

Committee on Environmental Preservation And Conservation

CS/SB 100 — Pollution Discharge Removal and Prevention

by Appropriations Committee and Senator Simpson

The bill amends the Global Risk Based Corrective Action (RBCA) and brownfield program cleanup statutes to:

- Define “background concentration” to mean the concentration of contaminants naturally occurring or resulting from anthropogenic (human) impacts unrelated to the discharge of pollutants or hazardous substances at a contaminated site undergoing site rehabilitation and deletes the phrase “naturally occurring” in determining the cleanup target level (CTL);
- Define “long-term natural attenuation” to mean natural attenuation approved by the Department of Environmental Protection (DEP) as a site rehabilitation program task for a period of more than 5 years;
- Provide that Global RBCA does not apply to nonprogram petroleum-contaminated sites unless requested by the person responsible for site rehabilitation;
- Require rules concerning rehabilitation program tasks to include protocols for long-term natural attenuation where site conditions warrant;
- Create an exception when applying state water quality standards to CTLs for surface water exposed to contaminated groundwater when it has been demonstrated that the contaminants do not cause or contribute to the exceedance of applicable surface water quality criteria;
- Encourage DEP to utilize long-term attenuation monitoring when additional site rehabilitation is necessary to reach a finding of “No Further Action”;
- Require DEP to consider the interactive (as opposed to additive) effects of contaminants when determining what constitutes a rehabilitation program task;
- Allow the use of risk assessment modeling and probabilistic risk assessment to create site-specific alternative CTLs; and
- Allow the use of alternative CTLs without institutional controls if certain specified conditions exist.

Concerning the Abandoned Tank Restoration Program, the bill:

- Removes the June 30, 1996 deadline for applications for the Abandoned Tank Restoration Program;
- Provides that certain sites eligible for the Petroleum Cleanup Participation Program are not eligible for the Abandoned Tank Restoration Program; and
- Removes provisions that exclude sites from eligibility when the sites are owned by a person who had knowledge of the polluting condition when the title was acquired unless the person acquired title to the site after issuance of a notice of site eligibility by DEP.

The bill makes the following changes to the Petroleum Restoration Program, the Low Scored Site Initiative (LSSI), and DEP’s findings of “No Further Action” for contamination sites. The bill:

- Authorizes continued state funding for certain sites that have received a site rehabilitation completion order;
- Substantially revises the criteria for a finding of “No Further Action;”
- Removes an expiration date of July 1, 2016 for the obligation of funds from the Inland Protection Trust Fund (IPTF) for payments for program deductibles, copayments and certain reports;
- Allows DEP to pay for institutional controls for costs associated with certain surveys and obtaining a title report and recording fees;
- Allows for payment of costs for limited remediation to include up to 12 months, rather than 6 months, of groundwater monitoring and 12 months of limited remediation activities;
- Increases the amount available for groundwater monitoring and for limited remediation activities from \$30,000 to \$35,000, for sites where DEP has determined that the assessment and limited remediation, if applicable, will likely result in a determination of “No Further Action;”
- Provides that DEP may approve an additional amount not to exceed \$35,000 for limited remediation need to achieve a determination of “No Further Action;”
- Provides that assessment and limited remediation work shall be completed no later than 15 months, rather than 6 months, after DEP authorizes the start of a state-funded, LSSI task;
- Provides that if groundwater monitoring is required after the assessment and limited remediation in order to satisfy certain conditions, DEP may authorize an additional 12 months to complete the monitoring; and
- Increases the amount that may be encumbered from the IPTF for the LSSI from \$10 million to \$15 million per year.

The bill makes the following revisions to the Petroleum Cleanup Participation Program (PCPP).
The bill:

- Specifies that participation in the cost-sharing cleanup program under the PCPP is available for property contaminated by discharges of petroleum or petroleum products from a petroleum storage system;
- Removes the December 31, 1998 deadline for applications for the PCPP; and
- Allows DEP to approve supplemental funding of up to \$100,000 for additional remediation and monitoring if such remediation and monitoring is necessary to achieve a determination of “No Further Action.”

