

## Committee on Environment and Natural Resources

### **CS/SB 64 — Reclaimed Water**

by Environment and Natural Resources Committee and Senator Albritton

The bill requires domestic wastewater utilities that dispose of effluent, reclaimed water, or reuse water by surface water discharge to:

- Submit a plan to the Department of Environmental Protection (DEP) to eliminate nonbeneficial surface water discharges by November 1, 2021;
- Fully implement the plan to eliminate discharges by January 1, 2032; and
- If no plan is timely submitted or approved, eliminate discharges by January 1, 2028.

The bill requires DEP to submit a report to the Legislature by December 31, 2021, and annually thereafter, providing the average gallons per day that discharges are reduced, the average gallons per day of discharges that will continue, the level of treatment discharged water receives, and any modified or new plans submitted by a utility since the last report.

The bill does not apply to domestic wastewater treatment facilities in certain areas with limited fiscal resources and those operated by certain mobile home park operators.

The bill authorizes discharges that are being beneficially used or otherwise regulated, including:

- Discharges associated with an indirect potable reuse project;
- Permitted wet weather discharge;
- Discharges into a stormwater management system, which are subsequently withdrawn for irrigation purposes;
- Utilities that operate domestic wastewater treatment facilities with reuse systems that reuse at least 90 percent of a facility's annual average flow; or
- Discharges that provide direct ecological or public water supply benefits.

The bill also:

- Specifies that potable reuse is an alternative water supply, for purposes of making reuse projects eligible for alternative water supply funding;
- Incentivizes the development of potable reuse projects;
- Incentivizes residential developments that use graywater technologies; and
- Specifies the total dissolved solids allowable in aquifer storage and recovery in certain circumstances.

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

*Vote: Senate 32-0; House 118-0*

## Committee on Environment and Natural Resources

### **HB 169 — Purchase of Commodities and Services by Water Management Districts**

by Rep. Maggard and others (SB 952 by Senator Burgess)

The bill expressly authorizes water management districts to purchase commodities and contractual services from the purchasing contracts of the following entities:

- Special Districts
- Municipalities
- Counties
- Other political subdivisions
- Educational institutions
- Other states
- Nonprofit entities
- Purchasing cooperatives
- The federal government

The purchasing contract of the other entity must have been procured pursuant to competitive bid, request for proposal, request for qualification, competitive selection, or competitive negotiation. The purchasing contract must otherwise be in compliance with general law and must be procured by a process that meets the procurements requirements of the water management district. The bill excludes from the authorization services by professionals in the fields of architecture, professional engineering, landscape architecture, or registered surveying and mapping.

If approved by the Governor, these provisions take effect July 1, 2021.

*Vote: Senate 40-0; House 117-1*

## Committee on Environment and Natural Resources

### **HB 217— Conservation Area Designations**

by Reps. Hunschofsky, Overdorf, and others (SB 588 by Senators Book, Ausley, Garcia, Hutson, Mayfield, Simpson, Albritton, Baxley, Bean, Berman, Boyd, Bracy, Bradley, Brandes, Brodeur, Broxson, Burgess, Cruz, Diaz, Farmer, Gainer, Gibson, Gruters, Harrell, Hooper, Jones, Passidomo, Perry, Pizzo, Polsky, Powell, Rodrigues, Rodriguez, Rouson, Stargel, Stewart, Taddeo, Thurston, Torres, and Wright)

The bill designates the Southeast Florida Coral Reef Ecosystem Conservation Area, which consists of sovereignty submerged lands and state waters offshore of Broward, Martin, Miami-Dade, and Palm Beach Counties from the St. Lucie Inlet to the northern boundary of the Biscayne National Park, as the “Kristin Jacobs Coral Reef Ecosystem Conservation Area.”

The bill directs the Department of Environmental Protection to erect suitable markers designating the conservation area.

If approved by the Governor, these provisions take effect July 1, 2021.

