

1 A bill to be entitled
2 An act relating to water management; amending
3 s. 287.042, F.S.; providing requirements to
4 protest contracts administered by water
5 management districts; amending s. 373.083,
6 F.S.; authorizing a water management district
7 governing board to delegate its powers, duties,
8 and functions to district staff; amending s.
9 373.323, F.S.; providing additional licensure
10 requirements for water well contractors;
11 amending s. 373.324, F.S.; providing for a
12 continuing education requirement for license
13 renewal; providing for rules; amending s.
14 373.414, F.S.; revising the criteria to be
15 considered in determining the cumulative
16 impacts of activities upon surface waters and
17 wetlands; creating s. 403.065, F.S.; providing
18 findings and declarations; providing for
19 classification and permitting of aquifer
20 storage and recovery wells; providing a zone of
21 discharge for aquifer storage and recovery
22 wells meeting specific criteria; providing
23 monitoring requirements for aquifer storage and
24 recovery wells; requiring an aquifer exemption
25 for aquifer storage and recovery wells
26 exceeding primary drinking water standards
27 other than total coliform bacteria or sodium;
28 requiring the Department of Environmental
29 Protection to make a reasonable effort to issue
30 or deny permits within 90 days; providing the
31 department with rulemaking authority; amending

1 s. 403.0882, F.S.; reorganizing and clarifying
2 provisions; directing the department to adopt
3 rules; creating a technical advisory committee
4 to assist in rule development; providing
5 permitting requirements relating to failure of
6 toxicity tests due to naturally occurring
7 constituents; amending s. 403.061, F.S.;
8 providing an exemption allowing
9 demineralization concentrate mixing zones in
10 Outstanding Florida Waters with specific
11 requirements; amending s. 403.852, F.S.;
12 redefining the terms "public water system,"
13 "noncommunity water system," and "nontransient
14 noncommunity water system," and defining the
15 term "transient noncommunity water system";
16 amending s. 403.853, F.S.; requiring the
17 department to adopt and enforce certain primary
18 and secondary drinking water regulations for
19 nontransient noncommunity water systems and
20 transient noncommunity water systems; amending
21 s. 403.8532, F.S.; authorizing the department
22 to make loans to nonprofit transient
23 noncommunity water systems; amending s.
24 403.854, F.S.; allowing the department to waive
25 disinfection requirements and operator
26 requirements for certain water systems on a
27 case-by-case basis; amending s. 403.865, F.S.;
28 expanding the legislative declaration to
29 include water distribution systems; amending s.
30 403.866, F.S.; redefining the term "water
31 distribution system"; amending ss. 403.867,

1 403.872, 403.875, and 403.88, F.S.; expanding
2 provisions relating to water and wastewater
3 facilities personnel to include "water
4 distribution systems," as required by federal
5 law; providing for the development of a
6 proposal to dredge an access channel in Santa
7 Rosa Sound; providing for a plan of mitigation;
8 providing responsibility for costs; providing
9 for an expedited process for state dredge and
10 fill permits; developing project criteria;
11 amending s. 20.255, F.S.; requiring the
12 Governor to provide reasonable representation
13 from all sections of the state in making
14 appointments to the Environmental Regulation
15 Commission; amending s. 403.088, F.S.;
16 requiring persons holding water pollution
17 operation permits to report certain
18 noncompliance; providing for the adoption of
19 rules; providing for the distribution of
20 certain documentary stamp tax revenues to the
21 Marine Resource Conservation Trust Fund to be
22 used for marine mammal care; amending s.
23 201.15, F.S.; providing for the distribution of
24 certain documentary stamp tax revenues to the
25 Marine Resource Conservation Trust Fund to be
26 used for marine mammal care, effective July 1,
27 2001; amending s. 328.72, F.S.; revising the
28 process of handling voluntary contributions for
29 manatee protection; amending s. 328.76, F.S.;
30 eliminating the transfer of certain registered
31 vessel revenues to the Save the Manatee Trust

1 Fund; amending s. 370.0603, F.S.; providing
2 requirements for the use of funds in the Marine
3 Resource Conservation Trust Fund; amending s.
4 370.12, F.S.; eliminating requirements for the
5 use of specified funds for manatee
6 rehabilitation from the Save the Manatee Trust
7 Fund; providing an appropriation; providing an
8 effective date.
9

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

11
12 Section 1. Paragraph (c) of subsection (2) of section
13 287.042, Florida Statutes, is amended to read:

14 287.042 Powers, duties, and functions.--The department
15 shall have the following powers, duties, and functions:

16 (2)

17 (c) Any person who files an action protesting a
18 decision or intended decision pertaining to contracts
19 administered by the department, a water management district,
20 or a state agency pursuant to s. 120.57(3)(b) shall post with
21 the department, the water management district, or the state
22 agency at the time of filing the formal written protest a bond
23 payable to the department, the water management district, or
24 the state agency in an amount equal to 1 percent of the
25 department's, the water management district's, or the state
26 agency's estimate of the total volume of the contract or
27 \$5,000, whichever is less, which bond shall be conditioned
28 upon the payment of all costs which may be adjudged against
29 him or her in the administrative hearing in which the action
30 is brought and in any subsequent appellate court proceeding.
31 For protests of decisions or intended decisions of the

1 department pertaining to agencies' requests for approval of
2 exceptional purchases, the bond shall be in an amount equal to
3 1 percent of the requesting agency's estimate of the contract
4 amount for the exceptional purchase requested or \$5,000,
5 whichever is less. In lieu of a bond, the department, the
6 water management district, or the state agency may, in either
7 case, accept a cashier's check or money order in the amount of
8 the bond. If, after completion of the administrative hearing
9 process and any appellate court proceedings, the water
10 management district or the agency prevails, it shall recover
11 all costs and charges which shall be included in the final
12 order or judgment, excluding attorney's fees. This section
13 shall not apply to protests filed by the Minority Business
14 Advocacy and Assistance Office. Upon payment of such costs and
15 charges by the person protesting the award, the bond,
16 cashier's check, or money order shall be returned to him or
17 her. If the person protesting the award prevails, he or she
18 shall recover from the water management district or the agency
19 all costs and charges which shall be included in the final
20 order of judgment, excluding attorney's fees.

21 Section 2. Subsection (5) is added to section 373.083,
22 Florida Statutes, to read:

23 373.083 General powers and duties of the governing
24 board.--In addition to other powers and duties allowed it by
25 law, the governing board is authorized to:

26 (5) Execute any of the powers, duties, and functions
27 vested in the governing board through a member or members
28 thereof, the executive director, or other district staff as
29 designated by the governing board. The governing board may
30 establish the scope and terms of any delegation. However, if
31 the governing board delegates the authority to take final

1 action on permit applications under part II or part IV, or
2 petitions for variances or waivers of permitting requirements
3 under part II or part IV, the governing board shall provide a
4 process for referring any denial of such application or
5 petition to the governing board to take final action. The
6 authority in this subsection is supplemental to any other
7 provision of this chapter granting authority to the governing
8 board to delegate specific powers, duties, or functions.