The bill revises the advanced cleanup program to:

- Substantially revise the criteria for an application for advanced cleanup;
- Increase the amount DEP may enter into contracts for advanced cleanup work each fiscal year from \$15 million to \$25 million;
- Allow a property owner or responsible party to enter into a voluntary cost-share agreement in which the property owner or responsible party commits to bundle multiple sites and lists the facilities that will be included in those future bundles;

- Provide that facilities listed are not subject to agency term contractor assignment pursuant to DEP rule; and
- Allow DEP to terminate or amend the voluntary cost-share agreement for any identified site under the voluntary cost-share agreement if the property owner or responsible party fails to submit an application to bundle any site, not already covered by an advance cleanup contract, under such voluntary cost-share agreement within a subsequent open application period during which it is eligible to participate.

If approved by the Governor, these provisions take effect July 1, 2016.

Vote: Senate 39-0; House 115-0

Committee on Environmental Preservation And Conservation

SB 288 — State Designations

by Senator Smith

The bill redesignates the John U. Lloyd Beach State Park in Broward County as the “Von D. Mizell-Eula Johnson State Park” and designates or redesignates, as appropriate, certain structures as follows:

- Boat ramp as the Alphonso Giles Boat Ramp.
- Marina pavilion as the Dr. Calvin Shirley Marina Pavilion.
- Osprey pavilion as the George and Agnes Burrows Osprey Pavilion.
- Leatherback pavilion as the W. George Allen Leatherback Pavilion.

The bill directs the Department of Environmental Protection to erect suitable markers designating such park and structures.

If approved by the Governor, these provisions take effect July 1, 2016.

Vote: Senate 36-0; House 115-1

Committee on Environmental Preservation And Conservation

CS/CS/CS/HB 491 — Water and Wastewater

by Regulatory Affairs Committee; Finance and Tax Committee; Energy and Utilities Subcommittee; and Rep. Smith and others (CS/CS/CS/SB 534 by Appropriations Committee; Communications, Energy, and Public Utilities Committee; Environmental Preservation and Conservation Committee; and Senator Hays)

CS/CS/CS/HB 491:

- Directs the Division of Bond Finance to review the allocation of private activity bonds to determine the availability of additional allocation and reallocation of bonds for water and wastewater infrastructure projects;
- Creates an exemption from Public Service Commission (PSC) regulation and from the provisions of ch. 367, F.S., for persons who resell water service to individually metered residents at a price that does not exceed the purchase price of water service plus the actual cost of meter reading and billing, not to exceed nine percent of the actual cost of the water service;
- Allows the PSC to authorize a utility to create a utility reserve fund for infrastructure repair and replacement with disbursement subject to PSC approval and directs the PSC to adopt rules governing the implementation, management, and use of the fund;
- Expands the types of specified expenses eligible for pass-through treatment to include:
 - Fees charged for wastewater biosolids disposal;
 - Costs incurred for any tank inspection required by the Department of Environmental Protection (DEP) or a local governmental authority;
 - Treatment plant operator and water distribution system operator license fees required by DEP or a local governmental authority;
 - Water or wastewater operating permit fees charged by DEP or a local governmental authority; and
 - Consumptive or water use permit fees charged by a water management district.
- Allows the PSC to establish by rule certain additional specific expense items eligible for pass-through treatment and requires the PSC to review the rule at least once every five years;
- Provides for the recovery expenses over a period of longer than four years, so long as a longer period can be justified and is in the interest of the public;
- Provides that a utility may not earn a return on the unamortized balance of a rate case expense and that any unamortized balance of rate case expense shall be excluded in calculating the utility's rate base;
- Rate case expenses for attorney fees or fees of other outside consultants:
 - May not be awarded if a utility receives staff assistance in changing rates and charges, unless the Office of Public Council or interested parties have intervened;
 - May be awarded if such fees are incurred for the purpose of providing consulting or legal services to the utility after the initial staff report is made available to customers and the utility; and
 - May be awarded costs incurred after a protest or appeal;

- The PSC must propose rules to administer the recovery of attorney fees or fees for outside consultants by December 31, 2016;
- Repeals, recreates, and amends s. 367.0816, F.S., relating to recovery of rate case expenses;
- Allows the PSC to:
 - Review water quality as it pertains to secondary drinking water standards established by DEP;
 - Review wastewater service as it pertains to odor, noise, aerosol drift, or lighting;
- Clarifies that the provisions of s. 367.165, F.S., concerning the abandonment of a water or wastewater utility, apply to all counties; and
- Allows DEP to make, or request a corporation to make loans, grants, and deposits to for-profit, privately owned, or investor-owned water systems to assist in the planning, design, and construction of public water systems.

