

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
ENVIRONMENTAL PRESERVATION AND CONSERVATION
Senator Dean, Chair
Senator Oelrich, Vice Chair

MEETING DATE: Monday, January 9, 2012
TIME: 10:00 a.m.—12:00 noon
PLACE: *Toni Jennings Committee Room, 110 Senate Office Building*

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 724 Diaz de la Portilla (Identical H 989)	Domestic Wastewater Discharged Through Ocean Outfalls; Postponing the dates by which domestic wastewater facilities must meet more stringent treatment and management requirements; providing exceptions; providing that certain utilities that shared a common ocean outfall on a specified date are individually responsible for meeting the reuse requirement; authorizing those utilities to enter into binding agreements to share or transfer responsibility for meeting reuse requirements; revising provisions authorizing the backup discharge of domestic wastewater through ocean outfalls; requiring the Department of Environmental Protection, the South Florida Water Management District, and affected utilities to consider certain information for the purpose of adjusting reuse requirements, etc. EP 01/09/2012 Favorable CA BC	Favorable Yeas 7 Nays 0
2	SB 738 Altman (Identical H 663, Compare CS/H 503, S 716)	Solid Waste Management Facilities; Specifying a permit term for a solid waste management facility that is designed with a leachate control system meeting the requirements of the Department of Environmental Protection; providing for the proration of the permit fee for existing permits; providing applicability, etc. EP 01/09/2012 Fav/CS CA BC	Fav/CS Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDAEnvironmental Preservation and Conservation
Monday, January 9, 2012, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	SB 758 Jones (Similar H 691, Compare CS/H 503)	Beach Management; Specifying that demonstration to the Department of Environmental Protection of the adequacy of a project's design and construction is supported by certain evidence; requiring the permit applicant and the department to negotiate in good faith; providing for joint coastal permits for certain beach-related projects; requiring the department to maintain certain beach management project information on its website; requiring the department to notify the Governor's Office and the Legislature concerning any significant changes in project funding levels; providing a permit exemption for certain specified exploratory activities relating to beach restoration and nourishment; requiring a department determination of a de minimis permit exemption to be provided within a certain time, etc. EP 01/09/2012 Fav/CS CA BC	Fav/CS Yeas 7 Nays 0
4	SB 810 Environmental Preservation and Conservation (Identical H 7015)	OGSR/Donor Information/House Museums Designated as National Historic Landmarks; Amending provisions relating to an exemption from public records requirements provided for information that identifies a donor or prospective donor to publicly owned house museums designated by the United States Department of Interior as National Historic Landmarks who desires to remain anonymous; saving the exemption from repeal under the Open Government Sunset Review Act; removing the scheduled repeal of the exemption, etc. EP 01/09/2012 Favorable GO	Favorable Yeas 7 Nays 0
5	SB 820 Dean (Compare H 79, H 115, H 999, S 114, S 178, S 558)	Onsite Sewage Treatment and Disposal Systems; Providing for any permit issued and approved by the Department of Health for the installation, modification, or repair of an onsite sewage treatment and disposal system to transfer with the title of the property; providing circumstances in which an onsite sewage treatment and disposal system is not considered abandoned; providing for the validity of an onsite sewage treatment and disposal system permit if rules change before final approval of the constructed system; providing that a system modification, replacement, or upgrade is not required unless a bedroom is added to a single-family home; requiring that the department provide certain guidance and technical assistance to a county or municipality upon request, etc. EP 01/09/2012 Fav/CS HR BC	Fav/CS Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA
Environmental Preservation and Conservation
Monday, January 9, 2012, 10:00 a.m.—12:00 noon

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.			
Fish and Wildlife Conservation Commission			
6	Roberts, Charles W. III (Tallahassee)	08/01/2016	Recommend Confirm Yeas 7 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	Presentation by the Florida Natural Areas Inventory on conservation and land management decisions by Gary Knight, Director.		Presented

Other Related Meeting Materials

THE FLORIDA SENATE
APPEARANCE RECORD



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

11/9/12
Meeting Date

Topic Domestic Wastewater

Bill Number 724
(if applicable)

Name Ryan Matthews

Amendment Barcode _____
(if applicable)

Job Title Leg. Advocate

Address 300 S Brough St. Suite 300
Street
Tall FL 32302
City State Zip

Phone 850-222-9684

E-mail rmatthews@flcities.com

Speaking: For Against Information

Representing FL League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

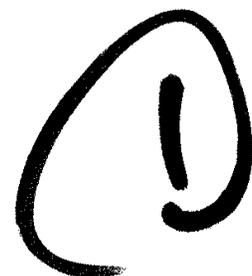
While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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1-9-12
Meeting Date

Topic Domestic Wastewater Discharge to Ocean

Bill Number 724
(if applicable)

Name DOUGLAS YODER

Amendment Barcode _____
(if applicable)

Job Title DEPUTY DIRECTOR,

Address 3071 SW 38 Ave
Street

Phone 305 282 8775

Miami FL 33146
City State Zip

E-mail yoderd@miamidade
gov

Speaking: For Against Information

Representing MIAMI DADE WATER & SEWER

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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1/9/12
Meeting Date

Topic Domestic Wastewater Discharged to Ocean

Bill Number 724
(if applicable)

Name Frank Bernardino

Amendment Barcode _____
(if applicable)

Job Title _____

Address 324 E. Virginia
Street
Tallahassee FL 32301
City State Zip

Phone 561/718-2345

E-mail frankcantiello@florida.com

Speaking: For Against Information

Representing FS AWWA (American Water Works Assoc.)

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
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1

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

1/9/2012
Meeting Date

Topic Ocean Outfalls

Bill Number 724
(if applicable)

Name Eddy Labrador

Amendment Barcode _____
(if applicable)

Job Title Legislative Counsel

Address 115 S. Andrews Ave., Room 427

Phone 954-357-7575

Fort Lauderdale FL 33301
City State Zip

E-mail elabrador@broward.org

Speaking: For Against Information

Representing Broward County

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1

1/9/12

Meeting Date

Topic OCEAN OUTFALLS

Bill Number 724

(if applicable)

Name STEPHEN JAMES

Amendment Barcode _____

(if applicable)

Job Title _____

Address 100 S. MONROE

Phone 922-4306

Street

TALLAHASSEE

E-mail _____

City

State

Zip

Speaking: For Against Information

Representing FLA. ASSOC. OF COUNTIES

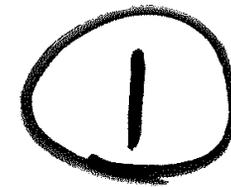
Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD



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1/9/12

Meeting Date

Topic WASTE WATER DISCHARGE

Bill Number SB 724
(if applicable)

Name JOE BOURASSA

Amendment Barcode _____
(if applicable)

Job Title RETIRED

Address 801 LEWIS DRIVE

Phone 386-253-9017

DAYTONA BEACH, FL. 32117
City State Zip

E-mail BOURASSA.JOE@GMAIL.COM

Speaking: For Against Information

Representing COMMON CITIZENS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Environmental Preservation and Conservation Committee

BILL: SB 724

INTRODUCER: Senator Diaz de la Portilla

SUBJECT: Domestic Wastewater Discharged Through Ocean Outfalls

DATE: December 21, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Uchino	Yeatman	EP	Favorable
2.			CA	
3.			BC	
4.				
5.				
6.				

I. Summary:

The bill allows utilities to meet the 60-percent reuse requirement from their entire service areas and extends certain deadlines. It allows utilities to continue to discharge peak flows up to 5 percent of utilities' baseline flows through ocean outfalls. Additionally, the bill requires utilities to include supplemental information on costs and options in their detailed plans necessary to achieve the requirements of subsection 403.086(9), F.S. Finally, the bill requires the utilities, the Department of Environmental Protection (DEP) and the South Florida Water Management District (SFWMD) to evaluate the detailed plans and recommend to the Legislature adjustments, if necessary, to the reuse requirements in this subsection.

The bill substantially amends s. 403.086 of the Florida Statutes.

II. Present Situation:

Eliminating Ocean Outfalls and Reuse Requirements

There are six domestic wastewater facilities in Palm Beach, Broward, and Miami-Dade Counties discharging approximately 300 million gallons per day of treated domestic wastewater directly into the Atlantic Ocean through ocean outfalls.¹ The ocean outfall providing service to the cities

¹ Florida Dep't of Environmental Protection, *Implementation of Chapter 2008-232, Laws of Florida Domestic Wastewater Ocean Outfalls* (June 2010), available at <http://www.dep.state.fl.us/water/wastewater/dobill/ocean-outfall-2010.pdf> (last visited 12/16/2011).

of Boynton Beach and Delray Beach largely ceased discharges in early 2009.² Exceptions for this facility are allowed to handle peak wet weather flows, during integrity testing of deep well injection and for emergencies.

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

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

Implementation Issues

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

The City of Hollywood and Broward County Office of Environmental Services assumed that reuse projects that were in use during 2003 through 2007 can be applied to the 60 percent reuse requirement. The Department has informed all ocean outfall permit holders that such existing reuse projects do not count toward meeting the reuse requirement.⁷

In addition, the Miami-Dade Water and Sewer Department is planning to divert flows from its two ocean outfalls to other facilities to support reuse projects located near those sites.⁸ The DEP has had discussions with utilities personnel that s. 403.086(9)(c), F.S., does not allow existing reuse projects to count towards meeting the 60-percent reuse requirement, “since one of the

² Christine Stapleton, *Delray Beach to stop dumping wastewater in ocean*, The Palm Beach Post, Mar. 31, 2009, available at http://www.palmbeachpost.com/localnews/content/local_news/epaper/2009/03/31/0331_delrayoutfall.html (last visited 12/16/2011).

³ Section 403.086(9)(c), F.S.

⁴ Ch. 2010-205, s. 38, Laws of Fla.

⁵ Section 403.086(9)(b), F.S.

⁶ *Supra* note 2.

⁷ *See supra* note 2, at 17.

⁸ *See supra* note 2, at 18.

primary goals of the Act is to beneficially reuse wastewater flows that are discharged through the outfalls and therefore increase the amount of new reuse in Southeast Florida.”⁹

III. Effect of Proposed Changes:

Section 1 amends s. 403.086, F.S., to extend compliance deadlines by which ocean outfalls must meet AWT standards from 2018 to 2020. It also extends the date for submission of a plan by the discharging permit holder from 2013 to 2014.

The bill allows utilities to comply with the 60-percent reuse requirement from their entire service areas rather than just from ocean outfalls by 2025. This provision will allow utilities the flexibility to find the most cost-effective method to achieve a 60-percent reuse for their service areas. However, it may also reduce the percentage of reuse derived from ocean outfalls. The bill specifies that only facilities which shared a common ocean outfall as of July 1, 2008, are required to meet the 60-percent reuse requirement individually but may contract to share or transfer this responsibility with other utilities.

The bill allows utilities to continue backup discharges through ocean outfalls that are part of a functioning reuse system or other wastewater management system authorized by the DEP. Utilities may make backup discharges that:

- Do not cumulatively exceed 5 percent of total baseline flows measured as a five-year rolling average;
- Are subject to applicable secondary waste treatment and water-quality-based effluent limitations specified in department rules; and
- Are deemed to meet AWT when in compliance with the effluent limitations.

The bill defines “baseline flow” as “the annual average flow of domestic wastewater discharging through the facility’s ocean outfall, as determined by the department, using monitoring data available for calendar years 2003 through 2007.”

The bill updates the requirements for the detailed plans that utilities must develop by October 2014 instead of July 2013. The new information included in the plan must identify:

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

The plan must evaluate the demand for reuse in the context of future regional water supply demands, the availability of traditional sources of water, the need for alternative water supplies, the offset reuse will have on potable supplies and other factors contained in the SFWMD’s Lower East Coast Regional Water Supply Plan. The plan is due to the Legislature by October 2014 with an update due by July 2018.

⁹ See *supra* note 2, at 3.

Finally, the bill requires the DEP, the SFWMD and affected utilities to evaluate the detailed plans and recommend to the Legislature adjustments, if necessary, to the reuse requirements in this bill. The report is due to the Legislature by February 2015.

Section 2 provides an effective date of July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Water utility customers will benefit from the cost saving provisions in this bill for wastewater utilities. While the savings are indeterminate, they will likely be insignificant on an individual basis when spread over time for customers served by their utilities.

C. Government Sector Impact:

Wastewater utilities may see significant cost reductions in implementing the 60-percent reuse requirements for ocean outfalls by utilizing their entire service areas rather than only flows discharged through ocean outfalls. Allowing utilities to continue backup discharges up to 5 percent of their peak flows will also save costs. Finally, exempting 5 percent of utilities' peak flows from AWT standards if those discharges meet statutory requirements and DEP rules on effluent limitations may also result in significant savings. The City of Hollywood, Broward County and Miami-Dade County have estimated that allowing peak flow discharges of 5 percent will save on capital costs of \$142 million, \$600 million and \$867 million, respectively.

In addition, the two-year extension may allow for more favorable economic conditions and bond markets to develop. However, any benefits and risks of this potential are too remote to calculate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

None.

B. Amendments:

None.

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

By Senator Diaz de la Portilla

36-00007A-12

2012724

1 A bill to be entitled
2 An act relating to domestic wastewater discharged
3 through ocean outfalls; amending s. 403.086, F.S.;
4 postponing the dates by which domestic wastewater
5 facilities must meet more stringent treatment and
6 management requirements; providing exceptions;
7 revising the definition of the term "functioning reuse
8 system"; changing the term "facility's actual flow on
9 an annual basis" to "baseline flow"; revising plan
10 requirements for the elimination of ocean outfalls;
11 providing that certain utilities that shared a common
12 ocean outfall on a specified date are individually
13 responsible for meeting the reuse requirement;
14 authorizing those utilities to enter into binding
15 agreements to share or transfer responsibility for
16 meeting reuse requirements; revising provisions
17 authorizing the backup discharge of domestic
18 wastewater through ocean outfalls; requiring a holder
19 of a department permit authorizing the discharge of
20 domestic wastewater through an ocean outfall to submit
21 certain information; requiring the Department of
22 Environmental Protection, the South Florida Water
23 Management District, and affected utilities to
24 consider certain information for the purpose of
25 adjusting reuse requirements; requiring the department
26 to submit a report to the Legislature; providing an
27 effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:

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30
31 Section 1. Subsection (9) of section 403.086, Florida
32 Statutes, is amended to read:

33 403.086 Sewage disposal facilities; advanced and secondary
34 waste treatment.—

35 (9) The Legislature finds that the discharge of domestic
36 wastewater through ocean outfalls wastes valuable water supplies
37 that should be reclaimed for beneficial purposes to meet public
38 and natural systems demands. The Legislature also finds that
39 discharge of domestic wastewater through ocean outfalls
40 compromises the coastal environment, quality of life, and local
41 economies that depend on those resources. The Legislature
42 declares that more stringent treatment and management
43 requirements for such domestic wastewater and the subsequent,
44 timely elimination of ocean outfalls as a primary means of
45 domestic wastewater discharge are in the public interest.

46 (a) The construction of new ocean outfalls for domestic
47 wastewater discharge and the expansion of existing ocean
48 outfalls for this purpose, along with associated pumping and
49 piping systems, are prohibited. Each domestic wastewater ocean
50 outfall shall be limited to the discharge capacity specified in
51 the department permit authorizing the outfall in effect on July
52 1, 2008, which discharge capacity shall not be increased.
53 Maintenance of existing, department-authorized domestic
54 wastewater ocean outfalls and associated pumping and piping
55 systems is allowed, subject to the requirements of this section.
56 The department is directed to work with the United States
57 Environmental Protection Agency to ensure that the requirements
58 of this subsection are implemented consistently for all domestic

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59 wastewater facilities in Florida which discharge through ocean
60 outfalls.

61 (b) The discharge of domestic wastewater through ocean
62 outfalls must ~~shall~~ meet advanced wastewater treatment and
63 management requirements by December 31, 2020 ~~no later than~~
64 ~~December 31, 2018~~. For purposes of this subsection, the term
65 "advanced wastewater treatment and management requirements"
66 means the advanced waste treatment requirements set forth in
67 subsection (4), a reduction in outfall baseline loadings of
68 total nitrogen and total phosphorus which is equivalent to that
69 which would be achieved by the advanced waste treatment
70 requirements in subsection (4), or a reduction in cumulative
71 outfall loadings of total nitrogen and total phosphorus
72 occurring between December 31, 2008, and December 31, 2025,
73 which is equivalent to that which would be achieved if the
74 advanced waste treatment requirements in subsection (4) were
75 fully implemented beginning December 31, 2020 ~~2018~~, and
76 continued through December 31, 2025. The department shall
77 establish the average baseline loadings of total nitrogen and
78 total phosphorus for each outfall using monitoring data
79 available for calendar years 2003 through 2007 and ~~shall~~
80 establish required loading reductions based on this baseline.
81 The baseline loadings and required loading reductions of total
82 nitrogen and total phosphorus shall be expressed as an average
83 annual daily loading value. The advanced wastewater treatment
84 and management requirements of this paragraph are ~~shall be~~
85 deemed ~~to be~~ met for any domestic wastewater facility
86 discharging through an ocean outfall on July 1, 2008, which has
87 installed by ~~no later than~~ December 31, 2018, a fully

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88 operational reuse system comprising 100 percent of the
89 facility's annual average daily flow for reuse activities
90 authorized by the department.

91 (c) 1. Each utility that had a permit for a domestic
92 wastewater facility that discharged ~~discharges~~ through an ocean
93 outfall on July 1, 2008, must ~~shall~~ install a functioning reuse
94 system by no later than December 31, 2025. For purposes of this
95 subsection, a "functioning reuse system" means an
96 environmentally, economically, and technically feasible system
97 that provides a minimum of 60 percent of a the facility's
98 baseline actual flow or, for utilities operating more than one
99 facility, 60 percent of the utility's entire wastewater system
100 flow on an annual basis on December 31, 2025. ~~Reuse may be on an~~
101 ~~annual basis~~ for irrigation of public access areas, residential
102 properties, or agricultural crops; aquifer recharge; groundwater
103 recharge; industrial cooling; or other acceptable reuse purposes
104 authorized by the department. For purposes of this subsection,
105 the term "baseline flow" ~~"facility's actual flow on an annual~~
106 ~~basis"~~ means the annual average flow of domestic wastewater
107 discharging through the facility's ocean outfall, as determined
108 by the department, using monitoring data available for calendar
109 years 2003 through 2007.

110 2. Flows diverted from facilities to other facilities that
111 provide 100 percent reuse of the diverted flows before ~~prior to~~
112 December 31, 2025, are ~~shall be~~ considered to contribute to
113 meeting the ~~60 percent~~ reuse requirement. For utilities
114 operating more than one outfall, the reuse requirement may can
115 be apportioned between the ~~met if the combined actual reuse~~
116 ~~flows from~~ facilities served by the outfalls ~~is at least 60~~

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117 ~~percent of the sum of the total actual flows from the~~
118 ~~facilities,~~ including flows diverted to other facilities for 100
119 percent reuse before ~~prior to~~ December 31, 2025. Utilities that
120 shared a common ocean outfall for the discharge of domestic
121 wastewater on July 1, 2008, regardless of which utility operates
122 the ocean outfall, are individually responsible for meeting the
123 reuse requirement and may enter into binding agreements to share
124 or transfer such responsibility among the utilities. If ~~in the~~
125 ~~event~~ treatment in addition to the advanced wastewater treatment
126 and management requirements described in paragraph (b) is needed
127 ~~in order~~ to support a functioning reuse system, the such
128 treatment must shall be fully operational by no later than
129 December 31, 2025.