9 Section 3. Subsection (5) of section 373.323, Florida
10 Statutes, is amended, and subsection (10) is added to said
11 section, to read:

12 373.323 Licensure of water well contractors;
13 application, qualifications, and examinations; equipment
14 identification.--

15 (5) The water management district shall issue a water
16 well contracting license to any applicant who receives a
17 passing grade on the examination, has paid the initial
18 application fee, takes and completes to the satisfaction of
19 the department a minimum of 12 hours of approved course work,
20 and has complied with the requirements of this section. A
21 passing grade on the examination shall be as established by
22 the department by rule. A license issued by any water
23 management district shall be valid in every water management
24 district in the state.

25 (10) Effective July 1, 2001, water well contractors
26 licensed under the provisions of this section shall be able to
27 install, repair, and modify pumps and tanks in accordance with
28 the Florida Building Code, Chapter 29, section 612--Well Pumps
29 and Tanks Used for Potable Water Systems.

30 Section 4. Subsection (2) of section 373.324, Florida
31 Statutes, is amended, subsections (3), (4), and (5) are

1 renumbered as subsections (4), (5), and (6), respectively, and
2 a new subsection (3) is added to said section, to read:

3 373.324 License renewal.--

4 (2) The water management district shall renew a
5 license upon receipt of the renewal application, proof of
6 completion of 12 classroom hours of continuing education
7 annually, and renewal fee.

8 (3) The department shall prescribe by rule the method
9 for renewal of licenses, which shall include continuing
10 education requirements of not less than 12 classroom hours
11 annually.

12 Section 5. Subsection (8) of section 373.414, Florida
13 Statutes, is amended to read:

14 373.414 Additional criteria for activities in surface
15 waters and wetlands.--

16 (8)(a) The governing board or the department, in
17 deciding whether to grant or deny a permit for an activity
18 regulated under this part shall consider the cumulative
19 impacts upon surface water and wetlands, as delineated in s.
20 373.421(1), within the same drainage basin as defined in s.
21 373.403(9), of:

22 1.(a) The activity for which the permit is sought.

23 2.(b) Projects which are existing or activities
24 regulated under this part which are under construction or
25 projects for which permits or determinations pursuant to s.
26 373.421 or s. 403.914 have been sought.

27 3.(c) Activities which are under review, approved, or
28 vested pursuant to s. 380.06, or other activities regulated
29 under this part which may reasonably be expected to be located
30 within surface waters or wetlands, as delineated in s.
31 373.421(1), in the same drainage basin as defined in s.

1 373.403(9), based upon the comprehensive plans, adopted
2 pursuant to chapter 163, of the local governments having
3 jurisdiction over the activities, or applicable land use
4 restrictions and regulations.

5 (b) If an applicant proposes mitigation within the
6 same drainage basin where adverse effects are to be mitigated
7 and if the mitigation offsets these adverse effects, the
8 governing board and department shall consider the regulated
9 activity to meet the requirements of paragraph (a). However,
10 this paragraph may not be construed to prohibit mitigation
11 outside the drainage basin which offsets the adverse effects
12 within the drainage basin.

13 Section 6. Section 403.065, Florida Statutes, is
14 created to read:

15 403.065 Aquifer Storage and Recovery Wells.--

16 (1) The Legislature finds and declares that it is in
17 the public interest to conserve and protect water resources,
18 provide adequate water supplies, provide for natural systems,
19 and promote quality aquifer storage and recovery projects by
20 removing inappropriate institutional barriers.

21 (2) Aquifer storage and recovery wells shall be
22 classified and permitted according to department rules,
23 consistent with the federal Safe Drinking Water Act. They
24 shall be constructed to prevent violation of state groundwater
25 quality standards at the point of discharge, except as
26 specifically provided in this section.

27 (3) Aquifer storage and recovery wells shall be
28 allowed a zone of discharge for sodium and secondary drinking
29 water standards, provided that the requirements of paragraphs
30 (4)(b), (c), and (d) and subsection (6) are met.

31

1 (4) Aquifer storage and recovery wells used to inject
2 water from a surfacewater or groundwater source shall be
3 allowed a zone of discharge for total coliform bacteria when
4 the applicant for the aquifer storage and recovery well permit
5 demonstrates, through a risk-based analysis, the following:

6 (a) The native groundwater within the proposed zone of
7 discharge contains no less than 1,500 milligrams per liter
8 total dissolved solids;

9 (b) The native groundwater within the proposed zone of
10 discharge is not currently being used as a public or private
11 drinking water supply, nor can any other person other than the
12 permit applicant be reasonably expected to withdraw water from
13 the zone of discharge in the future for such use;

14 (c) The presence of the stored water will not cause
15 any person other than the permit applicant to treat its source
16 water in any way that would not have been required in the
17 absence of the aquifer storage and recovery well;

18 (d) The department has approved a monitoring plan that
19 specifies the number and location of monitor wells, monitoring
20 parameters, and frequency of monitoring;

21 (e) Total coliform bacteria is the only primary
22 drinking water standard other than sodium that will not be met
23 prior to injection;

24 (f) The permit applicant demonstrates that biological
25 contaminants will experience die-off such that primary
26 drinking water standards will be met at the edge of the zone
27 of discharge and that those contaminants will not pose an
28 adverse risk to human health;

29 (g) The permit applicant documents the environmental
30 benefits to be derived from the storage, recovery, and future
31 use of the injected water;

1 (h) The use of the recovered water is consistent with
2 its intended primary purpose; and

3 (i) The storage of water will not endanger drinking
4 water sources, as defined in the federal Safe Drinking Water
5 Act, 42 U.S.C. s. 300h.

6 (5) The department may allow a zone of discharge for
7 sodium, total coliform bacteria, and secondary drinking water
8 standards if the total dissolved solids concentration of the
9 native groundwater within the proposed zone of discharge is
10 less than 1,500 milligrams per liter and if the requirements
11 of paragraphs (4)(b)-(i) are satisfied and:

12 (a) The applicant for the aquifer storage and recovery
13 well permit demonstrates that no person, other than the permit
14 applicant, may in the future withdraw water from the zone of
15 discharge for use as a public or private drinking water supply
16 because of legal restrictions imposed by a water management
17 district, state agency, local government, or other
18 governmental entity having jurisdiction over water supply or
19 well construction;

20 (b) The permit applicant provides written notice,
21 including specific information about the proposed aquifer
22 storage and recovery project, to each land owner whose
23 property overlies the zone of discharge.

24 (6) A zone of discharge for aquifer storage and
25 recovery wells shall not intersect or include any part of a
26 500-foot radius surrounding any well that uses the injection
27 zone to supply drinking water.