If approved by the Governor, these provisions take effect July 1, 2016.

Vote: Senate 40-0; House 103-12

Committee on Environmental Preservation And Conservation

CS/CS/SB 552 — Environmental Resources

by Appropriations Committee; Environmental Preservation and Conservation Committee; and Senator Dean

The bill (Chapter 2016-1, L.O.F.) addresses numerous topics related to Florida's environmental resources.

The bill creates the Florida Springs and Aquifer Protection Act to:

- Provide for the protection and restoration of Outstanding Florida Springs (OFSs);
- Provide timelines and deadlines for the restoration of OFSs through the Basin Management Action Plan (BMAP) process;
- Require the development of Onsite Sewage Treatment and Disposal System (OSTDS) remediation plans when OSTDSs contribute significantly to pollution of an OFS;
- Prohibit certain activities within a priority focus area for an OFS;
- Require the Department of Environmental Protection (DEP) to develop rules relating to groundwater withdrawals including the creation of a uniform definition for "harmful to the water resources" for OFSs (water management districts may adopt a more restrictive definition).

The bill updates and restructures the Northern Everglades and Estuaries Protection Program to reflect and build upon DEP's implementation of BMAPs for Lake Okeechobee, the Caloosahatchee River and Estuary, and the St. Lucie River and Estuary. The BMAPs will include the construction of water projects, water monitoring programs, and the implementation, verification, and enforcement of best management practices (BMPs) within these watersheds. The BMAPs will include 5, 10, and 15-year measureable milestones towards achieving the total maximum daily loads for those water basins within 20 years.

The bill revises provisions relating to Consumptive Use Permits (CUPs) to:

- Require monitoring and reporting for certain sized wells and authorizes water management districts (WMDs) to have more stringent monitoring requirements;
- Clarify that permitted allocations may not be decreased because of:
 - Additional conservation measures implemented by the permit holder;
 - Changes in certain agricultural conditions or practices that result in actual water use being less than permitted water use;
- Require the WMDs to adopt rules to incentivize water conservation;
- Create a preference for new CUP applicants that are nearest to a water source when two or more applications otherwise qualify equally.

The bill sets deadlines for the WMDs to adopt minimum flows and levels (MFLs) for waterways within their jurisdiction. The bill requires the WMDs to concurrently adopt recovery or prevention strategies for any waterway that is not meeting an MFL or that will fall below an MFL within 20 years.

The bill clarifies that BMAPs are enforceable pursuant to ss. 403.067, 403.121, 403.141, and 403.161, F.S. The bill requires DEP and the Department of Agriculture and Consumer Services (DACS) to adopt rules to verify implementation of BMPs or other measures. The rules must include enforcement procedures.

The bill requires the following to help track and monitor progress toward conservation and restoration goals:

- The Office of Economic and Demographic Research must conduct an annual assessment of water resources and conservation lands;
- DEP must publish an online, publicly accessible database of conservation lands where public access is compatible with conservation and recreational purposes;
- DEP will conduct a feasibility study for creating and maintaining a web-based, interactive map of the state's waterbodies that provides information on the status of each waterbody with respect to minimum flows and levels and nutrient impairment;
- DEP, in coordination with other entities, must establish statewide standards for the collection and analysis of water quantity, water quality, and related data;
- DEP, DACS, and the WMDs are subject to a number of new planning and reporting requirements relating to water quantity and quality.

The bill also:

- Requires the DEP to adopt by rule a specific surface water classification for surface waters used for treated potable water supply;
- Revises membership requirements for the Harris Chain of Lakes Restoration Council;
- Creates a pilot program for alternative water supply development in restricted allocation areas and a pilot program for innovative nutrient and sediment reduction and conservation;
- Codifies the Central Florida Water Initiative (CFWI) and ensures that the appropriate governmental entities continue to develop and implement uniform water supply planning, consumptive use permitting, and resource protection programs in the area encompassed by the CFWI;
- Encourages public-private partnerships with agricultural land owners who provide certain environmental benefits;
- Encourages DEP and WMDs to provide technical assistance to water self-suppliers.

These provisions were approved by the Governor and take effect July 1, 2016.