*Vote: Senate 40-0; House 119-0*

## Committee on Environment and Natural Resources

### **CS/CS/HB 223 — Marina Evacuations**

by State Affairs Committee; Pandemics and Public Emergencies Committee; and Rep. Plasencia and others (SB 578 by Senator Wright)

Upon the issuance of a hurricane watch that affects the waters of marinas located in a deepwater seaport, the bill prohibits vessels under 500 gross tons from remaining in the waters of such marinas that have been deemed not suitable for refuge during a hurricane. The bill requires that vessel owners promptly remove their vessels from the waterways upon an evacuation order issued by the deepwater seaport.

A marina owner, operator, employee, or agent (marina owner), is required to remove the vessel, if reasonable, from its slip, if the Coast Guard Captain of the Port sets the port condition to “Yankee” and a vessel owner has failed to remove his or her vessel. The marina owner may charge the vessel owner a reasonable fee for removing the vessel. “Yankee” means that gale force winds (39-54 miles per hour) from a tropical or hurricane force storm are predicted to make landfall at the port within 24 hours, the port is closed to inbound traffic, and vessel traffic control measures are in effect on vessel movements within the port.

The bill provides that a marina owner may not be held liable for any damage to the vessel from a hurricane and is held harmless for removing the vessel. The bill provides that after a hurricane watch has been issued, if a vessel owner has not removed the vessel pursuant to an order from the seaport, the owner may be fined by the deepwater seaport.

The bill does not provide immunity to a marina owner for any damage caused by intentional acts or negligence when removing a vessel. The bill does not require a deepwater seaport to issue an order to evacuate vessels or fine a vessel owner that has failed to remove the vessel.

If approved by the Governor, these provisions take effect July 1, 2021.

*Vote: Senate 40-0; House 116-0*

## Committee on Environment and Natural Resources

### **SB 524 — Fish and Wildlife Conservation Commission Trust Funds**

by Senator Hooper

The bill revises several of the Fish and Wildlife Conservation Commission's (FWC) trust funds to allow the agency to use trust fund revenues for administrative costs and to specifically authorize the investment of funds within the State Treasury. The bill codifies FWC's existing practices.

The following trust funds are amended to allow for the use of trust fund revenues for administrative costs:

- Florida Panther Research and Management Trust Fund;
- Save the Manatee Trust Fund; and
- Invasive Plant Control Trust Fund.

The following trust funds are amended to authorize the investment of funds into the State Treasury:

- Florida Panther Research and Management Trust Fund;
- Marine Resources Conservation Trust Fund;
- Nongame Wildlife Trust Fund;
- State Game Trust Fund;
- Save the Manatee Trust Fund; and
- Invasive Plant Control Trust Fund.

If approved by the Governor, these provisions take effect July 1, 2021.

*Vote: Senate 40-0; House 115-0*

## Committee on Environment and Natural Resources

### **CS/CS/SB 694 — Waste Management**

by Appropriations Committee; Community Affairs Committee; and Senators Rodrigues and Perry

The bill requires the Department of Environmental Protection (DEP) to review and update its 2010 report analyzing the need for new or different regulation of auxiliary containers, wrappings, or disposable plastic bags. DEP must submit the updated report to the Legislature no later than December 31, 2021.

The bill amends requirements for a local government that provides solid waste collection services which displace a private waste company, prohibiting the private company from continuing to provide the same service. The local government must provide three years' notice to the private company before engaging in such services. At the end of the three-year notice period, the local government must pay the displaced company an amount equal to the company's preceding 18 months' gross receipts for the displaced service in the displacement area. The local government and the displaced company may voluntarily negotiate a different notice period or amount of compensation. The bill does not apply to any displacement where the local government provided the three years' notice on or before December 31, 2020.

The bill provides that a private solid waste or debris management service provider is not required to collect storm-generated yard trash, unless otherwise specified in a contract or franchise agreement between a local government and a private solid waste or debris management service provider. The bill defines "storm-generated yard trash."