28 (7) The department shall specify in the permit for the
29 aquifer storage and recovery well the vertical and lateral
30 limits of the approved zone of discharge. The zone of
31 discharge limits shall be based on hydrogeological conditions,

1 for which the permit applicant shall provide calculations or
2 the results of modeling that include, but are not limited to,
3 reasonable assumptions about the expected volume of water to
4 be stored and recovered and reasonable assumptions regarding
5 aquifer thickness and porosity. Compliance with the primary
6 drinking water standard for total coliform bacteria, sodium,
7 and the secondary drinking water standards shall be required
8 at the edge of the zone of discharge.

9 (8) After the aquifer storage and recovery well is in
10 operation, groundwater monitoring must demonstrate that
11 biological die-off is occurring, no exceedances of the primary
12 drinking water standards have occurred outside of the zone of
13 discharge, and there is no adverse risk to human health from
14 the injection activity. Failure of the applicant to make this
15 demonstration shall result in revocation of the zone of
16 discharge.

17 (9) If drinking water supply wells are present in the
18 injection zone within 2.5 miles of the edge of the zone of
19 discharge, additional monitor wells may be required to detect
20 the possible movement of injected fluids in the direction of
21 the drinking water wells.

22 (10) Monitor wells shall be sampled at least monthly
23 for the parameters specified in the permit for the aquifer
24 storage and recovery well. The department may modify the
25 monitoring requirements if necessary to provide reasonable
26 assurance that underground sources of drinking water are
27 adequately protected.

28 (11) An aquifer exemption shall be obtained prior to
29 injection if the injection fluid exceeds any primary drinking
30 water standard maximum contaminant level other than total
31 coliform bacteria or sodium, or if the presence of any

1 contaminant in the injection fluid may adversely affect the
2 health of persons and the applicant cannot demonstrate with
3 reasonable certainty that such contaminant will experience
4 die-off within the proposed zone of discharge.

5 (12) The department shall make a reasonable effort to
6 issue or deny a permit within 90 days after determining the
7 permit application to be complete. In accordance with s.
8 403.0876(2)(b), the failure of the department to issue or deny
9 an underground injection control permit for an aquifer storage
10 and recovery well within the 90-day time period shall not
11 result in the automatic issuance or denial of the permit and
12 shall not prevent the inclusion of specific permit conditions
13 that are necessary to ensure compliance with applicable
14 statutes and rules.

15 (13) The department may adopt rules for the regulation
16 of aquifer storage and recovery wells to implement the
17 provisions of this section.

18 Section 7. Section 403.0882, Florida Statutes, is
19 amended to read:

20 (Substantial rewording of section. See s.

21 403.0882, F.S., for present text.)

22 403.0882 Discharge of demineralization concentrate.--

23 (1) The Legislature finds and declares that it is in
24 the public interest to conserve and protect water resources,
25 provide adequate water supplies and provide for natural
26 systems, and promote brackish water demineralization as an
27 alternative to withdrawals of freshwater from groundwater and
28 surface water by removing institutional barriers to
29 demineralization and through research, including demonstration
30 projects, to advance water and water byproduct treatment
31 technology, sound waste byproduct disposal methods, and

1 regional solutions to water resources issues. In order to
2 promote the state objective of alternative water supply
3 development, including the use of demineralization
4 technologies, and to encourage the conservation and protection
5 of the state's natural resources, the concentrate resulting
6 from demineralization must be classified as potable water
7 byproduct regardless of flow quantity and must be
8 appropriately treated and discharged or reused.

9 (2) For the purposes of this section, the term:

10 (a) "Demineralization concentrate" means the
11 concentrated byproduct water, brine, or reject water produced
12 by ion exchange or membrane separation technologies such as
13 reverse osmosis, membrane softening, ultra-filtration,
14 membrane filtration, electrodialysis, and electrodialysis
15 reversal used for desalination, softening, or reducing total
16 dissolved solids during water treatment for public water
17 supply purposes.

18 (b) "Small water utility business" means any facility
19 that distributes potable water to two or more customers with a
20 concentrate discharge of less than 50,000 gallons per day.

21 (3) The department shall initiate rulemaking no later
22 than October 1, 2000, to address facilities that discharge
23 demineralization concentrate. The department shall convene a
24 technical advisory committee to assist in the development of
25 the rules, which committee shall include one representative
26 each from the demineralization industry, local government,
27 water and wastewater utilities, the engineering profession,
28 business, and environmental organizations. The technical
29 advisory committee shall also include one member representing
30 the five water management districts and one representative
31 from the Florida Marine Research Institute. In convening the

1 technical advisory committee, consideration must be given to
2 geographical balance. The rules must address, at a minimum:

3 (a) Permit application forms for concentrate disposal;

4 (b) Specific options and requirements for
5 demineralization concentrate disposal, including a
6 standardized list of effluent and monitoring parameters, which
7 may be adjusted or expanded by the department as necessary to
8 protect water quality;

9 (c) Specific requirements and accepted methods for
10 evaluating mixing of effluent in receiving waters; and

11 (d) Specific toxicity provisions.

12 (4)(a) For facilities that discharge demineralization
13 concentrate, the failure of whole effluent toxicity tests
14 predominantly due to the presence of constituents naturally
15 occurring in the source water, limited to calcium, potassium,
16 sodium, magnesium, chloride, bromide, and other constituents
17 designated by the department, may not be the basis for denial
18 of a permit, denial of a permit renewal, revocation of a
19 permit, or other enforcement action by the department as long
20 as the volume of water necessary to achieve water quality
21 standards is available within a distance not in excess of two
22 times the natural water depth at the point of discharge under
23 all flow conditions.

24 (b) If failure of whole effluent toxicity tests is due
25 predominately to the presence of the naturally occurring
26 constituents identified in paragraph (a), the department shall
27 issue a permit for the demineralization concentrate discharge
28 if:

29 1. The volume of water necessary to achieve water
30 quality standards is available within a distance not in excess
31

1 of two times the natural water depth at the point of discharge
2 under all flow conditions; and

3 2. All other permitting requirements are met.

4
5 A variance for toxicity under the circumstance described in
6 this paragraph is not required.

7 (c) Facilities that fail to meet the requirements of
8 this subsection may be permitted in accordance with department
9 rule, including all applicable moderating provisions such as
10 variances, exemptions, and mixing zones.

11 (5) Blending of demineralization concentrate with
12 reclaimed water shall be allowed in accordance with the
13 department's reuse rules.

14 (6) This subsection applies only to small water
15 utility businesses.

16 (a) The discharge of demineralization concentrate from
17 small water utility businesses is presumed to be allowable and
18 permissible in all waters in the state if:

19 1. The discharge meets the effluent limitations in s.
20 403.086(4), except that high-level disinfection is not
21 required unless the presence of fecal coliforms in the source
22 water will result in the discharge not meeting applicable
23 water quality standards;

24 2. The discharge of demineralization concentrate
25 achieves a minimum of 4-to-1 dilution within a distance not in
26 excess of two times the natural water depth at the point of
27 discharge under all flow conditions; and

28 3. The point of discharge is located at a reasonably
29 accessible point that minimizes water quality impacts to the
30 greatest extent possible.