130 (d) The discharge of domestic wastewater through ocean
131 outfalls is prohibited after December 31, 2025, except as a
132 backup discharge that is part of a functioning reuse system or
133 other wastewater management system authorized by the department
134 ~~as provided for in paragraph (c).~~ Except as otherwise provided
135 in this subsection, a backup discharge may occur only during
136 periods of reduced demand for reclaimed water in the reuse
137 system, such as periods of wet weather, or as the result of peak
138 flows from other wastewater management systems, and must shall
139 comply with the advanced wastewater treatment and management
140 requirements of paragraph (b). Peak flow backup discharges from
141 other wastewater management systems may not cumulatively exceed
142 5 percent of a facility's baseline flow, measured as a 5-year
143 rolling average, and are subject to applicable secondary waste
144 treatment and water-quality-based effluent limitations specified
145 in department rules. When in compliance with the effluent

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146 limitations, the peak flow backup discharges shall be deemed to
147 meet the advanced wastewater treatment and management
148 requirements of this subsection.

149 (e) The holder of a department permit authorizing the
150 discharge of domestic wastewater through an ocean outfall as of
151 July 1, 2008, shall submit the following to the secretary of the
152 department ~~the following~~:

153 1. A detailed plan to meet the requirements of this
154 subsection, including the identification of the technical,
155 environmental, and economic feasibility of various reuse
156 options; the an identification of all land acquisition and
157 facilities necessary to provide for reuse of the domestic
158 wastewater; an analysis of the costs to meet the requirements,
159 including the level of treatment necessary to satisfy state
160 water quality requirements and local water quality
161 considerations and a cost comparison of reuse using flows from
162 ocean outfalls and flows from other domestic wastewater sources;
163 and a financing plan for meeting the requirements, including
164 identifying any actions necessary to implement the financing
165 plan, such as bond issuance or other borrowing, assessments,
166 rate increases, fees, other charges, or other financing
167 mechanisms. The plan must evaluate reuse demand in the context
168 of future regional water supply demands, the availability of
169 traditional water supplies, the need for development of
170 alternative water supplies, the degree to which various reuse
171 options offset potable water supplies, and other factors
172 considered in the South Florida Water Management District's
173 Lower East Coast Regional Water Supply Plan. The plan ~~must~~ shall
174 include a detailed schedule for the completion of all necessary

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175 actions and ~~shall~~ be accompanied by supporting data and other
176 documentation. The plan must ~~shall~~ be submitted by October 1,
177 2014 ~~no later than July 1, 2013~~.

178 2. By July 1, 2018 ~~No later than July 1, 2016~~, an update of
179 the plan required in subparagraph 1. documenting any refinements
180 or changes in the costs, actions, or financing necessary to
181 eliminate the ocean outfall discharge in accordance with this
182 subsection or a written statement that the plan is current and
183 accurate.

184 (f) By December 31, 2009, and by December 31 every 5 years
185 thereafter, the holder of a department permit authorizing the
186 discharge of domestic wastewater through an ocean outfall shall
187 submit to the secretary of the department a report summarizing
188 the actions accomplished to date and the actions remaining and
189 proposed to meet the requirements of this subsection, including
190 progress toward meeting the specific deadlines set forth in
191 paragraphs (b) through (e). The report shall include the
192 detailed schedule for and status of the evaluation of reuse and
193 disposal options, preparation of preliminary design reports,
194 preparation and submittal of permit applications, construction
195 initiation, construction progress milestones, construction
196 completion, initiation of operation, and continuing operation
197 and maintenance.

198 (g) No later than July 1, 2010, and by July 1 every 5 years
199 thereafter, the department shall submit a report to the
200 Governor, the President of the Senate, and the Speaker of the
201 House of Representatives on the implementation of this
202 subsection. The report shall summarize progress to date,
203 including the increased amount of reclaimed water provided and

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204 potable water offsets achieved, and identify any obstacles to
205 continued progress, including all instances of substantial
206 noncompliance.

207 (h) By February 1, 2012, the department shall submit a
208 report to the Governor and Legislature detailing the results and
209 recommendations from phases 1 through 3 of its ongoing study on
210 reclaimed water use.

211 (i) The renewal of each permit that authorizes the
212 discharge of domestic wastewater through an ocean outfall as of
213 July 1, 2008, shall be accompanied by an order in accordance
214 with s. 403.088(2)(e) and (f) which establishes an enforceable
215 compliance schedule consistent with the requirements of this
216 subsection.

217 (j) An entity that diverts wastewater flow from a receiving
218 facility that discharges domestic wastewater through an ocean
219 outfall must meet the ~~60 percent~~ reuse requirement of paragraph
220 (c). Reuse by the diverting entity of the diverted flows shall
221 be credited to the diverting entity. The diverted flow shall
222 also be correspondingly deducted from the receiving facility's
223 baseline actual flow on an annual basis from which the required
224 reuse is calculated pursuant to paragraph (c), and the receiving
225 facility's reuse requirement shall be recalculated accordingly.

226
227 The department, the South Florida Water Management District, and
228 the affected utilities must consider the information in the
229 detailed plan under paragraph (e) for the purpose of adjusting,
230 as necessary, the reuse requirements of this subsection. The
231 department shall submit a report to the Legislature by February
232 15, 2015, containing recommendations for any changes necessary

36-00007A-12

2012724__

233 to the requirements of this subsection.

234 Section 2. This act shall take effect July 1, 2012.

2

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/9/12

Meeting Date

Topic Solid waste Mgmt Facilities

Bill Number 738
(if applicable)

Name Patti Hamilton

Amendment Barcode _____
(if applicable)

Job Title Vice President

Address 790 Hillbrath Drive

Phone tel 3731264

Street
Lantana FL 33462
City State Zip

E-mail phanultone@sustf.com

Speaking: For Against Information

Representing Southern Waste Systems

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

2

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

1/9/12

Meeting Date

Topic SOLID WASTE MANAGEMENT FACILITIES

Bill Number SB 738
(if applicable)

Name KEYNA CORY

Amendment Barcode 502566
+ Bill
(if applicable)

Job Title LOBBYIST

Address 110 E. COLLEGE AVE

Phone 850 681-1065

Street

TALLAHASSEE FL 32301

E-mail Keynacory@pacconsultants.com

City

State

Zip

Speaking: For Against Information

Representing NATIONAL SOLID WASTES MANAGEMENT ASSN. - FL CHAPTER

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

2

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

01/09/12
Meeting Date

Topic Solid Waste Management Facilities Bill Number 738
(if applicable)

Name Chuck Dees Amendment Barcode 502566
(if applicable)

Job Title Vice President, Public Affairs

Address 5221 State Road 776 Phone (941) 497-8029
Street

Venice FL 34293
City State Zip

E-mail cdees@wm.com

Speaking: For Against Information

Representing Waste Management

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Environmental Preservation and Conservation Committee

BILL: CS/SB 738

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Altman

SUBJECT: Solid Waste Management Facilities

DATE: January 9, 2012 REVISED: _____

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

Please see Section VIII. for Additional Information:	
A. COMMITTEE SUBSTITUTE.....	<input checked="" type="checkbox"/> Statement of Substantial Changes
B. AMENDMENTS.....	<input type="checkbox"/> Technical amendments were recommended
	<input type="checkbox"/> Amendments were recommended
	<input type="checkbox"/> Significant amendments were recommended

I. Summary:

The CS/SB 738 extends the duration of solid waste management facility permits that meet specified criteria from 5 years to 20 years. The extension will apply to a qualifying solid waste management facility that applies for an operating or construction permit or renews an existing operating or construction permit on or after October 1, 2012. The CS/SB 738 also provides renewal options for solid waste management facilities that do not have leachate control systems to renew their permits for a term of 10 years if certain conditions are met.

CS/SB 738 clarifies that Florida Department of Environmental Protection (DEP) has the authority to adopt rules for permitting solid waste management facilities and does not have to submit the rules for approval to the Environmental Regulation Commission (ERC).

The CS/SB 738 allows DEP to utilize funds within the Solid Waste Management Trust Fund to facilitate the closing of a solid waste management facility, if DEP expects the funds to be replenished upon receipt of payment from the designated insurance company.

The CS/SB 738 amends ss. 403.709 and 403.7125 of the Florida Statutes.

II. Present Situation:

The Department of Environmental Protection (DEP) provides guidelines for the storage, separation, processing, recovery, recycling, and disposal of solid waste throughout the state. Section 403.707, F.S., requires that a solid waste management facility must obtain a permit from DEP in order to operate.

Section 403.707(3), F.S., limits permit duration to 10 years for a potential source of water pollution, which includes most solid waste management facilities. DEP rules currently limit permit duration to 5 years, except for certain long-term care permits for closed facilities which may last up to 10 years. The fees for most solid waste permits are limited to \$10,000.

Leachate from a landfill varies widely in composition depending on the age of the landfill and the type of waste it contains. It can usually contain both dissolved and suspended material. The generation of leachate is caused principally by precipitation percolating through waste deposited in a landfill. Once in contact with decomposing solid waste, the percolating water becomes contaminated and if it then flows out of the waste material it is termed leachate.

The risks of leachate generation can be mitigated by properly designed and engineered landfill sites, such as sites that are constructed on geologically impermeable materials or sites that use impermeable liners made of geomembranes or engineered clay.

To minimize the threat to public health and the environment, Solid Waste Financial Assurance requirements were adopted in 1984 to secure the proper closing of solid waste management facilities operating in the state of Florida. Owners or operators when demonstrating proof of financial assurance, can choose from a list of approved financial mechanisms that best meet their individual needs. The dollar amount of financial assurance required is directly tied to DEP's approved closure cost estimate. DEP's primary responsibility is to insure that the facility is in full compliance with all solid waste financial assurance requirements. This is accomplished by providing any assistance necessary to facility owners and operators as well as provider companies attempting to meet rule requirements.¹

DEP allows the use of insurance policies to provide financial assurance for closure of solid waste management facilities. According to DEP, some procedural difficulties arise when DEP has to contract with a third party to close an abandoned facility. In order to enter into a contract, DEP must encumber funds to pay for the third party. There is no fund available for DEP to encumber the expenses even if the insurance company is expected to reimburse the expenses.

The Environmental Protection Agency (EPA) adopted rules for solid waste management facilities in 1991. According to DEP, if a state's program was determined to be at least equivalent to the federal program, the state program would be approved and the federal regulation would not apply in that state. Florida's program was approved in 1993, but one of the conditions for approval was that DEP amend existing rules to require financial assurance for

¹ Florida Department of Environmental Protection, Bureau of Solid and Hazardous Waste, Solid Waste Financial Assurance, <http://www.dep.state.fl.us/waste/categories/swfr/default.htm>.

corrective actions at landfills. DEP created Rules 62-701.630 and 62-701.730, to include provisions requiring permittees that have an approved corrective action plan to put up financial assurance for the costs of the corrective actions. The Joint Administrative Procedures Committee has stated that DEP does not have the statutory authority for these rules. If DEP had to repeal the existing rules, there is a risk that EPA could determine that Florida's program is no longer equivalent and disapprove it, in which case owners of solid waste management facilities would be required to comply with all of EPA's regulations in addition to all of Florida's rules. This would create a burden on the regulated community and could create a conflict since Florida's rules are not identical to EPA's.²

III. Effect of Proposed Changes:

Section 1 amends s. 403.707 (3), F.S., to provide that a permit issued after October 1, 2012, to a solid waste management facility with a leachate control system that is in compliance will be valid for up to 20 years. This change will allow DEP to prorate existing fees for these longer permits. For example, a Class I landfill operation permit fee is currently \$10,000 for a 5-year permit. If the CS/SB 738 becomes law, the permit fee will increase to a maximum of \$40,000 for a 20-year permit.

The CS/SB 738 also allows a permit to be issued to a solid waste management facility that does not have a leachate control system for 10 years if the applicant meets certain criteria. The applicant seeking renewal must:

- have regularly utilized the site for at least 4 and a half months before the application;
- not be subject to a notice, at the time of applying for the renewal permit, by DEP, or be in violation of an applicable rule;
- not have been notified to implement assessment or evaluation monitoring as a result of exceedances of applicable groundwater standards, or completing corrective actions in accordance with applicable DEP rules;
- be in compliance with the applicable financial assurance requirements.

This section also authorizes DEP to adopt rules. The provisions of Chapter 120, which require a statement of estimated regulatory cost and legislative ratification, do not apply to this rulemaking, and DEP is not required to submit such rules to the Environmental Regulation Commission for approval.

Section 2 amends s. 403.709, F.S., to create a solid waste landfill closure account within the Solid Waste Management Trust Fund to provide funding for the closing and long-term care of solid waste management facilities. CS/SB 738 enables DEP to activate a closure of a facility in compliance with the closure plan approved by DEP. This can only happen if the facility has been issued a permit by DEP to operate the facility, the permittee has provided proof of financial assurance for closure in the form of an insurance certificate, and the facility has been deemed abandoned or has been ordered closed by DEP.

² Conversation with Florida Department of Environmental Protection representative (DEP) (Jan. 6, 2012).

Section 3 amends s. 403.7125, F.S., to clarify that DEP may enforce already established rules which require an owner or operator of a solid waste management facility that receives waste to undertake corrective actions for violations of water quality standards and provide financial assurance for the cost of completing such corrective actions. The financial assurances requirements for closure costs will also be available for costs associated with undertaking corrective actions.

Section 4 provides an effective date of July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Owners and operators of lined solid waste management facilities that opt for longer-term permits may benefit from the increased predictability such longer permits provide. For example, it may be easier to obtain financing for these projects and operational and design criteria are less likely to need updating and amending as frequently. After five years, the cost savings from not having to apply for and receive permit renewals will be significant.

Solid waste management facilities will have more flexibility when preparing to apply for permits as the life of the permit will be increased by 15 years. Further, the costs associated with filing renewal applications will decrease.

Owners and operators of unlined solid waste management facilities that meet DEP's requirements may opt for longer-term permits and may benefit from the increased predictability such longer permits provide.

C. **Government Sector Impact:**

DEP anticipates an increase in the amount of fees collected due to the extended length of the permit. This increase will level out, as the new permits will not need to be renewed as often.

There may be some cases when the costs associated with closing a facility would exceed the face value of the insurance policy. In this instance, Solid Waste Trust Fund dollars would need to be spent and would not be reimbursed by the insurance company.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Additional Information:**

A. **Committee Substitute – Statement of Substantial Changes:**

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

CS by Environmental Preservation and Conservation on January 9, 2012:

The CS/SB 738 allows a permit to be issued to a solid waste management facility that does not have a leachate control system for 10 years if the applicant meets certain criteria. The CS/SB 738 specifies that the provisions of Chapter 120, which require a statement of estimated regulatory cost and legislative ratification do not apply to this rulemaking. The CS/SB 738 creates a solid waste landfill closure account within the Solid Waste Management Trust Fund to provide funding for the closing and long-term care of solid waste management facilities. CS/SB 738 enables DEP to activate a closure of a facility in compliance with the approved closure plan. CS/SB 738 amends s. 403.7125, F.S., to clarify that DEP may enforce already established rules which require an owner or operator of a solid waste management facility that receives waste to undertake corrective actions for violations of water quality standards and provide financial assurance for the cost of completing such corrective actions.

B. **Amendments:**

None.



502566

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/11/2012	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 19 - 28
and insert:

(b) A permit, including a general permit, issued to a solid waste management facility that is designed with a leachate control system meeting department requirements shall be issued for a term of 20 years unless the applicant requests a shorter permit term. Notwithstanding the limitations of s. 403.087(6)(a), existing permit fees for a qualifying solid waste management facility shall be adjusted to the permit term authorized by this section. This paragraph applies to a



502566

13 qualifying solid waste management facility that applies for an
14 operating or construction permit or renews an existing operating
15 or construction permit on or after October 1, 2012.

16 (c) A permit, including a general permit, but not including
17 a registration, issued to a solid waste management facility that
18 does not have a leachate control system meeting department
19 requirements shall be renewed for a term of 10 years, unless the
20 applicant requests a shorter term, if the following conditions
21 are met:

22 1. The applicant has conducted the regulated activity at
23 the same site for which the renewal is sought for at least 4
24 years and 6 months before the date that the permit application
25 is received by the department; and

26 2. At the time of applying for the renewal permit:

27 a. The applicant is not subject to a notice of violation,
28 consent order, or administrative order issued by the department
29 for violation of an applicable law or rule;

30 b. The department has not notified the applicant that it is
31 required to implement assessment or evaluation monitoring as a
32 result of exceedances of applicable groundwater standards or
33 criteria or, if applicable, the applicant is completing
34 corrective actions in accordance with applicable department
35 rules; and

36 c. The applicant is in compliance with the applicable
37 financial assurance requirements.

38 (d) The department may adopt rules to administer this
39 subsection; however, the provisions of chapter 120 which require
40 a statement of estimated regulatory cost and legislative
41 ratification do not apply to such rulemaking and the department



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42 is not required to submit such rules to the Environmental
43 Regulation Commission for approval. Notwithstanding the
44 limitations of s. 403.087(6) (a), permit fee caps for solid waste
45 management facilities shall be prorated to reflect the extended
46 permit term authorized by this subsection.

47 Section 2. Subsection (5) is added to section 403.709,
48 Florida Statutes, to read:

49 403.709 Solid Waste Management Trust Fund; use of waste
50 tire fees.—There is created the Solid Waste Management Trust
51 Fund, to be administered by the department.

52 (5) A solid waste landfill closure account is created
53 within the Solid Waste Management Trust Fund to provide funding
54 for the closing and long-term care of solid waste management
55 facilities, if:

56 (a) The facility had or has a department permit to operate
57 the facility;

58 (b) The permittee provided proof of financial assurance for
59 closure in the form of an insurance certificate;

60 (c) The facility has been deemed to be abandoned or has
61 been ordered to close by the department; and

62 (d) Closure will be accomplished in substantial accordance
63 with a closure plan approved by the department.

64
65 The department has a reasonable expectation that the insurance
66 company issuing the closure insurance policy will provide or
67 reimburse most or all of the funds required to complete closing
68 and long-term care of the facility. If the insurance company
69 reimburses the department for the costs of closing or long-term
70 care of the facility, the department shall deposit the funds



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71 into the solid waste landfill closure account.

72 Section 3. Section 403.7125, Florida Statutes, is amended
73 to read:

74 403.7125 Financial assurance ~~for closure.~~-

75 (1) Every owner or operator of a landfill is jointly and
76 severally liable for the improper operation and closure of the
77 landfill, as provided by law. As used in this section, the term
78 "owner or operator" means any owner of record of any interest in
79 land wherein a landfill is or has been located and any person or
80 corporation that owns a majority interest in any other
81 corporation that is the owner or operator of a landfill.

82 (2) The owner or operator of a landfill owned or operated
83 by a local or state government or the Federal Government shall
84 establish a fee, or a surcharge on existing fees or other
85 appropriate revenue-producing mechanism, to ensure the
86 availability of financial resources for the proper closure of
87 the landfill. However, the disposal of solid waste by persons on
88 their own property, as described in s. 403.707(2), is exempt
89 from this section.

90 (a) The revenue-producing mechanism must produce revenue at
91 a rate sufficient to generate funds to meet state and federal
92 landfill closure requirements.

93 (b) The revenue shall be deposited in an interest-bearing
94 escrow account to be held and administered by the owner or
95 operator. The owner or operator shall file with the department
96 an annual audit of the account. The audit shall be conducted by
97 an independent certified public accountant. Failure to collect
98 or report such revenue, except as allowed in subsection (3), is
99 a noncriminal violation punishable by a fine of not more than



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100 \$5,000 for each offense. The owner or operator may make
101 expenditures from the account and its accumulated interest only
102 for the purpose of landfill closure and, if such expenditures do
103 not deplete the fund to the detriment of eventual closure, for
104 planning and construction of resource recovery or landfill
105 facilities. Any moneys remaining in the account after paying for
106 proper and complete closure, as determined by the department,
107 shall, if the owner or operator does not operate a landfill, be
108 deposited by the owner or operator into the general fund or the
109 appropriate solid waste fund of the local government of
110 jurisdiction.

