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|--------------|---|--|--|--|--|--|--|
| Tab 1 | SB 796 by Diaz de la Portilla (CO-INTRODUCERS) Sobel; (Identical to H 0613) Domestic Wastewater Discharge/Ocean Outfalls | | | | | | |
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| 265808 | D | S | RCS | EP, Sobel | Delete everything after | 03/17 04:42 PM |
| 483664 | AA | S | RCS | EP, Sobel | Delete L.97: | 03/17 04:42 PM |

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| Tab 2 | SB 934 by Storms; (Compare to CS/H 0389) Surface Water Improvement and Management | | | | | | |
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| 875036 | D | S | RCS | EP, Dean | Delete everything after | 03/17 04:42 PM |
| 142616 | AA | S | RCS | EP, Dean | Before L.5: | 03/17 04:42 PM |

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| Tab 3 | SB 512 by Negron; (Similar to CS/H 0293) Vessels | | | | | | |
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| 306272 | D | S | RCS | EP, Oelrich | Delete everything after | 03/30 05:40 PM |
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| Tab 4 | SB 762 by Hays (CO-INTRODUCERS) Oelrich; (Identical to H 4117) Florida Climate Protection Act | | | | | | |
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| Tab 5 | SB 502 by Oelrich; (Identical to H 0645) State Symbols | | | | | | |
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
ENVIRONMENTAL PRESERVATION AND CONSERVATION
Senator Dean, Chair
Senator Oelrich, Vice Chair

MEETING DATE: Thursday, March 17, 2011

TIME: 1:15 —3:15 p.m.

PLACE: *Toni Jennings Committee Room*, 110 Senate Office Building

MEMBERS: Senator Dean, Chair; Senator Oelrich, Vice Chair; Senators Detert, Jones, Latvala, Rich, and Sobel

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|-----|---|---|-------------------------|
| 1 | SB 796 Diaz de la Portilla (Identical H 613) | Domestic Wastewater Discharged/Ocean Outfalls; Postpones the dates by which domestic wastewater facilities must meet more stringent treatment and management requirements. Provides exceptions and alternatives. EP 03/17/2011 Fav/CS CA BC | Fav/CS Yeas 6 Nays 1 |
| 2 | SB 934 Storms (Compare CS/H 389) | Surface Water Improvement and Management; Requires water management districts to establish permitting programs for urban redevelopment projects located in specified redevelopment areas. Provides for the development of stormwater adaptive management plans to address water quantity discharge for such redevelopment areas. Provides for certain discharge rates in such redevelopment areas. Requires stormwater discharges in such redevelopment areas to meet state water quality standards. Provides water quality criteria for such discharges. EP 03/17/2011 Fav/CS CA BC | Fav/CS Yeas 7 Nays 0 |
| 3 | SB 512 Negron (Identical H 293) | Vessels; Revises penalty provisions for violation of navigation rules. Provides that such violations that do not constitute reckless operation of a vessel are noncriminal violations. Provides for increased penalties for certain noncriminal violations. Deletes a duplicate provision. Conforms a cross-reference to changes made by the act. Reenacts and amends provision relating to penalties, to incorporate changes made by the act in references thereto, etc. EP 03/17/2011 Temporarily Postponed BC | Temporarily Postponed |

COMMITTEE MEETING EXPANDED AGENDA

Environmental Preservation and Conservation
Thursday, March 17, 2011, 1:15 —3:15 p.m.

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|-----|---|---|----------------------------|
| 4 | SB 762 Hays (Identical H 4117) | Florida Climate Protection Act; Repeals provisions relating to a cap-and-trade regulatory program to reduce greenhouse gas emissions from electric utilities. Conforms a cross-reference. CU 03/07/2011 Favorable EP 03/17/2011 Favorable BC | Favorable Yeas 4 Nays 2 |
| 5 | SB 502 Oelrich (Identical H 645) | State Symbols; Designates the Barking Tree Frog as the official state amphibian. EP 03/17/2011 Favorable GO RC | Favorable Yeas 6 Nays 0 |
| 6 | Panel discussion on the U.S. Environmental Protection Agency's Numeric Nutrient Criteria for Florida. | | Discussed |
| 7 | Presentation by Joe Bourassa. | | Presented |

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 Environmental Preservation and Conservation Committee

BILL: CS/SB 796

INTRODUCER: Environmental Preservation and Conservation Committee and Senators Diaz de la Portilla and Sobel

SUBJECT: Domestic Wastewater Discharged/Ocean Outfalls

DATE: March 18, 2011 **REVISED:** _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|--------|
| 1. | Uchino | Yeatman | EP | Fav/CS |
| 2. | _____ | _____ | CA | _____ |
| 3. | _____ | _____ | BC | _____ |
| 4. | _____ | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ | _____ |
| 6. | _____ | _____ | _____ | _____ |

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

This Committee Substitute (CS) extends compliance deadlines five years for utilities to install functional reuse systems and eliminate discharges through ocean outfalls. Utilities will be allowed to meet the 60-percent reuse requirement from their entire service areas. The CS allows utilities to continue to discharge peak flows up to five percent of utilities' baseline flows through ocean outfalls and exempts those discharges if the utilities meet certain requirements. Additionally, the CS requires utilities to include supplemental information on costs and options in their detailed plans necessary to achieve the requirements of subsection 403.086(9), F.S. Finally, the CS requires the utilities, the Department of Environmental Protection (DEP) and the South Florida Water Management District (SFWMD) to evaluate the detailed plans and recommend to the Legislature adjustments, if necessary, to the reuse requirements in this subsection.

This bill substantially amends s. 403.086, Florida Statutes.

II. Present Situation:

Eliminating Ocean Outfalls and Reuse Requirements

There are six domestic wastewater facilities in Palm Beach, Broward, and Miami-Dade Counties discharging approximately 300 million gallons per day of treated domestic wastewater directly into the Atlantic Ocean through ocean outfalls.¹ The ocean outfall providing service to the cities of Boynton Beach and Delray Beach largely ceased discharges in early 2009.² Exceptions for this facility are allowed to handle peak wet weather flows, during integrity testing of deep well injection and for emergencies.

Chapter 2008-232, Laws of Florida, prohibits construction of new ocean outfalls and requires that all six ocean outfalls in Florida cease discharging wastewater by December 31, 2025. In addition, wastewater facilities that discharged wastewater through an ocean outfall on July 1, 2008 are required to install a reuse system no later than December 31, 2025. The reuse systems must be capable of providing a minimum of 60 percent of the wastewater facilities actual annual flow for beneficial reuse. The actual annual flow is calculated using the annual average flow through a wastewater facility's ocean outfall from 2003 through 2007.³

Wastewater facilities operating ocean outfalls may receive a significant portion of their annual average flow from other wastewater facilities located outside their direct service areas. SB 550, passed during the 2010 Regular Session,⁴ addressed the possibility of certain facilities not being able to comply with the 60 percent reuse requirement of s. 403.086(9)(c), F.S. The potential existed that flow received from outside their service areas could be diverted to other wastewater facilities that do not discharge through ocean outfalls, and therefore, diverting facilities would not have to comply with the 60-percent beneficial reuse requirement for ocean outfalls. In addition, discharges of wastewater through ocean outfalls after December 31, 2018, must meet AWT standards or equivalent processes.⁵

Implementation Issues

The first progress report from the DEP was presented to the Governor, President of the Florida Senate and Speaker of the Florida House of Representatives in June 2010.⁶ Although there is general understanding of the existing requirements, some confusion remains about what current and future reuse projects count towards the 60-percent reuse threshold. The DEP reports:

The City of Hollywood and Broward County Office of Environmental Services assumed that reuse projects that were in use during 2003 through 2007 can be

¹ Florida Dep't of Environmental Protection, *Implementation of Chapter 2008-232, Laws of Florida Domestic Wastewater Ocean Outfalls* (June 2010), available at <http://www.dep.state.fl.us/water/wastewater/docs/ocean-outfall-2010.pdf> (last visited 03/14/2011).

² Christine Stapleton, *Delray Beach to stop dumping wastewater in ocean*, The Palm Beach Post, Mar. 31, 2009, available at http://www.palmbeachpost.com/localnews/content/local_news/epaper/2009/03/31/0331_delrayoutfall.html (last visited 03/14/2011).

³ Section 403.086(9)(c), F.S.

⁴ Ch. 2010-205, s. 38, Laws of Fla.

⁵ Section 403.086(9)(b), F.S.

⁶ *Supra* note 2.

applied to the 60 percent reuse requirement. The Department has informed all ocean outfall permit holders that such existing reuse projects do not count toward meeting the reuse requirement.⁷

In addition, the Miami-Dade Water and Sewer Department is planning to divert flows from its two ocean outfalls to other facilities to support reuse projects located near those sites.⁸ The DEP has had discussions with utilities' personnel that subsection 403.086(9)(c), F.S., does not allow existing reuse projects to count towards meeting the 60-percent reuse requirement, "since one of the primary goals of the Act is to beneficially reuse wastewater flows that are discharged through the outfalls and therefore increase of amount of new reuse in Southeast Florida."⁹

III. Effect of Proposed Changes:

Section 1 amends s. 403.086, F.S., to extend compliance deadlines five years related to:

- Achieving the 60-percent reuse requirement for discharges through ocean outfalls by December 31, 2025,
- Eliminating ocean outfalls by December 31, 2025, and
- Utility submission of detailed plans on how to achieve the requirements of subsection 403.086(9), F.S., by July 1, 2013, with updates by July 1, 2016.

The CS allows utilities to comply with the 60-percent reuse requirement from their entire service areas rather than just from ocean outfalls. This provision will allow utilities the flexibility to find the most cost-effective method to achieve a 60-percent reuse for their service areas. However, it may also reduce the percentage of reuse derived from ocean outfalls. The CS specifies that only the Biscayne and Upper Floridan Aquifers may be recharged with reuse from these facilities. Additionally, facilities that shared a common ocean outfall as of July 1, 2008, are required to meet the 60-percent reuse requirement individually but may contract to share or transfer this responsibility with other utilities.

The CS allows utilities to continue backup discharges through ocean outfalls that are part of a functioning reuse system or other wastewater management system authorized by the DEP. Utilities may discharge peak flows that do not cumulatively exceed five percent of total baseline flows. "Baseline flow" is defined as "the annual average flow of domestic wastewater discharging through the facility's ocean outfall, as determined by the department, using monitoring data available for calendar years 2003 through 2007." Backup discharges are subject to effluent limitations contained in DEP rules and, if in compliance, are deemed to meet advanced wastewater treatment (AWT) standards.¹⁰ In addition, backup discharges are deemed to meet AWT standards if the discharging facility has installed a fully operational reuse system by December 31, 2018, that handles 100 percent of a facility's average annual daily flow. This change will allow backup discharges to violate AWT standards while being statutorily deemed to meet them.

⁷ See *supra* note 2, at 17.

⁸ See *supra* note 2, at 18.

⁹ See *supra* note 2, at 3.

¹⁰ See s. 403.086(4), F.S.

The CS updates the requirements for the detailed plans that utilities must develop. The new information included in the plan must identify:

- The technical, environmental and economic feasibility of various reuse options,
- An analysis of costs necessary for utilities to meet state and local water quality criteria, and
- A comparative cost estimate of achieving reuse requirements from ocean outfalls and other sources.

The plan must evaluate the demand for reuse in the context of future water use estimates, the availability of traditional sources of water, the need for alternative water supplies, the offset reuse will have on potable supplies and other factors contained in the SFWMD's Lower East Coast Regional Water Supply Plan.

Finally, the CS requires the utilities, the DEP and the SFWMD to evaluate the detailed plans and recommend to the Legislature adjustments, if necessary, to the reuse requirements in this subsection. The report is due to the Legislature by February 15, 2019.

This section contains technical and conforming changes.

Section 2 provides an effective date of July 1, 2011.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Water utility consumers will benefit from the cost saving provisions for wastewater utilities in this bill. While the cost savings are indeterminate, they will likely be insignificant on an individual basis.

C. Government Sector Impact:

First, wastewater utilities may see significant cost reductions in implementing the 60-percent reuse requirements for ocean outfalls by utilizing their entire service areas rather than only flows discharged through ocean outfalls. Second, allowing utilities to continue backup discharges up to five percent of their peak flows will also save significant costs. Exempting five percent of their peak flows from AWT standards if those discharges meet statutory requirements and DEP rules on effluent limitations is another provision that will save the utilities millions of dollars. The sponsor of the bill testified in the Environmental Preservation and Conservation Committee meeting that the amendments offered to the bill, which are incorporated in this CS, will save more than \$5 billion over 20 years for all counties combined and \$50 million in annual operation and maintenance costs for Miami-Dade County alone. Last, extending compliance deadlines may allow utilities time to access more favorable bond market conditions due to the economic recovery and recovering tax revenues. Although potentially significant, the impact cannot be determined at this time.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Environmental Preservation and Conservation on March 17, 2011:**

- Extends compliance deadline five years to Dec. 31, 2030, for utilities to install functioning reuse systems,
- Allows utilities operating more than one wastewater facility to meet the 60-percent reuse requirement from the entire wastewater system,
- Changes the standard for reuse from “actual flow on an annual basis” to “baseline flow,” and provides a definition for such,
- Clarifies what aquifers may be recharged with reuse water – Biscayne or Upper Floridan,
- Clarifies that utilities that shared a common ocean outfall are individually responsible for meeting the reuse requirement and may enter into contracts to share or transfer this responsibility,
- Extends compliance deadline five years to eliminate discharges through ocean outfalls,
- Allows facilities to continue backup discharges after the 2030 deadline for peak flows,
- Limits peak flow discharges to five percent of baseline flow measured on a 5-year rolling average,

- Specifies that peak flow discharges meet AWT standards if they are in compliance with department rule limitations for effluent,
- Authorizes peak flow discharges for facilities operating 100 percent reuse systems by Dec. 31, 2018,
- Clarifies what needs to be included in the detailed plans to achieve the requirements of this subsection,
- Extends compliance deadline 5 years for submittal of these plans and plan updates to July 1, 2018, and July 1, 2021, respectively, and
- Requires the DEP, the water management districts and affected utilities to reevaluate the reuse requirements in this subsection. The DEP must then submit a report to the Legislature by Feb. 15, 2019, detailing any changes needed to the reuse requirement.

B. Amendments:

None.



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LEGISLATIVE ACTION

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| Senate | . | House |
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The Committee on Environmental Preservation and Conservation
(Sobel) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraphs (b), (c), (d), (e), and (j) of
subsection (9) of section 403.086, Florida Statutes, are amended
to read:

403.086 Sewage disposal facilities; advanced and secondary
waste treatment.—

(9) The Legislature finds that the discharge of domestic
wastewater through ocean outfalls wastes valuable water supplies
that should be reclaimed for beneficial purposes to meet public



13 and natural systems demands. The Legislature also finds that
14 discharge of domestic wastewater through ocean outfalls
15 compromises the coastal environment, quality of life, and local
16 economies that depend on those resources. The Legislature
17 declares that more stringent treatment and management
18 requirements for such domestic wastewater and the subsequent,
19 timely elimination of ocean outfalls as a primary means of
20 domestic wastewater discharge are in the public interest.

21 (b) The discharge of domestic wastewater through ocean
22 outfalls shall meet advanced wastewater treatment and management
23 requirements no later than December 31, 2018. For purposes of
24 this subsection, the term "advanced wastewater treatment and
25 management requirements" means the advanced waste treatment
26 requirements set forth in subsection (4), a reduction in outfall
27 baseline loadings of total nitrogen and total phosphorus which
28 is equivalent to that which would be achieved by the advanced
29 waste treatment requirements in subsection (4), or a reduction
30 in cumulative outfall loadings of total nitrogen and total
31 phosphorus occurring between December 31, 2008, and December 31,
32 2030 ~~2025~~, which is equivalent to that which would be achieved
33 if the advanced waste treatment requirements in subsection (4)
34 were fully implemented beginning December 31, 2023 ~~2018~~, and
35 continued through December 31, 2030 ~~2025~~. The department shall
36 establish the average baseline loadings of total nitrogen and
37 total phosphorus for each outfall using monitoring data
38 available for calendar years 2003 through 2007 and shall
39 establish required loading reductions based on this baseline.
40 The baseline loadings and required loading reductions of total
41 nitrogen and total phosphorus shall be expressed as an average



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42 annual daily loading value. The advanced wastewater treatment
43 and management requirements of this paragraph shall be deemed to
44 be met for any domestic wastewater facility discharging through
45 an ocean outfall on July 1, 2008, which has installed no later
46 than December 31, 2018, a fully operational reuse system
47 comprising 100 percent of the facility's annual average daily
48 flow for reuse activities authorized by the department.

49 (c)1. Each utility that had a permit for a domestic
50 wastewater facility that discharged ~~discharges~~ through an ocean
51 outfall on July 1, 2008, shall install a functioning reuse
52 system no later than December 31, 2030 ~~2025~~. For purposes of
53 this subsection, a "functioning reuse system" means an
54 environmentally, economically, and technically feasible system
55 that provides a minimum of 60 percent of a the facility's
56 baseline actual flow or, for utilities operating more than one
57 facility, 60 percent of the utility's entire wastewater system
58 flow on an annual basis on December 31, 2030. Reuse may be ~~on an~~
59 ~~annual basis~~ for irrigation of public access areas, residential
60 properties, or agricultural crops; ~~aquifer~~ recharge of the
61 Biscayne or Upper Floridan Aquifers; groundwater recharge;
62 industrial cooling; or other acceptable reuse purposes
63 authorized by the department. For purposes of this subsection,
64 the term "baseline facility's actual flow on an annual basis"
65 means the annual average flow of domestic wastewater discharging
66 through the facility's ocean outfall, as determined by the
67 department, using monitoring data available for calendar years
68 2003 through 2007.

69 2. Flows diverted from facilities to other facilities that
70 provide 100 percent reuse of the diverted flows prior to



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71 December 31, 2030 ~~2025~~, shall be considered to contribute to
72 meeting the ~~60 percent~~ reuse requirement. For utilities
73 operating more than one outfall, the reuse requirement may ~~can~~
74 be apportioned between the ~~met if the combined actual reuse~~
75 flows from facilities served by the outfalls ~~is at least 60~~
76 percent of the sum of the total actual flows from the
77 facilities, including flows diverted to other facilities for 100
78 percent reuse prior to December 31, 2030 2025. Utilities that
79 shared a common ocean outfall for the discharge of domestic
80 wastewater on July 1, 2008, regardless of which utility operates
81 the ocean outfall, are individually responsible for meeting the
82 reuse requirement and may enter into binding agreements to share
83 or transfer such responsibility among the utilities. In the
84 event treatment in addition to the advanced wastewater treatment
85 and management requirements described in paragraph (b) is needed
86 in order to support a functioning reuse system, such treatment
87 shall be fully operational no later than December 31, 2030 ~~2025~~.

88 (d) The discharge of domestic wastewater through ocean
89 outfalls is prohibited after December 31, 2030 ~~2025~~, except as a
90 backup discharge that is part of a functioning reuse system or
91 other wastewater management system authorized by the department
92 ~~as provided for in paragraph (c)~~. A backup discharge may occur
93 only during periods of reduced demand for reclaimed water in the
94 reuse system, such as periods of wet weather, or as the result
95 of peak flows from other wastewater management systems ~~and shall~~
96 ~~comply with the advanced wastewater treatment and management~~
97 ~~requirements of paragraph (b)~~. Backup discharges may not
98 cumulatively exceed 5 percent of a facility's baseline flow,
99 measured as a 5-year rolling average, are subject to applicable



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100 technology and water-quality-based effluent limitations
101 specified in department rules, and, when in compliance with the
102 effluent limitations, are deemed to meet the advanced wastewater
103 treatment requirements of this subsection. A backup discharge is
104 authorized and deemed to meet the advanced wastewater treatment
105 requirements of this subsection for any domestic wastewater
106 facility discharging through an ocean outfall on July 1, 2008,
107 which has installed by December 31, 2018, a fully operational
108 reuse system comprising 100 percent of the facility's annual
109 average daily flow for reuse activities authorized by the
110 department.

111 (e) The holder of a department permit authorizing the
112 discharge of domestic wastewater through an ocean outfall as of
113 July 1, 2008, shall submit to the secretary of the department
114 the following:

115 1. A detailed plan to meet the requirements of this
116 subsection, including an identification of the technical,
117 environmental, and economic feasibility of various reuse
118 options; an identification of all land acquisition and
119 facilities necessary to provide for reuse of the domestic
120 wastewater; an analysis of the costs to meet the requirements,
121 including the level of treatment necessary to satisfy state
122 water quality requirements and local water quality
123 considerations, and a comparative cost of reuse using flows from
124 ocean outfalls and flows from other domestic wastewater sources;
125 and a financing plan for meeting the requirements, including
126 identifying any actions necessary to implement the financing
127 plan, such as bond issuance or other borrowing, assessments,
128 rate increases, fees, other charges, or other financing



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129 mechanisms. The plan shall evaluate reuse demand in the context
130 of future regional water supply demands, the availability of
131 traditional water supplies, the need for development of
132 alternative water supplies, the degree to which various reuse
133 options offset potable water supplies, and other factors
134 considered in the South Florida Water Management District's
135 Lower East Coast Regional Water Supply Plan. The plan shall
136 include a detailed schedule for the completion of all necessary
137 actions and shall be accompanied by supporting data and other
138 documentation. The plan shall be submitted no later than July 1,
139 2018 ~~2013~~.

140 2. No later than July 1, 2021 ~~2016~~, an update of the plan
141 required in subparagraph 1. documenting any refinements or
142 changes in the costs, actions, or financing necessary to
143 eliminate the ocean outfall discharge in accordance with this
144 subsection or a written statement that the plan is current and
145 accurate.

146
147 The department, the South Florida Water Management District, and
148 the affected utilities shall consider the information in the
149 detailed plan for the purpose of adjusting, as necessary, the
150 reuse requirements of this subsection. The department shall
151 submit a report to the Legislature by February 15, 2019,
152 containing recommendations for any changes necessary to the
153 requirements of this subsection.

154 (j) An entity that diverts wastewater flow from a receiving
155 facility that discharges domestic wastewater through an ocean
156 outfall must meet the ~~60 percent~~ reuse requirement of paragraph
157 (c). Reuse by the diverting entity of the diverted flows shall



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158 be credited to the diverting entity. The diverted flow shall
159 also be correspondingly deducted from the receiving facility's
160 baseline actual flow ~~on an annual basis~~ from which the required
161 reuse is calculated pursuant to paragraph (c), and the receiving
162 facility's reuse requirement shall be recalculated accordingly.

163 Section 2. This act shall take effect July 1, 2011.

164
165 ===== T I T L E A M E N D M E N T =====

166 And the title is amended as follows:

167 Delete everything before the enacting clause
168 and insert:

169 A bill to be entitled
170 An act relating to domestic wastewater ocean outfalls;
171 amending s. 403.086, F.S.; postponing the dates by
172 which domestic wastewater facilities must meet more
173 stringent treatment and management requirements for
174 the discharge of domestic wastewater; defining the
175 term "baseline flow" for purposes of determining the
176 annual average flow of a utility's domestic wastewater
177 discharge; authorizing utilities to apportion the
178 amount of wastewater outfall for purposes of meeting
179 the reuse requirements; authorizing utilities to enter
180 into binding agreements; providing additional
181 requirements for backup discharges; providing
182 exceptions and alternatives with respect to such
183 backup discharges; providing additional requirements
184 for the plans submitted to the Department of
185 Environmental Protection by the holder of a permit
186 authorizing the discharge of domestic wastewater



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187 through an ocean outfall; requiring the department,
188 the South Florida Water Management District, and
189 affected utilities to adjust the reuse requirements
190 provided under the act; requiring that the department
191 submit a report to the Legislature by a specified
192 date; providing an effective date.