Vote: Senate 37-0; House 110-2

Committee on Environmental Preservation And Conservation

CS/CS/HB 561— Organizational Structure of the Department of Environmental Protection

by Agriculture and Natural Resources Appropriations Subcommittee; Agriculture and Natural Resources Subcommittee; and Rep. Combee (CS/CS/SB 400 by Appropriations Committee; Environmental Preservation and Conservation Committee; and Senator Hays)

The bill removes the statutory enactment of each office within the Department of Environmental Protection (DEP). The bill establishes the Office of Secretary within the DEP and authorizes the secretary to establish offices within the divisions or within the Office of Secretary to promote the efficient and effective operation of the DEP. The bill requires the secretary to appoint a general counsel who is directly responsible to and serves at the pleasure of the secretary and who is responsible for all legal matters of the DEP. The bill establishes the Division of Water Restoration Assistance within the DEP.

If approved by the Governor, these provisions take effect July 1, 2016.

Vote: Senate 38-0; House 116-2

Committee on Environmental Preservation And Conservation

CS/CS/CS/HB 589 — Environmental Control

by State Affairs Committee; Agriculture and Natural Resources Appropriations Subcommittee; Agriculture and Natural Resources Subcommittee; and Rep. Pigman and others (CS/CS/SB 1052 by Appropriations Committee; Environmental Preservation and Conservation Committee; and Senator Hays)

CS/CS/CS/HB 589:

- Repeals s. 373.245, F.S., which authorizes damages to be paid to consumptive use permitholders that occur as a result of permit violations by abutting consumptive use permitholders;
- Revises the number of letters required to provide proof of the length of time an applicant wishing to take the water well contractor licensure examination has been engaged in the business of construction, repair, or abandonment of water wells from two letters to one;
- Exempts constructed clay settling areas at phosphate mines from rate of reclamation and financial assurance requirements where their beneficial use has been extended until the beneficial use of the area is completed;
- Allows land set-asides and land use modifications not otherwise required by state law or permit to be used to generate credits for water quality credit trading;
- Modifies a prohibition against granting variances that would result in the provisions or requirements being less stringent than federal law. The bill authorizes moderating provisions or requirements under state law, subject to any necessary approval by the U.S. Environmental Protection Agency;
- Modifies provisions related to the use of funds from the solid waste landfill closure account for contracting with a third party for the closing and long-term care of solid waste management facilities by allowing the use of funds when a facility was not required to obtain a permit to operate the facility and expanding the types of financial assurances permittees may provide for closure of solid waste management facilities; and
- Provides authority to the Department of Environmental Protection to use funds from the Solid Waste Management Trust Fund to pay for or reimburse additional expenses needed for performing or completing a facility closure or long-term care when the amount available under an insurance policy or other financial assurance mechanism is not sufficient; and
- Allows construction of a stormwater management system to proceed without any further agency action by the DEP or water management district (WMD) if, before construction begins, rather than within 30 days after construction begins, an electronic self-certification is submitted to the DEP or the WMD which certifies that the proposed system was designed by a Florida registered professional and that the registered professional has certified that the proposed system meets all statutory requirements.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 118-0

Committee on Environmental Preservation And Conservation

CS/HB 703 — Vessels

by Highway and Waterway Safety Subcommittee; and Rep. Workman and others (CS/CS/SB 1454 by Fiscal Policy Committee; Environmental Preservation and Conservation Committee; and Senator Hutson)

The bill revises what constitutes careless operation of a vessel to only apply if a person is operating a vessel in an unreasonable or imprudent manner that endangers the life, limb, or property of another person outside of the vessel or endangers the life, limb, or property of another person due to vessel overloading or excessive speed.

The bill requires the issuance of safety inspection decals by law enforcement officers to operators of vessels that have been found in compliance with the safety equipment carriage and use requirements. The bill prohibits law enforcement officers from stopping a vessel solely for the purpose of inspecting the safety equipment carriage and use requirements, if the vessel has a properly displayed valid safety inspection decal, unless there is reasonable suspicion that a violation of the safety equipment carriage and use requirements is occurring or has occurred.

If approved by the Governor, these provisions take effect July 1, 2016.

Vote: Senate 39-0; House 104-13

**Committee on Environmental Preservation
And Conservation**

CS/SB 846 — Divers-down Warning Devices

by Environmental Preservation and Conservation Committee; and Senator Abruzzo

The bill revises the requirements relating to divers-down flags and buoys. The bill defines the term “divers-down warning device” and revises the specification requirements to expand the types of devices that divers are required to use to alert vessels that submerged divers are in the area.

