drinking water supply projects and management techniques in areas where existing source waters are limited or threatened by saltwater intrusion, excessive drawdowns, contamination, or other problems;
- Projects that provide for a dependable, sustainable supply of drinking water and that are not otherwise financially feasible; and
- Projects that contribute to the sustainability of regional water sources.¹¹

Central Florida Water Initiative

The Central Florida Water Initiative (CFWI) is a collaborative water supply planning effort involving the Department of Environmental Protection (DEP), the St. Johns River Water Management District (WMD), the South Florida WMD, the Southwest Florida WMD, the Department of Agriculture and Consumer Services (DACS), regional public water supply utilities, and other stakeholders.¹² These groups have been tasked with addressing the current and long-term water supply needs of Central Florida without causing harm to the water resources and associated natural systems.¹³

The CFWI Planning Area covers five counties, including Orange, Osceola, Polk, Seminole, and southern Lake counties.¹⁴ The CFWI Planning Area is home to approximately 2.9 million people and supports tourism, agriculture, and an industrial and commercial sector.¹⁵ The area's population is projected to reach 4.4 million by 2040. The total average (surface and ground) water use in the area is projected to increase from 667 million gallons per day (mgd) in 2015 to 908 mgd in 2040. Of this amount, groundwater represents 635 mgd and 855 mgd, respectively. Public supply constitutes the largest water use in the CFWI Area.¹⁶

⁸ Section 403.8533, F.S.

⁹ Section 403.8532(3), F.S.

¹⁰ Section 403.8532(9)(a), F.S.

¹¹ *Id.*

¹² Stakeholders include water utilities, environmental groups, business organizations, agricultural communities, and others.

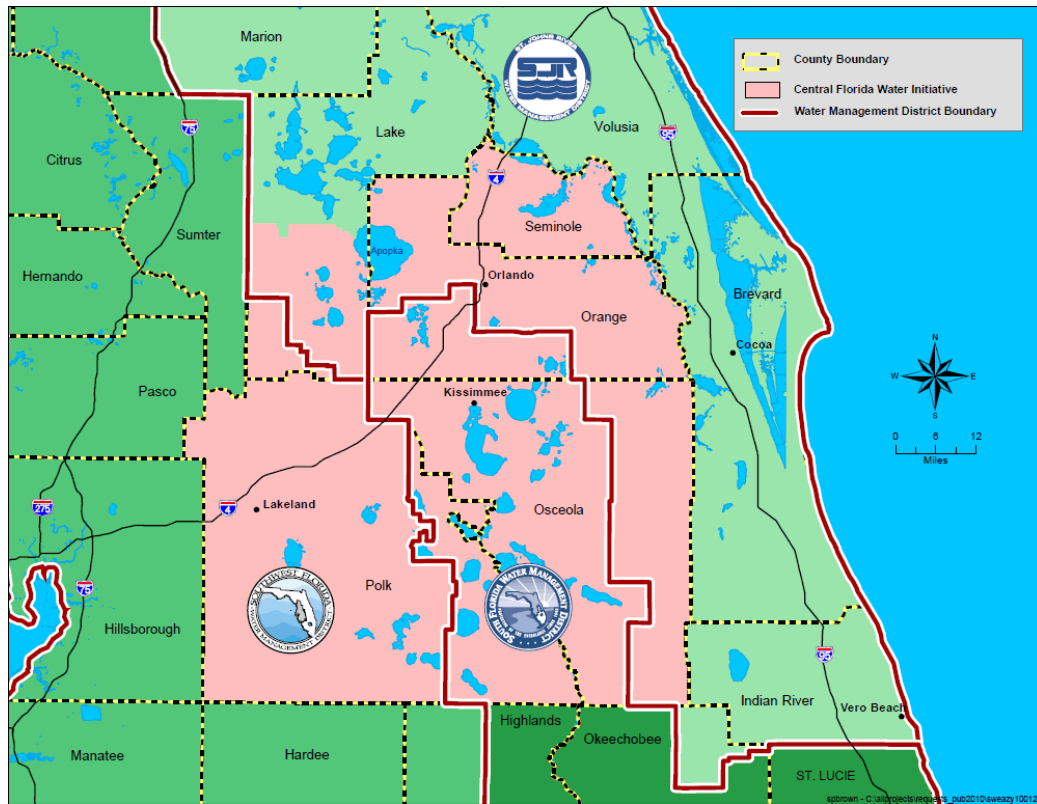
¹³ Section 373.0465(1)(c), F.S.

¹⁴ Section 373.0465(2)(a), F.S.; Central Florida Water Initiative (CFWI), *What is CFWI?*, https://cfwiwater.com/what_is_CFWI.html (last visited Mar. 8, 2021).

¹⁵ CFWI, *Regional Water Supply Plan 2020 Planning Document*, ii, available at https://cfwiwater.com/pdfs/CFWI_2020RWSP_FINAL_PlanDocRpt_12-10-2020.pdf (last visited Mar. 9, 2021).

¹⁶ *Id.*

The areas encompassed by the CFWI Planning Area have traditionally relied on groundwater from the Floridan aquifer system as the primary source of water. Evaluations predict that fresh groundwater resources alone will be insufficient to meet 2040 projected water demands and currently permitted allocations for withdrawal without resulting in unacceptable impacts to water resources and related natural systems.¹⁷ These impacts can include drying out wetlands, reducing spring flows, lowering lake levels, and degrading groundwater quality from saltwater intrusion.¹⁸ Alternative water sources will need to be developed to meet the projected demands.



Map of the CFWI Area

In the past, the three WMDs worked independently to resolve water resource issues, but the decisions of one district can affect the water resources of another.¹⁹ In 2006, the three WMDs agreed to a Central Florida Coordination Area Action Plan to address the near-term and long-term development of water supplies in the central Florida region.²⁰ The CFWI was created in 2009, building on the CFCA Action Plan.²¹ In November 2015, the Districts' respective governing boards approved the first ever joint regional water supply plan, the 2015 CFWI Regional Water Supply Plan (RWSP).²²

¹⁷ *Id.* at 90.

¹⁸ CFWI, *Value of Water*, https://cfwiwater.com/value_of_water.html (last visited Mar. 8, 2021).

¹⁹ CFWI, *Regional Water Supply Plan 2020 Planning Document*, i, available at https://cfwiwater.com/pdfs/CFWI_2020RWSP_FINAL_PlanDocRpt_12-10-2020.pdf (last visited Mar. 9, 2021).

²⁰ CFWI, *Central Florida Water Initiative Guiding Document*, 2 (Jan. 30, 2015), available at https://cfwiwater.com/pdfs/CFWI_Guiding_Document_2015-01-30.pdf (last visited Mar. 8, 2021).

²¹ CFWI, *Regional Water Supply Plan 2020 Planning Document*, i, available at https://cfwiwater.com/pdfs/CFWI_2020RWSP_FINAL_PlanDocRpt_12-10-2020.pdf (last visited Mar. 9, 2021).

²² *Id.*

The guiding principles for the CFWI process were initially designed to ensure sufficient water was available by:

- Identifying the sustainable quantities of traditional groundwater sources available for water supplies that can be used without causing unacceptable harm to the water resources and associated natural systems.
- Developing strategies to meet water demands that are in excess of the sustainable yield of existing traditional groundwater sources.
- Establishing consistent rules and regulations for the three WMDs that meet their collective goals, and implement the results of the CFWI.²³

The guidelines were updated in April 2016, and adopted in the CFWI 2020 Guiding Document. The revised guiding principles include the following principles and goals:

- Review and update the 2015 CFWI RWSP, as well as the sustainable quantities of traditional groundwater sources available in the CFWI Area that can be used without causing unacceptable harm to the water resources and associated natural systems.
- Monitor progress of regional strategies and solutions identified in the 2015 CFWI Plan.
- Review and update strategies to meet water demands that are in excess of the sustainable yield of existing traditional groundwater sources.
- Establish consistent rules and regulations for the three WMDs that meet the specified goals and implement the results of the CFWI.
- Encourage funding for regional strategies necessary to achieve the objectives of the CFWI.²⁴

Chapter 2016-1, Laws of Florida

DEP, in consultation with the WMDs and DACS, is required to adopt uniform rules for application within the CFWI, to comply with requirements set forth in s. 373.0465(2)(d), F.S., enacted during the 2016 legislative session. The Legislature found that development of alternative water supply instead of a continued reliance on the Floridan aquifer would benefit existing and future water users and natural water systems.²⁵

In developing the CFWI plan, DEP, the WMDs, and DACS are required to:

- Consider limitations on groundwater use and opportunities for new, increased, or redistributed groundwater uses that are consistent with CUP conditions;
- Establish a coordinated process for identifying water resources requiring new or revised conditions;
- Consider existing recovery or prevention strategies;
- Include a list of water supply options sufficient to meet the water needs of all existing and future reasonable-beneficial uses; and

²³ CFWI, *Central Florida Water Initiative Guiding Document*, 2 (Jan. 30, 2015), available at https://cfwiwater.com/pdfs/CFWI_Guiding_Document_2015-01-30.pdf (last visited Mar. 8, 2021).

²⁴ CFWI, *Central Florida Water Initiative 2020 Guiding Document*, 3 (July 2017), available at <https://cfwiwater.com/pdfs/CFW-Guiding-Document%20-Oct-2018.pdf> (last visited Mar. 10, 2021).

²⁵ Section 373.0465(1)(d), F.S.

- Identify, as necessary, which of the water supply sources are preferred water supply sources.²⁶

The required rulemaking affects CUPs within the CFWI Area and provides for:

- Uniform processes for conducting permit reviews, setting minimum flows and minimum water levels for certain areas within the boundaries of the CFWI Area, and establishing a variance process;
- Uniform methods for calculating residential per capita water use;
- A uniform definition of the term “harmful to water resources;” and
- Establishing annual conservation and residential per capita water use goals for CUPs.²⁷

Rules 62-41.300-305, Florida Administrative Code

DEP issued its first notice of rule development on December 30, 2016. Between 2017 and 2020, DEP hosted eight rule development workshops for different portions of the rule. The draft rule was published on November 19, 2020,²⁸ and a public hearing on the proposed rule was held on December 11, 2020.²⁹ The draft rule, which incorporates the CFWI Supplemental Applicant’s Handbook, was revised on February 9, 2021, to incorporate certain lower cost regulatory alternatives submitted by stakeholders.³⁰

The proposed rules apply to CUP applicants and permittees with withdrawal points within the CFWI Area. The proposed rule issued by DEP:

- Provides that the cumulative use of the Upper Floridan aquifer across the CFWI Area has caused detrimental effects to other users and the water resources of the state.³¹
- Sets out methods for calculating per capita water use and annual conservation goals.³²
- Limits water withdrawals from the Upper Floridan aquifer to the demonstrated 2025 demand (the existing permitted allocation) for public supply, industrial/commercial/institutional, and mining/dewatering water uses.³³
- Requires existing CUPs with withdrawal points within the CFWI Area to be modified to be consistent with the new rules.³⁴

²⁶ Section 373.0465(2)(c), F.S.

²⁷ Section 373.0465(2)(d), F.S.

²⁸ Florida Administrative Register, Notice of Proposed Rule 62-41.300-305, Volume 46, Number 226 at 5019 (Nov. 19, 2020), available at <https://www.flrules.org/Faw/FAWDocuments/FAWVOLUMEFOLDERS2020/46242/46242doc.pdf> (last visited Mar. 9, 2021).

²⁹ DEP, *Central Florida Water Initiative Rulemaking Presentation* (Dec. 11, 2020), available at https://floridadep.gov/sites/default/files/CFWI%20NOPR%20Rulemaking%20Hearing_Staff%20Presentation_0.pdf (last visited Mar. 9, 2021).

