

Tab 1	SB 904 by Diaz ; (Identical to H 06053) Doorstep Refuse and Recycling Collection Containers						
Tab 2	SB 1018 by Boyd (CO-INTRODUCERS) Perry ; (Similar to H 00669) Sale of Aquaculture Products						
707522	A	S	RCS	EN, Boyd	Delete L.19 - 20:	03/22	04:56 PM
Tab 3	SB 1054 by Broxson ; Brownfield Site Rehabilitation						
875578	D	S	RCS	EN, Broxson	Delete everything after	03/22	04:56 PM
Tab 4	SB 1262 by Harrell ; (Identical to H 00399) State Park Fee Discounts						
Tab 5	SB 1550 by Rodriguez ; Public Financing of Potentially At-risk Structures						
Tab 6	SB 1946 by Polsky (CO-INTRODUCERS) Bean ; (Identical to H 01515) Anchoring Limitation Areas						
513168	D	S	RCS	EN, Polsky	Delete everything after	03/22	04:56 PM
Tab 7	SB 912 by Albritton ; (Similar to H 00859) Tolling and Extension of Permits and Other Authorizations During States of Emergency						
554838	A	S	RCS	EN, Albritton	Delete L.36:	03/22	04:56 PM
Tab 8	SPB 7062 by EN ; Central Florida Water Initiative						
804984	A	S	FAV	EN, Brodeur	Delete L.77 - 134:	03/22	04:56 PM
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 22, 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 904 Diaz (Identical H 6053)	Doorstep Refuse and Recycling Collection Containers; Deleting an obsolete provision; removing the scheduled repeal of certain provisions regulating the use of containers in exit access corridors, etc. CA 03/03/2021 Favorable EN 03/22/2021 Favorable RC	Favorable Yeas 6 Nays 0
2	SB 1018 Boyd (Similar H 669, S 1098)	Sale of Aquaculture Products; Authorizing certified aquaculture producers and certain licensed dealers to sell largemouth bass without restriction under certain circumstances; making technical changes, etc. AG 03/03/2021 Favorable EN 03/22/2021 Fav/CS RC	Fav/CS Yeas 6 Nays 0
3	SB 1054 Broxson	Brownfield Site Rehabilitation; Requiring the Department of Environmental Protection to make information relating to areas of PFAS contamination available to certain governmental entities; requiring the department to provide constructive notice to local governmental entities and to certain property owners and residents when the department issues a site rehabilitation completion order that relies on intuitional controls not recorded in public records; requiring the department to adopt rules for statewide cleanup target levels for PFAS in soils and groundwater; providing that a person who executes a PFAS voluntary site rehabilitation agreement with the department is immune from and has no liability for certain claims under certain circumstances, etc. EN 03/22/2021 Fav/CS AEG AP	Fav/CS Yeas 6 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Environment and Natural Resources

Monday, March 22, 2021, 3:30—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 1262 Harrell (Identical H 399)	State Park Fee Discounts; Requiring the Division of Recreation and Parks to provide entrance passes for specified military members and veterans at no charge, etc. MS 03/09/2021 Favorable EN 03/22/2021 Favorable AP	Favorable Yeas 6 Nays 0
5	SB 1550 Rodriguez	Public Financing of Potentially At-risk Structures; Providing that coastal building zones are areas at risk due to sea level rise and coastal structures within those areas are potentially at-risk structures; requiring state-financed constructors to include certain flood mitigation strategies in sea level impact projection studies, etc. EN 03/22/2021 Favorable CA AP	Favorable Yeas 6 Nays 0
6	SB 1946 Polsky (Identical H 1515, Compare CS/H 639, CS/S 1086)	Anchoring Limitation Areas; Authorizing counties to establish anchoring limitation areas that meet certain requirements; providing that specified established anchoring limitation areas are exempt from specified provisions; specifying size requirements for the anchoring limitation areas; prohibiting vessels from anchoring in such areas for longer than a specified time; requiring the Fish and Wildlife Conservation Commission to initiate rulemaking by a certain date, etc. EN 03/22/2021 Fav/CS CA RC	Fav/CS Yeas 6 Nays 0
7	SB 912 Albritton (Similar H 859)	Tolling and Extension of Permits and Other Authorizations During States of Emergency; Adding consumptive use permits issued under part II of ch. 373, F.S., and specified development permits and development agreements to the list of permits and other authorizations that are tolled and extended during a state of emergency declared by the Governor for a natural emergency; providing for retroactive application, etc. CA 03/03/2021 Favorable EN 03/22/2021 Fav/CS RC	Fav/CS Yeas 6 Nays 0

Consideration of proposed bill:

COMMITTEE MEETING EXPANDED AGENDA

Environment and Natural Resources

Monday, March 22, 2021, 3:30—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	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.	Submitted and Reported Favorably as Committee Bill Yeas 6 Nays 0

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: SB 904

INTRODUCER: Senator Diaz

SUBJECT: Doorstep Refuse and Recycling Collection Containers

DATE: March 17, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hackett</u>	<u>Ryon</u>	<u>CA</u>	Favorable
2.	<u>Rogers</u>	<u>Rogers</u>	<u>EN</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 904 saves from repeal the statutory provisions regulating doorstep refuse and recycling collection containers in apartment corridors. Retaining these provisions preserves statutory differences with Florida Fire Prevention Code regulations, specifically in terms of allowable container sizes and the ability of the local fire authorities to approve alternative containers and storage arrangements for doorstep refuse and recycling collection.

The bill takes effect July 1, 2021.

II. Present Situation:

Florida Fire Prevention Code

The State Fire Marshal, by rule,¹ adopts the Florida Fire Prevention Code (Florida Fire Code), which contains all fire safety laws and rules that pertain to the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities, and the enforcement of such fire safety laws and rules. The State Fire Marshal adopts a new edition of the Florida Fire Code every three years.² The 7th edition of the Florida Fire Code took effect on December 31, 2020.³

The Florida Fire Code is the minimum fire prevention code deemed adopted by each municipality, county, and special district with firesafety responsibilities, and applies to every building and structure throughout the state with few exceptions.⁴ Municipalities, counties, and

¹ Chapter 69A-60, F.A.C.

² Section 633.202, F.S.

³ Florida Fire Prevention Code (7th ed.), effective Dec. 31, 2020 available at <https://www.myfloridacfo.com/division/sfm/bfp/floridafirepreventioncodepage.htm> (last visited March 17, 2021).

⁴ Section 633.208, F.S., and 69A-60.002(1), F.A.C.

special districts with firesafety responsibilities may supplement the Florida Fire Code with more stringent standards adopted in accordance with s. 633.208, F.S.⁵

Doorstep Refuse and Recycling – Statutory Provisions

Prior to 2018, the State Fire Marshal determined that apartments were prohibited from allowing residents to place waste containers outside their front doors regardless of the size of the container or if the waste was removed daily. The State Fire Marshal determined that the Florida Fire Code prohibited apartment residents from placing any type of waste container outside their door because of the obstruction to means of egress.⁶

In 2018, the Legislature enacted s. 633.202(20), F.S.,⁷ to provide that residents of apartment buildings may place combustible waste and refuse⁸ in exit access corridors in apartment buildings if the following conditions are met:

- Doorstep refuse and recycling collection containers do not exceed 13 gallons for apartment buildings with enclosed corridors and interior or exterior stairs;
- Doorstep refuse and recycling collection containers do not exceed 27 gallons for apartment buildings with open air corridors and exterior stairs or balconies with exterior exit stairs;
- Waste, which is in a doorstep refuse and recycling collection container, is not placed in an exit access corridor for a single period greater than five hours;
- Doorstep refuse and recycling collection containers are not in an exit access⁹ corridor for a single period greater than 12 hours for apartment buildings with enclosed corridors and interior or exterior stairs;
- Doorstep refuse and recycling collection containers do not reduce the exit access corridor's width below the width required by the Fire Code;
- Doorstep refuse and recycling collection containers are able to stand upright on their own and may not leak fluids when standing upright; and
- The apartment's management staff have written policies and procedures to ensure compliance with the above conditions. Management staff must enforce the policies and must provide a copy of the policies to the authority having jurisdiction upon request.¹⁰

⁵ Section 633.208(3), F.S., and 69A-60.002(2), F.A.C.

⁶ See *In the matter of: William Harrison, Fire Marshal Clermont Fire Department*, Case No.: 188696-16-DS (Fla. DFS) (June 21, 2016); *In the matter of: Steve Strong, Fire Marshal Clearwater Fire & Rescue*, Case No.: 196979-16-DS (Fla. DFS) (Dec. 23, 2016).

⁷ Chapter 2018-152, Laws of Fla.

⁸ The Fire Code defines combustible waste as any "combustible or loose waste material that is generated by an establishment or process and, if salvageable, is retained for scrap or reprocessing on the premises where generated or transported to a plant for processing," and combustible refuse as "a combustible or loose rubbish, litter, or waste materials generated by an occupancy that are refused, rejected, or considered worthless and are disposed of by incineration on the premises where generated or periodically transported from the premises." Sections 3.3.63 and 3.3.64, Florida Fire Prevention Code (7th Ed.).

⁹ Defined as "that portion of a means of egress that leads to an exit," Florida Fire Prevention Code (7th ed.) s. 3.3.106.

¹⁰ Section 633.202(20), F.S.

Additionally, the local authority having jurisdiction¹¹ may approve alternative containers and storage arrangements that are demonstrated to provide the same level of safety.¹²

Apartment occupancies were allowed a phase-in period to comply with the provisions in s. 633.202(20), F.S., by December 31, 2020.¹³

Section 633.202(20), F.S., is set to expire on July 1, 2021.¹⁴

Doorstep Refuse and Recycling – Florida Fire Code Provisions

The 7th edition of the Florida Fire Code, effective December 31, 2020, contained amendments that substantially conform to the substance of s. 633.202(20), F.S., relating to doorstep refuse and recycling regulations. However, the new Florida Fire Code provisions differ from the statutory provisions in that a doorstep refuse and recycling container in a corridor may not exceed *15 gallons*¹⁵ and such containers may not be placed in an exit corridor for more than *15 hours*.¹⁶ Additionally, the Florida Fire Code does not contain provisions allowing local authorities to approve alternative containers and storage arrangements as Florida Statutes allow.

Further, the Florida Fire Code provides technical guidance for the maximum rate of heat release for refuse containers and lids, with stricter guidelines for those placed in areas not protected by fire sprinklers.¹⁷ The Florida Fire Code regulations govern to the extent they do not directly conflict with statutory provisions.¹⁸

III. Effect of Proposed Changes:

The bill amends s. 633.202(20), F.S., to remove the current July 1, 2021, expiration of provisions that allow doorstep refuse and recycling collection containers in apartment corridors under certain circumstances. This preserves statutory differences from the Florida Fire Code regulations, specifically the difference in allowed container size and allowing the local fire authorities to approve alternative containers and storage arrangements.

The bill takes effect July 1, 2021.

¹¹ The “authority having jurisdiction” is typically the designated head fire and rescue officer of the county, municipality, or special district with fire safety responsibilities over an area. The Fire Code defines this term as “an organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure,” Florida Fire Prevention Code (7th ed.) s. 3.2.2 (2020).

¹² Section 633.202(20)(c), F.S.

¹³ Section 633.202(20)(d), F.S.

¹⁴ Section 633.202(20)(e), F.S.

¹⁵ Florida Fire Prevention Code (7th ed.) s. 10.18.4.1(1) (2020).

¹⁶ Florida Fire Prevention Code (7th ed.) s. 10.18.4.1(3) (2020).

¹⁷ Florida Fire Prevention Code (7th ed.) s. 10.18.4.1.1 (2020).

¹⁸ The Florida Fire Code is adopted by the Department of Financial Services by rule (s. 633.202(1), F.S.); rulemaking authority is limited to interpreting the specific powers and duties conferred by the enabling statute (s. 120.536, F.S.). The Fire Marshal’s duty and rulemaking authority is granted specifically to enforce the laws and provisions of ch. 633, F.S. (s. 633.104, F.S.). Therefore, to the extent the Fire Code and ch. 633, F.S. directly conflict, the Fire Marshal’s duty is to enforce ch. 633, F.S.

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.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 633.202 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.

By Senator Diaz

36-00752-21

2021904__

1 A bill to be entitled
2 An act relating to doorstep refuse and recycling
3 collection containers; amending s. 633.202, F.S.;
4 deleting an obsolete provision; removing the scheduled
5 repeal of certain provisions regulating the use of
6 containers in exit access corridors; providing an
7 effective date.

8

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

10

11 Section 1. Paragraphs (d) and (e) of subsection (20) of
12 section 633.202, Florida Statutes, are amended to read:

13 633.202 Florida Fire Prevention Code.—

14 (20)

15 ~~(d) The authority having jurisdiction shall allow apartment~~
16 ~~occupancies a phase-in period until December 31, 2020, to comply~~
17 ~~with this subsection.~~

18 ~~(e) This subsection is repealed on July 1, 2021.~~

19 Section 2. This act shall take effect July 1, 2021.



FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
COMMISSIONER NICOLE "NIKKI" FRIED

February 15, 2021

Agency Affected: Dept. of Agriculture and Consumer Services

Telephone: 850-617-7000

Agency Contact: Emily Buckley, Legislative Affairs Director

Telephone: 850-617-7700

Senate Bill Number: SB 1018

Senate Bill Sponsor: Senator Boyd

Bill Title: Sale of Aquaculture Products

Effective Date: July 1, 2021

Similar Bill(s): Yes No

Similar Bill(s): HB 669: Largemouth Bass by Rep. Trabulsy

Identical Bill: Yes No

Identical Bill:

1. SUMMARY

An act to allow the aquaculture of largemouth bass for sale for human consumption.

2. PRESENT SITUATION

Currently, largemouth bass and all fish in the Genus *Micropterus* can only be cultivated for aquacultural stocking purposes (i.e. release into the wild).

3. EFFECT OF PROPOSED CHANGES

This change would allow largemouth bass to be cultivated, harvested, and sold for human consumption in accordance with existing aquaculture statutes and FDACS regulations.

4. FISCAL IMPACT ON FDACS

Currently, the proposed bill does not have a fiscal impact on the Florida Department of Agriculture and Consumer Services.

	(FY 21-22)	(FY 22-23)	(FY 23-24)
	Amount/ FTE	Amount/ FTE	Amount/ FTE

A. Revenues			
Recurring			
Non-Recurring			
TOTAL REVENUES	N/A	N/A	N/A
B. Expenditures			
Recurring			
Non-Recurring			
TOTAL EXPENDITURES	N/A	N/A	N/A
C. NET TOTAL	N/A	N/A	N/A

5. IS THERE AN ESTIMATED FISCAL IMPACT ON LOCAL GOVERNMENT(S)?

No.

6. IS THERE AN ESTIMATED FISCAL IMPACT ON THE PRIVATE SECTOR?

No.

7. ARE THERE ESTIMATED TAXES, FEES, OR FINES ASSOCIATED WITH THE PROPOSED BILL? (If yes, please explain the impact in A and/or B below)

No.

A. Does the proposed bill create new or increase existing taxes, fees, or fines? If so, please explain.

B. Does the proposed bill repeal or decrease existing taxes, fees, or fines? If so, please explain.

C. DOES THE BILL DIRECT OR ALLOW THE DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES?

a. Yes: No:

b. If yes please explain:

Would direct modification of Aquaculture Best Management Practices, Rule 5L-3, F.A.C.

8. DOES THE PROPOSED BILL REQUIRE THE DEPARTMENT TO PARTICIPATE IN OR PRODUCE ANY REPORTS OR STUDIES?

a. Yes: No:

b. If yes please explain:

9. ARE THERE ANY APPOINTMENTS, CREATION OF, OR CHANGES TO ANY BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. THAT WILL IMPACT THE DEPARTMENT?

a. Yes: No:

b. If yes please explain:

LEGAL ISSUES

10. Does the proposed bill conflict with existing federal law or regulations that impact the department? If so, what laws and/or regulations?

No.

11. Does the proposed bill raise significant constitutional concerns under the U.S. or Florida Constitutions (e.g. separation of powers, access to the courts, equal protection, free speech, establishment clause, impairment of contracts) that impacts the department?

No.

12. Is the proposed bill likely to generate litigation for the department and, if so, from what interest groups or parties?

Unknown.

COMMENTS:

Expanding the commercial opportunities of largemouth bass could result in positive impacts to the aquaculture industry and agricultural economy.



2021 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: Florida Fish and Wildlife Conservation Commission

BILL INFORMATION

BILL NUMBER:	<u>Senate Bill (SB) 1018</u>
BILL TITLE:	<u>Sale of Aquaculture Products</u>
BILL SPONSOR:	<u>Senator Boyd</u>
EFFECTIVE DATE:	<u>July 1, 2021</u>

COMMITTEES OF REFERENCE

1) Agriculture
2) Environment and Natural Resources
3) Rules
4) Click or tap here to enter text.
5) Click or tap here to enter text.

CURRENT COMMITTEE

Environment and Natural Resources

SIMILAR BILLS

BILL NUMBER:	House Bill (HB 669)
SPONSOR:	Representative Trabulsy

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.

IDENTICAL BILLS

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

Is this bill part of an agency package?

No.

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	February 23, 2021
LEAD AGENCY ANALYST:	Tom Graef
ADDITIONAL ANALYST(S):	Stasey Whichel
LEGAL ANALYST:	Bud Vielhauer
FISCAL ANALYST:	Charlotte Jerrett

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

SB 1018 would amend section (s.) 597.004 (5), Florida Statutes (F.S.), which pertains to the Florida Department of Agriculture and Consumer Services' aquaculture program and would specifically authorize certified aquaculture producers and certain licensed dealers to sell largemouth bass without restriction. SB 1018 would maintain the exception for shellfish, snook, and prohibited and restricted freshwater and marine species identified by rules of the Florida Fish and Wildlife Conservation Commission (Commission).

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

The Florida Department of Agriculture and Consumer Services (FDACS) is the primary agency responsible for regulating aquaculture. FDACS is tasked with coordinating and assisting in the development of aquaculture and regulating aquafarms in such a manner as to protect and conserve Florida's natural resources. In order for an individual or entity to raise aquatic species for commercial sale, they must comply with s. 597.004, F.S., and acquire an Aquaculture Certificate of Registration from FDACS. The certificate must be applied for annually and has an associated fee of \$100. It authorizes the commercial culture and sale of native Florida species (including freshwater game fish, marine species, alligators, or aquatic plants), non-native species, conditional non-native species, and the importing of conditional or other non-native fish species (including tropical fish). Possession of any animals that are listed as threatened or endangered, prohibited, or animals that fall under the jurisdiction of captive wildlife would be permitted through the Commission.

Aquaculture products are defined in s. 597.0015(3), F.S., as aquatic organisms and any product derived from aquatic organisms that are owned and propagated, grown, or produced under controlled conditions. Aquaculture products are required to be identified by the aquaculture certificate of registration number from harvest to point of sale. Any person in possession of aquaculture products must show, by appropriate receipt, bill of sale, bill of lading, or other such manifest where the product originated.

As stated in s. 597.004(5), F.S., the sale of aquaculture products is limited to those that hold an aquaculture producer's certification. Currently, additional Commission permits or licenses are required in order to produce or sell shellfish, snook, any fish of the genus *Micropterus*, and prohibited and restricted freshwater and marine species that are identified by the rules of the Commission.

Freshwater dealer's licenses and their requirements are described in s. 379.363, F.S., with specific restrictions to game fish species found under 68A-23 F.A.C.

Section 379.363, F.S., Freshwater fish dealers license. –

(1) No person shall engage in the business of taking for sale or selling any frogs or freshwater fish, including live bait, of any species or size, or importing any exotic or nonnative fish, until such person has obtained a license and paid the fee therefor as set forth herein. The license issued shall be in the possession of the person to whom issued while such person is engaging in the business of taking for sale or selling freshwater fish or frogs, is not transferable, shall bear on its face in indelible ink the name of the person to whom it is issued, and shall be affixed to a license identification card issued by the commission. Such license is not valid unless it bears the name of the person to whom it is issued and is so affixed. The failure of such person to exhibit such license to the Commission or any of its wildlife officers when such person is found engaging in such business is a violation of law.

(g) Any individual or business issued an aquaculture certificate, pursuant to s. 597.004, F.S., shall be exempt from the requirements of this part with respect to aquaculture products authorized under such certificate.

68A-23.009, F.A.C., Sale and Transportation of Freshwater Fish. –

(1) No person shall sell, purchase, attempt to purchase or sell, or transport any freshwater game fish unless otherwise authorized by specific rule of the Commission. Any person transporting game fish in excess of legal possession limits shall possess documentation that said fish have been acquired legally and are being legally transported.

(2) Persons possessing a valid aquaculture certificate of registration from the Department of Agriculture and Consumer Services as required in Section 597.004, F.S.:

- (a) May sell and transport live game fish produced in private ponds or private hatcheries as brood stock, to stock private ponds, or for aquarium display.
- (b) Game fish commonly called panfish as defined in Rule 68A-1.004, F.A.C., may be sold live as bait provided fish are less than four inches in total length.
- (c) Game fish, except members of the genus *Micropterus*, may be cultured and sold as food.
- (3) Freshwater non-game fish may be taken and sold as provided by law and these rules.
- (4) No person shall sell or possess for the purpose of sale any freshwater fish without having in his possession a bill of sale or other documentary evidence showing the name and address of the supplier of any such fish.

2. EFFECT OF THE BILL:

SB 1018 would allow for the production and sale of largemouth bass without restriction, provided that the person or entity has the applicable license required under Chapter 597, F.S, and is consistent with requirements of Chapter 379, F.S.

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 1018 would conflict with the Commission regulations that prohibit the possession of northern largemouth bass east and west of the Suwannee River and additional rules that prohibit largemouth bass to be sold as a food fish. Commission rules and regulations would need to be amended should the bill pass.
Is the change consistent with the agency's core mission?	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>
Rule(s) impacted (provide references to F.A.C., etc.):	68-5.004 (1)(r); 68A- 23.009(1)(c)

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

Proponents and summary of position:	Proponents of the aquaculture industry are requesting this bill to allow for the culture and sale of largemouth bass as a food fish without restriction.
Opponents and summary of position:	Stakeholders from the fisheries conservation and angling community were contacted by Commission staff to collect input on the current issue. In general, there was no support for allowing largemouth bass to be sold as a food fish. Primary concerns raised by stakeholders related to lack of enforcement, reduced protections on the Florida largemouth bass, potential for negative impacts to wild populations, and negative impacts to economics of bass fishing.

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:	Indeterminate.
Expenditures:	Indeterminate.
Does the legislation contain a State Government appropriation?	No.
If yes, was this appropriated last year?	N/A

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR?

Y N

Revenues:	Indeterminate.
Expenditures:	Indeterminate.
Other:	N/A

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?

Y N

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

The Commission has implemented safeguards to conserve the genetic integrity of the Florida largemouth bass (*Micropterus salmoides floridanus*) and ensure that this endemic species continues to be protected from hybridization with northern largemouth bass (*Micropterus salmoides salmoides*). SB 1018 would result in a conflict with 68A-23.009 (1)(c) F.A.C., which does not allow for members of the genus *Micropterus* to be cultured and sold as food; Commission rules and regulations would need to be amended should the bill pass. Protections are also offered by the listing of northern largemouth bass as a conditional species under 68-5.004 (1)(r), F.A.C., which prohibits their possession east and south of the Suwannee River.

Florida holds the title of "Fishing Capital of the World" and "Bass Fishing Capital of the World", leading all other states with a total number of anglers estimated at 3.1 million. Specific to freshwater, Florida's anglers spent almost \$1 billion and generated an economic impact of \$1.7 billion annually. The freshwater fishing industry also supports more than 14,000 jobs.

The statutory language in s. 379.363, F.S., adequately covers the freshwater fish dealer's license options and requirements and should not need to be amended as a result of SB 1018. The Commission would review all current rules and regulations impacted by this proposed amendment and clarify overlaps or inconsistencies as needed.

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:	SB 1018 would conflict with current Commission rules and regulations and would need to be amended should the bill pass.
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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 1018

INTRODUCER: Environmental and Natural Resources Committee and Senators Boyd and Perry

SUBJECT: Sale of Aquaculture Products

DATE: March 23, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Becker</u>	<u>Becker</u>	<u>AG</u>	Favorable
2.	<u>Anderson</u>	<u>Rogers</u>	<u>EN</u>	Fav/CS
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1018 allows for Florida largemouth bass to be sold by an aquaculture producer or a dealer with a nonrecreational license from the Fish and Wildlife Conservation Commission. Florida largemouth bass may be sold without restriction, including for human consumption, so long as the product origin can be identified.

The bill takes effect July 1, 2021.