If approved by the Governor, these provisions take effect July 1, 2016.

Vote: Senate 37-0; House 116-0

Committee on Environmental Preservation And Conservation

CS/SB 922 — Solid Waste Management

by Appropriations Committee and Senator Montford

The bill revises provisions related to the Solid Waste Management Trust Fund and the solid waste management grant program. The bill:

- Establishes a waste tire abatement program and provides for funding of the program;
- Removes the waste tire grant program and authorizes the consolidated grant program for small counties to provide grants for waste tire abatement;
- Amends the population requirement for eligibility for the consolidated grant program for small counties, increasing it from counties with populations of fewer than 100,000 to those with populations of fewer than 110,000;
- Modifies provisions related to the use of funds from the solid waste landfill closure account for contracting with a third parties for the closing and long-term care of solid waste management facilities by allowing the use of funds when a facility was not required to obtain a permit to operate the facility and expanding the types of financial assurances permittees may provide for closure of solid waste management facilities; and
- Provides authority to the Department of Environmental Protection to use funds from the Solid Waste Management Trust Fund to pay for or reimburse additional expenses needed for performing or completing a facility closure or long-term care when the amount available under an insurance policy or other financial assurance mechanism is not sufficient.

If approved by the Governor, these provisions take effect July 1, 2016, except as otherwise provided.

Vote: Senate 38-0; House 117-0

Committee on Environmental Preservation And Conservation

HB 989 — Implementation of Water and Land Conservation Constitutional Amendment

by Reps. Harrell, Caldwell, and others (CS/CS/SB 1168 by Appropriations Committee; Environmental Preservation and Conservation Committee; and Senators Negron, Benacquisto, Soto, Flores, Simpson, Altman, and Latvala)

The bill requires the following minimum distributions from the Land Acquisition Trust Fund to be appropriated annually:

- The minimum of the lesser of 25 percent of the funds remaining after the payment of debt service or \$200 million for Everglades projects;
- The minimum of the lesser of 7.6 percent of the funds remaining after the payment of debt service or \$50 million for spring restoration, protection, and management projects; and
- Five million dollars through the 2025-2026 fiscal year for projects dedicated to the restoration of Lake Apopka.

The bill provides language that requires the distributions to be reduced by an amount equal to any debt service paid on bonds issues for such purposes.

If approved by the Governor, these provisions take effect July 1, 2016.

Vote: Senate 40-0; House 113-1

Committee on Environmental Preservation And Conservation

CS/CS/HB 1051 — Anchoring Limitation Areas

by State Affairs Committee; Agriculture and Natural Resources Subcommittee; and Rep. Caldwell and others (CS/SB 1260 by Environmental Preservation and Conservation Committee; and Senator Simpson)

The bill designates the following densely populated urban areas, which have narrow state waterways, residential docking facilities, and significant recreational boating traffic as anchoring limitation areas:

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

The bill prohibits a person from anchoring a vessel at any time during the period between one-half hour after sunset and one-half hour before sunrise in an anchoring limitation. The bill authorizes vessels under certain circumstances to anchor overnight in anchoring limitation areas.

The bill exempts the following vessels:

- Vessels owned or operated by a governmental entity for law enforcement, firefighting, military, or rescue purposes;
- Construction or dredging vessels on an active job site;
- Vessels actively engaged in commercial fishing; and
- Vessels engaged in recreational fishing, if the persons onboard are actively tending hook and line fishing gear or nets.

The bill authorizes a law enforcement officer or agency to remove a vessel from an anchoring limitation area and impound the vessel for up to 48 hours, or cause such removal and impoundment, if the vessel operator, after being issued a citation for a violation:

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

The bill provides an expiration of the anchoring limitation area designations upon the Legislature's adoption of the Fish and Wildlife Conservation Commission's recommendations for the local regulation of mooring vessels outside of public mooring fields under the anchoring and mooring pilot program.

The penalty for unlawfully anchoring in an anchoring limitation area is a noncriminal infraction punishable:

- For a first offense, up to a maximum of \$50.
- For a second offense, up to a maximum of \$100.
- For a third or subsequent offense, up to a maximum of \$250.

If approved by the Governor, these provisions take effect July 1, 2016.