³⁰ Florida Administrative Register, Notice of Proposed Rule 62-41.300-305, Volume 47, Number 26 at 733 (Feb. 9, 2021), available at <https://www.flrules.org/Faw/FAWDocuments/FAWVOLUMEFOLDERS2021/4726/4726doc.pdf> (last visited Mar. 10, 2021).

³¹ Notice of Proposed Rule 62-41.301(4), available at https://www.flrules.org/Gateway/View_notice.asp?id=23903533 (last visited Mar. 10, 2021).

³² Proposed CFWI Supplemental Applicant’s Handbook, 21-29, available at <https://floridadep.gov/water-policy/water-policy/documents/cfwi-2021-02-09-applicants-handbook> (last visited Mar. 10, 2021).

³³ *Id.* at 30-31.

³⁴ Notice of Proposed Rule 62-41.301(4), available at https://www.flrules.org/Gateway/View_notice.asp?id=23903533 (last visited Mar. 10, 2021).

- Provides for temporary allocations of water required to meet the applicant's reasonable demand beyond the demonstrated 2025 demand while implementing an offset, substitution credit, land use transition, or alternative water supply.³⁵
- Provides for variances if there are unique circumstances or hydrogeological factors that make application of the rules unrealistic or impractical, meaning compliance with the rule would create a substantial hardship³⁶ or violate the principles of fairness.³⁷
- Requires permit applicants to provide reasonable assurance that a proposed use will use the lowest quality water source suitable for the purpose.³⁸
- Adopts existing recovery and prevention strategies.³⁹

DEP Statement of Estimated Regulatory Costs

DEP published a SERC on November 17, 2020.⁴⁰ DEP estimates that the transactional cost of the proposed rule over the next five years will be \$18.6 million, in permittee, applicant, and consultant time spent in water supply, conservation planning, and investments by public supply utilities to reduce per capita water use, as well as materials.⁴¹ However, according to the SERC, the costs to households and businesses located within the CFWI will be offset by the economic benefit to the CFWI economy, resulting in a net negative economic impact of less than \$1,000,000 over the five year period.⁴²

According to DEP's SERC, due to the temporary allocations allowed for under the proposed rule, there will be little prospect of water shortages or impacts to expanded business operations, no impact to the number of Florida visitors, and no losses to a consumer value from the water shortage. However, there may be some impact to new businesses applying for a CUP.⁴³

The estimated cost to the St. Johns River, Southwest Florida, and South Florida WMDs of implementing the proposed rule is \$637,000 and the estimated cost to agencies of monitoring and enforcing the proposed rule is \$64,000.⁴⁴

The rules are anticipated to affect CUPs in the CFWI Area due to the prohibition of additional permitted water withdrawals from the Upper Floridan aquifer after 2025 for public supply and

³⁵ Proposed CFWI Supplemental Applicant's Handbook, 32, available at <https://floridadep.gov/water-policy/water-policy/documents/cfw-2021-02-09-applicants-handbook> (last visited Mar. 10, 2021).

³⁶ "Substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver.

³⁷ "Principles of fairness" are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule. Notice of Proposed Rule 62-41.303(3), available at https://www.flrules.org/Gateway/View_notice.asp?id=23903533 (last visited Mar. 10, 2021).

³⁸ Notice of Proposed Rule 62-41.301(2), available at https://www.flrules.org/Gateway/View_notice.asp?id=23903533 (last visited Mar. 10, 2021).

³⁹ Notice of Proposed Rule 62-41.305, available at https://www.flrules.org/Gateway/View_notice.asp?id=23903533 (last visited Mar. 10, 2021).

⁴⁰ DEP, *Statement of Estimated Regulatory Costs* (Feb. 8, 2021), available at https://floridadep.gov/sites/default/files/CFWI%20SERC%20Report%2002_08_2021%20with%20LCRA_0.pdf (last visited Mar. 9, 2021).

⁴¹ *Id.* at ES-1.

⁴² *Id.* at ES-1 – ES-2.

⁴³ *Id.* at ES-2.

⁴⁴ *Id.* at ES-6.

industrial/commercial/institutional water use permittees and applicants.⁴⁵ Thereafter, applicants and permittees would need to meet additional water demands with water from alternative sources. The transactional cost of the proposed rule by the year 2040 is estimated to be \$190 million annually.⁴⁶

Concerns and Challenges

Several local governments and entities submitted lower cost regulatory alternatives (LCRA) and challenged the CFWI rule. DEP accepted some of the LCRA submissions and issued a revised rule on February 9, 2021, that included modified language. DEP rejected the remaining LCRA submissions, stating that they do not substantially accomplish the objectives of the law being implemented.⁴⁷ The issues raised in the LCRAs that were rejected by DEP included requests to:

- Remove provisions limiting allocation for permittees and applicants to the demonstrated 2025 demand, and alternatively, continue current CUPs and expedite adoption of minimum flows and minimum water levels in the CFWI Area. The LCRAs suggested that the rule would result in the unnecessary implementation of alternative water supply projects and water rate increases.
- Amend the annual conservation goals for public supply use permittees and applicants to a more feasible goal.
- Exempt permittees and applicants in certain water use caution areas from the rules.

In response to the rejected submissions, DEP stated that:

- Existing and planned minimum flows and minimum water levels do not address all of the anticipated water resource impacts in the area and that the proposed rules are designed to address harm to all water resources.⁴⁸
- The need for implementation of alternative water supply projects has been known for over 10 years and all permittees were on notice that their permits could be modified.⁴⁹
- The rule has to address both individual and cumulative harm to water resources in the CFWI area.⁵⁰
- The rule provides for numerous alternatives and accommodations to address hardships.⁵¹
- The suggested 7 percent reduction in water use does not accomplish the objectives of the law being implemented.⁵²
- The conservation goals are feasible and many permittees are already meeting the goals. If a permittee cannot meet the goal, a variance is available.⁵³

⁴⁵ DEP, *Water Policy Rulemaking*, <https://floridadep.gov/water-policy/water-policy/content/office-water-policy-rulemaking> (last visited Mar. 9, 2021); see also DEP, *Statement of Estimated Regulatory Costs* (Feb. 8, 2021) at ES-2, available at https://floridadep.gov/sites/default/files/CFWI%20SERC%20Report%2002_08_2021%20with%20LCRA_0.pdf (last visited Mar. 9, 2021).

⁴⁶ DEP, *Statement of Estimated Regulatory Costs* (Feb. 8, 2021) at ES-2 – ES-3, available at https://floridadep.gov/sites/default/files/CFWI%20SERC%20Report%2002_08_2021%20with%20LCRA_0.pdf (last visited Mar. 9, 2021).

⁴⁷ *Id.* at 7-2.

⁴⁸ *Id.* at 7-4.

⁴⁹ *Id.* at 7-4 – 7-5.

⁵⁰ *Id.* at 7-5 – 7-6.

⁵¹ *Id.* at 7-6.

⁵² *Id.* at 7-11.

⁵³ *Id.* at 7-12.

- Exempting permittees and applicants from the rule is not consistent with legislative intent and the recovery strategies in the specific water use caution areas are not being met.⁵⁴

As a result, on March 1, 2021, the local governments and entities submitted several rule challenges to the Division of Administrative Hearings. These challenges are currently pending hearing.⁵⁵

Water Resource Caution Areas

A water resource caution area (WUCA) is a geographic area identified by a WMD as having existing water resource problems or where water resource problems are projected to develop during the next 20 years.⁵⁶

A WMD must determine, in its water supply assessment, whether sources of water are adequate to meet projected 20-year demands to supply water for all existing and projected reasonable-beneficial uses and to sustain the water resources and related natural systems.⁵⁷ If a determination is made that the sources of water supply are not adequate, a regional water supply plan must be developed and the region must be designated as a WUCA.⁵⁸

The CFWI Planning Area was identified as a WUCA in the 2015 CFWI RWSP and verified as a WUCA in the 2020 CFWI RWSP.⁵⁹ The CFWI includes two existing WUCAs: the Southern WUCA and the Dover/Plant City WUCA.

The Southern WUCA encompasses approximately 5,100 square miles and includes all of Manatee, Sarasota, Hardee, and DeSoto counties and portions of Hillsborough, Charlotte, Polk, and Highlands counties.⁶⁰ It was established by the Southwest Florida WMD in 1992, due to environmental concerns related to groundwater withdrawals from growing demands in the area, which caused depressed aquifer levels.⁶¹

The Dover/Plant City WUCA was established in 2011, following a historic freeze event in eastern Hillsborough County and western Polk County, when agricultural permittees pumped large quantities of groundwater to protect their crops from the freeze, resulting in declines in

⁵⁴ *Id.* at 7-15.

⁵⁵ Division of Administrative Hearings, Amended Notice of Hearing by Zoom Conference, Case No. 21-0791RP (Mar. 4, 2021), available at <https://www.doah.state.fl.us/DocDoc/2021/000791/21000791ANZH-030421-03110885.pdf> (last visited Mar. 9, 2021).

⁵⁶ Fla. Admin. Code. R. 62-40.210(43).

⁵⁷ Fla. Admin. Code. R. 62-40.520(2).

⁵⁸ *Id.*

⁵⁹ CFWI, *Regional Water Supply Plan 2020 Planning Document*, 1, available at https://cfwiwater.com/pdfs/CFWI_2020RWSP_FINAL_PlanDocRpt_12-10-2020.pdf (last visited Mar. 9, 2021).

⁶⁰ DEP, *Statement of Estimated Regulatory Costs* (Feb. 8, 2021) at 7-13, available at https://floridadep.gov/sites/default/files/CFWI%20SERC%20Report%2002_08_2021%20with%20LCRA_0.pdf (last visited Mar. 9, 2021).

⁶¹ *Id.*; see also CFWI, *Regional Water Supply Plan 2020 Planning Document*, 106, available at https://cfwiwater.com/pdfs/CFWI_2020RWSP_FINAL_PlanDocRpt_12-10-2020.pdf (last visited Mar. 9, 2021).

aquifer levels.⁶² DEP is currently evaluating both WUCAs to determine whether targets have been achieved.⁶³

III. Effect of Proposed Changes:

CFWI Rule Ratification

Section 1 of the bill ratifies Rules 62-41.300, 62-41.301, 62-41.302, 62-41.303, 62-41.304, and 62-41.305, Florida Administrative Code, titled “Central Florida Water Initiative Area,” (CFWI) adopted by the Department of Environmental Protection (DEP), for the sole and exclusive purpose of satisfying any condition on effectiveness imposed under s. 120.541(3), F.S.. The rule, proposed by the Department of Environmental Protection (DEP) and published on February 9, 2021, in the Florida Administrative Register, Vol. 47, No. 26, pages 733-734, consists of rules:

- 62-41.300, entitled CFWI, Scope of Rule;
- 62-41.301, entitled CFWI, Uniform Conditions for Issuance of Permits;
- 62-41.302, entitled CFWI, Supplemental Applicant’s Handbook;
- 62-41.303, entitled CFWI, Variances to the Uniform Rules;
- 62-41.304, entitled CFWI, Uniform Process for Setting Minimum Flows and Minimum Water Levels and Water Reservations; and
- 62-31.305, entitled CFWI, Applicability of the Dover/Plant City and Southern Water Use Caution Area Recovery Strategies.

The bill also:

- Directs that the ratification section of the bill serves no other purpose and shall not be codified in the Florida Statutes;
- Requires that after the act becomes law, its enactment and effective date shall be noted in the Florida Administrative Code, the Florida Administrative Register, or both, as appropriate;
- Provides that the act does not constitute legislative preemption of or exception to any provision of law governing adoption or enforcement of the rule cited, and is intended to preserve the status of any cited rule as a rule under ch. 120, F.S.; and
- Does not cure any rulemaking defect or preempt any challenge based on a violation of the legal requirements governing rule adoption.