111 (c) The revenue generated under this subsection and any
112 accumulated interest thereon may be applied to the payment of,
113 or pledged as security for, the payment of revenue bonds issued
114 in whole or in part for the purpose of complying with state and
115 federal landfill closure requirements. Such application or
116 pledge may be made directly in the proceedings authorizing such
117 bonds or in an agreement with an insurer of bonds to assure such
118 insurer of additional security therefor.

119 (d) The provisions of s. 212.055 which relate to raising of
120 revenues for landfill closure or long-term maintenance do not
121 relieve a landfill owner or operator from the obligations of
122 this section.

123 (e) The owner or operator of any landfill that had
124 established an escrow account in accordance with this section
125 and the conditions of its permit prior to January 1, 2007, may
126 continue to use that escrow account to provide financial
127 assurance for closure of that landfill, even if that landfill is
128 not owned or operated by a local or state government or the



502566

129 Federal Government.

130 (3) An owner or operator of a landfill owned or operated by
131 a local or state government or by the Federal Government may
132 provide financial assurance to the department in lieu of the
133 requirements of subsection (2). An owner or operator of any
134 other landfill, or any other solid waste management facility
135 designated by department rule, shall provide financial assurance
136 to the department for the closure of the facility. Such
137 financial assurance may include surety bonds, certificates of
138 deposit, securities, letters of credit, or other documents
139 showing that the owner or operator has sufficient financial
140 resources to cover, at a minimum, the costs of complying with
141 applicable closure requirements. The owner or operator shall
142 estimate such costs to the satisfaction of the department.

143 (4) This section does not repeal, limit, or abrogate any
144 other law authorizing local governments to fix, levy, or charge
145 rates, fees, or charges for the purpose of complying with state
146 and federal landfill closure requirements.

147 (5) The department shall by rule require that the owner or
148 operator of a solid waste management facility that receives
149 waste after October 9, 1993, and that is required by department
150 rule to undertake corrective actions for violations of water
151 quality standards provide financial assurance for the cost of
152 completing such corrective actions. The same financial assurance
153 mechanisms that are available for closure costs shall be
154 available for costs associated with undertaking corrective
155 actions.

156 (6)~~(5)~~ The department shall adopt rules to implement this
157 section.



502566

158
159 ===== T I T L E A M E N D M E N T =====

160 And the title is amended as follows:

161 Delete lines 7 - 8

162 and insert:

163 Protection; requiring that existing permit fees be
164 adjusted to the permit term; providing applicability;
165 specifying a permit term for a solid waste management
166 facility that does not have a leachate control system
167 meeting the requirements of the department under
168 certain conditions; authorizing the department to
169 adopt rules; providing that the department is not
170 required to submit the rules to the Environmental
171 Regulation Commission for approval; requiring that
172 permit fee caps for solid waste management facilities
173 be prorated to reflect the extended permit term;
174 amending s. 403.709, F.S.; creating a solid waste
175 landfill closure account within the Solid Waste
176 Management Trust Fund to fund the closing and long-
177 term care of solid waste facilities under certain
178 circumstances; requiring that the department deposit
179 funds that are reimbursed into the solid waste
180 landfill closure account; amending s. 403.7125, F.S.;
181 requiring that the department require by rule that the
182 owner or operator of a solid waste management facility
183 receiving waste after a specified date provide
184 financial assurance for the cost of completing
185 corrective action for violations of water quality
186 standards;

By Senator Altman

24-00376-12

2012738

1 A bill to be entitled
2 An act relating to solid waste management facilities;
3 amending s. 403.707, F.S.; specifying a permit term
4 for a solid waste management facility that is designed
5 with a leachate control system meeting the
6 requirements of the Department of Environmental
7 Protection; providing for the proration of the permit
8 fee for existing permits; providing applicability;
9 providing an effective date.

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

12
13 Section 1. Subsection (3) of section 403.707, Florida
14 Statutes, is amended to read:

15 403.707 Permits.—

16 (3) (a) All applicable provisions of ss. 403.087 and
17 403.088, relating to permits, apply to the control of solid
18 waste management facilities.

19 (b) A permit issued to a solid waste management facility
20 that is designed with a leachate control system that meets
21 department requirements shall be issued for a term of 20 years
22 unless the applicant requests a shorter permit term. Existing
23 permit fees for a qualifying solid waste management facility
24 shall be prorated to the permit term authorized by this section.
25 This paragraph applies to a qualifying solid waste management
26 facility that applies for an operating or construction permit or
27 renews an existing operating or construction permit on or after
28 July 1, 2012.

29 Section 2. This act shall take effect July 1, 2012.

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/9/12
Meeting Date

Topic _____

Bill Number SB 758
(if applicable)

Name Kenneth With

Amendment Barcode _____
(if applicable)

Job Title Contractor

Address 5670 Windron Pl
Street
Pace FL 32571
City State Zip

Phone 850-232-1014

E-mail _____

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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1/9/12
Meeting Date

Topic BEACH MGMT

Bill Number 758
(if applicable)

Name STEPHEN JAMES

Amendment Barcode _____
(if applicable)

Job Title _____

Address 100 S. MONROE

Phone 922-4300

TALLAHASSEE
City State Zip

E-mail _____

Speaking: For Against Information

Representing FLA. ASSOC. OF COUNTIES

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

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3

Meeting Date _____

Topic Beach Management

Bill Number 758
(if applicable)

Name Mat Forrest

Amendment Barcode _____
(if applicable)

Job Title _____

Address 403 E. Park Ave.
Street

Phone 850-204-77-0444

Tallahassee FL
City State Zip

E-mail _____

Speaking: For Against Information

Representing FL. Assoc. of Destination Marketing Organizations

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

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1/9/12

Meeting Date

Topic _____

Bill Number SB 758

Name Diana Ferguson

Amendment Barcode 439990
(if applicable)

Job Title Attorney

Address 119 S Monroe St Ste 202

Phone 850-681-6788

Street

Talco

City

FL

State

32309

Zip

E-mail dferguson@regphlaw.com

Speaking: For Against Information

Representing Florida Shore and Beach Preservation Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

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

1/9

Meeting Date

Topic Beach Management

Bill Number SB 758
(if applicable)

Name Deborah E Flack

Amendment Barcode 439990
(if applicable)

Job Title President

Address _____
Street

Phone 813-510-5409

City _____ State _____ Zip _____

E-mail florida.beaches@aol.com

Speaking: For Against Information

Representing Florida Shore & Beach Preservation Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/20/11)

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

Meeting Date _____

Topic Beach

Bill Number 758
(if applicable)

Name Joe McCann

Amendment Barcode 439990
(if applicable)

Job Title _____

Address 403 E. Park Ave.

Phone 577-0444

Street
Tallahassee
City State Zip

E-mail Jmccann@BallardFL.com

Speaking: For Against Information

Representing Martin County - Waive in Support

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1-9-12

Meeting Date

Topic Beach Management

Bill Number SB 758
(if applicable)

Name Eric Draper

Amendment Barcode _____
(if applicable)

Job Title _____

Address 308 N Monroe

Phone 222 2473

Tallahassee FL 32301
City State Zip

E-mail edraper@audubon.org

Speaking: For Against Information

Representing Audubon

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3

1/9/12
Meeting Date

Topic Beach Management

Bill Number 758
(if applicable)

Name Ryan Matthews

Amendment Barcode _____
(if applicable)

Job Title Leg. Advocate

Address 301 S. Bronough St. suite 300
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Speaking: For Against Information

Representing FL League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Environmental Preservation and Conservation Committee

BILL: CS/SB 758

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Jones

SUBJECT: Beach Management

DATE: January 10, 2012 **REVISED:** _____

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

Please see Section VIII. for Additional Information:

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

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

Amendments were recommended

Significant amendments were recommended

I. Summary:

The Committee Substitute (CS):

- Streamlines the permitting processes for coastal construction permits and joint coastal permits, including beach restoration and nourishment projects;
- Clarifies what constitutes “reasonable assurance”;
- Allows the DEP to issue coastal construction permits or joint coastal permits before an incidental take authorization is issued pursuant to the federal Endangered Species Act;
- Directs the DEP to adopt rules related to turbidity mixing zones to reduce or eliminate the need for variances;
- Requires the DEP to justify Requests for Additional Information (RAIs) by statute or rule;
- Clarifies that the DEP may not enforce guidelines as rules;
- Alleviates the need for a detailed review of a new application for a previously constructed project that met design expectations;
- Requires the DEP to amend rules related to beach maintenance projects and inlet sand bypassing activities;
- Establishes new reporting requirements of active, state-funded beach erosion control projects to increase the transparency of the beach management funding program; and

- Exempts from permitting certain exploratory activities related to beach restoration and nourishment.

This CS substantially amends ss. 161.041, 161.101 and 403.813 of the Florida Statutes.

II. Present Situation:

Importance of Florida Beaches

Florida beaches draw many tourists to the state each year. The Florida Shore & Beach Preservation Association (FSBPA) reports that 16.5 million out-of-state visitors visited Florida beaches in 2010. The top 5 visited state parks were all beach parks.¹ It is estimated that the adjusted economic impact to the state's economy from its beaches was \$22.7 billion in 2010. Direct spending and sales taxes amounted to \$11.7 billion and \$352.8 million, respectively, in 2010. The FSBPA reports that 399 miles, or nearly half, of Florida's sandy beaches are critically eroded.² The DEP estimates it manages erosion control projects for 221 miles of beaches. In addition to attracting tourists, healthy beaches also serve as a first defense against storm surge from hurricanes and tropical storms.

DEP Administration of Coastal Permitting

The DEP administers a permitting program under ch. 161, F.S., for beach restoration, beach nourishment, erosion control structures (groins and breakwaters), public fishing piers, maintenance of inlets, inlet related structures (jetties and sand traps), and navigation channel dredging, where material disposal occurs on the beach or nearshore. These activities may also require an environmental resource permit or wetland resource permit, or sovereign submerged lands authorization under chs. 373, 253, and 258, F.S. When multiple permits are required for these types of activities, the DEP issues a single permit, called a joint coastal permit, providing for a single permit covering the required statutory chapters.

The DEP must review permit applications within 30 days and issue an RAI if additional information is needed to satisfy the application requirements. The DEP also distributes the application to external reviewers (e.g., Florida Fish and Wildlife Conservation Commission, U.S. Fish and Wildlife Service, and National Marine Fisheries Service) for comment. Once the permit application is complete, the DEP must issue or deny it within 90 days.

Many coastal construction activities generate turbidity (solids suspended in the water column) in excess of Florida's water quality standards. If turbidity cannot be controlled using best management practices alone, the DEP's water quality regulations allow turbidity standards to be achieved at the edge of a temporary mixing zone adjacent to the point of discharge. Variances can be issued if significant turbidity results from the project. The DEP issues variances for the vast majority of beach erosion control projects. The DEP is authorized to exempt activities that will have only minimal or insignificant individual or cumulative adverse impacts on water resources.

¹ Florida Shore & Beach Preservation Association, *Healthy Beaches Are Vital to Florida's Economic Recovery* (2011) (on file with the Senate Committee on Environmental Preservation and Conservation).

² *Id.*

Permits for first-time construction activities are issued for up to five years. Maintenance permits for inlet sand management or beach nourishment projects are issued for up to 10 years. When multiple nourishment or maintenance dredging events are collectively authorized, the permittee must submit certain information before the DEP issues a Notice to Proceed (NTP) for the next nourishment. Before issuing the NTP, the DEP also reviews the results of post-construction project monitoring to determine if performance expectations have been achieved and whether any unanticipated impacts have occurred. The project design may be adjusted or mitigation may be required.

The DEP maintains a statewide beach management plan for the restoration and maintenance of critically eroded beaches. Approximately 221 miles of critically eroded beach have been restored and are currently maintained. Each improved, altered, or modified inlet is also evaluated and recommendations are made to mitigate erosive impacts.

The DEP also develops a long-range budget plan and a funding list of beach restoration, nourishment and inlet management projects. The DEP is directed to cost-share with local governments up to 50 percent of beach project costs and up to 75 percent for inlet management. The funding list is submitted to the Legislature annually, with appropriated funds being contracted with local sponsors in priority order until funds are exhausted. In the event a local government cannot timely use the money, the DEP may reallocate it to inlet management projects.

The Beach Management Working Group

The Legislature created the Beach Management Working Group (working group) in 2008. The working group was tasked with reviewing the current effectiveness of the Florida's beach management regulatory program and providing recommendations to improve the program.³ The working group was composed of stakeholders from both the private and public sectors. It focused on the process associated with Florida's beach management program, especially effectiveness and responsiveness, and how to improve both. The working group held eight meetings and submitted its final report to the Legislature in 2009 containing recommendations for legislative consideration, agency rule making consideration and agency consideration.

III. Effect of Proposed Changes:

Section 1 amends s. 161.041, F.S., specifying that reasonable assurance is demonstrated if the applicant provides competent substantial evidence based on plans, studies and credible expertise that accounts for naturally occurring variables that might reasonably be expected. This clarifies that remote possibilities do not have to be included in the permit application if they are not reasonably expected to occur.

The CS authorizes the DEP to issue permits before the federal government issues an incidental take authorization under the Endangered Species Act provided the permit contains conditions that authorized activities not begin until the incidental take authorization is issued.

³ Beach Management Working Group, *Recommendations of the Beach Management Working Group* (2009) (on file with the Senate Committee on Environmental Preservation and Conservation).

The CS directs the DEP to adopt rules addressing antidegradation and mixing zone criteria for turbidity for permits involving excavation and placement of sediment for beach management and inlet bypassing. This will reduce or eliminate the need to grant variances for projects that violate water quality standards for turbidity. When processing variances, the CS directs the DEP to take into consideration the Legislature's declaration in s. 1612.088, F.S., that beach nourishment projects are in the public interest.

The CS specifies applications for permits shall be made to the DEP pursuant to the terms and conditions set forth in rule. If the DEP issues an RAI, it must include the statutory and rule provisions that justify any item listed in the RAI. The CS also clarifies that the DEP cannot enforce guidelines as standards unless it adopts the guidelines by rule.

The CS provides the Legislature intends to simplify and streamline the permitting process for the periodic maintenance of previously permitted projects. To this end, the CS prohibits a detailed review of a previously permitted project if there are no substantial changes in project scope and if past performance indicates it has performed according to design expectations. The CS requires the DEP to amend chs. 62B-41 and 62B-49 of the Florida Administrative Code (F.A.C.) for beach maintenance and inlet bypassing activities to comply with legislative intent. In addition, the CS directs the DEP to issue joint coastal permits pursuant to ch. 161, F.S., and part IV, ch. 373, F.S., for the greater of two maintenance or dredging events or a 15-year permit duration.

Section 2 amends s. 161.101, F.S., requiring the DEP to maintain an active project list sorted by project year to increase transparency. The listing must include those projects receiving funding and the amounts. The DEP is directed to notify the Executive Office of the Governor and the Legislature of any "significant change" in project funding requirements. The CS defines "significant changes" as funding requirements that exceed 25 percent of the initially requested budget submission. If there is surplus funding, the DEP must notify the Executive Office of the Governor and the Legislature where the funds will be used or if the funds will revert to the next appropriations process. The CS also directs the DEP to notify the Executive Office of the Governor and the Legislature when a local project sponsor releases funding. The notification must indicate how the project dollars will be used.

Section 3 amends s. 403.813, F.S., exempting certain activities related to beach restoration and nourishment and inlet bypassing from the permitting requirements of ch. 161, part IV of ch. 373, or ch. 403, F.S. Exempt exploratory activities include:

- the collection of geotechnical and cultural resource data, including mapping, seismic and acoustic soundings, and benthic and other biological sampling and coring;
- deploying and temporarily attaching instruments on the seabed, and
- incidental excavation that occurs associated with any of the activities listed above.

Section 4 provides an effective date of July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DEP will incur costs associated with rulemaking. Staff has indicated those costs can be absorbed by existing staff and resources. In addition, the DEP may realize some cost savings with issuing longer permits, not having to do as many detailed reviews and other streamlining provisions in this CS. The savings cannot be determined at this time.

Local governments may also see cost savings due to the streamlining provisions in this CS; however, those savings cannot be determined at this time.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The CS requires DEP to adopt a rule for antidegradation requirements. The DEP has indicated this rule must comply with federal requirements.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Environmental Preservation and Conservation on January 9, 2012:

- Deletes the provision requiring good faith negotiations between the DEP and an applicant before issuance of a notice of intent and transmittal of the permit;
- Deletes the provision prohibiting the DEP from using the time frame between notice of intent and final notice to proceed to circumvent the time limits in ch. 120, F.S.;
- Clarifies the rules DEP must adopt to address mixing zones and antidegradation for only those permits involving excavation and placement of sediment for beach management and inlet bypassing permits;
- Removes the exemption for Outstanding Florida Waters and aquatic preserves for rules addressing mixing zone criteria and antidegradation requirements for turbidity generation;
- Deletes the creation of new s. 161.0413, F.S., and incorporates the substantive elements into section 1 of the CS;
- Directs DEP to amend chs. 62B-41 and 62B-49, F.A.C., for streamlining the permitting process for periodic beach maintenance projects and inlet sand bypassing activities;
- Clarifies only permits issued pursuant to ch. 161 or part IV, ch. 373, F.S., may receive extended permit durations;
- Clarifies the term “significant change”;
- Amends s. 403.813, F.S., instead of s. 373.406, F.S., exempting certain activities related to beach restoration and nourishment projects and inlet management activities from requiring permits. These activities are not longer considered de minimis; and
- Deletes the provision requiring the DEP to make a de minimis determination for other activities that are not included in this CS.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/11/2012	.	
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	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 161.041, Florida Statutes, is amended to read:

161.041 Permits required.—

(1) If a ~~any~~ person, firm, corporation, county, municipality, township, special district, or ~~any~~ public agency desires to make any coastal construction or reconstruction or change of existing structures, or any construction or physical activity undertaken specifically for shore protection purposes,



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13 or other structures and physical activity including groins,
14 jetties, moles, breakwaters, seawalls, revetments, artificial
15 nourishment, inlet sediment bypassing, excavation or maintenance
16 dredging of inlet channels, or other deposition or removal of
17 beach material, or construction of other structures ~~if~~ of a
18 solid or highly impermeable design, ~~upon state sovereignty lands~~
19 ~~of Florida,~~ below the mean high-water line of any tidal water of
20 the state, a coastal construction permit must be obtained from
21 the department before ~~prior to~~ the commencement of such work.
22 The department may exempt interior tidal waters of the state
23 from the permit requirements of this section. ~~No such~~
24 ~~development shall interfere,~~

25 (a) Except during construction, such development may not
26 interfere with the public use ~~by the public~~ of any area of a
27 beach seaward of the mean high-water line unless the department
28 determines that the ~~such~~ interference is unavoidable for
29 purposes of protecting the beach or an ~~any~~ endangered upland
30 structure. ~~The department may require,~~ As a condition of ~~to~~
31 granting permits under this section, the department may require
32 the provision of alternative access if ~~when~~ interference with
33 public access along the beach is unavoidable. The width of such
34 alternate access may not be required to exceed the width of the
35 access that will be obstructed as a result of the permit being
36 granted. ~~Application for coastal construction permits as defined~~
37 ~~above shall be made to the department upon such terms and~~
38 ~~conditions as set forth by rule of the department.~~

39 (b) Except for the deepwater ports identified in s.
40 403.021(9)(b), the department shall not issue a ~~any~~ permit for
41 the construction of a coastal inlet jetty or the excavation or



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42 maintenance of such an inlet if the activity authorized by the
43 permit will have a significant adverse impact on the sandy
44 beaches of this state without a mitigation program approved by
45 the department. In evaluating the mitigation program, the
46 department shall consider ~~take into consideration~~ the benefits
47 of the long-term sand management plan of the permittee and the
48 overall public benefits of the inlet activity.