Vote: Senate 36-2; House 105-12

Committee on Environmental Preservation And Conservation

CS/CS/HB 1075 — State Areas

by State Affairs Committee; Agriculture and Natural Resources Appropriations Subcommittee; and Rep. Caldwell and others (CS/SB 1290 by Appropriations Committee; and Senator Simpson)

CS/CS/HB 1075:

- Consolidates the acquisition procedures currently in chapters 253 and 259, F.S., into chapter 253, F.S.
- Revises the management requirements for conservation lands from managed for the purposes for which the lands were acquired to managed for conservation, recreation, or both, consistent with the land management plan.
- Requires the Board of Trustees of the Internal Improvement Trust Fund (board) to encourage the use of sovereignty submerged lands for minimal secondary non-water dependent uses related to water-dependent uses.
- Provides the Department of Environmental Protection (DEP) with additional options to consider lands for which the managing or leasing entities are not meeting their short-term goals as established in a land management plan for conservation lands or a land use plan for nonconservation lands.
- Creates a process whereby a person who owns land contiguous to land titled to the board may submit a request to the Division of State Lands (division) to exchange all or a portion of state-owned land, with the state retaining a permanent conservation easement over all or a portion of the contiguous privately owned land.
- Removes the requirement that the board, before they are authorized to sell any land to which they hold title, provide notice and afford an opportunity to a county in which the land is situated to receive such lands before the board is authorized to sell such land.
- Requires the DEP to add federally owned conservation lands, lands on which the federal government holds a conservation easement, and all lands on which the state holds a conservation easement to the Florida State-Owned Lands and Records Information System by July 1, 2018.
- Requires each local government to submit a list to the DEP of all conservation lands it owns or holds a permanent conservation easement on by July 1, 2018. Financially disadvantaged small communities have an additional year to submit such information.
- Directs the DEP to complete a study regarding the technical and economic feasibility of including privately owned conservation lands in a public lands inventory by July 1, 2018.
- Revises the noticing requirements that a water management district must adhere to when selling or exchanging lands and provides an expedited process for selling surplus lands that are valued at \$25,000 or less.
- Requires increased priority to be given to proposed Florida Forever projects that:
 - Can be acquired in less than fee ownership;
 - Contributes to improving the quality and quantity of surface water or groundwater; or
 - Contributes to improving the water quality and flow of springs.
- Authorizes the Fish and Wildlife Conservation Commission to establish spring protection zones.

- Consolidates the surplus procedures for lands titled to the board into s. 253.0341, F.S.
- Requires the Department of Agriculture and Consumer Services to follow certain acquisition procedures when acquiring conservation easements through the Rural and Family Lands Protection Programs.

If approved by the Governor, these provisions take effect July 1, 2016.

Vote: Senate 40-0; House 106-10

Committee on Environmental Preservation And Conservation

CS/SB 1176 — Dredge and Fill Activities

by Environmental Preservation and Conservation Committee; and Senator Diaz de la Portilla

The bill authorizes the Department of Environmental Protection, subject to agreement with the United States Army Corps of Engineers, to implement a voluntary state programmatic general permit for all dredge and fill activities impacting ten acres or less of wetlands or other surface waters, if the general permit is at least as protective of the environment and natural resources as existing state law under part IV of ch. 373, F.S., and federal law under the Clean Water Act and the Rivers and Harbors Act of 1899.

The bill clarifies that by seeking to use a statewide programmatic general permit, an applicant consents to applicable federal wetland jurisdictional criteria as required by the United States Army Corp of Engineers.

The bill authorizes the Department of Environmental Protection to pursue delegation or assumption of federal permitting programs regulating the discharge of dredged or fill material, rather than only complete assumption which encompasses all dredge and fill activities in, on, or over jurisdictional wetlands or waters, including navigable waters, within the state.

If approved by the Governor, these provisions take effect upon becoming a law.

Vote: Senate 34-0; House 112-2

Committee on Environmental Preservation And Conservation

CS/SB 1470 — Crustaceans

by Environmental Preservation and Conservation Committee; and Senator Latvala

The bill revises administrative penalties for violations of provisions related to spiny lobster trap and trap tags by:

- Providing that a second violation of certain provisions may result in the suspension of the violator's spiny lobster endorsement for 12 months, rather than the remainder of the current license year;
- Providing that a third, rather than a third or subsequent, violation of certain provisions may result in the suspension of a spiny lobster endorsement for 24 months, rather than up to 24 months, and removing a provision directing the Florida Fish and Wildlife Conservation Commission (FWC) to revoke the violator's spiny lobster endorsement and to proceed against the violator's saltwater products license; and
- Providing that a fourth violation that occurs within 48 months after any three previous violations results in permanent revocation of the violator's saltwater fishing privileges.