31

1 (b) The presumption in paragraph (a) may be overcome
2 only by a demonstration that one or more of the following
3 conditions is present:

4 1. The discharge will be made directly into an
5 Outstanding Florida Water, except as provided in chapter
6 90-262, Laws of Florida;

7 2. The discharge will be made directly to Class I or
8 Class II waters;

9 3. The discharge will be made to a water body having a
10 total maximum daily load established by the department and the
11 discharge will cause or contribute to a violation of the
12 established load;

13 4. The discharge fails to meet the requirements of the
14 antidegradation policy contained in the department rules;

15 5. The discharge will be made to a sole-source
16 aquifer;

17 6. The discharge fails to meet applicable surfacewater
18 and groundwater quality standards; or

19 7. The results of any toxicity test performed by the
20 applicant under paragraph (d) or by the department indicate
21 that the discharge does not meet toxicity requirements at the
22 boundary of the mixing zone under subparagraph (a)2.

23 (c) If one or more of the conditions in paragraph (b)
24 has been demonstrated, the department may:

25 1. Require more stringent effluent limitations;

26 2. Require relocation of the discharge point or a
27 change in the method of discharge;

28 3. Limit the duration or volume of the discharge; or

29 4. Prohibit the discharge if there is no alternative
30 that meets the conditions of subparagraphs 1.-3.

31

1 (d) For facilities owned by small water utility
2 businesses, the department may not:

3 1. Require those businesses to perform toxicity
4 testing at other than the time of permit application, permit
5 renewal, or any requested permit modification, unless the
6 initial toxicity test or any subsequent toxicity test
7 performed by the department does not meet toxicity
8 requirements.

9 2. Require those businesses to obtain a
10 water-quality-based effluent limitation determination.

11 (7) The department may adopt additional rules for the
12 regulation of demineralization and to administer this section
13 and s. 403.061(11)(b).

14 Section 8. Paragraph (b) of subsection (11) of section
15 403.061, Florida Statutes, is amended to read:

16 403.061 Department; powers and duties.--The department
17 shall have the power and the duty to control and prohibit
18 pollution of air and water in accordance with the law and
19 rules adopted and promulgated by it and, for this purpose, to:

20 (11) Establish ambient air quality and water quality
21 standards for the state as a whole or for any part thereof,
22 and also standards for the abatement of excessive and
23 unnecessary noise. The department is authorized to establish
24 reasonable zones of mixing for discharges into waters.

25 (b) No mixing zone for point source discharges shall
26 be permitted in Outstanding Florida Waters except for:

27 1. Sources that ~~which~~ have received permits from the
28 department prior to April 1, 1982, or the date of designation,
29 whichever is later;

30 2. Blowdown from new power plants certified pursuant
31 to the Florida Electrical Power Plant Siting Act; ~~and~~

1 3. Discharges of water necessary for water management
2 purposes that ~~which~~ have been approved by the governing board
3 of a water management district and, if required by law, by the
4 secretary; ~~and-~~

5 4. The discharge of demineralization concentrate which
6 has been determined permittable under s. 403.0882 and which
7 meets the specific provisions of s. 403.0882(4)(a) and (b), if
8 the proposed discharge is clearly in the public interest.

9
10 Nothing in this act shall be construed to invalidate any
11 existing department rule relating to mixing zones. The
12 department shall cooperate with the Department of Highway
13 Safety and Motor Vehicles in the development of regulations
14 required by s. 316.272(1).

15 Section 9. Subsections (2), (4), and (17) of section
16 403.852, Florida Statutes, are amended, and subsection (18) is
17 added to that section to read:

18 403.852 Definitions; ss. 403.850-403.864.--As used in
19 ss. 403.850-403.864:

20 (2) "Public water system" means a ~~community,~~
21 ~~nontransient noncommunity, or noncommunity~~ system for the
22 provision to the public of ~~pip~~ed water for human consumption
23 through pipes or other constructed conveyances if, provided
24 ~~that~~ such system has at least 15 service connections or
25 regularly serves at least 25 individuals daily at least 60
26 days out of the year. A public water system is either a
27 community water system or a noncommunity water system.The
28 term "public water system" includes:

29 (a) Any collection, treatment, storage, and
30 distribution facility or facilities under control of the
31

1 operator of such system and used primarily in connection with
2 such system.

3 (b) Any collection or pretreatment storage facility or
4 facilities not under control of the operator of such system
5 but used primarily in connection with such system.

6 (4) "Noncommunity water system" means a public water
7 system ~~that for provision to the public of piped water for~~
8 ~~human consumption, which serves at least 25 individuals daily~~
9 ~~at least 60 days out of the year, but which is not a community~~
10 ~~water system, except that a water system for a wilderness~~
11 ~~educational camp is a noncommunity water system. A~~
12 noncommunity water system is either a nontransient
13 noncommunity water system or a transient noncommunity water
14 system.

15 (17) "Nontransient noncommunity water system" means a
16 noncommunity public water system that ~~is not a community water~~
17 ~~system and that~~ regularly serves at least 25 of the same
18 persons over 6 months per year.

19 (18) "Transient noncommunity water system" means a
20 noncommunity water system that has at least 15 service
21 connections or regularly serves at least 25 persons daily at
22 least 60 days out of the year but that does not regularly
23 serve 25 or more of the same persons over 6 months per year.

24 Section 10. Subsections (1) and (6) of section
25 403.853, Florida Statutes, are amended to read:

26 403.853 Drinking water standards.--

27 (1) The department shall adopt and enforce:

28 (a)1. State primary drinking water regulations that
29 shall be no less stringent at any given time than the complete
30 interim or revised national primary drinking water regulations
31 in effect at such time; and

1 2. State secondary drinking water regulations
2 patterned after the national secondary drinking water
3 regulations.

4 (b) Primary and secondary drinking water regulations
5 for nontransient noncommunity water systems and transient
6 noncommunity water systems, which shall be no more stringent
7 than the corresponding national primary or secondary drinking
8 water regulations in effect at such time, except that
9 nontransient, noncommunity systems shall monitor and comply
10 with additional primary drinking water regulations as
11 determined by the department.

12 (6) Upon the request of the owner or operator of a
13 transient noncommunity water system serving businesses, other
14 than restaurants or other public food service establishments,
15 and using groundwater as a source of supply, the department,
16 or a local county health department designated by the
17 department, shall perform a sanitary survey of the facility.
18 Upon receipt of satisfactory survey results according to
19 department criteria, the department shall reduce the
20 requirements of such owner or operator from monitoring and
21 reporting on a quarterly basis to performing these functions
22 on an annual basis. Any revised monitoring and reporting
23 schedule approved by the department under this subsection
24 shall apply until such time as a violation of applicable state
25 or federal primary drinking water standards is determined by
26 the system owner or operator, by the department, or by an
27 agency designated by the department, after a random or routine
28 sanitary survey. Certified operators are not required for
29 transient noncommunity water systems of the type and size
30 covered by this subsection. Any reports required of such
31 system shall be limited to the minimum as required by federal

1 law. When not contrary to the provisions of federal law, the
2 department may, upon request and by rule, waive additional
3 provisions of state drinking water regulations for such
4 systems.