49 (2) The department may authorize an excavation or erection
50 of a structure at any coastal location upon receipt of an
51 application from a property or riparian owner and upon
52 consideration of facts and circumstances, including:

53 (a) Adequate engineering data concerning inlet and
54 shoreline stability and storm tides related to shoreline
55 topography;

56 (b) Design features of the proposed structures or
57 activities; and

58 (c) Potential effects ~~impacts~~ of the location of such
59 structures or activities, including potential cumulative effects
60 of any proposed structures or activities upon such beach-dune
61 system or coastal inlet, which, in the opinion of the
62 department, clearly justify such a permit.

63 (3) The department may require ~~such~~ engineer certifications
64 as necessary to assure the adequacy of the design and
65 construction of permitted projects. Reasonable assurance is
66 demonstrated if the permit applicant provides competent
67 substantial evidence based on plans, studies, and credible
68 expertise that accounts for naturally occurring variables that
69 might reasonably be expected.

70 (4) The department may, as a condition to ~~the~~ granting of a



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71 permit under this section, require mitigation, financial, or
72 other assurances acceptable to the department as ~~may be~~
73 necessary to assure performance of the conditions of a permit or
74 enter into contractual agreements to best assure compliance with
75 any permit conditions. Biological and environmental monitoring
76 conditions included in the permit must ~~shall~~ be based upon
77 clearly defined scientific principles. The department may also
78 require notice of the required permit conditions ~~required~~ and
79 the contractual agreements entered into pursuant to ~~the~~
80 ~~provisions of~~ this subsection to be filed in the public records
81 of the county in which the permitted activity is located.

82 (5) Notwithstanding any other provision of law, the
83 department may issue permits pursuant to this part in advance of
84 the issuance of an incidental take authorization provided under
85 the Endangered Species Act and its implementing regulations if
86 the permits and authorizations include a condition that requires
87 that such authorized activities not begin until the incidental
88 take authorization is issued.

89 (6) The department shall adopt rules to address standard
90 mixing zone criteria and antidegradation requirements for
91 turbidity generation for beach management and inlet bypassing
92 permits that involve the excavation and placement of sediment in
93 order to reduce or eliminate the need for variances. In
94 processing variance requests, the department must consider the
95 legislative declaration that, pursuant to s. 161.088, beach
96 nourishment projects are in the public interest.

97 (7) Application for permits shall be made to the department
98 upon such terms and conditions as set forth by rule.

99 (a) If, as part of the permit process, the department



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100 requests additional information, it must cite applicable
101 statutory and rule provisions that justify any item listed in a
102 request for additional information.

103 (b) The department may not issue guidelines that are
104 enforceable as standards for beach management, inlet management,
105 and other erosion control projects without adopting such
106 guidelines by rule.

107 (8) The Legislature intends to simplify and expedite the
108 permitting process for the periodic maintenance of previously
109 permitted and constructed beach nourishment and inlet management
110 projects under the joint coastal permit process. A detailed
111 review of a previously permitted project is not required if
112 there have been no substantial changes in project scope and past
113 performance of the project indicates that the project has
114 performed according to design expectations. The department shall
115 amend chapters 62B-41 and 62B-49, Florida Administrative Code,
116 to streamline the permitting process for periodic beach
117 maintenance projects and inlet sand bypassing activities.

118 (9) Joint coastal permits issued for activities falling
119 under this section and part IV of chapter 373 must allow for two
120 maintenance or dredging disposal events or a permit life of 15
121 years, whichever is greater.

122 Section 2. Subsection (20) of section 161.101, Florida
123 Statutes, is amended to read:

124 161.101 State and local participation in authorized
125 projects and studies relating to beach management and erosion
126 control.—

127 (20) The department shall maintain active ~~a current~~ project
128 listings on its website by fiscal year in order to provide



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129 transparency regarding those projects receiving funding and the
130 funding amounts, and to facilitate legislative reporting and
131 oversight. In consideration of this intent: listing and may, in
132 its discretion and dependent upon the availability of local
133 resources and changes in the criteria listed in subsection (14),
134 revise the project listing.

135 (a) The department shall notify the Executive Office of the
136 Governor and the Legislature regarding any significant changes
137 in the funding levels of a given project as initially requested
138 in the department's budget submission and subsequently included
139 in approved annual funding allocations. The term "significant
140 change" means those changes exceeding 25 percent of a project's
141 original allocation. If there is surplus funding, notification
142 shall be provided to the Executive Office of the Governor and
143 the Legislature to indicate whether additional dollars are
144 intended to be used for inlet management pursuant to s. 161.143,
145 offered for reversion as part of the next appropriations
146 process, or used for other specified priority projects on active
147 project lists.

148 (b) A summary of specific project activities for the
149 current fiscal year, funding status, and changes to annual
150 project lists shall be prepared by the department and included
151 with the department's submission of its annual legislative
152 budget request.

153 (c) A local project sponsor may at any time release, in
154 whole or in part, appropriated project dollars by formal
155 notification to the department, which shall notify the Executive
156 Office of the Governor and the Legislature. Notification must
157 indicate how the project dollars are intended to be used.



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158 Section 3. Paragraph (v) is added to subsection (1) of
159 section 403.813, Florida Statutes, to read:

160 403.813 Permits issued at district centers; exceptions.—

161 (1) A permit is not required under this chapter, chapter
162 373, chapter 61-691, Laws of Florida, or chapter 25214 or
163 chapter 25270, 1949, Laws of Florida, for activities associated
164 with the following types of projects; however, except as
165 otherwise provided in this subsection, nothing in this
166 subsection relieves an applicant from any requirement to obtain
167 permission to use or occupy lands owned by the Board of Trustees
168 of the Internal Improvement Trust Fund or any water management
169 district in its governmental or proprietary capacity or from
170 complying with applicable local pollution control programs
171 authorized under this chapter or other requirements of county
172 and municipal governments:

173 (v) Notwithstanding any other provision in this chapter,
174 chapter 373, or chapter 161, a permit or other authorization is
175 not required for the following exploratory activities associated
176 with beach restoration and nourishment projects and inlet
177 management activities:

178 1. The collection of geotechnical, geophysical, and
179 cultural resource data, including surveys, mapping, acoustic
180 soundings, benthic and other biologic sampling, and coring.

181 2. Oceanographic instrument deployment, including temporary
182 installation on the seabed of coastal and oceanographic data
183 collection equipment.

184 3. Incidental excavation associated with any of the
185 activities listed under paragraph (a) or paragraph (b).

186 Section 4. This act shall take effect July 1, 2012.



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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to beach management; amending s.
161.041, F.S.; specifying that demonstration to the
Department of Environmental Protection of the adequacy
of a project's design and construction is supported by
certain evidence; authorizing the department to issue
permits for an incidental take authorization under
certain circumstances; requiring the department to
adopt certain rules involving the excavation and
placement of sediment; requiring the Department of
Environmental Protection to justify items listed in a
request for additional information; providing
legislative intent; exempting certain previously
permitted projects from detailed review; requiring
that the department amend certain rules to streamline
the permitting process for certain projects and
activities; providing for the permit life of joint
coastal permits; amending s. 161.101, F.S.; requiring
the department to maintain certain beach management
project information on its website; defining the term
"significant change"; requiring the department to
notify the Governor's Office and the Legislature
concerning any significant changes in project funding
levels; amending s. 403.813, F.S.; providing a permit



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216 exemption for certain specified exploratory activities
217 relating to beach restoration and nourishment projects
218 and inlet management activities; providing an
219 effective date.

By Senator Jones

13-00682A-12

2012758

1 A bill to be entitled
2 An act relating to beach management; amending s.
3 161.041, F.S.; specifying that demonstration to the
4 Department of Environmental Protection of the adequacy
5 of a project's design and construction is supported by
6 certain evidence; requiring the permit applicant and
7 the department to negotiate in good faith; authorizing
8 the department to issue permits for an incidental take
9 authorization under certain circumstances; requiring
10 the department to adopt certain rules involving the
11 excavation and placement of sediment; requiring the
12 Department of Environmental Protection to justify
13 items listed in a request for additional information;
14 requiring the department to adopt guidelines by rule;
15 creating s. 161.0413, F.S.; providing for joint
16 coastal permits for certain beach-related projects;
17 providing that certain previously permitted projects
18 are presumed permissible; requiring the department to
19 amend certain rules to facilitate the joint permitting
20 process; providing for the permit life of joint
21 permits; amending s. 161.101, F.S.; requiring the
22 department to maintain certain beach management
23 project information on its website; requiring the
24 department to notify the Governor's Office and the
25 Legislature concerning any significant changes in
26 project funding levels; amending s. 373.406, F.S.;
27 providing a permit exemption for certain specified
28 exploratory activities relating to beach restoration
29 and nourishment; requiring a department determination

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30 of a de minimis permit exemption to be provided within
31 a certain time; providing an effective date.

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

34
35 Section 1. Section 161.041, Florida Statutes, is amended to
36 read:

37 161.041 Permits required.—

38 (1) If a ~~any~~ person, firm, corporation, county,
39 municipality, township, special district, or ~~any~~ public agency
40 desires to make any coastal construction or reconstruction or
41 change of existing structures, or any construction or physical
42 activity undertaken specifically for shore protection purposes,
43 or other structures and physical activity including groins,
44 jetties, moles, breakwaters, seawalls, revetments, artificial
45 nourishment, inlet sediment bypassing, excavation or maintenance
46 dredging of inlet channels, or other deposition or removal of
47 beach material, or construction of other structures ~~if~~ of a
48 solid or highly impermeable design, upon state sovereignty lands
49 ~~of Florida,~~ below the mean high-water line of any tidal water of
50 the state, a coastal construction permit must be obtained from
51 the department before ~~prior to~~ the commencement of such work.
52 The department may exempt interior tidal waters of the state
53 from the permit requirements of this section. ~~No such~~
54 ~~development shall interfere,~~

55 (a) Except during construction, such development may not
56 interfere with the public use ~~by the public~~ of any area of a
57 beach seaward of the mean high-water line unless the department
58 determines that the ~~such~~ interference is unavoidable for

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59 purposes of protecting the beach or an ~~any~~ endangered upland
60 structure. ~~The department may require,~~ As a condition of ~~to~~
61 granting permits under this section, the department may require
62 the provision of alternative access if ~~when~~ interference with
63 public access along the beach is unavoidable. The width of such
64 alternate access may not be required to exceed the width of the
65 access that will be obstructed as a result of the permit being
66 granted. ~~Application for coastal construction permits as defined~~
67 ~~above shall be made to the department upon such terms and~~
68 ~~conditions as set forth by rule of the department.~~

69 (b) Except for the deepwater ports identified in s.
70 403.021(9)(b), the department may ~~shall~~ not issue a ~~any~~ permit
71 for the construction of a coastal inlet jetty or the excavation
72 or maintenance of such an inlet if the activity authorized by
73 the permit will have a significant adverse impact on the sandy
74 beaches of this state without a mitigation program approved by
75 the department. In evaluating the mitigation program, the
76 department shall consider ~~take into consideration~~ the benefits
77 of the long-term sand management plan of the permittee and the
78 overall public benefits of the inlet activity.

79 (2) The department may authorize an excavation or erection
80 of a structure at any coastal location upon receipt of an
81 application from a property or riparian owner and upon
82 consideration of facts and circumstances, including:

83 (a) Adequate engineering data concerning inlet and
84 shoreline stability and storm tides related to shoreline
85 topography;

86 (b) Design features of the proposed structures or
87 activities; and

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88 (c) Potential effects ~~impacts~~ of the location of such
89 structures or activities, including potential cumulative effects
90 of any proposed structures or activities upon such beach-dune
91 system or coastal inlet, which, in the opinion of the
92 department, clearly justify such a permit.

93 (3) The department may require ~~such~~ engineer certifications
94 as necessary to assure the adequacy of the design and
95 construction of permitted projects. Reasonable assurance is
96 demonstrated if the permit applicant provides competent
97 substantial evidence that is based on plans, studies, and
98 credible expertise that accounts for naturally occurring
99 variables that might reasonably be expected.

100 (4) The department may, as a condition to ~~the~~ granting of a
101 permit under this section, require mitigation, financial, or
102 other assurances acceptable to the department as ~~may be~~
103 necessary to assure performance of the conditions of a permit or
104 enter into contractual agreements to best assure compliance with
105 any permit conditions. Biological and environmental monitoring
106 conditions included in the permit must ~~shall~~ be based upon
107 clearly defined scientific principles. The department may also
108 require notice of the required permit conditions ~~required~~ and
109 the contractual agreements entered into pursuant to ~~the~~
110 ~~provisions of~~ this subsection to be filed in the public records
111 of the county in which the permitted activity is located.

112 (5) Department-proposed permit conditions as well as
113 specific provisions and requirements associated with requisite
114 monitoring and mitigation plans must be negotiated in good faith
115 by the agency and the applicant before the issuance of the
116 notice of intent and transmittal of the permit. The subsequent

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117 time period between the applicant receiving a notice of intent
118 and the final notice to proceed may not be used to circumvent
119 the time limits in chapter 120 or the Legislature's expressed
120 intent to simplify and expedite the regulatory process for beach
121 nourishment and inlet management projects pursuant to s.
122 161.0413 when they are declared to be in the public interest
123 pursuant to s. 161.088.

124 (6) Notwithstanding any other provision of law, the
125 department may issue permits pursuant to this part in advance of
126 the issuance of an incidental take authorization provided under
127 the Endangered Species Act and its implementing regulations if
128 the permits and authorizations include a condition that requires
129 that such authorized activities not begin until the incidental
130 take authorization is issued.

131 (7) The department shall adopt rules to address standard
132 mixing zone criteria and antidegradation requirements for
133 turbidity generation for permits that involve the excavation and
134 placement of sediment in order to eliminate the need for
135 variances, except within Outstanding Florida Waters and aquatic
136 preserves, and to reduce the need for other variances issued
137 pursuant to s. 373.414 or s. 403.201. In processing variance
138 requests, the department must consider the legislative
139 declaration that, pursuant to s. 161.088, beach nourishment
140 projects are in the public interest.

141 (8) Application for permits shall be made to the department
142 upon such terms and conditions as set forth by rule.

143 (a) If, as part of the permit process, the department
144 requests additional information, it must cite applicable
145 statutory and rule provisions that justify any item listed in a

13-00682A-12

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146 request for additional information.

147 (b) The department may not issue guidelines that are
148 enforceable as standards for beach management, inlet management,
149 and other erosion control projects without adopting such
150 guidelines by rule.

151 Section 2. Section 161.0413, Florida Statutes, is created
152 to read:

153 161.0413 Joint coastal permits.—The department is
154 authorized to issue a joint coastal permit for activities
155 falling under both s. 161.041 and part IV of chapter 373.

156 (1) The Legislature intends to simplify the permitting
157 process for the periodic maintenance of previously permitted and
158 constructed beach nourishment and inlet management projects
159 under the joint coastal permit process. To achieve that goal:

160 (a) A detailed review of a previously permitted project is
161 not required if there have been no substantial changes in
162 project scope and past performance of the project indicates that
163 it has performed according to design expectations. Such projects
164 are hereby presumed permissible.

165 (b) The department shall amend chapters 62B-41 and 62B-49
166 of the Florida Administrative Code, relating to periodic beach
167 maintenance projects and inlet sand bypassing activities.

168 (2) Joint coastal permits must allow for two maintenance or
169 dredging disposal events or a permit life of 15 years, whichever
170 is greater.

171 Section 3. Subsection (20) of section 161.101, Florida
172 Statutes, is amended to read:

173 161.101 State and local participation in authorized
174 projects and studies relating to beach management and erosion

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175 control.-

176 (20) The department shall maintain active ~~a current~~ project
177 listings on its website by fiscal year in order to provide
178 transparency regarding those projects receiving funding and the
179 funding amounts, and to facilitate legislative reporting and
180 oversight. In consideration of this intent: listing and may, in
181 ~~its discretion and dependent upon the availability of local~~
182 ~~resources and changes in the criteria listed in subsection (14),~~
183 ~~revise the project listing.~~

184 (a) The department shall notify the Executive Office of the
185 Governor and the Legislature regarding any significant changes
186 in the funding levels of a given project as initially requested
187 in the department's budget submission and subsequently included
188 in approved annual funding allocations. The term "significant"
189 means those changes exceeding 25 percent of a project's original
190 allocation. If there is surplus funding, notification shall be
191 provided to the Executive Office of the Governor and the
192 Legislature to indicate whether additional dollars are intended
193 to be used for inlet management pursuant to s. 161.143, offered
194 for reversion as part of the next appropriations process, or
195 used for other specified priority projects on active project
196 lists.

197 (b) A summary of specific project activities for the
198 current fiscal year, funding status, and changes to annual
199 project lists shall be prepared by the department and included
200 with the department's submission of its annual legislative
201 budget request.

202 (c) A local project sponsor may at any time release, in
203 whole or in part, appropriated project dollars by formal

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204 notification to the department, which shall notify the Executive
205 Office of the Governor and the Legislature. Notification must
206 indicate how the project dollars are intended to be used.

207 Section 4. Subsection (13) is added to section 373.406,
208 Florida Statutes, to read:

209 373.406 Exemptions.—The following exemptions shall apply:

210 (13) Notwithstanding subsection (6) and s. 403.813, this
211 section, and any rule or order adopted pursuant thereto, may not
212 require a permit for the following de minimis exploratory
213 activities associated with beach restoration and nourishment:

214 (a) The collection of geotechnical and cultural resource
215 data, including mapping, seismic and acoustic soundings, and
216 benthic and other biologic sampling and coring.

217 (b) Oceanographic instrument deployment, including
218 temporary installation on the seabed of coastal and
219 oceanographic data collection equipment.

220 (c) Incidental excavation associated with any of the
221 activities listed under paragraph (a) or paragraph (b).

222
223 A determination of whether any other activity is de minimis and
224 therefore exempt from the permitting process must be made by the
225 department within 30 days after receipt of the request unless
226 the applicant requests additional time.

227 Section 5. This act shall take effect July 1, 2012.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Environmental Preservation and Conservation Committee

BILL: SB 810

INTRODUCER: Committee on Environmental Preservation and Conservation

SUBJECT: OGSR/Publicly Owned House Museums/Donor Information

DATE: December 20, 2011 REVISED: _____

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

I. Summary:

The bill reenacts the public records exemption which provides that a donor or prospective donor to publicly owned house museums designated by the U.S. Department of Interior as National Historic Landmarks who desires to remain anonymous is exempt from s. 119.07 (1), F.S. and 24(a), Art I of the State Constitution.

The bill reenacts the public records exemption in s. 267.076, of the Florida Statutes.

II. Present Situation:

According to the Florida Department of State, there are only two National Historic Landmarks publicly owned house museums in Florida that are eligible for the exemption. The two houses are the Marjorie Kinnan Rawlings home in Cross Creek (between Gainesville and Ocala) that is owned by the Florida Department of Environmental Protection (DEP) and the Vizcaya Museum and Gardens (often referred to as Vizcaya) that is owned by Miami-Dade County and is located in the north Coconut Grove area of the City of Miami, overlooking Biscayne Bay.¹

After Marjorie Kinnan Rawlings graduated from the University of Wisconsin, she married fellow writer Charles Rawlings and worked as a journalist for a number of years. Marjorie Kinnan Rawlings came to rural Cross Creek in 1928 to find a home and a place to write.² Her best known work is *The Yearling* which earned her the Pulitzer Prize for fiction in 1939. Three of her

¹ Vizcaya Museum and Gardens General Information. www.vizcayamuseum.com/plan-general.asp (last visited July 8, 2011).

² Marjorie Kinnan Rawlings Historic State Park History and Culture, www.floridastateparks.org/history/parkhistory.cfm?parkid=75 (last visited July 7, 2011).

books, *Cross Creek*, *The Yearling*, and *Gal Young Un'*, were made into movies. Her novels portray her affection for the land, nature, and the people of Cross Creek, Florida, which she called home.