II. Present Situation:

The Department of Agriculture and Consumer Services (DACS) Division of Aquaculture (division) is Florida's lead aquaculture agency. The division coordinates and assists in the development of aquaculture and regulates aquafarms to protect and conserve Florida's natural resources.¹

DACS issues certificates of registration to aquaculture producers under s. 597.004, F.S.² Certified aquaculture producers and dealers licensed pursuant to part VII of ch. 379, F.S., are

¹ Florida Department of Agriculture and Consumer Services (DACS), *Division of Aquaculture*, <https://www.fdacs.gov/Divisions-Offices/Aquaculture> (last visited Mar. 17, 2021).

² Section 597.004(6), F.S.

permitted to sell aquaculture products³ except those otherwise prohibited by law and those for which the origin of the product is unknown.⁴ Specifically prohibited species include shellfish, snook, and any fish of the genus *Microperterus*, and prohibited and restricted freshwater and marine species identified by the Fish and Wildlife Conservation Commission (FWC).⁵

FWC, by rule, allows persons with a valid aquaculture certificate of registration to culture and sell game fish as food. However, the rule specifically excludes fish of the genus *Microperterus*.⁶

FWC also lists the northern largemouth bass (*Micropterus salmoides salmoides*) as a conditional non-native species and prohibits its possession east and south of the Suwannee River.⁷ In its agency analysis, FWC stated that this rule is a safeguard to conserve the genetic integrity of the Florida largemouth bass (*Micropterus salmoides floridanus*) and ensure that it continues to be protected from hybridization with the northern largemouth bass.⁸

III. Effect of Proposed Changes:

SB 1018 amends s. 597.004, F.S., to remove the species *Micropterus salmoides floridanus* (Florida largemouth bass) from the aquaculture products that are prohibited to be sold by certified aquaculture producers and dealers with a nonrecreational license from the Florida Fish and Wildlife Conservation Commission (FWC).

The bill takes effect 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.

³ “Aquaculture products” means aquatic organisms and any product derived from aquatic organisms that are owned and propagated, grown, or produced under controlled conditions. Such products do not include organisms harvested from the wild for depuration, wet storage, or relay for purification. Section 597.0015(3).

⁴ Section 597.004(5), F.S.

⁵ *Id.*

⁶ Fla. Admin. Code R. 68A-23.009(2)(c).

⁷ Fla. Admin. Code R. 68-5.004(1)(r).

⁸ Florida Fish and Wildlife Conservation Commission (FWC), *Senate Bill 1018 Agency Bill Analysis* (February 23, 2021)(on file with the Senate Committee on Environment and Natural Resources).

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Certified aquaculture producers and dealers with a nonrecreational license from FWC could see a financial benefit from the ability to offer Florida largemouth bass for sale.

C. Government Sector Impact:

FWC and DACS may incur costs related to rulemaking if it is necessary for the agencies to amend their rules based on the provisions in the bill.⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 597.004 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS by Environment and Natural Resources on March 22, 2021:

Authorizes certified aquaculture producers and licensed dealers to sell Florida largemouth bass, rather than all largemouth bass.

B. Amendments:

None.

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

⁹ *Id.*; DACS, *Senate Bill 1018 Agency Bill Analysis* (Feb. 15, 2021)(on file with the Senate Committee on Environment and Natural Resources).



707522

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/22/2021	.	
	.	
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	.	

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

Senate Amendment (with title amendment)

Delete lines 19 - 20

and insert:

Micropterus salmoides floridanus (Florida largemouth bass);

and prohibited and restricted freshwater and

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

And the title is amended as follows:



707522

11 Delete line 5
12 and insert:
13 sell Florida largemouth bass without restriction under
14 certain
15

By Senator Boyd

21-00867-21

20211018__

1 A bill to be entitled
2 An act relating to the sale of aquaculture products;
3 amending s. 597.004, F.S.; authorizing certified
4 aquaculture producers and certain licensed dealers to
5 sell largemouth bass without restriction under certain
6 circumstances; making technical changes; providing an
7 effective date.

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

10
11 Section 1. Paragraph (a) of subsection (5) of section
12 597.004, Florida Statutes, is amended to read:

13 597.004 Aquaculture certificate of registration.—

14 (5) SALE OF AQUACULTURE PRODUCTS.—

15 (a) An aquaculture producer certified pursuant to this
16 section or a dealer licensed pursuant to part VII of chapter 379
17 may sell aquaculture products, except shellfish; ~~snook;~~ ~~and~~
18 any fish of the genus *Micropterus*, excluding the species
19 *Micropterus salmoides* (largemouth bass) and the subspecies and
20 hybrids thereof; and prohibited and restricted freshwater and
21 marine species identified by rules of the Fish and Wildlife
22 Conservation Commission, ~~may be sold by an aquaculture producer~~
23 ~~certified pursuant to this section or by a dealer licensed~~
24 ~~pursuant to part VII of chapter 379~~ without restriction so long
25 as the product origin can be identified.

26 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: CS/SB 1054

INTRODUCER: Environment and Natural Resources Committee and Senator Broxson

SUBJECT: Brownfield Site Rehabilitation

DATE: March 23, 2021

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1054 does the following:

- Requires the Department of Environmental Protection (DEP) to adopt by rule statewide cleanup target levels for perfluoroalkyl and polyfluoroalkyl substances (PFAS) in soils and groundwater, which do not take effect until ratified by the Legislature.
- Provides a limitation of liability, until DEP's rules have been ratified for a particular PFAS constituent, from actions brought by local or state government entities to compel or enjoin site rehabilitation, require payment of site rehabilitation costs, or require payment of fines or penalties regarding rehabilitation based on the presence of that particular PFAS constituent.
- Tolls any statute of limitations that would bar a state or local government entity from pursuing relief under its existing authority, from the effective date of the act until site rehabilitation is complete or the Legislature ratifies the cleanup target levels.
- Requires the Office of Program Policy Analysis and Government Accountability to conduct an analysis of programs in other states for the assessment and cleanup of soils and groundwater contamination, and submit a report of its findings and recommendations to the Governor and Legislature by January 1, 2022.

II. Present Situation:

Cleanup Target Levels

A cleanup target level (CTL) is the concentration for each contaminant identified by an applicable analytical test method, in the medium of concern, at which a site rehabilitation program is deemed complete.¹ DEP establishes by rule CTLs for specific contaminants.² These CTLs apply to requirements for site rehabilitation across numerous programs.

Risk-Based Corrective Action

Risk-Based Corrective Action (RBCA) is a decision-making process that combines site assessments and responses to chemical releases with human health and environmental risk assessments to determine the need for remedial action and tailor corrective actions to site-specific conditions and risks, which can vary greatly.³ In Florida, prior to 2003, RBCA was only used under specific DEP programs such as the brownfields or petroleum programs, and contamination at a site was typically remediated to the default CTLs contained in ch. 62-777 of the Florida Administrative Code.⁴ This meant there was little flexibility for site-specific remediation strategies.⁵

In 2003, the Legislature created s. 376.30701, F.S., to establish a “global RBCA” process. The original goal was a flexible site-specific cleanup process reflecting the intended use of the property following cleanup, while maintaining adequate protection of human health, safety, and the environment through the evaluation of contamination toxicity and exposure pathways.⁶ Section 376.30701, F.S., applies to all contaminated sites resulting from a discharge of pollutants or hazardous substances where legal responsibility for site rehabilitation exists, except for those contaminated sites subjected to the risk-based corrective action cleanup criteria established for the petroleum, brownfields, and drycleaning programs pursuant to ss. 376.3071, 376.81, and 376.3078, F.S., respectively.⁷

The statute requires DEP to establish by rule criteria for determining on a site-specific basis the tasks comprising a site rehabilitation program and the level at which a task and a program may be deemed completed.⁸ Section 376.30701, F.S., contains requirements for determining or establishing appropriate CTLs for groundwater and soil using RBCA principles.⁹

¹ Section 376.301(8), F.S.

² Fla. Admin. Code Ch. 62-777.

³ DEP, *Contaminated Soils Forum -- Policy Group, Waste Cleanup Focus Group, Issues paper-- “Universal” Applicability of Risk-Based Correction Action at Florida Waste Cleanup Sites*, 2 (1998), available at <https://floridadep.gov/sites/default/files/Universal-applicability-of-risk-based-corrective-action.pdf> (last visited Mar. 18, 2021).

⁴ DeMeo et al., *Risk-Based Corrective Action in Florida: How is it Working?* (2015), <https://www.floridabar.org/the-florida-bar-journal/risk-based-corrective-action-in-florida-how-is-it-working/> (last visited Mar. 18, 2021).

⁵ *Id.*

⁶ *Id.*

⁷ Section 376.30701(1), F.S.

⁸ Section 376.30701(2), F.S.

⁹ *Id.*

Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS)

Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) are a group of thousands of man-made compounds developed to provide oil and water repellency, chemical and thermal stability, and friction reduction.¹⁰ Perfluorooctane sulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) are the most common and the best-studied of these compounds.¹¹ PFAS were widely used since the 1950's, with applications in many industries, including the aerospace, semiconductor, medical, automotive, construction, electronics, and aviation industries, as well as in consumer products (e.g., carpets, clothing, furniture, outdoor equipment, food packaging) and firefighting applications.¹² While U.S. manufacturers have voluntarily phased out use of the chemicals,¹³ they persist in the environment, particularly at fire colleges, airports, and military installations.¹⁴ Although PFOA and PFOS are no longer manufactured in the United States, they are still produced internationally and can be imported into the United States in consumer goods such as carpet, leather and apparel, textiles, paper and packaging, coatings, rubber, and plastics.¹⁵

PFAS chemicals do not break down in the environment, can move through soil and water, and can accumulate in fish and wildlife.¹⁶ Because of the widespread use and ease of transport, they can be found virtually everywhere. The Centers for Disease Control and Prevention has detected PFAS in nearly all persons it has tested, indicating widespread exposure in the U.S. population.¹⁷ Based on recent studies, health effects from PFAS potentially include increased risk of certain cancers, increased cholesterol levels, impacts on hormones and the immune system, and fetal and infant developmental effects.¹⁸

While the health effects from low-level concentrations of PFAS are not yet fully understood, litigation and public interest is increasing nation-wide.¹⁹ In Florida, generally, issues exist regarding liability for cleanup and third-party liability.²⁰

The Environmental Protection Agency (EPA) prioritizes research and data collection for new chemicals that are being discovered in water that previously had not been detected or are being

¹⁰ Interstate Technology Regulatory Council, *History and Use of PFAS*, 1 (2020), available at https://pfas-1.itrcweb.org/wp-content/uploads/2020/10/history_and_use_508_2020Aug_Final.pdf (last visited Mar. 18, 2021).

¹¹ DOH, *PFAS Chemical Awareness*, http://www.floridahealth.gov/environmental-health/hazardous-waste-sites/contaminant-facts/_documents/doh-pfas-poster.pdf (last visited Mar. 18, 2021).

¹² Interstate Technology Regulatory Council, *History and Use of PFAS*, 1, 8 (2020).

¹³ DEP, *PFAS Update, Presentation to the Florida Senate Committee on Environment and Natural Resources*, 18:00 (Dec. 9, 2019)[hereinafter *DEP PFAS Update*], available at <https://thefloridachannel.org/videos/12-9-19-senate-committee-on-environment-and-natural-resources/>. In the U.S., PFOS was phased out of production around 2002, and PFOA was phased out around 2015.

¹⁴ EPA, *Basic Information on PFAS*, <https://www.epa.gov/pfas/basic-information-pfas> (last visited Feb. 18, 2021).

¹⁵ *Id.*

¹⁶ Centers for Disease Control and Prevention, *Per- and Polyfluorinated Substances (PFAS) Factsheet*, https://www.cdc.gov/biomonitoring/PFAS_FactSheet.html (last visited Mar. 18, 2021).

¹⁷ *Id.*

¹⁸ DOH, *PFAS Chemical Awareness*, 2, http://www.floridahealth.gov/environmental-health/hazardous-waste-sites/contaminant-facts/_documents/doh-pfas-poster.pdf (last visited Mar. 18, 2021).

¹⁹ Ralph A. DeMeo and Jorge Caspary, *PFApocalypse Now: The PFAS Firestorm and Implications for Florida*, FLORIDA BAR JOURNAL, Vol. 94, No. 3, pg. 46 (2020), <https://www.floridabar.org/the-florida-bar-journal/pfapocalypse-now-the-pfas-firestorm-and-implications-for-florida/#u7068> (last visited Mar. 19, 2021).

²⁰ *Id.*

detected at levels that may be different than expected.²¹ These are called “contaminants of emerging concern” (CEC). While CECs do not have regulatory limits, there may be a long-term potential risk to human health or the environment associated with them. As part of EPA’s data collection on CECs, all large and selected smaller public water systems across the U.S. are required to monitor for CECs.²² Once EPA’s study and evaluation is complete, if EPA decides not to regulate a CEC, then it may decide to develop a health advisory level (HAL) for the detected contaminants. While HALs are non-enforceable federal limits, they serve as technical guidance for federal, state, and local officials.²³ For drinking water, the EPA has established a HAL of 70 parts per trillion for PFOA and PFOS.²⁴ DOH has adopted the same HAL for those compounds.²⁵

DEP has established provisional CTLs for PFAS to enable site cleanup under DEP’s contaminated site cleanup criteria.²⁶ DEP has created numerical provisional CTLs and screening levels for PFOS and PFOA in the following categories: Provisional Groundwater CTLs, Provisional Soil CTLs, Provisional Irrigation Water Screening Levels, and Surface Water Screening Levels.²⁷ These provisional standards are designed to protect human health, and the provisional groundwater CTLs are the same as the EPA’s HAL for drinking water.

PFAS is common in firefighting foams that have been stored and used for fire suppression, fire training, and flammable vapor suppression.²⁸ These firefighting agents include Class B fluorine-containing firefighting foams, such as aqueous film-forming foam (AFFF).²⁹ PFAS are so prevalent in firefighting agents that at least nine states have passed legislation to restrict or prohibit the use of PFAS in firefighting agents or activities.³⁰ In Florida, DEP has already assessed each fire training facility in the state to ensure that PFAS-containing firefighting agents are disposed of and that only firefighting agents that do not have PFAS are being used.³¹ Of the 25 active facilities in the state with known or suspected use of AFFF, investigations indicate that 22 of the 25 had analytical results for PFOA and PFOS above the provisional groundwater

²¹ DEP, *Regulated Drinking Water Contaminants and Contaminants of Emerging Concern*, <https://floridadep.gov/comm/press-office/content/regulated-drinking-water-contaminants-and-contaminants-emerging-concern> (last visited Jan. 19, 2020).

²² *Id.*

²³ EPA, *How EPA Regulates Drinking Water Contaminants*, <https://www.epa.gov/dwregdev/how-epa-regulates-drinking-water-contaminants> (last visited Mar. 18, 2021).

²⁴ EPA, *Drinking Water Health Advisories for PFOA and PFOS*, <https://www.epa.gov/ground-water-and-drinking-water/drinking-water-health-advisories-pfoa-and-pfos> (last visited Mar. 18, 2021).

²⁵ DOH, *Maximum Contaminant Levels and Health Advisory Levels*, 5 (2016) available at <http://www.floridahealth.gov/environmental-health/drinking-water/documents/hal-list.pdf>.

²⁶ *DEP PFAS Update*, at 25:00, available at <https://thefloridachannel.org/videos/12-9-19-senate-committee-on-environment-and-natural-resources/>; see Fla. Admin. Code Ch. 62-780.

²⁷ DEP, *Per- and Polyfluoroalkyl Substances (PFAS) Dynamic Plan*, 9-10 (Feb. 2021)[hereinafter *DEP Dynamic Plan*], available at https://floridadep.gov/sites/default/files/Dynamic_Plan_Revised_Feb2021.pdf (last visited Mar. 18, 2021).

²⁸ Interstate Technology Regulatory Council, *PFAS*, <https://pfas-1.itrcweb.org/3-firefighting-foams/> (last visited Mar. 18, 2021).

²⁹ *Id.*

³⁰ National Law Review, *Expert Focus: US States Outpace EPA on PFAS Firefighting Foam Laws*, <https://www.natlawreview.com/article/expert-focus-us-states-outpace-epa-pfas-firefighting-foam-laws> (last visited Jan. 29, 2020); The New York State Senate, *Senate Bill S439A*, <https://www.nysenate.gov/legislation/bills/2019/S439> (last visited Jan. 29, 2020).

³¹ *DEP PFAS Update*, at 36:00.

CTL.³² Where contamination is identified, DEP will help the facility develop a cleanup plan to remove or contain the contamination to prevent future environmental impact and human exposure.³³

In February of 2021, DEP published the current version of its PFAS Dynamic Plan.³⁴ The Dynamic Plan establishes a comprehensive path forward with the understanding that it may be necessary to change the approach as the science associated with these emerging contaminants continues to develop.³⁵ The plan describes the current screening and provisional CTLs, and summarizes data and lessons learned from prior and ongoing investigations. The plan states that future investigations will be based on potential risk and will include a continued coordinated response with DOH to quickly evaluate and address any impacts to drinking water resources.³⁶

III. Effect of Proposed Changes:

Section 1 creates s. 376.91, F.S., entitled “Statewide cleanup of PFAS.”

The bill contains a definitions section, defining two terms as they are used in s. 376.91, F.S.:

- “Department” is defined as “the Department of Environmental Protection.”
- “PFAS” is defined as “perfluoroalkyl and polyfluoroalkyl substances, including perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS).”

The bill requires the Department of Environmental Protection (DEP) to adopt by rule statewide cleanup target levels for PFAS in soils and groundwater. These cleanup target levels must be developed using the criteria set forth in s. 376.30701, F.S., which establishes a process for risk-based correction action, and priority must be given to PFOA and PFOS. The bill prohibits these cleanup target levels from taking effect until ratified by the Legislature.

The bill provides that, until DEP’s rule for a particular PFAS constituent has been ratified by the Legislature, a person may not be subject to any administrative or judicial action brought by or on behalf of any state or local governmental entity to compel or enjoin site rehabilitation, to require payment for the costs of rehabilitation of environmental contamination, or to require payment of any fines or penalties regarding rehabilitation based on the presence of that particular PFAS constituent. The bill tolls any statute of limitations that would bar a state or local government entity from pursuing relief in accordance with its existing authority, from the effective date of the bill until site rehabilitation is completed or cleanup target levels are ratified by the Legislature. The bill states that it does not affect the ability or authority to seek contribution from any person who may have liability with respect to a contaminated site and who did not receive the liability protection provided by the bill.

Section 2 requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct an analysis of programs in other states for the assessment and cleanup of

³² *DEP Dynamic Plan*, at 12.

³³ DEP, *Fire Training Facility Preliminary Site Assessments*, <https://floridadep.gov/waste/waste-cleanup/content/fire-training-facility-preliminary-site-assessments> (last visited Mar. 18, 2021).

³⁴ See *DEP Dynamic Plan*.

³⁵ *Id.* at 3.

³⁶ *Id.*

soil and groundwater contamination. The assessment must include programs for brownfields, petroleum, drycleaning solvents, and other chemical contamination. Based on this analysis, OPPAGA must recommend any changes to Florida's current programs that would improve the state's ability to effectively address environmental contamination assessment and cleanup, including the efficacy of consolidating the state's programs into a single remediation program.

The analysis must include, at a minimum:

- Funding mechanisms and sources of funding.
- Funding eligibility requirements.
- Current levels of funding.
- An evaluation of best practices for successful cleanup programs and single remediation programs in other states and how such practices and programs address the needs of investigation and remediation stakeholders.
- A comparison of best practices for successful cleanup programs and single remediation programs in other states and cleanup and remediation programs in this state.

The bill requires OPPAGA to submit a report of its findings and any recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2022.

Section 3 directs the Division of Law Revision to replace the phrase "the effective date of this act" wherever it occurs in the bill with the date the bill becomes a law.

Section 4 states that the bill takes 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's liability protections against state and local government actions regarding site rehabilitation for PFAS constituents may have an indeterminate, positive fiscal impact on private entities that receive such liability protections.

C. Government Sector Impact:

The bill may result in increased costs for the Department of Environmental Protection (DEP). The bill requires DEP to adopt by rule cleanup target levels for PFAS in soils and groundwater.

The bill may result in increased costs for the Legislature's Office of Program Policy Analysis and Government Accountability. The bill requires the office to conduct an analysis of programs in other states for the assessment and cleanup of soil and groundwater contamination, and submit a report of its findings and recommendations to the Governor and Legislature by January 1, 2022.

The bill's liability protections against state and local government actions regarding site rehabilitation for PFAS constituents may have an indeterminate, positive fiscal impact on public entities that receive such liability protections.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 376.91 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 22, 2021:**

- Deletes several sections from the bill, which did the following:
 - Provided whereas clauses.

- Required the Department of Environmental Protection (DEP) to delineate areas of groundwater contamination upon request and provide related maps or other information on perfluoroalkyl and polyfluoroalkyl substances (PFAS).
- Changed the definition of institutional controls to include PFAS as a contaminant and include local governmental requirements as restrictions.
- Required DEP to provide constructive notice when issuing a site rehabilitation completion order.
- Narrowed the scope of liability for statutory causes of action brought under s. 376.313, F.S., to exclude personal injury damages.
- Provided separate limitations of liability for parties cooperating with DEP investigations into PFAS and for persons who execute a PFAS voluntary site rehabilitation agreement.
- Required DEP to develop and implement a PFAS Assessment and Site Rehabilitation Program, to perform specified tasks to study and address PFAS and provide a report to the Governor and the Legislature by December 31, 2021.
- Requires DEP adopt by rule statewide cleanup target levels for PFAS in soils and groundwater, which do not take effect until ratified by the Legislature.
- Provides a limitation of liability, until DEP's rules have been ratified for a particular PFAS constituent, from actions brought by local or state government entities to compel or enjoin site rehabilitation, require payment of site rehabilitation costs, or require payment of fines or penalties regarding rehabilitation based on the presence of that particular PFAS constituent.
- Tolls any statute of limitations that would bar a state or local government entity from pursuing relief under its existing authority, from the effective date of the act until site rehabilitation is complete or the Legislature ratifies the cleanup target levels.
- Requires the Office of Program Policy Analysis and Government Accountability to conduct an analysis of programs in other states for the assessment and cleanup of soils and groundwater contamination, and submit a report of its findings and recommendations to the Governor and Legislature by January 1, 2022.

B. Amendments:

None.



875578

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/22/2021	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 376.91, Florida Statutes, is created to
read:

376.91 Statewide cleanup of PFAS.—

(1) DEFINITIONS.—As used in this section:

(a) "Department" means the Department of Environmental
Protection.



875578

11 (b) "PFAS" means perfluoroalkyl and polyfluoroalkyl
12 substances, including perfluorooctanoic acid (PFOA) and
13 perfluorooctane sulfonate (PFOS).

14 (2) CLEANUP TARGET LEVELS.—

15 (a) The department shall adopt by rule statewide cleanup
16 target levels for PFAS in soils and groundwater using criteria
17 set forth in s. 376.30701, with priority given to PFOA and PFOS.
18 Cleanup target levels adopted by department rule pursuant to
19 this section may not take effect until ratified by the
20 Legislature.

21 (b) Until the department's rule for a particular PFAS
22 constituent has been ratified by the Legislature, a person may
23 not be subject to any administrative or judicial action brought
24 by or on behalf of any state or local governmental entity to
25 compel or enjoin site rehabilitation, to pay for the cost of
26 rehabilitation of environmental contamination, or to pay any
27 finances or penalties regarding rehabilitation based on the
28 presence of that particular PFAS constituent.

29 (c) Until site rehabilitation is completed or cleanup
30 target levels are ratified by the Legislature, any statute of
31 limitations that would bar a state or local governmental entity
32 from pursuing relief in accordance with its existing authority
33 is tolled from the effective date of this act.

34 (d) This section does not affect the ability or authority
35 to seek contribution from any person who may have liability with
36 respect to a contaminated site and who did not receive
37 protection under paragraph (b).

38 Section 2. (1) The Office of Program Policy Analysis and
39 Government Accountability shall conduct an analysis of programs



40 in other states for the assessment and cleanup of soil and
41 groundwater contamination, including programs for brownfields,
42 petroleum, drycleaning solvents, and other chemical
43 contamination. Based on its analysis, the office shall recommend
44 any changes to Florida's current programs that would improve the
45 state's ability to effectively address environmental
46 contamination assessment and cleanup, including the efficacy of
47 consolidating the state's programs into a single remediation
48 program. The analysis shall include, at a minimum:

- 49 (a) Funding mechanisms and sources of funding.
- 50 (b) Funding eligibility requirements.
- 51 (c) Current levels of funding.
- 52 (d) An evaluation of best practices for successful cleanup
53 programs and single remediation programs in other states and how
54 such practices and programs address the needs of investigation
55 and remediation stakeholders.
- 56 (e) A comparison of best practices for successful cleanup
57 programs and single remediation programs in other states and
58 cleanup and remediation programs in this state.