5 Section 11. Subsection (3) of section 403.8532,
6 Florida Statutes, is amended to read:

7 403.8532 Drinking water state revolving loan fund;
8 use; rules.--

9 (3) The department is authorized to make loans to
10 community water systems, nonprofit transient noncommunity
11 water systems, and nonprofit nontransient noncommunity water
12 systems to assist them in planning, designing, and
13 constructing public water systems, unless such public water
14 systems are for-profit privately owned or investor-owned
15 systems that regularly serve 1,500 service connections or more
16 within a single certified or franchised area. However, a
17 for-profit privately owned or investor-owned public water
18 system that regularly serves 1,500 service connections or more
19 within a single certified or franchised area may qualify for a
20 loan only if the proposed project will result in the
21 consolidation of two or more public water systems. The
22 department is authorized to provide loan guarantees, to
23 purchase loan insurance, and to refinance local debt through
24 the issue of new loans for projects approved by the
25 department. Public water systems are authorized to borrow
26 funds made available pursuant to this section and may pledge
27 any revenues or other adequate security available to them to
28 repay any funds borrowed. The department shall administer
29 loans so that amounts credited to the Drinking Water Revolving
30 Loan Trust Fund in any fiscal year are reserved for the
31 following purposes:

1 (a) At least 15 percent to qualifying small public
2 water systems.

3 (b) Up to 15 percent to qualifying financially
4 disadvantaged communities.

5 (c) However, if an insufficient number of the projects
6 for which funds are reserved under this paragraph have been
7 submitted to the department at the time the funding priority
8 list authorized under this section is adopted, the reservation
9 of these funds shall no longer apply. The department may
10 award the unreserved funds as otherwise provided in this
11 section.

12 Section 12. Subsections (4), (5), and (8) of section
13 403.854, Florida Statutes, are amended to read:

14 403.854 Variances, exemptions, and waivers.--

15 (4)(a) The department shall, except upon a showing of
16 good cause, waive on a case-by-case basis any disinfection
17 ~~chlorination~~ requirement applicable to transient noncommunity
18 water systems using groundwater as a source of supply upon an
19 affirmative showing by the supplier of water that no hazard to
20 health will result. This showing shall be based upon the
21 following:

- 22 1. The completion of a satisfactory sanitary survey;
- 23 2. The history of the quality of water provided by the
24 system and monthly monitoring tests for bacteriological
25 contamination;
- 26 3. Evaluation of the well and the site on which it is
27 located, including geology, depth of well, casing, grouting,
28 and other relevant factors which have an impact on the quality
29 of water supplied; and
- 30 4. The number of connections and size of the
31 distribution system.

1 (b) The department may as a condition of waiver
2 require a monitoring program of sufficient frequency to assure
3 that safe drinking water standards are being met.

4 (5) The department shall, except upon a showing of
5 good cause, waive on a case-by-case basis any requirement for
6 a certified operator for a transient ~~nontransient noncommunity~~
7 ~~or noncommunity~~ water system using groundwater as a source of
8 supply ~~having a design flow of less than 10,000 gallons per~~
9 ~~day~~ upon an affirmative showing by the supplier of water that
10 the system can be properly maintained without a certified
11 operator. The department shall consider:

12 (a) The results of a sanitary survey if deemed
13 necessary;

14 (b) The operation and maintenance records for the year
15 preceding an application for waiver;

16 (c) The adequacy of monitoring procedures for maximum
17 contaminant levels included in primary drinking water
18 regulations;

19 (d) The feasibility of the supplier of water becoming
20 a certified operator; and

21 (e) Any threat to public health that could result from
22 nonattendance of the system by a certified operator.

23 (8) Neither the department nor any of its employees
24 shall be held liable for money damages for any injury,
25 sickness, or death sustained by any person as a result of
26 drinking water from any transient noncommunity water system
27 granted a waiver under subsection (4) or subsection (5).

28 Section 13. Section 403.865, Florida Statutes, is
29 amended to read:

30 403.865 Water and wastewater facility personnel;
31 legislative purpose.--The Legislature finds that the threat to

1 the public health and the environment from the operation of
2 water and wastewater treatment plants and water distribution
3 systems mandates that qualified personnel operate these
4 facilities. It is the legislative intent that any person who
5 performs the duties of an operator and who falls below minimum
6 competency or who otherwise presents a danger to the public be
7 prohibited from operating a plant or system in this state.

8 Section 14. Subsection (5) of section 403.866, Florida
9 Statutes, is amended to read:

10 403.866 Definitions; ss. 403.865-403.876.--As used in
11 ss. 403.865-403.876, the term:

12 (5) "Water distribution system" means those components
13 of a public water system used in conveying water for human
14 consumption from the water treatment plant to the consumer's
15 property, including pipes, tanks, pumps, pipelines, conduits,
16 pumping stations, and all other constructed conveyances
17 structures, devices, appurtenances, and facilities used
18 specifically for such purpose.

19 Section 15. Section 403.867, Florida Statutes, is
20 amended to read:

21 403.867 License required.--A person may not perform
22 the duties of an operator of a water treatment plant, water
23 distribution system, or a domestic wastewater treatment plant
24 unless he or she holds a current operator's license issued by
25 the department.

26 Section 16. Subsection (1) of section 403.872, Florida
27 Statutes, is amended to read:

28 403.872 Requirements for licensure.--

29 (1) Any person desiring to be licensed as a water
30 treatment plant operator, a water distributions system
31 operator, or a domestic wastewater treatment plant operator

1 must apply to the department to take the licensure
2 examination.

3 Section 17. Paragraphs (a), (b), and (f) of subsection
4 (1) of section 403.875, Florida Statutes, are amended to read:

5 403.875 Prohibitions; penalties.--

6 (1) A person may not:

7 (a) Perform the duties of an operator of a water
8 treatment plant, water distribution system, or domestic
9 wastewater treatment plant unless he or she is licensed under
10 ss. 403.865-403.876.

11 (b) Use the name or title "water treatment plant
12 operator," "water distribution system operator," or "domestic
13 wastewater treatment plant operator" or any other words,
14 letters, abbreviations, or insignia indicating or implying
15 that he or she is an operator, or otherwise holds himself or
16 herself out as an operator, unless the person is the holder of
17 a valid license issued under ss. 403.865-403.876.

18 (f) Employ unlicensed persons to perform the duties of
19 an operator of a water treatment or domestic wastewater
20 treatment plant or a water distribution system.

21 Section 18. Subsection (1) of section 403.88, Florida
22 Statutes, is amended to read:

23 403.88 Classification of water and wastewater
24 treatment facilities and facility operators.--

25 (1) The department shall classify water treatment
26 plants, ~~and~~ wastewater treatment plants, and water
27 distribution systems by size, complexity, and level of
28 treatment necessary to render the wastewater or source water
29 suitable for its intended purpose in compliance with this
30 chapter and department rules.