If approved by the Governor, these provisions take effect July 1, 2021.

*Vote: Senate 40-0; House 112-2*

## Committee on Environment and Natural Resources

### **CS/CS/SB 920 — Liability of Persons Providing Areas for Public Outdoor Recreational Purposes**

by Rules Committee; Environment and Natural Resources Committee; and Senator Bradley

The bill authorizes a property owner who makes areas available to the public for outdoor recreational purposes to derive revenue from concessions or special events within the area and still retain the statutory liability protection, if such revenue is used exclusively to maintain, manage, and improve the outdoor recreational area.

The bill expands the definition of “outdoor recreational purposes” to include “traversing or crossing for the purpose of ingress and egress to and from, and access to and from, public lands or lands owned or leased by a state agency which are used for outdoor recreational purposes.” This expanded definition applies for owners and lessees eligible for the general statutory liability protection and for owners who enter into a written agreement with a state agency.

The bill defines “state agency” to mean “the state or any governmental or public entity created by law.” This expands the governmental entities with which property owners may enter into a written agreement concerning an area used for outdoor recreational purposes.

If approved by the Governor, these provisions take effect July 1, 2021.

*Vote: Senate 40-0; House 118-0*

## Committee on Environment and Natural Resources

### **CS/CS/SB 976 — Protection of Ecological Systems**

by Appropriations Committee; Environment and Natural Resources Committee; and Senator Brodeur

The bill creates the Florida Wildlife Corridor Act, which encourages support, incentives, and funding of the Florida Wildlife Corridor to preserve and protect green infrastructure and wildlife habitat. The bill sets out the duties of the Department of Environmental Protection (DEP) with respect to the wildlife corridor. The act does not authorize or affect the use of private property.

The bill requires the St. Johns River Water Management District (SJRWMD), in consultation with DEP, Seminole County, the Fish and Wildlife Conservation Commission, and the Department of Transportation, to issue a report by December 31, 2021, on the implementation of recommendations from the Little Wekiva Watershed Management Plan Final Report from November 2005.

The bill requires DEP and SJRWMD to review any permits which SJRWMD has determined may have contributed to sediment buildup north of State Road 436 to assess whether a permittee is in violation of permit conditions. Appropriate action to resolve compliance issues must be taken if a violation is discovered.

DEP and SJRWMD shall review known permit violations that have occurred since 2018 and attempt to determine what effects such violations may have had on sediment accumulation in the Little Wekiva River.

If approved by the Governor, these provisions take effect July 1, 2021.

*Vote: Senate 40-0; House 115-0*

## Committee on Environment and Natural Resources

### **CS/HB 1051 — Environmental Compliance Costs**

by Tourism, Infrastructure, and Energy Subcommittee; and Rep. Fernandez-Barquin and others (CS/SB 964 by Regulated Industries Committee; and Senators Diaz and Taddeo)

The bill revises the definition of “environmental compliance costs” in the Florida Energy Efficiency and Conservation Act to include costs or expenses incurred by an electric utility after July 1, 2021, for the construction and operation of a wastewater reuse system. This revision will allow utilities to petition the Florida Public Service Commission for recovery of such costs through a charge separate from the utility’s base rates.

In order to recover costs, operation of the wastewater reuse system must serve to further compliance with environmental laws or regulations that apply to the electric utility. The system must fully or partially satisfy a local government’s statutory reclaimed water reuse requirements, including those for ocean outfalls.

The bill requires at least 50 percent of reclaimed water produced to be used in conjunction with the water requirements of facilities owned by the electric utility. This is required in order to offset all or part of the electric utility’s water use, as authorized by permit.

If approved by the Governor, these provisions take effect July 1, 2021.

*Vote: Senate 40-0; House 118-0*

## Committee on Environment and Natural Resources

### **CS/CS/SB 1086 — Operation and Safety of Motor Vehicles and Vessels**

by Appropriations Committee; Environment and Natural Resources Committee; and Senator Hutson

The bill contains numerous changes to existing laws administered by the Fish and Wildlife Conservation Commission (FWC) and other law enforcement entities.