59 (2) The office shall submit a report of its findings
60 and any recommendations to the Governor, the President of the
61 Senate, and the Speaker of the House of Representatives by
62 January 1, 2022.

63 Section 3. The Division of Law Revision is directed to
64 replace the phrase "the effective date of this act" wherever it
65 occurs in this act with the date this act becomes a law.

66 Section 4. This act shall take effect upon becoming a law.

67
68 ===== T I T L E A M E N D M E N T =====



875578

69 And the title is amended as follows:

70 Delete everything before the enacting clause
71 and insert:

72 A bill to be entitled

73 An act relating to soil and groundwater contamination;
74 creating s. 376.91, F.S.; providing definitions;
75 requiring the Department of Environmental Protection
76 to adopt statewide rules for cleanup target levels for
77 PFAS in soils and groundwater; prohibiting such rules
78 from taking effect until ratified by the Legislature;
79 providing that certain parties may not be subjected to
80 administrative or judicial action under certain
81 circumstances; providing that certain statute of
82 limitations are tolled until a specified time;
83 providing construction; requiring the Office of
84 Program Policy Analysis and Government Accountability
85 to conduct an analysis and submit a report; providing
86 a directive to the Division of Law Revision; providing
87 an effective date.

By Senator Broxson

1-00983A-21

20211054__

1 A bill to be entitled
2 An act relating to brownfield site rehabilitation;
3 amending s. 373.309, F.S.; requiring the Department of
4 Environmental Protection to make information relating
5 to areas of PFAS contamination available to certain
6 governmental entities; requiring the department to
7 promote cost-effective remediation of contaminated
8 potable water supplies; requiring the department to
9 delineate areas of groundwater contamination upon the
10 request of certain entities; amending s. 376.301,
11 F.S.; revising the definition of the term
12 "institutional controls" with respect to the pollution
13 of surface water and groundwater; amending s.
14 376.30701, F.S.; requiring the department to provide
15 constructive notice to local governmental entities and
16 to certain property owners and residents when the
17 department issues a site rehabilitation completion
18 order that relies on institutional controls not recorded
19 in public records; amending s. 376.313, F.S.; revising
20 the defenses to causes of action for damages to real
21 or personal property as a result of pollution;
22 amending s. 376.79, F.S.; revising the definition of
23 the term "institutional controls" with respect to the
24 Brownfields Redevelopment Act; creating s. 376.91,
25 F.S.; defining the term "PFAS"; requiring the
26 department to adopt rules for statewide cleanup target
27 levels for PFAS in soils and groundwater; prohibiting
28 such rules from taking effect until ratified by the
29 Legislature; authorizing the department to require

1-00983A-21

20211054__

30 site assessments and sampling by potentially
31 responsible parties to assist in its investigations
32 before the PFAS rules are adopted and ratified;
33 providing that a responsible party who cooperates in
34 good faith with the department is immune from
35 liability for specified claims; providing that a
36 responsible party is not subject to administrative or
37 judicial action under certain circumstances; providing
38 that a person who executes a PFAS voluntary site
39 rehabilitation agreement with the department is immune
40 from and has no liability for certain claims under
41 certain circumstances; requiring the department to
42 allow a person to return to compliance within a
43 specified timeframe before revoking the person's
44 immunity; creating the PFAS Assessment and Site
45 Rehabilitation Program within the department, in
46 consultation with the Department of Health; providing
47 requirements for the program; requiring an annual
48 report to the Governor and the Legislature by a
49 specified date; providing an effective date.

50
51 WHEREAS, perfluoroalkyl and polyfluoroalkyl substances
52 (PFAS) are a class of nearly 5,000 manmade chemicals which
53 includes perfluorooctanoic acid (PFOA), perfluorooctane
54 sulfonate (PFOS), perfluorobutane sulfonate (PFBS), and GenX,
55 which are manufactured and used in a variety of industries, and

56 WHEREAS, PFAS chemicals are commonly found in every
57 American household and in products as diverse as nonstick
58 cookware, stain-resistant furniture and carpets, wrinkle-free

1-00983A-21

20211054__

59 and water-repellant clothing, cosmetics, lubricants, paint, food
60 packaging, and many other everyday products, and

61 WHEREAS, PFAS chemicals have been legally used throughout
62 the country for decades and, in some cases, have been mandated
63 for use in certain products, and

64 WHEREAS, PFAS chemicals are known as "forever" chemicals
65 because they are persistent in the environment and the human
66 body, and

67 WHEREAS, PFAS chemicals are suspected of causing adverse
68 health outcomes in humans, and

69 WHEREAS, in 2016, the United States Environmental
70 Protection Agency (EPA) established a lifetime exposure health
71 advisory level of 70 parts per trillion for the combined
72 concentration of PFOA and PFOS in drinking water, but the EPA
73 has not adopted maximum contaminant levels for such substances
74 in drinking water, and

75 WHEREAS, there are significant technical challenges in
76 detecting and measuring PFAS in water and other media at the
77 levels where adverse human health effects may occur, and
78 analytical methodologies are still under development or are not
79 yet generally available, and

80 WHEREAS, while science predicts that the entire class of
81 PFAS chemicals may be associated with adverse health effects and
82 many such chemicals are in industrial and commercial use, only a
83 small fraction of these chemicals has been investigated
84 sufficiently to establish quantitative measures of toxicity, and

85 WHEREAS, PFAS chemicals are currently required in
86 firefighting foams used at airports to meet federal performance
87 standards for extinguishing agents, but the Federal Aviation

1-00983A-21

20211054__

88 Administration is updating its standards to allow for
89 alternative options for airports, and

90 WHEREAS, PFAS contamination may be found at and around
91 military bases, airports, seaports, drycleaners, manufacturing
92 sites, landfills, and biosolid disposal sites, and in local
93 water supplies obtained from both surface and groundwater, and

94 WHEREAS, local governments are responsible for protecting
95 the health, safety, and welfare of residents, including
96 providing clean, safe water, and

97 WHEREAS, while treatment technology for removing PFAS from
98 water is not well-developed, the more effective methods use
99 technologies that are not conventionally available in existing
100 water treatment plants, so removing these PFAS chemicals from
101 water will require costly investments by local governments and
102 other water suppliers, which would be passed on to ratepayers,
103 and

104 WHEREAS, manufacturers, producers, and heavy users of PFAS
105 chemicals may be liable for site rehabilitation and face
106 additional liability, and

107 WHEREAS, other persons and entities, known as "PFAS
108 receivers," merely convey or manage the traces of PFAS chemicals
109 received from other sources, such as PFAS producers,
110 manufacturers, users, and everyday consumers, and

111 WHEREAS, PFAS receivers include drinking water treatment
112 systems, wastewater treatment facilities, and municipal solid
113 waste landfills, and

114 WHEREAS, PFAS receivers may be liable for site
115 rehabilitation and face additional liability, and

116 WHEREAS, PFAS contamination not only poses health risks,

1-00983A-21

20211054__

117 but also economic impacts on businesses and communities for
118 potential remediation and cleanup, and potential contamination
119 of food sources in the agricultural and fishing industries, NOW,
120 THEREFORE,

121

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

123

124 Section 1. Paragraph (e) of subsection (1) of section
125 373.309, Florida Statutes, is amended, and paragraph (g) is
126 added to that subsection, to read:

127 373.309 Authority to adopt rules and procedures.—

128 (1) The department shall adopt, and may from time to time
129 amend, rules governing the location, construction, repair, and
130 abandonment of water wells and shall be responsible for the
131 administration of this part. With respect thereto, the
132 department shall:

133 (e) Encourage prevention of potable water well
134 contamination and promote cost-effective remediation of
135 contaminated potable water supplies by use of the Water Quality
136 Assurance Trust Fund as provided in s. 376.307(1)(e) and
137 establish by rule:

138 1. Delineation of areas of groundwater contamination for
139 implementation of well location and construction, testing,
140 permitting, and clearance requirements as set forth in
141 subparagraphs 2., 3., 4., 5., and 6. The department shall make
142 available to water management districts, regional planning
143 councils, the Department of Health, and county building and
144 zoning departments, ~~maps~~ or other information on areas of
145 contamination, including areas of contamination from ethylene

1-00983A-21

20211054__

146 dibromide and PFAS, as defined in s. 376.91 ~~contamination~~. Such
147 maps or other information shall be made available to property
148 owners, realtors, real estate associations, property appraisers,
149 and other interested persons upon request and upon payment of
150 appropriate costs.

151 2. Requirements for testing for suspected contamination in
152 areas of known contamination, as a prerequisite for clearance of
153 a water well for drinking purposes. The department is authorized
154 to establish criteria for acceptance of water quality testing
155 results from the Department of Health and laboratories certified
156 by the Department of Health, and is authorized to establish
157 requirements for sample collection quality assurance.

158 3. Requirements for mandatory connection to available
159 potable water systems in areas of known contamination, wherein
160 the department may prohibit the permitting and construction of
161 new potable water wells.

162 4. Location and construction standards for public and all
163 other potable water wells permitted in areas of contamination.
164 Such standards shall be designed to minimize the effects of such
165 contamination.

166 5. A procedure for permitting all potable water wells in
167 areas of known contamination. Any new water well that is to be
168 used for drinking water purposes and that does not meet
169 construction standards pursuant to subparagraph 4. must be
170 abandoned and plugged by the owner. Water management districts
171 shall implement, through delegation from the department, the
172 permitting and enforcement responsibilities of this
173 subparagraph.

174 6. A procedure for clearing for use all potable water

1-00983A-21

20211054__

175 wells, except wells that serve a public water supply system, in
176 areas of known contamination. If contaminants are found upon
177 testing pursuant to subparagraph 2., a well may not be cleared
178 for use without a filter or other means of preventing the users
179 of the well from being exposed to deleterious amounts of
180 contaminants. The Department of Health shall implement the
181 responsibilities of this subparagraph.

182 7. Fees to be paid for well construction permits and
183 clearance for use. The fees shall be based on the actual costs
184 incurred by the water management districts, the Department of
185 Health, or other political subdivisions in carrying out the
186 responsibilities related to potable water well permitting and
187 clearance for use. The fees shall provide revenue to cover all
188 such costs and shall be set according to the following schedule:

189 a. The well construction permit fee may not exceed \$500.

190 b. The clearance fee may not exceed \$50.

191 8. Procedures for implementing well-location, construction,
192 testing, permitting, and clearance requirements as set forth in
193 subparagraphs 2.-6. within areas that research or monitoring
194 data indicate are vulnerable to contamination with nitrate, or
195 areas in which the department provides a subsidy for restoration
196 or replacement of contaminated drinking water supplies through
197 extending existing water lines or developing new water supply
198 systems pursuant to s. 376.307(1)(e). The department shall
199 consult with the Florida Ground Water Association in the process
200 of developing rules pursuant to this subparagraph.

201
202 All fees and funds collected by each delegated entity pursuant
203 to this part shall be deposited in the appropriate operating

1-00983A-21

20211054__

204 account of that entity.

205 (g) In order to facilitate the prompt and efficient
206 prevention of potable water well contamination, promote cost-
207 effective remediation of contaminated potable water supplies to
208 protect human health and the environment. Upon the request of a
209 local governmental entity or a person otherwise responsible for
210 site rehabilitation, the department shall delineate areas of
211 groundwater contamination without further action by the
212 Environmental Regulation Commission.

213 Section 2. Subsection (21) of section 376.301, Florida
214 Statutes, is amended to read:

215 376.301 Definitions of terms used in ss. 376.30-376.317,
216 376.70, and 376.75.—When used in ss. 376.30-376.317, 376.70, and
217 376.75, unless the context clearly requires otherwise, the term:

218 (21) "Institutional controls" means the restriction on use
219 of or access to a site to eliminate or minimize exposure to
220 petroleum products' chemicals of concern; PFAS, as defined in s.
221 376.91; ~~or~~ drycleaning solvents; ~~or~~ or other contaminants. Such
222 restrictions may include, but are not limited to, any of the
223 following:

224 (a) Deed restrictions. ~~or~~

225 (b) Restrictive covenants. ~~or~~

226 (c) Conservation easements.

227 (d) Local governmental requirements to:

228 1. Require mandatory connection to available potable or
229 reuse water systems;

230 2. Describe an area of groundwater contamination in a
231 shared electronic record system between the department and a
232 water management district or delegated permitting authority

1-00983A-21

20211054__

233 documenting the location and extent of groundwater contamination
234 for use in processing well construction permit applications; or
235 3. Delineate an area of groundwater contamination pursuant
236 to s. 373.309.

237 Section 3. Paragraph (d) of subsection (2) of section
238 376.30701, Florida Statutes, is amended to read:

239 376.30701 Application of risk-based corrective action
240 principles to contaminated sites; applicability; legislative
241 intent; rulemaking authority; contamination cleanup criteria;
242 limitations; reopeners.—

243 (2) INTENT; RULEMAKING AUTHORITY; CLEANUP CRITERIA.—It is
244 the intent of the Legislature to protect the health of all
245 people under actual circumstances of exposure. By July 1, 2004,
246 the secretary of the department shall establish criteria by rule
247 for the purpose of determining, on a site-specific basis, the
248 rehabilitation program tasks that comprise a site rehabilitation
249 program, including a voluntary site rehabilitation program, and
250 the level at which a rehabilitation program task and a site
251 rehabilitation program may be deemed completed. In establishing
252 these rules, the department shall apply, to the maximum extent
253 feasible, a risk-based corrective action process to achieve
254 protection of human health and safety and the environment in a
255 cost-effective manner based on the principles set forth in this
256 subsection. These rules shall prescribe a phased risk-based
257 corrective action process that is iterative and that tailors
258 site rehabilitation tasks to site-specific conditions and risks.
259 The department and the person responsible for site
260 rehabilitation are encouraged to establish decision points at
261 which risk management decisions will be made. The department

1-00983A-21

20211054__

262 shall provide an early decision, when requested, regarding
263 applicable exposure factors and a risk management approach based
264 on the current and future land use at the site. These rules must
265 include protocols for the use of natural attenuation, including
266 long-term natural attenuation where site conditions warrant, the
267 use of institutional and engineering controls, and the issuance
268 of "No Further Action" orders. The criteria for determining what
269 constitutes a rehabilitation program task or completion of a
270 site rehabilitation program task or site rehabilitation program,
271 including a voluntary site rehabilitation program, must:

272 (d) Allow the use of institutional or engineering controls
273 at contaminated sites being cleaned up pursuant to this section,
274 where appropriate, to eliminate or control the potential
275 exposure to contaminants of humans or the environment. The use
276 of controls must be preapproved by the department and only after
277 constructive notice and opportunity to comment within 30 days
278 after receipt of notice is provided to local governments, owners
279 of any property into which the point of compliance is allowed to
280 extend, and residents on any property into which the point of
281 compliance is allowed to extend. When institutional or
282 engineering controls are implemented to control exposure, the
283 removal of the controls must have prior department approval and
284 must be accompanied by the resumption of active cleanup, or
285 other approved controls, unless cleanup target levels under this
286 section have been achieved. Without limiting the generality of
287 the foregoing, when the department issues a site rehabilitation
288 completion order that relies upon an institutional control that
289 is not recorded in public records, the department must provide
290 constructive notice to local governmental entities, to owners of

1-00983A-21

20211054__

291 any property into which the point of compliance is allowed to
292 extend, and to residents on any property into which the point of
293 compliance is allowed to extend.

294
295 The department shall require source removal as a risk reduction
296 measure if warranted and cost-effective. Once source removal at
297 a site is complete, the department shall reevaluate the site to
298 determine the degree of active cleanup needed to continue.

299 Further, the department shall determine if the reevaluated site
300 qualifies for monitoring only or if no further action is
301 required to rehabilitate the site. If additional site
302 rehabilitation is necessary to reach "No Further Action" status,
303 the department is encouraged to utilize natural attenuation
304 monitoring, including long-term natural attenuation monitoring,
305 where site conditions warrant.

306 Section 4. Subsection (3) of section 376.313, Florida
307 Statutes, is amended to read:

308 376.313 Nonexclusiveness of remedies and individual cause
309 of action for damages under ss. 376.30-376.317.—

310 (3) Except as provided in s. 376.3078(3) and (11), nothing
311 contained in ss. 376.30-376.317 prohibits any person from
312 bringing a cause of action in a court of competent jurisdiction
313 for all damages to real or personal property directly resulting
314 from the use of a contaminant or a discharge or other condition
315 of pollution covered by ss. 376.30-376.317 and which was not
316 authorized by any federal, state, or local government approval,
317 requirement, or permit pursuant to chapter 403. ~~Nothing in This~~
318 ~~chapter~~ does not shall prohibit or diminish a party's right to
319 contribution from other parties jointly or severally liable for

1-00983A-21

20211054__

320 a prohibited discharge of pollutants or hazardous substances or
321 other pollution conditions. Except as otherwise provided in
322 subsection (4) or subsection (5), in any such suit, it is not
323 necessary for such person to plead or prove negligence in any
324 form or manner. Such person need only plead and prove the fact
325 of the prohibited discharge or other pollutive condition and
326 that it has occurred. The only defenses to such cause of action
327 shall be those specified in s. 376.308 or s. 376.82.

328 Section 5. Subsection (11) of section 376.79, Florida
329 Statutes, is amended to read:

330 376.79 Definitions relating to Brownfields Redevelopment
331 Act.—As used in ss. 376.77-376.85, the term:

332 (11) "Institutional controls" means the restriction on use
333 of or access to a site to eliminate or minimize exposure to
334 chemicals of concern from petroleum products; PFAS, as defined
335 in s. 376.91;~~;~~ drycleaning solvents;~~;~~ or other contaminants.
336 Such restrictions may include, but are not limited to, any of
337 the following:

338 (a) Deed restrictions.~~;~~

339 (b) Restrictive covenants.~~;~~~~or~~

340 (c) Conservation easements.

341 (d) Local government requirements to:

342 1. Require mandatory connection to available potable or
343 reuse water systems;

344 2. Describe an area of groundwater contamination described
345 in a shared electronic record system between the department and
346 a water management district or delegated permitting authority
347 documenting the location and extent of groundwater contamination
348 for use in processing well construction permit applications; or

1-00983A-21

20211054__

349 3. Delineate an area of groundwater contamination pursuant
350 to s. 373.309.

351 Section 6. Section 376.91, Florida Statutes, is created to
352 read:

353 376.91 Statewide cleanup of PFAS.—

354 (1) DEFINITION.—As used in this section, the term “PFAS”
355 means perfluoroalkyl and polyfluoroalkyl substances, including
356 perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate
357 (PFOS).

358 (2) CLEANUP TARGET LEVELS.—

359 (a) The department shall adopt rules for statewide cleanup
360 target levels for PFAS in soils and groundwater, with priority
361 given to PFOA and PFOS. Rules adopted by the department pursuant
362 to this section may not take effect until ratified by the
363 Legislature.

364 (b) The department may require site assessments and
365 sampling by potentially responsible parties to assist in its
366 investigation of PFAS contamination that occurs in this state
367 before rules are adopted under this section and ratified. A
368 responsible party who is cooperating in good faith with the
369 department’s investigations by conducting or assisting with the
370 site assessment, providing site access, sampling, or taking
371 other cooperative action is immune from and has no liability for
372 claims of any person, for damages of any kind, including, but
373 not limited to, diminished value of real property or
374 improvements; lost or delayed rent, sale, or use of real
375 property or improvements; statutory causes of action arising
376 under s. 376.313(3); or stigma to real property or improvements
377 caused by PFAS contamination. Such a party is not subject to any

1-00983A-21

20211054__

378 administrative or judicial action brought by or on behalf of any
379 person, state or local government, or agency to compel or enjoin
380 site rehabilitation or pay for the cost of rehabilitation of
381 environmental contamination or to pay any fines or penalties
382 regarding rehabilitation based on the presence of a particular
383 PFAS constituent until the department's rule for that
384 constituent has been ratified by the Legislature.

385 (3) VOLUNTARY SITE REHABILITATION AGREEMENTS.—

386 (a) A person who executes a PFAS voluntary site
387 rehabilitation agreement with the department, upon initiation of
388 such site rehabilitation, is immune from and has no liability
389 for claims of any person for damages of any kind, including, but
390 not limited to, diminished value of real property or
391 improvements; lost or delayed rent, sale, or use of real
392 property or improvements; statutory causes of action arising
393 under s. 376.313(3); or stigma to real property or improvements
394 caused by PFAS contamination; nor is the person subject to any
395 administrative or judicial action brought by or on behalf of any
396 person, state, or local government, or agency thereof, to compel
397 or enjoin site rehabilitation or pay for the cost of
398 rehabilitation of environmental contamination, or to pay any
399 fines or penalties regarding rehabilitation.

400 (b) This subsection does not affect an individual's ability
401 or authority to seek contribution from any person who may have
402 liability with respect to the site and who did not receive
403 cleanup liability protection under this subsection.

404 (c)1. The liability protection provided under this
405 subsection is effective upon execution of a PFAS voluntary site
406 rehabilitation agreement and remains effective as long as the

1-00983A-21

20211054__

407 following conditions are met:

408 a. A person is responsible for site rehabilitation,
409 provided each person responsible for site rehabilitation
410 complies with the terms of the site rehabilitation agreement.

411 b. Any subsequent property owner of the site maintains
412 compliance, as applicable, with any institutional controls or
413 engineering controls required for site rehabilitation.

414 2. Any statute of limitations that would bar the department
415 from pursuing relief in accordance with its existing authority
416 is tolled from the time the agreement is executed until site
417 rehabilitation is completed or immunity is revoked pursuant to
418 paragraph (d).

419 (d) If the person responsible for site rehabilitation fails
420 to comply with the site rehabilitation agreement, the department
421 shall allow 90 days for the person responsible for the site
422 rehabilitation to return to compliance with the provision at
423 issue or to negotiate a modification to the site rehabilitation
424 agreement with the department for good cause shown. If an
425 imminent hazard exists, the 90-day grace period does not apply.
426 If the project is not returned to compliance with the site
427 rehabilitation agreement and a modification is unable to be
428 negotiated, the immunity provisions of this subsection are
429 revoked.

430 (4) PFAS ASSESSMENT AND SITE REHABILITATION PROGRAM; ANNUAL
431 REPORT.—In consultation with the Department of Health, the
432 department shall develop and implement a PFAS Assessment and
433 Site Rehabilitation Program within the department to study the
434 impacts to human health and the environment from PFAS, develop
435 strategies to protect human health and the environment from the

1-00983A-21

20211054__

436 harmful effects of PFAS, and develop cost-effective strategies
437 for remediation of PFAS.

438 (a) The program must do all of the following:

439 1. Estimate costs incurred by the state, local governmental
440 entities, businesses, and individuals in response to human and
441 ecological exposure to PFAS.

442 2. Estimate the costs attributable to each source of PFAS
443 identified in this state.

444 3. Inventory all ongoing direct and indirect discharges of
445 PFAS to the air and surface waters, likely instances of PFAS
446 contamination in soil and groundwater, and the amount of such
447 discharges and contaminations.

448 4. Include a risk assessment, based on the best available
449 scientific information, of the risks to human health from
450 exposure to PFAS present in this state in various media,
451 including air, water, and soil.

452 5. Estimate the ongoing and anticipated future costs of the
453 aggregate impact of the discharge, emission, and contamination
454 of PFAS in this state, including the costs of sampling, testing,
455 cleanup, and decontamination; health care-related costs for
456 treating individuals who have been exposed to PFAS;
457 infrastructure improvements; and any other associated costs.

458 6. Evaluate the impact of PFAS on public health and natural
459 resources.

460 7. Identify areas of potential or known contamination.

461 8. Recommend response strategies that minimize the health
462 risks of exposure to PFAS and protect this state's resources in
463 a cost-effective manner.

464 9. Recommend risk mitigation and remedial strategies.

1-00983A-21

20211054__

465 10. Recommend public education and outreach strategies to
466 increase awareness and understanding of PFAS impacts and the
467 relative risk of exposure to PFAS through various exposure
468 pathways.

469 11. Recommend a program for site cleanup, rehabilitation,
470 mitigation, funding, financial assistance, and liability
471 protection for responsible persons.