31

1 Section 19. The Department of Environmental Protection
2 in cooperation with the Santa Rosa Shores Homeowners
3 Association shall develop a proposal for dredging of a single
4 access channel connected to the existing channels and canals
5 within Santa Rosa Shores, Santa Rosa County, and extending to
6 navigable depths in Santa Rosa Sound. The proposal shall
7 include a plan of mitigation for offsetting adverse impacts of
8 the dredging, a plan for disposing of dredged materials, a
9 plan for protecting water quality and sea grass habitat during
10 dredging, a plan for long-term maintenance of the channel, and
11 a plan for inspection and study of the project, with annual
12 progress reports to be prepared by the Santa Rosa Shores
13 Homeowners Association for submittal to the Department of
14 Environmental Protection. The Santa Rosa Shores Homeowners
15 Association shall be responsible for the payment of costs
16 involved with the project and for submitting all required
17 applications required to authorize the project. Santa Rosa
18 Shores Homeowners Association and the Department of
19 Environmental Protection may contract with the University of
20 West Florida to provide the necessary monitoring services and
21 reports. The Department of Environmental Protection shall
22 assist in expediting the processing of the required state
23 dredge and fill permit, and any associated authorizations
24 required from the Board of Trustees and the United States Army
25 Corps of Engineers. The Department of Environmental
26 Protection shall assist the Santa Rosa Shores Homeowners
27 Association in developing project criteria, including but not
28 limited to: the length, width, and depth of the access
29 channel; where and how material is to be excavated and
30 disposed; the method for protecting water quality and sea
31 grass habitat; long-term maintenance of the channel as needed;

1 mitigation design; and design of the monitoring and reporting
2 program.

3 Section 20. Subsection (10) of section 20.255, Florida
4 Statutes, is amended to read:

5 20.255 Department of Environmental Protection.--There
6 is created a Department of Environmental Protection.

7 (10) There is created as a part of the Department of
8 Environmental Protection an Environmental Regulation
9 Commission. The commission shall be composed of seven
10 residents of this state appointed by the Governor, subject to
11 confirmation by the Senate. In making appointments, the
12 Governor shall provide reasonable representation from all
13 sections of the state.~~The commission shall include one, but~~
14 ~~not more than two, members from each water management district~~
15 ~~who have resided in the district for at least 1 year, and the~~
16 ~~remainder shall be selected from the state at large.~~
17 Membership shall be representative of agriculture, the
18 development industry, local government, the environmental
19 community, lay citizens, and members of the scientific and
20 technical community who have substantial expertise in the
21 areas of the fate and transport of water pollutants,
22 toxicology, epidemiology, geology, biology, environmental
23 sciences, or engineering. The Governor shall appoint the
24 chair, and the vice chair shall be elected from among the
25 membership. The members serving on the commission on July 1,
26 1995, shall continue to serve on the commission for the
27 remainder of their current terms. All appointments thereafter
28 shall continue to be for 4-year terms. The Governor may at any
29 time fill a vacancy for the unexpired term. The members of the
30 commission shall serve without compensation, but shall be paid
31 travel and per diem as provided in s. 112.061 while in the

1 performance of their official duties. Administrative,
2 personnel, and other support services necessary for the
3 commission shall be furnished by the department.

4 Section 21. Subsection (5) is added to section
5 403.088, Florida Statutes, to read:

6 403.088 Water pollution operation permits;
7 conditions.--

8 (5)(a) A person permitted under this section shall
9 report to the department, upon discovery, any noncompliance
10 that may endanger public health or the
11 environment. Notification shall be provided orally to the
12 department immediately after notification of appropriate local
13 health and emergency management authorities. A written report
14 detailing the noncompliance circumstances and actions taken to
15 resolve the noncompliance also shall be provided to the
16 department within five days of discovery unless the department
17 waives the report.

18 (b) The department may adopt rules to:

19 1. Specify the circumstances of noncompliance that
20 warrant notification, including but not limited to bypasses,
21 upsets, violations of permitted discharge limits, and
22 unauthorized discharges to surface or ground waters;

23 2. Specify the information to be included in oral and
24 written notifications of noncompliance;

25 3. Specify the persons to be notified of noncompliance
26 and the manner of notification, with consideration given to
27 use of the statewide emergency response system;

28 4. Specify any follow-up actions necessary to ensure
29 resolution of the noncompliance and prevention of future
30 noncompliance; and

31

1 5. Otherwise carry out the purposes of this
2 subsection.

3 (c) Until such rules are implemented, the department
4 shall notify all affected permittees about the existing
5 statewide toll-free emergency management communications system
6 and other appropriate means of reporting the instances of
7 noncompliance identified in this subsection.

8 Section 22. Paragraph (c) of subsection (1), paragraph
9 (a) of subsection (2), and subsection (8) of section 201.15,
10 Florida Statutes, are amended to read:

11 201.15 Distribution of taxes collected.--All taxes
12 collected under this chapter shall be distributed as follows
13 and shall be subject to the service charge imposed in s.
14 215.20(1), except that such service charge shall not be levied
15 against any portion of taxes pledged to debt service on bonds
16 to the extent that the amount of the service charge is
17 required to pay any amounts relating to the bonds:

18 (1) Sixty-two and sixty-three hundredths percent of
19 the remaining taxes collected under this chapter shall be used
20 for the following purposes:

21 (c) The remainder of the moneys distributed under this
22 subsection, after the required payments under paragraphs (a)
23 and (b), shall be paid into the State Treasury to the credit
24 of the General Revenue Fund of the state to be used and
25 expended for the purposes for which the General Revenue Fund
26 was created and exists by law or to the Ecosystem Management
27 and Restoration Trust Fund or to the Marine Resource
28 Conservation Trust Fund as provided in subsection (8).

29 (2) Seven and fifty-six hundredths percent of the
30 remaining taxes collected under this chapter shall be used for
31 the following purposes:

1 (a) Beginning in the month following the final payment
2 for a fiscal year under paragraph (1)(b), available moneys
3 shall be paid into the State Treasury to the credit of the
4 General Revenue Fund of the state to be used and expended for
5 the purposes for which the General Revenue Fund was created
6 and exists by law or to the Ecosystem Management and
7 Restoration Trust Fund or to the Marine Resource Conservation
8 Trust Fund as provided in subsection (8). Payments made under
9 this paragraph shall continue until the cumulative amount
10 credited to the General Revenue Fund for the fiscal year under
11 this paragraph equals the cumulative payments made under
12 paragraph (1)(b) for the same fiscal year.