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LEGISLATIVE ACTION

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| Comm: RCS | . | |
| 03/17/2011 | . | |
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The Committee on Environmental Preservation and Conservation
(Sobel) recommended the following:

Senate Amendment to Amendment (265808)

Delete line 97
and insert:
requirements of paragraph (b). Except as otherwise provided
herein, peak flow backup discharges may not

By Senator Diaz de la Portilla

36-00746-11

2011796

1 A bill to be entitled
2 An act relating to domestic wastewater discharged
3 through ocean outfalls; amending s. 403.086, F.S.;
4 postponing the dates by which domestic wastewater
5 facilities must meet more stringent treatment and
6 management requirements; providing exceptions and
7 alternatives; providing an effective date.
8

9 Be It Enacted by the Legislature of the State of Florida:
10

11 Section 1. Paragraphs (b) through (e) of subsection (9) of
12 section 403.086, Florida Statutes, are amended to read:

13 403.086 Sewage disposal facilities; advanced and secondary
14 waste treatment.—

15 (9) The Legislature finds that the discharge of domestic
16 wastewater through ocean outfalls wastes valuable water supplies
17 that should be reclaimed for beneficial purposes to meet public
18 and natural systems demands. The Legislature also finds that
19 discharge of domestic wastewater through ocean outfalls
20 compromises the coastal environment, quality of life, and local
21 economies that depend on those resources. The Legislature
22 declares that more stringent treatment and management
23 requirements for such domestic wastewater and the subsequent,
24 timely elimination of ocean outfalls as a primary means of
25 domestic wastewater discharge are in the public interest.

26 (b) With the exception of cumulative peak flows that do not
27 exceed 10 percent of total annual flows, the discharge of
28 domestic wastewater through ocean outfalls must ~~shall~~ meet
29 advanced wastewater treatment and management requirements by

36-00746-11

2011796

30 December 31, 2023 ~~no later than December 31, 2018~~. For purposes
31 of this subsection, the term "advanced wastewater treatment and
32 management requirements" means the advanced waste treatment
33 requirements set forth in subsection (4), a reduction in outfall
34 baseline loadings of total nitrogen and total phosphorus which
35 is equivalent to that which would be achieved by the advanced
36 waste treatment requirements in subsection (4), or a reduction
37 in cumulative outfall loadings of total nitrogen and total
38 phosphorus occurring between December 31, 2008, and December 31,
39 2030 ~~2025~~, which is equivalent to that which would be achieved
40 if the advanced waste treatment requirements in subsection (4)
41 were fully implemented beginning December 31, 2023 ~~2018~~, and
42 continued through December 31, 2030 ~~2025~~. The department shall
43 establish the average baseline loadings of total nitrogen and
44 total phosphorus for each outfall using monitoring data
45 available for calendar years 2003 through 2007 and ~~shall~~
46 establish required loading reductions based on this baseline.
47 The baseline loadings and required loading reductions of total
48 nitrogen and total phosphorus shall be expressed as an average
49 annual daily loading value. The advanced wastewater treatment
50 and management requirements of this paragraph shall be deemed to
51 be met for any domestic wastewater facility discharging through
52 an ocean outfall on July 1, 2008, which, by December 31, 2023,
53 has installed ~~no later than December 31, 2018,~~ a fully
54 operational reuse system comprising 100 percent of the
55 facility's annual average daily flow for reuse activities
56 authorized by the department.

57 (c) Each domestic wastewater facility that discharges
58 through an ocean outfall on July 1, 2008, must ~~shall~~ install a

36-00746-11

2011796

59 functioning reuse system by December 31, 2030 ~~no later than~~
60 ~~December 31, 2025~~. For purposes of this subsection, a
61 "functioning reuse system" means an environmentally,
62 economically, and technically feasible system that provides a
63 minimum treatment capacity of 60 percent of the facility's
64 actual flow on an annual basis for irrigation of public access
65 areas, residential properties, or agricultural crops; aquifer
66 recharge; groundwater recharge; industrial cooling; or other
67 acceptable reuse purposes authorized by the department. For
68 purposes of this subsection, the term "facility's actual flow on
69 an annual basis" means the annual average flow of domestic
70 wastewater discharging through the facility's ocean outfall, as
71 determined by the department, using monitoring data available
72 for calendar years 2003 through 2007. Flows diverted from
73 facilities to other facilities that provide 100 percent reuse of
74 the diverted flows before ~~prior to~~ December 31, 2030 ~~2025~~, shall
75 be considered to contribute to meeting the 60 percent reuse
76 requirement. For utilities operating more than one outfall, the
77 reuse requirement can be met if the combined actual reuse flows
78 from facilities served by the outfalls is at least 60 percent of
79 the sum of the total actual flows from the facilities, including
80 flows diverted to other facilities for 100 percent reuse before
81 ~~prior to~~ December 31, 2030 ~~2025~~. If, in the event treatment in
82 addition to the advanced wastewater treatment and management
83 requirements described in paragraph (b), treatment is needed ~~in~~
84 ~~order~~ to support a functioning reuse system, such treatment must
85 ~~shall~~ be fully operational by December 31, 2030 ~~no later than~~
86 ~~December 31, 2025~~. Utilities may also satisfy the reuse
87 requirement by demonstrating that they have a functioning reuse

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2011796

88 system equivalent to 60 percent of the total average daily
89 wastewater flows of their entire wastewater system by December
90 31, 2030.

91 (d) With the exception of cumulative peak flows that do not
92 exceed 10 percent of total annual flows, the discharge of
93 domestic wastewater through ocean outfalls is prohibited after
94 December 31, 2030 ~~2025~~, except as a backup discharge that is
95 part of a functioning reuse system authorized by the department
96 as provided ~~for~~ in paragraph (c). A backup discharge may occur
97 only during periods of reduced demand for reclaimed water in the
98 reuse system, such as periods of wet weather, and must ~~shall~~
99 comply with the advanced wastewater treatment and management
100 requirements of paragraph (b).

101 (e) The holder of a department permit authorizing the
102 discharge of domestic wastewater through an ocean outfall as of
103 July 1, 2008, shall submit the following to the secretary of the
104 department ~~the following~~:

105 1. A detailed plan to meet the requirements of this
106 subsection, including the ~~an~~ identification of all land
107 acquisition and facilities necessary to provide for reuse of the
108 domestic wastewater; an analysis of the costs to meet the
109 requirements; and a financing plan for meeting the requirements,
110 including identifying any actions necessary to implement the
111 financing plan, such as bond issuance or other borrowing,
112 assessments, rate increases, fees, other charges, or other
113 financing mechanisms. The plan must ~~shall~~ include a detailed
114 schedule for the completion of all necessary actions and ~~shall~~
115 be accompanied by supporting data and other documentation. The
116 plan must ~~shall~~ be submitted by July 1, 2018 ~~no later than July~~

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2011796__

117 ~~1, 2013.~~

118 2. By July 1, 2021 ~~No later than July 1, 2016~~, an update of
119 the plan required in subparagraph 1. documenting any refinements
120 or changes in the costs, actions, or financing necessary to
121 eliminate the ocean outfall discharge in accordance with this
122 subsection or a written statement that the plan is current and
123 accurate.

124 Section 2. This act shall take effect July 1, 2011.

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 Environmental Preservation and Conservation Committee

BILL: CS/SB 934

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Storms

SUBJECT: Surface Water Improvement Management Plans and Programs

DATE: March 21, 2011 REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|---------------|
| 1. | Uchino | Yeatman | EP | Fav/CS |
| 2. | | | CA | |
| 3. | | | BC | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

The Committee Substitute (CS) directs the Department of Environmental Protection (DEP) to initiate rulemaking to adopt a general permit for stormwater management systems serving airside activities at airports. It requires water management districts (WMDs) to establish an urban redevelopment conceptual permitting program in consultation with the DEP and specifies that urban redevelopment projects that satisfy the permit qualify for a notice general permit.

This CS substantially amends s. 373.118, Florida Statutes, and creates s. 373.4131, Florida Statutes.

II. Present Situation:

The Community Redevelopment Act of 1969

The Community Redevelopment Act of 1969¹ was developed to revitalize economically distressed areas in order to improve public welfare and increase the local tax base. The act provides a funding mechanism by which counties and municipalities may undertake community

¹ See ch. 163, Part III, F.S.

redevelopment.² It allows counties or municipalities to retain tax increment revenues from certain community taxing districts to fund redevelopment within a designated Community Redevelopment Area (CRA). To obtain this revenue, a local government must create a community redevelopment agency, designate an area or areas to be a CRA, create a community redevelopment plan, and establish a trust fund to receive the tax increment revenues.³

The Growth Policy Act of 1999

The Growth Policy Act authorizes local governments to designate urban infill and redevelopment areas for the purpose of stimulating investment in distressed urban areas and strengthening urban centers.⁴ The Act defines “urban infill and redevelopment area” as an area or areas where:

- Public services such as water and wastewater, transportation, schools, and recreation are already available or are scheduled to be provided within five years.
- The area, or one or more neighborhoods within the area, suffers from pervasive poverty, unemployment, and general distress.
- The proportion of properties that are substandard, overcrowded, dilapidated, vacant or abandoned, or functionally obsolete is higher than the average for the local government.
- More than 50 percent of the area is within a quarter of a mile of a transit stop, or a sufficient number of such transit stops will be made available concurrent with the designation.
- The area includes or is adjacent to community redevelopment areas, brownfields, enterprise zones, or Main Street programs, or has been designated by the state or federal government as an urban redevelopment area or similar designation.⁵

Pursuant to s. 163.2517, F.S., the Act requires local governments that want to designate urban infill and redevelopment areas to develop plans describing redevelopment objectives and strategies, or to amend existing plans. Local governments must also adopt urban infill and redevelopment plans by ordinance and amend their comprehensive plans to delineate urban infill and redevelopment area boundaries.

Urban Stormwater Management

Unmanaged urban stormwater creates a wide variety of effects on Florida’s surface and ground waters. Urbanization leads to:

- Compaction of soil,
- Addition of impervious surfaces such as roads and parking lots,
- Alteration of natural landscape features such as natural depressional areas that hold water, floodplains and wetlands,
- Construction of highly efficient drainage systems that alter the ability of the land to assimilate precipitation, and
- Pollutant loading of receiving water bodies from stormwater discharge.⁶

² Section 163.353, F.S.

³ See *supra* note 1.

⁴ See ss. 163.2511 through 163.2523, F.S.

⁵ Section 163.2514(2), F.S.

⁶ Florida Dep’t of Environmental Protection, *State Stormwater Treatment Rule Development Background*, available at <http://www.dep.state.fl.us/water/wetlands/erp/rules/stormwater/background.htm> (last visited 03/12/2011).

Urbanization within a watershed decreases the amount of rainwater that seeps into the soil. Rainwater is critical for recharging aquifers, maintaining water levels in lakes and wetlands, and maintaining spring and stream flows. The increased volume, speed, and pollutant loading in stormwater discharged from developed areas leads to flooding, water quality problems and loss of habitat.⁷

In 1982, to manage urban stormwater and minimize impacts to our natural systems, Florida adopted a technology-based rule requiring the treatment of stormwater to a specified level of pollutant load reduction for all new development. The rule included a performance standard for the minimum level of treatment and design criteria for best management practices (BMPs) that will achieve the performance standard. It also included a rebuttable presumption that discharges from a stormwater management system designed in accordance with the BMP design criteria would meet water quality standards.⁸ The performance standard was to reduce postdevelopment stormwater pollutant loading of Total Suspended Solids (TSS)⁹ by 80 percent, or by 95 percent for Outstanding Florida Waters (OFWs).¹⁰

In 1990, the Department of Environmental Protection (DEP) developed and implemented the State Water Resource Implementation Rule (originally known as the State Water Policy rule).¹¹ This rule sets forth the broad guidelines for the implementation of Florida's stormwater program and describes the roles of the DEP, the WMDs and local governments. One of the primary goals of the program is to maintain the predevelopment stormwater characteristics of a site. The rule sets a minimum performance standard for stormwater treatment systems to remove 80 percent of the postdevelopment stormwater pollutant loading of pollutants "that cause or contribute to violations of water quality standards."¹²

The DEP and the WMDs jointly administer the environmental resource permit (ERP) program for activities that alter surface water flows.¹³ Alteration or construction of new stormwater management systems in urban redevelopment areas is regulated by the ERP program pursuant to s. 373.413, F.S., and must comply with all other relevant sections of ch. 373, Part IV, F.S.

Airside Stormwater Management

The Federal Aviation Authority (FAA) provides grants to the Florida Department of Transportation's (DOT) Aviation Office for airport airside improvements. The grants have 18 month time frames making it difficult to permit and complete a stormwater project within the required time to take advantage of the grant. A solution to the abbreviated time frame would be

⁷ *Id.*

⁸ *Id.*

⁹ Total Suspended Solid (TSS) is listed as a conventional pollutant under s. 304(a)(4) of the federal Clean Water Act. A conventional pollutant is a water pollutant that is amenable to treatment by a municipal sewage treatment plant.

¹⁰ Rule 62-302.700, F.A.C., provides that an OFW is a water body designated worthy of special protection because of its natural attributes. This special designation is applied to certain water bodies, and is intended to protect and preserve their existing states.

¹¹ See *supra* note 6. See also ch. 62-40, F.A.C.

¹² See *supra* note 6.

¹³ See ch. 373, Part IV, F.S. See also Florida Dep't of Environmental Protection, *Environmental Resource Permitting (ERP) Program*, available at <http://www.dep.state.fl.us/water/wetlands/erp/index.htm> (last visited 03/12/2011).

for the DEP to create a general environmental resource permit for stormwater systems serving airside activities at Florida's airports.

In 1998, the DOT, the DEP and three WMDs outlined a study to evaluate airport runway, taxiway and apron stormwater quality. In 1977, the FAA set limitations on stormwater designs on airports to limit wildlife strikes in an advisory circular.¹⁴ The FAA found that stormwater management systems known as "wet ponds" attracted birds and posed a threat to airline safety. A joint study by the DEP and the FAA has evaluated chemical loading characteristics of airside runoff and how best management practices can help airports meet federal and state water quality standards.

Another phase of the study will be funded by the FAA once a general permit for these stormwater systems is developed and adopted. This phase will convert the wet pond at Orlando International Airport into a wet detention system that complies with the 1997 advisory circular. The system will be monitored for pollutant loading and remediation, including nutrients. About 30 percent of Florida's airports have soil and water table considerations that prevent the use of wet detention systems.¹⁵

III. Effect of Proposed Changes:

Section 1 amends s. 373.118, F.S., directing the DEP to initiate rulemaking to adopt a general permit for stormwater management systems serving airports. The permit applies statewide and may be administered by any WMD or delegated local government. The CS specifies that no additional rulemaking is required and the rules are not subject to any special rulemaking requirements related to small business. This change will allow the DOT to take advantage of grant money offered by the FAA to address the specific needs of stormwater management systems that serve airports.

Section 2 creates s. 373.4131, F.S., to address conceptual permits for urban redevelopment projects. The CS allows counties and municipalities doing urban redevelopment projects to adopt stormwater adaptive management plans to address stormwater quality and quantity. Those that adopt such plans may obtain a conceptual permit from a WMD or the DEP.

The CS directs the WMDs, in consultation with the DEP, to establish the conceptual permit. The conceptual permit:

- Allows discharges from an urban redevelopment area created under ch. 163, F.S., or an urban infill and redevelopment area designated under s. 163.2517, F.S., to continue up to the maximum rate and volume in that area as of the date a stormwater adaptive management plan was adopted.
- Presumes that stormwater discharges from an urban redevelopment area that result in a net improvement of discharge quality as compared to discharges that existed at the time the

¹⁴ U.S. Dep't of Transportation Federal Aviation Administration, Advisory Circular 150/5200-33, *Hazardous Wildlife Attractants On or Near Airports* (May 1997), available at [http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/53bdf1c5aa1083986256c690074ebab/\\$FILE/150-5200-33.pdf](http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/53bdf1c5aa1083986256c690074ebab/$FILE/150-5200-33.pdf) (last visited 03/21/2011).

¹⁵ See generally, Email from Eric H. Livingston, Program Administer, NPDES Stormwater Section, Dep't of Environmental Protection, to analyst (Mar. 21, 2011) (on file with the Senate Committee on Environmental Preservation and Conservation).

stormwater adaptive management plan was adopted do not cause or contribute to violations of water quality criteria.

- Cannot contain additional or more stringent limitations than those in this section.
- Is issued for 20 years, unless the applicant requests a shorter time frame.

Finally, the CS permits urban redevelopment projects that meet all requirements to qualify for noticed general permits for construction and operation for the duration of the conceptual permit.

Section 3 provides an effective date of July 1, 2011.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The impact to the private sector cannot be determined but is expected to be negligible.

C. Government Sector Impact:

The DOT may be able to more fully take advantage of the FAA's grants to address stormwater management systems for airside activities. Since the rulemaking has not yet taken place, the impact is indeterminate.

The DEP and WMDs will be required to expend funds to create and implement the permitting program required by this bill. It is expected that the DEP and WMDs can absorb these costs with existing staff and resources. Additionally, local governments may have to expend funds to modify plans for stormwater management plans in urban redevelopment areas. It is also expected that local governments can absorb these costs with existing staff and resources.

VI. Technical Deficiencies:

The bill requires the WMDs to establish a conceptual permitting program for urban redevelopment programs but does not give the WMDs rulemaking authority to do so. Staff from the WMDs have stated that because the permitting program is conceptual it does not require rulemaking to establish. Clarification of this point may be needed at a future committee stop.

VII. Related Issues:

None.

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

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

CS by Environmental Preservation and Conservation on March 17, 2011:

- Amends s. 373.118, F.S., to direct the DEP to initiate rulemaking to adopt a general permit for stormwater management systems serving airside activities at airports.
- Creates new s. 373.4131, F.S., for conceptual permits for urban redevelopment projects.
- Allows counties and municipalities doing urban redevelopment projects to adopt stormwater adaptive management plans.
- Allows the WMDs or the DEP to issue conceptual permits for those projects.
- Directs the WMDs in consultation with DEP to establish the conceptual permit with the following criteria:
 - Allows stormwater discharges for projects to continue up to the maximum allowed rate prior to redevelopment of the area,
 - Presumes that a net improvement of discharges from projects do not contribute to water quality violations for the receiving water body,
 - Prohibits additional or more stringent standards than those contained in the section, and
 - Allows for 20-years permits, unless a shorter time frame is requested by the applicant.
- Directs that projects meeting the criteria in the conceptual permit qualify for a noticed general permit for construction and operation for the duration of the permit.

B. Amendments:

None.



875036

LEGISLATIVE ACTION

| | | |
|------------|---|-------|
| Senate | . | House |
| Comm: RCS | . | |
| 03/17/2011 | . | |
| | . | |
| | . | |
| | . | |

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 373.4131, Florida Statutes, is created
to read:

373.4131 Conceptual permits for urban redevelopment
projects.-

(1) A municipality or county that has created a community
redevelopment area or an urban infill and redevelopment area
pursuant to chapter 163 may adopt a stormwater adaptive
management plan that addresses the quantity and quality of



875036

13 stormwater discharges for the area and may obtain a conceptual
14 permit from the water management district or the Department of
15 Environmental Protection.

16 (2) The conceptual permit shall be established by a water
17 management district in consultation with the department and:

18 (a) Must allow for the rate and volume of stormwater
19 discharges for stormwater management systems of urban
20 redevelopment projects located within a community redevelopment
21 area created under part III of chapter 163 or an urban infill
22 and redevelopment area designated under s. 163.2517 to continue
23 up to the maximum rate and volume of stormwater discharges
24 within the area as of the date the stormwater adaptive
25 management plan was adopted.

26 (b) Must presume that stormwater discharges for stormwater
27 management systems of urban redevelopment projects located
28 within a community redevelopment area created under part III of
29 chapter 163 or an urban infill and redevelopment area designated
30 under s. 163.2517 which demonstrate a net improvement of the
31 quality of the discharged water that existed as of the date the
32 stormwater adaptive management plan was adopted for any
33 applicable pollutants of concern in the receiving water body do
34 not cause or contribute to violations of water quality criteria.

35 (c) May not prescribe additional or more stringent
36 limitations concerning the quantity and quality of stormwater
37 discharges from stormwater management systems than provided in
38 this section.

39 (d) Shall be issued for a duration of 20 years, unless a
40 shorter duration is requested by the applicant.

41 (3) Urban redevelopment projects that meet the criteria



875036

42 established in the conceptual permit pursuant to this section
43 qualify for a noticed general permit that authorizes
44 construction and operation for the duration of the conceptual
45 permit.

46 Section 2. This act shall take effect July 1, 2011.

47
48 ===== T I T L E A M E N D M E N T =====

49 And the title is amended as follows:

50 Delete everything before the enacting clause
51 and insert:

52 A bill to be entitled

53 An act relating to conceptual permits for urban
54 redevelopment projects; creating s. 373.4131, F.S.;
55 authorizing certain municipalities and counties to
56 adopt stormwater adaptive management plans and obtain
57 conceptual permits for urban redevelopment projects;
58 providing requirements for establishment of such
59 permits by water management districts in consultation
60 with the Department of Environmental Protection;
61 providing that certain urban redevelopment projects
62 qualify for a noticed general permit; providing an
63 effective date.



142616

LEGISLATIVE ACTION

| | | |
|------------|---|-------|
| Senate | . | House |
| Comm: RCS | . | |
| 03/17/2011 | . | |
| | . | |
| | . | |
| | . | |

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

1 **Senate Amendment to Amendment (875036) (with title**
2 **amendment)**

3
4 Before line 5
5 insert:

6 Section 1. Subsection (6) is added to section 373.118,
7 Florida Statutes, to read:

8 373.118 General permits; delegation.-

9 (6) By July 1, 2011, the department shall initiate
10 rulemaking to adopt a general permit for stormwater management
11 systems serving airside activities at airports. The general
12 permit applies statewide and shall be administered by any water



142616

13 management district or any delegated local government pursuant
14 to the operating agreements applicable to part IV of this
15 chapter, with no additional rulemaking required. These rules are
16 not subject to any special rulemaking requirements related to
17 small business.

18
19 ===== T I T L E A M E N D M E N T =====

20 And the title is amended as follows:

21 Delete line 54

22 and insert:

23 redevelopment projects; amending s. 373.118, F.S.;

24 requiring that the Department of Environmental

25 Protection initiate rulemaking to adopt a general

26 permit for stormwater management systems serving

27 airside activities at airports; providing for

28 statewide application of the general permit; providing

29 for any water management district or delegated local

30 government to administer the general permit; providing

31 that the rules are not subject to any special

32 rulemaking requirements relating to small business;

33 creating s. 373.4131, F.S.;

By Senator Storms

10-00468-11

2011934

1 A bill to be entitled
2 An act relating to surface water improvement and
3 management plans and programs; amending s. 373.453,
4 F.S.; requiring water management districts to
5 establish permitting programs for urban redevelopment
6 projects located in specified redevelopment areas;
7 providing for the development of stormwater adaptive
8 management plans to address water quantity discharge
9 for such redevelopment areas; providing for certain
10 discharge rates in such redevelopment areas; requiring
11 stormwater discharges in such redevelopment areas to
12 meet state water quality standards; providing water
13 quality criteria for such discharges; providing an
14 effective date.