The Marjorie Kinnan Rawlings homestead is located on the property of the Marjorie Kinnan Rawlings Historic State Park in Cross Creek, Florida. In 2006 the park was designated a National Historic Landmark. Visitors to the park may tour the author's farmhouse, the citrus grove, the tenant house and barn, and experience the rural farm life of the 1930s. The Rawlings cracker farmhouse has original furnishings. Visitors to the Rawlings home may find staff members dressed in clothes and preparing dishes reflecting the time period. Although you can see the historic home at any time, access inside the house is by guided tour only. Guided tours cost \$3 for adults, \$2 for children 6-12, and admission is free for children under 6.³

Vizcaya was the winter residence of American industrialist James Deering from Christmas 1916 until his death in 1925. Deering was a Vice President of the International Harvester Company, which produced agricultural equipment for a worldwide market. He chose a bay front site in Miami for his tropical winter home because of the temperate winter climate and his appreciation of the native hardwood hammock. In addition, his father, William, had already settled in Coconut Grove and his half brother, Charles Deering, would soon develop an estate at Cutler, in what is now south Miami-Dade County. The latter is now operated as the Deering Estate at Cutler.⁴

At the time of Vizcayas's construction, Miami's population was around 10,000. More than 1,000 workers were employed in the Vizcaya project, including laborers and craftsmen from the Caribbean and Europe. In addition to the house and gardens, the complex included a farm, livestock, and a variety of other service facilities covering 180 acres on both sides of South Miami Avenue.

The house was intended to appear as an Italian estate. It has 34 decorated rooms with 15th through 19th century antique furnishings and art objects. Vizcaya Museum and Gardens is a Miami-Dade County facility that is accredited by the American Association of Museums and distinguished as a United States National Historic Landmark. Vizcaya serves approximately 174,000 local residents and tourists annually. General tours of the Main House and gardens are available by appointment any day of the week.⁵ The cost of admission for adults is approximately \$15, children aged 6-12 are \$6, and children under the age of 5 are admitted free.

The professional staff of the Senate Committee on Environmental Preservation and Conservation (Florida Senate) surveyed the Marjorie Kinnan Rawlings Historic State Park through DEP's legislative staff to determine how often donors had requested anonymity when donating to the park. The survey also requested specifics regarding the amount of donations and if the park had a system in place to provide anonymity to its donors. Based on the completed survey provided to Florida Senate professional staff, since 2007 a park donor has never requested anonymity. However, the survey did reveal that the agency was unaware of the anonymity exemption prior

³ The Friends of Marjorie Kinnan Rawlings Farm, Inc. www.marjoriekinnanrawlings.org/parkinfo.php (last visited July 7, 2011).

⁴ Vizcaya Museum and Gardens History www.vizcayamuseum.org/learn-history.asp (last visited July 8, 2011).

⁵ Vizcaya Museum and Gardens Introduction www.vizcayamuseum.org/knownus-intro.asp (last visited July 8, 2011).

to completing the survey. The donations to the park between 2007-2010 totaled approximately \$13,000. In 2011, the park received two donations totaling approximately \$15,000.

Florida Senate professional staff also surveyed the Vizcaya Museum and Gardens. The response to the survey was prepared and submitted by the Vizcayans, Inc., the private support organization for Vizcaya Museum and Gardens. The Vizcayans describe their private support program for the publicly owned and operated museum as robust. According to Vizcayans, Inc., the exemption from disclosure of information on actual or prospective donors who request anonymity was sought from the Florida Legislature to:

- ensure that Vizcaya professional staff can pursue donations unhampered;
- ensure the museum's ability to comply with donor privacy requirements of the Better Business Bureau (BBB);
- and to ensure that the charitable giving program at Vizcaya could fairly compete with programs for privately owned and operated museums.

There is an operational requirement for Vizcaya under the (BBB) Wise Giving Alliance Standards for Charity Accountability.⁶ Compliance with these standards is mandated and required under the terms of the Vizcayans' operating agreement with the Vizcaya Museum and Gardens Trust. The policy states that both new and continuing donors must have an annual option to inform the charity if they do not want their name and address shared. The charity must make the privacy policy available to donors and clearly state what information if any is shared with another organization and the charity must specify the security measures the charity has in place to protect personal information.

In 2010-2011, Vizcaya received approximately eight donations totaling \$483,941. According to the completed survey, between 2008-2011, one donor has asserted and consistently maintained their request for anonymity. The total amount of donation that this person/entity donated is less than \$100,000. However, it is the Vizcayan's belief that future contributions from this donor may amount to millions of dollars as long as the museum can offer the option of anonymity. Further, according to the survey, many other prospective donors have stated that they are not willing to have their identities released publicly.

The exemption only affects donors who choose to donate anonymously to the Marjorie Kinnan Rawlings Historic State Park and Vizcaya Museum and Gardens. Although, the Marjorie Kinnan Rawlings Historic State Park staff has not utilized the anonymous donor option the Vizcaya Museum and Gardens has built their fundraising campaign around this exclusive option. Therefore, the Senate Environmental Preservation and Conservation Staff recommends that the public record exemption be reenacted.

Public Records and Meetings

The State of Florida has a long history of providing public access to governmental records. The Florida Legislature enacted the first public records law in 1892.⁷ One hundred years later,

⁶ BBB Wise Giving Alliance Standards for Charity Accountability www.bbb.org/us/Charity-Standards (last visited July 8, 2011.)

⁷ Section 1390, 1391 Florida Statutes (Rev. 1892).

Floridians adopted an amendment to the State Constitution that raised the statutory right of access to public records to a constitutional level.⁸ Article I, s. 24 of the State Constitution, provides that:

(a) Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution. This section specifically includes the legislative, executive, and judicial branches of government and each agency or department created thereunder; counties, municipalities, and districts; and each constitutional officer, board, and commission, or entity created pursuant to law or this Constitution.

In addition to the State Constitution, the Public Records Act,⁹ which pre-dates the current State Constitution, specifies conditions under which public access must be provided to records of the executive branch and other agencies. Section 119.07(1) (a), F.S., states:

Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records.

Unless specifically exempted, all agency¹⁰ records are available for public inspection. The term “public record” is broadly defined to mean:

. . .all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.¹¹

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business, which are used to perpetuate, communicate, or formalize knowledge.¹² All such materials, regardless of whether they are in final form, are open for public inspection unless made exempt.¹³

Article I, s. 24 of the State Constitution also provides that all meetings of any collegial public body of the executive branch of state government or of any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which the public business of such body is to be transacted or discussed, shall be open and noticed to the

⁸ Article I, s. 24 of the State Constitution.

⁹ Chapter 119, F.S.

¹⁰ The word “agency” is defined in s. 119.011(2), F.S., to mean “. . . any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

¹¹ s. 119.011(12), F.S.

¹² *Shevin v. Byron, Harless, Schaffer, Reid and Associates, Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

¹³ *Wait v. Florida Power & Light Company*, 372 So. 2d 420 (Fla. 1979).

public and meetings of the Legislature shall be open and noticed as provided in Article III, Section 4(e), except with respect to meetings exempted pursuant to this section or specifically closed by this Constitution. In addition, the Sunshine Law, s. 286.011, F.S., provides that all meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meetings.

Only the Legislature is authorized to create exemptions to open government requirements.¹⁴ An exemption must be created in general law, must state the public necessity justifying it, and must not be broader than necessary to meet that public necessity.¹⁵ A bill enacting an exemption¹⁶ may not contain other substantive provisions, although it may contain multiple exemptions that relate to one subject.¹⁷

There is a difference between records that the Legislature has made exempt from public inspection and those that are *confidential* and exempt. If the Legislature makes a record confidential and exempt, such information may not be released by an agency to anyone other than to the persons or entities designated in the statute.¹⁸ If a record is simply made exempt from disclosure requirements, an agency is not prohibited from disclosing the record in all circumstances.¹⁹

The Open Government Sunset Review Act (the Act)²⁰ provides for the systematic review, through a 5-year cycle ending October 2 of the 5th year following enactment, of an exemption from the Public Records Act or the Sunshine Law. Each year, by June 1, the Division of Statutory Revision of the Office of Legislative Services is required to certify to the President of the Senate and the Speaker of the House of Representatives the language and statutory citation of each exemption scheduled for repeal the following year.

The Act states that an exemption may be created, revised, or maintained only if it serves an identifiable public purpose and if the exemption is no broader than is necessary to meet the public purpose it serves. An identifiable public purpose is served if the exemption meets one of three specified criteria and if the Legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exemption. The three statutory criteria are that the exemption:

¹⁴ Art. I, s. 24(c) of the State Constitution.

¹⁵ *Memorial Hospital-West Volusia v. News-Journal Corporation*, 729 So. 2d 373, 380 (Fla. 1999); *Halifax Hospital Medical Center v. News-Journal Corporation*, 724 So.2d 567 (Fla. 1999).

¹⁶ Under s. 119.15, F.S., an existing exemption may be considered a new exemption if the exemption is expanded to cover additional records.

¹⁷ Art. I, s. 24(c) of the State Constitution.

¹⁸ Attorney General Opinion 85-62.

¹⁹ *Williams v. City of Minneola*, 575 So. 2d 683, 687 (Fla. 5th DCA), review denied, 589 So. 2d 289 (Fla. 1991).

²⁰ s. 119.15, F.S.

- Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption:
- Protects information of a sensitive personal nature concerning individuals, the release of which would be defamatory or cause unwarranted damage to the good name or reputation of such individuals, or would jeopardize their safety; or
- Protects information of a confidential nature concerning entities, including, but not limited to, a formula, pattern, device, combination of devices, or compilation of information that is used to protect or further a business advantage over those who do not know or use it, the disclosure of which would injure the affected entity in the marketplace.²¹

The Act also requires the Legislature to consider the following:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

While the standards in the Act may appear to limit the Legislature in the exemption review process, those aspects of the Act that are only statutory, as opposed to constitutional, do not limit the Legislature because one session of the Legislature cannot bind another.²² The Legislature is only limited in its review process by constitutional requirements.

Further, s. 119.15(8), F.S., makes explicit that:

... notwithstanding s. 778.28 or any other law, neither the state or its political subdivisions nor any other public body shall be made party to any suit in any court or incur any liability for the repeal or revival and reenactment of any exemption under this section. The failure of the Legislature to comply strictly with this section does not invalidate an otherwise valid reenactment.

In 2007, the Legislature created a public record exemption for information that identifies a donor or prospective donor to a publicly owned house museum designated by the United States Department of the Interior as a National Historic Landmark. The exemption is applicable only if the donor or prospective donor wished to remain anonymous.²³

²¹ s. 119.15(6)(b), F.S.

²² *Straughn v. Camp*, 293 So. 2d 689, 694 (Fla. 1974).

²³ s. 267.076, F.S.

III. Effect of Proposed Changes:

The bill reenacts the public records exemption in s. 267.076, F.S., which provides that a donor or prospective donor to publicly owned house museums designated by the U.S. Department of Interior as National Historic Landmarks who desires to remain anonymous is exempt from s. 119.07 (1), F.S. and 24(a), Art. I of the State Constitution.

The exemption only affects donors who choose to donate anonymously to the Marjorie Kinnan Rawlings Historic State Park and Vizcaya Museum and Gardens. The exemption would apply to any contact information/records that the museum has collected related to the solicitation or collection of donor monies.

The bill will take effect October 1, 2012.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

The bill reenacts a public records exemption in s. 276.076, F.S.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

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

None.

- B. **Amendments:**

None.

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

By the Committee on Environmental Preservation and Conservation

592-00824-12

2012810__

1 A bill to be entitled

2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 267.076, F.S., relating
4 to an exemption from public records requirements
5 provided for information that identifies a donor or
6 prospective donor to publicly owned house museums
7 designated by the United States Department of Interior
8 as National Historic Landmarks who desires to remain
9 anonymous; saving the exemption from repeal under the
10 Open Government Sunset Review Act; removing the
11 scheduled repeal of the exemption; providing an
12 effective date.

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

15
16 Section 1. Section 267.076, Florida Statutes, is amended to
17 read:

18 267.076 Confidentiality of certain donor information
19 related to publicly owned house museums designated as National
20 Historic Landmarks.—Information that would identify a donor or
21 prospective donor to a publicly owned house museum designated by
22 the United States Department of the Interior as a National
23 Historic Landmark who desires to remain anonymous is
24 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
25 of the State Constitution. ~~This section is subject to the Open
26 Government Sunset Review Act in accordance with s. 119.15 and
27 shall stand repealed on October 2, 2012, unless reviewed and
28 saved from repeal through reenactment by the Legislature.~~

29 Section 2. This act shall take effect October 1, 2012.

THE FLORIDA SENATE
APPEARANCE RECORD

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

1.9.12
Meeting Date

Topic SEATTLE TANK EVAL ASSESS

Bill Number 920
(if applicable)

Name DAVID COLLEN

Amendment Barcode 723570
(if applicable)

Job Title _____

Address 1674 UNIVERSITY PKWY #296
Street
SARASOTA FL 34243
City State Zip

Phone 941.323.2404

E-mail COLLENDASSE@
901.COM

Speaking: For Against Information

Representing SIERRA CLUB FL

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

5

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

1/9/12

Meeting Date

Topic ~~SE~~ ONSITE SEWAGE TREATMENT & DISPOSAL SYSTEM Bill Number SB 820
(if applicable)

Name KEYNA CORY Amendment Barcode 723570
(if applicable)

Job Title SENIOR LOBBYIST

Address 110 E. COLLEGE AVE Phone 850 681-1065

Street

TAUAHASSEE FL 32301

City

State

Zip

E-mail keynacory@paconsultants.com

Speaking: For Against Information

Representing ASSOCIATED INDUSTRIES OF FL (AIF)

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

5

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

1-9-2011

Meeting Date

Topic Septic Tank Evaluations

Bill Number SB 820

(if applicable)

Name John Rothell

Amendment Barcode 723570

(if applicable)

Job Title Director of Political Operations

Address 200 S. Monroe St

Phone 850-224-1400

Street

Tallahassee

FL

32301

City

State

Zip

E-mail johnr@florida-reactors.org

Speaking: For Against Information

Representing Florida Reactors

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

5

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

1/9/2012

Meeting Date

Topic Septic Systems

Bill Number 820
(if applicable)

Name Dan Peterson

Amendment Barcode 723570
(if applicable)

Job Title Executive Director

Address 2289 S. Osceola Ave

Phone 407-758-2491

Street

Orlando FL 32806

City

State

Zip

E-mail danpeterson@proprights.com

Speaking: For Against Information

Representing Coalition For Property Rights

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

5

1/9/12
Meeting Date

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

Topic ONSITE SEPTIC TANKS

Bill Number 820
(if applicable)

Name STEPHEN JAMES

Amendment Barcode _____
(if applicable)

Job Title _____

Address 100 S. MONROE

Phone 922-4300

TALLAHASSEE
City State Zip

E-mail _____

Speaking: For Against Information

Representing FUA ASSOC. OF COUNTIES

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

Topic GTWER

Bill Number _____
(if applicable)

Name harris M. NOT

Amendment Barcode _____
(if applicable)

Job Title home owner

Address 316 SW MARIA, MARIE Ct
Street
Lake City FL 32024
City State Zip

Phone 386-288-3717

E-mail _____

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

5

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

1/9/12
Meeting Date

Topic Septic Tanks

Bill Number 820
(if applicable)

Name Ryan Matthews

Amendment Barcode _____
(if applicable)

Job Title Leg. Advocate

Address 301 S. Bronough St. Suite 300
Street

Phone 850-222-9684

City

State

Zip

E-mail rmatthews@flcities.com

Speaking: For Against Information

Representing FL League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

5

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

January 9, 2012
Meeting Date

Topic Septic Tank Legislation

Bill Number SB 820
(if applicable)

Name Richard Harrison

Amendment Barcode _____
(if applicable)

Job Title farmer

Address 635 Dowling Rd
Street

Phone 850-762-3366

Marianna FL 32448
City State Zip

E-mail rharrison922@yahoo.com

Speaking: For Against Information

Representing myself

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

5

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

1/9/12
Meeting Date

Topic Septic Tanks

Bill Number SB 820
(if applicable)

Name Mary Jean Yon

Amendment Barcode _____
(if applicable)

Job Title _____

Address 3324 Charleston Rd.
Street

Phone _____

Tallahassee FL 32309
City State Zip

E-mail maryjeanyon@comcast.net

Speaking: For Against Information

Representing Audubon Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD

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

1-09-12

Meeting Date

Topic Septic Tank

Bill Number SB 820
(if applicable)

Name Sharon Glass

Amendment Barcode _____
(if applicable)

Job Title Public Awareness Advisor

Address 5661 Windrun Pl

Phone 850-994-7548

Pace FL 32571
City State Zip

E-mail southernkitty@bellsouth.net

Speaking: For Against Information

Representing Santa Rosa Tea Party + ^{The} Tea Party Network

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

5
1

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

2/9/12
Meeting Date

Topic ON SITE SEWAGE TREATMENT

Bill Number SB 820
(if applicable)

Name JOE BOURASSA

Amendment Barcode _____
(if applicable)

Job Title RETIRED

Address 801 LEWIS DRIVE
Street
DAYTONA BEACH, FL. 32117
City State Zip

Phone 386-253-9017

E-mail BOURASSA.JOE@GMAIL.COM

Speaking: For Against Information

Representing COMMON PEOPLE

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

1/9/12
Meeting Date

Topic S.B. 820

Bill Number _____
(if applicable)

Name Kenneth Witt

Amendment Barcode _____
(if applicable)

Job Title _____

Address 5070 Windron Pl.
Street
Pace FL 32571
City State Zip

Phone 850-232-1011

E-mail _____

Speaking: For Against Information

Representing S.R.T.P.P.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

5

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

1/9
Meeting Date

Topic Onsite Sewage Treatment & Disposal

Bill Number 820
(if applicable)

Name Andy Dubois

Amendment Barcode _____
(if applicable)

Job Title _____

Address 22011 Breezy Oak Drive
Street
Howey in the Hills, FL 34737
City State Zip

Phone _____

E-mail _____

Speaking: For Against Information

Representing North Lake Tea Party

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

5

9 Jan 2012

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

Meeting Date

Topic ONSITE MAINTENANCE PROGRAM

Bill Number 820
(if applicable)

Name ROXANNE L. GROOVER

Amendment Barcode _____
(if applicable)

Job Title EXECUTIVE DIRECTOR

Address 5115 STATE ROAD 557

Phone 863 956 5540

Street

LAKE ALFRED FL 33850

E-mail rgroover@fowaonsite.com

City

State

Zip

Speaking: For Against Information

Representing FLORIDA ONSITE WASTEWATER ASSOCIATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

5

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

Meeting Date _____

Topic Onsite Sewage Treatment

Bill Number 820
(if applicable)

Name Mat Forrest

Amendment Barcode _____
(if applicable)

Job Title _____

Address 403 E. Park Ave.