Study on Accommodations

The bill requires DEP to report to the President of the Senate and the Speaker of the House of Representatives, by December 31, 2025, and December 31, 2030, detailing methods DEP has used to address practical and economic barriers to implementing the requirements of the CFWI rules, including, but not limited to, variances, offsets, credits, and financial incentives. The report must include a list of the recipients of any such accommodations and the hardship addressed by each accommodation.

⁶² *Id.*

⁶³ *Id.*

Declaration of Important State Interest

The bill provides a declaratory statement and determination by the Legislature that the act fulfills an important state interest.

CFWI Rulemaking

Section 2 of the bill revises the legislative findings in s. 373.0465, F.S. The revised findings state that:

[T]he three [water management] districts and [DEP] have worked cooperatively to determine that the Floridan aquifer system and other water resources in the CFWI Area have experienced harm from cumulative groundwater withdrawals and that harm is expected to increase. Such harm is detrimental to the water resources of this state. Based on this determination, the water management districts and the department are exploring the need to develop sources of water to meet the long-term water needs of the area.

The bill revises the rulemaking authority to require:

- An annual conservation goal for each consumptive use permit, building upon the regional water supply plan.
- A limitation on the amount of groundwater that existing and future permittees may withdraw from the Floridan aquifer, considering use type and any previously authorized mitigation. The limitation must be based on the projected available groundwater that may be cumulatively withdrawn across the entire CFWI Area without causing harm to the water resources of this state, consistent with the 2020 CFWI Regional Water Supply Plan.
- For purposes of the CFWI Area only, DEP or the water management districts may not pursue an enforcement action against a permittee that has exceeded its allocated supplemental irrigation quantity unless DEP or the water management district has first conferred with the permittee to determine whether there is good cause for the exceedance.

The bill requires the water management district, upon the effective date of the rules, to modify existing permits as needed to be consistent with the rules.

CFWI Grant Program

Section 3 of the bill establishes a grant program within DEP, subject to appropriation, for the CFWI. The bill requires DEP, in cooperation with the relevant water management districts, to provide grants for projects within the CFWI Area that will promote alternative water supplies and protect groundwater resources. The bill requires DEP, in allocating grant program funds, to give priority to projects that use reclaimed water, enhance natural systems, recharge groundwater, optimize beneficial uses of water, expand water conservation programs, or that are able to demonstrate that a significant financial hardship exists as a result of complying with the rules applicable to the CFWI Area.

Drinking Water State Revolving Loan Fund Priorities

Section 4 of the bill revises the priority system for the Drinking Water State Revolving Loan Fund to give special consideration to projects that implement water supply plans and develop water sources as an alternative to continued reliance on the Floridan aquifer under the CFWI.

Effective Date

Section 5 of the bill provides that the act is effective upon becoming a law.

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

The county/municipality mandates provision of Art. VII, s. 18(a) of the Florida Constitution may apply to this bill because local governments may be required to expend funds to develop alternative water supply under the new requirements of the rule. The bill includes a legislative finding that the act fulfills an important state interest. The expenditures are required to comply with rules and law that applies to all persons similarly situated. Therefore, an exception from Art. VII, s. 18(a) of the Florida Constitution likely applies.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

According to DEP's statement of estimated regulatory costs, the estimated transactional cost of the proposed rule over the next five years will be \$18.6 million to permittees and applicants.⁶⁴

C. Government Sector Impact:

According to DEP's statement of estimated regulatory costs, the estimated transactional cost of the proposed rule over the next five years will be \$18.6 million to permittees and applicants.⁶⁵ The estimated cost to the St. Johns River, Southwest Florida, and South Florida Water Management Districts of implementing the proposed rule is \$637,000 and the estimated cost of monitoring and enforcing the proposed rule is \$64,000.⁶⁶

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends sections 373.0465 and 403.8532 of the Florida Statutes.

The bill creates section 373.0466 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.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

⁶⁴ DEP, *Statement of Estimated Regulatory Costs* (Feb. 8, 2021) at ES-2 - ES-4, available at https://floridadep.gov/sites/default/files/CFWI%20SERC%20Report%2002_08_2021%20with%20LCRA_0.pdf (last visited Mar. 9, 2021).

⁶⁵ *Id.*

⁶⁶ *Id.* at ES-6.



202408

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/15/2021	.	
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	.	
	.	

The Committee on Environment and Natural Resources (Brodeur)
recommended the following:

Senate Amendment (with directory and title amendments)

Delete lines 135 - 145.

===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

And the directory clause is amended as follows:

Delete lines 73 - 74

and insert:

Section 2. Paragraph (b) of subsection (1) and paragraph
(d) of subsection (2) of section 373.0465, Florida



202408

11

12

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

14 And the title is amended as follows:

15 Delete lines 25 - 27

16 and insert:

17 had good cause for an exceedance; creating s.

18 373.0466, F.S.;

FOR CONSIDERATION By the Committee on Environment and Natural Resources

592-01109C-21

20217062pb

A bill to be entitled

An act relating to the Central Florida Water Initiative; ratifying specified rules relating to the Central Florida Water Initiative, for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule exceeding any specified thresholds for likely adverse impact or increase in regulatory costs; providing applicability; requiring the Department of Environmental Protection to provide reports relating to implementation of the requirements of the Central Florida Water Initiative rules to the Legislature by specified dates; providing a declaration of important state interest; amending s. 373.0465, F.S.; revising legislative findings; requiring the department, in consultation with specified water management districts, to adopt rules to limit the amount of groundwater that existing and future permittees may withdraw from the Floridan Aquifer based on certain information; prohibiting the department or the water management districts from pursuing, for purposes of the Central Florida Water Initiative Area only, enforcement actions against permittees without first determining if the permittee had good cause for an exceedance; requiring the water management districts to modify existing permits upon the adoption of new rules; creating s. 373.0466, F.S.; establishing, subject to appropriation, a Central Florida Water Initiative grant program within the

592-01109C-21

20217062pb

department; requiring the department, in cooperation with the relevant water management districts, to distribute appropriated funds for certain projects within the Central Florida Water Initiative Area; providing requirements for the distribution; amending s. 403.8532, F.S., requiring the department to give funding priority to certain projects relating to the Central Florida Water Initiative; providing an effective date.

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

Section 1. (1) The following rule is ratified for the sole and exclusive purpose of satisfying any condition on effectiveness imposed under s. 120.541(3), Florida Statutes: Rules 62-41.300, 62-41.301, 62.41.302, 62-41.303, 62-41.304, 62-41.305, Florida Administrative Code, titled "Central Florida Water Initiative Area" as published on February 9, 2021, in the Florida Administrative Register, Vol. 47, No. 26, pages 733-734.

(2) This section serves no other purpose and shall not be codified in the Florida Statutes. After this act becomes a law, its enactment and effective dates shall be noted in the Florida Administrative Code or the Florida Administrative Register, or both, as appropriate. This section does not constitute legislative preemption of or exception to any provision of law governing adoption or enforcement of the rule cited, and is intended to preserve the status of any cited rule as a rule under chapter 120, Florida Statutes. This section does not cure any rulemaking defect or preempt any challenge based on a

592-01109C-21

20217062pb

violation of the legal requirements governing the adoption of
any rule cited.

(3) By December 31, 2025, and December 31, 2030, the
Department of Environmental Protection shall provide a report to
the President of the Senate and the Speaker of the House of
Representatives which details methods the department has used to
address practical and economic barriers to implementing the
requirements of the Central Florida Water Initiative rules,
including, but not limited to, variances, offsets, credits, and
financial incentives. The report must include a list of the
recipients of any such accommodations and the hardship addressed
by each accommodation.

(4) The Legislature determines and declares that this
section fulfills an important state interest.

Section 2. Paragraph (b) of subsection (1) and paragraphs
(d) and (e) of subsection (2) of section 373.0465, Florida
Statutes, are amended to read:

373.0465 Central Florida Water Initiative.—

(1) The Legislature finds that:

(b) Because the boundaries of the St. Johns River Water
Management District, the South Florida Water Management
District, and the Southwest Florida Water Management District
meet within the Central Florida Coordination Area, the three
districts and the Department of Environmental Protection have
worked cooperatively to determine that the Floridan Aquifer
system and other water resources in the Central Florida Water
Initiative Area have experienced harm from cumulative
groundwater withdrawals and that harm is expected to increase.
Such harm is detrimental to the water resources of this state.

592-01109C-21

20217062pb

Based on this determination, the water management districts and the department ~~is locally approaching the sustainable limits of use and~~ are exploring the need to develop sources of water to meet the long-term water needs of the area.

(2)

(d) The department, in consultation with the St. Johns River Water Management District, the South Florida Water Management District, the Southwest Florida Water Management District, and the Department of Agriculture and Consumer Services, shall adopt uniform rules for application within the Central Florida Water Initiative Area that include:

1. A single, uniform definition of the term "harmful to the water resources" consistent with the term's usage in s. 373.219;

2. A single method for calculating residential per capita water use;

3. A single process for permit reviews;

4. A single, consistent process, as appropriate, to set minimum flows and minimum water levels and water reservations;

5. A goal for residential per capita water use for each consumptive use permit; and

6. An annual conservation goal for each consumptive use permit, building upon ~~consistent with~~ the regional water supply plan; and

7. A limitation on the amount of groundwater that existing and future permittees may withdraw from the Floridan Aquifer, considering use type and any previously authorized mitigation. The limitation must be based on the projected available groundwater that may be cumulatively withdrawn across the entire Central Florida Water Initiative Area without causing harm to

592-01109C-21

20217062pb

the water resources of this state, consistent with the 2020
Central Florida Water Initiative Regional Water Supply Plan.

In addition to the requirements of this paragraph, the uniform
rules must include existing recovery strategies within the
Central Florida Water Initiative Area adopted before July 1,
2016. The department may grant variances to the uniform rules if
there are unique circumstances or hydrogeological factors that
make application of the uniform rules unrealistic or
impractical. For purposes of the Central Florida Water
Initiative Area only, the department, St. Johns River Water
Management District, the South Florida Water Management
District, or the Southwest Florida Water Management District may
not pursue an enforcement action against a permittee that has
exceeded its allocated supplemental irrigation quantity unless
the department or water management district has first conferred
with the permittee to determine whether there is good cause for
the exceedance.

(e) The department shall initiate rulemaking for the
uniform rules by December 31, 2016. The department's uniform
rules shall be applied by the water management districts only
within the Central Florida Water Initiative Area. Upon adoption
of the rules, the water management districts shall implement the
rules without further rulemaking pursuant to s. 120.54. The
rules adopted by the department pursuant to this section are
considered the rules of the water management districts. Upon the
effective date of the rules, the water management district shall
modify existing permits as needed to be consistent with the
rules.

592-01109C-21

20217062pb

146 Section 3. Section 373.0466, Florida Statutes, is created
147 to read:

148 373.0466 Central Florida Water Initiative Grant Program.—
149 Subject to appropriation, a grant program for the Central
150 Florida Water Initiative is established within the Department of
151 Environmental Protection.

152 (1) The department, in cooperation with the relevant water
153 management districts, shall provide grants for projects within
154 the Central Florida Water Initiative Area which promote
155 alternative water supplies and protect groundwater resources.

156 (2) In allocating such funds, priority must be given to
157 projects that use reclaimed water, enhance natural systems,
158 recharge groundwater, optimize beneficial uses of water, expand
159 water conservation programs, or are able to demonstrate that a
160 significant financial hardship exists as a result of complying
161 with rules applicable to the Central Florida Water Initiative
162 Area.