472 (b) By December 31, 2021, and annually thereafter, the
473 department, in consultation with the Department of Health, shall
474 prepare and submit a report to the Governor, the President of
475 the Senate, and the Speaker of the House of Representatives on
476 the progress of its findings under the program, including any
477 recommendations for legislative action.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL: SB 1262

INTRODUCER: Senator Harrell

SUBJECT: State Park Fee Discounts

DATE: March 19, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Caldwell</u>	<u>MS</u>	Favorable
2.	<u>Rogers</u>	<u>Rogers</u>	<u>EN</u>	Favorable
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 1262 increases the current benefit on state park fees provided to active duty members and honorably discharged veterans of the United States Armed Forces (U.S.A.F.), National Guard, or reserve components of the U.S.A.F. or National Guard. State park fees generated are deposited into the State Park Trust Fund, to support the administration, improvement, and maintenance of state parks. Current law provides a qualifying servicemember or veteran with a 25 percent discount on an annual entrance pass. This bill increases the benefit to that of a lifetime family annual entrance pass at no charge.

A reduction in annual revenue generated for the State Park Trust Fund is estimated to be between \$500,000 to \$600,000.

The bill takes effect July 1, 2021.

II. Present Situation:

Fees at 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.¹ 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 which may come under the Division's jurisdiction regardless of its designation.² The Division manages and controls the operation of all of Florida's state parks.³ There are numerous designations in

¹ DEP, *Division of Recreation and Parks*, <https://floridadep.gov/parks> (last visited Jan. 16, 2020).

² Fla. Admin. Code R. 62D-2.013(1).

³ Section 258.004(1), F.S.

Florida's state park system; and examples include: state park, state preserve, historic site, archaeological site, botanical site, museum, and culture center.⁴ In Fiscal Year 2017-2018, over 28 million people visited Florida's State Parks, generating over \$66 million in revenue.⁵

The Division is authorized to charge reasonable fees for the use of state parks.⁶ Money from such fees is deposited in the State Park Trust Fund, which the Division uses for the administration, improvement, and maintenance of state parks, and for the acquisition and development of lands acquired for state park purposes.⁷ The Division's regulations prohibit any person from entering and using a state park property without paying any appropriate fees.⁸ A full stop must be made at the Ranger Station when entering a park, and no one may enter or leave any state park except through designated entrance points.⁹ No person may remain in any park after the posted closing time unless properly registered as an overnight visitor or in possession of a valid after hours permit.¹⁰

Admission fees at Florida's state parks currently range between \$1 and \$10.¹¹ Individual annual entrance passes are currently \$60 and family annual passes are \$120.¹² Annual entrance passes generally allow admission to all of Florida's state parks in lieu of paying the general admission fee, but other special use fees may be charged at some parks, such as tours or boat launches.¹³ Standard admission fees and other park fees are recommended by the Division Director and approved by the Secretary of the DEP.¹⁴

The Division's regulations state that admission fees shall be waived by authorized Division personnel for government representatives and for individuals who will benefit the state park system.¹⁵ The regulations also state that admission fees shall be waived for: children under six years old; patients and clients of government-funded mental institutions and certain organizations for minors; Florida school groups; and Division employees and their families.¹⁶

⁴ *Id.*

⁵ DEP, *Long Range Program Plan*, 52 (Oct. 2018), available at <http://floridafiscalportal.state.fl.us/Document.aspx?ID=18067&DocType=PDF> (last visited Mar. 18, 2021).

⁶ Section 258.014(1), F.S.

⁷ *Id.*

⁸ Fla. Admin. Code. R. 62D-2.014(2)(a); see Fla. Admin. Code. R. 62D-2.015(2). Violating the rules for admission to state park property constitutes a noncriminal infraction.

⁹ *Id.*

¹⁰ Fla. Admin. Code. R. 62D-2.014(16)(a).

¹¹ DEP, *Florida State Parks Fee Schedule*, 1 (Oct. 2013), available at <https://www.floridastateparks.org/sites/default/files/media/file/FPSFeeSchedule.pdf> (last visited Mar. 18 2020).

¹² *Id.* The price is \$45 for active-duty U.S. military members and veterans.

¹³ *Id.*

¹⁴ Fla. Admin. Code. R. 62D-2.014(2)(c), (d). The Division Director takes into consideration the following factors when recommending the fees: user demand, location of the park, cost of managing and operating the park, types of facilities available, season, and natural and historic resource values of the park.

¹⁵ Fla. Admin. Code. R. 62D-2.014(2)(b).

¹⁶ Fla. Admin. Code. R. 62D-2.014(2)(b)(1)-(4). Florida citizens who are at least 65 years of age are offered a fifty percent discount on base camping fees.

Recreation Benefits for Servicemembers and Veterans, Overall

The following discounts on state park fees apply with written documentation to:

- Active duty members and honorably discharged veterans of the United States Armed Forces (U.S.A.F.), National Guard, or reserve components, 25-percent discount on annual entrance passes.
- Honorably discharged veterans who have service-connected disabilities, lifetime family annual entrance passes at no charge.
- Surviving spouses and parents of deceased members of the U.S.A.F., National Guard, or reserve components who died in combat, lifetime family annual entrance passes at no charge.¹⁷

A partial or full discount on county park fees applies to:

- Current members of the U.S.A.F., their reserve components, or the National Guard.
- Honorably discharged veterans of the U.S.A.F., a reserve component, or the National Guard, and those veterans with a service-connected disability.
- Surviving spouses and parents of a deceased member of the U.S.A.F, a reserve component, or the National Guard, who died in combat.¹⁸

A member of the U.S.A.F. stationed in the state, or a residing family member, is considered a resident for purposes of applying for a hunting, fishing, or other recreational license.¹⁹ A resident pays reduced fees on licenses, such as paying \$15.50 for an annual freshwater or saltwater fishing license, rather than \$45.50; \$15.50 for an annual hunting license to take game, rather than \$150; and \$46.50 for the option of an annual combination of a hunting, freshwater fishing, and saltwater fishing license (no option is available for a combination license for a nonresident).²⁰

Additionally, a licensure exemption is provided for an outdoor hunting, freshwater fishing, or saltwater fishing recreational event designed to foster rehabilitation or enjoyment among disabled veterans or active duty or reserve duty servicemembers, a participating servicemember or veteran, immediate family, and an assistant to the member. This benefit applies to a disabled veteran or an active duty or reserve duty servicemember of the U.S.A.F., the Coast Guard, military reserves, or the Florida National Guard.²¹

An Annual Military Gold Sportsmen's License is available to a resident active or retired member of the U.S.A.F., U.S.A.F. Reserve, the National Guard, the U.S. Coast Guard, or the U.S. Coast Guard Reserve. An annual military gold sportsman's license costs \$18.50, rather than the \$98.50 charged for the annual gold sportsman's license. The annual military gold sportsman's license authorizes the same activities as the annual gold sportsman's license.²² Authorized activities are the taking of freshwater fish, saltwater fish, and game, subject to state and federal law, rules, and

¹⁷ Section 258.0145, F.S.

¹⁸ Section 125.029, F.S.

¹⁹ Section 379.101(30)(b)1., F.S.

²⁰ Section 379.354(4) and (5), F.S.

²¹ Section 379.353(2)(q), F.S.

²² Section 379.354(4)(i) and (j), F.S.

regulations. Other eligible activities include those authorized by a management area permit, a muzzle-loading gun season permit, a crossbow season permit, a turkey permit, a Florida waterfowl permit, a deer permit, an archery season permit, a snook permit, and a spiny lobster permit.²³

III. Effect of Proposed Changes:

SB 1262 increases the current benefit on state park fees provided to active duty members and honorably discharged veterans of the United States Armed Forces (U.S.A.F.), National Guard, or reserve components of the U.S.A.F. or National Guard. Current law provides a qualifying servicemember or veteran with a 25-percent discount on an annual entrance pass. This bill increases the benefit to that of a lifetime family annual entrance pass at no charge.

The bill takes effect 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:

Active duty servicemembers and veterans and their families will pay no annual fee, rather than a 25-percent discounted fee, for entrance to state parks.

²³ Section 379.354(4)(i), F.S.

C. Government Sector Impact:

In Fiscal Year 2019-2020, Florida State Parks received over \$500,000 in revenue associated with entrance passes for active duty servicemembers and honorably discharged veterans who receive the current 25 percent discount. For the past five years, the average annual revenue collected was \$560,347. Based on this amount, the Department of Environmental Protection (department) estimates an annual reduction of revenue into the State Parks Trust Fund to be between \$500,000 to \$600,000.²⁴ The department also anticipates an increased workload due to park staff having to issue additional annual passes to this user group.²⁵

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 258.0145 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.

²⁴ Department of Environmental Protection, *2021 Legislative Session, HB 399 (SB 1262)* (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

²⁵ *Id.*

By Senator Harrell

25-01160-21

20211262__

1 A bill to be entitled
2 An act relating to state park fee discounts; amending
3 s. 258.0145, F.S.; requiring the Division of
4 Recreation and Parks to provide entrance passes for
5 specified military members and veterans at no charge;
6 providing an effective date.

7

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

9

10 Section 1. Subsection (1) of section 258.0145, Florida
11 Statutes, is amended to read:

12 258.0145 Military, law enforcement, and firefighter state
13 park fee discounts.—The Division of Recreation and Parks shall
14 provide the following discounts on park fees to persons who
15 present written documentation satisfactory to the division which
16 evidences their eligibility for the discounts:

17 (1) Active duty members and honorably discharged veterans
18 of the United States Armed Forces, National Guard, or reserve
19 components thereof shall receive lifetime family ~~a 25-percent~~
20 ~~discount on annual entrance passes~~ at no charge.

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 1550

INTRODUCER: Senator Rodriguez

SUBJECT: Public Financing of Potentially At-risk Structures

DATE: March 19, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Schreiber	Rogers	EN	Favorable
2.	_____	_____	CA	_____
3.	_____	_____	AP	_____

I. Summary:

SB 1550 broadens the geographic applicability of the requirements, for public entities commissioning or managing coastal construction projects using funds appropriated from the state, to create sea level impact projection (SLIP) studies. The bill provides two definitions:

- “Areas at risk due to sea level rise” means an inland or coastal area where sea level rise can substantially increase flood risk, including tidal, storm surge, and groundwater inundation.
- “Potentially at-risk structure” means a major structure or nonhabitable major structure within an area at risk due to sea level rise.

In each place in s. 161.551, F.S., where the term “coastal structure” currently appears, the bill replaces it with the term “potentially at-risk structure.” This expands the geographic scope of the statutory requirements relating to SLIP studies from the coastal building zone, as defined in statute, to areas at risk due to sea level rise.

The bill adds a new requirement to the standards for SLIP studies, which the Department of Environmental Protection establishes by rule, requiring a list of flood mitigation strategies evaluated as part of the design of the potentially at-risk structures, and identification of the flood mitigation strategies that have been implemented or are being considered as part of the potentially at-risk structure design.

II. Present Situation:

Sea Level Rise and Coastal Flooding

With 1,350 miles of coastline, relatively low elevations, and a porous geology, Florida is particularly vulnerable to coastal flooding.¹ Climate change² is influencing three drivers of coastal flooding in Florida: sea level rise, storm surge intensity, and rainfall intensity and frequency.³

Sea level rise is an observed increase in the average local sea level or global sea level trend.⁴ 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).⁵ 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 2018–2019.⁶

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.⁷ Data is incorporated into numerous online tools for visualizing sea level rise.⁸ Scientific projections of future sea level rise vary based on modeling using different scenarios of future greenhouse gas emissions and

¹ 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.

² See NASA, *Global Climate Change, Facts, Effects*, <https://climate.nasa.gov/effects/> (last visited Feb. 6, 2021).

³ See *SHMP*, at 107.

⁴ 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).

⁵ *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.

⁶ 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.

⁷ 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.

⁸ 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).

atmospheric concentrations.⁹ After 2050, sea level rise projections diverge significantly based on different scenarios of emissions trajectories.¹⁰

Rising sea levels result in gradual coastal inundation.¹¹ Sea level rise raises the height of high tide.¹² 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.¹³ For example, research shows that in Miami Beach, between 1998 and 2013, the frequency of recurrent tidal flooding events quadrupled.¹⁴ The frequency of such flooding is expected to continue to increase.¹⁵

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.¹⁶ Sea level rise causes saltwater intrusion of both surface water and groundwater, threatening fresh water resources including coastal aquifers.¹⁷ It causes coastal erosion and threatens coastal ecosystems which, when healthy and allowed space for landward migration, are critical for resilience.¹⁸ Sea level rise also raises coastal groundwater tables and pushes salt water further inland.¹⁹ Many of these processes are exacerbated by Florida’s porous limestone geology.²⁰

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.²¹ Furthermore, future storms are generally expected to have increased average intensity and precipitation rates.²² Extreme rainfall events can stress or overwhelm stormwater infrastructure,

⁹ U.S. Global Change Research Program, *Fourth National Climate Assessment*, 6, 40-43, 85-86, 338, 758 (2018)[hereinafter *NCA4*], available at https://nca2018.globalchange.gov/downloads/NCA4_2018_FullReport.pdf (last visited Feb. 6, 2021).

¹⁰ *Id.* at 40-43, 85, 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).

¹¹ *SHMP*, at 108; *SFRCCC Update*, at 17. Rapid pulses are possible.

¹² *SHMP*, at 101, 108.

¹³ 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.

¹⁴ *SFRCCC Update*, at 31.

¹⁵ NOAA, *2019 State of U.S. High Tide Flooding with a 2020 Outlook*, v, 11-12 (2020); *SFRCCC Update*, at 31-32.

¹⁶ See *SFRCCC Update*, at 5.

¹⁷ *SHMP*, at 106; *SFRCCC Update*, at 33-35.

¹⁸ *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.

¹⁹ *SHMP*, at 108.

²⁰ 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).

²¹ *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).

²² *NCA4*, at 97, 116-117, 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

while sea level rise impairs gravity-driven systems and reduces the discharge capacity of coastal water control structures.²³ By raising groundwater levels, sea level rise reduces the ability of rainfall to infiltrate the soil, and the reduced soil storage capacity causes flooding.²⁴

Florida's 35 coastal counties contain 76% of its population, and 79% of its total economy as of 2012.²⁵ One study found that 20.5% of properties in Florida were at substantial risk of flooding in 2020 and 24.3% are at such risk by 2050.²⁶ Another study on Florida's residential property 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 2050.²⁷ Another 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.²⁸ It is estimated that Florida has nine of the top ten counties in the nation for total annual risk of economic loss from flooding.²⁹ Despite the risks, people and capital continue to flow into exposed coastal areas in Florida.³⁰

As sea level rise continues, financial impacts may include increases in flood insurance costs,³¹ decreases in property sales or property values, and increased risk for lenders.³² Coastal flooding can disrupt local economies, leading to lost revenues for the private and public sectors, and over time risks include loss or impairment of employment opportunities and public services and

<https://journals.ametsoc.org/bams/article/101/3/E303/345043/Tropical-Cyclones-and-Climate-Change-Assessment> (last visited Jan. 31, 2021).

²³ *NCA4*, at 763; *SFRCCC Update*, at 5, 34.

²⁴ *SFRCCC Update*, at 33; *SHMP*, at 106, 181.

²⁵ *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.

²⁶ 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.

²⁷ *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).

²⁸ *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.

²⁹ 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).

³⁰ *MGI Mortgages and Markets*, at 13.

³¹ 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.

³² *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://southeastfloridaclimatecompact.org/wp-content/uploads/2020/04/Sea-Level-Rise-Projection-Guidance-Report_FINAL_02212020.pdf (last visited Jan. 31, 2021).

infrastructure.³³ Coastal flooding can cause displacement in frontline communities, and the burdens of adaptation are likely to disproportionately impact vulnerable populations.³⁴

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.³⁵

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.³⁶ The National Oceanic and Atmospheric Administration (NOAA) operates tide gauges along the nation’s coasts and satellites measuring changes in sea level. In 2012 and 2017, NOAA published sea level rise projections for the U.S.³⁷ NOAA’s projections include six scenarios ranging from “low” to “extreme.”³⁸ NOAA’s projections were used in the fourth national climate assessment by the U.S. Global Change Research Program, a program of thirteen federal agencies analyzing the changing global environment.³⁹ The U.S. Army Corps of Engineers has developed guidance requiring consideration of three scenarios of “low,” “intermediate,” and “high” sea level change over a project’s life cycle.⁴⁰

Sea level rise is experienced differently in different areas, depending on many factors including ocean currents, changing land elevations, land use, and erosion.⁴¹ 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

³³ *Business Case for Resilience*, at 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).

³⁴ *Id.*; NCA4 at 333-335.

³⁵ *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).

³⁶ IPCC, *About the IPCC*, <https://www.ipcc.ch/about/> (last visited Feb. 2, 2021).

³⁷ 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).

³⁸ 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).

³⁹ U.S. Global Change Research Program, *About USGCRP*, <https://www.globalchange.gov/about> (last visited Feb. 2, 2021).

⁴⁰ USACE, *Incorporating Sea Level Change in Civil Works Programs*, 2–3, B-1–B-8 (Dec. 31, 2013), available at https://www.publications.usace.army.mil/Portals/76/Publications/EngineerRegulations/ER_1100-2-8162.pdf?ver=2014-02-12-131510-113 (last visited Feb. 2, 2021); USACE, *Procedures to Evaluate Sea Level Change: Impacts, Responses, and Adaptation*, 13 (June 30, 2019) available at <https://www.publications.usace.army.mil/Portals/76/Users/182/86/2486/EP-1100-2-1.pdf?ver=2019-09-13-141310-707> (last visited Feb. 2, 2021).

⁴¹ NCA4, at 757, 855, 1495 available at https://nca2018.globalchange.gov/downloads/NCA4_2018_FullReport.pdf (last visited Feb. 6, 2021).

sea level rise projections to assist planning and decision-making in Southeast Florida.⁴² 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.⁴³

Below is a table showing examples of sea level rise projections, including ranges of low and high estimates, both globally and in regions of Florida.

Sea Level Rise Projections				
Source	Scale	Years	Low (feet)	High (feet)
IPCC Assessment Report 5 ⁴⁴	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 ⁴⁵	Global	2040	0.43	1.35
		2070	0.72	3.94
		2100	.98	8.20
SFRCCC Unified Sea Level Rise Projection, 2019 Update ⁴⁶	Southeast Florida	2040	.83	1.42
		2070	1.75	3.33
		2120	3.33	7.67
Tampa Bay Climate Science Advisory Panel ⁴⁷	Tampa Bay Region	2050	1	2.5
		2100	2	8.5

⁴² SFRCCC Update, at 8, available at https://southeastfloridaclimatecompact.org/wp-content/uploads/2020/04/Sea-Level-Rise-Projection-Guidance-Report_FINAL_02212020.pdf (last visited Feb. 2, 2021).

⁴³ 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).

⁴⁴ 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). These changes in global mean sea level rise are relative to the reference period of 1986-2005. The range shown in the table represents the projections for the Representative Concentration Pathway 8.5 scenario.

⁴⁵ 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). These global mean sea level rise scenarios are based on the year 2000 (i.e., a 1991-2009 epoch).

⁴⁶ SFRCCC Update, 9-10, available at https://southeastfloridaclimatecompact.org/wp-content/uploads/2020/04/Sea-Level-Rise-Projection-Guidance-Report_FINAL_02212020.pdf (last visited Feb. 2, 2021). These projections start from zero in year 2000 and are referenced to mean sea level at the Key West tide gauge. The range in the table shows regional applications of the IPCC Representative Concentration Pathway 8.5 Median curve and the NOAA Intermediate High curve.

⁴⁷ 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).

The Coastal Zone Protection Act

The Coastal Zone Protection Act of 1985 (Act)⁴⁸ is intended to manage the most sensitive portion of Florida’s coastal areas through the imposition of strict construction standards in order to minimize damage to the natural environment, private property, and life.⁴⁹

The Act covers activities and construction within the “coastal building zone.” The coastal building zone is the land from the seasonal high-water line⁵⁰ landward to a line 1,500 feet landward from the coastal construction control line (CCCL),⁵¹ and for those areas where no CCCL has been established the coastal building zone is the land seaward of the most landward velocity zone (V-zone) line⁵² as established by the Federal Emergency Management Agency and shown on flood insurance rate maps.⁵³ On coastal barrier islands, the coastal building zone is the land from the seasonal high-water line to a line 5,000 feet landward from the CCCL, or the entire island, whichever is less.⁵⁴ For coastal barrier islands on which a CCCL has not been established, the coastal building zone is the land seaward of the most landward V-zone boundary line fronting upon the Gulf of Mexico, Atlantic Ocean, Florida Bay, or Straits of Florida.⁵⁵ All land in the Florida Keys located within Monroe County is in the coastal building zone.⁵⁶

The Act uses the term “construction” to mean either the act of construction or the result of construction, and defines construction as “the carrying out of any building, clearing, filling, excavation, or substantial improvement in the size or use of any structure or the appearance of any land.”⁵⁷ The Act defines certain types of structures regulated within the coastal building zone.⁵⁸ “Major structures” are residential, commercial, or public buildings, and other construction having the potential for substantial impact on coastal zones.⁵⁹ “Nonhabitable major structures” are structures that people generally would not dwell in, such as swimming pools, water retention structures, electrical power plants, parking garages, and roads.⁶⁰

⁴⁸ Sections 161.52-161.58, F.S.

⁴⁹ Sections 161.53, F.S.

⁵⁰ See s. 161.053(5)(a)2., F.S. “Seasonal high-water line” is defined as “the line formed by the intersection of the rising shore and the elevation of 150 percent of the local mean tidal range above local mean high water”; see s. 177.27(14), F.S. “Mean high water” is defined, in part, as the average height of the high waters over a 19-year period.

⁵¹ Section 161.053, F.S. A CCCL defines the portion of the beach-dune system that is subject to severe fluctuations caused by a 100-year storm surge, storm waves, or other predictable weather conditions. Generally, a permit is required for construction and excavation activities seaward of the CCCL; see Fla. Admin. Code Chapters 62B-33, 62B-34, and 62B-56.

⁵² FEMA, *National Flood Insurance Program (NFIP), Floodplain Management Requirements, FEMA 480*, 3-22–3-23, 3-29, 5-51, 7-59 (2005), available at https://www.fema.gov/sites/default/files/documents/fema-480_floodplain-management-study-guide_local-officials.pdf (last visited Feb. 4, 2021). Special Flood Hazard Areas on flood insurance rate maps 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.

⁵³ Section 161.54(1), F.S.

⁵⁴ Section 161.55(4), F.S.

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ Section 161.54(5), F.S.

⁵⁸ Section 161.54(6), F.S.

⁵⁹ Section 161.54(6)(a), F.S.

⁶⁰ Section 161.54(6)(c), F.S.

The Act generally requires construction to be located a sufficient distance landward of the beach to permit natural shoreline fluctuations and preserve dune stability.⁶¹ Nonhabitable major structures must be designed to produce the minimum adverse impact on the beach and dune system.⁶² At or before the sale of any interest in real property located partially or totally seaward of the CCCL, a seller must give a prospective purchaser a written disclosure statement, provided in statute, which states that the property may be subject to coastal erosion and to federal, state, or local regulations that govern coastal property.⁶³ The Legislature found it necessary to ensure that purchasers of interests in real property located in coastal areas partially or totally seaward of the CCCL are fully aware that such lands are subject to frequent and severe fluctuations.⁶⁴

Sea Level Impact Projection (SLIP) Studies

In 2020, the Legislature created within the Act s. 161.551, F.S., entitled “Public financing of construction projections within the coastal building zone.”⁶⁵

Section 161.551, F.S., requires a public entity that commissions or manages a construction project on a coastal structure, using funds appropriated from the state, must conduct a sea level impact projection (SLIP) study prior to commencing construction.⁶⁶ The section defines a coastal structure as a major structure or nonhabitable major structure within the coastal building zone.⁶⁷

Before construction commences, a state-financed constructor⁶⁸ must conduct a SLIP study meeting the statutory requirements, submit the study to the Department of Environmental Protection (DEP), and receive notification from DEP that the study has been published on DEP’s website for at least 30 days.⁶⁹ DEP is required to develop by rule the specific standards for conducting a SLIP study.⁷⁰ Under the statute, DEP’s SLIP study standards must, at a minimum, require state-financed constructors to do all of the following:

- Use a systematic, interdisciplinary, and scientifically accepted approach in the natural sciences and construction design in conducting the study.
- Assess the flooding, inundation, and wave action damage risks relating to the coastal structure over its expected life or 50 years, whichever is less.
 - The assessment must take into account potential relative local sea level rise and increased storm risk during the expected life of the coastal structure or 50 years, whichever is less, and, to the extent possible, account for the contribution of sea-level rise versus land subsidence to the relative local sea-level rise.

⁶¹ Section 161.55(3), F.S. The Act makes exceptions for certain structures such as piers, beach access ramps, or shore protection structures.

⁶² Section 161.55(2), F.S. Special requirements for flood proofing nonhabitable major structures exist for sewage treatment plants, public water supply systems, and underground utilities. These are intended to prevent infiltration of surface water from a 100-year storm event, or else loss of function during submersion.

⁶³ Section 161.57(2), F.S.