13 (8) From the moneys specified in paragraphs (1)(c) and
14 (2)(a) and prior to deposit of any moneys into the General
15 Revenue Fund, ~~\$30~~^{\$10} million shall be paid into the State
16 Treasury to the credit of the Ecosystem Management and
17 Restoration Trust Fund in fiscal year ~~1998-1999~~, ~~\$20 million~~
18 ~~in fiscal year 1999-2000~~, and ~~\$30 million in fiscal year~~
19 2000-2001 and each fiscal year thereafter, to be used for the
20 preservation and repair of the state's beaches as provided in
21 ss. 161.091-161.212 and \$2 million shall be paid into the
22 State Treasury to the credit of the Marine Resources
23 Conservation Trust Fund to be used for marine mammal care as
24 provided in s. 370.0603(3).

25 Section 23. Effective July 1, 2001, paragraph (c) of
26 subsection (1), paragraph (a) of subsection (2), and
27 subsection (11) of section 201.15, Florida Statutes, as
28 amended by section 2 of chapter 99-247, Laws of Florida, are
29 amended to read:

30 201.15 Distribution of taxes collected.--All taxes
31 collected under this chapter shall be distributed as follows

1 and shall be subject to the service charge imposed in s.
2 215.20(1), except that such service charge shall not be levied
3 against any portion of taxes pledged to debt service on bonds
4 to the extent that the amount of the service charge is
5 required to pay any amounts relating to the bonds:

6 (1) Sixty-two and sixty-three hundredths percent of
7 the remaining taxes collected under this chapter shall be used
8 for the following purposes:

9 (c) The remainder of the moneys distributed under this
10 subsection, after the required payments under paragraph (a),
11 shall be paid into the State Treasury to the credit of the
12 General Revenue Fund of the state to be used and expended for
13 the purposes for which the General Revenue Fund was created
14 and exists by law or to the Ecosystem Management and
15 Restoration Trust Fund or to the Marine Resources Conservation
16 Trust Fund as provided in subsection (11).

17 (2) Seven and fifty-six hundredths percent of the
18 remaining taxes collected under this chapter shall be used for
19 the following purposes:

20 (a) Beginning in the month following the final payment
21 for a fiscal year under paragraph (1)(b), available moneys
22 shall be paid into the State Treasury to the credit of the
23 General Revenue Fund of the state to be used and expended for
24 the purposes for which the General Revenue Fund was created
25 and exists by law or to the Ecosystem Management and
26 Restoration Trust Fund or to the Marine Resources Conservation
27 Trust Fund as provided in subsection (11). Payments made under
28 this paragraph shall continue until the cumulative amount
29 credited to the General Revenue Fund for the fiscal year under
30 this paragraph equals the cumulative payments made under
31 paragraph (1)(b) for the same fiscal year.

1 (11) From the moneys specified in paragraphs (1)(c)
2 and (2)(a) and prior to deposit of any moneys into the General
3 Revenue Fund, ~~\$30~~\$10 million shall be paid into the State
4 Treasury to the credit of the Ecosystem Management and
5 Restoration Trust Fund in fiscal year ~~1998-1999~~, ~~\$20 million~~
6 ~~in fiscal year 1999-2000~~, and ~~\$30 million in fiscal year~~
7 2000-2001 and each fiscal year thereafter, to be used for the
8 preservation and repair of the state's beaches as provided in
9 ss. 161.091-161.212 and \$2 million shall be paid into the
10 State Treasury to the credit of the Marine Resources
11 Conservation Trust Fund to be used for marine mammal care as
12 provided in s. 370.0603(3).

13 Section 24. Subsection (11) of section 328.72, Florida
14 Statutes, is amended to read:

15 328.72 Classification; registration; fees and charges;
16 surcharge; disposition of fees; fines; marine turtle
17 stickers.--

18 (11) VOLUNTARY CONTRIBUTIONS.--The application form
19 for boat registration shall include a provision to allow each
20 applicant to indicate a desire to pay an additional voluntary
21 contribution to the Save the Manatee Trust Fund for manatee
22 and marine mammal research, protection, recovery, rescue,
23 rehabilitation, and release. This contribution shall be in
24 addition to all other fees and charges. The amount of the
25 request for a voluntary contribution solicited shall be \$2 or
26 \$5 per registrant. A registrant who provides a voluntary
27 contribution of \$5 or more shall be given a sticker or emblem
28 by the tax collector to display, which signifies support for
29 the Save the Manatee Trust Fund. All voluntary contributions
30 shall be deposited in the Save the Manatee Trust Fund for use
31 according to this subsection. ~~The first \$2 of Voluntary~~

1 contribution by a vessel registrant shall be available for the
2 manatee protection and recovery effort pursuant to s.
3 370.12(4)~~s. 370.12(4)(a)~~. ~~Any additional amount of voluntary~~
4 ~~contribution by a vessel registrant shall also be for the~~
5 ~~purpose of the manatee protection and recovery effort, except~~
6 ~~that any voluntary contribution in excess of the first \$2~~
7 ~~voluntary contribution by a vessel registrant but not~~
8 ~~exceeding \$2 shall be available for manatee rehabilitation by~~
9 ~~those facilities approved to rescue, rehabilitate, and release~~
10 ~~manatees pursuant to s. 370.12(4)(b).~~The form shall also
11 include language permitting a voluntary contribution of \$5 per
12 applicant, which contribution shall be transferred into the
13 Election Campaign Financing Trust Fund. A statement providing
14 an explanation of the purpose of the trust fund shall also be
15 included.

16 Section 25. Subsection (1) of section 328.76, is
17 amended to read:

18 328.76 Marine Resources Conservation Trust Fund;
19 vessel registration funds; appropriation and distribution.--

20 (1) Except as otherwise specified and less any
21 administrative costs, all funds collected from the
22 registration of vessels through the Department of Highway
23 Safety and Motor Vehicles and the tax collectors of the state
24 shall be deposited in the Marine Resources Conservation Trust
25 Fund for recreational channel marking; public launching
26 facilities; law enforcement and quality control programs;
27 aquatic weed control; manatee protection, recovery, rescue,
28 rehabilitation, and release; and marine mammal protection and
29 recovery. The funds collected pursuant to s. 328.72(1) shall
30 be transferred as follows:

31

1 (a) In each fiscal year, an amount equal to \$1.50~~\$1~~
2 for each vessel registered in this state shall be transferred
3 to the Save the Manatee Trust Fund for manatee and marine
4 mammal research, protection, and recovery in accordance with
5 the provisions of s. 370.12(4)(a).

6 ~~(b) In addition, in each fiscal year, an amount equal~~
7 ~~to 50 cents for each vessel registered in this state shall be~~
8 ~~transferred to the Save the Manatee Trust Fund in accordance~~
9 ~~with the provisions of s. 370.12(4)(b) for use by those~~
10 ~~facilities approved to rescue, rehabilitate, and release~~
11 ~~manatees as authorized pursuant to the Fish and Wildlife~~
12 ~~Service of the United States Department of the Interior.~~

13 (b)(c) Two dollars from each noncommercial vessel
14 registration fee, except that for class A-1 vessels, shall be
15 transferred to the Invasive Plant Control Trust Fund for
16 aquatic weed research and control.