163 Section 4. Paragraph (a) of subsection (9) of section
164 403.8532, Florida Statutes, is amended to read:

165 403.8532 Drinking water state revolving loan fund; use;
166 rules.—

167 (9) The department may adopt rules regarding the procedural
168 and contractual relationship between the department and the
169 corporation under s. 403.1837 and to carry out the purposes of
170 this section and the federal Safe Drinking Water Act, as
171 amended. Such rules shall:

172 (a) Set forth a priority system for loans based on public
173 health considerations, compliance with state and federal
174 requirements relating to public drinking water systems, and

592-01109C-21

20217062pb

175 affordability. The priority system must ~~shall~~ give special
176 consideration to:

177 1. Projects that provide for the development of alternative
178 drinking water supply projects and management techniques in
179 areas where existing source waters are limited or threatened by
180 saltwater intrusion, excessive drawdowns, contamination, or
181 other problems;

182 2. Projects that provide for a dependable, sustainable
183 supply of drinking water and that are not otherwise financially
184 feasible; ~~and~~

185 3. Projects that contribute to the sustainability of
186 regional water sources; and

187 4. Projects that implement water supply plans and develop
188 water sources as an alternative to continued reliance on the
189 Floridan Aquifer, pursuant to s. 373.0465.

190 Section 5. This act shall take effect upon becoming a law.

2420

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Rob Bradley

is duly appointed a member of the

**Governing Board,
Saint Johns River Water Management
District**

for a term beginning on the Eighth day of September, A.D.,
2020, until the First day of March, A.D., 2024 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 Thirteenth day of November, A.D., 2020.*

Laurel M. Lee

Secretary of State

DSDE 99 (3/03)



RON DESANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2020 SEP 10 AM 10:03
DIVISION OF ELECTIONS
TALLAHASSEE, FL

September 8, 2020

Secretary Laurel M. Lee
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

Please be advised I have made the following appointment under the provisions of Section 373.073, Florida Statutes:

Mr. Rob Bradley
7251 Augusta Drive
Fleming Island, Florida 32003

as a member of the St. Johns River Water Management District Governing Board, succeeding Daniel Davis, subject to confirmation by the Senate. This appointment is effective September 8, 2020, for a term ending March 1, 2024.

Sincerely,

Ron DeSantis
Governor

RD/cr

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Clay

RECEIVED
DEPARTMENT OF STATE
2020 SEP 29 AM 10:26

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

Governing Board Member, Saint Johns River Water Management District

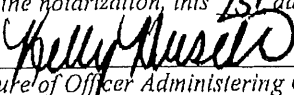
(Title of Office)

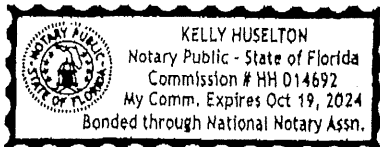
on which I am now about to enter, so help me God.

[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 by means of ✓ physical presence or
online notarization, this 25th day of September, 2020


Signature of Officer Administering Oath or of Notary Public



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

7251 Augusta Drive

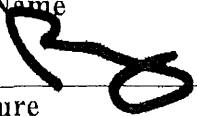
Street or Post Office Box

Fleming Island, FL 32003

City, State, Zip Code

Rob Bradley

Print Name


Signature

24220

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Janet Price

is duly appointed a member of the

**Governing Board,
Saint Johns River Water Management
District**

for a term beginning on the Eighth day of September, A.D.
2020, until the First day of March, A.D., 2022 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 Twentieth day of November, A.D., 2020.*

Laurel M. Lee

Secretary of State

DSDE 99 (3/03)



RON DESANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE

2020 SEP 10 AM 10:03

DIVISION OF ELECTIONS
TALLAHASSEE, FL

September 8, 2020

Secretary Laurel M. Lee
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

Please be advised I have made the following appointment under the provisions of Section 373.073, Florida Statutes:

Ms. Janet Price
1 Rayonier Way
Wildlight, Florida 32097

as a member of the St. Johns River Water Management District Governing Board, subject to confirmation by the Senate. This appointment is effective September 8, 2020, for a term ending March 1, 2022.

Sincerely,

Ron DeSantis
Governor

RD/cr

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED

2020 NOV 20 AM 9:16

DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of Nassau

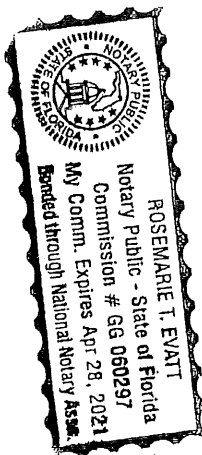
I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Member of the Governing Board Saint Johns River Water Management District

(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.]



Janet Price
Signature

Sworn to and subscribed before me this 17th day of November, 2020.

Rosemarie T. Evatt
Signature of Officer Administering Oath or of Notary Public

ROSEMARIE T. EVATT
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☐ OR Produced Identification ☒

Type of Identification Produced DRIVER LICENSE

ACCEPTANCE

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

Mailing Address: ☐ Home ☒ Office

One Rayonier Way

Street or Post Office Box

Wildlight, FL 32097

City, State, Zip Code

Janet Price

Print Name

Janet Price
Signature

2420

A black and white copy of this document is not official

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Laurel M. Lee, Secretary of State,
do hereby certify that

J. Christian Peterson, Jr.

is duly appointed a member of the

**Governing Board,
Saint Johns River Water Management
District**

for a term beginning on the Ninth day of October, A.D., 2020,
until the First day of March, A.D., 2023 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 Fifteenth day of January, A.D., 2021.*



Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.



RON DeSANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2020 OCT 26 AM 9:37
DIVISION OF ELECTIONS
TALLAHASSEE, FL

October 12, 2020

Secretary Laurel M. Lee
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

Please be advised I have made the following appointment under the provisions of Section 373.073, Florida Statutes:

Mr. Jon Christian Peterson, Jr.
Hell's Bay Marine, Inc.,
dba Hell's Bay Boatworks
1520 Chaffee Drive
Titusville, Florida 32780

as a member of the St. Johns River Water Management District Governing Board, succeeding Charles Drake, subject to confirmation by the Senate. This appointment is effective October 9, 2020, for a term ending March 1, 2023.

Sincerely,

A handwritten signature of Ron DeSantis in black ink, consisting of a stylized 'R' followed by 'DeSantis'.

Ron DeSantis
Governor

RD/kk

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED

2020 NOV 13 AM 10:00

STATE OF FLORIDA

County of Putnam

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

Governing Board-St. Johns River Water Management District

(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

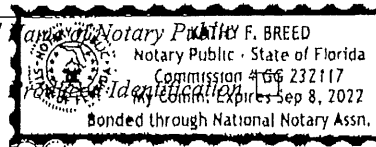
Sworn to and subscribed before me by means of ☒ physical presence or
online notarization, this 10th day of November, 2020

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

Print, Type, or Stamp Commissioned

Personally Known ☒ OR

Type of Identification Produced



ACCEPTANCE

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

Mailing Address: ☒ Home ☐ Office

2150 Via Tuscany

Street or Post Office Box

Winter Park, FL 32789

City, State, Zip Code

J. Chris Peterson

[Signature]
Print Name

Signature

2420

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Cole Oliver

is duly appointed a member of the

**Governing Board,
Saint Johns River Water Management
District**

for a term beginning on the Ninth day of October, A.D., 2020,
until the First day of March, A.D., 2022 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 First day of December, A.D., 2020.*

Laurel M. Lee

Secretary of State

DSDE 99 (3/03)



RON DESANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2020 OCT 26 AM 9:37
DIVISION OF ELECTIONS
TALLAHASSEE, FL

October 12, 2020

Secretary Laurel M. Lee
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

Please be advised I have made the following appointment under the provisions of Section 373.073, Florida Statutes:

Mr. John Cole Oliver
431 Swann Grove Lane
Merritt Island, Florida 32952

as a member of the St. Johns River Water Management District Governing Board, succeeding John Miklos, subject to confirmation by the Senate. This appointment is effective October 9, 2020, for a term ending March 1, 2022.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/kk

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

2020 NOV 13 AM 10:07

STATE OF FLORIDA

County of Putnam

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

Governing Board-St. Johns River Water Management District

(Title of Office)

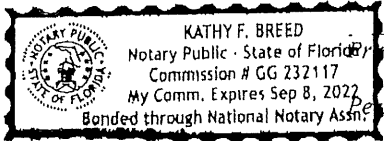
on which I am now about to enter, so help me God.

[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 by means of ☒ physical presence or
online notarization, this 10th day of November 2020.

Signature of Officer Administering Oath or of Notary Public



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

431 Swann Grove Lane

Street or Post Office Box

Merriitt Island, FI 32952

City, State, Zip Code

Cole Oliver

Print Name

Signature

2420

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Douglas C. Bournique

is duly appointed a member of the

**Governing Board,
Saint Johns River Water Management
District**

for a term beginning on the Ninth day of October, A.D., 2020,
until the First day of March, A.D., 2024 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-Second day of December, A.D., 2020.*

Laurel M. Lee

Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

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



RON DeSANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE

2020 OCT 26 AM 9:37

DIVISION OF ELECTIONS
TALLAHASSEE FL

October 12, 2020

Secretary Laurel M. Lee
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

Please be advised I have made the following appointment under the provisions of Section 373.073, Florida Statutes:

Mr. Douglas Bournique
2001 South Rock Road
Fort Pierce, Florida 34945

as a member of the St. Johns River Water Management District Governing Board, subject to confirmation by the Senate. This appointment is effective October 9, 2020, for a term ending March 1, 2024.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/kk

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of St. Lucie

RECEIVED
CLERK OF COURT

2020 DEC 10 AM 9:58

DIVISION OF ELECTRONIC RECORDS

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

Governing Board-St. Johns River Water Management District

(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.]

Douglas C. Bournique
Signature

Sworn to and subscribed before me by means of ☒ physical presence or
online notarization, this 30th day of November, 2020.

Karen S. Smith
Signature of Officer Administering Oath or of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR

Produced Identification ☐

Type of Identification Produced _____



KAREN S. SMITH
Commission # GG 183363
Expires February 21, 2022
Bonded Thru Budget Notary Services

ACCEPTANCE

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

Mailing Address: ☒ Home ☐ Office

1145 Pegasus Place

Street or Post Office Box

Vero Beach, FL 32963

City, State, Zip Code

Douglas C. Bournique

Print Name

Douglas C. Bournique
Signature

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Carlos "Charlie" Martinez

is duly appointed a member of the

**Governing Board,
South Florida Water Management District**

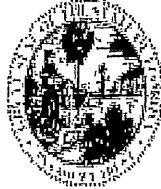
for a term beginning on the Eleventh day of December, A.D.,
2020, until the First day of March, A.D., 2024 and is subject to
be confirmed by the Senate during the next regular session of the
Legislature.



*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twelfth day of January, A.D., 2021.*

Laurel M. Lee

Secretary of State



RON DESANTIS
GOVERNOR

RECEIVED

2020 DEC 22 PM 12:36

**DIVISION OF ELECTIONS
TALLAHASSEE, FL**

December 11, 2020

Secretary Laurel M. Lee
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

Please be advised I have made the following appointment under the provisions of Section 373.073, Florida Statutes:

Mr. Carlos Martinez
5754 Southwest 100th Street
Miami, Florida 33156

as a member of the South Florida Water Management District Governing Board subject to confirmation by the Senate. This appointment is effective December 11, 2020 for a term ending March 1, 2024.

Sincerely,

A handwritten signature of Ron DeSantis in black ink, consisting of a stylized 'R' followed by a cursive 'D' and 'S'.