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

17
18 Section 1. Subsection (7) is added to section 373.453,
19 Florida Statutes, to read:

20 373.453 Surface water improvement and management plans and
21 programs.—

22 (7) (a) Each water management district shall establish a
23 permitting program for urban redevelopment projects located
24 within a community redevelopment area created under chapter 163
25 or an urban infill and redevelopment area designated under s.
26 163.2517.

27 (b) A jurisdiction with a community redevelopment area or
28 an urban infill and redevelopment area may develop a stormwater
29 adaptive management plan to address stormwater quantity

10-00468-11

2011934__

30 discharge for the redevelopment area. Effective July 1, 2011,
31 the rate of stormwater discharge from a redevelopment area under
32 this subsection may not exceed the maximum rate of stormwater
33 discharge within the area as of that date.

34 (c) Stormwater discharge from a community redevelopment
35 area or an urban infill and redevelopment area into waters of
36 the state must meet state water quality standards at the point
37 of discharge. If numeric criteria for pollutants of concern are
38 not established for a water body, any stormwater discharge under
39 this subsection into such a water body may not degrade the water
40 body beyond its existing classification. Any discharge of
41 stormwater under this subsection into an impaired water body is
42 authorized only to the extent that the discharge reduces the
43 daily loading for pollutants of concern by 10 percent from the
44 predevelopment condition of the water body to its
45 postdevelopment condition.

46 Section 2. This act shall take effect July 1, 2011.

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 Environmental Preservation and Conservation Committee

BILL: CS/SB 512

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Negron

SUBJECT: Vessels

DATE: March 31, 2011 REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|---------------|
| 1. | Wiggins | Yeatman | EP | Fav/CS |
| 2. | | | BC | |
| 3. | | | | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

The Committee Substitute (CS) removes the criminal penalties for a navigational violation that results in an accident but does not rise to the level of reckless operation from a misdemeanor of the second degree to a noncriminal infraction. The CS increases the civil penalties for navigation rule violations that result in an accident but do not cause serious bodily injury or death, depending on the judge's discretion as follows:

- first offense up to \$500;
- second offense up to \$750 and;
- third offense up to \$1,000.

The penalty for a navigation violation that causes serious bodily injury or death is a second degree misdemeanor.

This CS amends sections 327.33, 327.73, 327.70, 327.72, and 327.731(1) of the Florida Statutes.

II. Present Situation:

Currently, under s. 327.33(3), F.S., all navigation rule violations are noncriminal infractions except those navigation rule violations that result in boating accidents. If a navigation rule violation results in a boating accident, the charge is increased from a noncriminal infraction to a misdemeanor of the second degree. When a reckless operation violation occurs the penalties are more severe and include a first degree misdemeanor charge, a maximum \$1,000 fine and up to a year in jail.

In accordance with s. 327.73, F.S., individuals charged with noncriminal infractions sign and accept a citation indicating a promise to appear in court or pay the civil penalty, by mail or in person, within 30 days. If the person elects to pay the civil penalty, he or she is deemed to have admitted the noncriminal infraction and waived the right to a hearing. Such admittance shall not be used as evidence in any other hearing. The amount of the civil penalty assessed for the noncriminal navigation rule violation is \$50 plus court specific additions if the violator elects to pay the fine without a court appearance. If the person elects to appear in court to plead the case, he/she has waived the limitations of the civil penalty. If the court determines the infraction has been committed, it may impose a civil penalty of up to \$500.¹

Section 327.731 F.S., requires any person who is convicted of two noncriminal infractions in a 12-month period to enroll in, attend, and successfully complete a boating safety course that meets the minimum standards established by the Florida Fish and Wildlife Conservation Commission (FWC or Commission).

Anyone charged with a navigation rule violation that results in an accident is charged with a second degree misdemeanor. Upon the finding of guilt for a second degree misdemeanor, in accordance with s. 775.082, F.S., and s. 775.083, F.S., a person may be fined up to \$500 and/or subjected to imprisonment not to exceed 60 days, at the discretion of the judge. In addition to the punishment, a judge, in accordance with s. 775.089, F.S., can order restitution to a victim for damage or loss related to the defendant's criminal act. There is not a civil penalty provision that an individual may pay in person or mail-in for second degree misdemeanors in lieu of sentencing as described above for noncriminal infractions.

Per s. 327.731, F.S., mandatory education is required for anyone convicted under Chapter 327, F.S., of a criminal violation, a non-criminal infraction that resulted in a reportable boating accident, as defined in s. 327.30(2), F.S., or two noncriminal infractions in a twelve month period. Additionally, Commission rule 68D-36.106, F.A.C. (created under Legislative authority granted in s. 327.04, F.S.), requires anyone convicted of a noncriminal boating infraction that resulted in a reportable boating accident and anyone convicted of any criminal boating violation to complete an additional online boating course. Reportable boating accidents include those that must be reported to law enforcement under s. 327.30(2), F.S. They include:

- accidents involving any kind of vessel if the accident involves a vessel capsizing;
- a vessel colliding with another vessel or object;

¹ Florida Fish and Wildlife Conservation Commission, *Senate Bill 512 Fiscal Analysis* (February 10, 2011) (on file with the Senate Committee on Environmental Preservation and Conservation)

- a vessel sinking;
- serious personal injury (requiring more than basic first aid);
- death;
- disappearance of any person onboard under circumstances suggestive of a likelihood of death or injury; or
- damage to the vessel or any property in an aggregate amount greater than \$2000.00.

According to the FWC, from 2007-2010, there were 452 individuals cited for second degree misdemeanor violations of navigation rules that resulted in a boating accident. During the same time frame, there were 303 individuals cited for noncriminal infractions for navigation rule violations that did not result in a boating accident.

All civil penalties collected for noncriminal infractions related to boating are deposited into the Marine Resources Conservation Trust Fund to be used for boating safety education purposes (see s. 327.73(8), F.S.). Also, the court assesses the costs payable to the Clerk for each noncriminal violation (see s. 327.73(11), F.S.).

Under s. 775.083(1), F.S., all fines collected for convictions of second degree misdemeanors are deposited into the county's Fine and Forfeiture Fund (established in section 142.01, F.S.) for use by the clerk of the circuit court in performing court-related functions.

III. Effect of Proposed Changes:

Section 1 amends s. 327.33(3), F.S. and removes the criminal charge for those individuals who violate a navigation rule that results in an accident but does not cause serious bodily injury or death or rise to the level of reckless operation from a second degree misdemeanor to a noncriminal infraction.

Section 2 amends s. 327.73(1) and (5), F.S., to increase the civil penalty for individuals who violate a navigation rule that result in a boating accident and to provide for increased penalties for repeat offenders. Individuals who commit a navigational violation who are involved in an accident where no one is injured or killed will be subject to increased civil penalties up to \$500 for a first offense, up to \$750 for a second offense, and up to \$1000 for a third or subsequent offense.

Section 3 amends s. 327.70(2)(a)1., F.S. This is a technical change to remove an unneeded reference to reckless or careless operation of vessel in section 327.33(3)(b), F.S.

Section 4 amends s. 327.72, F.S., to incorporate changes to s. 327.73, F.S., by reference.

Section 5 reenacts s. 327.731(1), F.S., for the purpose of incorporating the amendment to s. 327.73, F.S.

Section 6 creates an effective date of October 1, 2011.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The changes may increase the penalties on boaters who violate navigation rules resulting in boating accidents, especially repeat offenders.

C. Government Sector Impact:

According to the FWC, there will be a fiscal impact because all civil penalties collected for noncriminal infractions related to boating are deposited into the Marine Resources Conservation Trust Fund to be used for boating safety education purposes. The exact fiscal impact is unknown.

VI. Technical Deficiencies:

None.

VII. Related Issues:**VIII. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Environmental Preservation and Conservation on March 31, 2010:

The Committee Substitute (CS) removes the criminal penalties for a navigational violation that results in an accident but does not rise to the level of reckless operation from a misdemeanor of the second degree to a noncriminal infraction. The CS increases the fines for navigational violations that result in an accident but do not cause bodily injury or death up to \$500 for the first offense, up to \$750 for the second offense, and up to \$1,000 for a third or subsequent offense.

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 | . | |
| 03/30/2011 | . | |
| | . | |
| | . | |
| | . | |

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (3) of section 327.33, Florida Statutes, is amended to read:

327.33 Reckless or careless operation of vessel.—

(3) Each person operating a vessel upon the waters of this state shall comply with the navigation rules.

(a) A person who violates ~~whose violation of~~ the navigation rules and the violation results in a boating accident causing serious bodily injury as defined in s. 327.353 or death, but the



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13 ~~whose~~ violation does ~~did~~ not constitute reckless operation of a
14 vessel, commits ~~is guilty of~~ a misdemeanor of the second degree,
15 punishable as provided in s. 775.082 or s. 775.083.

16 (b) A person who violates ~~whose violation of~~ the navigation
17 rules and the violation ~~does not result in a boating accident~~
18 ~~and~~ does not constitute reckless operation of a vessel commits
19 ~~is guilty of~~ a noncriminal violation as defined in s. 775.08,
20 punishable as provided in s. 327.73.

21 (c) Law enforcement vessels may deviate from the
22 navigational rules when such diversion is necessary to the
23 performance of their duties and when such deviation may be
24 safely accomplished.

25 Section 2. Subsections (1) and (5) of section 327.73,
26 Florida Statutes, are amended to read:

27 327.73 Noncriminal infractions.—

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

30 (a) Section 328.46, relating to operation of unregistered
31 and unnumbered vessels.

32 (b) Section 328.48(4), relating to display of number and
33 possession of registration certificate.

34 (c) Section 328.48(5), relating to display of decal.

35 (d) Section 328.52(2), relating to display of number.

36 (e) Section 328.54, relating to spacing of digits and
37 letters of identification number.

38 (f) Section 328.60, relating to military personnel and
39 registration of vessels.

40 (g) Section 328.72(13), relating to operation with an
41 expired registration.



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- 42 (h) Section 327.33(2), relating to careless operation.
- 43 (i) Section 327.37, relating to water skiing, aquaplaning,
44 parasailing, and similar activities.
- 45 (j) Section 327.44, relating to interference with
46 navigation.
- 47 (k) Violations relating to boating-restricted areas and
48 speed limits:
- 49 1. Established by the commission or by local governmental
50 authorities pursuant to s. 327.46.
- 51 2. Speed limits established pursuant to s. 379.2431(2).
- 52 (l) Section 327.48, relating to regattas and races.
- 53 (m) Section 327.50(1) and (2), relating to required safety
54 equipment, lights, and shapes.
- 55 (n) Section 327.65, relating to muffling devices.
- 56 (o) Section 327.33(3)(b), relating to a violation of
57 navigation rules:-
- 58 1. That does not result in an accident; or
- 59 2. That results in an accident not causing serious bodily
60 injury or death, for which the penalty is:
- 61 a. For a first offense, up to a maximum of \$500.
- 62 b. For a second offense, up to a maximum of \$750.
- 63 c. For a third or subsequent offense, up to a maximum of
64 \$1,000.
- 65 (p) Section 327.39(1), (2), (3), and (5), relating to
66 personal watercraft.
- 67 (q) Section 327.53(1), (2), and (3), relating to marine
68 sanitation.
- 69 (r) Section 327.53(4), (5), and (7), relating to marine
70 sanitation, for which the civil penalty is \$250.



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71 (s) Section 327.395, relating to boater safety education.
72 (t) Section 327.52(3), relating to operation of overloaded
73 or overpowered vessels.
74 (u) Section 327.331, relating to divers-down flags, except
75 for violations meeting the requirements of s. 327.33.
76 (v) Section 327.391(1), relating to the requirement for an
77 adequate muffler on an airboat.
78 (w) Section 327.391(3), relating to the display of a flag
79 on an airboat.
80 (x) Section 253.04(3)(a), relating to carelessly causing
81 seagrass scarring, for which the civil penalty upon conviction
82 is:
83 1. For a first offense, \$50.
84 2. For a second offense occurring within 12 months after a
85 prior conviction, \$250.
86 3. For a third offense occurring within 36 months after a
87 prior conviction, \$500.
88 4. For a fourth or subsequent offense occurring within 72
89 months after a prior conviction, \$1,000.
90
91 Any person cited for a violation of any ~~such~~ provision of this
92 subsection shall be deemed to be charged with a noncriminal
93 infraction, shall be cited for such an infraction, and shall be
94 cited to appear before the county court. The civil penalty for
95 any such infraction is \$50, except as otherwise provided in this
96 section. Any person who fails to appear or otherwise properly
97 respond to a uniform boating citation shall, in addition to the
98 charge relating to the violation of the boating laws of this
99 state, be charged with the offense of failing to respond to such



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100 citation and, upon conviction, be guilty of a misdemeanor of the
101 second degree, punishable as provided in s. 775.082 or s.
102 775.083. A written warning to this effect shall be provided at
103 the time such uniform boating citation is issued.

104

105 ~~Any person cited for a violation of any such provision shall be~~
106 ~~deemed to be charged with a noncriminal infraction, shall be~~
107 ~~cited for such an infraction, and shall be cited to appear~~
108 ~~before the county court. The civil penalty for any such~~
109 ~~infraction is \$50, except as otherwise provided in this section.~~
110 ~~Any person who fails to appear or otherwise properly respond to~~
111 ~~a uniform boating citation shall, in addition to the charge~~
112 ~~relating to the violation of the boating laws of this state, be~~
113 ~~charged with the offense of failing to respond to such citation~~
114 ~~and, upon conviction, be guilty of a misdemeanor of the second~~
115 ~~degree, punishable as provided in s. 775.082 or s. 775.083. A~~
116 ~~written warning to this effect shall be provided at the time~~
117 ~~such uniform boating citation is issued.~~

118 (5) Any person electing to appear before the county court
119 or who is required so to appear shall be deemed to have waived
120 the limitations on the civil penalty specified in subsection
121 (1). The court, after a hearing, shall make a determination as
122 to whether an infraction has been committed. If the commission
123 of an infraction has been proven, the court may impose a civil
124 penalty not to exceed \$500 or a higher amount as specified in
125 subsection (1).

126 Section 3. For the purpose of incorporating the amendment
127 made by this act to section 327.73, Florida Statutes, in a
128 reference thereto, section 327.72, Florida Statutes, is



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129 reenacted and amended to read:

130 327.72 Penalties.—Any person failing to comply with the
131 provisions of this chapter or chapter 328 not specified in s.
132 327.73 or not paying the civil penalty specified in s. 327.73
133 ~~said section~~ within 30 days, except as otherwise provided in
134 this chapter or chapter 328, commits a misdemeanor of the second
135 degree, punishable as provided in s. 775.082 or s. 775.083.

136 Section 4. For the purpose of incorporating the amendment
137 made by this act to section 327.73, Florida Statutes, in a
138 reference thereto, subsection (1) of section 327.731, Florida
139 Statutes, is reenacted to read:

140 327.731 Mandatory education for violators.—

141 (1) Every person convicted of a criminal violation of this
142 chapter, every person convicted of a noncriminal infraction
143 under this chapter if the infraction resulted in a reportable
144 boating accident, and every person convicted of two noncriminal
145 infractions as defined in s. 327.73(1)(h)-(k), (m), (o), (p),
146 and (s)-(x), said infractions occurring within a 12-month
147 period, must:

148 (a) Enroll in, attend, and successfully complete, at his or
149 her own expense, a boating safety course that meets minimum
150 standards established by the commission by rule; however, the
151 commission may provide by rule pursuant to chapter 120 for
152 waivers of the attendance requirement for violators residing in
153 areas where classroom presentation of the course is not
154 available;

155 (b) File with the commission within 90 days proof of
156 successful completion of the course;

157 (c) Refrain from operating a vessel until he or she has



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158 filed the proof of successful completion of the course with the
159 commission.

160
161 Any person who has successfully completed an approved boating
162 course shall be exempt from these provisions upon showing proof
163 to the commission as specified in paragraph (b).

164 Section 5. This act shall take effect October 1, 2011.

165
166 ===== T I T L E A M E N D M E N T =====

167 And the title is amended as follows:

168 Delete everything before the enacting clause
169 and insert:

170 A bill to be entitled
171 An act relating to vessels; amending s. 327.33, F.S.;
172 revising penalty provisions for the violation of
173 navigation rules; providing that a violation resulting
174 in serious bodily injury or death is a second-degree
175 misdemeanor; providing that a violation that does not
176 constitute reckless operation of a vessel is a
177 noncriminal violation; amending s. 327.73, F.S.;
178 providing for increased penalties for certain
179 noncriminal violations of navigation rules; deleting a
180 duplicate provision; reenacting and amending s.
181 327.72, F.S., relating to penalties, to incorporate
182 the amendment made to s. 327.73, in a reference
183 thereto; correcting a cross-reference; reenacting s.
184 327.731(1), F.S., relating to mandatory education for
185 violators, to incorporate the amendment made to s.
186 327.73, F.S., in a reference thereto; providing an



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187

effective date.

By Senator Negrón

28-00703-11

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1 A bill to be entitled
2 An act relating to vessels; amending s. 327.33, F.S.;
3 revising penalty provisions for violation of
4 navigation rules; providing that such violations that
5 do not constitute reckless operation of a vessel are
6 noncriminal violations; amending s. 327.73, F.S.;
7 providing for increased penalties for certain
8 noncriminal violations; deleting a duplicate
9 provision; amending s. 327.70, F.S.; conforming a
10 cross-reference to changes made by the act; reenacting
11 and amending s. 327.72, F.S., relating to penalties,
12 to incorporate changes made by the act in references
13 thereto; reenacting s. 327.731(1), F.S., relating to
14 mandatory education for violators, to incorporate
15 changes made by the act in references thereto;
16 providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Subsection (3) of section 327.33, Florida
21 Statutes, is amended to read:

22 327.33 Reckless or careless operation of vessel.—

23 (3) Each person operating a vessel upon the waters of this
24 state shall comply with the navigation rules.

25 ~~(a) A person whose violation of the navigation rules~~
26 ~~results in a boating accident, but whose violation did not~~
27 ~~constitute reckless operation of a vessel, is guilty of a~~
28 ~~misdemeanor of the second degree, punishable as provided in s.~~
29 ~~775.082 or s. 775.083.~~

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30 (a)~~(b)~~ A person who violates ~~whose violation of the~~
31 navigation rules and the violation ~~does not result in a boating~~
32 ~~accident and~~ does not constitute reckless operation of a vessel
33 commits ~~is guilty of~~ a noncriminal violation as defined in s.
34 775.08, punishable as provided in s. 327.73.

35 (b)~~(e)~~ Law enforcement vessels may deviate from the
36 navigational rules when such diversion is necessary to the
37 performance of their duties and when such deviation may be
38 safely accomplished.

39 Section 2. Subsections (1) and (5) of section 327.73,
40 Florida Statutes, are amended to read:

41 327.73 Noncriminal infractions.—

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

44 (a) Section 328.46, relating to operation of unregistered
45 and unnumbered vessels.

46 (b) Section 328.48(4), relating to display of number and
47 possession of registration certificate.

48 (c) Section 328.48(5), relating to display of decal.

49 (d) Section 328.52(2), relating to display of number.

50 (e) Section 328.54, relating to spacing of digits and
51 letters of identification number.

52 (f) Section 328.60, relating to military personnel and
53 registration of vessels.

54 (g) Section 328.72(13), relating to operation with an
55 expired registration.

56 (h) Section 327.33(2), relating to careless operation.

57 (i) Section 327.37, relating to water skiing, aquaplaning,
58 parasailing, and similar activities.

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59 (j) Section 327.44, relating to interference with
60 navigation.

61 (k) Violations relating to boating-restricted areas and
62 speed limits:

63 1. Established by the commission or by local governmental
64 authorities pursuant to s. 327.46.

65 2. Speed limits established pursuant to s. 379.2431(2).

66 (l) Section 327.48, relating to regattas and races.

67 (m) Section 327.50(1) and (2), relating to required safety
68 equipment, lights, and shapes.

69 (n) Section 327.65, relating to muffling devices.

70 (o) Section 327.33(3)~~(b)~~, relating to navigation rules, for
71 which the penalty is:

72 1. For a first offense, up to a maximum of \$500.

73 2. For a second offense, up to a maximum of \$750.

74 3. For a third or subsequent offense, up to a maximum of
75 \$1,000.

76 (p) Section 327.39(1), (2), (3), and (5), relating to
77 personal watercraft.

78 (q) Section 327.53(1), (2), and (3), relating to marine
79 sanitation.

80 (r) Section 327.53(4), (5), and (7), relating to marine
81 sanitation, for which the civil penalty is \$250.

82 (s) Section 327.395, relating to boater safety education.

83 (t) Section 327.52(3), relating to operation of overloaded
84 or overpowered vessels.

85 (u) Section 327.331, relating to divers-down flags, except
86 for violations meeting the requirements of s. 327.33.

87 (v) Section 327.391(1), relating to the requirement for an

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88 adequate muffler on an airboat.

89 (w) Section 327.391(3), relating to the display of a flag
90 on an airboat.

91 (x) Section 253.04(3)(a), relating to carelessly causing
92 seagrass scarring, for which the civil penalty upon conviction
93 is:

94 1. For a first offense, \$50.

95 2. For a second offense occurring within 12 months after a
96 prior conviction, \$250.

97 3. For a third offense occurring within 36 months after a
98 prior conviction, \$500.

99 4. For a fourth or subsequent offense occurring within 72
100 months after a prior conviction, \$1,000.

101
102 Any person cited for a violation of any such provision shall be
103 deemed to be charged with a noncriminal infraction, shall be
104 cited for such an infraction, and shall be cited to appear
105 before the county court. The civil penalty for any such
106 infraction is \$50, except as otherwise provided in this section.

107 Any person who fails to appear or otherwise properly respond to
108 a uniform boating citation shall, in addition to the charge
109 relating to the violation of the boating laws of this state, be
110 charged with the offense of failing to respond to such citation
111 and, upon conviction, be guilty of a misdemeanor of the second
112 degree, punishable as provided in s. 775.082 or s. 775.083. A
113 written warning to this effect shall be provided at the time
114 such uniform boating citation is issued.

115
116 ~~Any person cited for a violation of any such provision shall be~~

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117 ~~deemed to be charged with a noncriminal infraction, shall be~~
118 ~~cited for such an infraction, and shall be cited to appear~~
119 ~~before the county court. The civil penalty for any such~~
120 ~~infraction is \$50, except as otherwise provided in this section.~~
121 ~~Any person who fails to appear or otherwise properly respond to~~
122 ~~a uniform boating citation shall, in addition to the charge~~
123 ~~relating to the violation of the boating laws of this state, be~~
124 ~~charged with the offense of failing to respond to such citation~~
125 ~~and, upon conviction, be guilty of a misdemeanor of the second~~
126 ~~degree, punishable as provided in s. 775.082 or s. 775.083. A~~
127 ~~written warning to this effect shall be provided at the time~~
128 ~~such uniform boating citation is issued.~~

129 (5) Any person electing to appear before the county court
130 or who is required so to appear shall be deemed to have waived
131 the limitations on the civil penalty specified in subsection
132 (1). The court, after a hearing, shall make a determination as
133 to whether an infraction has been committed. If the commission
134 of an infraction has been proven, the court may impose a civil
135 penalty not to exceed \$500 or a higher amount specified in
136 subsection (1).