⁶⁴ Section 161.57(1), F.S.

⁶⁵ Chapter 2020-119, Laws of Fla.

⁶⁶ Section 161.551(2), F.S.

⁶⁷ Section 161.551(1)(a), F.S.

⁶⁸ Section 161.551(1)(b) and (d), F.S. “State-financed constructor” is defined as “a public entity that commissions or manages a construction project using funds appropriated from the state.”

⁶⁹ Section 161.551(2), F.S.

⁷⁰ Section 161.551(3), F.S.

- The assessment must provide scientific and engineering evidence of the risk to the coastal structure and methods used to mitigate, adapt to, or reduce this risk.
- The assessment must use and consider available scientific research and generally accepted industry practices.
- The assessment must provide the mean average annual chance of substantial flood damage over the expected life of the coastal structure or 50 years, whichever is less.
- The assessment must analyze potential public safety and environmental impacts resulting from damage to the coastal structure, including, but not limited to, leakage of pollutants, electrocution and explosion hazards, and hazards resulting from floating or flying structural debris.
- Provide alternatives for the coastal structure's design and siting, and how such alternatives would impact specified risks, as well as the risk and cost associated with maintaining, repairing, and constructing the coastal structure.⁷¹

If a state-financed constructor commences construction of a coastal structure without complying with the SLIP study requirements, DEP is authorized to institute a civil action.⁷² In such cases, DEP may:

- Seek injunctive relief to cease further construction of the coastal structure or enforce compliance with this section or with rules adopted by the department pursuant to this section.
- If the coastal structure has been completed or has been substantially completed, seek recovery of all or a portion of state funds expended on the coastal structure.⁷³

DEP is authorized to enforce the requirements of s. 161.551, F.S., and required to adopt rules as necessary to administer the section.⁷⁴ Accordingly, DEP is currently in the process of holding workshops and developing draft rule language.⁷⁵ DEP is developing a web-based tool to enable state-financed constructors to create and submit SLIP study reports pursuant to the statute.⁷⁶ In addition, the web-based tool will provide resources for the benefit of the public, including policy information, a database of resilience strategies, and an interactive map for visualizing different scenarios of sea level rise and flooding.⁷⁷

III. Effect of Proposed Changes:

Section 1 amends s. 161.551, F.S., which requires a public entity commissioning or managing certain construction projects within the coastal building zone, using funds appropriated from the state, to conduct a sea level impact projection (SLIP) study prior to commencing construction.

⁷¹ Section 161.551(3), F.S.

⁷² Section 161.551(4), F.S.

⁷³ *Id.*

⁷⁴ Section 161.551(6) and (7), F.S.

⁷⁵ DEP, *Resilience and Coastal Protection Rules in Development*, <https://floridadep.gov/rcp/beaches-funding-program/content/resilience-and-coastal-protection-rules-development> (last visited Mar. 16, 2021).

⁷⁶ 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).

⁷⁷ *Id.*

The bill changes the title of s. 161.551, F.S., from “Public financing of construction projections within the coastal building zone” to “Public financing of construction projects within areas at risk due to sea level rise.”

The bill creates a definition, defining “area at risk due to sea level rise” as “an inland or coastal area where sea level rise can substantially increase flood risk, including tidal, storm surge, and groundwater inundation.”

The bill defines the term “potentially at-risk structure” as “a major structure or nonhabitable major structure within an area at risk due to sea level rise.” This replaces the existing definition of “coastal structure” as “a major structure or nonhabitable major structure within the coastal building zone.” The bill replaces the term “coastal structure” with the term “potentially at-risk structure” throughout s. 161.551, F.S. This broadens the geographic applicability of the section’s requirements from the coastal building zone⁷⁸ to areas at risk due to sea level rise.

The bill increases the geographic scope of applicability of s. 161.551, F.S., from the coastal building zone to areas at risk due to sea level rise by using the term “potentially at-risk structure,” as defined in the bill, for the following purposes:

- Defining “substantial flood damage” to mean “flood, inundation, or wave action, if applicable, damage resulting from a single event, such as a flood or tropical weather system, where such damage exceeds 25 percent of the market value of the potentially at-risk structure at the time of the event.”
- Prohibiting a state-financed constructor from commencing construction of a potentially at-risk structure without conducting a SLIP study pursuant to statute.
- The Department of Environmental Protection (DEP) standards for SLIP studies must require that the state-financed constructor:
 - Assess the damage risks from flooding, inundation, and wave action, if applicable, to the potentially at-risk structure over its expected life or 50 years, whichever is less.
 - Account for potential relative sea level rise and increased storm risk during the expected life of the potentially at-risk structure or 50 years, whichever is less.
 - Provide scientific and engineering evidence of the risk to the potentially at-risk structure, and methods used to mitigate, adapt to, or reduce this risk.
 - Provide the mean average annual chance of substantial flood damage over the expected life of the potentially at-risk structure or 50 years, whichever is less.
 - Analyze potential public safety and environmental impacts resulting from damage to the potentially at-risk structure.

⁷⁸ 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. The coastal building zone on coastal barrier islands is “the land area from the seasonal high-water line to a line 5,000 feet landward from the coastal construction control line established pursuant to s. 161.053, or the entire island, whichever is less. For coastal barrier islands on which a coastal construction control line has not been established pursuant to s. 161.053, the coastal building zone shall be the land area seaward of the most landward velocity zone (V-zone) boundary line fronting upon the Gulf of Mexico, Atlantic Ocean, Florida Bay, or Straits of Florida. All land area in the Florida Keys located within Monroe County shall be included in the coastal building zone.”

- Provide alternatives for the potentially at-risk structure's design and siting and how the alternatives would impact the risks, as well as the risk and cost associated with maintaining, repairing, and constructing the structure.
- If multiple potentially-at risk structures are to be built concurrently within one project, a state-financed constructor may conduct and submit one SLIP study for the entire project for publication by DEP.
- If a state-financed constructor commences construction of a potentially at-risk structure but has not complied with the statutory SLIP study requirements, DEP may institute a civil action to:
 - Seek injunctive relief to cease further construction of the potentially at-risk structure or enforce compliance with the statute or DEP rules.
 - If the potentially at-risk structure has been completed or substantially completed, seek recovery of all or a portion of state funds expended on the potentially-at risk structure.

The bill creates a new requirement for SLIP studies. The studies must provide a list of flood mitigation strategies evaluated as part of the design of the potentially at-risk structures, and identify the flood mitigation strategies that have been implemented or are being considered as part of the potentially at-risk structure design.

Section 161.551, F.S., requires DEP to adopt rules as necessary to administer the section. Thus, rulemaking by DEP will be necessary to implement the bill's changes to s. 161.551, F.S.

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:

The bill expands the geographic applicability of procedures that identify long-term risks to coastal structures, and potentially avoid some of the large costs of mitigating and dealing with future damage to, or even loss of, potentially at-risk structures. To the extent that the bill increases the avoided costs of damage or destruction, residents and businesses may benefit.

C. Government Sector Impact:

The bill would require DEP to promulgate and administer new regulations which may cause DEP to incur additional costs.

Requiring government entities to conduct a larger number of sea-level impact project studies prior to construction may result in an indeterminate, negative fiscal impact on the government sector in the short-term. However, the bill requires procedures that identify risks and potentially avoid damage and loss for an increased range of potentially at-risk structures, at least in part, using funds appropriated from the state. This may result in state funds, or potentially federal grant money that is appropriated from the state, being used for structures that have less risk of damage or loss over time, or structures that may remain undamaged or intact for a longer period of time. Therefore, the bill may result in an indeterminate, positive impact on the government sector in the long-term.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 161.551 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.

By Senator Rodriguez

39-01542-21

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1 A bill to be entitled
 2 An act relating to public financing of potentially at-
 3 risk structures; amending s. 161.551, F.S.; providing
 4 and revising definitions; providing that coastal
 5 building zones are areas at risk due to sea level rise
 6 and coastal structures within those areas are
 7 potentially at-risk structures; requiring state-
 8 financed constructors to include certain flood
 9 mitigation strategies in sea level impact projection
 10 studies; providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Section 161.551, Florida Statutes, as created by
 15 chapter 2020-119, Laws of Florida, is amended to read:

16 161.551 Public financing of construction projects within
 17 areas at risk due to sea level rise ~~the coastal building zone.~~

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

19 (a) "Area at risk due to sea level rise" means an inland or
 20 coastal area where sea level rise can substantially increase
 21 flood risk, including tidal, storm surge, and groundwater
 22 inundation.

23 (b) ~~(a)~~ "Potentially at-risk Coastal structure" means a
 24 major structure or nonhabitable major structure within an area
 25 at risk due to sea level rise ~~the coastal building zone.~~

26 (c) ~~(b)~~ "Public entity" means the state or any of its
 27 political subdivisions, or any municipality, county, agency,
 28 special district, authority, or other public body corporate of
 29 the state which is demonstrated to perform a public function or

39-01542-21

20211550__

30 to serve a governmental purpose that could properly be performed
31 or served by an appropriate governmental unit.

32 (d)~~(e)~~ "SLIP study" means a sea level impact projection
33 study as established by the department pursuant to subsection
34 (3).

35 (e)~~(d)~~ "State-financed constructor" means a public entity
36 that commissions or manages a construction project using funds
37 appropriated from the state.

38 (f)~~(e)~~ "Substantial flood damage" means flood, inundation,
39 or wave action, if applicable, damage resulting from a single
40 event, such as a flood or tropical weather system, where such
41 damage exceeds 25 percent of the market value of the potentially
42 at-risk coastal structure at the time of the event.

43 (2) Beginning 1 year after the date the rule developed by
44 the department pursuant to subsection (3) is finalized and is
45 otherwise in effect, a state-financed constructor may not
46 commence construction of a potentially at-risk coastal structure
47 without:

48 (a) Conducting a SLIP study that meets the requirements
49 established by the department;

50 (b) Submitting the study to the department; and

51 (c) Receiving notification from the department that the
52 study was received and that it has been published on the
53 department's website pursuant to paragraph (6)(a) for at least
54 30 days. The state-financed constructor is solely responsible
55 for ensuring that the study submitted to the department for
56 publication meets the requirements under subsection (3).

57 (3) The department shall develop by rule a standard by
58 which a state-financed constructor must conduct a SLIP study and

39-01542-21

20211550__

59 may require that a professional engineer sign off on the study.
60 The rule must be effective 1 year after the date it is finalized
61 and applies only to projects not yet commenced as of the date
62 the rule is finalized. The rule may not apply retroactively to
63 projects that commenced before the date the rule is finalized.
64 At a minimum, the standard must require that a state-financed
65 constructor do all of the following:

66 (a) Use a systematic, interdisciplinary, and scientifically
67 accepted approach in the natural sciences and construction
68 design in conducting the study.

69 (b) Assess the flooding, inundation, and wave action, if
70 applicable, damage risks relating to the potentially at-risk
71 ~~coastal~~ structure over its expected life or 50 years, whichever
72 is less.

73 1. The assessment must take into account potential relative
74 local sea-level rise and increased storm risk during the
75 expected life of the potentially at-risk ~~coastal~~ structure or 50
76 years, whichever is less, and, to the extent possible, account
77 for the contribution of sea-level rise versus land subsidence to
78 the relative local sea-level rise.

79 2. The assessment must provide scientific and engineering
80 evidence of the risk to the potentially at-risk ~~coastal~~
81 structure and methods used to mitigate, adapt to, or reduce this
82 risk.

83 3. The assessment must use and consider available
84 scientific research and generally accepted industry practices.

85 4. The assessment must provide the mean average annual
86 chance of substantial flood damage over the expected life of the
87 potentially at-risk ~~coastal~~ structure or 50 years, whichever is

39-01542-21

20211550__

88 less.

89 5. The assessment must analyze potential public safety and
90 environmental impacts resulting from damage to the potentially
91 at-risk ~~coastal~~ structure, including, but not limited to,
92 leakage of pollutants, electrocution and explosion hazards, and
93 hazards resulting from floating or flying structural debris.

94 (c) Provide alternatives for the potentially at-risk
95 ~~coastal~~ structure's design and siting, and how such alternatives
96 would impact the risks specified in subparagraph (b)5. as well
97 as the risk and cost associated with maintaining, repairing, and
98 constructing the potentially at-risk ~~coastal~~ structure.

99 (d) Provide a list of flood mitigation strategies evaluated
100 as part of the design of the potentially at-risk structures, and
101 identify the flood mitigation strategies that have been
102 implemented or are being considered as part of the potentially
103 at-risk structure design.

104

105 If multiple potentially at-risk ~~coastal~~ structures are to be
106 built concurrently within one project, a state-financed
107 constructor may conduct and submit one SLIP study for the entire
108 project for publication by the department.

109 (4) If a state-financed constructor commences construction
110 of a potentially at-risk ~~coastal~~ structure but has not complied
111 with the SLIP study requirement under subsection (2), the
112 department may institute a civil action in a court of competent
113 jurisdiction to:

114 (a) Seek injunctive relief to cease further construction of
115 the potentially at-risk ~~coastal~~ structure or enforce compliance
116 with this section or with rules adopted by the department

39-01542-21

20211550__

117 pursuant to this section.

118 (b) If the potentially at-risk ~~coastal~~ structure has been
119 completed or has been substantially completed, seek recovery of
120 all or a portion of state funds expended on the potentially at-
121 risk ~~coastal~~ structure.

122 (5) This section may not be construed to create a cause of
123 action for damages or otherwise authorize the imposition of
124 penalties by a public entity for failure to implement what is
125 contained in the SLIP study.

126 (6) The department:

127 (a) Shall publish and maintain a copy of all SLIP studies
128 submitted pursuant to this section on its website for at least
129 10 years after receipt. However, any portion of a study
130 containing information that is exempt from s. 119.07(1) and s.
131 24(a), Art. I of the State Constitution must be redacted by the
132 department before publication.

133 (b) Shall adopt rules as necessary to administer this
134 section.

135 (7) The department may enforce the requirements of this
136 section.

137 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: CS/SB 1946

INTRODUCER: Environment and Natural Resources Committee and Senators Polsky and Bean

SUBJECT: Anchoring Limitation Areas

DATE: March 23, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Anderson	Rogers	EN	Fav/CS
2.			CA	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1946 provides that notwithstanding the existing prohibition on local regulation of anchoring of vessels outside of the marked boundaries of mooring fields, a county may establish an anchoring limitation area within densely populated urban areas, which meets certain requirements imposed under the bill. The bill provides that the aggregate total of anchoring limitation areas in a county may not exceed 10 percent of the county's navigable waterways.

The bill provides that each anchoring limitation area must:

- Be less than 100 acres in size;
- Not include any mooring fields; and
- Be clearly marked with signs and buoys.

The bill prohibits a person from anchoring a vessel for more than 30 consecutive days in a 6-month period in an anchoring limitation area, except under existing exceptions.

The bill provides an opportunity for a vessel owner or operator to provide proof that the vessel has not exceeded the time limitation on anchoring, upon an inquiry by a law enforcement officer or agency. If the vessel owner or operator fails or refuses to provide such proof, the bill authorizes a law enforcement officer or agency to issue a citation, and later remove and impound the vessel.

A vessel that is the subject of more than three violations within 12 months, which resulted in dispositions other than acquittal or dismissal, is a public nuisance and subject to existing procedures for abandoned or lost property and relocation and removal of derelict vessels.

The bill requires FWC to initiate rulemaking, including notice to the public and an opportunity for public participation.

II. Present Situation:

Fish and Wildlife Conservation Commission

The Division of Law Enforcement Boating and Waterways Section of the Florida Fish and Wildlife Conservation Commission (FWC) oversees and coordinates statewide regulatory waterway markers to ensure compliance with uniform markers and state boating and resource protection zones for the benefit of all waterway users and fish and wildlife resources in the state.¹ The Boating and Waterways Section takes public input and provides notice of proposed local boating-restricted areas.²

FWC's boating laws are enforced by the Division of Law Enforcement and its officers, county sheriffs and deputies, municipal police officers, and any other law enforcement officer.³ The Division of Law Enforcement manages the state's waterways to ensure boating safety for residents of and visitors to the state.⁴ 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.⁵

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.⁶ 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.⁷

¹ FWC, *Waterway Management*, <https://myfwc.com/boating/waterway/> (last visited Mar. 16, 2021).

² *Id.*

³ 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.

⁴ Fish and Wildlife Conservation Commission (FWC), *Boating*, <https://myfwc.com/boating/> (last visited Mar. 17, 2021).

⁵ FWC, *Law Enforcement*, <https://myfwc.com/about/inside-fwc/le/> (last visited Mar. 17, 2021). See s. 327.70(1) and (4), F.S.

⁶ 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.

⁷ Ankersen, Hamann, & Flag, *Anchoring Away: Government Regulation and the Rights of Navigation in Florida*, 2

Local Regulation of 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.⁸ 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.⁹

Local governments are authorized to enact and enforce ordinances that prohibit or restrict the mooring or anchoring of floating structures¹⁰ or live-aboard vessels¹¹ within their jurisdictions and vessels that are within the marked boundaries of permitted mooring fields.¹² 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 and non-fishing commercial vessels, outside the marked boundaries of permitted mooring fields.¹³

Anchoring Limitation Areas

State law designates certain densely populated urban areas as anchoring limitation areas.¹⁴ These densely populated urban areas, which have narrow state waterways, residential docking facilities, and significant recreational boating traffic, include:

- The section of Middle River lying between Northeast 21st Court and the Intracoastal Waterway in Broward County;
- Sunset Lake in Miami-Dade County; and
- The sections of Biscayne Bay in Miami-Dade County lying between:
 - Rivo Alto Island and Di Lido Island;
 - San Marino Island and San Marco Island; and
 - San Marco Island and Biscayne Island.¹⁵

(Rev. May 2012), available at https://www.flseagrant.org/wp-content/uploads/anchoring_away_5_12_update_web.pdf (last visited Mar. 17, 2021).

⁸ See s. 373.118, F.S., and Fla. Admin. Code R. 62-330.420(1).

⁹ See Fla. Admin. Code R. 62-330.420.

¹⁰ 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.”

¹¹ 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.”

¹² Section 327.60(3), F.S.

¹³ Section 327.60(2)(f), F.S.

¹⁴ Section 327.4108(1), F.S.

¹⁵ *Id.*

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.¹⁶ However, there are some exceptions where anchoring is permitted in an anchoring limitation area:

- 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.¹⁷

Certain government, construction, and fishing vessels are also exempt from anchoring limitation areas.¹⁸

Law enforcement officers or agencies may remove and impound, for up to 48 hours, vessels from anchoring limitation areas when a vessel operator who was previously issued a citation:

- Continues to anchor the vessel in an anchoring limitation area within 12 hours of being issued a citation; or
- Refuses to leave the anchoring limitation area after being directed to do so by a law enforcement officer or agency.¹⁹ In addition to the civil penalty imposed by a citation, a vessel operator whose vessel has been impounded must pay all of the applicable removal and storage fees before the vessel is released.²⁰

An owner or operator of a vessel who anchors in an anchoring limitation area commits a noncriminal infraction and 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 or subsequent offense.²¹

Section 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.²²

Procedures for Lost or Abandoned Property

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

¹⁶ Section 327.4108(2), F.S.

¹⁷ Section 327.4108(3), F.S.; *see also* s. 327.48, F.S.

¹⁸ Section 327.4108(4), F.S.

¹⁹ Section 327.4108(5), F.S.

²⁰ *Id.*

²¹ Section 327.73(1)(z), F.S.

²² Sections 775.082 and 775.083, F.S.

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.²³

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.²⁴ An owner that does not remove his or her property is liable for the costs of removal, storage, and destruction of the property, less any salvage value.²⁵ If the property is sold, the agency must deposit the balance of any proceeds, less the costs of transportation, storage, and notice, into an interest-bearing account no later than 30 days after the date of the sale.²⁶ The proceeds must be held for one year and the property owner is entitled to claim the balance of the proceeds by making application to the agency.²⁷

Relocation or Removal of Derelict Vessels

Section 823.11, F.S., allows for the relocation or removal of a derelict vessel²⁸ 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. The costs incurred for relocating or removing a derelict vessel are recoverable against the vessel owner.²⁹ 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.³⁰

III. Effect of Proposed Changes:

The bill amends s. 327.4108, F.S., to provide that notwithstanding the existing prohibition on local regulation of anchoring of vessels outside of the marked boundaries of mooring fields, a county may establish an anchoring limitation area within densely populated urban areas, which have narrow state waterways, residential docking facilities, and significant recreational boating traffic. The aggregate total of anchoring limitation areas in a county may not exceed 10 percent of the county's navigable waterways. Each anchoring limitation area must meet certain requirements imposed under the bill.

The bill provides that each anchoring limitation area must:

- Be less than 100 acres in size. The bill provides that the calculated size of the anchoring limitation area does not include any portion of the marked channel of the Florida Intracoastal Waterway contiguous to the anchoring limitation area;

²³ Section 705.103(2), F.S.

²⁴ *Id.*

²⁵ Section 705.103(4), F.S.

²⁶ Section 705.103(3), F.S.

²⁷ *Id.*

²⁸ 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. Section 823.11(1)(b), F.S.

²⁹ Section 823.11(3), F.S.

³⁰ *Id.*; see s. 705.103(4), F.S.

- Not include any mooring fields; and
- Be clearly marked with all of the following:
 - Signs that provide reasonable notice to boaters which identify the duration of time beyond which anchoring is limited and identify the county ordinance with its enacting date by which the anchoring limitation area was created. The bill prohibits any ordinance adopted pursuant to the provisions in the bill from taking effect until reviewed and approved as being consistent with the requirements in the bill by FWC.
 - Buoys marking the boundary of the anchoring limitation area.

The bill prohibits a person from anchoring a vessel for more than 30 consecutive days in a 6-month period in an anchoring limitation area established under the bill.

The bill provides an opportunity for a vessel owner or operator to provide proof that the vessel has not exceeded the time limitation (a maximum of 30 days in a 6-month period) on anchoring in an anchoring limitation area, upon an inquiry by a law enforcement officer or agency. Such proof may include either documentation or electronic evidence, including, but not limited to, navigational devices or tracking devices, which shows that the vessel was in another location at least one mile away from the anchoring limitation area within a period of less than 30 days before the inquiry.

If the vessel owner or operator fails or refuses to provide proof that the vessel has not exceeded the time limitation (a maximum of 30 days in a 6-month period) on anchoring, the bill authorizes a law enforcement officer or agency to issue a citation for a violation of the anchoring limitation area. The law enforcement officer or agency is authorized remove and impound the vessel for up to 48 hours, or cause such removal and impoundment, if the vessel operator has been issued a citation for anchoring and does one of the following:

- Anchors the vessel in an anchoring limitation area within 12 hours after being issued a citation; or
- Refuses to leave the anchoring limitation area after being directed to do so by a law enforcement officer or agency.

The bill declares that a vessel that is the subject of more than three violations within 12 months, which resulted in dispositions other than acquittal or dismissal, is a public nuisance and subject to the procedures for lost and abandoned property and for derelict vessels, the procedures for relocation and removal of derelict vessels.

The bill requires FWC to initiate rulemaking by July 1, 2021, to provide criteria and procedures for reviewing applications to establish a new anchoring limitation area and procedures for public notice and participation. The bill requires the rulemaking to include, at a minimum, the following:

- Notice to the public. The bill requires FWC's Boating and Waterways Section to provide notice of the completed applications received, public meetings or hearings concerning applications, and denial or approval of applications on the section's web page and to all parties listed in the Boating and Waterways Section's public distribution list for ordinances, which any member of the public may join.
- An opportunity for public participation. The bill authorizes members of the public to provide written comments, recommendations, requests, inquiries, or other correspondence to the

Boating and Waterways Section. The bill authorizes members of the public to testify at the hearing or a FWC meeting and to submit relevant and material exhibits to the record of the proceeding if a public hearing or a review by the agency head is requested.

The bill deletes an obsolete provision tied to FWC's pilot program for regulation of mooring vessels outside of public mooring fields.

The bill reenacts s. 327.73(1)(z), F.S., which provides penalties for violations of anchoring limitation areas, to incorporate the changes made by the bill to s. 327.4108, F.S.

The bill takes 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:

Indeterminate.

C. Government Sector Impact:

Indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 327.4108 and 327.73 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 on March 22, 2021:

- Revises the requirements for newly established anchoring limitation areas to include that the area is less than 100 acres in size, not including certain areas of the Florida Intracoastal Waterway or any mooring fields.
- Clarifies the distinction between the provisions that apply to existing anchoring limitation areas and newly established anchoring limitation areas.
- Reverts the definition of “law enforcement officer or agency” to existing law.
- Clarifies that a vessel owner must receive a citation before a vessel may be removed or impounded.

- B. **Amendments:**

None.