Ron DeSantis
Governor

RD/jf

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Miami-Dade

RECEIVED
DEPARTMENT OF STATE

2021 JAN 11 AM 11:16

DIVISION OF ELECTIONS
TALLAHASSEE, FL

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

Governing Board, South Florida Water Management District

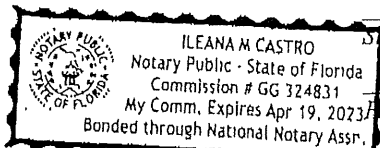
(Title of Office)

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 by means of X physical presence or
online notarization, this 16 day of December, 2020



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

[Signature] 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

5754 SW 100 St.
Street or Post Office Box

MIAMI, FL 33156
City, State, Zip Code

Carlos "Charlie" Martinez

Print Name

[Signature]
Signature



2460

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

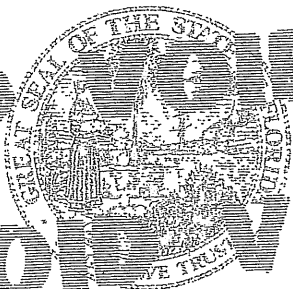
I, Laurel M. Lee, Secretary of State,
do hereby certify that

E. D. Armstrong, III

is duly appointed a member of the

Governing Board,
Southwest Florida Water Management
District

for a term beginning on the Seventh day of October, A.D., 2020
until the First day of March, A.D., 2022 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 Eighteenth day of November, A.D., 2020.

Laurel M. Lee

Secretary of State

DSDE 99 (3/03)



RON DESANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE

2020 OCT 13 AM 10:28

DIVISION OF ELECTIONS
TALLAHASSEE, FL

October 8, 2020

Secretary Laurel M. Lee
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

Please be advised I have made the following appointment under the provisions of Section 373.073, Florida Statutes:

Mr. Elijah Armstrong, III
1614 Santa Barbara Drive
Dunedin, Florida 34698

as a member of the Southwest Florida Water Management District Governing Board, subject to confirmation by the Senate. This appointment is effective October 7, 2020, for a term ending March 1, 2022.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis", written over a horizontal line.

Ron DeSantis
Governor

RD/kk

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE

2020 NOV 18 AM 10:44

DEPARTMENT OF STATE
DIVISION OF ELECTIONS

STATE OF FLORIDA

County of Pinellas

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

Governing Board Member - Southwest Florida Water Management District
(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

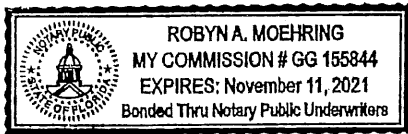
Sworn to and subscribed before me by means of ☒ physical presence or
☐ online notarization, this 6th day of November, 2020.

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

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

1614 Santa Barbara Drive

Street or Post Office Box

Dunedin, FL 34698

City, State, Zip Code

E. D. Armstrong III

Print Name

[Signature]
Signature

2460

7

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Michelle Williamson

is duly appointed a member of the

**Governing Board,
Southwest Florida Water Management
District**

for a term beginning on the Eighteenth day of December, A.D.,
2020, until the First day of March, A.D., 2024 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 Third day of February, A.D., 2021.*

Laurel M. Lee

Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

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.



RON DeSANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2020 DEC 23 PM 1:48
DIVISION OF ELECTIONS
TALLAHASSEE FL

December 18, 2020

Secretary Laurel M. Lee
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

Please be advised I have made the following appointment under the provisions of Section 373.073, Florida Statutes:

Mrs. Michelle Williamson
P.O. Box 279
Sydney, Florida 33587

as a member of the Southwest Florida Water Management District Governing Board, subject to confirmation by the Senate. This appointment is effective December 18, 2020, for a term ending March 1, 2024.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/kk

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE

2021 FEB -2 AM 11:36

DEPARTMENT OF STATE
DIVISION OF ELECTIONS

STATE OF FLORIDA

County of Hillsborough

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

Governing Board Member of the Southwest Florida Water Management District

(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.]

Michelle Williamson
Signature

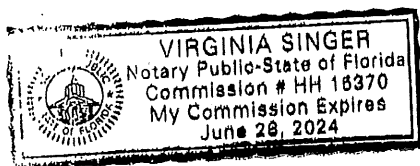
Sworn to and subscribed before me by means of ☒ physical presence or
online notarization, this 26 day of January, 2021

Virginia Singer
Signature of Officer Administering Oath or of Notary Public

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

Post Office Box 279

Street or Post Office Box

Dover, Florida 33587

City, State, Zip Code

Michelle Williamson

Print Name

Michelle Williamson
Signature

Amended
2460
set 3

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

I, Laurel M. Lee, Secretary of State,
do hereby certify that

John Mitten

is duly appointed a member of the

**Governing Board,
Southwest Florida Water Management
District**

for a term beginning on the Seventh day of October, A.D., 2020,
until the First day of March, A.D., 2024 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 Fourteenth day of December, A.D., 2020.

Laurel M. Lee

Secretary of State

DSDE 99 (3/03)



FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

December 14, 2020

Mr. John Mitten
24043 Twister Lane
Brooksville, Florida 34602

Dear Mr. Mitten:

Enclosed please find a corrected certificate of appointment, as a member of the Governing Board, Southwest Florida Water Management District.

If you have any questions or need further assistance, please contact Inez Williams or Chris Kimball at (850) 245-6240.

Sincerely,

A handwritten signature in cursive script that reads "Kristi Reid Willis".

Kristi Reid Willis, Chief
Bureau of Election Records

KRW/ck

Enclosures

Division of Elections

R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6240 • 850.245.6260 (Fax) • DOS.MyFlorida.com/elections





RON DeSANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE

2020 OCT 13 AM 10:28

DIVISION OF ELECTIONS
TALLAHASSEE, FL

October 8, 2020

Secretary Laurel M. Lee
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

Please be advised I have made the following appointment under the provisions of Section 373.073, Florida Statutes:

Mr. John Mitten
24043 Twister Lane
Brooksville, Florida 34602

as a member of the Southwest Florida Water Management District Governing Board, succeeding Mark Taylor, subject to confirmation by the Senate. This appointment is effective October 7, 2020, for a term ending March 1, 2024.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis", written over a horizontal line.

Ron DeSantis
Governor

RD/kk

2460

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Ashley Bell Barnett

is duly appointed a member of the
Governing Board,
Southwest Florida Water Management
District

for a term beginning on the Eighteenth day of December, A.D.
2020, until the First day of March, A.D., 2023 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 Tenth day of February, A.D., 2021.



Secretary of State

DSDE 99 (3/03)



RON DESANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2020 DEC 23 PM 1:48
DIVISION OF ELECTIONS
TALLAHASSEE, FL

December 18, 2020

Secretary Laurel M. Lee
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

Please be advised I have made the following appointment under the provisions of Section 373.073, Florida Statutes:

Mrs. Ashley Barnett
3830 Gaines Court
Winter Haven, Florida 33884

as a member of the Southwest Florida Water Management District Governing Board, succeeding Paul Senft, subject to confirmation by the Senate. This appointment is effective December 18, 2020, for a term ending March 1, 2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/kk

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED

2021 FEB -2 AM 11:36

STATE OF FLORIDA

County of Hillsborough

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

Governing Board Member of the Southwest Florida Water Management District

(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.]

Ashley B. Barnett
Signature

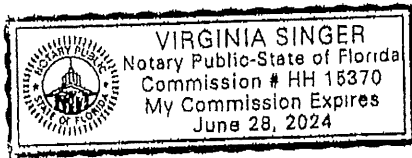
Sworn to and subscribed before me by means of ☒ physical presence or
online notarization, this 26 day of January, 2021

Virginia Singer
Signature of Officer Administering Oath or of Notary Public

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

3830 Gaines Court

Street or Post Office Box

Winter Haven, FL 33884

City, State, Zip Code

Ashley Bell Barnett

Print Name

Ashley B. Barnett
Signature

2555

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Harry Smith

is duly appointed a member of the

Governing Board,

Suwannee River Water Management District

for a term beginning on the Eighth day of September, A.D.,
2020, until the First day of March, A.D., 2024 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 Thirteenth day of October, A.D., 2020.



Laurel M. Lee

Secretary of State



RON DESANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2020 SEP 10 AM 10:01
DIVISION OF ELECTIONS
TALLAHASSEE, FL

September 8, 2020

Secretary Laurel M. Lee
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

Please be advised I have made the following appointment under the provisions of Section 373.073, Florida Statutes:

Mr. Harry Smith
317 NW Lake Valley Terrace
Lake City, Florida 32055

as a member of the Suwannee River Management District Governing Board, succeeding Gary Jones, subject to confirmation by the Senate. This appointment is effective September 8, 2020, for a term ending March 1, 2024.

Sincerely,

Ron DeSantis
Governor

RD/kk

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Suwannee

RECEIVED
DEPARTMENT OF STATE
2020 OCT 13 AM 9:58
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

Suwannee River Water Management District Governing Board Member

(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 8th day of September, 2020.

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

Robin R. Lamm
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☐ OR

Produced Identification ☒

Type of Identification Produced Fla. Driver's License



Robin R. Lamm
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG107867
Expires 8/28/2021

ACCEPTANCE

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

Mailing Address: ☒ Home ☐ Office

317 NW Lake Valley Terrace
Street or Post Office Box
Lake City FL 32055
City, State, Zip Code

HARRY Smith
Print Name
[Signature]
Signature

12.506

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire MUST BE COMPLETED IN FULL. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

9/28/2020

Date Completed

1. Name: Mr. Smith Harry Julian
Mr./Mrs./Ms. Last First Middle/Maiden
2. Business Address: 668 NW Waldo Street Lake City
Street Office # City
P.O. Box 2331 FL 32056 386-755-7443
Post Office Box State Zip Code Area Code/Phone Number
3. Residence Address: 317 NW Lake Valley Terrace Lake City Columbia
Street City County
FL 32055
Post Office Box State Zip Code Area Code/Phone Number
- Specify the preferred mailing address: Business ☐ Residence ☒ Fax # _____
(optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
317 NW Lake Valley Terrace	Lake City, FL	2003	present

- B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From	To
	Decatur, GA	1995	1996

5. Date of Birth: _____ Place of Birth: Bainbridge, GA
6. Social Security Number: _____
7. Driver License Number: _____ Issuing State: Florida
8. Have you ever used or been known by any other legal name? Yes ☐ No ☒ If "Yes" Explain

N/A

RECEIVED
DEPARTMENT OF STATE
2020 OCT 13 AM 9:58
DIVISION OF ELECTIONS

2557

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Larry K. Thompson

is duly appointed a member of the

Governing Board,

Suwannee River Water Management District

for a term beginning on the Eighteenth day of December, A.D.,
2020, until the First day of March, A.D., 2024 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 Twentieth day of January, A.D., 2021.

Laurel M. Lee

Secretary of State

DSDE 99 (3/03)



RON DeSANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2020 DEC 23 PM 1:48
DIVISION OF ELECTIONS
TALLAHASSEE, FL

December 18, 2020

Secretary Laurel M. Lee
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

Please be advised I have made the following appointment under the provisions of Section 373.073, Florida Statutes:

Mr. Larry Thompson
6800 North US Highway 129
Bell, Florida 32619

as a member of the Suwannee River Water Management District Governing Board, succeeding Donald Quincey, subject to confirmation by the Senate. This appointment is effective December 18, 2020, for a term ending March 1, 2024.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/cr

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Suwannee

RECEIVED
DEPARTMENT OF STATE
2021 JAN 20 AM 9:06
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

Suwannee River Water Management District Governing Board Member

(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.]

 Robin R. Lamm
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG107887
Expires 8/28/2021

Signature

Sworn to and subscribed before me by means of ☒ physical presence or
online notarization, this 12 day of January, 2021.