Relating to testing for alcohol, chemical substances, and controlled substances, effective October 1, 2021, the bill revises conditions under which a person operating a motor vehicle or vessel commits a misdemeanor by failing to submit to breath or urine testing. The bill deletes the provisions establishing a misdemeanor for the refusal to submit to blood testing.

Relating to boater safety education, the bill adds certain documents from other states, territories, or countries to the list of acceptable boater safety identification documentation.

Relating to boating restrictions, the bill:

- Defines the term “human-powered vessel” and restricts the operation of such vessels within the boundaries of the Florida Intracoastal Waterway.
- Designates Monroe County as an anchoring limitation area within which a vessel may be anchored for a maximum of 90 days, but provides that the area is not effective until the county approves, permits, and opens a certain number of new moorings for public use.
- Requires FWC to designate the area within 1 mile of the Key West Bight City Dock as a priority for the investigation and removal of derelict vessels.
- Revises boating-restricted areas to include certain areas around public or private marinas, superyacht repair facilities, permitted public mooring fields, and within the Florida Intracoastal Waterway.
- Provides that certain vessel-exclusion zones established by ordinance must be marked with uniform waterway markers permitted by FWC, and not be marked by ropes.
- Authorizes FWC to establish anchoring/mooring/beaching/grounding protection zones for springs.
- Prohibits the operation of vessels faster than slow speed, minimum wake upon approaching certain hazardous conditions.

Relating to derelict vessels, the bill:

- Revises the conditions under which a vessel may be determined to be at risk of becoming derelict.
- Authorizes officers to provide in-person notice that a vessel is at risk of becoming derelict if there is a body camera recording.
- Authorizes law enforcement officers to relocate at-risk vessels to a certain distance from mangroves or vegetation.
- Authorizes FWC to establish a derelict vessel prevention program.

- Authorizes local governments to enact and enforce regulations to remove an abandoned or lost vessel affixed to a public mooring.
- Prohibits the Department of Highway Safety and Motor Vehicles (DHSMV) from issuing a certificate of title to an applicant for a vessel that has been deemed derelict, and beginning in 2023, authorizes DHSMV to reject an application for a certificate of title for a vessel that has been deemed derelict.
- Authorizes FWC to provide local government grants for the removal, destruction, and disposal of derelict vessels.
- Revises provisions relating to the removal of derelict vessels and public nuisance vessels, and creates specific procedures for such vessels, including notice and hearing requirements and liability for removal costs.
- Authorizes FWC, law enforcement agencies, and authorized governmental subdivisions to perform relocation, removal, storage, destruction, and disposal activities.

Relating to no discharge zones, the bill:

- Creates a no-discharge zone within statutorily designated aquatic preserves upon approval by the United States Environmental Protection Agency, where the discharge of treated or untreated sewage from a vessel or floating structure is prohibited.
- Provides that a violation is a noncriminal infraction, punishable by a civil penalty of up to \$250. The bill provides for vessel removal after a second violation.
- Requires FWC to maintain and provide a list of state marine sewage pumpout facilities.

Relating to marine sanitation devices, the bill requires the owner/operator of a live-aboard vessel or houseboat equipped with a marine sanitation device, excluding certain marine compost toilets, to maintain records of each pumpout.

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

The bill revises penalties for vessels deemed at risk of becoming derelict and creates penalties for vessels creating special hazards as specified in the bill. The bill creates a noncriminal infraction for violating the prohibitions governing human-powered vessels established under the bill.

If approved by the Governor, these provisions take effect July 1, 2021, except where otherwise provided.