Phone _____

Street

Tallahassee FL

E-mail _____

City

State

Zip

Speaking: For Against Information

Representing FL Assoc. of Destination Marketing Organizations

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

5

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

1/9/12

Meeting Date

Topic Septic Tank Inspections

Bill Number 820
(if applicable)

Name Keith Hetrick

Amendment Barcode _____
(if applicable)

Job Title OF Counsel

Address Broad + Cassel

Phone 251-1838

Street

215 S. Monroe, Tall, FL 32301

E-mail _____

City

State

Zip

khhetrick@broadandcassel.com

Speaking: For Against Information

Representing Florida Home Builders Assoc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

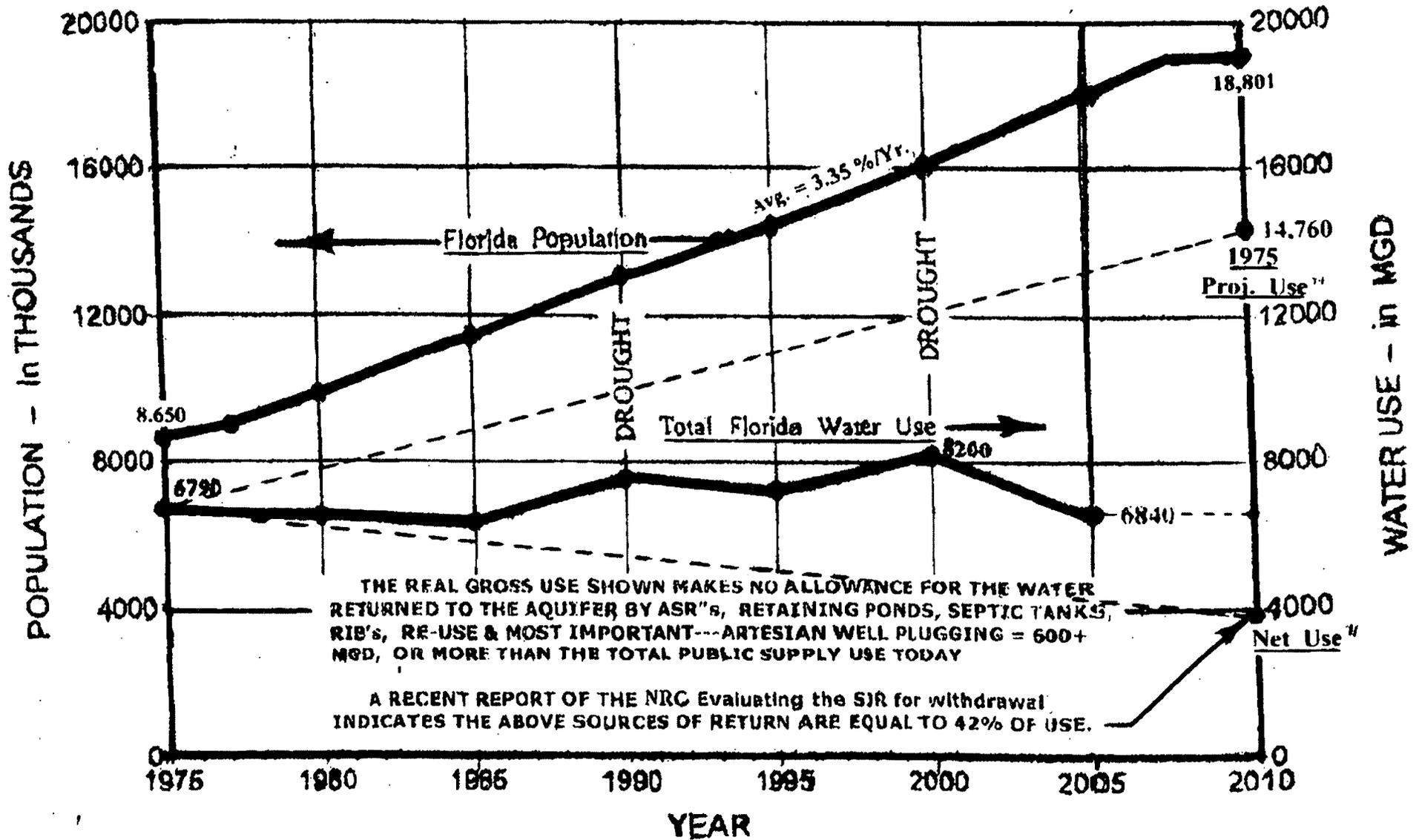
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S-001 (10/20/11)

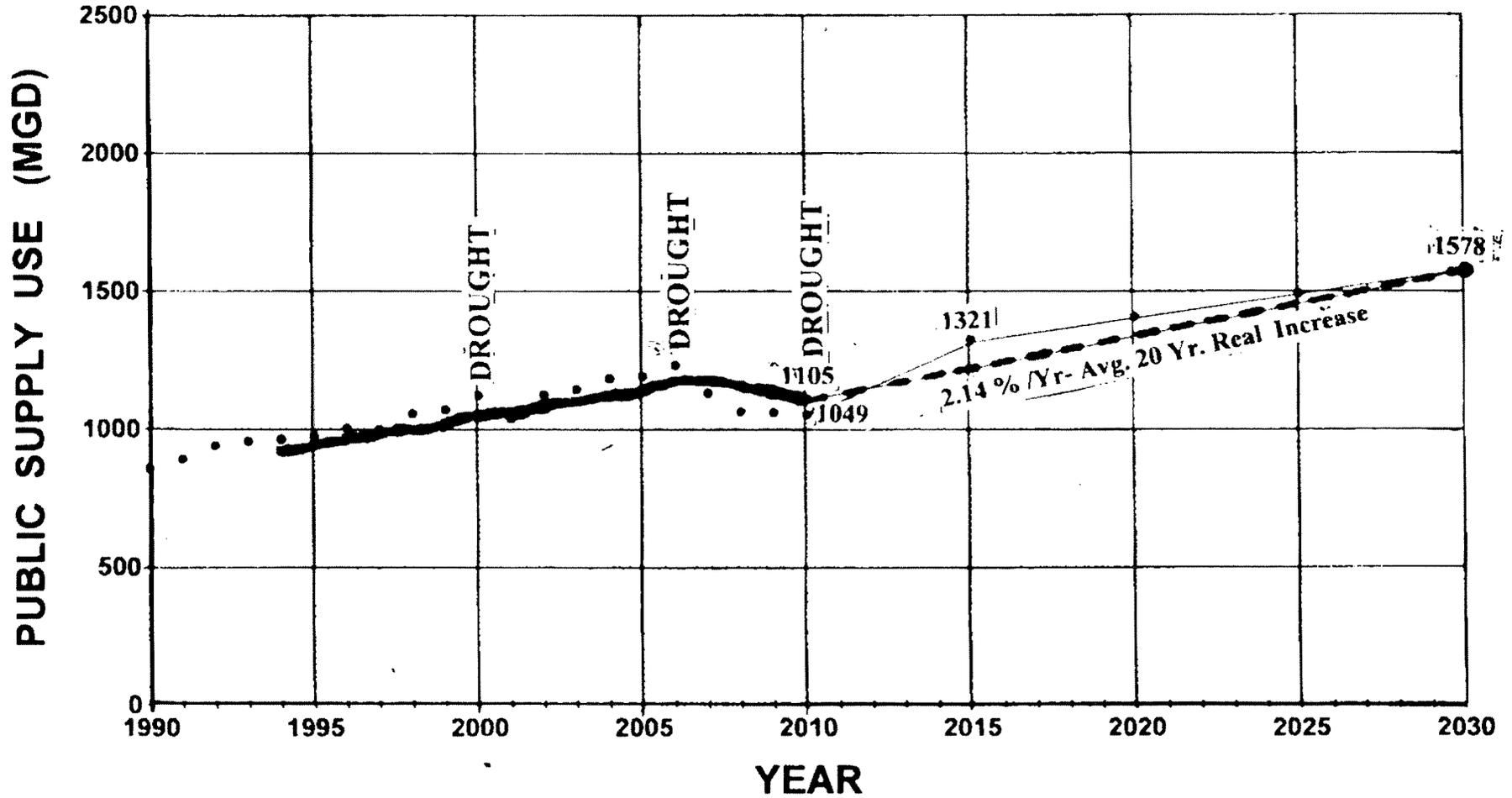
FLORIDA TOTAL WATER USE & POPULATION

1975 -- 2010



SFWMD PUBLIC SUPPLY & PROJECTION

1990 -- 2030



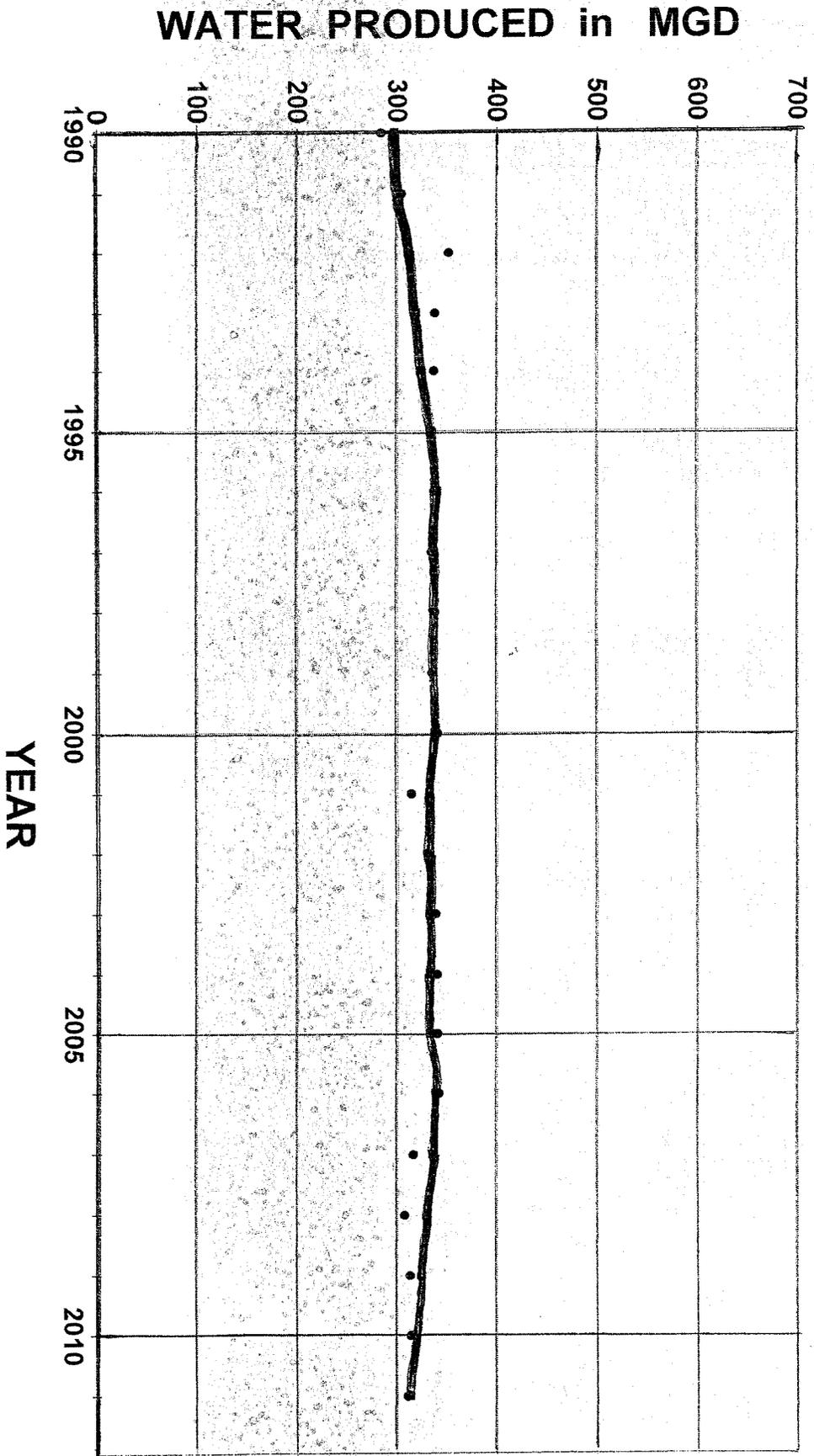
DATA: SFWMD

DOTS = YEARLY SOLID LINE = 5 Yr. MA

JB JAN. 2012

MIAMI - DADE UTILITY WATER USE

1990 -- 2012



DATA: MDWASD

DOTS = YEARLY SOLID LINE = 5 YR MA

JB DEC. 2011

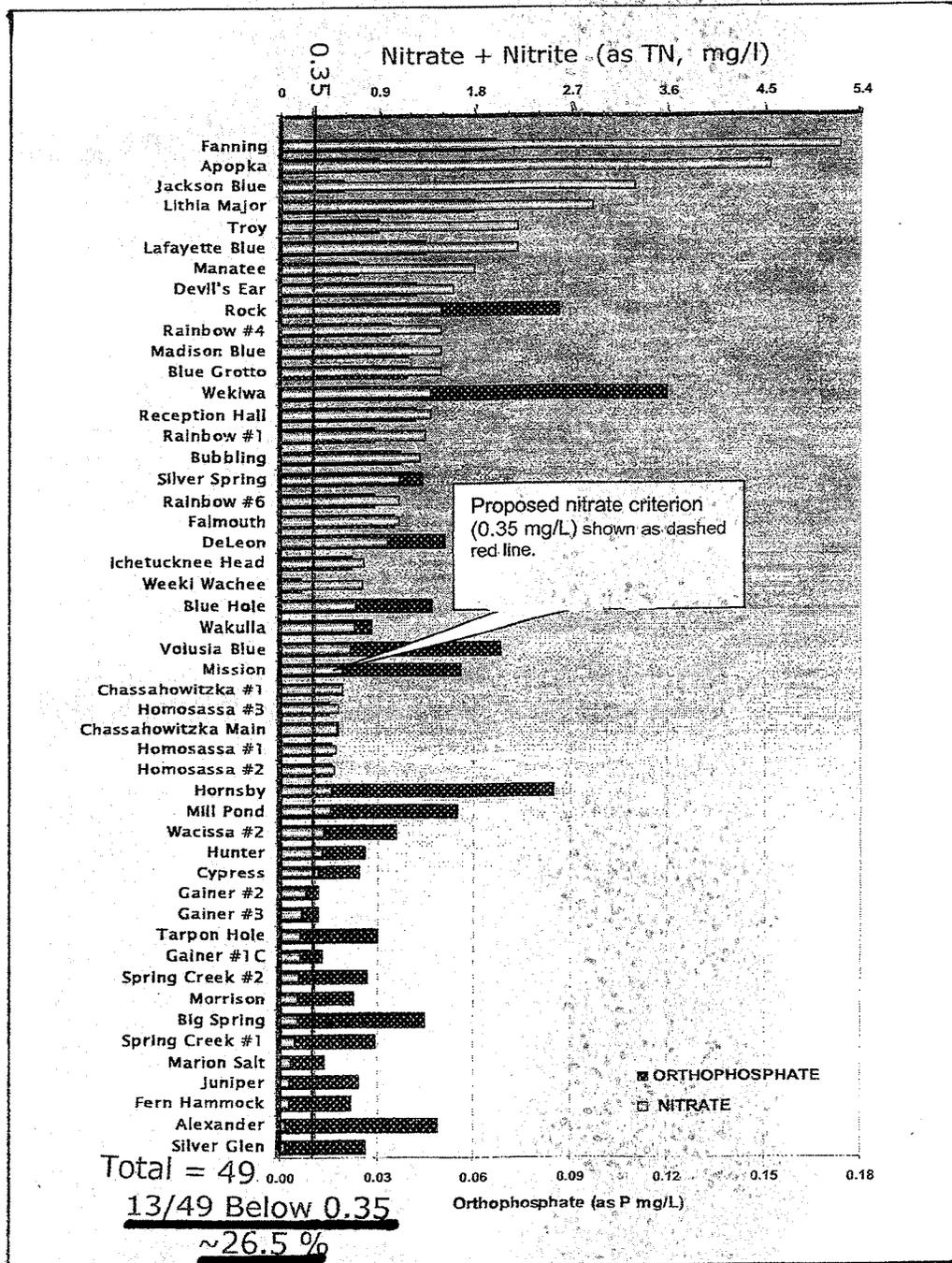


Figure 8: Nitrate and Orthophosphate in Network Springs (2001-2006)

SJRWMD LSJR PROJECT

FACILITY	FLOW	FLOW	TN	TN Total		FACILITIES ARRANGED BY	FLOW	FLOW	TN	TN Total	
	Current	Start Pt	1997-98	Start Point	* Kg/Yr		VOLUME of TN DISCHARGE	Current	Start Pt	1997-98	Start Pt
			mg/L	Lb/Day					mg/L	Lbs/Day	
1 SMURFIT-STONE CONTAINER	6.88	8.85	6.8	502	83286	1 JEA - BUCKMAN WWTF	32.04	34.02	10.5	2966	
2 JEFFERSON SMURFIT JAX	0	6	8.8	441	73166	2 JEA - ARLINGTON WWTF	12.86	18	14.3	2143	
3 USN- NS MAYPORT WWTF	0.88	1.03	3.2	27	4480	3 GEORGIA-PACIFIC	24.49	34.2	5.5	1556	
4 USN- NAS JAX WWTF	0.955	1.13	8.5	80	13273	4 JEA - NORTHEAST WWTF	3.2	5.4	22.7	1016	
5 GEORGIA-PACIFIC	24.49	34.2	5.5	1556		5 JEA - SOUTHWEST WWTF	7.3	10	10.5	875	
6 JAX BEACH WWTF	2.5	3.2	9.1	242	40150	6 SMURFIT-STONE	6.88	8.85	6.8	502	
7 NEPTUNE BEACH WWTF	0.744	0.94	8.8	69	11448	7 JEFFERSON SMURFIT JAX	0	6	8.8	441	
8 GREEN COVE SPR'G WWTF	0.514	0.75	9.2	57		8 PALATKA WWTF	2.22	3	14.7	367	
9 WESTMINSTER WOODS	0.03	0.05	4.6	1.9	315	9 JEA - MONTEREY WWTF	2.66	3.6	11.3	341	
10 ATLANTIC BEACH WWTF	0.91	1.13	13.4	127	21070	10 JEA - MANDARIN WWTF	5.88	7	5.34	312	
11 JEA - MANDARIN WWTF	5.88	7	5.34	312	51764	11 JAX BEACH WWTF	2.5	3.2	9.1	242	
12 JEA - MONTEREY WWTF	2.66	3.6	11.3	341	56574	12 JEA - ROYAL LANES WWTF	1.64	2.99	7.8	193	
13 JEA - HOLLY OAKS WWTF	0	0	8.3	0	0	13 CCUA - MILLER ST. WWTF	3.54	4.99	4.5	189	
14 JEA - SAN JOSE WWTF	1.65	2.25	10	188	31191	14 JEA - SAN JOSE WWTF	1.65	2.25	10	188	
15 JEA - JAX HEIGHTS WWTF	1.07	1.62	10.1	136	22564	15 CCUA - FLEMMING ISLE. WWTF	1.078	?		172	
16 ORANGE PARK WWTF	1.16	0	?	150	24886	16 ATLANTIC BEACH - MAIN WWTF	1.73	1.8	11.4	170	
17 JEA - SAN PABLO WWTF	0.58	0.75	6.5	40	6636	17 ORANGE PARK WWTF	1.16	0	?	150	
18 CCUA - MILLER ST WWTF	3.54	4.99	4.5	189	31357	18 JEA - JAX HEIGHTS WWTF	1.07	1.62	10.1	136	
19 JEA - ORTEGA HILLS WWTF	0.09	0	16.8	0	0	19 ATLANTIC BEACH WWTF	0.91	1.13	13.4	127	
20 JEA - BUCKMAN WWTF	32.04	34.02	10.5	2966	492086	20 FWSC - BEACON HILLS WWTF	0.66	0.99	11.9	99	
21 JEA - ARLINGTON WWTF	12.86	18	14.3	2143	355543	21 ANHEUSER BUSCH - MAIN ST	1.46	2.6	3.9	84	
22 JEA - NORTHEAST WWTF	3.2	5.4	22.7	1016	168564	22 USN- NAS JAX WWTF	0.955	1.13	8.5	80	
23 JEA - SOUTHWEST WWTF	7.3	10	10.5	875	145170	23 NEPTUNE BEACH WWTF	0.744	0.94	8.8	69	
24 JEA - ROYAL LAKES WWTF	1.64	2.99	7.8	193	32020	24 FWSC - WOODMERE WWTF	0.43	0.64	11.6	61	
15 FWSC - BEACON HILLS WWTF	0.66	0.99	11.9	99	16425	25 GREEN COVE SPR'G WWTF	0.514	0.75	9.2	57	
26 FWSC - WOODMERE WWTF	0.43	0.64	11.6	61	10120	26 JEA - JULINGTON CREEK WWTF	0.21	0.476	12	48	
27 GREEN COVE SPR'G S WWTF	0.21	0.27	13.6	31		27 JEA - SAN PABLO WWTF	0.58	0.75	6.5	40	
28 CCUA - FLEMMING OAKS WWTF	0.37	0.4	3.1	10.1	1676	28 GREEN COVE SPR'G S WWTF	0.21	0.27	13.6	31	
29 ATLANTIC BEACH - MAIN WWTF	1.73	1.8	11.4	170	28205	29 USN- NS MAYPORT WWTF	0.88	1.03	3.2	27	
30 PALATKA WWTF	2.22	3	14.7	367		30 CCUA - FLEMMING OAKS WWTF	0.37	0.4	3	10.1	
31 ANHEUSER BUSCH - MAIN ST.	1.46	2.6	3.9	84	13936	31 HASTINGS WWTF	0.085	0.103	4.5	3.9	
32 HASTINGS WWTF	0.085	0.103	4.5	3.9		32 WESTMINSTER WOODS	0.03	0.05	4.6	1.9	
33 JEA - JULINGTON CREEK WWTF	0.21	0.476	12	48	7964						
34 CCUA - FLEMMING ISLE. WWTF	1.078	?		172	28536						