137 Section 3. Subsection (2) of section 327.70, Florida
138 Statutes, is amended to read:

139 327.70 Enforcement of this chapter and chapter 328.—

140 (2) (a) Noncriminal violations of the following statutes may
141 be enforced by a uniform boating citation mailed to the
142 registered owner of an unattended vessel anchored, aground, or
143 moored on the waters of this state:

144 1. Section 327.33(3) ~~(b)~~, relating to navigation rules.

145 2. Section 327.44, relating to interference with

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146 navigation.

147 3. Section 327.50(2), relating to required lights and
148 shapes.

149 4. Section 327.53, relating to marine sanitation.

150 5. Section 328.48(5), relating to display of decal.

151 6. Section 328.52(2), relating to display of number.

152 (b) Citations issued to livery vessels under this
153 subsection shall be the responsibility of the lessee of the
154 vessel if the livery has included a warning of this
155 responsibility as a part of the rental agreement and has
156 provided to the agency issuing the citation the name, address,
157 and date of birth of the lessee when requested by that agency.
158 The livery is not responsible for the payment of citations if
159 the livery provides the required warning and lessee information.

160 Section 4. For the purpose of incorporating the amendment
161 made by this act to section 327.73, Florida Statutes, in a
162 reference thereto, section 327.72, Florida Statutes, is
163 reenacted and amended to read:

164 327.72 Penalties.—Any person failing to comply with the
165 provisions of this chapter or chapter 328 not specified in s.
166 327.73 or not paying the civil penalty specified in s. 327.73
167 ~~said section~~ within 30 days, except as otherwise provided in
168 this chapter or chapter 328, commits a misdemeanor of the second
169 degree, punishable as provided in s. 775.082 or s. 775.083.

170 Section 5. For the purpose of incorporating the amendment
171 made by this act to section 327.73, Florida Statutes, in a
172 reference thereto, subsection (1) of section 327.731, Florida
173 Statutes, is reenacted to read:

174 327.731 Mandatory education for violators.—

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175 (1) Every person convicted of a criminal violation of this
176 chapter, every person convicted of a noncriminal infraction
177 under this chapter if the infraction resulted in a reportable
178 boating accident, and every person convicted of two noncriminal
179 infractions as defined in s. 327.73(1)(h)-(k), (m), (o), (p),
180 and (s)-(x), said infractions occurring within a 12-month
181 period, must:

182 (a) Enroll in, attend, and successfully complete, at his or
183 her own expense, a boating safety course that meets minimum
184 standards established by the commission by rule; however, the
185 commission may provide by rule pursuant to chapter 120 for
186 waivers of the attendance requirement for violators residing in
187 areas where classroom presentation of the course is not
188 available;

189 (b) File with the commission within 90 days proof of
190 successful completion of the course;

191 (c) Refrain from operating a vessel until he or she has
192 filed the proof of successful completion of the course with the
193 commission.

194

195 Any person who has successfully completed an approved boating
196 course shall be exempt from these provisions upon showing proof
197 to the commission as specified in paragraph (b).

198 Section 6. This act shall take effect October 1, 2011.

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 Environmental Preservation and Conservation Committee

BILL: SB 762

INTRODUCER: Senator Hays

SUBJECT: Florida Climate Protection Act

DATE: March 15, 2011 REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|------------------|
| 1. | Wiehle | Carter | CU | Favorable |
| 2. | Wiggins | Yeatman | EP | Favorable |
| 3. | | | BC | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |

I. Summary:

The bill repeals s. 403.44, F.S., the Florida Climate Protection Act, which authorizes the Department of Environmental Protection (DEP) to adopt rules to create a cap-and-trade regulatory program to reduce greenhouse gas emissions. It also deletes a related provision in s. 366.8255, F.S., on recovery of costs relating to greenhouse gas registries.

The bill takes effect July 1, 2011.

The bill substantially amends sections 403.44 and 366.8255 of the Florida Statutes.

II. Present Situation:

Section 403.44, F.S., the Florida Climate Protection Act, was created in 2008. The statute contains legislative findings that it is in the best interest of the state to document, to the greatest extent practicable, greenhouse gas emissions and to pursue a market-based emissions abatement program, such as cap and trade, to address greenhouse gas emissions reductions. It defines the following terms:

- “Allowance” means a credit issued by DEP through allotments or auction which represents an authorization to emit specific amounts of greenhouse gases, as further defined in department rule.
- “Cap and trade” or “emissions trading” means an administrative approach used to control pollution by providing a limit on total allowable emissions, providing for allowances to emit pollutants, and providing for the transfer of the allowances among pollutant sources as a means of compliance with emission limits.

- “Greenhouse gas” or “GHG” means carbon dioxide, methane, nitrous oxide, and fluorinated gases such as hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.
- “Leakage” means the offset of emission abatement that is achieved in one location subject to emission control regulation by increased emissions in unregulated locations.
- “Major emitter” means an electric utility regulated under chapter 403, which includes all electric utilities.

Each major emitter initially was required to use The Climate Registry for purposes of emission registration and reporting. DEP was required to establish the methodologies, reporting periods, and reporting systems that were to be used when major emitters report to The Climate Registry. These requirements were deleted in 2010. s. 2, ch. 2010-143.

The statute authorizes DEP to adopt rules for a cap-and-trade regulatory program to reduce greenhouse gas emissions from major emitters.

It directs that, when DEP is developing the rules, it must consult with the Florida Energy and Climate Commission and the Florida Public Service Commission and may consult with the Governor’s Action Team for Energy and Climate Change. DEP cannot adopt rules until after January 1, 2010, and the rules cannot become effective until ratified by the Legislature.

The statute requires that the rules of the cap-and-trade regulatory program include the following provisions:

- A statewide limit or cap on the amount of greenhouse gases emitted by major emitters.
- Methods, requirements, and conditions for allocating the cap among major emitters.
- Methods, requirements, and conditions for emissions allowances and the process for issuing emissions allowances.
- The relationship between allowances and the specific amounts of greenhouse gas emissions they represent.
- The length of allowance periods and the time over which entities must account for emissions and surrender allowances equal to emissions.
- The timeline of allowances from the initiation of the program through to 2050.
- A process for the trade of allowances between major emitters, including a registry, tracking, or accounting system for such trades.
- Cost containment mechanisms to reduce price and cost risks associated with the electric generation market in this state.
- A process to allow the department to exercise its authority to discourage leakage of GHG emissions to neighboring states attributable to the implementation of this program.
- Provisions for a trial period on the trading of allowances before full implementation of a trading system.

The statute requires that the following factors be considered in recommending and evaluating proposed features of the cap-and-trade system:

- The overall cost-effectiveness of the cap-and-trade system in combination with other policies and measures in meeting statewide targets.
- Minimizing the administrative burden to the state of implementing, monitoring, and enforcing the program.

- Minimizing the administrative burden on entities covered under the cap.
- The impacts on electricity prices for consumers.
- The specific benefits to the state's economy for early adoption of a cap-and-trade system for greenhouse gases in the context of federal climate change legislation and the development of new international compacts.
- The specific benefits to the state's economy associated with the creation and sale of emissions offsets from economic sectors outside of the emissions cap.
- The potential effects on leakage if economic activity relocates out of the state.
- The effectiveness of the combination of measures in meeting identified targets.
- The implications for near-term periods of long-term targets specified in the overall policy.
- The overall costs and benefits of a cap-and-trade system to the state economy.
- How to moderate impacts on low-income consumers that result from energy price increases.
- Consistency of the program with other state and possible federal efforts.
- The feasibility and cost-effectiveness of extending the program scope as broadly as possible among emitting activities and sinks in Florida.
- Evaluation of the conditions under which Florida should consider linking its trading system to the systems of other states or other countries and how that might be affected by the potential inclusion in the rule of a safety valve.

The statute states that, "recognizing that the international, national, and neighboring state policies and the science of climate change will evolve, prior to submitting the proposed rules to the Legislature for consideration," DEP must submit the proposed rules to the Florida Energy and Climate Commission, which must review the proposed rules and submit a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and DEP.

The report must address:

- The overall cost-effectiveness of the proposed cap-and-trade system in combination with other policies and measures in meeting statewide targets.
- The administrative burden to the state of implementing, monitoring, and enforcing the program.
- The administrative burden on entities covered under the cap.
- The impacts on electricity prices for consumers.
- The specific benefits to the state's economy for early adoption of a cap-and-trade system for greenhouse gases in the context of federal climate change legislation and the development of new international compacts.
- The specific benefits to the state's economy associated with the creation and sale of emissions offsets from economic sectors outside of the emissions cap.
- The potential effects on leakage if economic activity relocates out of the state.
- The effectiveness of the combination of measures in meeting identified targets.
- The economic implications for near-term periods of short-term and long-term targets specified in the overall policy.
- The overall costs and benefits of a cap-and-trade system to the economy of the state.
- The impacts on low-income consumers that result from energy price increases.
- The consistency of the program with other state and possible federal efforts.

- The evaluation of the conditions under which the state should consider linking its trading system to the systems of other states or other countries and how that might be affected by the potential inclusion in the rule of a safety valve.
- The timing and changes in the external environment, such as proposals by other states or implementation of a federal program that would spur reevaluation of the Florida program.
- The conditions and options for eliminating the Florida program if a federal program were to supplant it.
- The need for a regular reevaluation of the progress of other emitting regions of the country and of the world, and whether other regions are abating emissions in a commensurate manner.
- The desirability of and possibilities of broadening the scope of the state's cap-and-trade system at a later date to include more emitting activities as well as sinks in Florida, the conditions that would need to be met to do so, and how the program would encourage these conditions to be met, including developing monitoring and measuring techniques for land use emissions and sinks, regulating sources upstream, and other considerations.

Section 366.8255, F.S., authorizes an investor-owned electric utility to recover costs of compliance with federal, state, or local environmental laws or regulations. When s. 403.44, F.S., was enacted in 2008, this section was amended to allow recovery of costs or expenses prudently incurred for the quantification, reporting, and third-party verification as required for participation in greenhouse gas emission registries for greenhouse gases.

III. Effect of Proposed Changes:

The bill repeals s. 403.44, F.S., the Florida Climate Protection Act, and deletes the provision in s. 366.8255, F.S., on recovery of costs relating to greenhouse gas registries.

The bill takes effect July 1, 2011.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Electric utilities will not incur costs of a state cap-and-trade program. Consequently, their ratepayers will not be required to pay these costs.

C. Government Sector Impact:

DEP may avoid costs associated with rulemaking.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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

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

None.

B. Amendments:

None.

By Senator Hays

20-00891-11

2011762

1 A bill to be entitled
2 An act relating to the Florida Climate Protection Act;
3 repealing s. 403.44, F.S., relating to a cap-and-trade
4 regulatory program to reduce greenhouse gas emissions
5 from electric utilities; amending s. 366.8255, F.S.;
6 conforming a cross-reference; providing an effective
7 date.

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

10
11 Section 1. Section 403.44, Florida Statutes, is repealed.

12 Section 2. Paragraph (d) of subsection (1) of section
13 366.8255, Florida Statutes, is amended to read:

14 366.8255 Environmental cost recovery.-

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

16 (d) "Environmental compliance costs" includes all costs or
17 expenses incurred by an electric utility in complying with
18 environmental laws or regulations, including, but not limited
19 to:

20 1. Inservice capital investments, including the electric
21 utility's last authorized rate of return on equity thereon.

22 2. Operation and maintenance expenses.

23 3. Fuel procurement costs.

24 4. Purchased power costs.

25 5. Emission allowance costs.

26 6. Direct taxes on environmental equipment.

27 7. Costs or expenses prudently incurred by an electric
28 utility pursuant to an agreement entered into on or after the
29 effective date of this act and prior to October 1, 2002, between

20-00891-11

2011762__

30 the electric utility and the Florida Department of Environmental
31 Protection or the United States Environmental Protection Agency
32 for the exclusive purpose of ensuring compliance with ozone
33 ambient air quality standards by an electrical generating
34 facility owned by the electric utility.

35 ~~8. Costs or expenses prudently incurred for the~~
36 ~~quantification, reporting, and third party verification as~~
37 ~~required for participation in greenhouse gas emission registries~~
38 ~~for greenhouse gases as defined in s. 403.44.~~

39 8.9. Costs or expenses prudently incurred for scientific
40 research and geological assessments of carbon capture and
41 storage conducted in this state for the purpose of reducing an
42 electric utility's greenhouse gas emissions when such costs or
43 expenses are incurred in joint research projects with Florida
44 state government agencies and Florida state universities.

45 Section 3. This act shall take effect July 1, 2011.

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 Environmental Preservation and Conservation Committee

BILL: SB 502

INTRODUCER: Senator Oelrich

SUBJECT: State Symbols

DATE: March 15, 2011

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|------------------|
| 1. | Wiggins | Yeatman | EP | Favorable |
| 2. | | | GO | |
| 3. | | | RC | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |

I. Summary:

This bill designates the Barking Tree Frog as the official state amphibian.

The bill creates section 15.03865 of the Florida Statutes.

II. Present Situation:

Currently, no amphibian is designated as the official state amphibian.

Chapter 15, F.S., designates official state emblems. To date, there are designations for a state tree, fruit, beverage, citrus archive, anthem, song, shell, stone, gem, wildflower, play, animal, freshwater fish, saltwater fish, marine mammal, saltwater mammal, butterfly, reptile, saltwater reptile, tortoise, air fair, rodeo, festival, moving image center and archive, litter control symbol, pageant, opera program, renaissance festival, railroad museums, transportation museum, soil, fiddle contest, band, Sports Hall of Fame, pie, maritime museum, and horse.

III. Effect of Proposed Changes:

Section 1 creates section 15.03865, of the Florida Statutes, to designate the Barking Tree Frog as the official state amphibian.

Section 2 provides that this act shall take effect July 1, 2011.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of State maintains a list on its website of all official state symbols.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

None.

B. Amendments:

None.

By Senator Oelrich

14-00685-11

2011502__

1 A bill to be entitled
2 An act relating to state symbols; creating s.
3 15.03865, F.S.; designating the Barking Tree Frog as
4 the official state amphibian; providing an effective
5 date.

6
7 Be It Enacted by the Legislature of the State of Florida:

8
9 Section 1. Section 15.03865, Florida Statutes, is created
10 to read:

11 15.03865 Official state amphibian.—The Barking Tree Frog
12 (*Hyla gratiosa*) is designated the official state amphibian.

13 Section 2. This act shall take effect July 1, 2011.



*Florida Department of
Environmental Protection*

Numeric Nutrient Criteria Overview

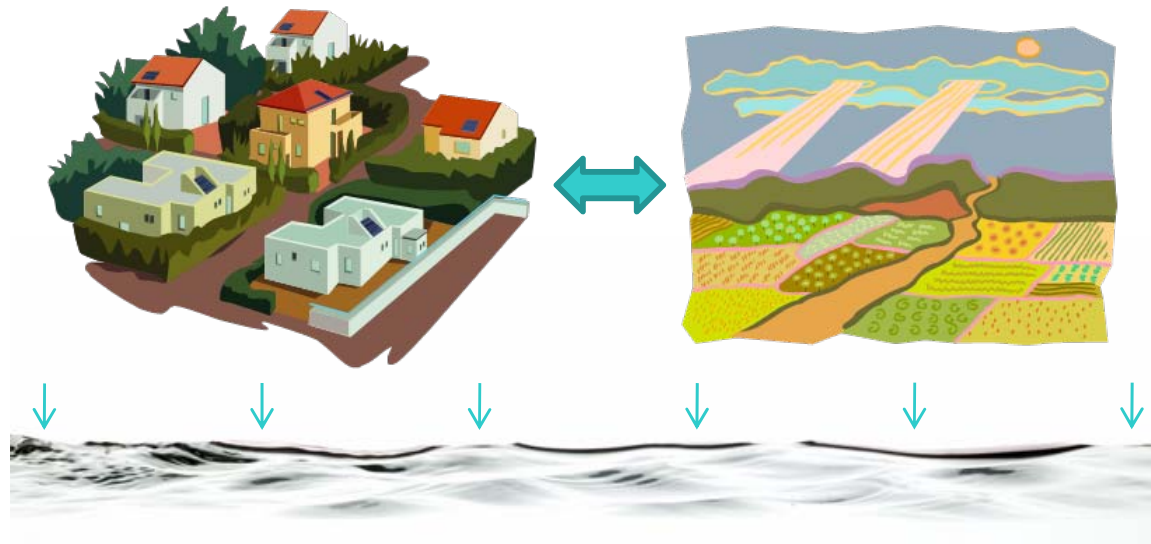
Florida Department of Environmental Protection
Division of Environmental Assessment & Restoration
Drew Bartlett, Assistant Director

*Prepared for: Senate Environmental Preservation and Conservation Committee
March 17, 2011
Chair: Senator Charlie Dean, Sr.*



Nutrients: Nitrogen & Phosphorus

- ❖ What are sources of excess nutrients?
 - Human Activity



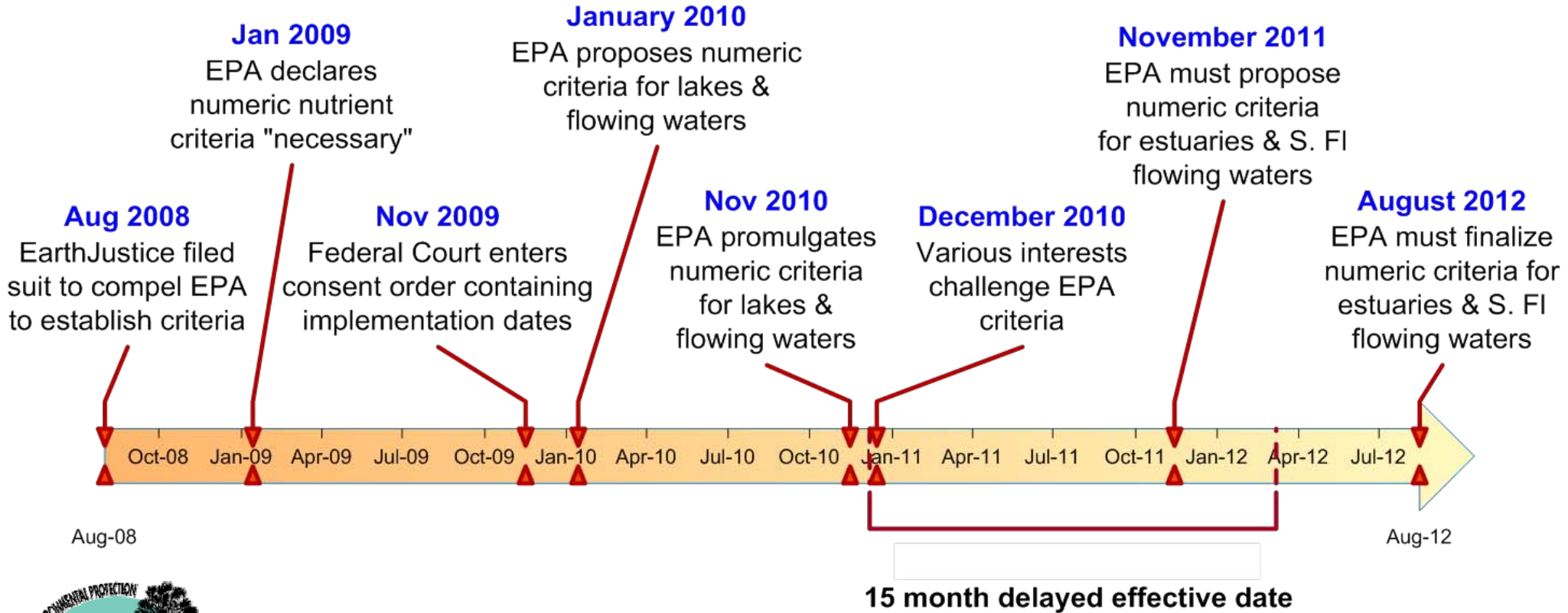
- ❖ What are the results of excess nutrients?
 - Environmental and Health Risks: Harmful Algae Blooms
 - Economic Impacts: Tourism and Land Value





Timeline of Events

- 1998: EPA issues National Strategy to Adopt Numeric Nutrient Water Standards
- 2002: FDEP starts Criteria Development





Questions?



For more information, please contact:

Drew Bartlett

drew.bartlett@dep.state.fl.us

(850) 245-8446



WATER FACTS

1; We use less Total Water today than we did 35 Years ago on even a gross pumpage basis. Between 42 to 55 % of gross pumpage is returned to the Aquifer today !! We still have a lot of cheap groundwater available today. There is no need for the very expensive AWS's.

2; Lowered hydrological conditions, once blamed on pumpage, are now understood to be the result of the "Multidecadal" cyclical reduction in average rainfall---the AMO effect.

3; This is clearly evidenced by the about perfect proportionality between rainfall & hydrological condition seen in my Double Mass Plots [DMP's].

4; The WMD's have not published the real Public Supply Water Use, but have only shown "Projections" that bear no relationship to the historical use trend or a reasonable population growth projection [BEBR ?].

----- WATER FACTS -----

FLORIDA PUBLIC SUPPLY vs. RAINFALL

FLORIDA AREA; 58,500 SQ. MI. = 5.85×10^4 x 5.28×10^3 x 5.28×10^3 =
 = 1.63×10^{12} Sq. Ft.