*Vote: Senate 39-0; House 114-1*

## Committee on Environment and Natural Resources

### **CS/HB 1177 — Biscayne Bay**

by State Affairs Committee; Reps. Avila, Duran, and others (CS/SB 1482 by Appropriations Committee and Senators Garcia and Pizzo)

The bill establishes the Biscayne Bay Commission as an advisory council within the Department of Environmental Protection (DEP). The commission must serve as the official coordinating clearinghouse for all public policy and projects related to Biscayne Bay, including developing plans and ensuring projects are funded and implemented. The bill does not affect or supersede the regulatory authority of any government agency or local government, and any responsibilities of a governmental entity relating to Biscayne Bay remain with such entity. DEP must provide, within its available resources, administrative support and service to the commission as requested.

The bill provides for the composition of the commission. Members of the commission must serve four-year terms that are staggered. All nine members of the commission are voting members. Members must serve without compensation.

The commission must meet at least quarterly and may meet monthly. The commission must conduct the following activities:

- Consolidate existing plans and programs into a coordinated strategic plan, which must be monitored and regularly revised, for improving Biscayne Bay and the surrounding areas.
- Prepare a consolidated financial plan, which must be monitored and regularly revised, using the projected financial resources available from the jurisdictional agencies.
- Provide technical assistance and support to help implement the strategic and financial plans.
- Work in consultation with the United States Department of the Interior.
- Provide a forum for the exchange of information.
- Act as a clearinghouse for public information.

The bill requires the commission to produce a semiannual report describing the accomplishments of the commission and each member agency, as well as the status of each pending task. The first report must be submitted by January 15, 2022. The report must be submitted to specified government entities and made available on the websites of DEP and Miami-Dade County.

The bill also prohibits sewage disposal facilities from disposing of any wastes into Biscayne Bay or its tributaries without providing advanced waste treatment.

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

*Vote: Senate 38-0; House 117-0*

## Committee on Environment and Natural Resources

### **HB 1309 — Environmental Regulation**

by Reps. Payne, Overdorf, and others (CS/SB 7060 by Appropriations Committee and Environment and Natural Resources Committee)

The bill ratifies the Department of Environmental Protection's (DEP's) biosolids rules, Rule Chapter 62-640 of the Florida Administrative Code. The bill exempts the rules from review and approval by the Environmental Regulation Commission.

The bill also ratifies DEP's rules for the Central Florida Water Initiative (CFWI), Rules 62-41.300 – 62-41.305, Florida Administrative Code. Additionally, the bill:

- Revises the required rulemaking to include an annual supplemental irrigation requirement allocation for agricultural uses and a process for examining an agriculture user's average annual supplemental irrigation needs.
- Establishes a grant program for CFWI within DEP, subject to appropriation, which will promote alternative water supply and protect groundwater resources. The bill requires DEP to give priority to certain projects.
- Revises the priority system for the Drinking Water State Revolving Loan Fund to give special consideration to projects that implement water supply plans and develop water sources as an alternative to continued reliance on the Floridan aquifer under the CFWI.

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

*Vote: Senate 39-0; House 114-0*

## Committee on Environment and Natural Resources

### **CS/CS/CS/SB 1946 — Anchoring Limitation Areas**

by Rules Committee; Community Affairs Committee; Environment and Natural Resources Committee; and Senators Polsky and Bean

The bill provides that, notwithstanding the existing prohibition on local regulation of anchoring vessels outside of the marked boundaries of mooring fields, a county may establish an anchoring limitation area, adjacent to urban areas that have residential docking facilities and significant recreational boating traffic, which meets certain requirements imposed under the bill. The bill requires counties proposing to establish an anchoring limitation area to provide notice to the Fish and Wildlife Conservation Commission (FWC) 30 days before final adoption of an ordinance.

The bill prohibits anchoring a vessel for more than 45 consecutive days in a 6-month period in an anchoring limitation area, except under the exceptions in current law. The bill ensures that, upon an inquiry by a law enforcement officer or agency, a vessel owner or operator has the opportunity to provide proof that the vessel has not exceeded this time limitation.