The bill provides the following penalties for possession of undersized spiny lobsters:

- It is a major violation for a recreational or commercial harvester to possess an undersized spiny lobster, unless authorized to do so by a FWC rule; and
- For violations involving fewer than 100 undersized spiny lobsters, each undersized spiny lobster may be charged as a separate misdemeanor offense; however, the total misdemeanor penalties for any one scheme or course of conduct may not exceed 4 years imprisonment and a civil fine of \$4,000.

The bill also provides the following additional penalties for possession of undersized spiny lobsters:

- A first violation is a second degree misdemeanor;
- A second or subsequent violation is a first degree misdemeanor; and
- A violation involving 100 or more undersized spiny lobsters is punished as a third degree felony, the violator is subject to a civil fine of at least \$500, the FWC must assess an administrative penalty of up to \$2,000, and the FWC may suspend the violator's license privileges under ch. 379, F.S., for up to 12 months.

The bill makes changes to Level 5 of the Offense Severity Ranking Chart relating to stone crabs and spiny lobsters.

If approved by the Governor, these provisions take effect October 1, 2016.

Vote: Senate 38-0; House 114-2

Committee on Environmental Preservation And Conservation

HB 7013 — Fish and Wildlife Conservation Commission

by Agriculture and Natural Resources Subcommittee; and Rep. Combee and others (CS/SB 1282 by Appropriations Committee; and Senator Dean)

The bill revises statutes within ch. 379, F.S., to consolidate the penalties for violations relating to recreational hunting, freshwater fishing, and saltwater fishing within the four-tier penalty structure.

The bill offers violators of recreational hunting, freshwater fishing, and saltwater fishing the option to purchase the respective license or permit in addition to a civil penalty rather than pay the cost of such license or permit and penalty without actually receiving the license or permit.

The bill increases the fine for illegally killing, taking, possessing, or selling game or fur-bearing animals while committing burglary or trespass from a \$250 fine to a \$500 fine and expands the scope to include illegally killing, taking, possessing, or selling all fish and wildlife.

The bill makes it a third degree felony to knowingly possess marine turtles or the eggs or nests of marine turtles and clarifies that the prohibition on knowingly taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing of marine turtles includes the hatchlings or parts thereof.

The bill authorizes, rather than requires, the Fish and Wildlife Conservation Commission to retain an administration fee on donations provided by application to the Southeastern Guide Dogs, Inc.

If approved by the Governor, these provisions take effect July 1, 2016.

Vote: Senate 37-0; House 118-0

Committee on Environmental Preservation And Conservation

HB 7025 — At-risk Vessels

by Highway and Waterway Safety Subcommittee; and Rep. Raschein, and others (SB 1300 by Senator Dean)

The bill prohibits vessels that are in danger of becoming derelict from anchoring on, mooring on, or occupying the waters of Florida.

The bill provides that an officer may determine that a vessel is at risk of becoming derelict when any of the following conditions exist:

- The vessel is taking on, or has taken on, water without an effective means to dewater;
- Spaces on the vessel which are designed to be enclosed are incapable of being sealed off or remain open to the elements for extended periods of time;
- The vessel has broken loose or is in danger of breaking loose from its anchor;
- The vessel is left or stored aground unattended in such a state that would prevent the vessel from getting underway, is listing due to water intrusion, or is sunken or partially sunken.

The bill provides that a person who anchors or moors a vessel at risk of becoming derelict or allows such a vessel to occupy such waters commits a noncriminal infraction. This penalty is in addition to other penalties provided by law. The provisions of the bill do not apply to a vessel that is moored to a private dock or wet slip with the consent of the owner for the purpose of receiving repairs.

The bill provides the following penalties:

- First offense: \$50;
- Second offense within 30 days or more after a first offense: \$100; and
- Third or subsequent offense occurring 30 days or more after a previous offense: \$250.

If approved by the Governor, these provisions take effect July 1, 2016.

Vote: Senate 39-0; House 116-1