FLORIDA AVERAGE ANNUAL RAINFALL = ~ 52.8 Inches / Year = ~ 4.4 Ft / Year

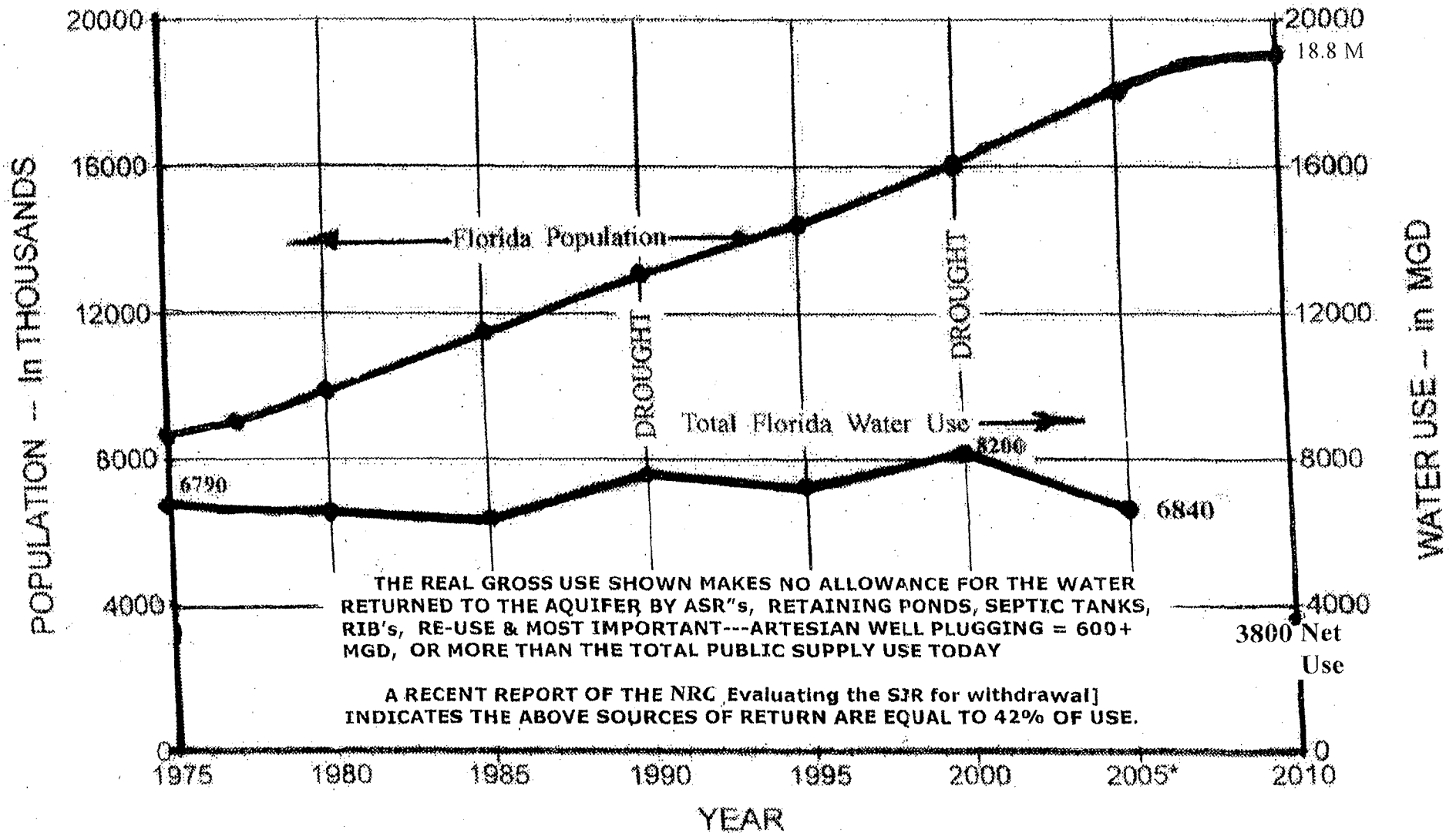
FLORIDA TOTAL RAINFALL VOLUME = $4.4 \times 1.63 \times 10^{12}$ = 7.17×10^{12} Cu Ft / Year'

FLORIDA TOTAL PUBLIC SUPPLY [2005] = 2540 MGD = 2.540×10^9 Gal / Day X 365 Days
 / Year = 9.27×10^{11} Gal / Year ---OR -- Divided by 7.48 Gal / Cu Ft = 1.24×10^{11} Cu Ft /
 Year

PUBLIC SUPPLY as a % of RAINFALL = 1.24×10^{11} x 100 Divided by 7.17×10^{12} =
 = 1.73 % or 1.73 % x 52.8 Inches / Year =
 = 0.913 INCHES Per Year.

FLORIDA TOTAL WATER USE & POPULATION

1975 to 2005



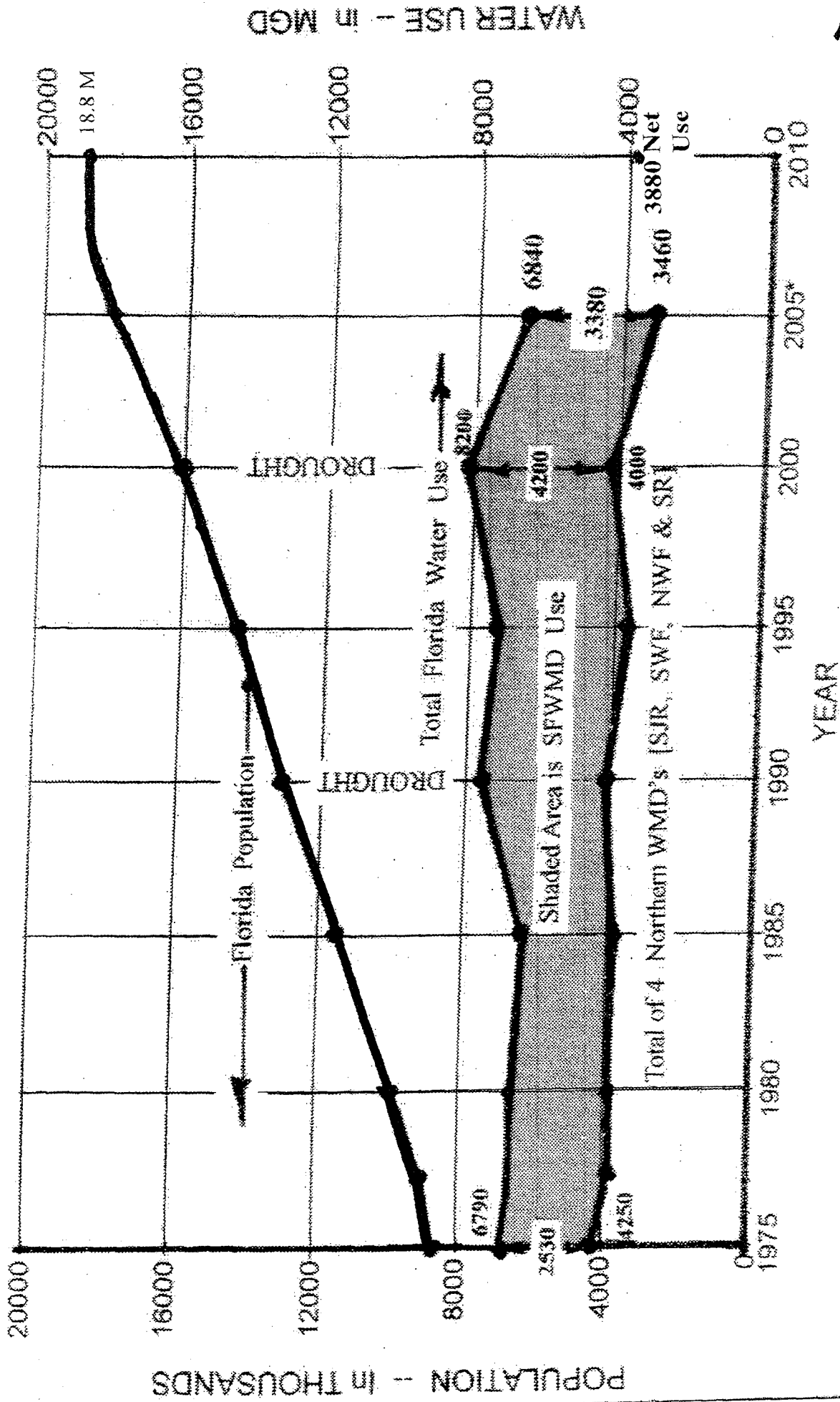
Numbers from USGS

JB MAR. 2011

AZ

FLORIDA TOTAL WATER USE & POPULATION

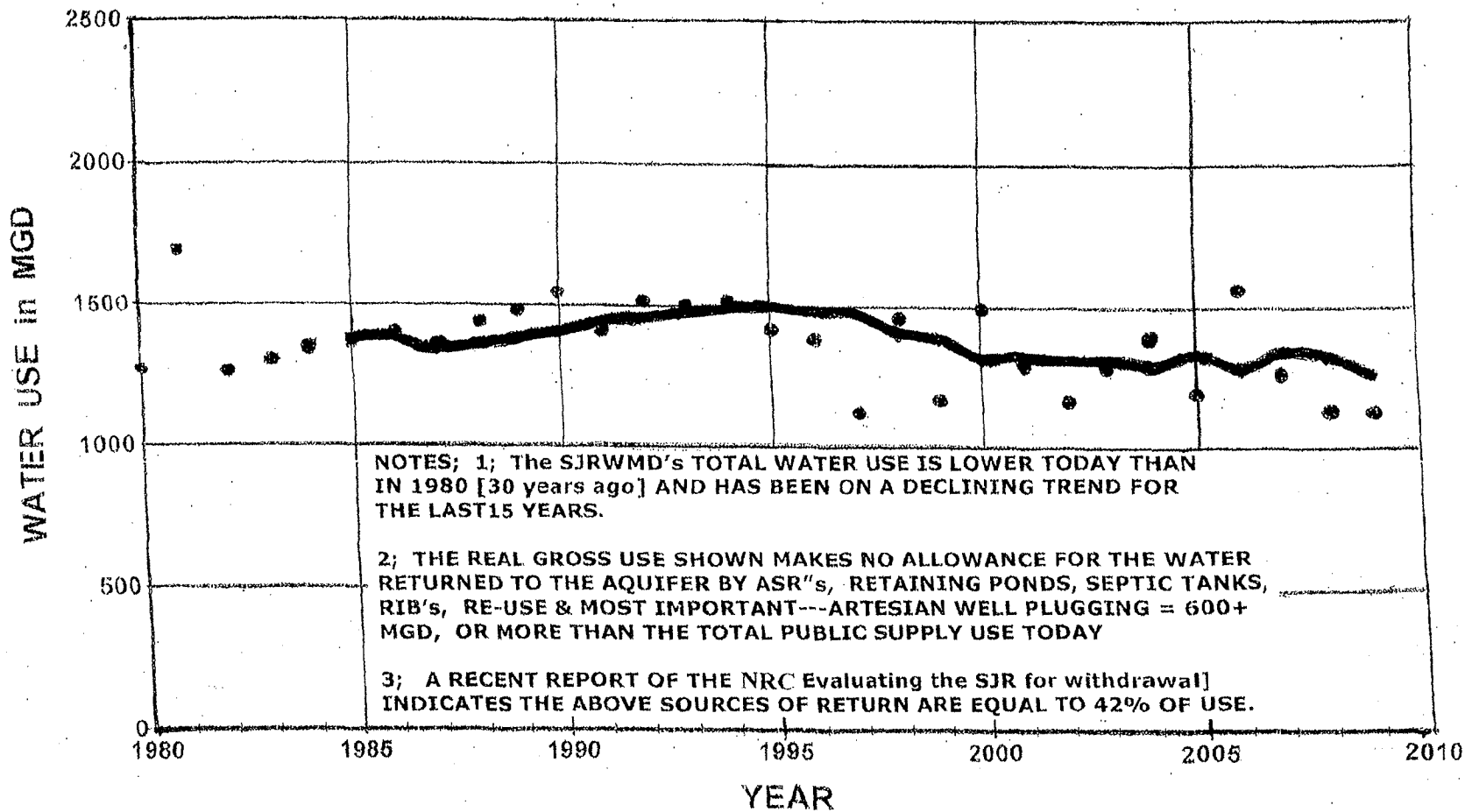
1975 to 2005



* 2005 Numbers from USGS [R. Marella] 2/7/08

SJRWMD TOTAL FRESHWATER USE

1980 - 2010



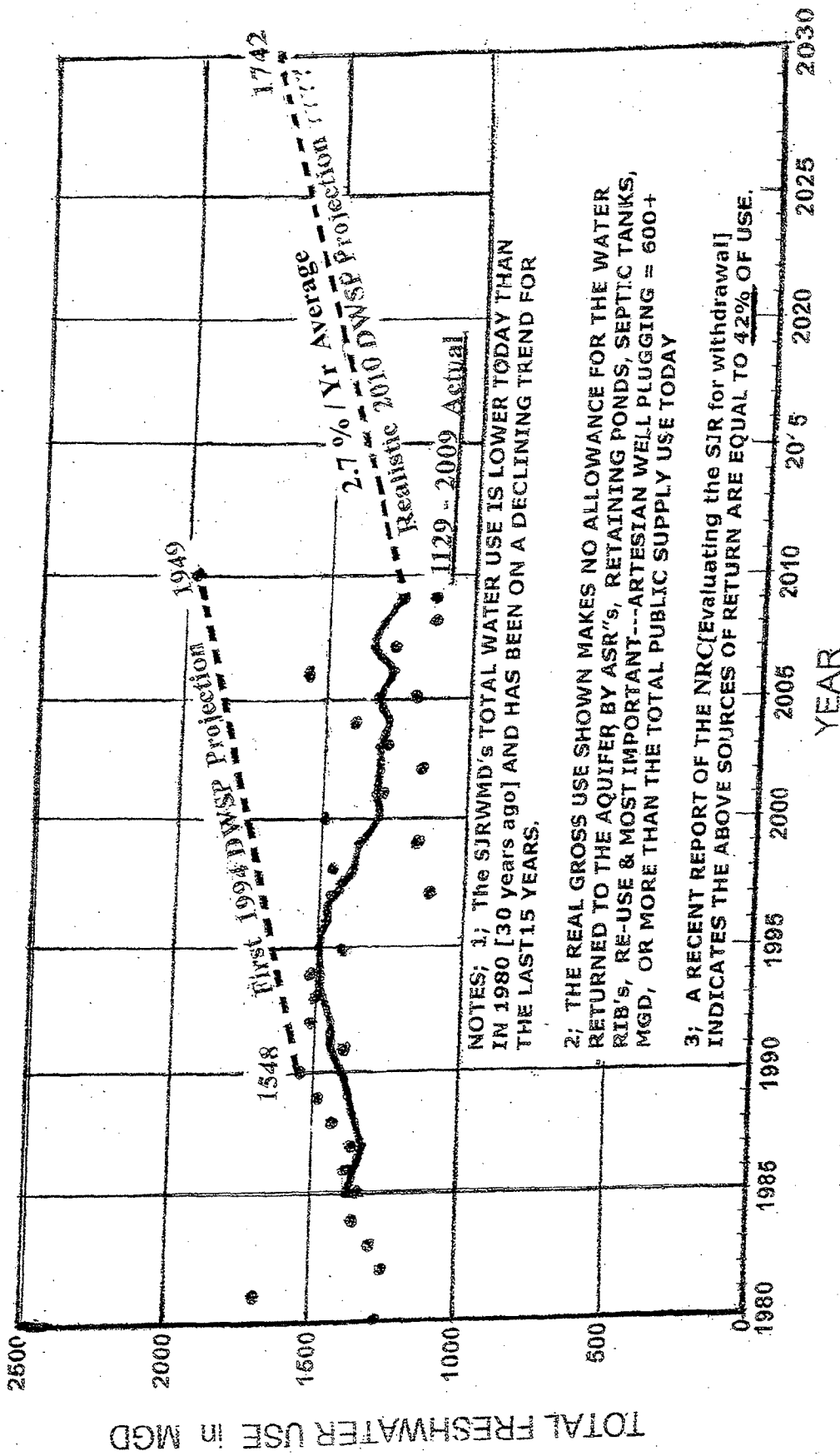
ALL DATA FROM THE USGS & SJRWMD
 DOTS ARE YEARLY USE SOLID LINE IS 5 Yr. MOVING AVG.

JB OCT. 2010

AH

SJRWMD TOTAL WATER USE & PROJECTIONS

1980 - 2030



NOTES; 1; The SJRWMD's TOTAL WATER USE IS LOWER TODAY THAN IN 1980 [30 Years ago] AND HAS BEEN ON A DECLINING TREND FOR THE LAST 15 YEARS.

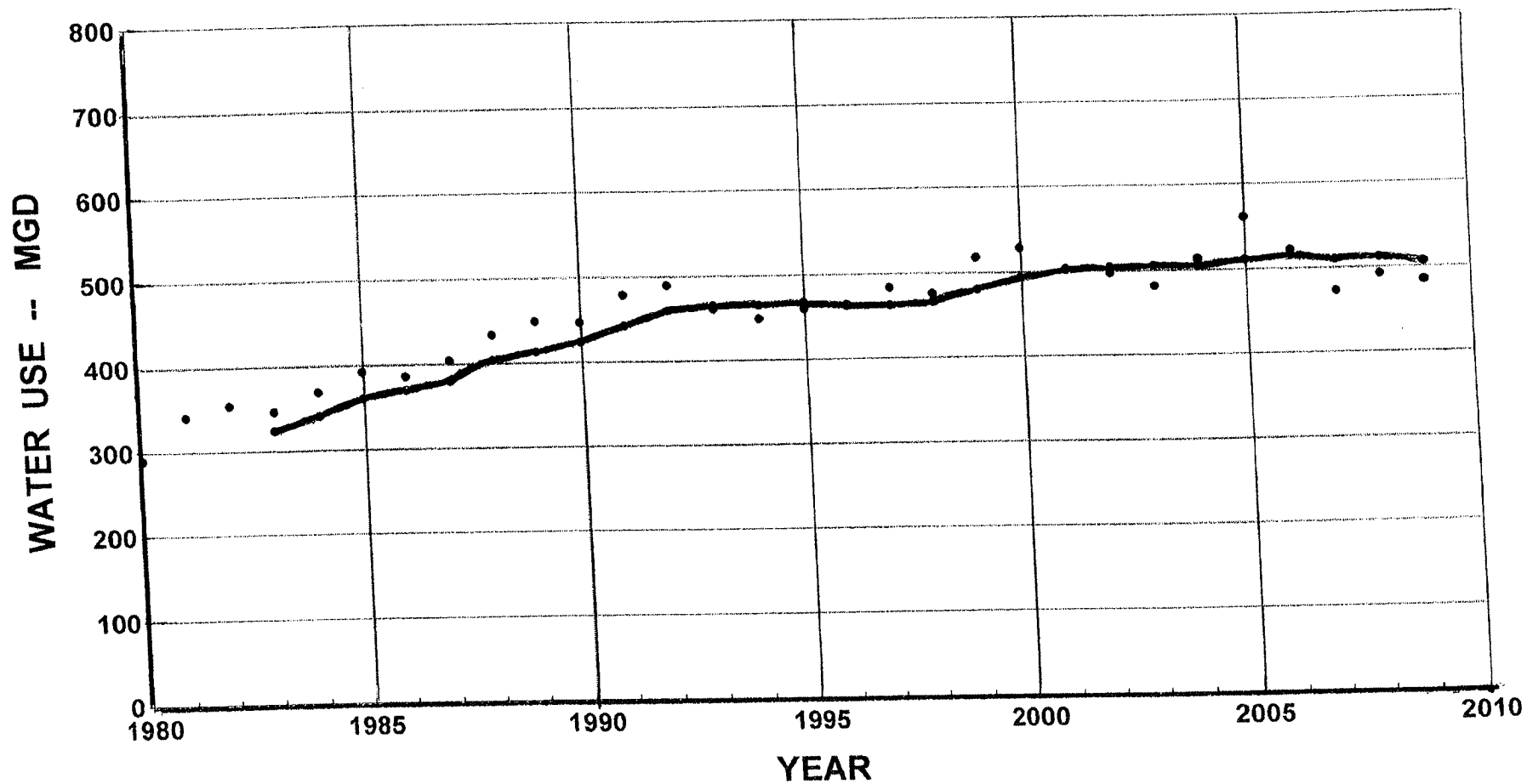
2; THE REAL GROSS USE SHOWN MAKES NO ALLOWANCE FOR THE WATER RETURNED TO THE AQUIFER BY ASR's, RETAINING PONDS, SEPTIC TANKS, RIB's, RE-USE & MOST IMPORTANT---ARTESIAN WELL PLUGGING = 600+ MGD, OR MORE THAN THE TOTAL PUBLIC SUPPLY USE TODAY

3; A RECENT REPORT OF THE NRC[Evaluating the SJR for withdrawal] INDICATES THE ABOVE SOURCES OF RETURN ARE EQUAL TO 42% OF USE.

SOLID LINE IS 5 Yr. Moving Average SINGLE DOTS are Yearly Reading

SWFWMD PUBLIC SUPPLY

1980 -- 2010



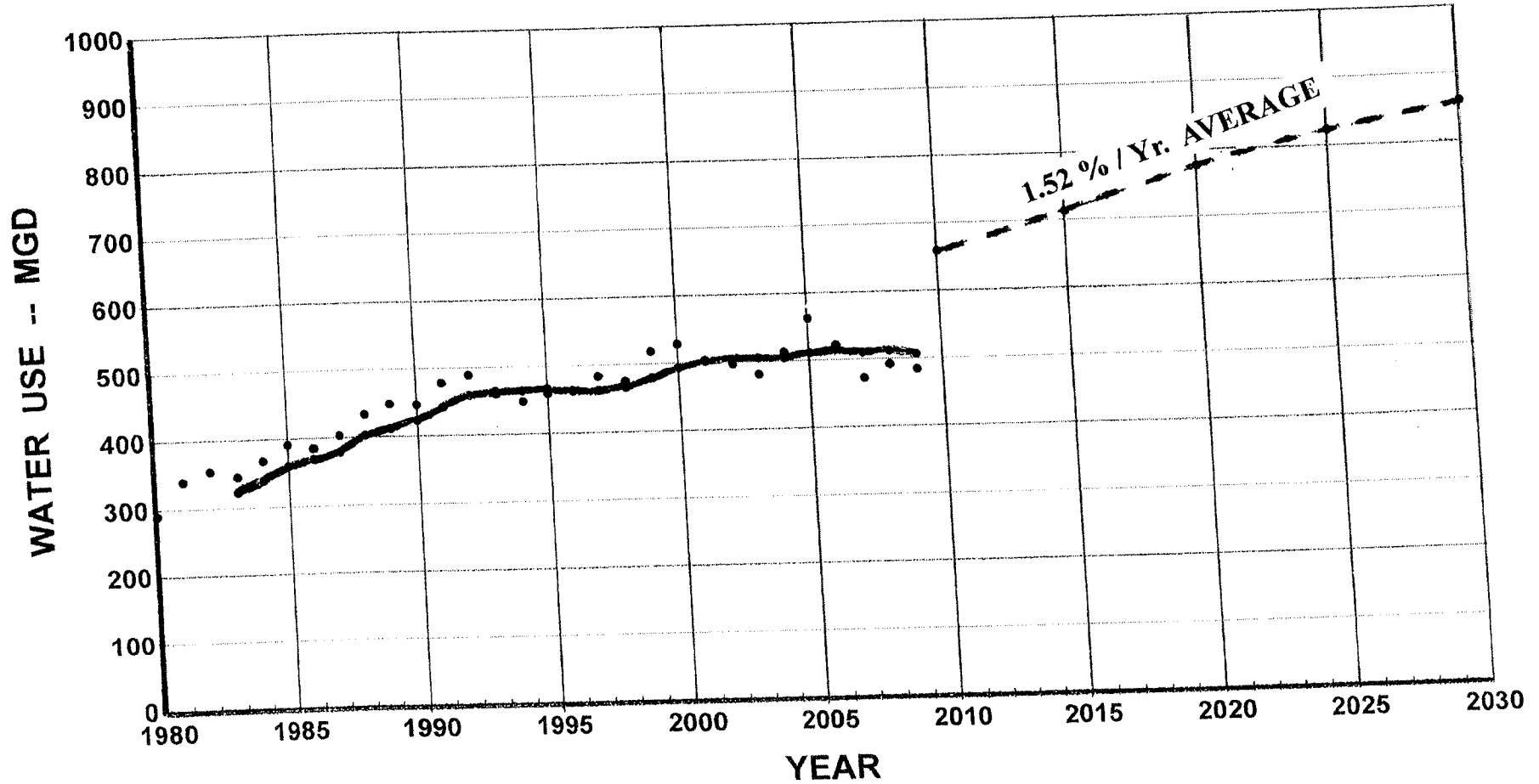
DOTS = YEARLY USE LINE = 5 Year Moving Average