AVG. - 8.91

12698

TOTAL

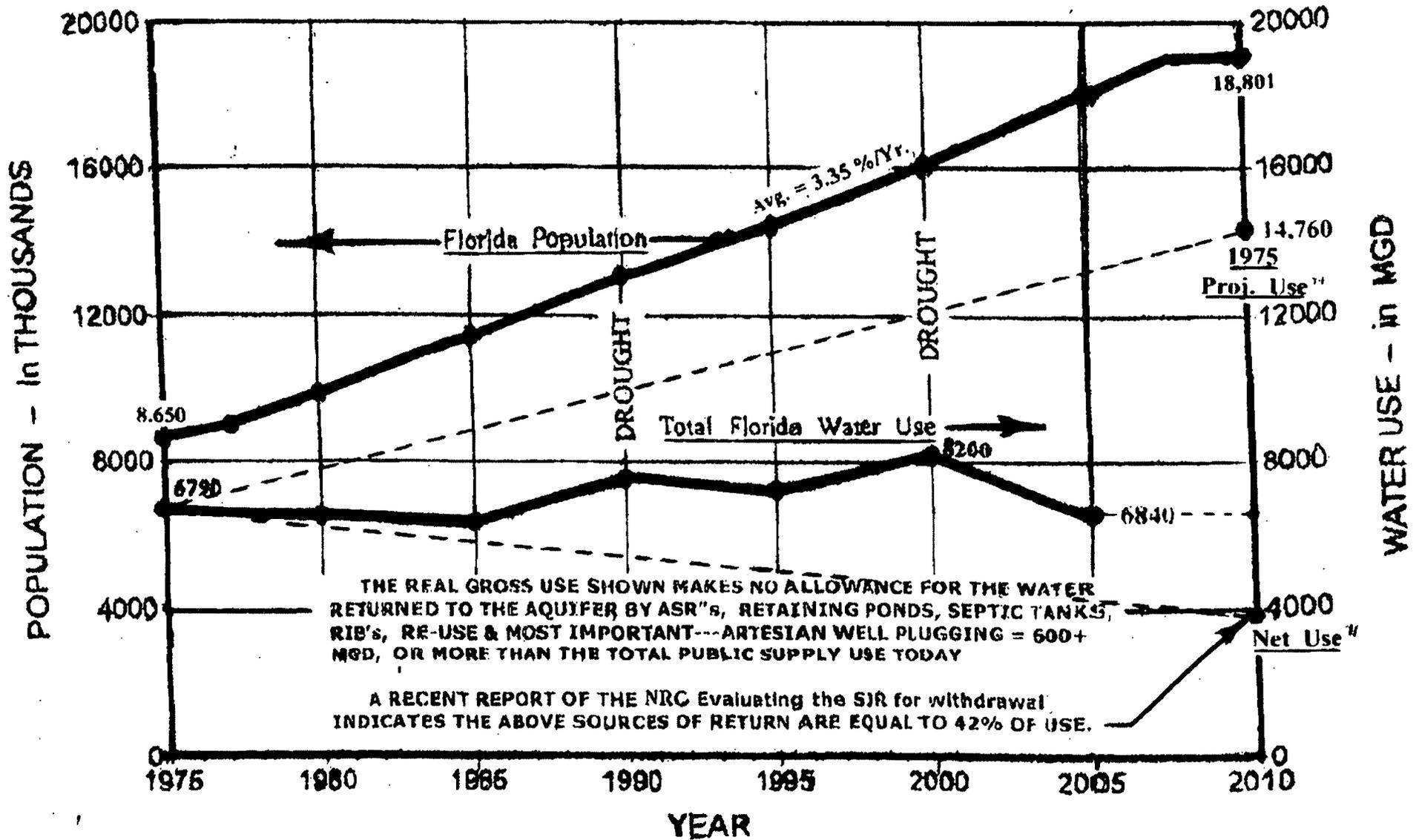
120.03 158 18

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JB 11/2/06

FLORIDA TOTAL WATER USE & POPULATION

1975 -- 2010

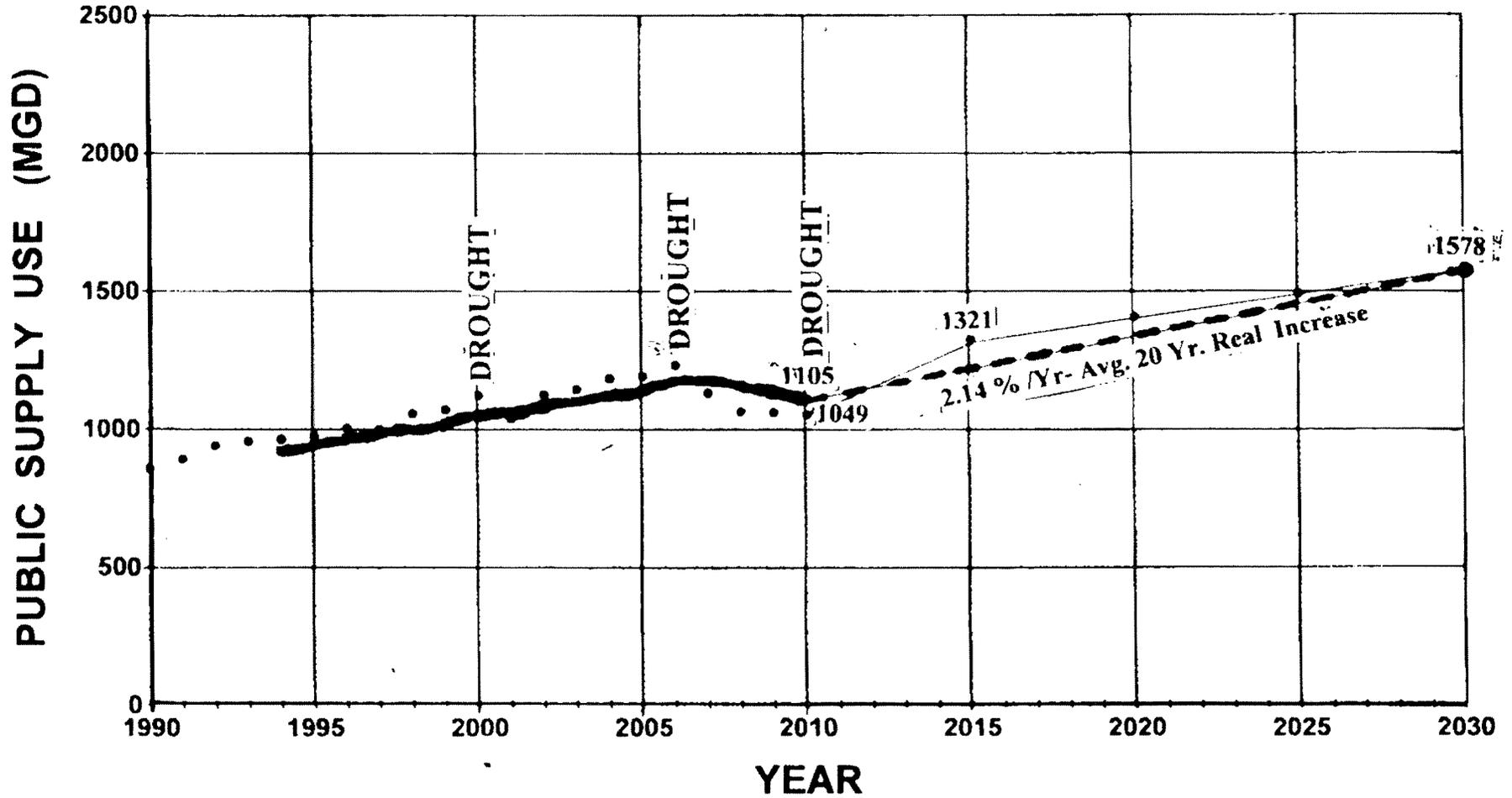


Numbers from USGS

JB NOV. 2011

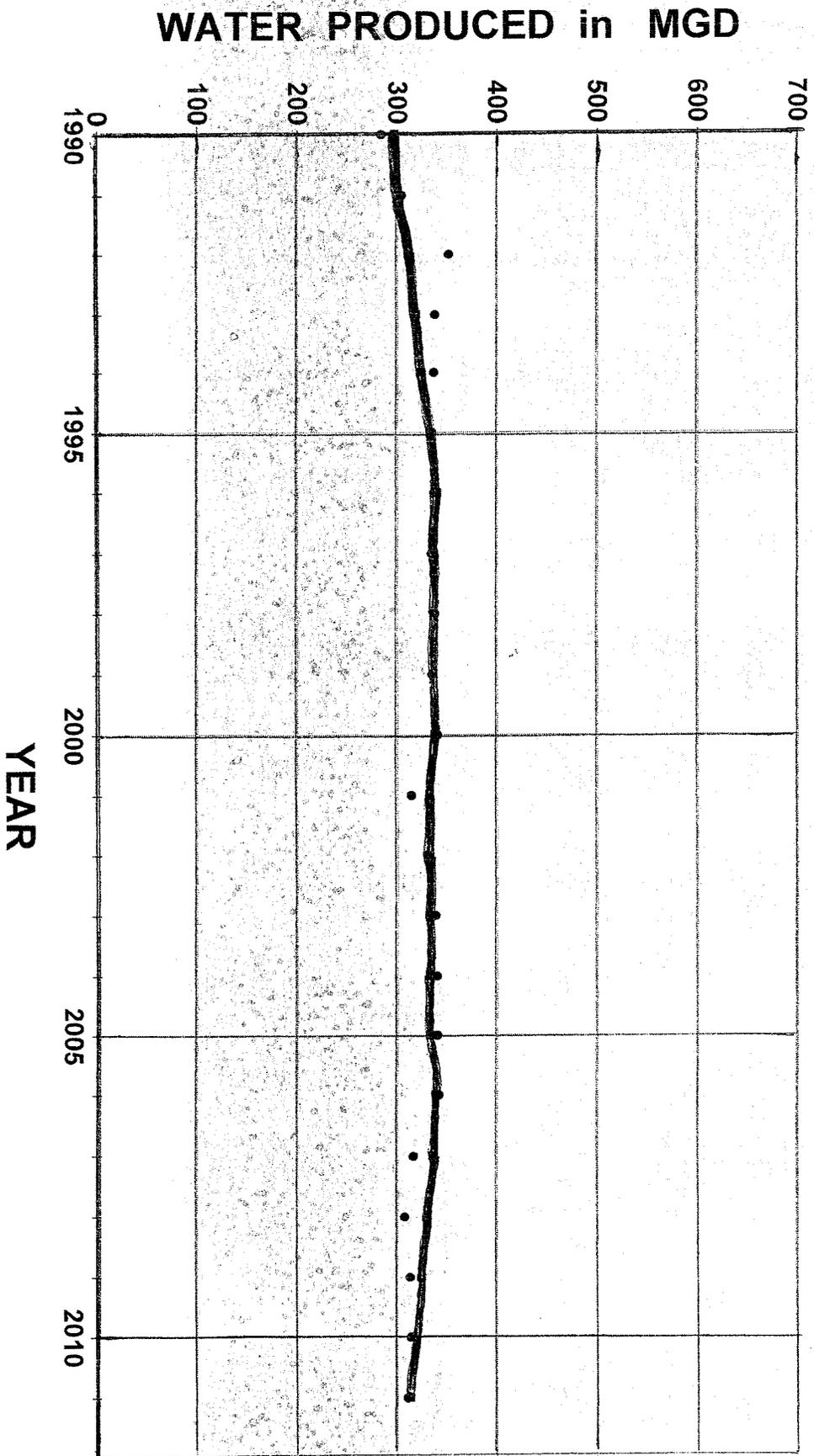
SFWMD PUBLIC SUPPLY & PROJECTION

1990 -- 2030



MIAMI - DADE UTILITY WATER USE

1990 -- 2012



DATA: MDWASD

DOTS = YEARLY SOLID LINE = 5 YR MA

JB DEC. 2011

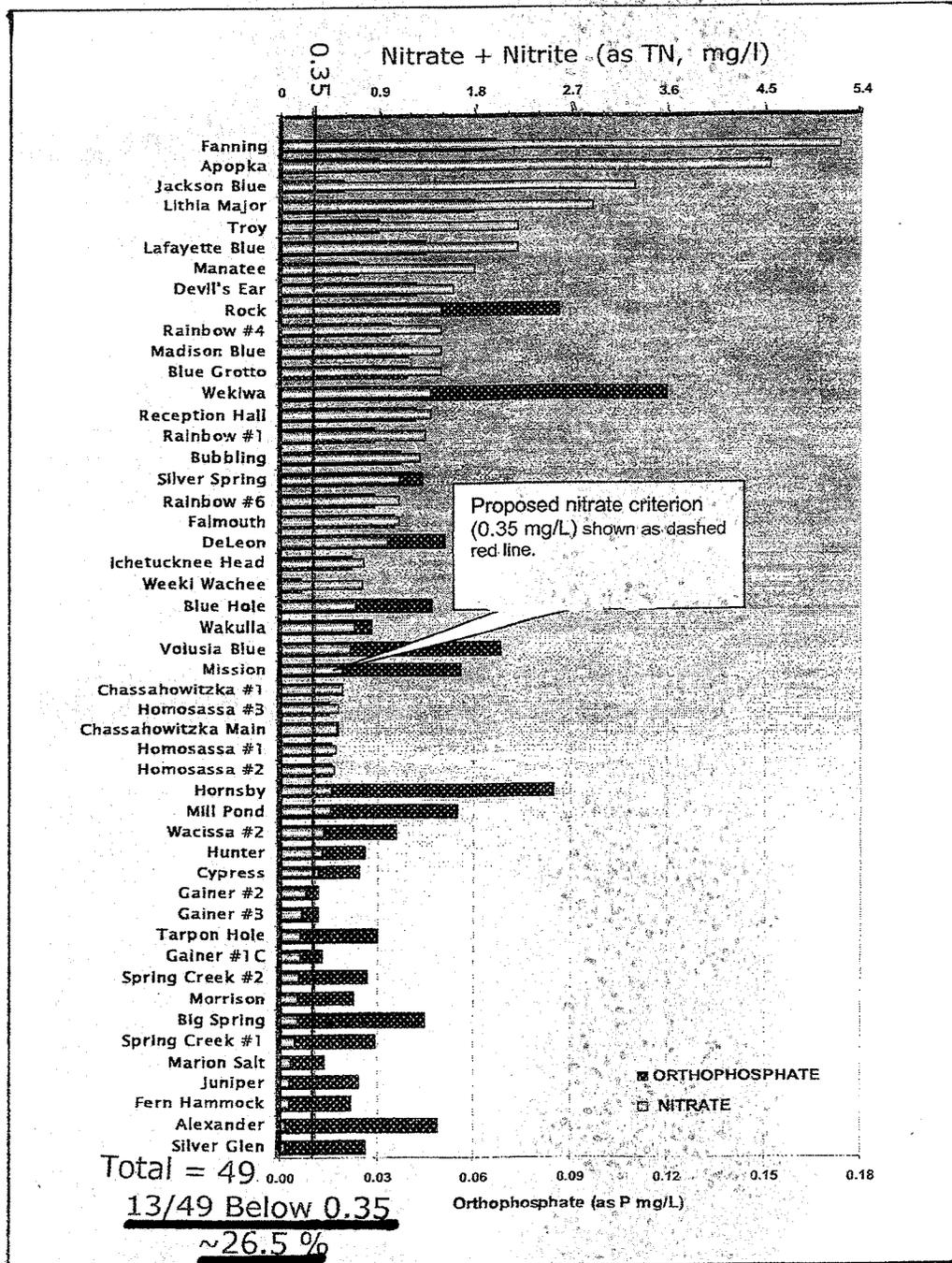


Figure 8: Nitrate and Orthophosphate in Network Springs (2001-2006)

SJRWMD LSJR PROJECT

FACILITY	FLOW	FLOW	TN	TN Total		FACILITIES ARRANGED BY VOLUME of TN DISCHARGE	FLOW	FLOW	TN	TN Total	
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			mg/L	Lb/Day				mg/L	Lbs/Day		
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33 JEA - JULINGTON CREEK WWTF	0.21	0.476	12	48	7964						
34 CCUA - FLEMMING ISLE WWTF	1.078	?		172	28536						

AVG. - 8.91

12698

TOTAL

120.03 158.18

12698 1772405

JB 11/2/06

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Environmental Preservation and Conservation Committee

BILL: CS/SB 820

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Dean

SUBJECT: Onsite Sewage Treatment and Disposal Systems

DATE: January 10, 2012 **REVISED:** _____

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

I. Summary:

The CS repeals the state-wide onsite sewage treatment and disposal system (septic system) evaluation program, including program requirements, and the Department of Health's (DOH) rulemaking authority to implement the program.

The CS requires a county or municipality with a first magnitude spring to develop and adopt by local ordinance a septic system evaluation and assessment program, unless the county or municipality opts out. All other counties and municipalities may opt in. Existing septic system inspection programs are grandfathered in unless they contain a mandatory inspection at the point of sale in a real estate transaction.

If an evaluation program is adopted by a county or municipality by ordinance, the CS requires:

- A pump out and evaluation of a septic system to be performed every five years, unless an exception applies;
- Only authorized persons to perform the pump out and evaluation;
- Notice to be given to septic system owners at least 60 days before the septic system is due for an evaluation;
- Penalties for qualified contractors and septic system owners who do not comply with the requirements of the evaluation program;
- Certain evaluation and assessment procedures to be followed during the inspection of a septic system;
- A county or municipality to develop a database based on evaluation reports submitted. The database, which may be Internet-based, is required to include certain information and allow for notification of homeowners when evaluations are due;

- A county or municipality to notify the Secretary of Environmental Protection upon the adoption of the ordinance establishing the program; and
- The Department of Environmental Protection (DEP), within existing resources, to notify a county or municipality of potential funding under the Clean Water Act or Clean Water State Revolving Fund and assist such counties or municipalities to model and establish low-interest loan programs.

The CS provides that a local ordinance may authorize the assessment of reasonable fee to cover the costs of administering the evaluation program.

The CS repeals the grant program for low-income residents to repair and replace septic systems.

The CS also:

- Defines “bedroom”;
- Provides that a permit issued by the DOH for the installation, modification, or repair of a septic system transfers with title to the property. A title is not encumbered when the title is transferred if new permit requirements are in place at the time of transfer;
- Provides for the reconnection of properly functioning septic systems, and clarifies that such systems are not considered “abandoned”;
- Clarifies that the rules applicable and in effect at the time of approval for construction apply at the time of final approval of the system under certain circumstances;
- Clarifies that a modification, replacement, or upgrade of a septic system is not required for a remodeling addition to a single-family home if a bedroom is not added;
- Reduces the annual operating permit fee for waterless, incinerating, or organic waste composting toilets to \$15-30 from \$30-150;
- Repeals various obsolete provisions; and
- Fixes several cross references and other technical errors.

The CS substantially amends ss. 381.0065 and 381.0066 of the Florida Statutes.

The CS repeals section 381.00656 of the Florida Statutes.