The bill designates Monroe County as an anchoring limitation area within which a vessel may be anchored for a maximum of 90 days. This anchoring limitation area is not effective until the county approves, permits, and opens at least 250 new moorings for public use within 1 mile of the Key West Bight City Dock and at least 50 moorings within the Key West Garrison Bight Mooring Field. The bill requires FWC to designate the area within 1 mile of the Key West Bight City Dock as a priority for the investigation and removal of derelict vessels until the county approves, permits, and opens the new moorings.

The bill declares a vessel that is the subject of more than three violations within 12 months, which resulted in dispositions other than acquittal or dismissal, as a public nuisance.

The bill expressly grandfathers-in the geographic areas already designated as anchoring limitation areas in Florida Statutes.

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

*Vote: Senate 39-0; House 116-1*

## Committee on Environment and Natural Resources

### **CS/CS/SB 1954 — Statewide Flooding and Sea Level Rise Resilience**

by Appropriations Committee; Environment and Natural Resources Committee; and Senators Rodrigues and Garcia

The bill establishes statewide programs for adaptation to flooding and sea level rise. The programs are intended to address flooding all across the state. The bill creates:

- The Resilient Florida Grant Program within the Department of Environmental Protection (DEP) to provide grants to counties or municipalities for community resilience planning, such as vulnerability assessments, plan development, and projects to adapt critical assets. The bill provides a comprehensive definition for “critical asset.” Specified information from such vulnerability assessments must be submitted to DEP.
- The Comprehensive Statewide Flood Vulnerability and Sea Level Rise Data Set and Assessment, which must be updated at least every five years. The bill requires DEP to:
  - By July 1, 2022, develop a statewide data set, including statewide sea level rise projections, containing information necessary to determine the risks of flooding and sea level rise to inland and coastal communities.
  - By July 1, 2023, develop a statewide assessment, using the statewide data set, identifying vulnerable infrastructure, geographic areas, and communities. The statewide assessment must include an inventory of critical assets.
- The Statewide Flooding and Sea Level Rise Resilience Plan. By December 1, 2021, and each December 1 thereafter, DEP must develop the plan on a three-year planning horizon and submit it to the Governor and Legislature. The plan must consist of ranked projects addressing the risks of flooding and sea level rise to communities in the state. The funding proposed in the plan may not exceed \$100 million in one year and is subject to review and appropriation by the Legislature. Each project must have a minimum 50 percent cost-share unless it assists or is within a financially disadvantaged small community, as defined in the bill. Counties, municipalities, and regional resilience entities are authorized to submit to DEP lists of proposed projects for inclusion in the plan, and water management districts and flood control districts are authorized to submit to DEP lists of proposed projects specifically relating to water supplies or water resources for inclusion in the plan. DEP must assess projects for inclusion in the plan by implementing a four-tiered scoring system specified in the bill.

The bill authorizes DEP to provide funding to regional resilience entities for providing technical assistance to counties and municipalities, coordinating multijurisdictional vulnerability assessments, and developing project proposals for the statewide resilience plan.

The bill requires DEP to initiate rulemaking by August 1, 2021, to implement the statewide resilience programs.

The bill creates the Florida Flood Hub for Applied Research and Innovation (Hub) within the University of South Florida (USF) College of Marine Science. USF’s College of Marine Science or its successor will serve as the lead institution to coordinate efforts to support applied research

and innovation to address flooding and sea level rise in the state. The Hub must conduct activities specified in the bill, including developing data and modeling, coordinating research funds across participating entities, establishing community-based programs, and assisting with training and workforce development. By July 1, 2022, and each July 1 thereafter, the Hub must submit to the Governor and Legislature an annual comprehensive report on its goals and its efforts and progress on reaching those goals.

The bill requires the Office of Economic and Demographic Research to include in its annual assessment of Florida's water resources and conservation lands an analysis of flooding issues, including resilience efforts. When appropriations or expenditures are made to address flooding, the analysis must identify any gaps between estimated revenues and projected expenditures.

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

*Vote: Senate 40-0; House 118-0*