513168

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/22/2021	.	
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	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 327.4108, Florida Statutes, is amended to read:

327.4108 Anchoring of vessels in anchoring limitation areas.—

(1) (a) The following densely populated urban areas, which have narrow state waterways, residential docking facilities, and



513168

11 significant recreational boating traffic, are designated as
12 anchoring limitation areas:

13 1.~~(a)~~ The section of Middle River lying between Northeast
14 21st Court and the Intracoastal Waterway in Broward County.

15 2.~~(b)~~ Sunset Lake in Miami-Dade County.

16 3.~~(c)~~ The sections of Biscayne Bay in Miami-Dade County
17 lying between:

18 a.~~1.~~ Rivo Alto Island and Di Lido Island.

19 b.~~2.~~ San Marino Island and San Marco Island.

20 c.~~3.~~ San Marco Island and Biscayne Island.

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

27 (2) (a) Notwithstanding s. 327.60(2) (f), a county may
28 establish, in accordance with this subsection, an anchoring
29 limitation area within densely populated urban areas, which have
30 narrow state waterways, residential docking facilities, and
31 significant recreational boating traffic. The aggregate total of
32 anchoring limitation areas in a county may not exceed 10 percent
33 of the county's navigable waterways. Each anchoring limitation
34 area must meet all of the following requirements:

35 1. Be less than 100 acres in size. For purposes of this
36 subsection, the calculated size of the anchoring limitation area
37 does not include any portion of the marked channel of the
38 Florida Intracoastal Waterway contiguous to the anchoring
39 limitation area;



513168

40 2. Not include any mooring fields; and
41 3. Be clearly marked with all of the following:
42 a. Signs that provide reasonable notice to boaters
43 identifying the duration of time beyond which anchoring is
44 limited and identifying the county ordinance with its enacting
45 date by which the anchoring limitation area was created. Any
46 ordinance adopted pursuant to this section may not take effect
47 until reviewed and approved as consistent with this section by
48 the commission.

49 b. Buoys. The county that has created an anchoring
50 limitation area shall install and maintain buoys marking the
51 boundary of the anchoring limitation area.

52 (b) Except as provided in subsections (3) and (4), a person
53 may not anchor a vessel for more than 30 consecutive days in any
54 6-month period in an anchoring limitation area under this
55 subsection.

56 (3) Notwithstanding subsections (1) and ~~subsection~~ (2), a
57 person may anchor a vessel in an anchoring limitation area:

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

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



513168

69 the hurricane or tropical storm warning affecting the area has
70 expired.

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

76 (4) This section does not apply to:

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

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

80 (c) Vessels actively engaged in commercial fishing.

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

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

86 (b)1. For a vessel in an anchoring limitation area under
87 subsection (2), upon an inquiry by a law enforcement officer or
88 agency, a vessel owner or operator must be given an opportunity
89 to provide proof that the vessel has not exceeded the
90 limitations described in subsection (2). Such proof may include
91 any of the following:

92 a. Documentation showing that the vessel was in another
93 location at least 1 mile away within a period of less than 30
94 days before the inquiry.

95 b. Electronic evidence, including, but not limited to,
96 navigational devices or tracking devices that show the vessel
97 was in another location at least 1 mile away within a period of



513168

98 less than 30 days before the inquiry.

99 2. If a vessel owner or operator fails or refuses to
100 provide proof that the vessel has not exceeded the limitations
101 described in subsection (2), the law enforcement officer or
102 agency may issue a citation for a violation of this section.

103 (c) ~~(b)~~ A law enforcement officer or agency may remove a
104 vessel from an anchoring limitation area under subsection (1) or
105 (2) and impound the vessel for up to 48 hours, or cause such
106 removal and impoundment, if the vessel operator, after being
107 issued a citation for a violation of this section:

108 1. Anchors the vessel in violation of this section within
109 12 hours after being issued the citation; or

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

112 (d) A vessel that is the subject of more than three
113 violations within 12 months which resulted in dispositions other
114 than acquittal or dismissal shall be declared to be a public
115 nuisance and subject to ss. 705.103, and for a derelict vessel,
116 subject to 823.11.

117 (e) ~~(e)~~ A law enforcement officer or agency acting under
118 this subsection to remove or impound a vessel, or to cause such
119 removal or impoundment, shall be held harmless for any damage to
120 the vessel resulting from such removal or impoundment unless the
121 damage results from gross negligence or willful misconduct.

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

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



513168

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

131 3. Be properly equipped to perform such services.

132 (g)~~(e)~~ In addition to the civil penalty imposed under s.
133 327.73(1)(z), the operator of a vessel that is removed and
134 impounded pursuant to paragraph (c)~~(b)~~ must pay all removal and
135 storage fees before the vessel is released. A vessel removed
136 pursuant to paragraph (c)~~(b)~~ may not be impounded for longer
137 than 48 hours.

138 (6) The commission shall initiate rulemaking by July 1,
139 2021, to provide criteria and procedures for reviewing
140 applications to establish an anchoring limitation area under
141 subsection (2) and procedures for public notice and
142 participation pursuant to this subsection. The rulemaking must
143 include, at a minimum, all of the following:

144 (a) Notice to the public. The Boating and Waterways Section
145 of the Fish and Wildlife Conservation Commission shall provide
146 notice of completed applications received, public meetings or
147 hearings concerning applications, and denial or approval of
148 applications on the section's web page and to all parties listed
149 in the Boating and Waterways Section's public distribution list
150 for ordinances, which any member of the public may join.

151 (b) An opportunity for public participation. Members of the
152 public may provide written comments, recommendations, requests,
153 inquiries, or other correspondence to the Boating and Waterways
154 Section. If a public hearing or a review by the agency head is
155 requested, members of the public may testify at the hearing or



513168

156 commission meeting and may submit relevant and material exhibits
157 to the record of the proceeding.

158 (7)~~(6)~~ A violation of this section is punishable as
159 provided in s. 327.73(1)(z).

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

164 Section 2. For the purpose of incorporating the amendment
165 made by this act to section 327.4108, Florida Statutes, in a
166 reference thereto, paragraph (z) of subsection (1) of section
167 327.73, Florida Statutes, is reenacted to read:

168 327.73 Noncriminal infractions.—

169 (1) Violations of the following provisions of the vessel
170 laws of this state are noncriminal infractions:

171 (z) Section 327.4108, relating to the anchoring of vessels
172 in anchoring limitation areas, for which the penalty is:

- 173 1. For a first offense, up to a maximum of \$50.
174 2. For a second offense, up to a maximum of \$100.
175 3. For a third or subsequent offense, up to a maximum of
176 \$250.

177
178 Any person cited for a violation of any provision of this
179 subsection shall be deemed to be charged with a noncriminal
180 infraction, shall be cited for such an infraction, and shall be
181 cited to appear before the county court. The civil penalty for
182 any such infraction is \$50, except as otherwise provided in this
183 section. Any person who fails to appear or otherwise properly
184 respond to a uniform boating citation shall, in addition to the



513168

185 charge relating to the violation of the boating laws of this
186 state, be charged with the offense of failing to respond to such
187 citation and, upon conviction, be guilty of a misdemeanor of the
188 second degree, punishable as provided in s. 775.082 or s.
189 775.083. A written warning to this effect shall be provided at
190 the time such uniform boating citation is issued.

191 Section 3. This act shall take effect upon becoming a law.

192
193
194
195 ===== T I T L E A M E N D M E N T =====

196 And the title is amended as follows:

197 Delete everything before the enacting clause
198 and insert:

199 A bill to be entitled

200 An act relating to anchoring limitation areas; amending s.
201 327.4108, F.S.; authorizing counties to establish anchoring
202 limitation areas that meet certain requirements; providing that
203 specified established anchoring limitation areas are exempt from
204 specified provisions; specifying size requirements for the
205 anchoring limitation areas; requiring the anchoring limitation
206 areas to be marked with signs and buoys that meet certain
207 requirements; prohibiting vessels from anchoring in such areas
208 for longer than a specified time; requiring vessel owners or
209 operators in certain anchoring limitation areas to be allowed to
210 provide specified proof of compliance with certain provisions;
211 providing that vessels with repeat offenses within a specified
212 timeframe shall be declared public nuisances and subject to
213 certain provisions; requiring the Fish and Wildlife Conservation



513168

214 Commission to initiate rulemaking by a certain date; providing
215 requirements for such rulemaking; removing applicability
216 provisions relating to the commission's recommendations;
217 reenacting s. 327.73(1)(z), F.S., relating to noncriminal
218 infractions, to incorporate the amendment made to s. 327.4108,
219 F.S., in a reference thereto; providing an effective date.

By Senator Polsky

29-01494-21

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1 A bill to be entitled
2 An act relating to anchoring limitation areas;
3 amending s. 327.4108, F.S.; authorizing counties to
4 establish anchoring limitation areas that meet certain
5 requirements; providing that specified established
6 anchoring limitation areas are exempt from specified
7 provisions; specifying size requirements for the
8 anchoring limitation areas; requiring the anchoring
9 limitation areas to be marked with signs and buoys
10 that meet certain requirements; prohibiting vessels
11 from anchoring in such areas for longer than a
12 specified time; defining the term "law enforcement or
13 code enforcement officer or agency"; requiring vessel
14 owners or operators to be allowed to provide specified
15 proof of compliance with certain provisions; providing
16 that vessels with repeat offenses within a specified
17 timeframe shall be declared public nuisances and
18 subject to certain provisions; providing that code
19 enforcement officers or agencies, in addition to law
20 enforcement officers or agencies, will be held
21 harmless for removal actions under certain
22 circumstances; requiring the Fish and Wildlife
23 Conservation Commission to initiate rulemaking by a
24 certain date; providing requirements for such
25 rulemaking; removing applicability provisions relating
26 to the commission's recommendations; reenacting s.
27 327.73(1)(z), F.S., relating to noncriminal
28 infractions, to incorporate the amendment made to s.
29 327.4108, F.S., in a reference thereto; providing an

29-01494-21

20211946__

30 effective date.

31
32 Be It Enacted by the Legislature of the State of Florida:

33
34 Section 1. Section 327.4108, Florida Statutes, is amended
35 to read:

36 327.4108 Anchoring of vessels in anchoring limitation
37 areas.—

38 (1) Notwithstanding s. 327.60(2)(f), a county may
39 establish, in accordance with this section, an anchoring
40 limitation area within ~~The following~~ densely populated urban
41 areas, which have narrow state waterways, residential docking
42 facilities, and significant recreational boating traffic. The
43 following areas previously designated as anchoring limitation
44 areas are grandfathered-in anchoring limitation areas for which
45 subsections (2), (3), (6), and (7) do not apply, ~~are designated~~
46 ~~as anchoring limitation areas:~~

47 (a) The section of Middle River lying between Northeast
48 21st Court and the Intracoastal Waterway in Broward County.

49 (b) Sunset Lake in Miami-Dade County.

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

52 1. Rivo Alto Island and Di Lido Island.

53 2. San Marino Island and San Marco Island.

54 3. San Marco Island and Biscayne Island.

55 (2) Each anchoring limitation area must:

56 (a) Be less than 200 acres in size;

57 (b) Comprise less than 10 percent of the county's navigable
58 waterways; and

29-01494-21

20211946__

59 (c) Be clearly marked with all of the following:

60 1. Signs that provide reasonable notice to boaters which
61 identify the duration of time beyond which anchoring is limited
62 and identify the county ordinance with its enacting date by
63 which the anchoring limitation area was created. Any ordinance
64 adopted pursuant to this section may not take effect until
65 reviewed and approved as consistent with this section by the
66 commission.

67 2. Buoys. The county that has created an anchoring
68 limitation area shall install and maintain buoys marking the
69 boundary of the anchoring limitation area.

70 ~~(3)(2) To promote the public's use and enjoyment of the~~
71 ~~designated waterway,~~ Except as provided in subsections (4) ~~(3)~~
72 and (5) ~~(4)~~, a person may not anchor a vessel for more than 30
73 consecutive days in any 6-month at any time during the period
74 ~~between one-half hour after sunset and one-half hour before~~
75 ~~sunrise~~ in an anchoring limitation area.

76 ~~(4)(3)~~ Notwithstanding the limitations described in
77 subsection (3) ~~(2)~~, a person may anchor a vessel in an anchoring
78 limitation area:

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

84 (b) If imminent or existing weather conditions in the
85 vicinity of the vessel pose an unreasonable risk of harm to the
86 vessel or the persons onboard unless the vessel anchors. The
87 vessel may anchor until weather conditions no longer pose such

29-01494-21

20211946__

88 risk. During a hurricane or tropical storm, weather conditions
89 are deemed to no longer pose an unreasonable risk of harm when
90 the hurricane or tropical storm warning affecting the area has
91 expired.

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

97 ~~(5)-(4)~~ This section does not apply to:

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

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

101 (c) Vessels actively engaged in commercial fishing.

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

104 ~~(6) (a) (5) (a)~~ As used in this subsection, the term "law
105 enforcement or code enforcement officer or agency" means the
106 Fish and Wildlife Conservation Commission, the county sheriff,
107 the United States Coast Guard, a county code compliance agency,
108 and authorized enforcement personnel of any of the foregoing ~~an~~
109 ~~officer or agency authorized to enforce this section pursuant to~~
110 ~~s. 327.70.~~

111 (b) Upon an inquiry by a law enforcement or code
112 enforcement officer or agency, a vessel owner or operator shall
113 be given an opportunity to provide proof that the vessel has not
114 exceeded the limitations described in subsection (3). Such proof
115 may include any of the following:

116 1. Documentation showing that the vessel was in another

29-01494-21

20211946__

117 location at least 1 mile away within a period of less than 30
118 days before the inquiry.

119 2. Electronic evidence, including, but not limited to,
120 navigational devices or tracking devices that show the vessel
121 was in another location at least 1 mile away within a period of
122 less than 30 days before the inquiry.

123 (c) ~~(b)~~ If a vessel owner or operator fails or refuses to
124 provide proof that the vessel has not exceeded the limitations
125 prescribed in subsection (3), the a law enforcement or code
126 enforcement officer or agency may remove a vessel from an
127 anchoring limitation area and impound the vessel for up to 48
128 hours, or cause such removal and impoundment, if the vessel
129 operator, after being issued a citation for a violation of this
130 section:

131 1. Anchors the vessel in violation of this section within
132 12 hours after being issued the citation; or

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

136 (d) A vessel that is the subject of more than three
137 violations within 12 months which resulted in dispositions other
138 than acquittal or dismissal shall be declared to be a public
139 nuisance and subject to ss. 705.103 and 823.11.

140 (e) ~~(e)~~ A law enforcement or code enforcement officer or
141 agency acting under this subsection to remove or impound a
142 vessel, or to cause such removal or impoundment, shall be held
143 harmless for any damage to the vessel resulting from such
144 removal or impoundment unless the damage results from gross
145 negligence or willful misconduct.

29-01494-21

20211946__

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

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

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

155 3. Be properly equipped to perform such services.

156 (g)~~(e)~~ In addition to the civil penalty imposed under s.
157 327.73(1)(z), the operator of a vessel that is removed and
158 impounded pursuant to paragraph (c) ~~(b)~~ must pay all removal and
159 storage fees before the vessel is released. A vessel removed
160 pursuant to paragraph (c) ~~(b)~~ may not be impounded for longer
161 than 48 hours.

162 (7) The commission shall initiate rulemaking by July 1,
163 2021, to provide criteria and procedures for reviewing
164 applications and procedures for public notice and participation
165 pursuant to this subsection. The rulemaking must include, at a
166 minimum, all of the following:

167 (a) Notice to the public. The Boating and Waterways Section
168 of the Fish and Wildlife Conservation Commission shall provide
169 notice of completed applications received, public meetings or
170 hearings concerning applications, and denial or approval of
171 applications on the section's web page and to all parties listed
172 in the Boating and Waterways Section's public distribution list
173 for ordinances, which any member of the public may join.

174 (b) An opportunity for public participation. Members of the

29-01494-21

20211946__

175 public may provide written comments, recommendations, requests,
176 inquiries, or other correspondence to the Boating and Waterways
177 Section. If a public hearing is requested or a review by the
178 agency head is requested, members of the public may testify at
179 the hearing or commission meeting and may submit relevant and
180 material exhibits to the record of the proceeding.

181 ~~(8)(6)~~ A violation of this section is punishable as
182 provided in s. 327.73(1)(z).

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

187 Section 2. For the purpose of incorporating the amendment
188 made by this act to section 327.4108, Florida Statutes, in a
189 reference thereto, paragraph (z) of subsection (1) of section
190 327.73, Florida Statutes, is reenacted to read:

191 327.73 Noncriminal infractions.—

192 (1) Violations of the following provisions of the vessel
193 laws of this state are noncriminal infractions:

194 (z) Section 327.4108, relating to the anchoring of vessels
195 in anchoring limitation areas, for which the penalty is:

- 196 1. For a first offense, up to a maximum of \$50.
- 197 2. For a second offense, up to a maximum of \$100.
- 198 3. For a third or subsequent offense, up to a maximum of
199 \$250.

200
201 Any person cited for a violation of any provision of this
202 subsection shall be deemed to be charged with a noncriminal
203 infraction, shall be cited for such an infraction, and shall be

29-01494-21

20211946__

204 cited to appear before the county court. The civil penalty for
205 any such infraction is \$50, except as otherwise provided in this
206 section. Any person who fails to appear or otherwise properly
207 respond to a uniform boating citation shall, in addition to the
208 charge relating to the violation of the boating laws of this
209 state, be charged with the offense of failing to respond to such
210 citation and, upon conviction, be guilty of a misdemeanor of the
211 second degree, punishable as provided in s. 775.082 or s.
212 775.083. A written warning to this effect shall be provided at
213 the time such uniform boating citation is issued.

214 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: CS/SB 912

INTRODUCER: Environment and Natural Resources Committee and Senator Albritton

SUBJECT: Tolling and Extension of Permits and Other Authorizations During States of Emergency

DATE: March 23, 2021 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Paglialonga</u>	<u>Ryon</u>	<u>CA</u>	Favorable
2.	<u>Anderson</u>	<u>Rogers</u>	<u>EN</u>	Fav/CS
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

Section 252.363, F.S., of the State Emergency Management Act, provides that a state of emergency issued by the Governor for a natural emergency tolls¹ the period remaining for a party to exercise rights under certain permits and other authorizations. The period remaining to exercise such rights is suspended for the duration of the state of emergency, plus an additional six months. The emergency tolling and extension afforded by this statute currently applies to the expiration of a development order issued by a local government, a building permit, and an environmental resource permit issued pursuant to Part IV of ch. 373, F.S.

CS/SB 912 specifies additional permits and authorizations that may be tolled and extended during a state of emergency. These include consumptive use permits issued under Part II of ch. 373, F.S., and development permits and development agreements.

The bill applies retroactively to any declaration of a state of emergency issued by the Governor for a natural emergency since March 1, 2020. Under this retroactive application, existing permits and authorizations added by the bill may receive the emergency tolling and extension for the state of emergency declared in response to the COVID-19 pandemic.

¹ Toll means “[t]o suspend or stop temporarily as the statute of limitations is tolled during the defendant’s absence from the jurisdiction and during the plaintiff’s minority.” Black’s Law Dictionary (6th ed. 1990).

II. Present Situation:

The State Emergency Management Act

The State Emergency Management Act in ch. 252, F.S., describes how Florida prepares, responds, recovers, and mitigates emergencies. Chiefly, this Act endows the Governor with authority to declare a state of emergency.² In a state of emergency, the Governor and local governments have broad power to perform necessary actions to ensure the health, safety, and welfare of Floridians.³ A state of emergency grants the Governor with additional statutory authority to perform actions not otherwise allowed by law, such as the ability to impose curfews, order evacuations, determine means of ingress and egress to and from affected areas, and commandeer or utilize private property subject to compensation.⁴ To facilitate emergency measures, the Governor has the power to issue executive orders, proclamations, and rules, which have the force and effect of law.⁵ The Governor may delegate this and other emergency powers to executive agencies and local governments.⁶

Declaration and Duration of a State of Emergency

Florida law does not condition the Governor's ability to declare a state of emergency on any specific prerequisite other than the existence of an actual or impending "emergency."⁷ The Governor declares a state of emergency by issuing an executive order to that effect. The declaration of a state of emergency activates local emergency management plans, which allow for state and intergovernmental assistance such as the distribution of necessary supplies and equipment,⁸ and vests authority in the Governor as commander-in-chief of the Florida National Guard and "all other forces available for emergency duty."⁹

The State Emergency Management Act does not provide a statutory limit on the duration of a state of emergency. Section 252.36(2), F.S., states that "[t]he state of emergency shall continue until the Governor finds that the threat or danger has been dealt with to the extent that the emergency conditions no longer exist and she or he terminates the state of emergency by executive order or proclamation, but no state of emergency may continue for longer than 60 days unless renewed by the Governor." Alternatively, a state of emergency may also be terminated by concurrent resolution of the Florida Legislature.¹⁰

² Section 252.36(2), F.S.

³ Section 252.36, F.S. *See also Miami-Dade County v. Miami Gardens Square One, Inc.*, --- So.3d ----, 2020 WL 6472542 (Fla. 3rd DCA Nov. 4, 2020).

⁴ Section 252.36(5), F.S.

⁵ Section 252.36(1)(b), F.S.

⁶ Section 252.35(2)(v), F.S.

⁷ Section 252.36(2), F.S. An "emergency" is defined as "any occurrence, or threat thereof, . . . which results or may result in substantial injury or harm to the population or substantial damage to or loss of property."

⁸ Section 252.36(3)(b), F.S.

⁹ Section 252.36(4), F.S.

¹⁰ Section 252.36(2), F.S.

Emergency Tolling and Extension of Permits and Other Authorizations

Under s. 252.363, F.S., when the Governor declares a state of emergency for a natural emergency,¹¹ the period to exercise rights under a permit or other authorization is tolled for the duration of the emergency. The period remaining to exercise such rights is extended for six months in addition to the tolled period.

The emergency tolling and extension expressly applies to the following permits and authorizations:

- Expiration of a development order issued by a local government;
- Expiration of a building permit;
- Expiration of an environmental resource permit issued by the Department of Environmental Protection (DEP) or a water management district under ch. 373, part IV, F.S.; or
- The buildout date for a development of regional impact or any extension of such date under s. 380.06(7)(c), F.S.¹²

To receive the benefit of tolling and extension of a permit, the holder must follow the procedure outlined in s. 252.363(1)(b), F.S. Specifically, within 90 days after the emergency declaration's termination, the permitholder must provide written notice of the intent to exercise the tolling and extension. The written notice must identify the specific permit or authorization qualifying for the extension to the issuing authority. Once the permitholder has satisfied this procedure, the tolling and extension are granted as a matter of law, and no further action on the part of the issuing authority is needed.¹³

The tolling and extension of permits and other authorizations does not apply to the following:

- A permit or other authorization for a building, improvement, or development located outside the geographic area for which the declaration of a state of emergency applies;
- A permit or other authorization under any programmatic or regional general permit issued by the Army Corps of Engineers;
- The holder of a permit or other authorization who is determined by the authorizing agency to be in significant noncompliance with the conditions of the permit or other authorization through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or an equivalent action; and
- A permit or other authorization that is subject to a court order specifying an expiration date or buildout date that would conflict with the extensions granted due to a state of emergency.¹⁴

¹¹ The Florida Supreme Court has ruled that a pandemic is a “natural emergency” within the meaning of s. 252.34(8), F.S. (“Natural emergency” means an emergency caused by a natural event, including, but not limited to, a hurricane, a storm, a flood, severe wave action, a drought, or an earthquake.) See *Abramson v. DeSantis*, Case No.: SC20-646, 202 WL 3464376 (Fla. June 25, 2020).

¹² Section 252.363(1)(a), F.S.

¹³ “Nothing in the statute imposes an obligation on the municipality to take any action extending development orders, rather, it appears that the Legislature intended to place that burden on the holder of the permit who must provide written notification to the issuing authority of his or her intent to exercise the tolling and extension of the statute.” See Op. Att’y Gen. Fla. 12-13 (2012), available at <http://www.myfloridalegal.com/ago.nsf/Opinions/0DF58A091F0DDDBEC852579EB00743D48> (last visited Mar. 16, 2021).

¹⁴ Section 252.363(1)(d), F.S.

The COVID-19 State of Emergency

In response to the COVID-19 pandemic, Governor DeSantis officially declared a state of emergency on March 9, 2020, via Executive Order 20-52.¹⁵ The state of emergency declared by Executive Order 20-52 has been continuously renewed by Governor DeSantis since the initial declaration. The next expiration date by which the state of emergency must be renewed is April 26, 2021.¹⁶

The Florida Water Resources Act

Florida law addresses water resources in ch. 373, F.S. This area of law creates a comprehensive regulatory system that provides more certainty in water rights, water uses, planning, and regulation to protect the quality and quantity of Florida's water resources. DEP and the state's five water management districts¹⁷ are provided statutory authority to ensure effective implementation of Florida's water resource laws.¹⁸ These statutory responsibilities include various aspects of the statewide permitting system relating to water resources.