Signature of Officer Administering Oath or of Notary Public

Robin R. Lamm

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☐ OR Produced Identification ☒

Type of Identification Produced Drivers License

ACCEPTANCE

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

Mailing Address: ☒ Home ☐ Office

6800 N. US Highway 129

Street or Post Office Box

Bell, FL 32619

City, State, Zip Code

Larry K. Thompson

Print Name

Signature

2555

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Larry Sessions

is duly appointed a member of the

**Governing Board,
Suwannee River Water Management District**

for a term beginning on the Ninth day of October, A.D., 2020,
until the First day of March, A.D., 2022 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 Fourth day of December, A.D., 2020.*

Laurel M. Lee

Secretary of State



RON DeSANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2020 OCT 26 AM 9:37
DIVISION OF ELECTIONS
TALLAHASSEE, FL

October 12, 2020

Secretary Laurel M. Lee
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

Please be advised I have made the following appointment under the provisions of Section 373.073, Florida Statutes:

Mr. Larry Sessions
4377 72nd Street
Live Oak, Florida 32060

as a member of the Suwannee River Water Management District Governing Board, succeeding Alphonas Alexander, subject to confirmation by the Senate. This appointment is effective October 9, 2020, for a term ending March 1, 2022.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/kk

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE

2020 DEC -3 AM 9:57

DEPARTMENT OF STATE
DIVISION OF ELECTIONS

STATE OF FLORIDA

County of Suwannee

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

Suwannee River Water Management District Governing Board member
(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 by means of ☒ physical presence or
online notarization, this 9th day of October, 2020

Robin R. Lamm
Signature of Officer Administering Oath or of Notary Public



Robin R. Lamm
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG107867
Expires 8/28/2021

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☐ OR ☒ Produced Identification

Type of Identification Produced Driver's License

ACCEPTANCE

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

Mailing Address: ☒ Home ☐ Office

4377 22 St.

Street or Post Office Box

Lake Oak, FL 32060

City, State, Zip Code

LARRY SESSIONS
Print Name

[Signature]
Signature

THE FLORIDA SENATE
APPEARANCE RECORD

3-25-21

Meeting Date

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

334

Bill Number (if applicable)

Topic

SMOKING

Name

DAVID C. WELCH

FIRST AMEND
Amendment Barcode (if applicable)

Job Title

Address

1934 SHELBY CT

Street

Phone

408

City

FL

State

32308

Zip

Email

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

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

Representing

SIERRA CLUB FL

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.

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

3/15/2021

Meeting Date

334

Bill Number (if applicable)

112054

Amendment Barcode (if applicable)

Topic Smokefree Beaches and Parks

Name Ashley Lyerly

Job Title Director of Advocacy

Address P.O. Box 43263

Street

Vestavia Hills

City

AL

State

35243

Zip

Phone 205-968-2266

Email ashley.lyerly@lung.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing American Lung Association

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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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Duplicate

03/15/2021

Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

SB 334

Bill Number (if applicable)

112054

Amendment Barcode (if applicable)

Topic Regulation of Smoking

Name Holly Parker Curry

Job Title Florida Policy Manager

Address 1229 Mitchell Ave.

Phone 8505673393

Street

Tallahassee

FL

32303

Email hparker@surfrider.c

City

State

Zip

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

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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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)

3/15/11
Meeting Date

334
Bill Number (if applicable)

Topic SMOKING

Amendment Barcode (if applicable)

Name DAVID CRANFORD

Job Title _____

Address 1224 SHERBURY CT
Street

Phone _____

128 FL 32304
City State Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing SIERRA CLUB FL

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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S-001 (10/14/14)

YOU MUST PRINT **AND DELIVER** THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Duplicate

03/15/2021

Meeting Date

THE FLORIDA SENATE
APPEARANCE RECORD

SB 334

Bill Number (if applicable)

Topic Regulation of Smoking

Amendment Barcode (if applicable)

Name Holly Parker Curry

Job Title Florida Policy Manager

Address 1229 Mitchell Ave.

Phone 8505673393

Street

Tallahassee

FL

32306

City

State

Zip

Email hparker@surfrider.c

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

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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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

03/15/2021

Meeting Date

334

Bill Number (if applicable)

Topic Regulation of Smoking in Public Places

Amendment Barcode (if applicable)

Name Rob Lewis

Job Title Director of Governmental Relations

Address 1660 Ringling Blvd.

Phone 941-444-9532

Street

Sarasota

FL

34236

Email rlewis@scgov.net

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Sarasota 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.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/15/21

Meeting Date

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

SB 334

Bill Number (if applicable)

Topic Regulation of Smoking

Amendment Barcode (if applicable)

Name Claudia Davant

Job Title President, Adam S. Advocates

Address 2259 Lake Hill Rd

Street

Phone 850 567 0979

City

State

Zip

Email Claudia@adamssadvocates.com

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.

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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)

3/15/21
Meeting Date

SB 334
Bill Number (if applicable)

Topic Regulation of Smoking in Public Places Amendment Barcode (if applicable)

Name Tonnette (Tone-Net) Graham

Job Title Associate Director of Public Policy

Address 100 S. Monroe Street Phone 850.509.5333
Street

Tallahassee FL 32311 Email tgraham@fl-counties.com
City State Zip Com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Association of Counties

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

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Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

3/15/21

Meeting Date

334

Bill Number (if applicable)

Topic Smoking in public places (Environment and Nat. Res)

Amendment Barcode (if applicable)

Name Martha Edenfield

Job Title

Address 106 E. College Ave Suite 1200

Phone 850-999-4100

Street

Tallahassee

FL

32301

City

State

Zip

Email medenfield@deanmead.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing The City of Clearwater

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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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

03/15/2021

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

SB 334

*Meeting Date**Bill Number (if applicable)*Topic Regulation of Smoking in Public Places*Amendment Barcode (if applicable)*Name Tara TaggartJob Title Legislative Policy AnalystAddress 301 S. Bronough Street #300Phone 850-701-3603*Street*TallahasseeFL32301*City**State**Zip*Email ttaggart@flcities.comSpeaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)Representing Florida League of CitiesAppearing at request of Chair: ☐ Yes ☒ NoLobbyist 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.***

S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

3/15/2021

Meeting Date

334

Bill Number (if applicable)

112054

Amendment Barcode (if applicable)

Topic Smokefree Beaches and Parks

Name Ashley Lyerly

Job Title Director of Advocacy

Address P.O. Box 43263

Street

Vestavia Hills

City

AL

State

35243

Zip

Phone 205-968-2266

Email ashley.lyerly@lung.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing American Lung Association

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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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

03/15/21

Meeting Date

SB1058

Bill Number (if applicable)

Topic Sanitary Sewer Laterals

Amendment Barcode (if applicable)

Name Lindsay Cross

Job Title Government Relations Director

Address 1700 N Monroe St

Phone 850-629-4656

Street

Tallahassee

FL

32303

Email lindsay@fcvoters.org

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Conservation Voters

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.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/15/21

Meeting Date

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

1086

Bill Number (if applicable)

Topic SB 1086 Operation Motor

Amendment Barcode (if applicable)

Name JON Moyle Vehicles & Vessels

Job Title Moyle Law Firm

Address 118 N. Gadsden St

Street

Tallahassee FL

City

32315 State

Zip

Phone

Email jmoyle@moylelaw.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing FIA. Inland Navigation District

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.

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Duplicate

THE FLORIDA SENATE
APPEARANCE RECORD

3/15/2021

Meeting Date

1086

Bill Number (if applicable)

878734

Amendment Barcode (if applicable)

Topic Sectn 12 - anchoring limitation area

Name Bonnie Basham

Job Title _____

Address 10797 Wadesboro Rd

Phone 8509337277

Street

TALLAHASSEE

FL

32317

Email capital.ideas@att.net

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Boat Owners of the United States/BOAT US

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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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)

3/15/21

Meeting Date

1086

Bill Number (if applicable)

Topic Operation & Safety of Motor Vehicles & Vessels 878734

Amendment Barcode (if applicable)

Name Jessica Crawford

Job Title Legislative Affairs Director

Address 620 S. Meridian Street

Street

Phone 850-487-3795

Tallahassee

City

FL

State

32399

Zip

Email Jessica.Crawford@myfwc.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Fish & Wildlife Conservation Commission

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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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)

3/15/21

Meeting Date

1086

Bill Number (if applicable)

878734

Amendment Barcode (if applicable)

Topic _____

Name Robert Reyes

Job Title _____

Address 817 Ingleside Ave

Street

Phone 850 509 1802

TAI

City

FL

State

32303

Zip

Email rreyes@capitolgrpa

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Monroe 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.

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

3/15/21

Meeting Date

SB 1086

Bill Number (if applicable)

878734

Amendment Barcode (if applicable)

Topic operation & safety of motor vehicles / vessels

Name Jeffrey Sharkey

Job Title President of Capitol Alliance Group

Address 106 E College Ave S. 1110

Street

Tallahassee FL 32301

City

State

Zip

Phone (850) 224-1660

Email JeffreySharkey@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing City of St. Pete.

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.

of the public record for this meeting.

S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

3-15-21

Meeting Date

5B 1086

Bill Number (if applicable)

878734

Amendment Barcode (if applicable)

Topic OPERATION OF SAFETY / MV & VESSELS

Name TAYLOR PATRICK BIEHL

Job Title Dir. GOVT RELATIONS

Address 106 E. COLLEGE AVE. SUITE

Street

116

Phone 850-224-1660

TLH

City

FL

State

32301

Zip

Email TAYLOR@TRIALALLIANCE

Group
(64)

Speaking: ☐ For ☐ Against ☐ Information

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

Representing SPACE EXPLORATION TECHNOLOGIES (SPACE X)

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

3/15/21

Meeting Date

SB 1086

Bill Number (if applicable)

Topic operation + safety of motor vehicles/vessels Amendment Barcode (if applicable)

Name Jeffrey Sharkey

Job Title President of Capitol Alliance Group

Address 106 E College Ave Suite 110

Phone 850-224-1660

Street

Tallahassee

FL

32301

City

State

Zip

Email Jeffrey.Shark@gmail

Speaking: ☐ For ☐ Against ☐ Information

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

Representing City of St. Petersburg

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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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)

3-15-21

Meeting Date

1480

Bill Number (if applicable)

Topic LATE

Amendment Barcode (if applicable)

Name DAVID CULLEN

Job Title _____

Address 1934 SHELDON CT

Street

Phone 941-323-2404

TLH
City

FL
State

32308
Zip

Email cullenasee@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing SIERRA 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.

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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Reset Form

THE FLORIDA SENATE

APPEARANCE RECORD

3/15/21

Meeting Date

SB 1480

Bill Number (if applicable)

Topic Land Acquisition Trust Fund

Amendment Barcode (if applicable)

Name Andrew Ketchel

Job Title Consultant

Address 124 W Jefferson Street

Phone 222-9075

Street

Tallahassee

FL

32312

City

State

Zip

Email Andrew@cccfla.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing The Everglades Foundation

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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S-001 (10/14/14)

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THE FLORIDA SENATE
APPEARANCE RECORD

3/15/2021

Meeting Date

SB 1480

Bill Number (if applicable)

Topic Land Aquisition Trust Fund

Amendment Barcode (if applicable)

Name Beth Alvi

Job Title Director of Policy

Address 308 N. Monroe

Street

Tallahassee

City

State

Zip

Phone 850-999-1028

Email beth.alvi@audubon.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Audubon Florida

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)

3/15/21

Meeting Date

SB1480

Bill Number (if applicable)

Topic Land Acquisition Trust Fund

Amendment Barcode (if applicable)

Name Paul Owens

Job Title President, 1000 Friends of FL

Address 308 N. Monroe St.