JB FEB. 2010

AB

SWFWMD PUBLIC SUPPLY & PROJECTIONS

1980 -- 2030



SOLID LINE = 5 YEAR MOVING AVERAGE

DASH LINE = PROJECTIONS

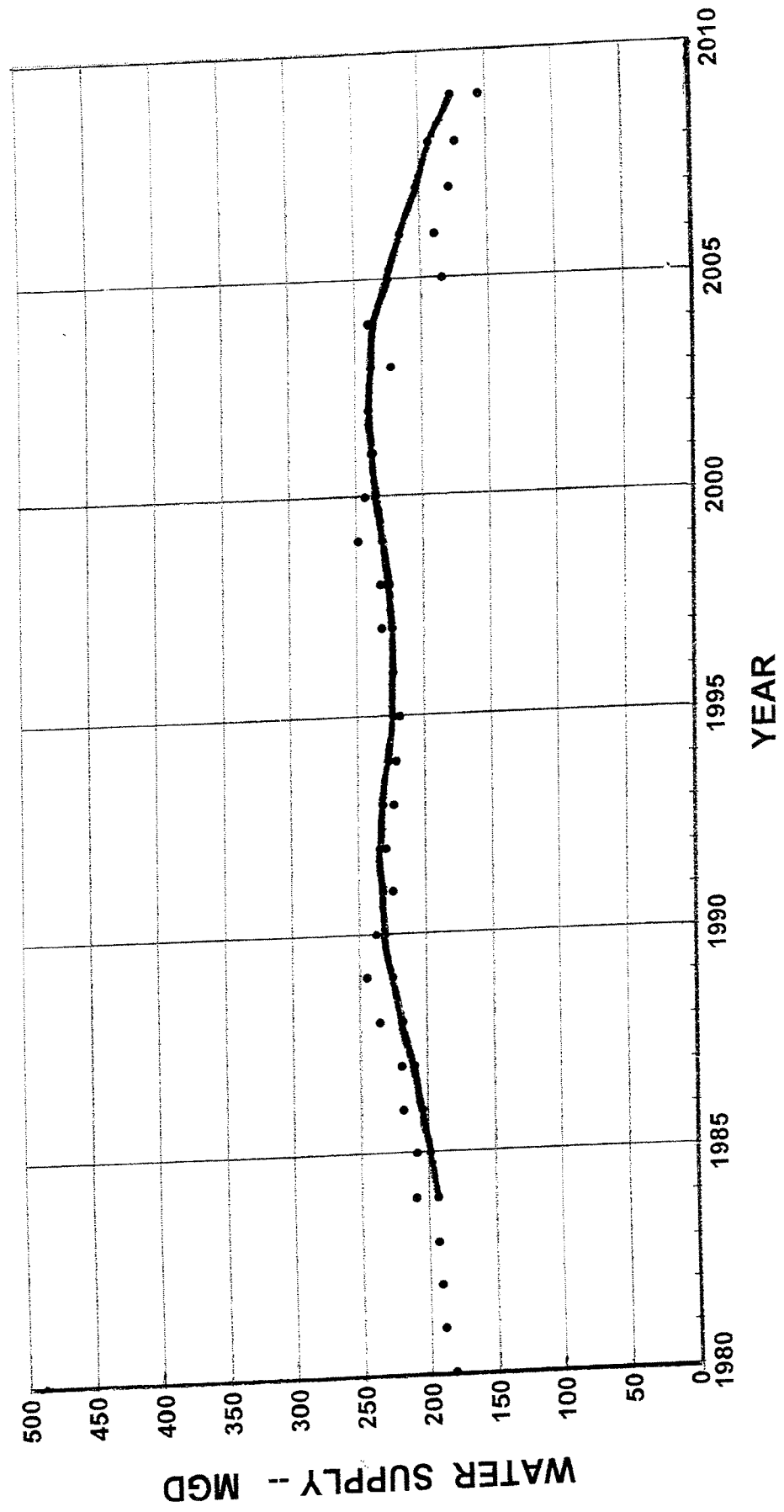
JB FEB. 2011

A7

DATA: From TBW

TBW WATER SUPPLY

1980 -- 2010



DOTS = YEAR USE LINE = 5 Year Moving Average

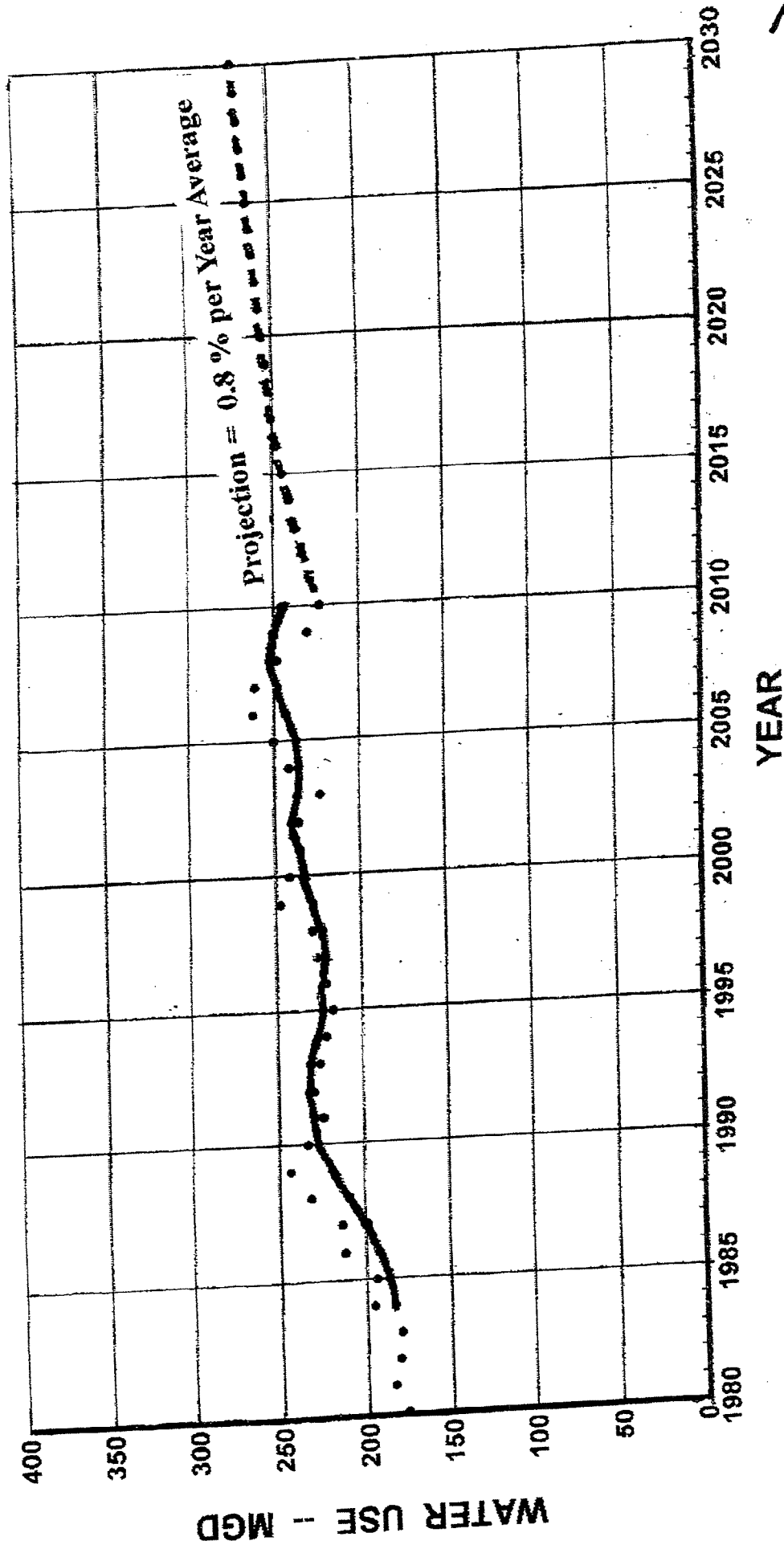
JB FEB. 2011

A8

DATA: TBW Feb. 15, 2011

TBW & GOV.'s WATER USE + PROJECTIONS

1980 -- 2030



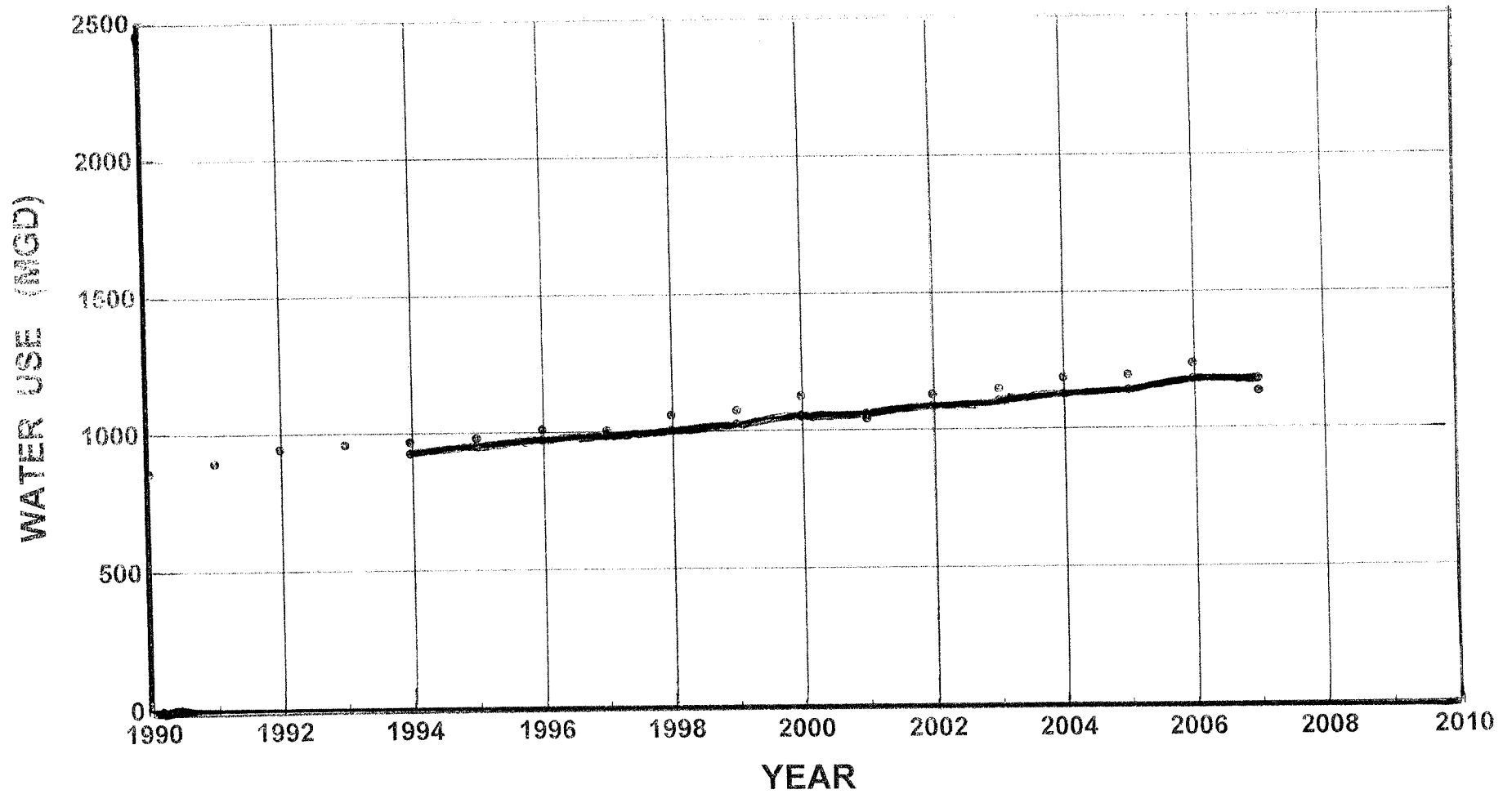
A9

DOT is Yearly SOLID LINE is 5 Year Moving Average DASH LINE is Projections

JB FEB, 2011

SFWMD PUBLIC SUPPLY WATER USE

1990 -- 2010



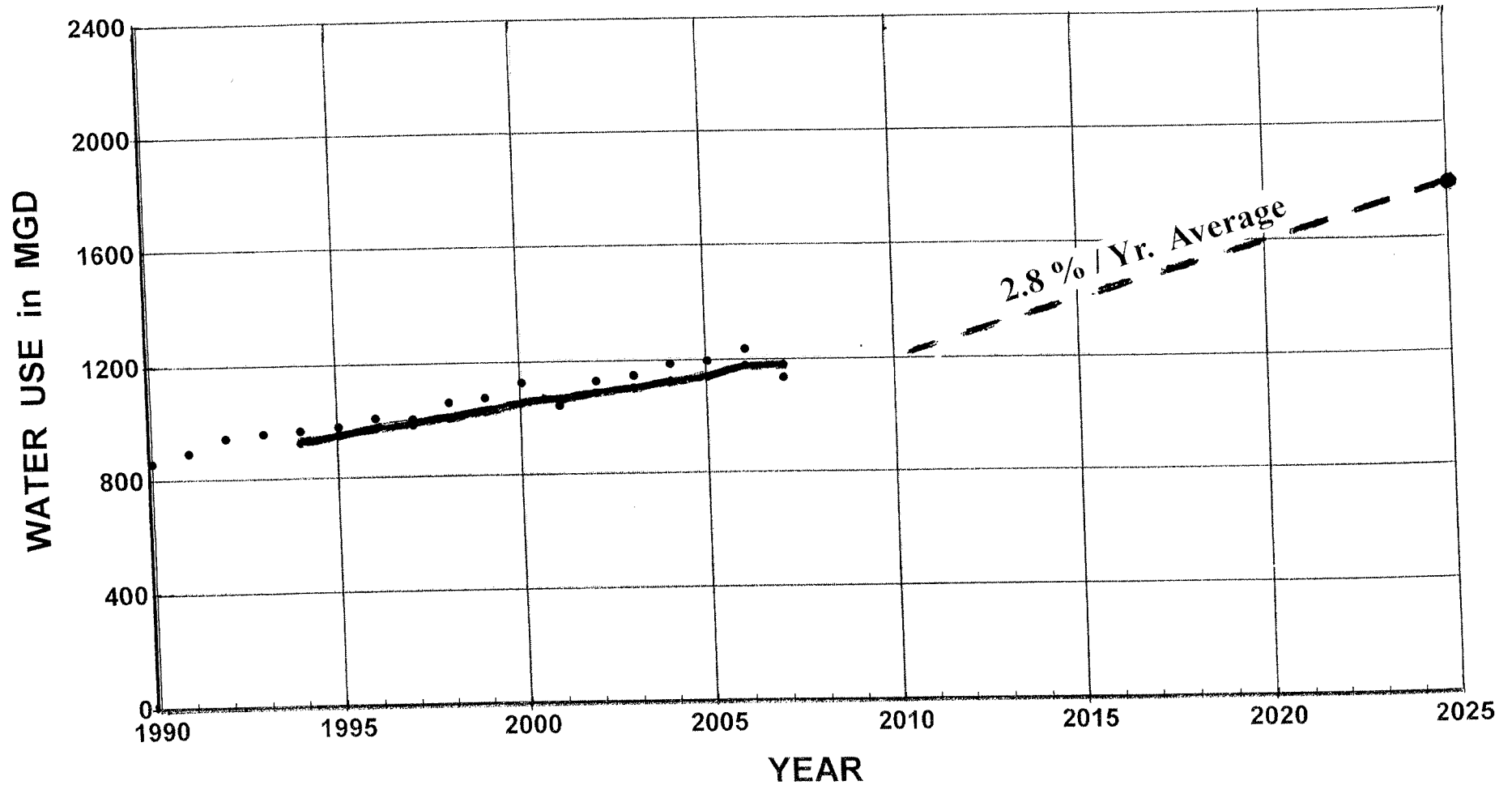
DOTS = Single Year SOLID LINE = 5 Year Moving Average

JB MAR. 2011

A 10

SFWMD PUBLIC SUPPLY USE & PROJECTION

1995 -- 2025



DOTS = Year Value

SOLID LINE = 5 Year Moving Average

DASHED LINE = Projection

JB MAR, 2011

A11

SFWMD WATER USE & PROJECTIONS by REGION

| LOWER EAST COAST | | | | KISSIMMEE | | | LOWER WEST COAST | | | | UPPER EAST COAST | | | DIST. AVG. |
|------------------|-------|--------|--------------------|-----------|--------|--------------------|------------------|-------|-------|--------------------|------------------|-------|--------------------|--------------------|
| USE TYPE | 2005 | 2025 | % / Yr. | 2005 | 2025 | % / Yr. | USE TYPE | 2005 | 2025 | % / Yr. | 2000 | 2025 | % / Yr. | |
| PS | 869 | 1173.6 | <u>1.75</u> | 113.5 | 235.27 | <u>4.29</u> | PS | 145.3 | 272.2 | <u>4.37</u> | 36.5 | 101.9 | <u>7.17</u> | <u>2.61</u> |
| DSS | 36.6 | 48.9 | 1.68 | 11.3 | 13.84 | 0.08 | DSS | 24.4 | 31.1 | 1.37 | 14.6 | 2.7 | -3.26 | |
| PS + DSS | 905.6 | 1222.5 | 1.74 | 124.8 | 250.11 | 4.02 | PS + DSS | 169.7 | 303.3 | 3.94 | 51.1 | 104.6 | 4.19 | |
| Ag | 429.7 | 393 | -0.08 | 116.7 | 117.41 | 0 | Ag | 698.1 | 729.2 | 0.22 | 212.8 | 197.1 | -0.19 | |
| Com.+ Ind. | 61.3 | 61.3 | 0 | 11 | 18.8 | 2.84 | Com.+ Ind. | 26.6 | 28.9 | 0.43 | 3.3 | 4.9 | 1.94 | |
| Recreation | 48.6 | 63.6 | 1.54 | 5.71 | 15.13 | 6.6 | Recreation | 52.6 | 62.2 | 0.91 | 12.8 | 23.8 | 3.44 | |
| Electric | 4.5 | 102.6 | 10.9 | 0.46 | 0.46 | 0 | Electric | 0.5 | 66.9 | | 9.8 | 47.6 | 15.4 | |
| TOTAL | 1450 | 1843 | 1.36 | 383.5 | 651 | 2.79 | TOTAL | 947.5 | 1191 | 1.28 | 289.8 | 378 | 1.22 | |

JB FEB. 2011

Alla

BI

St Johns River Water Management District
Department of Resource Management
Division of Groundwater Programs
Palatka FL

The Atlantic Multidecadal Oscillation: What it is, how it affects climate, and how to project the risk of future AMO regime shifts

by

Dr. David Enfield

DAVID.ENFIELD@WCAAW.COM

Resource Management Building, Rm 136A/B

November 3, 2005

Thursday

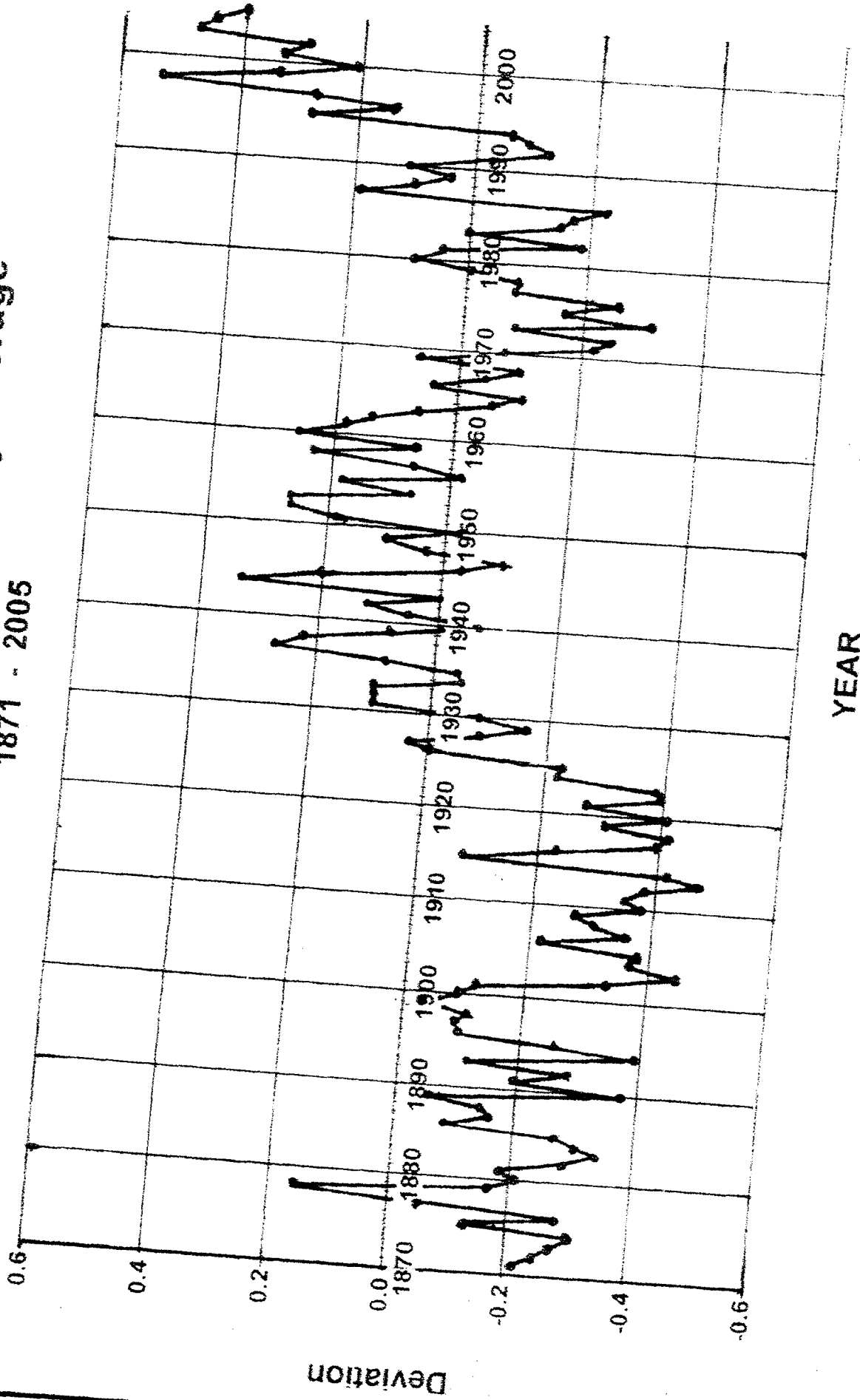
10:00 AM – 12 PM

ABSTRACT: The Atlantic multidecadal oscillation is an ongoing series of long-duration changes in the sea surface temperature of the North Atlantic Ocean of the North Atlantic Ocean, with cool and warm phases that may last for 15-40 years at a time and a difference of about 1°F between extremes. These changes are natural and have been occurring for at least the last 1,000 years. The AMO has affected air temperatures and rainfall over much of the Northern Hemisphere, in particular, North America and Europe. It is associated with changes in the frequency of North American droughts and is reflected in the frequency of severe Atlantic hurricanes. It alternately obscures and exaggerates the global increase in temperatures due to human-induced global warming. Recent research suggests that the AMO is related to the past occurrence of major droughts in the Midwest and the Southwest. When the AMO is in its warm phase, these droughts tend to be more frequent or prolonged. Vice-versa for negative AMO. Two of the most severe droughts of the 20th century occurred during the positive AMO between 1925 and 1965: The Dustbowl of the 1930s and the 1950s drought. Florida and the Pacific Northwest tend to be the opposite — warm AMO, more rainfall. The AMO has a strong effect on Florida rainfall. Rainfall in central and south Florida becomes more plentiful when the Atlantic is in its warm phase and droughts and wildfires are more frequent in the cool phase. As a result of these variations, the inflow to Lake Okeechobee — which regulates South Florida's water supply — changes by 40% between AMO extremes. In northern Florida the relationship begins to reverse — less rainfall when the Atlantic is warm. We are not yet capable of predicting exactly when the AMO will switch, in any deterministic sense. Computer models, such as those that predict El Niño, are far from being able to do this. What is possible to do at present is to calculate the probability that a change in the AMO will occur within a given future time frame. Probabilistic projections of this kind may prove to be very useful for long-term planning in climate sensitive applications, such as water management. In this presentation, we will explore the characteristics of the AMO and ways in which we can project the risk of future AMO shifts in support of water management decisions.