Permitting of Consumptive Uses of Water, Part II of ch. 373, F.S.

Part II of ch. 373, F.S., establishes the permitting system for consumptive uses of water. DEP and Florida's five water management districts are tasked with various aspects of the consumptive use permit (CUP) system. The water management districts are responsible for issuing CUPs.¹⁹

A CUP allows the holder to withdraw a specified amount of water from the ground (aquifers) or a canal, lake, or river (surface water) for reasonable-beneficial uses in a manner that does not interfere with other existing legal water uses and protects water resources from harm.²⁰ The water can be used for public supply (drinking water), agricultural and landscape irrigation, golf course irrigation, commercial use, dewatering/mining activities, and power generation. Water uses not covered by CUPs include domestic uses, home irrigation, and water used for fighting fires. CUPs require water conservation to prevent wasteful uses, require reclaimed water instead of higher-quality groundwater where appropriate, and set limits on the amount of water that can be withdrawn.²¹

¹⁵ Executive Order 20-52 (Mar. 9, 2020), available at https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-52.pdf (last visited Mar. 16, 2021).

¹⁶ The state of emergency declared in Executive Order 20-52, as extended by Executive Orders 20-114, 20-166, 20-192, 20-213, 20-276, and 20-316 will be extended for 60 days following the issuance of this order for the entire State of Florida. See Executive Order 21-45 (Feb. 26, 2021), available at https://www.flgov.com/wp-content/uploads/orders/2021/EO_21-45.pdf (last visited Mar. 16, 2021).

¹⁷ Florida's five districts are the Northwest Florida Water Management District, the Suwannee River Water Management District, the St. Johns River Water Management District, the Southwest Florida Water Management District, and the South Florida Water Management District. See Florida Department of Environmental Protection, *Water Management Districts*, available at <https://floridadep.gov/water-policy/water-policy/content/water-management-districts> (last visited Mar. 16, 2021).

¹⁸ Section 373.016, F.S.

¹⁹ See South Florida Water Management District, *Consumptive Water Use Permits*, <https://www.sfwmd.gov/doing-business-with-us/permits/water-use-permits> (last visited Mar. 16, 2021).

²⁰ *Id.*

²¹ Florida Department of Environmental Protection, *2021 Florida Water Plan*, available at <https://fddep.maps.arcgis.com/apps/Cascade/index.html?appid=473b768b4af049bf91b2879b83ea961c> (last visited Mar. 16, 2021).

Section 373.236(1), F.S., provides in part that CUPs "shall be granted for a period of 20 years[.]" However, the precise duration of a CUP largely depends on circumstances and facts related to the specific water resource and water use.²² CUP renewal applications are treated in the same manner as the initial permit application.²³ Some activities requiring a CUP cannot be issued until an applicable permit under Part IV of ch. 373, F.S., is complete and receives staff recommendations for approval.²⁴

Management and Storage of Surface Water, Part IV of ch. 373, F.S.

Part IV of ch. 373, F.S., provides DEP and Florida's five water management districts with the statutory authority to collectively regulate structures or construction affecting surface water resources. DEP and water management districts proscribe rules and regulations related to the management and storage of surface water and administer surface water permitting.²⁵

Surface water management and storage addressed in Part IV of ch. 373, F.S., includes the construction, alteration, operation, maintenance, abandonment, and removal of water management systems, such as dams, impoundments, reservoirs, works, and appurtenant works.²⁶ Furthermore, projects which involve dredging, filling, and activities that create canals, ditches, culverts, impoundments, fill roads, buildings, and other impervious surfaces affecting surface water are subject to the requirements of Part IV of ch. 373, F.S., and are within the oversight of DEP and water management districts.²⁷

Permitting thresholds and requirements may vary between water management districts. Water quality and quantity considerations and general environmental concerns are addressed in the permit application process. Permit revocation or modification of a permit may occur if the permit conditions or statutory mandates are not met. Permit duration will vary depending on the project.²⁸

Community Planning and Development

The Community Planning Act²⁹ largely governs community planning and development in Florida. The Community Planning Act details how local governments create, adopt, and maintain their local comprehensive plans, which address a broad array of property rights, land use, and planning aspects of the land area within their jurisdiction.³⁰ A crucial aspect of a local government's community planning activities involves the granting and denying of rights related to the use and development of real property.

²² See s. 373.236, F.S.

²³ Section 373.239(3), F.S.

²⁴ Florida Department of Environmental Protection, *2021 Florida Water Plan*, available at <https://fdep.maps.arcgis.com/apps/Cascade/index.html?appid=473b768b4af049bf91b2879b83ea961c> (last visited Mar. 16, 2021).

²⁵ Section 373.4131, F.S.

²⁶ See Environmental Resource Permit Applicant's Handbook, available at https://www.flrules.org/gateway/readRefFile.asp?filename=010_4a--AHI_thruAppendix_D_ADA_3-5-14.doc&refId=3174 (last visited Mar. 16, 2021).

²⁷ *Id.*

²⁸ *Id.* at 6-1.

²⁹ Part II of ch. 163, F.S.

³⁰ Section 163.3167(1)(b), F.S.

Development Permits and Orders

The Community Planning Act defines "development" as "the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels."³¹ When a party wishes to engage in development activity, they must seek a development permit from the appropriate local government having jurisdiction. Under the Community Planning Act, a development permit includes "any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land."³² Once a local government has officially granted or denied a development permit, the official action constitutes a development order.³³

The Florida Local Government Development Agreement Act

In furtherance of community planning and development, the Legislature enacted the Florida Local Government Development Agreement Act.³⁴ This Act standardizes the procedures and requirements needed for a local government to enter into a development agreement.³⁵ A development agreement is a contract between a local government and a property owner/developer. These agreements provide a property owner/developer with vested rights applicable to a property. Typically, local governments provide these vested rights in exchange for public benefits provided by the property owner/developer.³⁶ A development agreement's duration may not exceed 30 years unless the local government and property owner/developer mutually consent to extend the agreement.³⁷

III. Effect of Proposed Changes:

Section 1 amends s. 252.363, F.S., to provide for the tolling and extension of certain permits and agreements during a state of emergency. Under the bill, the expiration of consumptive use permits issued by DEP or a water management district under Part II of ch. 373, F.S., may be tolled and extended during a state of emergency. Additionally, the bill provides that the expiration of development permits and development agreements authorized by state law, including those authorized under the Florida Local Government Development Agreement Act, or issued by a local government or other governmental entity, may be tolled and extended during a state of emergency.

Section 2 provides that the provisions of the bill apply retroactively to any declaration of a state of emergency issued by the Governor for a natural emergency since March 1, 2020. Thus, permits or authorizations added to the statute may receive tolling and extension for the state of emergency Governor DeSantis declared on March 9, 2020, in response to the COVID-19 pandemic.

³¹ Section 163.3164(14), F.S.; *see* s. 380.04(1), F.S.

³² Section 163.3164(16), F.S.

³³ *See* s. 163.3164(15), F.S. "Development order" means any order granting, denying, or granting with conditions an application for a development permit.

³⁴ *See* s. 163.3220, F.S.

³⁵ Section 163.3227, F.S.; *see* ss. 163.3220-163.3243, F.S.

³⁶ *See Preserve Palm Beach Political Action Committee v. Town of Palm Beach*, 50 So.3d 1176 (Fla. 4th DCA 2010).

³⁷ Section 163.3229, F.S.

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 identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The holders of permits added to the emergency tolling and extension statute may realize a nominal net positive fiscal impact.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 252.363 of the Florida Statutes.

IX. Additional Information:

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

CS by Environment and Natural Resources on March 22, 2021:
Makes a technical change.

- 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	.	
03/22/2021	.	
	.	
	.	
	.	

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

Senate Amendment

Delete line 36

and insert:

5. The expiration of a development permit or a development
agreement

By Senator Albritton

26-00403A-21

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1 A bill to be entitled
2 An act relating to the tolling and extension of
3 permits and other authorizations during states of
4 emergency; amending s. 252.363, F.S.; adding
5 consumptive use permits issued under part II of ch.
6 373, F.S., and specified development permits and
7 development agreements to the list of permits and
8 other authorizations that are tolled and extended
9 during a state of emergency declared by the Governor
10 for a natural emergency; providing for retroactive
11 application; providing an effective date.

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

14
15 Section 1. Subsection (1) of section 252.363, Florida
16 Statutes, is amended to read:

17 252.363 Tolling and extension of permits and other
18 authorizations.—

19 (1) (a) The declaration of a state of emergency issued by
20 the Governor for a natural emergency tolls the period remaining
21 to exercise the rights under a permit or other authorization for
22 the duration of the emergency declaration. Further, the
23 emergency declaration extends the period remaining to exercise
24 the rights under a permit or other authorization for 6 months in
25 addition to the tolled period. This paragraph applies to the
26 following:

27 1. The expiration of a development order issued by a local
28 government.

29 2. The expiration of a building permit.

26-00403A-21

2021912__

30 3. The expiration of a permit issued by the Department of
31 Environmental Protection or a water management district pursuant
32 to part II or part IV of chapter 373.

33 4. The buildout date of a development of regional impact,
34 including any extension of a buildout date that was previously
35 granted as specified in s. 380.06(7)(c).

36 5. Development permits and development agreements
37 authorized by state law, including those authorized under the
38 Florida Local Government Development Agreement Act, or issued by
39 a local government or other governmental agency.

40 (b) Within 90 days after the termination of the emergency
41 declaration, the holder of the permit or other authorization
42 shall notify the issuing authority of the intent to exercise the
43 tolling and extension granted under paragraph (a). The notice
44 must be in writing and identify the specific permit or other
45 authorization qualifying for extension.

46 (c) If the permit or other authorization for a phased
47 construction project is extended, the commencement and
48 completion dates for any required mitigation are extended such
49 that the mitigation activities occur in the same timeframe
50 relative to the phase as originally permitted.

51 (d) This subsection does not apply to:

52 1. A permit or other authorization for a building,
53 improvement, or development located outside the geographic area
54 for which the declaration of a state of emergency applies.

55 2. A permit or other authorization under any programmatic
56 or regional general permit issued by the Army Corps of
57 Engineers.

58 3. The holder of a permit or other authorization who is

26-00403A-21

2021912__

59 determined by the authorizing agency to be in significant
60 noncompliance with the conditions of the permit or other
61 authorization through the issuance of a warning letter or notice
62 of violation, the initiation of formal enforcement, or an
63 equivalent action.

64 4. A permit or other authorization that is subject to a
65 court order specifying an expiration date or buildout date that
66 would be in conflict with the extensions granted in this
67 section.

68 Section 2. The amendments made to s. 252.363, Florida
69 Statutes, by this act shall apply retroactively to any
70 declaration of a state of emergency issued by the Governor for a
71 natural emergency since March 1, 2020.

72 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: Environment and Natural Resources Committee

SUBJECT: Central Florida Water Initiative

DATE: March 23, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Anderson	Rogers		EN Submitted as Comm. Bill/Fav
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 required rulemaking to include an annual supplemental irrigation requirement allocation for agricultural uses and a process for examining an agriculture user's average annual supplemental irrigation needs.
- Provides that these rules do not apply to areas where existing recovery strategies within the Central Florida Water Initiative Area adopted before July 1, 2016, contain supplemental irrigation allocation requirements.
- 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

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

¹ Section 120.541(2)(a), F.S.

² Section 120.541(3), F.S.

- 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

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

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).

⁸ Section 403.8533, F.S.

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

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

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.

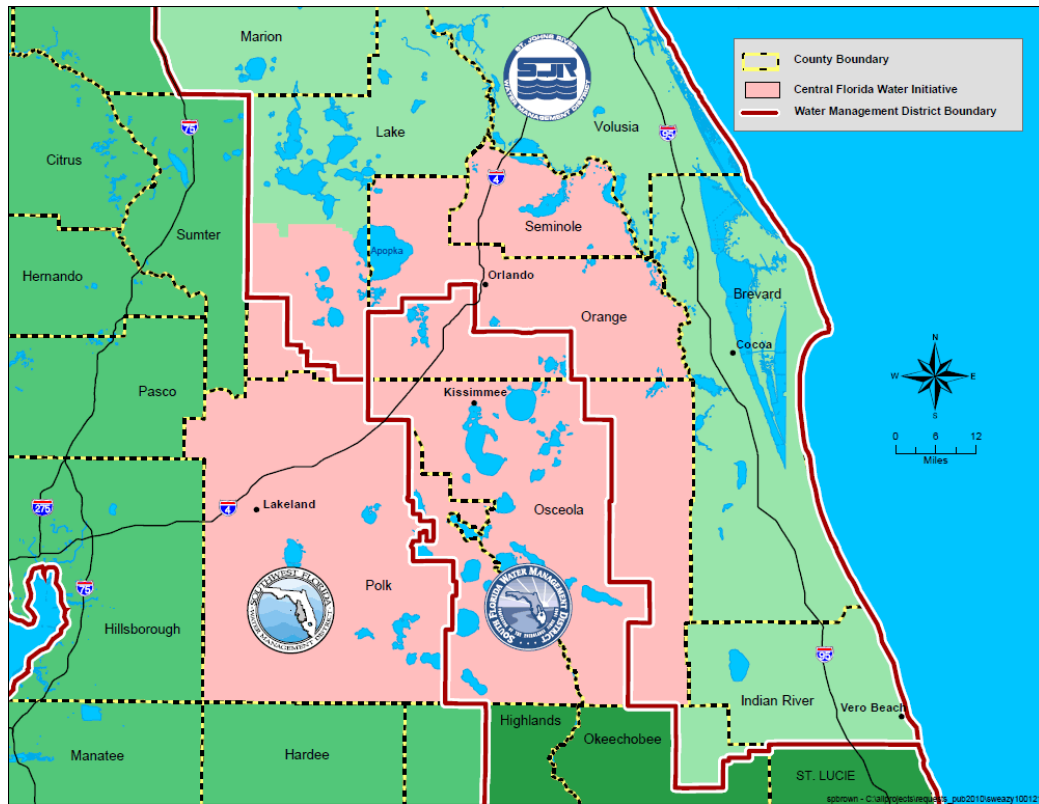
¹⁴ Section 373.0465(2)(a), F.S.; Central Florida Water Initiative (CFWI), *What is CFWI?*, https://cfwiwater.com/what_is_CFWI.html (last visited Mar. 8, 2021).

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.*

¹⁷ *Id.* at 90.

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

The guiding principles for the CFWI process were initially designed to ensure sufficient water was available by:

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.*

- 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
- 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:

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.

²⁶ Section 373.0465(2)(c), F.S.

- 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
- 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

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).

³⁵ Proposed CFWI Supplemental Applicant’s Handbook, 32, available at <https://floridadep.gov/water-policy/water-policy/documents/cfwi-2021-02-09-applicants-handbook> (last visited Mar. 10, 2021).

- 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 industrial/commercial/institutional water use permittees and applicants.⁴⁵ Thereafter, applicants and permittees would need to meet additional water demands with water from alternative

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.

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).

sources. The transactional cost of the proposed rule by the year 2040 is estimated to be \$190 million annually.⁴⁶

Agricultural Use Type Permittees and Applicants

Under the proposed rule, agricultural, landscape, and recreation use type permittees and applicants withdrawing water from the Upper Floridan Aquifer for irrigation are not limited to the demonstrated 2025 water demand. Instead, permitted quantities for supplemental irrigation are based on two thresholds of water use: a 5-in-10-year rainfall condition and a 2-in-10-year drought condition.⁴⁷

An allocation using a 5-in-10-year rainfall condition represents the amount of water required to meet average annual water demands.⁴⁸ An allocation using a 2-in-10-year drought condition represents the amount of water required to meet water demands generated from a rainfall deficit during a drought with the probability of recurring twice every ten years.⁴⁹ Compliance with these annual allocations is based on the quantity withdrawn over a rolling average of the previous 12-month period.

According to DEP's SERC, the 5-in-10-year rainfall condition is used to better match actual water demands to their corresponding rainfall conditions and the 2-in-10-year drought condition allows for unusual water needs caused by weather conditions.⁵⁰

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.⁵¹ 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.

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 Proposed CFWI Supplemental Applicant's Handbook, 14, available at <https://floridadep.gov/water-policy/water-policy/documents/cfwi-2021-02-09-applicants-handbook> (last visited Mar. 10, 2021).

⁴⁸ DEP, *Statement of Estimated Regulatory Costs* (Feb. 8, 2021) at 4-35, available at https://floridadep.gov/sites/default/files/CFWI%20SERC%20Report%2002_08_2021%20with%20LCRA_0.pdf (last visited Mar. 9, 2021).

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.* at 7-2.

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.⁵²
- 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.⁵³
- The rule has to address both individual and cumulative harm to water resources in the CFWI area.⁵⁴
- The rule provides for numerous alternatives and accommodations to address hardships.⁵⁵
- The suggested 7 percent reduction in water use does not accomplish the objectives of the law being implemented.⁵⁶
- The conservation goals are feasible and many permittees are already meeting the goals. If a permittee cannot meet the goal, a variance is available.⁵⁷
- 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.⁵⁸

As a result, on March 1, 2021, the local governments and entities submitted several rule challenges to the Division of Administrative Hearings. The final administrative hearing on the challenges was canceled, and the case has been placed in abeyance due to the parties reaching a tentative settlement agreement.⁵⁹ A revised rule is also expected from DEP.

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.⁶⁰

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.⁶¹ 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.⁶²

⁵² *Id.* at 7-4.

⁵³ *Id.* at 7-4 – 7-5.

⁵⁴ *Id.* at 7-5 – 7-6.

⁵⁵ *Id.* at 7-6.

⁵⁶ *Id.* at 7-11.

⁵⁷ *Id.* at 7-12.

⁵⁸ *Id.* at 7-15.

⁵⁹ Division of Administrative Hearings, Order Canceling Hearing and Placing Case in Abeyance (Mar. 19, 2021), available at <https://www.doah.state.fl.us/DocDoc/2021/000791/21000791OCHA-031921-01483343.pdf> (last visited Mar. 23, 2021).

⁶⁰ Fla. Admin. Code. R. 62-40.210(43).

⁶¹ Fla. Admin. Code. R. 62-40.520(2).

⁶² *Id.*

The CFWI Planning Area was identified as a WUCA in the 2015 CFWI RWSP and verified as a WUCA in the 2020 CFWI RWSP.⁶³ 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.⁶⁴ 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.⁶⁵

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 aquifer levels.⁶⁶ DEP is currently evaluating both WUCAs to determine whether targets have been achieved.⁶⁷

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;

⁶³ 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).

⁶⁴ 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).

⁶⁵ *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).

⁶⁶ *Id.*

⁶⁷ *Id.*

- 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.

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 s. 373.0465, F.S. The bill revises the rulemaking authority to require DEP, in consultation with the relevant water management districts and the Department of Agriculture and Consumer Services, to adopt uniform rules for application within the CFWI that include:

- An annual supplemental irrigation requirement allocation for agricultural uses based on a 2-in-10-year drought condition, or a more frequent occurring drought condition if the applicant so requests; and
- A process for the applicable water management district to examine an agriculture user's average annual supplemental irrigation water use over 5-year periods against the annual supplemental irrigation needs in the 5-in-10-year rainfall condition. If the agricultural user's average annual use exceeds that needed in the 5-in-10-year rainfall condition for reasons other than prolonged periods of below average rainfall, the water management district may request that the agricultural user explain the reason for the exceedance and what measures that user will employ to reduce such future average annual water use to be no greater than the amount needed in the 5-in-10-year rainfall condition. The bill specifies that nothing in this process shall be identified as an allocation.

The bill provides that the new rule requirements above do not apply to areas where existing recovery strategies within the Central Florida Water Initiative Area adopted before July 1, 2016, contain supplemental irrigation allocation requirements.

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.⁶⁸

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.⁶⁹ 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 \$64,000.⁷⁰

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.

⁶⁸ 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).

⁶⁹ *Id.*

⁷⁰ *Id.* at ES-6.

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



804984

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/22/2021	.	
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The Committee on Environment and Natural Resources (Brodeur) recommended the following:

Senate Amendment (with title amendment)

Delete lines 77 - 134

and insert:

(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



804984

11 Central Florida Water Initiative Area that include:
12 1. A single, uniform definition of the term "harmful to the
13 water resources" consistent with the term's usage in s. 373.219;
14 2. A single method for calculating residential per capita
15 water use;
16 3. A single process for permit reviews;
17 4. A single, consistent process, as appropriate, to set
18 minimum flows and minimum water levels and water reservations;
19 5. A goal for residential per capita water use for each
20 consumptive use permit; ~~and~~
21 6. An annual conservation goal for each consumptive use
22 permit consistent with the regional water supply plan;
23 7. An annual supplemental irrigation requirement allocation
24 for agricultural uses based on a 2-in-10-year drought condition,
25 or a more frequent occurring drought condition if the applicant
26 so requests; and
27 8. A process for the applicable water management district
28 to examine an agriculture user's average annual supplemental
29 irrigation water use over 5-year periods against the annual
30 supplemental irrigation needs in the 5-in-10-year rainfall
31 condition. If this examination indicates that the agricultural
32 user's average annual use exceeds that needed in such rainfall
33 condition for reasons other than prolonged periods of below
34 average rainfall, the water management district may request that
35 the agricultural user explain the reason for the exceedance and
36 what measures that user will employ to reduce such future
37 average annual water use to be no greater than that needed in
38 the 5-in-10-year rainfall condition. However, nothing in this
39 process shall be identified as an allocation.



40
41 Subparagraphs 7. and 8. above shall not apply to areas where
42 existing recovery strategies within the Central Florida Water
43 Initiative Area adopted before July 1, 2016, contain
44 supplemental irrigation allocation requirements. The uniform
45 rules must include existing recovery strategies within the
46 Central Florida Water Initiative Area adopted before July 1,
47 2016. The department may grant variances to the uniform rules if
48 there are unique circumstances or hydrogeological factors that
49 make application of the uniform rules unrealistic or
50 impractical.

51
52
53 ===== T I T L E A M E N D M E N T =====

54 And the title is amended as follows:

55 Delete lines 15 - 27

56 and insert:

57 373.0465, F.S.; requiring the department, in
58 consultation with specified water management
59 districts, to adopt rules that include an annual
60 supplemental irrigation requirement allocation for
61 agricultural uses and a process for examining an
62 agriculture user's average annual supplemental
63 irrigation needs; providing for the applicability of
64 specified rules to areas with certain existing
65 recovery strategies; creating s. 373.0466, F.S.;



202408

LEGISLATIVE ACTION

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

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
14
15
16
17
18

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

And the title is amended as follows:

Delete lines 25 - 27

and insert:

had good cause for an exceedance; creating s.

373.0466, F.S.;

FOR CONSIDERATION By the Committee on Environment and Natural Resources

592-01109C-21

20217062pb

1 A bill to be entitled
2 An act relating to the Central Florida Water
3 Initiative; ratifying specified rules relating to the
4 Central Florida Water Initiative, for the sole and
5 exclusive purpose of satisfying any condition on
6 effectiveness pursuant to s. 120.541(3), F.S., which
7 requires ratification of any rule exceeding any
8 specified thresholds for likely adverse impact or
9 increase in regulatory costs; providing applicability;
10 requiring the Department of Environmental Protection
11 to provide reports relating to implementation of the
12 requirements of the Central Florida Water Initiative
13 rules to the Legislature by specified dates; providing
14 a declaration of important state interest; amending s.
15 373.0465, F.S.; revising legislative findings;
16 requiring the department, in consultation with
17 specified water management districts, to adopt rules
18 to limit the amount of groundwater that existing and
19 future permittees may withdraw from the Floridan
20 Aquifer based on certain information; prohibiting the
21 department or the water management districts from
22 pursuing, for purposes of the Central Florida Water
23 Initiative Area only, enforcement actions against
24 permittees without first determining if the permittee
25 had good cause for an exceedance; requiring the water
26 management districts to modify existing permits upon
27 the adoption of new rules; creating s. 373.0466, F.S.;
28 establishing, subject to appropriation, a Central
29 Florida Water Initiative grant program within the

592-01109C-21

20217062pb

30 department; requiring the department, in cooperation
31 with the relevant water management districts, to
32 distribute appropriated funds for certain projects
33 within the Central Florida Water Initiative Area;
34 providing requirements for the distribution; amending
35 s. 403.8532, F.S., requiring the department to give
36 funding priority to certain projects relating to the
37 Central Florida Water Initiative; providing an
38 effective date.