Phone 407-222-2301

Street

Tallahassee, FL

City

State

32803

Zip

Email powense@1000fof.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing 1000 Friends of 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.

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

03/15/21

Meeting Date

SB1480

Bill Number (if applicable)

Topic Land Acquisition Trust Fund

Amendment Barcode (if applicable)

Name Lindsay Cross

Job Title Government Relations Director

Address 1700 N Monroe St

Phone 850-629-4656

Street

Tallahassee

FL

32303

Email lindsay@fcvoters.org

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Conservation Voters

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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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3-15-21
Meeting Date

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

1954
Bill Number (if applicable)

Topic Flooding & Sea Rise Resiliency

Amendment Barcode (if applicable)

Name Ken Kniepman (ka-need-man)

Job Title Associate

Address 201 W Park Ave

Phone 850-510-0552

Street

Tallahassee

City

FL

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FLORIDA CONFERENCE Catholic Bishops

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)

3/15/2021
Meeting Date

1954
Bill Number (if applicable)

Topic STATEWIDE FLOODING AND SEA-LEVEL RISE RESILIENCE

Amendment Barcode (if applicable)

Name JONATHAN Webber

Job Title Deputy Director

Address 1700 N. MONROE ST. #11-286

Phone 954-593-4449

Tallahassee FL 32303
City State Zip

Email JWEBBER@FCVOTERS.ORG

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FLORIDA CONSERVATION VOTERS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

3/15/2021

Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

SB 1954

Bill Number (if applicable)

Topic Statewide Flooding and SLR resilience

Amendment Barcode (if applicable)

Name Beth Alvi

Job Title Director of Policy

Address 308 N. monroe

Street

Tallahassee

City

State

Zip

Phone 850-999-1028

Email beth.Alvi@audubon.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Audubon Florida

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

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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)

3/15/21

Meeting Date

1954

Bill Number (if applicable)

Topic FLOOD/SEA-LEVEL RISE

Amendment Barcode (if applicable)

Name TRISH NEELY

Job Title DIRECTOR

Address 2024 SHANGRI LA LANE

Street

Phone 8503223317

TALLAHASSEE FL 32303

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing LEAGUE WOMEN VOTERS 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.

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S-001 (10/14/14)

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3/15/2021

Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

1954

Bill Number (if applicable)

Topic Statewide Flooding and Sea-level Rise Resilience

Amendment Barcode (if applicable)

Name Christopher Emmanuel

Job Title Policy Director

Address 136 S Bronough Street

Phone _____

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 Chamber of Commerce

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)

3/15/21

Meeting Date

7060

Bill Number (if applicable)

838464

Amendment Barcode (if applicable)

Topic Ratification of FDEP Rules

Name Chris Dawson

Job Title Attorney

Address 301 E. Pine Street, Suite 1400

Street

Orlando

City

FL

State

32801

Zip

Phone 407-843-8880

Email chris.dawson@gray-robinson.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Synagro Technologies

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)

3/15/21

Meeting Date

SPB 7060

Bill Number (if applicable)

Topic Ratification of FDEP Rules {Biosolids}

Amendment Barcode (if applicable)

Name Haley Busch

Job Title Outreach Director

Address 308 N MONROE ST.

Phone 850-264-4949

Street

TALLAHASSEE

FL

32301

Email HBUSCH@1000FDF.ORG

City

State

Zip

Speaking: ☐ For ☐ Against ☒ Information

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

Representing 1000 Friends of Florida

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)

3/15/21

Meeting Date

SPB 7060

Bill Number (if applicable)

Topic

Reformation Dept of Environment

Name

David Sendar

Job Title

Retired Corporate Commercial Clearing

Address

Street

City

State

Zip

Phone

Email

66 Wintergreen Dr
Fruitland Park FL 34731

352 805 6597
golden Dave PG
@gmail.com

Speaking:

☒

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

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

Representing

Self & wife / family resume

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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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

3/15/2021

Meeting Date

7060

Bill Number (if applicable)

Topic Ratification of FDEP Rules

Amendment Barcode (if applicable)

Name Chris Dawson

Job Title Attorney

Address 301 E. Pine Street, Suite 1400

Phone 407-843-8880

Street

Orlando

Florida

32801

Email chris.dawson@gray-robinson.com

City

State

Zip

Speaking: ☐ For ☐ Against ☒ Information

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

Representing Synagro Technologies

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)

3/15/21

Meeting Date

SPB 7060

Bill Number (if applicable)

Topic Ratification of FDEP rules {Biosolids}

Amendment Barcode (if applicable)

Name Haley Busch

Job Title Outreach Director

Address 308 N MONROE ST.

Phone 850-264-4949

Street

TALLAHASSEE

City

FL

State

32301

Zip

Email HBUSCH@1000FOF.ORG

Speaking: ☐ For ☐ Against ☒ Information

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

Representing 1000 Friends of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

3-15-21

Meeting Date

SPB 7060

Bill Number (if applicable)

Topic Ratification of Department of Environmental Protection Rules

Amendment Barcode (if applicable)

Name John November

Job Title Executive Director

Address 2029 Third Street N

Phone 904-525-3042

Street

Jacksonville Beach

FL

32250

Email john@publictrustlaw.org

City

State

Zip

Speaking: ☐ For ☐ Against ☒ Information

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

Representing The Public Trust Environmental Legal Institute of Florida, Inc.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

3/15/2021

Meeting Date

SB 7060

Bill Number (if applicable)

Topic Ratification of DEP Rules

Amendment Barcode (if applicable)

Name Alex Bickley

Job Title Legislative Affairs Director

Address 3900 Commonwealth Blvd

Phone 850-245-2092

Street

Tallahassee

FL

32399

Email alex.bickley@floridadep.gov

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FL Department of Environmental Protection

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)

3-25-20
Meeting Date

7060
Bill Number (if applicable)

Topic BIGSAILS Rule RACE Amendment Barcode (if applicable)

Name DAVID CULLEN

Job Title _____

Address 1034 SHELBY CT Phone _____

Street

1200

City

FL

State

32304

Zip

Email _____

Speaking: ☐ For ☐ Against ☒ Information

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

Representing SIERRA CLUB FL

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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S-001 (10/14/14)

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THE FLORIDA SENATE
APPEARANCE RECORD

3-15-21

Meeting Date

SPB 7060

Bill Number (if applicable)

Topic Ratification of Department of Environmental Protection

Amendment Barcode (if applicable)

Name Lisa Rinaman

Job Title Riverkeeper

Address 2800 University Blvd N

Phone 9045093260

Street

Jacksonville

FL

32211

Email lisa@stjohnsriverkeeper.org

City

State

Zip

Speaking: ☐ For ☐ Against ☒ Information

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

Representing The St. Johns Riverkeeper

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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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

3/15/2021

Meeting Date

SB 7062

Bill Number (if applicable)

Topic Central Florida Water Initiative

Amendment Barcode (if applicable)

Name Alex Bickley

Job Title Legislative Affairs Director

Address 3900 Commonwealth Blvd

Phone 850-245-2092

Street

Tallahassee

FL

32399

Email alex.bickley@floridadep.gov

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FL Department of Environmental Protection

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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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)

3/15/21
Meeting Date

7062
Bill Number (if applicable)

Topic CENTRAL FLORIDA WATER INITIATIVE

Amendment Barcode (if applicable)

Name NANCY STEPHENS

Job Title CHAIR

Address _____

Phone _____

Street

TALLAHASSEE FL 32309
City State Zip

Email Chairman@floridagacoalition.com

Speaking: ☐ For ☐ Against ☒ Information

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

Representing FLORIDA AG COALITION

Appearing at request of Chair: ☐ Yes ☐ No

VOLUNTEER
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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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)

3/15/21

Meeting Date

7062

Bill Number (if applicable)

Topic CFWI

Amendment Barcode (if applicable)

Name Peter Hobbell

Job Title Principal, WRA

Address 4260 W. Linchaven Avenue

Phone 813 610 2828

Street

Tampa

City

FL

State

33624

Zip

Email phobella@wra.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Landstar Development

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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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)

3/15/21
Meeting Date

7062

Bill Number (if applicable)

Topic Ratification of CFWI Rules

Amendment Barcode (if applicable)

Name Tim Atkinson

Job Title Partner, Oertel, Fernandez Bryant & Atkinson

Address 2060 Delta Way

Phone 850 521-0700

Street

Tallahassee

FL

32303

Email tatkinson@otfc.com

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Landstar Group of Developers

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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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)

3/15/21

Meeting Date

SB 7062

Bill Number (if applicable)

Topic RATIFICATION OF CFWI RULES

Amendment Barcode (if applicable)

Name SEGUNDO J. FERNANDEZ

Job Title MANAGING PARTNER - OERTEL, FERNANDEZ, BRYANT + ATKINSON

Address 2060 DELTA WAY

Street

Phone (850) 544-5300

TALLAHASSEE

City

FL

State

32303

Zip

Email SFERNANDEZ@OHFC.COM

Speaking: ☐ For ☒ Against ☐ Information

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

Representing CITY OF LAKE LAND

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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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)

3/15/21

Meeting Date

SB 7062

Bill Number (if applicable)

Topic Central Florida Water Initiative

Amendment Barcode (if applicable)

Name David Shepp

Job Title Lobbyist

Address P.O. Box 3739

Phone 863 581-4250

Street

Lakeland

State

FL

Zip

33802

Email shepp@thesoutherngroup.com

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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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)

3-15-21
Meeting Date

7062
Bill Number (if applicable)

Topic SPB 7062

Amendment Barcode (if applicable)

Name Greg Munson

Job Title _____

Address 201 N. Monroe St
Street

Phone 850-521-1980

Tallahassee FL 32308
City State Zip

Email gmunson@constr.com

Speaking: ☐ For ☒ Against ☒ Information

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

Representing City of St. Cloud, Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

3/15/21

Meeting Date

N/A

Bill Number (if applicable)

Topic Support for Chris Peterson Confirmation (SJRWMD)

Amendment Barcode (if applicable)

Name Anna Upton

Job Title General Counsel, The Everglades Foundation

Address 960 Live Oak Plantation Rd.

Phone 850-228-6360

Street

Tallahassee

FL

32312

City

State

Zip

Email anna@ahupton.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing The Everglades Foundation, Inc.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

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THE FLORIDA SENATE
APPEARANCE RECORD

3/15/21

Meeting Date

N/A

Bill Number (if applicable)

Topic Support for Rob Bradley Confirmation (SJRWMD)

Amendment Barcode (if applicable)

Name Anna Upton

Job Title General Counsel, The Everglades Foundation

Address 960 Live Oak Plantation Rd.

Phone 850-228-6360

Street

Tallahassee

FL

32312

City

State

Zip

Email anna@ahupton.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing The Everglades Foundation, Inc.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S 001 (1/2011)

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THE FLORIDA SENATE
APPEARANCE RECORD

3/15/21

Meeting Date

N/A

Bill Number (if applicable)

Topic Support for Charlie Martinez Confirmation (SFWMD)

Amendment Barcode (if applicable)

Name Anna Upton

Job Title General Counsel, The Everglades Foundation

Address 960 Live Oak Plantation Rd.