17 (c)(d) Forty percent of the registration fees from
18 commercial vessels shall be used for law enforcement and
19 quality control programs.

20 (d)(e) Forty percent of the registration fees from
21 commercial vessels shall be transferred to the Invasive Plant
22 Control Trust Fund for aquatic plant research and control.

23 Section 26. Subsection (3) is added to section
24 370.0603, Florida Statutes, to read:

25 370.0603 Marine Resources Conservation Trust Fund;
26 purposes.--

27 (3) Funds provided to the Marine Resources
28 Conservation Trust Fund from taxes distributed under s.
29 201.15(9), shall be used for the following purposes:

30 (a) To reimburse the cost of activities authorized
31 pursuant to the Fish and Wildlife Service of the United States

1 Department of the Interior. Such facilities must be involved
2 in the actual rescue and full-time acute care
3 veterinarian-based rehabilitation of manatees. The cost of
4 activities includes, but is not limited to, costs associated
5 with expansion, capital outlay, repair, maintenance, and
6 operation related to the rescue, treatment, stabilization,
7 maintenance, release, and monitoring of manatees. Moneys
8 distributed through the contractual agreement to each facility
9 for manatee rehabilitation must be proportionate to the number
10 of manatees under acute care rehabilitation and those released
11 during the previous fiscal year. The commission may set a cap
12 on the total amount reimbursed per manatee per year.

13 (b) For training on the care, treatment, and
14 rehabilitation of marine mammals at the Whitney Laboratory and
15 the Veterinary School of Medicine at the University of
16 Florida.

17 (c) For program administration costs of the agency.

18 (d) Funds not distributed in any 1 fiscal year must be
19 carried over for distribution in subsequent years.

20 Section 27. Subsection (4) of section 370.12, Florida
21 Statutes, is amended to read:

22 370.12 Marine animals; regulation.--

23 (4) ANNUAL FUNDING OF PROGRAMS FOR MARINE ANIMALS.--

24 ~~(a)~~ Each fiscal year the Save the Manatee Trust Fund
25 shall be available to fund an impartial scientific benchmark
26 census of the manatee population in the state. Weather
27 permitting, the study shall be conducted annually by the Fish
28 and Wildlife Conservation Commission and the results shall be
29 made available to the President of the Senate, the Speaker of
30 the House of Representatives, and the Governor and Cabinet for
31 use in the evaluation and development of manatee protection

1 measures. In addition, the Save the Manatee Trust Fund shall
2 be available for annual funding of activities of public and
3 private organizations and those of the commission intended to
4 provide manatee and marine mammal protection and recovery
5 effort; manufacture and erection of informational and
6 regulatory signs; production, publication, and distribution of
7 educational materials; participation in manatee and marine
8 mammal research programs, including carcass salvage and other
9 programs; programs intended to assist the recovery of the
10 manatee as an endangered species, assist the recovery of the
11 endangered or threatened marine mammals, and prevent the
12 endangerment of other species of marine mammals; and other
13 similar programs intended to protect and enhance the recovery
14 of the manatee and other species of marine mammals. The
15 commission shall annually solicit advisory recommendations
16 from the Save the Manatee Committee affiliated with the Save
17 the Manatee Club, as identified and recognized in Executive
18 Order 85-19, on the use of funds from the Save the Manatee
19 Trust Fund.

20 ~~(b) Each fiscal year moneys in the Save the Manatee~~
21 ~~Trust Fund shall also be used, pursuant to s. 328.76(1)(b), to~~
22 ~~reimburse the cost of activities related to manatee~~
23 ~~rehabilitation by facilities that rescue, rehabilitate, and~~
24 ~~release manatees as authorized pursuant to the Fish and~~
25 ~~Wildlife Service of the United States Department of the~~
26 ~~Interior. Such facilities must be involved in the actual~~
27 ~~rescue and full-time acute care veterinarian-based~~
28 ~~rehabilitation of manatees. The cost of activities includes,~~
29 ~~but is not limited to, costs associated with expansion,~~
30 ~~capital outlay, repair, maintenance, and operations related to~~
31 ~~the rescue, treatment, stabilization, maintenance, release,~~

1 ~~and monitoring of manatees. Moneys distributed through~~
2 ~~contractual agreement to each facility for manatee~~
3 ~~rehabilitation shall be proportionate to the number of~~
4 ~~manatees under acute care rehabilitation and those released~~
5 ~~during the previous fiscal year. However, the reimbursement~~
6 ~~may not exceed the total amount available pursuant to ss.~~
7 ~~328.72(11) and 328.76(1)(b) for the purposes provided in this~~
8 ~~paragraph. Prior to receiving reimbursement for the expenses~~
9 ~~of rescue, rehabilitation, and release, a facility that~~
10 ~~qualifies under state and federal regulations shall submit a~~
11 ~~plan to the Fish and Wildlife Conservation Commission for~~
12 ~~assisting the commission and the Department of Highway Safety~~
13 ~~and Motor Vehicles in marketing the manatee specialty license~~
14 ~~plates. At a minimum, the plan shall include provisions for~~
15 ~~graphics, dissemination of brochures, recorded oral and visual~~
16 ~~presentation, and maintenance of a marketing exhibit. The plan~~
17 ~~shall be updated annually, and the Fish and Wildlife~~
18 ~~Conservation Commission shall inspect each marketing exhibit~~
19 ~~at least once each year to ensure the quality of the exhibit~~
20 ~~and promotional material. Each facility that receives funds~~
21 ~~for manatee rehabilitation shall annually provide the~~
22 ~~commission a written report, within 30 days after the close of~~
23 ~~the state fiscal year, documenting the efforts and~~
24 ~~effectiveness of the facility's promotional activities.~~

25 (b)~~(c)~~ By December 1 each year, the Fish and Wildlife
26 Conservation Commission shall provide the President of the
27 Senate and the Speaker of the House of Representatives a
28 written report, enumerating the amounts and purposes for which
29 all proceeds in the Save the Manatee Trust Fund for the
30 previous fiscal year are expended, in a manner consistent with
31

1 those recovery tasks enumerated within the manatee recovery
2 plan as required by the Endangered Species Act.

3 ~~(c)(d)~~ When the federal and state governments remove
4 the manatee from status as an endangered or threatened
5 species, the annual allocation may be reduced.

6 Section 28. The sum of \$2 million is appropriated to
7 the Fish and Wildlife Conservation Commission from the Marine
8 Resources Conservation Trust Fund beginning in fiscal year
9 2000-2001 to be expended as follows: \$810,000 for training in
10 the care of marine mammals at the Whitney Laboratory and the
11 Veterinary School of Medicine at the University of Florida, up
12 to \$1,150,000 for the care of marine mammals at licensed
13 research facilities pursuant to section 370.0603(3), Florida
14 Statutes, and up to \$40,000 for program administration costs
15 of the agency.

16 Section 29. This act shall take effect upon becoming a
17 law.

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