39
40 Be It Enacted by the Legislature of the State of Florida:

41
42 Section 1. (1) The following rule is ratified for the sole
43 and exclusive purpose of satisfying any condition on
44 effectiveness imposed under s. 120.541(3), Florida Statutes:
45 Rules 62-41.300, 62-41.301, 62.41.302, 62-41.303, 62-41.304, 62-
46 41.305, Florida Administrative Code, titled "Central Florida
47 Water Initiative Area" as published on February 9, 2021, in the
48 Florida Administrative Register, Vol. 47, No. 26, pages 733-734.

49 (2) This section serves no other purpose and shall not be
50 codified in the Florida Statutes. After this act becomes a law,
51 its enactment and effective dates shall be noted in the Florida
52 Administrative Code or the Florida Administrative Register, or
53 both, as appropriate. This section does not constitute
54 legislative preemption of or exception to any provision of law
55 governing adoption or enforcement of the rule cited, and is
56 intended to preserve the status of any cited rule as a rule
57 under chapter 120, Florida Statutes. This section does not cure
58 any rulemaking defect or preempt any challenge based on a

592-01109C-21

20217062pb

59 violation of the legal requirements governing the adoption of
60 any rule cited.

61 (3) By December 31, 2025, and December 31, 2030, the
62 Department of Environmental Protection shall provide a report to
63 the President of the Senate and the Speaker of the House of
64 Representatives which details methods the department has used to
65 address practical and economic barriers to implementing the
66 requirements of the Central Florida Water Initiative rules,
67 including, but not limited to, variances, offsets, credits, and
68 financial incentives. The report must include a list of the
69 recipients of any such accommodations and the hardship addressed
70 by each accommodation.

71 (4) The Legislature determines and declares that this
72 section fulfills an important state interest.

73 Section 2. Paragraph (b) of subsection (1) and paragraphs
74 (d) and (e) of subsection (2) of section 373.0465, Florida
75 Statutes, are amended to read:

76 373.0465 Central Florida Water Initiative.—

77 (1) The Legislature finds that:

78 (b) Because the boundaries of the St. Johns River Water
79 Management District, the South Florida Water Management
80 District, and the Southwest Florida Water Management District
81 meet within the Central Florida Coordination Area, the three
82 districts and the Department of Environmental Protection have
83 worked cooperatively to determine that the Floridan Aquifer
84 system and other water resources in the Central Florida Water
85 Initiative Area have experienced harm from cumulative
86 groundwater withdrawals and that harm is expected to increase.
87 Such harm is detrimental to the water resources of this state.

592-01109C-21

20217062pb

88 Based on this determination, the water management districts and
89 the department is locally approaching the sustainable limits of
90 use and are exploring the need to develop sources of water to
91 meet the long-term water needs of the area.

92 (2)

93 (d) The department, in consultation with the St. Johns
94 River Water Management District, the South Florida Water
95 Management District, the Southwest Florida Water Management
96 District, and the Department of Agriculture and Consumer
97 Services, shall adopt uniform rules for application within the
98 Central Florida Water Initiative Area that include:

99 1. A single, uniform definition of the term "harmful to the
100 water resources" consistent with the term's usage in s. 373.219;

101 2. A single method for calculating residential per capita
102 water use;

103 3. A single process for permit reviews;

104 4. A single, consistent process, as appropriate, to set
105 minimum flows and minimum water levels and water reservations;

106 5. A goal for residential per capita water use for each
107 consumptive use permit; and

108 6. An annual conservation goal for each consumptive use
109 permit, building upon ~~consistent with~~ the regional water supply
110 plan; and

111 7. A limitation on the amount of groundwater that existing
112 and future permittees may withdraw from the Floridan Aquifer,
113 considering use type and any previously authorized mitigation.
114 The limitation must be based on the projected available
115 groundwater that may be cumulatively withdrawn across the entire
116 Central Florida Water Initiative Area without causing harm to

592-01109C-21

20217062pb

117 the water resources of this state, consistent with the 2020
118 Central Florida Water Initiative Regional Water Supply Plan.

119
120 In addition to the requirements of this paragraph, the uniform
121 rules must include existing recovery strategies within the
122 Central Florida Water Initiative Area adopted before July 1,
123 2016. The department may grant variances to the uniform rules if
124 there are unique circumstances or hydrogeological factors that
125 make application of the uniform rules unrealistic or
126 impractical. For purposes of the Central Florida Water
127 Initiative Area only, the department, St. Johns River Water
128 Management District, the South Florida Water Management
129 District, or the Southwest Florida Water Management District may
130 not pursue an enforcement action against a permittee that has
131 exceeded its allocated supplemental irrigation quantity unless
132 the department or water management district has first conferred
133 with the permittee to determine whether there is good cause for
134 the exceedance.

135 (e) The department shall initiate rulemaking for the
136 uniform rules by December 31, 2016. The department's uniform
137 rules shall be applied by the water management districts only
138 within the Central Florida Water Initiative Area. Upon adoption
139 of the rules, the water management districts shall implement the
140 rules without further rulemaking pursuant to s. 120.54. The
141 rules adopted by the department pursuant to this section are
142 considered the rules of the water management districts. Upon the
143 effective date of the rules, the water management district shall
144 modify existing permits as needed to be consistent with the
145 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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/22/21

Meeting Date

1946

Bill Number (if applicable)

513168

Amendment Barcode (if applicable)

Topic Anchoring Limitations

Name Foyt Ralton

Job Title _____

Address 9167 Shoal Creek Drive

Phone 8502945390

Street

Tallahassee

FL

32312

Email foyt@FoytRalston.com

City

State

Zip

Speaking: For Against Information

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

Representing Friends of the Ortega River

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

3/22/2021

Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

SB 1946

Bill Number (if applicable)

513168

Amendment Barcode (if applicable)

Topic Anchoring Limitation Areas

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)

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THE FLORIDA SENATE

APPEARANCE RECORD

3/22/2021

Meeting Date

1054

Bill Number (if applicable)

875578

Amendment Barcode (if applicable)

Topic Cleanup of PFAS substances

Name Jorge Caspary

Job Title Principal Consultant for City of Pensacola

Address 2282 Killearn Center Blvd Suite C

Street

Tallahassee

City

Florida 32309

State

Zip

Phone 850-566-6839

Email jcaspary@cameron-cole.com

Speaking: For Against Information

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

Representing The City of Pensacola

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

3/22/2021

Meeting Date

1054

Bill Number (if applicable)

875578

Amendment Barcode (if applicable)

Topic Brownfield Site Rehabilitation

Name Rebecca O'Hara

Job Title Deputy General Counsel

Address PO Box 1757

Street

Tallahassee

City

FL

State

32301

Zip

Phone 850-701-3692

Email rohara@flcities.com

Speaking: For Against Information

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

Representing Florida League of Cities, Inc.

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

3/22/2021

Meeting Date

1946

Bill Number (if applicable)

513168

Amendment Barcode (if applicable)

Topic Anchoring

Name Rana Brown

Job Title consultant

Address 104 W Jefferson St

Street

Tallahassee

City

FL

State

32301

Zip

Phone 850.224.3427

Email Rana@rlbookpa.com

Speaking: For Against Information

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

Representing City of Fort Lauderdale

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)

APPEARANCE RECORD

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

3/22/21

1946

Meeting Date

Bill Number (if applicable)

Topic Anchoring Limitations

Amendment Barcode (if applicable)

Name Foyt Ralton

Job Title

Address 9167 Shoal Creek Drive

Phone 8502945390

Street

Tallahassee

Fl

32312

Email foyt@FoytRalston.com

City

State

Zip

Speaking: For Against Information

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

Representing Friends of the Ortega River

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

03/22/2021

Meeting Date

SB 1946

Bill Number (if applicable)

Topic Anchoring Limitation Areas

Amendment Barcode (if applicable)

Name Laura Boehmer

Job Title Lobbyist

Address 201 E. Kennedy Boulevard

Phone (727) 686-0924

Street

Tampa

Fl

33602

Email boehmer@thesoutherngroup.com

City

State

Zip

Speaking: For Against Information

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

Representing City of Crystal River

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

03/22/2021

Meeting Date

SB 1946

Bill Number (if applicable)

Topic Anchoring Limitation Areas

Amendment Barcode (if applicable)

Name Joseph Salzverg (Saul's-Verg)

Job Title Attorney and Lobbyist

Address 301 S. Bronough Street, Suite 600

Phone (850) 577-9090

Street

Tallahassee

FL

32301

Email joseph.salzverg@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 City of Hollywood

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

3/22/2021

Meeting Date

1054

Bill Number (if applicable)

875578

Amendment Barcode (if applicable)

Topic Cleanup of PFAS substances

Name Jorge Caspary

Job Title Principal Consultant for City of Pensacola

Address 2282 Killearn Center Blvd Suite C

Street

Tallahassee

City

Florida 32309

State

Zip

Phone 850-566-6839

Email jcaspary@cameron-cole.com

Speaking: For Against Information

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

Representing The City of Pensacola

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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Duplicate

THE FLORIDA SENATE
APPEARANCE RECORD

3/22/2021

Meeting Date

1054

Bill Number (if applicable)

875578

Amendment Barcode (if applicable)

Topic Brownfield Site Rehabilitation

Name Rebecca O'Hara

Job Title Deputy General Counsel

Address PO Box 1757

Phone 850-701-3692

Street

Tallahassee

FL

32301

Email rohara@flcities.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida League of Cities, Inc.

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

3/22/2021

Meeting Date

1054

Bill Number (if applicable)

Topic Brownfield Site Rehabilitation

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 Hillsborough County Aviation Authority

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

3/22/21

Meeting Date

SB 1054

Bill Number (if applicable)

Topic BROWNFIELD - PFAS

Amendment Barcode (if applicable)

Name JEFFREY LITTLEJOHN

Job Title _____

Address 2282 KILLEARN CENTER BLVD

Street

Phone _____

TALLAHASSEE

City

FL

State

32301

Zip

Email _____

Speaking: For Against Information

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

Representing FLORIDA PORTS COUNCIL

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

3/22/2021

Meeting Date

1054

Bill Number (if applicable)

Topic Brownfield Site Rehabilitation

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 Hillsborough County Aviation Authority

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

THE FLORIDA SENATE

APPEARANCE RECORD

3/22/21
Meeting Date

1054
Bill Number (if applicable)

Topic Brownfield Site Rehabilitation

Amendment Barcode (if applicable)

Name Eric Prutsman

Job Title Lobbyist

Address 537 E Park Ave

Phone 850-224-1900

Street

Tallahassee

FL

32301

City

State

Zip

Email eric@teamjb.com

Speaking: For Against Information

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

Representing Florida Airports Council

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

March 22, 2021

Meeting Date

3:30
Room A2

THE FLORIDA SENATE

APPEARANCE RECORD

1262

Bill Number (if applicable)

Topic STATE PARK FEE DISCOUNTS

Amendment Barcode (if applicable)

Name Dan Hendrickson

Job Title president, Tallahassee Veterans Legal Collaborative

Address 319 E Park Ave

Phone 850/570-1967

Street

Tallahassee

Fl

32301

Email danbhendrickson@comcast.net

City

State

Zip

Speaking: For Against Information

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

Representing TALLAHASSEE VETERANS LEGAL COLLABORATIVE

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)

3-22-21

Meeting Date

1262

Bill Number (if applicable)

Topic State Park admissions

Amendment Barcode (if applicable)

Name Jessica Lewis

Job Title lobbyist

Address _____
Street

Phone 910-617-2311

City

State

Zip

Email _____

Speaking: For Against Information

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

Representing Sieroz Club

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

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

3/22/21

Meeting Date

904

Bill Number (if applicable)

Topic Door step Refuse

Amendment Barcode (if applicable)

Name Jim Millican

Job Title Chief

Address 4360-55th Ave N

Phone 727-526-5150

Street

Spokane

City

AZ

State

33714

Zip

Email _____

Speaking: For Against Information

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

Representing Florida Fire Chiefs Assoc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

3/22/21
Meeting Date

904
Bill Number (if applicable)

Topic Doorstop Refuse to Recycling

Amendment Barcode (if applicable)

Name Kelly Mallette

Job Title _____

Address 104 W. Jefferson St.
Street

Phone (850) 224-3427

Tallahassee FL 32301
City State Zip

Email kelly@r1bookpa.com

Speaking: For Against Information

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

Representing Affinity Waste Solutions

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/22/21
Meeting Date

904
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Jim Horne

Job Title Partner, Strategos

Address 200 W College Ave Ste 201
Street
City State Zip

Phone _____

Email jhorne@strategosgroup.com

Speaking: For Against Information

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

Representing Affinity Waste

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

3/22
Meeting Date

SB 1018
Bill Number (if applicable)

Topic Sale of Aquaculture Products

Amendment Barcode (if applicable)

Name Landon Hoffman

Job Title legislative Affairs

Address 2057 W Forest Drive

Phone 850 508 1236

Street

Tallahassee

FL

32303

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing Florida Farm Bureau

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

3/22/21
Meeting Date

1018
Bill Number (if applicable)

Topic SALE of Aquaculture Products

Amendment Barcode (if applicable)

Name Jim Spratt

Job Title _____

Address 119 S Monroe St

Phone 850-228-1296

Street

TAZCAHASSEE

FL

32309

Email Jim.e.majulis@fla.com

City

State

Zip

Speaking: For Against Information

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

Representing FLORIDA Aquaculture 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)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/22/21

Meeting Date

912

Bill Number (if applicable)

Topic SB 912

Amendment Barcode (if applicable)

Name Jeffrey Woodburn

Job Title _____

Address 204 South Monroe St.

Phone 850-222-8900

Kalchauer FL 32301
City State Zip

Email jw@cardenaspartners.com

Speaking: For Against Information

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

Representing Associated Industries of FL

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

3/22/21

Meeting Date

SB 7062

Bill Number (if applicable)

804984

Amendment Barcode (if applicable)

Topic Central Florida Water Initiative

Name David Shepp

Job Title Lobbyist

Address P.O. Box 3739

Phone 863 581-4250

Street

Lakeland

FL

33802

Email shepp@thesoutherngrp.com

City

State

Zip

Speaking: For Against Information

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

Representing City of Lakeland

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

3/22/21

Meeting Date

SB 7062

Bill Number (if applicable)

804984

Amendment Barcode (if applicable)

Topic CFWI

Name Tim Atkinson

Job Title

Address 2060 Delta Way

Street

Phone 850 521-0700

TLH

FL

32303

Email fatkins@COWFC.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

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

03/22/2021

Meeting Date

SB7062

Bill Number (if applicable)

804984

Amendment Barcode (if applicable)

Topic CFWI

Name SEGUNDO J. FERNANDEZ

Job Title MANAGING PARTNER - OFBA, P.A.

Address 2060 DELTA WAY

Street

Phone 850 544-5300

TALLAHASSEE FL

City

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 LAKELAND

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)

3/22/21
Meeting Date

7062
Bill Number (if applicable)
804984
Amendment Barcode (if applicable)

Topic CFWI

Name Jim Spratt

Job Title _____

Address 119 S Monroe St.

Phone 850-228-1296

TALCAHAWEE FL 32309
City State Zip

Email Jim@magnoliastudycenter.com

Speaking: For Against Information

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

Representing FLORIDA NURSERY, GROWERS & LANDSCAPE 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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THE FLORIDA SENATE
APPEARANCE RECORD

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

3/22/01

Meeting Date

7062

Bill Number (if applicable)

804984

Amendment Barcode (if applicable)

Topic CFW1

Name Ernie Barnett

Job Title Chair Water Committee of Ag Coalition

Address 4524 Gun Club Rd

Phone 850 284 6178

Street

West Palm Bch FL

33415

Email bnrnett@floridawaterandland.com

City

State

Zip

Speaking: For Against Information

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

Representing FLA. AG COALITION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

3/22/01

Meeting Date

7062

Bill Number (if applicable)

Topic CFW 1

Amendment Barcode (if applicable)

Name Sam Arnd

Job Title _____

Address ~~207~~ W Park Ave

Phone 850 577-6500

Street

Tall

City

FL

State

32301

Zip

Email SARD@ASRLegal.com

Speaking: For Against Information

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

Waive

Representing Fla. Cattlemen Assoc

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)

Y. MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM
MON 3:30 Enviro

THE FLORIDA SENATE

APPEARANCE RECORD

SB 912

Bill Number (if applicable)

3/22/21
Meeting Date

Amendment Barcode (if applicable)

Topic Tolling and Extension of Permits and Other Authorizations During States of Emergency

Name Brewster Bevis

Job Title Senior Vice President

Address 516 N. Adams St

Phone 224-7173

Street

Tallahassee

FL

32301

Email bbevis@aif.com

City

State

Zip

Speaking: For Against Information

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

Representing Associated Industries 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.

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

CourtSmart Tag Report

Room: SB 37
Caption: Senate Environment and Natural Resources

Case No.:

Type:
Judge:

Started: 3/22/2021 3:32:20 PM

Ends: 3/22/2021 4:18:17 PM

Length: 00:45:58

3:32:19 PM Meeting is called to order
3:32:25 PM Roll call. Quorum is present
3:32:34 PM Standing for Pledge of Allegiance
3:32:51 PM Chair Brodeur gives the public Covid instructions at the civic center
3:33:28 PM Tab 6 SB 1946 Anchoring Limitation Areas by Senator Polsky
3:33:52 PM Amendment Barcode# 513168 is taken up
3:34:02 PM Amendment is explained by Senator Polsky
3:35:49 PM No questions on the amendment
3:36:49 PM Public appearance at the civic center
3:36:55 PM Speaking in support for the amendment: Foyt Ralton for Friends of the Ortega River; Bonnie Basham Boat Owners of US; Jorge Caspary for the City of Pensacola; Rebecca O'Hara for FL League of Cities, Inc.; Rana Brown Consultant for City of Fort Lauderdale waives in support.
3:37:30 PM In debate on the amendment
3:38:33 PM Senator Bean with comments
3:39:22 PM Senator Albritton comments on the amendment in support
3:39:58 PM No opposition, amendment barcode# 513168 is adopted
3:40:07 PM Questions on bill as amended: none
3:41:01 PM Public appearance on the bill as amended: Foyt Ralton speaks in support for Friends of the Ortega River. Waiving in support are: Laura Boehmer for City of Crystal River; Joseph Salzverg for City of Hollywood.
3:41:06 PM No debate. Roll call on bill
3:41:11 PM CS SB 1946 is reported favorably
3:41:28 PM SB 1054 Brownfield Site Rehabilitation by Senator Broxson
3:42:31 PM Amendment barcode# 875578 by Senator Broxson is taken up
3:43:56 PM Questions: Senator Stewart with question on restrictions under statute
3:44:35 PM Senator Broxson replies
3:44:40 PM Public appearance speaking in support:
3:44:40 PM Jorge Caspary Principal Consultant for the City of Pensacola.
3:44:57 PM Rebecca O'Hara Deputy General Counsel for the Florida League of Cities Inc. speaks in support
3:47:41 PM No debate. Amendment barcode# 875578 is adopted
3:48:42 PM Back on bill as amended. No member questions.
3:48:48 PM Public appearance: Jeffrey LitteJohn Florida Ports Council waives in support
3:48:57 PM Chris Dawson Attorney for Hillsborough County Aviation Authority waives in support
3:49:05 PM Eric Prutsman for Florida Airports Council waives in support
3:49:08 PM No further appearances
3:49:22 PM No debate
3:49:23 PM Senator Broxson closes on the bill
3:49:35 PM Roll call on CS SB 1054 is reported favorably
3:49:53 PM SB 1262 Tab 4 State Park Fee Discounts by Senator Harrell
3:50:24 PM Bill is explained
3:51:09 PM Questions on bill: Senator Ausley
3:51:24 PM Senator Ausley voices concerns re: fiscal situation for the parks
3:51:38 PM Senator Harrell explains fiscal information
3:51:45 PM Senator Ausley comments on efforts
3:52:19 PM Senator Harrell and Senator Ausley converse
3:52:40 PM Senator Harrell elaborates
3:52:44 PM Senator Harrell gives explanation on resources
3:52:45 PM Public Appearance:
3:52:53 PM Dan Hendrickson waives in support for Tallahassee Veterans Legal Collaborative
3:53:09 PM Jessica Lewis Florida waives in support for Sierra Club
3:53:20 PM Debate: Senator Albritton in response to Senator Ausley's previous concerns
3:53:41 PM Senator Stewart with comment
3:54:26 PM Senator Harrell closes on bill

3:54:37 PM Roll call on SB 1262 is reported favorably
3:55:19 PM SB 1550 Public Financing of Potential At-risk Structures
3:55:38 PM Senator Rodriguez presents the bill
3:55:50 PM Questions: none
3:56:30 PM No public appearance
3:56:39 PM Debate: Senator Perry with comment
3:58:17 PM Senator Rodriguez waives close
3:58:24 PM Roll call on SB 1550 is reported favorably
3:58:40 PM SB 904 Doorstep Refuse and Recycling Collection Containers by Senator Diaz
3:59:02 PM Bill is explained
3:59:06 PM Questions: none
3:59:40 PM Appearance Jim Millican Chief of Florida Fire Chief's Association is against the bill
4:01:58 PM Kelly Mallette and Jim Horne speaking in support for Affinity Waste Solutions
4:03:11 PM Debate: Senator Bean in support
4:03:45 PM Senator Diaz closes on bill
4:03:49 PM Roll call on SB 904 is reported favorably
4:04:44 PM SB 1018 Sale of Aquaculture Products by Senator Boyd
4:05:13 PM Amendment barcode# 707522 is taken up by Senator Boyd
4:05:43 PM Questions: none
4:06:05 PM No public appearance on amendment
4:06:14 PM No debate
4:06:19 PM Senator Boyd waives close on amendment
4:06:23 PM No opposition, the amendment is adopted
4:06:28 PM Back on bill: no member questions
4:06:33 PM Public Appearance: Landon Hoffman waives in support for Florida Farm Bureau
4:06:48 PM Jim Spratt waives in support for Florida Aquaculture Association
4:06:51 PM No debate
4:06:55 PM Senator Boyd closes on bill
4:07:00 PM Roll call: CS SB 1018 is reported favorably
4:07:31 PM SB 912 Tolling and Extension of Permits and other Authorizations During States of Emergency
4:08:00 PM Senator Albritton explains the bill
4:08:07 PM No questions on bill.
4:08:46 PM Amendment barcode# 554838 by Senator Albritton is taken up and explained
4:09:00 PM Amendment is explained
4:09:05 PM No questions on the amendment
4:09:06 PM No public appearance on the amendment
4:09:12 PM No debate
4:09:17 PM No opposition, the Amendment is adopted
4:09:21 PM Back on bill as amended
4:09:27 PM Public appearance on bill as amended:
4:09:42 PM Jeffrey Woodburn waives in support for Associated Industries of FL
4:09:43 PM Brewster Bevis waives in support for Associated Industries of FL
4:09:49 PM No member debate
4:09:53 PM Senator Albritton waives close
4:09:58 PM Roll call on CS SB 912 is reported favorably
4:10:12 PM Gavel passed to Vice Chair Stewart
4:10:32 PM SPB 7062 Central Florida Water Initiative Environment Committee Bill
4:10:37 PM Bill is explained by Senator Brodeur
4:10:52 PM No questions on bill. Amendment barcode# 804984 by Senator Brodeur
4:11:46 PM Senator Brodeur explains the amendment
4:11:56 PM Questions on the amendment: none
4:12:27 PM Public appearance: David Shepp waives in support for City of Lakeland
4:12:48 PM Tim Atkinson Landstar Group speaking in support; Ernie Barnett, Chair of Water Committee of AG Coalition waives in support for FL AG Coalition
4:13:03 PM Segundo J. Fernandez, Managing Partner OFBA P.A. for City of Lakeland speaking in support; Jim Spratt for Florida Nursery Growers & Landscape Association waives in support.
4:13:44 PM Debate on the amendment: none
4:14:42 PM Senator Brodeur waives close
4:14:46 PM No opposition, the amendment is adopted
4:14:54 PM No questions on the bill as amended
4:15:09 PM Public appearance: Sam Ard waives in support for Florida Cattlemen Association
4:15:13 PM Debate: Senator Albritton with comment

4:16:35 PM Senator Perry moves SPB 7062 be submitted as committee bill, the motion is adopted
4:16:57 PM Roll call on SPB 7062 is reported favorably as a committee bill
4:17:12 PM Gavel is returned to Chair Brodeur
4:17:18 PM Chair makes comments.
4:17:32 PM Senator Bean moves that staff may make any necessary changes in the bills as they stand. Motion is adopted.
4:17:36 PM Any Senators wish votes to be shown in the record: Senator Perry moves to be shown in the affirmative for SB 1054 and SB 1946.
4:17:37 PM Senator Albritton moves we adjourn. The meeting is adjourned.