Phone 850-228-6360

Street

Tallahassee

FL

32312

City

State

Zip

Email anna@ahupton.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing The Everglades Foundation, Inc.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

CourtSmart Tag Report

Room: SB 37
Caption: Environment and Natural Resources Committee

Case No.:

Type:
Judge:

Started: 3/15/2021 3:30:08 PM

Ends: 3/15/2021 5:08:22 PM

Length: 01:38:15

3:30:07 PM Meeting will come to order
3:30:23 PM Quorum present
3:30:26 PM Pledge of Allegiance
3:31:11 PM Chair Brodeur speaking
3:31:47 PM Tab 4 SB1482 by Senator Garcia
3:32:02 PM Senator Garcia explains bill 1482
3:33:13 PM Questions, none
3:33:20 PM Appearance forms, none
3:33:31 PM Debate
3:33:34 PM Senator Garcia closes on bill
3:33:37 PM Roll call on SB 1482
3:33:45 PM SB 1482 reported favorably
3:33:55 PM Tab 6 SB1954 by Senator Rodrigues
3:34:12 PM Senator Rodrigues explains bill
3:39:07 PM Questions on bill, none
3:39:13 PM Take up amendment barcode 753772
3:39:43 PM Questions on amendment, none
3:39:49 PM Appearance forms, none
3:39:56 PM Debate
3:39:59 PM Amendment barcode 753772 adopted
3:40:11 PM Take up amendment barcode 366818
3:40:21 PM Questions, none
3:40:25 PM Debate, none
3:40:33 PM Back on bill as amended
3:40:41 PM Questions on the bill
3:40:50 PM Ken Kinepmann, Florida Conference Catholic Bishops waives in support
3:40:53 PM Jonathan Webber, Florida Conservation voters speaking in support
3:41:35 PM Beth Alvi, Audubon Florida waives in support
3:41:50 PM Trish Neely, League Women Voters Florida waives in support
3:41:50 PM Christopher Emmanuel, Florida Chamber of Commerce waives in support
3:42:08 PM David Serdar, representing himself speaking in support of the bill
3:43:07 PM Debate on bill
3:43:15 PM Senator Stewart with debate
3:43:42 PM Any other members to debate?
3:43:49 PM Senator Rodrigues waives close
3:43:56 PM Roll call on CS/SB 1954
3:43:58 PM CS/SB 1954 reported favorably
3:44:20 PM Take up tab 5 SB 1752
3:44:31 PM Senator Rodriguez explains bill
3:45:00 PM Questions on bill, none
3:45:07 PM Take up amendment barcode 337530
3:45:15 PM Senator Rodriguez explains amendment
3:45:31 PM Questions, none
3:45:35 PM Appearance forms, none
3:45:39 PM Amendment barcode 337530 adopted
3:45:47 PM Questions on bill as amended? none
3:45:58 PM Appearance forms, none
3:46:01 PM Debate, none
3:46:05 PM Senator Rodriguez waive close
3:46:08 PM Roll call on CS/SB 1752
3:46:11 PM CS/SB 1752 reported favorably
3:46:29 PM Take up tab 2 CS/SB 1058 Senator Burgess

3:46:47 PM Senator Burgess explains bill
 3:47:17 PM Questions on bill? none
 3:48:19 PM Take up amendment barcode 786480
 3:48:31 PM Senator Burgess explains amendment
 3:48:39 PM Questions on amendment, none
 3:48:51 PM Appearance forms, none
 3:48:56 PM Debate, none
 3:49:02 PM Amendment barcode 786480 is adopted
 3:49:05 PM Back on bill as amended
 3:49:15 PM Lindsay Cross, Florida Conservation Voters waives in support of bill
 3:49:26 PM Debate on bill
 3:49:28 PM Senator Burgess closes on bill
 3:50:05 PM Roll call CS/SB 1058
 3:50:13 PM CS/SB 1058 is reported favorably
 3:50:29 PM Chair Brodeur passes chair to Senator Stewart
 3:50:49 PM Take up tab 7 SB1480
 3:51:06 PM Senator Brodeur explains bill
 3:51:32 PM Questions on bill, none
 3:51:39 PM Appearance forms
 3:51:46 PM Andrew Ketchel, The Everglades Foundation waives in support
 3:52:02 PM Beth Alvi, Director of Policy with Audubon Florida waives in support
 3:52:19 PM Paul Owens, President, 1000 Friends of Florida speaking for the bill
 3:54:52 PM Lindsay Cross, Florida Conservation Voters speaking for the bill
 3:57:15 PM David Cullens, Sierra Club FL waives in support
 3:58:24 PM Will Abberger, The Trust for Public Land speaking for the bill
 4:00:04 PM Debate on bill?
 4:00:20 PM Senator Stewart with debate
 4:00:59 PM Senator Brodeur closes on bill
 4:01:17 PM Roll call on SB 1480
 4:01:32 PM SB 1480 reported favorably
 4:01:39 PM Senator Stewart passes chair back to Senator Brodeur
 4:01:50 PM Take up tab 3 CS/SB 1086 by Senator Hutson
 4:01:55 PM Senator Hutson explains bill
 4:02:09 PM Take up strike all on bill
 4:02:20 PM Hutson explains strike all 878734
 4:03:44 PM Questions on amendment
 4:03:49 PM Appearance forms on amendment?
 4:03:56 PM Jeffrey Sharkey, President of capitol Alliance Group, City of St. Petersburg waives in support
 4:04:05 PM Robert Reyes, Monroe County waives in support
 4:04:09 PM Taylor Patrick Bial, Space Exploration Technologies (Space X) waives in support
 4:04:16 PM Jessica Crawford, Florida Fish and Wildlife Conservation Commission waives in support
 4:04:22 PM Bonnie Basham, Boat Owners of the United States now speaking in favor of bill
 4:05:24 PM Anybody else at Civic Center
 4:05:33 PM Jon Moyle, FLA. Inland Navigation District speaking against
 4:10:53 PM Debate on amendment
 4:10:58 PM Amendment barcode 878734 is adopted
 4:11:03 PM Back on bill as amended
 4:11:07 PM Appearance forms
 4:11:11 PM Jeffery Sharkey, City of St. Petersburg waives in support
 4:11:27 PM Debate on bill
 4:11:31 PM Senator Hutson waives close
 4:11:38 PM Roll call CS/SB 1086
 4:11:42 PM CS/SB 1086 is reported favorably
 4:11:52 PM Take up tab 1 CS/SB 334 by Senator Gruters
 4:11:58 PM Senator Gruters explain CS/SB 334
 4:13:37 PM Questions, none
 4:13:41 PM Chair Brodeur passes chair over to Senator Stewart
 4:13:48 PM Senator Brodeur explains amendment barcode 112054
 4:14:11 PM Questions on amendment, none
 4:14:16 PM Appearance forms
 4:14:50 PM Ashley Lyerly, American Lung Association waives against
 4:15:00 PM Holly Parker Curry, Surfrider Foundation waiving against

4:15:31 PM David Cullens, Sierra Club FL waiving against
4:15:58 PM Debate on amendment
4:16:05 PM Chair Brodeur yields to Senator Gruter for amendment
4:16:13 PM Chair Brodeur closes on amendment,
4:17:00 PM Amendment barcode 112054 is adopted
4:17:19 PM Senator Stewart back to Chair Brodeur
4:17:24 PM Questions, none
4:17:29 PM Rob Lewis, Sarasota County waives in support
4:17:35 PM Claudia Davant, Broward County waives in support
4:17:37 PM Tonnette Graham, Florida Association of Counties waives in support
4:17:44 PM Martha Edenfield, The City of Clearwater waives in support
4:17:49 PM Tara Taggart, Florida League of Cities waives in support
4:17:54 PM Holly Parker Curry, Surfrider Foundation waives in support
4:17:59 PM David Cullens, Sierra Club FL, waives in support
4:18:11 PM Anymore appearance forms? none
4:18:19 PM Debate on bill?
4:18:21 PM Senator Perry recognized
4:18:37 PM Debate, none
4:18:40 PM Senator Gruters closes on bill
4:18:54 PM Roll call for CS/SB 334
4:18:59 PM CS/SB 334 is reported favorably
4:19:25 PM Chair back to Senator Stewart
4:19:34 PM Take up tab 8 SPB 7060
4:19:49 PM Chair Brodeur recognized to explain bill
4:21:08 PM Questions on bill
4:21:12 PM Take up amendment barcode 838464
4:21:20 PM Chair Brodeur explains amendment
4:21:35 PM Questions on amendment
4:21:42 PM Appearance forms
4:21:46 PM Chris Dawson, Synagro Technologies waives in support
4:22:05 PM David Cullen, Sierra Club FL speaking for information
4:23:42 PM Debate on amendment, none
4:23:47 PM Chair Brodeur waives close
4:23:56 PM Amendment barcode 838464 is adopted
4:24:09 PM Questions on bill as amended
4:24:21 PM Senator Ausley with debate
4:24:28 PM Chair Brodeur with response
4:25:05 PM Appearance forms
4:25:11 PM Lisa Rinaman, The St. Johns Riverkeeper speaking for information
4:27:33 PM Alex Bickley, FL Department of Environmental Protection waives in support
4:28:36 PM John November, The Public Trust Environmental Legal institute of Florida, Inc speaking for information
4:33:47 PM Haley Busch, 1000 Friends of Florida speaking for information
4:35:26 PM Chris Dawson, Synagro Technologies speaking for information
4:36:56 PM David Serdar, representing himself waives in support
4:38:05 PM Debate?
4:38:10 PM Senator Ausley with debate
4:38:43 PM Senator Stewart with debate
4:39:02 PM Chair Brodeur closes on SPB 7060
4:40:11 PM Senator Albriton moves SPB to be submitted as a committee bill
4:40:38 PM Motion adopted
4:40:42 PM Roll call for SPB 7060
4:40:54 PM SPB 7060 favorably reported as a committee bill
4:41:08 PM Take up tab 9 SPB 7062
4:41:25 PM Chair Brodeur explains bill
4:44:26 PM Questions on proposed bill, none
4:44:34 PM Amendment barcode 202408
4:44:38 PM Chair Brodeur explains amendment
4:44:52 PM Questions on amendment, none
4:44:58 PM Appearance forms, none
4:45:11 PM Debate? none
4:45:17 PM Chair Brodeur waives close
4:45:25 PM Amendment barcode 202408 is adopted

4:45:30 PM Back on proposed bill
4:45:36 PM Questions on bill? none
4:45:44 PM Appearance forms
4:46:02 PM Alex Bickley, FL Department of Environmental Protection waives in support
4:46:08 PM Greg Munson, City of St. Cloud, Florida speaking against
4:46:56 PM David Shepp, City of Lakeland speaking against
4:47:47 PM Sergundo Fernandez, City of Lakeland speaking against
4:51:58 PM Tim Atkinson, Landstar of Development speaking against
4:54:58 PM Peter Hobbell, Landstar Development speaking against
5:00:24 PM Nancy Stephens, Florida AG Coalition speaking for information
5:02:21 PM Debate on the bill? none
5:02:43 PM Chair Brodeur closes on bill
5:04:14 PM Chair Brodeur would like to TP proposed bill
5:05:21 PM The bill is TP
5:05:37 PM Chair Brodeur moves to tab 10
5:05:52 PM Appointees
5:06:10 PM Appearance forms on appointees
5:06:16 PM Anna Upton, The Everglades Foundation, Inc. waives in support
5:06:20 PM Anna Upton, The Everglades Foundation, Inc. waives in support
5:06:29 PM Anna Upton, The Everglades Foundation, Inc. waives in support
5:06:42 PM Motion to recommend
5:06:47 PM Vice Chair Stewart moves to recommend all appointees
5:06:51 PM Roll call on tab 10-22
5:07:02 PM Appointees is recommend favorably
5:07:11 PM Vice Chair Stewart moves to allow staff to make technical changes
5:07:22 PM Senator Auesley to be recorded favorably on SB 1954, SB 1752, SB 1058, SB 1480
5:07:38 PM Senator Perry to be recorded on 1058,1482, 1752, 1952, 1954, 1480
5:08:00 PM Motion adopted for recording
5:08:05 PM Senator Perry moves we rise
5:08:12 PM Meeting is adjourned