Note: Seating is limited due to Headquarters construction. If possible the seminar will be WebCast. SJRWMD staff register via [WaveLink](#). Non-District attendees register via e-mail to [Rita Smith](#)

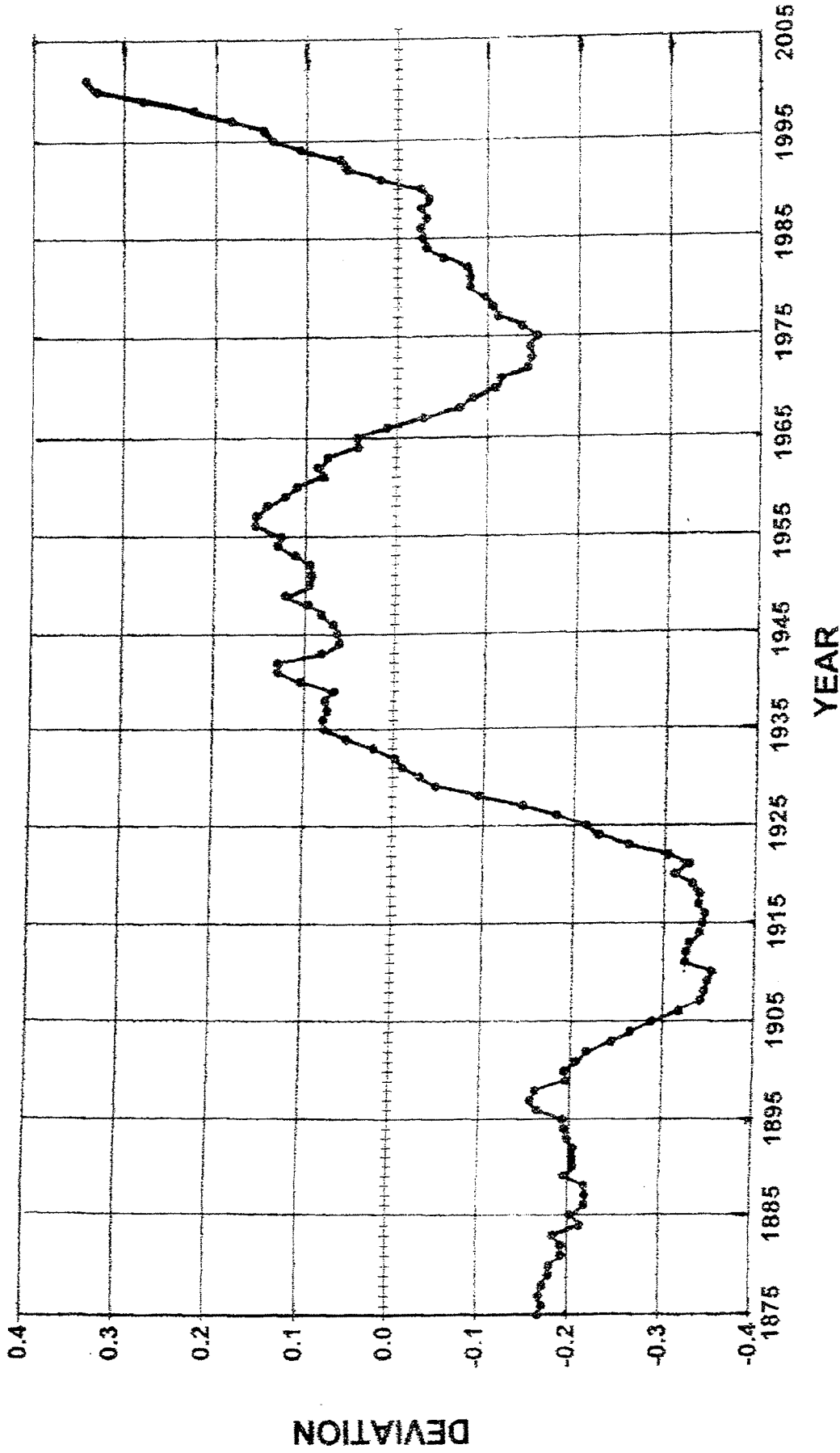
AMO RAW DATA, Yearly Average

1871 - 2005



AMO 10 YEAR MOVING AVERAGE

1875 -- 2005



JB 11/28/05

B3

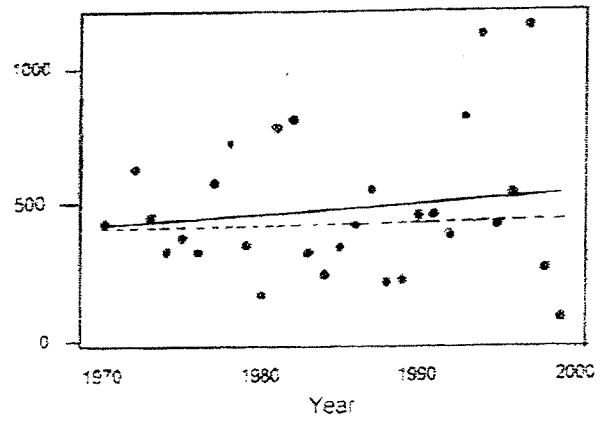
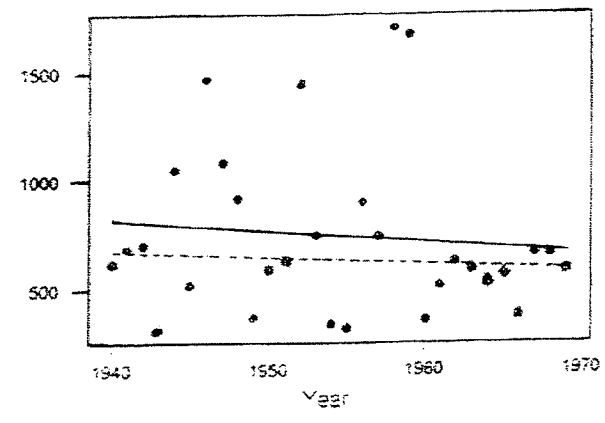
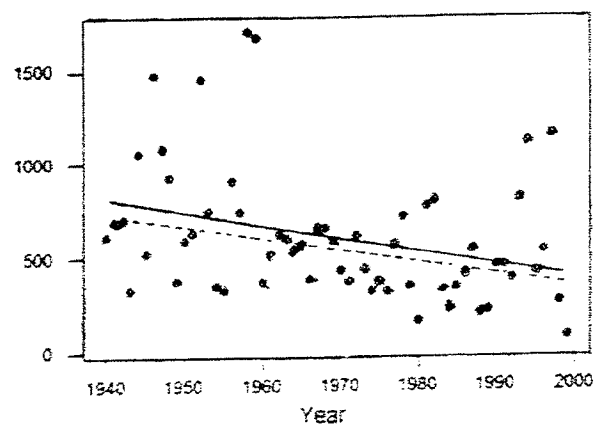
B4

Proposed Minimum Flows and Levels for the Middle Segment of the Peace River, from Zolfo Springs to Arcadia

Marty Kelly
Adam Munson
Jonathan Morales
Doug Leeper

January 2005

PEACE RIVER at ZOLFO SPRINGS
FLOW in CFS



— Ordinary Least Squares Line
 - - - Kendall's tau Thiel Line

Figure 2-24. Graphical results of Kendall's tau test of mean annual flows for the Peace River at Zolfo Springs for the period 1940 to 1999 (upper panel), 1940 to 1969 (middle panel), and 1970 to 1999 (lower panel).

draft

Alafia River Minimum Flows and Levels; Freshwater Segment

Marty Kelly
Adam Munson
Jonathan Morales
Doug Leeper

Executive Summary

The Southwest Florida Water Management District, by virtue of its responsibility to permit the consumptive use of water and a legislative mandate to protect water resources from "significant harm," has been directed to establish minimum flows and levels (MFLs) for streams and rivers within its boundaries (Section 373.042, Florida Statutes). As currently defined by statute, "the minimum flow for a given watercourse shall be the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area. In this report, minimum flows are being proposed for the freshwater segment of the Alafia River and for two springs (Lithia and Buckhorn) that discharge to the river.

Fundamental to the approach used for development of minimum flows and levels is the realization that a flow regime is necessary to protect the ecology of the river system. The initial step in this process requires an understanding of historic and current flow conditions to assess to what extent withdrawals or other anthropogenic factors have affected flows. To accomplish this task, the District has evaluated the effects of climatic oscillations on regional river flows and has identified two benchmark periods for evaluation of flows in the Alafia River. It has also been demonstrated that flow declines in the Alafia River, which have been ascribed to human causes by some investigators, are largely a function of climatic variation.

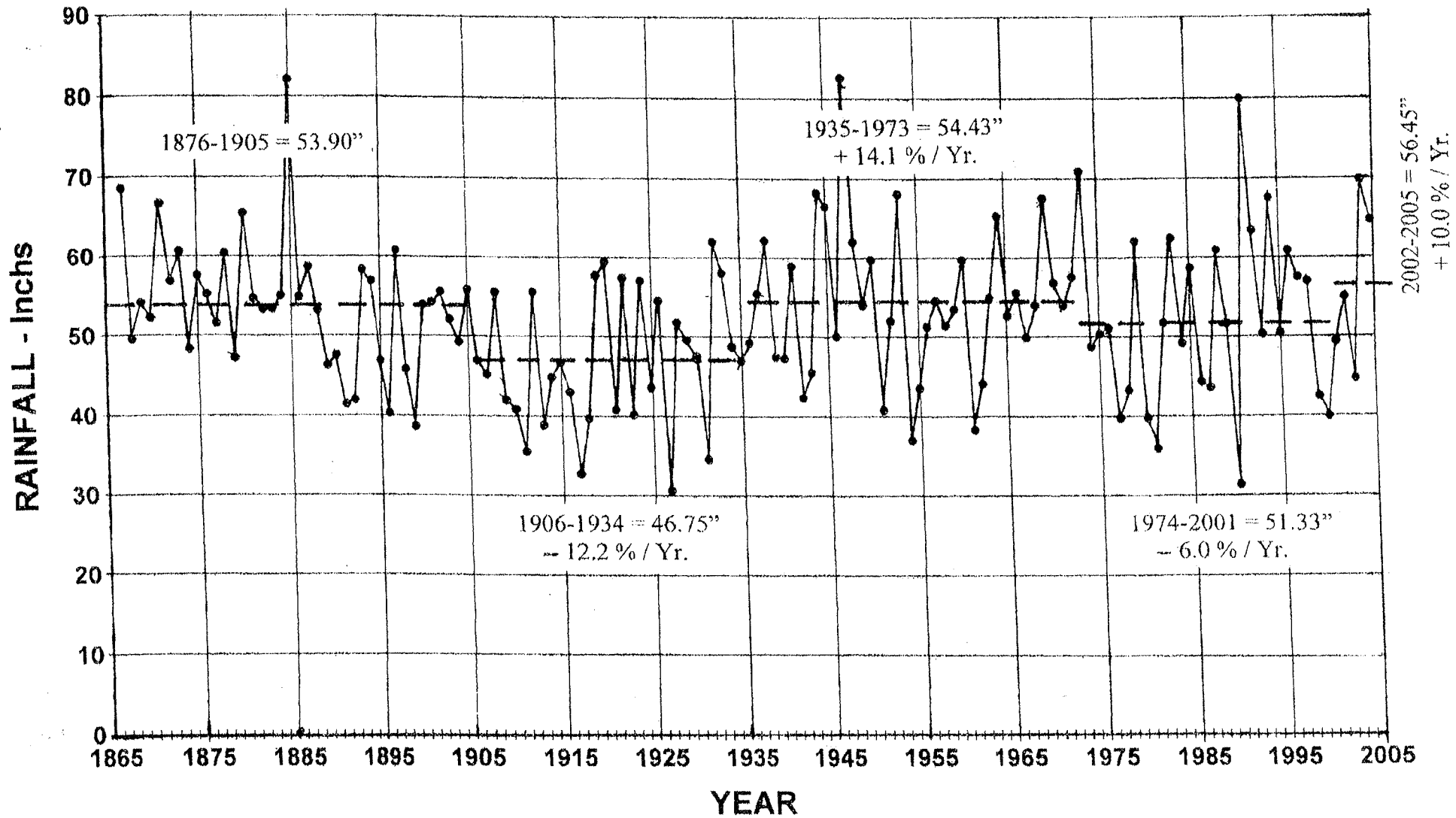


For development of MFLs for the Alafia River, the District identified seasonal blocks corresponding to periods of low, medium and high flows. Short-term minimum flow compliance standards for the Lithia Springs gage site were developed for each of these periods using a "building block" approach. The compliance standards include prescribed flow reductions based on limiting potential changes in aquatic and wetland habitat availability that may be associated with seasonal changes in flow. Low flow thresholds, based on fish passage depth and wetted perimeter inflection points, are also incorporated into the short-term compliance standards.

The low flow threshold is defined to be a flow that serves to limit withdrawals, with no withdrawals permitted unless the threshold is exceeded. For the Lithia gage site, the low flow threshold was determined to be 59 cubic feet per second (cfs). A Prescribed Flow Reduction for the low flow period (Block 1, which runs from April 20 through June 24) was based on review of limiting factors developed using the Physical Habitat Simulation Model (PHABSIM) to model potential changes in habitat availability for several fish species and macroinvertebrate diversity. It was determined using PHABSIM that the most restrictive limiting factor was the fry of largemouth bass for the Lithia gage. Simulated reductions in historic flows greater than 10% resulted in more than a 15% loss of available habitat at sites upstream from the Lithia gage site. Using this limiting factor, the prescribed flow reduction for the Lithia site during the low flow period was defined as a 10% reduction in

JACKSONVILLE RAINFALL

1865 - 2005

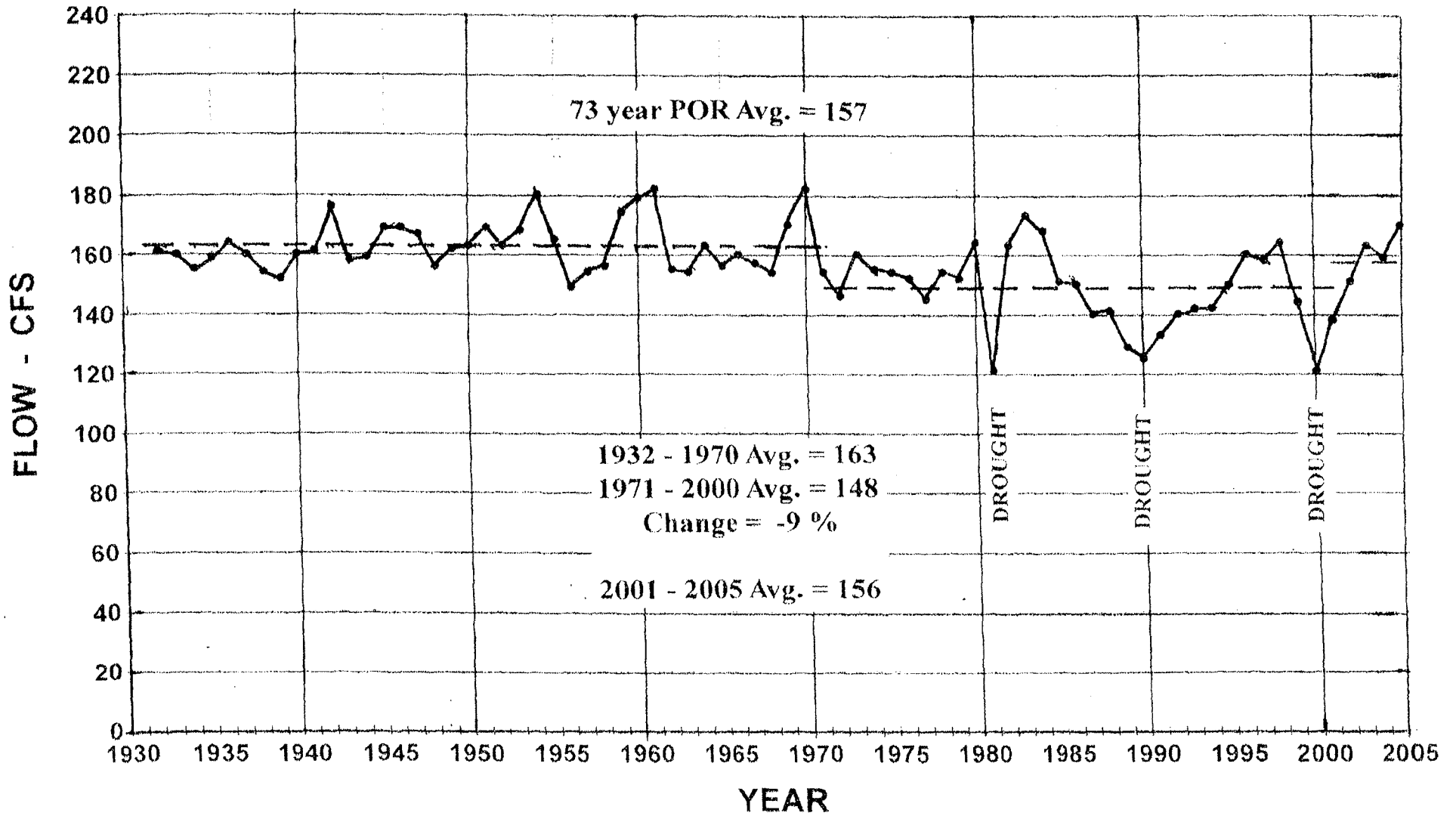


JB 2/19/06

B6

BLUE SPRINGS FLOW

Yearly Average 1932 - 2005

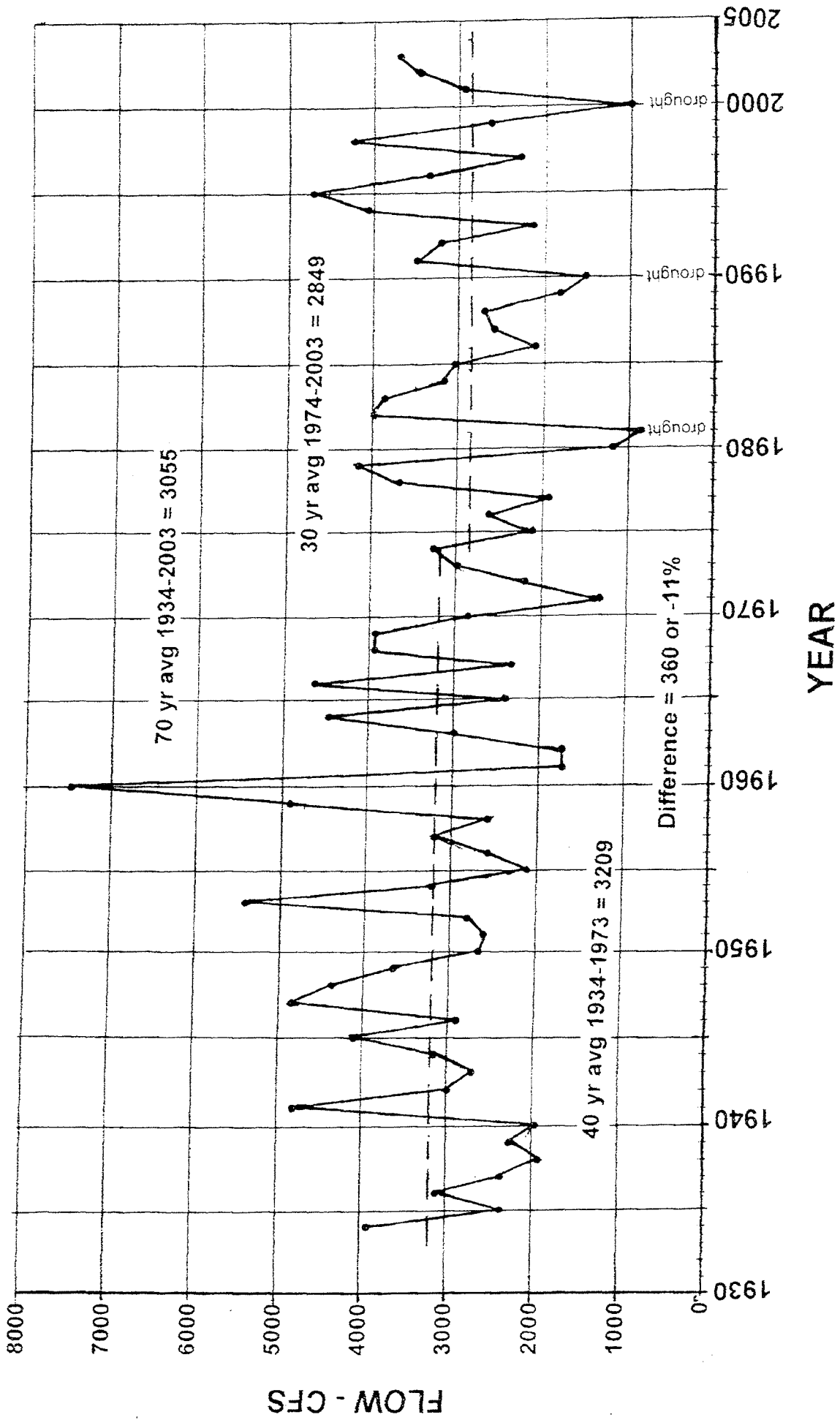


JB 11/30/05

B7

ST. JOHNS RIVER STREAMFLOW

DELAND, 1934-2003-Yearly Avg.



RE: DOAH CASE : 10-003334 Daytona Beach vs. SJRWMD

-----**Water USE and Projections**-----

- 1; Florida Total Water Use & Population
- 2; Florida Total Use, Population & Projections
- 3; SJRWMD Total Freshwater Use
- 4; SJRWMD Total Water Use & Projections
- 5; SJRWMD Public Utility Supply
- 6; SJRWMD Public Supply & Projections
- 7; SJRWMD Agricultural Water Use
- 8; SJRWMD Agriculture Use & Projections

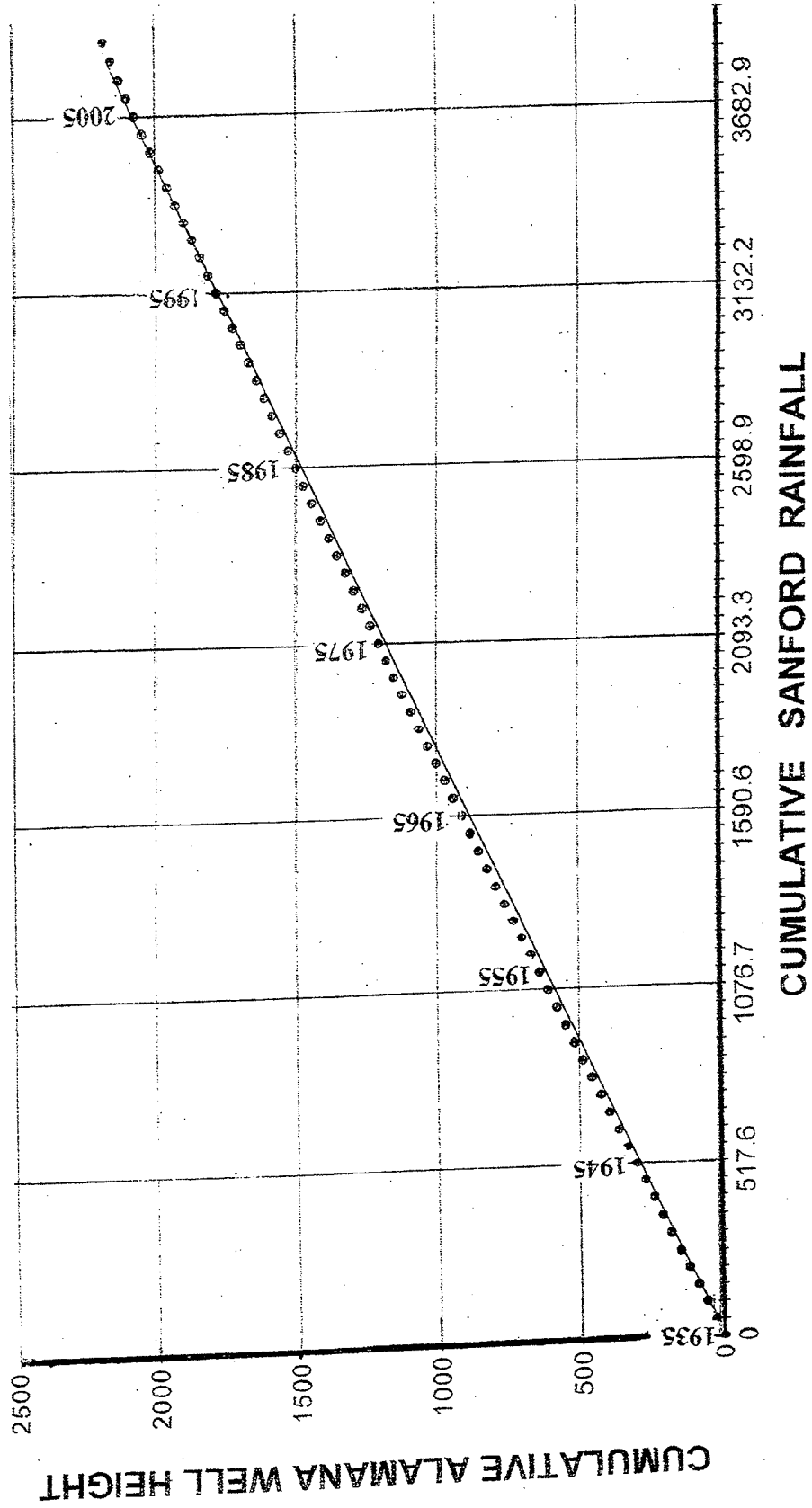
-----**Double Mass Plots & Supporting Data**-----

- 1; Alamana Well Height vs. Sandford Rainfall
- 2; Alexander Spring Flow vs. Lisbon Rainfall
- 3; Blue Springs Flow, Yearly Average 1932 - 2009
- 4; Blue Springs Historical Flow, Yearly Avg. & 5 Year MA
- 5; Relationship between Discharge at Blue Spring, Volusia County, and Rainfall---Bill Osburn, SJRWMD, 2003
- 6; Blue Springs Flow vs Lisbon Rainfall
- 7; Blue Springs Flow vs. Deland Rainfall
- 8; Blue Springs Flow vs. Sanford Rainfall
- 9; Deleon Springs Flow vs. Deland Rainfall
- 10; Indian & Scroggins Lakes vs. Sanford Rainfall
- 11; Jax Well D-0667 vs. Jax Rainfall
- 12; OR-0047 Well vs. P.H. & K Pumpage
- 13; OR-0047 Well vs. Orlando Rainfall
- 14; Rock Springs Flow vs. Orlando Rainfall
- 15; St. Johns River @ Deland vs. Area Rainfall
- 16; San Lando Spring vs. Sanford Rainfall
- 17; Silver Spring Flow vs. Ocala Rainfall
- 18; Sharpes Ferry vs. Ocala Rainfall
- 19; Wekiva Springs vs. Lisbon rainfall
- 20; Wekiva Springs vs. Orlaando Rainfall

Jan. 2, 2011

ALAMANA WELL HEIGHT VS SANFORD RAINFALL

DOUBLE MASS PLOT 1935--2010



The straighter the line, the more perfect the correlation !

JB NOV. 2010

Hydrology of the Floridan Aquifer System in East-Central Florida

By C.H. TIBBALS

REGIONAL AQUIFER SYSTEM ANALYSIS—FLORIDAN AQUIFER SYSTEM

U. S. GEOLOGICAL SURVEY PROFESSIONAL PAPER 1403-E

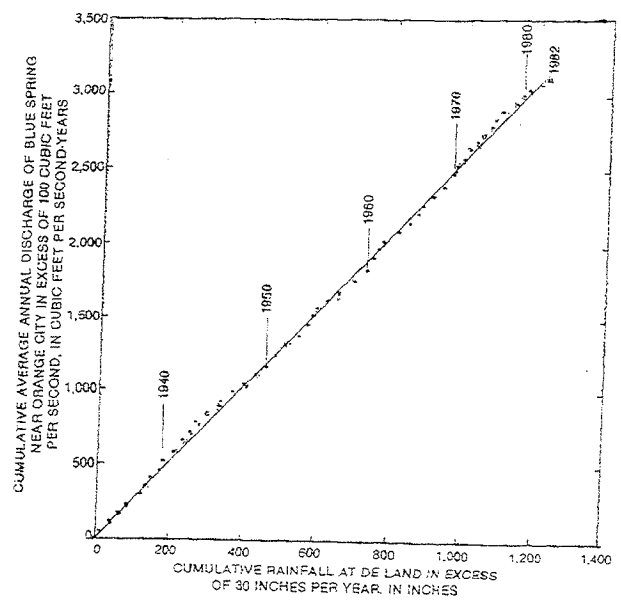
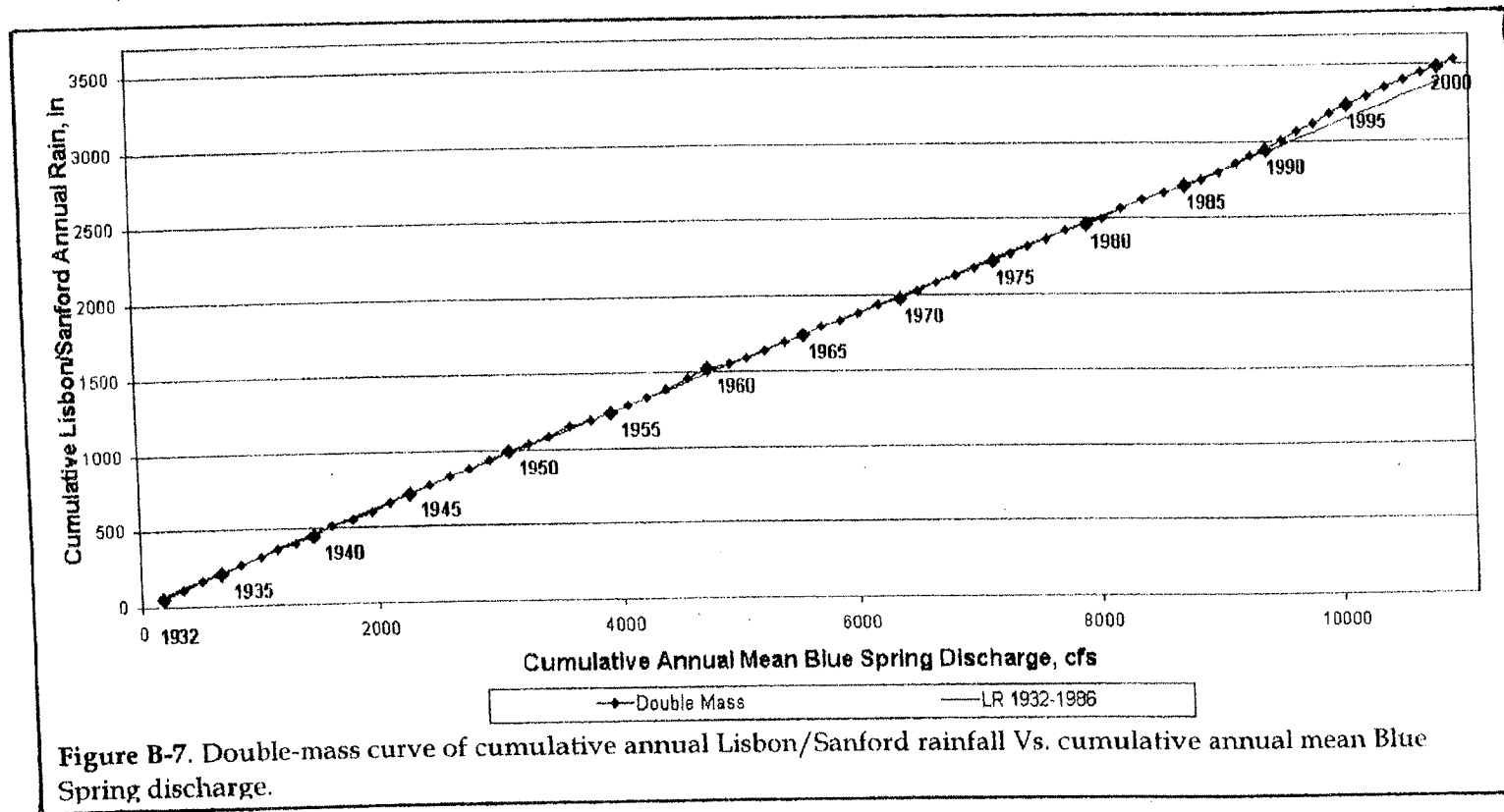


FIGURE 59.—Double-mass curve of discharge of Blue Spring near Orange City versus rainfall at De Land, 1932-82.

Relationship between Discharge at Blue Spring, Volusia County, and Rainfall



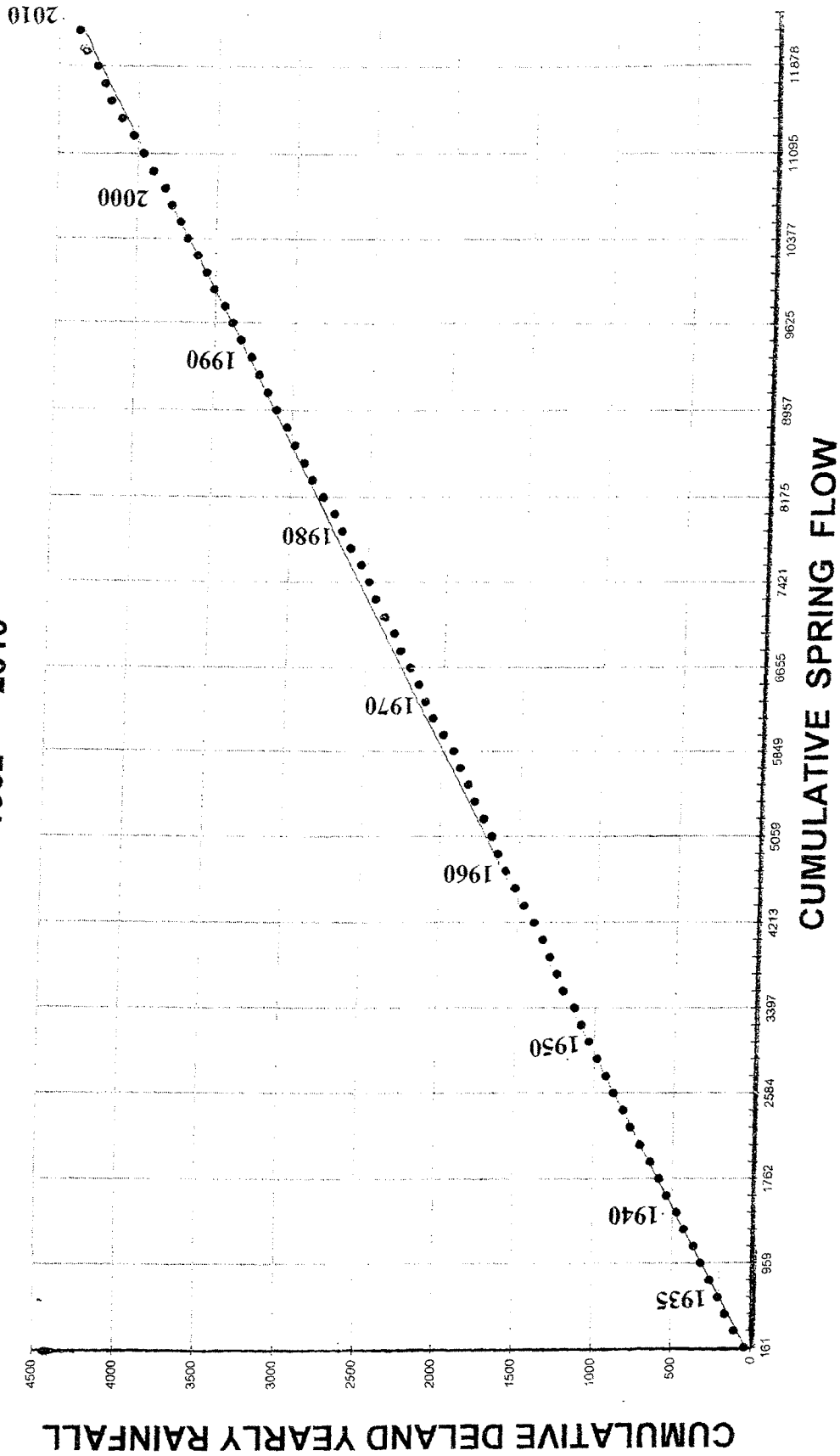
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St. Johns River Water Management District
Department of Resource Management
Division of Ground Water Programs
March 2003

CY

BLUE SPRINGS FLOW VS DELAND RAINFALL

1932 -- 2010



RAINFALL from NOAA

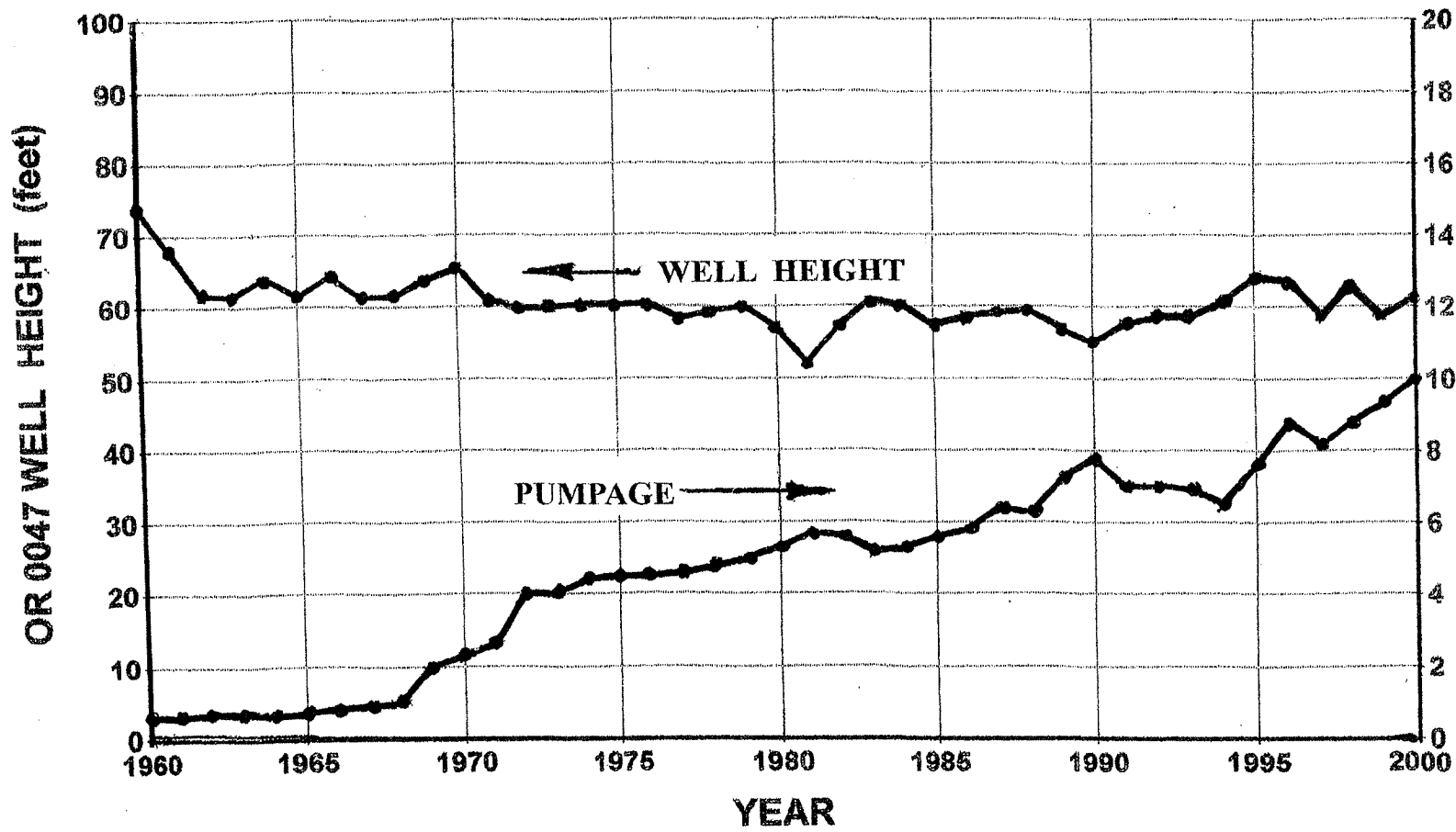
SPRING FLOW from USGS and SJRWMD

JB DEC. 2010

CS

OR 0047 Well vs P. H. + K PUMPAGE

1960 - 2000



COMBINED PUMPAGE (BGY)
 Note: One BGY = 2.74 MGD

P. H. = PINE HILLS WELLFIELD

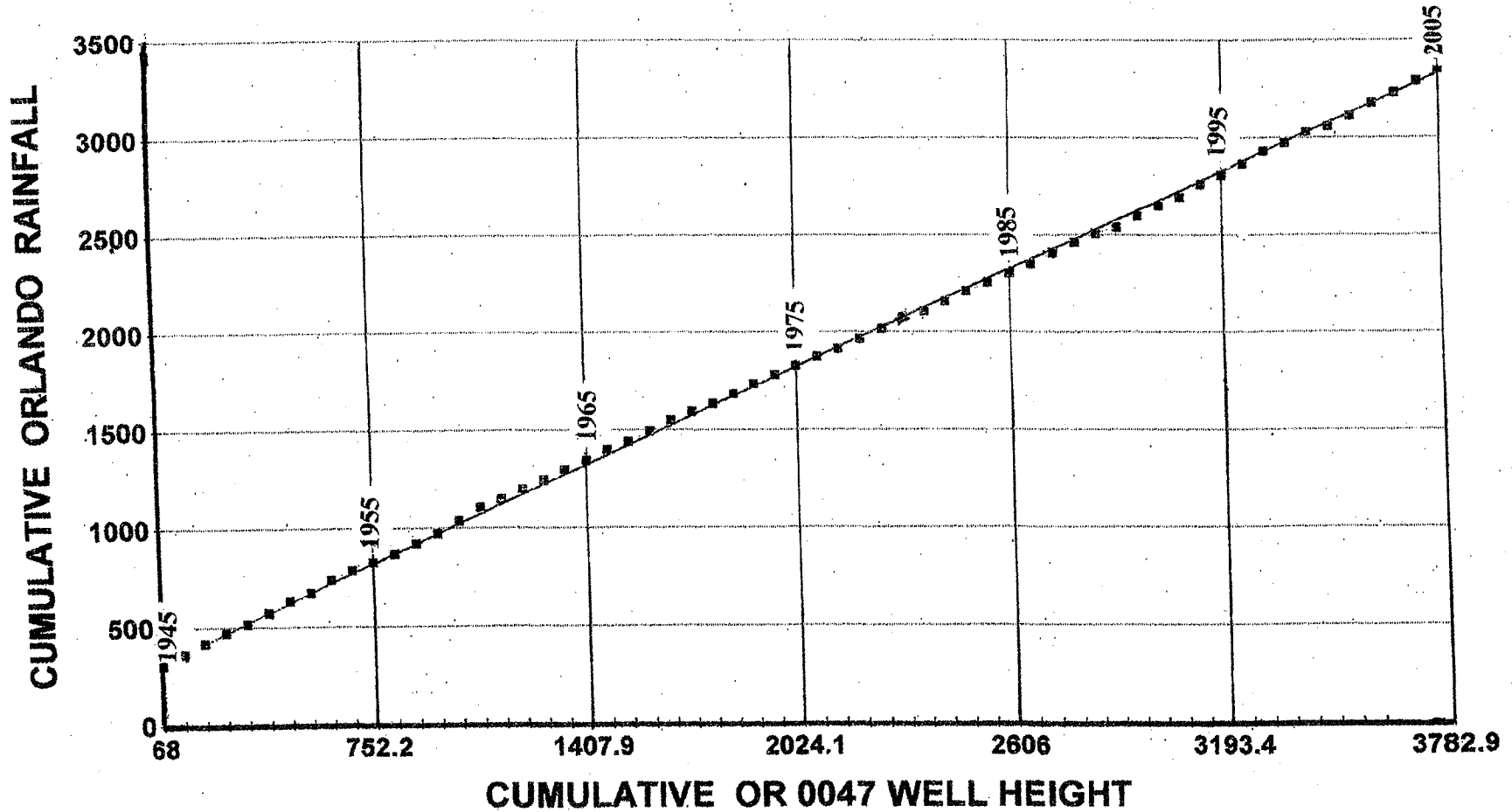
K = KIRKMAN WELLFIELD

JB NOV. 2010

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OR 0047 WELL vs ORLANDO RAINFALL

DOUBLE MASS PLOT 1945 - 2005



NOTE: The straighter the line, the more perfect the correlation between the two variables

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07