The CS creates section 381.00651 of the Florida Statutes.

II. Present Situation:

The Department of Health’s Regulation of Septic Tanks

The DOH oversees an environmental health program as part of fulfilling the state’s public health mission. The purpose of this program is to detect and prevent disease caused by natural and manmade factors in the environment. One component of the program is administration of septic systems.¹

An “onsite sewage treatment and disposal system” is a system that contains a standard subsurface, filled, or mound drainfield system; an aerobic treatment unit; a graywater system

¹ See s. 381.006, F.S.

tank; a laundry wastewater system tank; a septic tank; a grease interceptor; a pump tank; a solid or effluent pump; a waterless, incinerating, or organic waste-composting toilet; or a sanitary pit privy that is installed or proposed to be installed beyond the building sewer on land of the owner or on other land to which the owner has the legal right to install a system. The term includes any item placed within, or intended to be used as a part of or in conjunction with, the system. The term does not include package sewage treatment facilities and other treatment works regulated under ch. 403, F.S.²

The DOH estimates there are approximately 2.67 million septic tanks in use statewide.³ The DOH's Bureau of Onsite Sewage (bureau) develops statewide rules and provides training and standardization for county health department employees responsible for permitting the installation and repair of septic systems within the state. The bureau also licenses septic system contractors, approves continuing education courses and courses provided for septic system contractors, funds a hands-on training center, and mediates septic system contracting complaints. The bureau manages a state-funded research program, prepares research grants, and reviews and approves innovative products and septic system designs.⁴

In 2008, the Legislature directed the DOH to submit a report to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives by no later than October 1, 2008, which identifies the range of costs to implement a mandatory statewide five-year septic tank inspection program to be phased in over 10 years pursuant to the DOH's procedure for voluntary inspection, including use of fees to offset costs.⁵ This resulted in the "Report on Range of Costs to Implement a Mandatory Statewide 5-Year Septic Tank Inspection Program" (report).⁶ According to the report, three Florida counties, Charlotte, Escambia and Santa Rosa, have implemented mandatory septic tank inspections at a cost of \$83.93 to \$215 per inspection.

The report stated that 99 percent of septic tanks in Florida are not under any management or maintenance requirements. Also, the report found that while these systems were designed and installed in accordance with the regulations at the time of construction and installation, many are aging and may be under-designed by today's standards. The DOH's statistics indicate that approximately 2 million septic systems are 20 years or older, which is the average lifespan of a septic system in Florida.⁷ Because repairs of septic systems were not regulated or permitted by the DOH until March 1992, some septic systems may have been unlawfully repaired, modified or replaced. Furthermore, 1.3 million septic systems were installed prior to 1983. Pre-1983 septic

² Section 381.0065(2)(j), F.S.

³ Florida Dep't of Health, Bureau of Onsite Sewage, *Home*, <http://www.myfloridaeh.com/ostds/index.html> (last visited Dec. 19, 2011).

⁴ Florida Dep't of Health, Bureau of Onsite Sewage, *OSTDS Description*, <http://www.myfloridaeh.com/ostds/OSTDSdescription.html> (last visited Dec. 19, 2011).

⁵ See ch. 2008-152, Laws of Fla.

⁶ Florida Dep't of Health, Bureau of Onsite Sewage, *Report on Range of Costs to Implement a Mandatory Statewide 5-Year Septic Tank Inspection Program*, October 1, 2008, available at <http://www.doh.state.fl.us/environment/ostds/pdffiles/forms/MSIP.pdf> (last visited Dec. 19, 2011).

⁷ Florida Dep't of Health, Bureau of Onsite Sewage, *Onsite Sewage Treatment and Disposal Systems in Florida (2010)*, available at <http://www.doh.state.fl.us/Environment/ostds/statistics/newInstallations.pdf> (last visited Dec. 22, 2011). See also Florida Dep't of Health, Bureau of Onsite Sewage, *What's New?*, available at <http://www.doh.state.fl.us/environment/ostds/New.htm> (last visited on Dec. 22, 2011).

systems were required to have a 6-inch separation from the bottom of the drainfield to the estimated seasonal high water table. The standard since 1983 for drainfield separation is 24 inches and is based on the 1982 Water Quality Assurance Act and on research findings compiled by the DOH that indicate for septic tank effluent, the presence of at least 24 inches of unsaturated fine sandy soil is needed to provide a relatively high degree of treatment for pathogens and most other septic system effluent constituents.⁸ Therefore, Florida’s pre-1983 septic systems and any illegally repaired, modified or installed septic systems may not provide the same level of protection expected from systems permitted and installed under current construction standards.⁹

Flow and Septic System Design Determinations

For residences, domestic sewage flows are calculated using the number of bedrooms and the building area as criteria for consideration, including existing structures and any proposed additions.¹⁰ Depending on the estimated sewage flow, the septic system may or may not be approved by the DOH. For example, a current three bedroom, 1,300 square foot home is able to add building area to have a total of 2,250 square feet of building area with no change in their approved system, provided no additional bedrooms are added.¹¹

Minimum required treatment capacities for septic systems serving any structure, building or group of buildings are based on estimated daily sewage flows as determined below.¹²

TABLE OF AEROBIC SYSTEMS PLANT SIZING RESIDENTIAL		
Number of Bedrooms	Building Area (ft ²)	Minimum Required Treatment Capacity (gallons per day)
1 or 2	Up to 1200	400
3	1201-2250	500
4	2251-3300	600

Minimum design flows for septic systems serving any structure, building or group of buildings are based on the estimated daily sewage flow. For residences, the flows are based on the number of bedrooms and square footage of building area. For a single- or multiple-family dwelling unit, the estimated sewage flows are: for 1 bedroom with 750 square feet or less building area, 100 gallons; for two bedrooms with 751-1,200 square feet, 200 gallons; for three bedrooms with 1,201-2,250 square feet, 300 gallons; and for four bedrooms with 2,251-3,300 square feet, 400 gallons. For each additional bedroom or each additional 750 square feet of building area or fraction thereof in a dwelling unit, system sizing is to be increased by 100 gallons.¹³

⁸ Florida Dep’t of Health, Bureau of Onsite Sewage, *Bureau of Onsite Sewage Programs Introduction*, available at <http://www.doh.state.fl.us/Environment/learning/hses-intro-transcript.htm> (last visited Jan. 3, 2012).

⁹ *Id.*

¹⁰ Rule 64E-6.001, F.A.C.

¹¹ *Id.*

¹² Table adapted from Rule 64E-6.012, F.A.C.

¹³ Rule 64E-6.008, F.A.C.

Current Status of Evaluation Program

In 2010, SB 550 was signed into law, which became ch. 2010-205, Laws of Florida. This law provides for additional legislative intent on the importance of properly managing septic tanks and creates a septic system evaluation program. The DOH was to implement the evaluation program beginning January 1, 2011, with full implementation by January 1, 2016.¹⁴ The evaluation program:

- Requires all septic tanks to be evaluated for functionality at least once every five years;
- Directs the DOH to provide proper notice to septic owners that their evaluations are due;
- Ensures proper separations from the wettest-season water table; and
- Specifies the professional qualifications necessary to carry out an evaluation.

The law also establishes a grant program under s. 381.00656, F.S., for owners of septic systems earning less than or equal to 133 percent of the federal poverty level. The grant program is to provide funding for inspections, pump-outs, repairs, or replacements. The DOH is authorized under the law to adopt rules to establish the application and award process for grants.

Finally, ch. 2010-205, Laws of Florida, amends s. 381.0066, F.S., establishing a minimum and maximum evaluation fee that the DOH may collect. No more than \$5 of each evaluation fee may be used to fund the grant program. The State's Surgeon General, in consultation with the Revenue Estimating Conference, must determine a revenue neutral evaluation fee.

Several bills were introduced during the 2011 Regular Session aimed at either eliminating the inspection program or scaling it back. Although none passed, language was inserted into a budget implementing bill that prohibited the DOH from expending funds to implement the inspection program until it submitted a plan to the Legislative Budget Commission (LBC).¹⁵ If approved, the DOH would then be able to expend funds to begin implementation. Currently, the DOH has not submitted a plan to the LBC for approval.

Springs in Florida

Florida has more than 700 recognized springs. It also has 33 historical first magnitude springs in 19 counties that discharge more than 64 million gallons of water per day.¹⁶ First magnitude springs are those that discharge 100 cubic feet of water per second or greater. Spring discharges, primarily from the Floridan Aquifer, are used to determine ground water quality and the degree of human impact on the spring's recharge area. Rainfall, surface conditions, soil type, mineralogy, the composition and porous nature of the aquifer system, flow, and length of time in the aquifer all contribute to ground water chemistry. Springs are historically low nitrogen systems. The DEP recently submitted numeric nutrient standards to the Legislature for ratification that include a nitrate-nitrite (variants of nitrogen) limit of 0.35 milligrams per liter for

¹⁴ However, implementation was delayed until July 1, 2011, by the Legislature's enactment of SB 2-A (2010). *See also* ch. 2010-283, L.O.F.

¹⁵ *See* ch. 2011-047, s. 13, Laws of Fla.

¹⁶ Florida Geological Survey, Bulletin No. 66, *Springs of Florida*, available at <http://www.dep.state.fl.us/geology/geologictopics/springs/bulletin66.htm> (last visited Dec. 19, 2011).

springs. For comparison, the U.S. Environmental Protection Agency's drinking water standard for nitrite is 1.0 milligrams per liter; for nitrate, 10 milligrams per liter.¹⁷

Local Government Powers and Legislative Preemption

The Florida Constitution grants counties or municipalities broad home rule authority. Specifically, non-charter county governments may exercise those powers of self-government that are provided by general or special law.¹⁸ Those counties operating under a county charter have all powers of self-government not inconsistent with general law, or special law approved by the vote of the electors.¹⁹ Likewise, municipalities have those governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform their functions and provide services, and exercise any power for municipal purposes, except as otherwise provided by law.²⁰ Section 125.01, F.S., enumerates the powers and duties of all county governments, unless preempted on a particular subject by general or special law.

Under its broad home rule powers, a municipality or a charter county may legislate concurrently with the Legislature on any subject which has not been expressly preempted to the State.²¹ Express preemption of a municipality's power to legislate requires a specific statement; preemption cannot be made by implication or by inference.²² A county or municipality cannot forbid what legislature has expressly licensed, authorized or required, nor may it authorize what legislature has expressly forbidden.²³ The Legislature can preempt a county's broad authority to enact ordinances and may do so either expressly or by implication.²⁴

III. Effect of Proposed Changes:

Section 1 amends s. 381.0065, F.S.

The CS repeals the state-wide septic system evaluation program, including program requirements, and the DOH's rulemaking authority to implement the program. It repeals legislative intent regarding the DOH's administration of a state-wide septic system evaluation program and an obsolete reporting requirement regarding the land application of septage.

The CS defines "bedroom" as a room that can be used for sleeping that, for site-built dwellings, has a minimum 70 square feet of conditioned space; or for manufactured homes, constructed to HUD standards having a minimum of 50 square feet of floor area. The room must be located along an exterior wall, have a closet and a door or an entrance where a door could be reasonably installed. It also must have an emergency means of escape and rescue opening to the outside. A

¹⁷ U.S. Environmental Protection Agency, *National Primary Drinking Water Regulations*, available at <http://water.epa.gov/drink/contaminants/upload/mcl-2.pdf> (last visited Dec. 22, 2011).

¹⁸ FLA. CONST. art. VIII, s. 1(f).

¹⁹ FLA. CONST. art. VIII, s. 1(g).

²⁰ FLA. CONST. art. VIII, s. 2(b); *see also* s. 166.021, F.S.

²¹ *See, e.g., City of Hollywood v. Mulligan*, 934 So. 2d 1238 (Fla. 2006); *Phantom of Clearwater, Inc. v. Pinellas County*, 894 So. 2d 1011 (Fla. 2d DCA 2005).

²² *Id.*

²³ *Rinzler v. Carson*, 262 So. 2d 661 (Fla. 1972); *Phantom of Clearwater, Inc. v. Pinellas County*, 894 So. 2d 1011 (Fla. 2d DCA 2005).

²⁴ *Phantom of Clearwater, Inc. v. Pinellas County*, 894 So. 2d 1011 (Fla. 2d DCA 2005).

room may not be considered a bedroom if it is used to access another room, unless the room that is accessed is a bathroom or closet. The term does not include a hallway, bathroom, kitchen, living room, family room, dining room, den, breakfast nook, pantry, laundry room, sunroom, recreation room, media/video room, or exercise room. It also fixes two cross references. One is related to research fees collected to fund hands-on training centers for septic systems. The other relates to determining the mean annual flood line.

The CS provides that a permit issued and approved by the DOH for the installation, modification, or repair of a septic system transfers with the title to the property. A title is not encumbered when transferred by new permit requirements that differ from the original permit requirements in effect when the septic system was permitted, modified or repaired. It also prohibits a government entity from requiring a septic system inspection at the point of sale in a real estate transaction.

The CS specifies a septic system serving a foreclosed property is not considered abandoned. It also specifies a septic system is not considered “abandoned” if it was properly functioning when disconnected from a structure made unusable or destroyed following a disaster, and the septic system was not adversely affected by the disaster. The septic system may be reconnected to a rebuilt structure if:

- reconnection of the septic system is to the same type of structure that existed prior to the disaster;
- has the same number of bedrooms or less than the structure that existed prior to the disaster;
- is within 110 percent of the size of the structure that existed prior to the disaster;
- the septic system is not a sanitary nuisance; and
- the septic system has not been altered without prior authorization.

The CS provides that the rules applicable and in effect at the time of approval for construction apply at the time of the final approval of the septic system if fundamental site conditions have not changed between the time of construction approval and final approval.

The CS provides that a modification, replacement, or upgrade of a septic system is not required for a remodeling addition to a single-family home if a bedroom is not added.

Section 2 creates s. 381.00651, F.S.

A county or municipality containing a first magnitude spring within its boundary must develop and adopt by ordinance a local septic system evaluation and assessment program meeting the requirements of this section within all or part of its geographic area by January 1, 2013 unless it opts out. All other counties and municipalities may opt in but otherwise are not required to take any affirmative action. Evaluation programs adopted before July 1, 2011 and that do not contain a mandatory septic system inspection at the point of sale in a real estate transaction are not affected by this CS. Existing evaluation programs that require point of sale inspections are preempted by the CS regardless of when the program was adopted.

A county or municipality may opt out by majority plus one vote of the local elected body before January 1, 2013, by adopting a separate resolution. The resolution must be filed with the Secretary of State. Absent an interlocal agreement or county charter provision to the contrary, a

municipality may elect to opt out of the requirements of this section notwithstanding the decision of the county in which it is located. A county or municipality may subsequently adopt an ordinance imposing a septic system evaluation and assessment program if the program meets the requirements of this section. The CS preempts counties' and municipalities' authority to adopt more stringent requirements for a septic system evaluation program than those contained in the CS.

Local ordinances must provide for the following:

- An evaluation of a septic system, including drainfield, every five years to assess the fundamental operational condition of the system and to identify system failures. The ordinance may not mandate an evaluation at the point of sale in a real estate transaction or a soil examination. The location of the system shall be identified;
- May not require a septic system inspection at the point of sale in a real estate transaction;
- May not require a soil examination;
- Each evaluation must be performed by:
 - a septic tank contractor or master septic tank contractor registered under part III of ch. 489, F.S.,
 - a professional engineer having wastewater treatment system experience and licensed pursuant to ch. 471, F.S.,
 - an environmental health professional certified under ch 381, F.S., in the area of septic system evaluation, or
 - an authorized employee working under the supervision of any of the above four listed individuals. Soil samples may only be conducted by certified individuals.

Evaluation forms must be written or electronically signed by a qualified contractor.

The local ordinance may not require a repair, modification or replacement of a septic system as a result of an evaluation unless the evaluation identifies a failure. The term "system failure" is defined as:

- a condition existing within a septic system that results in the discharge of untreated or partially treated wastewater onto the ground surface or into surface water; or
- results in a sanitary nuisance caused by the failure of building plumbing to discharge properly.

A system is not a failure if an obstruction in a sanitary line or an effluent screen or filter prevents effluent from flowing into a drainfield. The CS specifies that a drainfield not achieving the minimum separation distance from the bottom of the drainfield to the wettest season water table contained in current law is not a system failure.

The local ordinance may not require more than the least costly remedial measure to resolve the system failure. The homeowner may choose the remedial measure to fix the system. There may be instances in which a pump out is sufficient to resolve a system failure. Remedial measures to resolve a system failure must meet, to the extent possible, the requirements in effect at the time the repair is made, subject to the exceptions specified in s. 381.0065(4)(g), F.S. This allows certain older septic systems to be repaired instead of replaced if they cannot be repaired to operate to current code. An ordinance may not require an engineer-designed performance-based system as an alternative septic system to remediate a failure of a conventional septic system.

The CS specifies that the following systems are exempt from inclusion in a septic system evaluation program:

- A septic system that is required to obtain an operating permit or that is inspected by the department on an annual basis pursuant to ch. 513, F.S., related to mobile home and recreational vehicle parks;. and
- A septic system serving a residential dwelling unit on a lot with a ratio of one bedroom per acre or greater. For example, if a person has a four-bedroom house served by a septic system on a four-acre or larger lot, that septic system is exempt.

An ordinance may also exempt or grant an extension of time for a septic system serving a structure that will soon be connected to a sewer system if the connection is available, imminent and written arrangements have been made for payment of connection fees or assessments by the septic system owner.

The CS requires the owner of a septic system subject to an evaluation program to have it pumped out and evaluated at least once every five years.. A pump out is not required if the owner can provide documentation to show a pump out has been performed or there has been a permitted new installation, repair or modification of the septic system within the previous five years. The documentation must show both the capacity and that the condition of the tank is structurally sound and watertight.

If a tank, in the opinion of the qualified contractor, is in danger of being damaged by leaving the tank empty after inspection, the tank must be refilled before concluding the inspection. Replacing broken or damaged lids or manholes does not require a repair permit.

In addition to a pump out, the evaluation procedures require an assessment of the apparent structural condition and watertightness of the tank and an estimation of its size. A visual inspection of a tank is required when the tank is empty to detect cracks, leaks or other defects. The baffles or tees must be checked to ensure that they are intact and secure.²⁵ The evaluation must note the presence and condition of:

- outlet devices;
- effluent filters;
- compartment walls;
- any structural defect in the tank; and
- the condition and fit of the tank lid, including manholes.

The CS also requires a drainfield evaluation and requires certain assessments to be performed when a system contains pumps, siphons or alarms. The drainfield evaluation must include a determination of the approximate size and location of the drainfield. The evaluation must contain

²⁵ The septic tank baffle or tee is a device on the inlet or outlet of a septic tank which prevents sewage back-flow into the inlet or outlet pipe. The device may be made of concrete, steel, plastic, or other materials, but in all cases the septic tank tee or baffle forms a barrier between the septic tank and the inlet or outlet pipes to or from the septic tank. InspectAPedia, *Encyclopedia of Building & Environmental Inspection, Testing, Diagnosis, Repair*, available at <http://www.inspectapedia.com/septic/tanktees.htm> (last visited Jan. 4, 2012).

a statement noting whether there is any visible effluent on the ground or discharging to a ditch or water body and identifying the location of any downspout or other source of water near the drainfield..

If the septic system contains pumps, siphons or alarms, the following information must be provided:

- An assessment of dosing tank integrity, including the approximate volume and the type of material used in construction;
- Whether the pump is elevated off of the bottom of the chamber and its operational status;
- Whether the septic system has a check valve and purge hole; and
- Whether there is a high-water alarm, including whether the type of alarm is audio, visual or both, the location of the alarm, its operational condition and whether the electrical connections appears satisfactory.

The reporting procedures provided for in the CS require:

- The qualified contractor to document all the evaluation procedures used;
- The qualified contractor to provide a copy of a written, signed evaluation report to the property owner and the county health department within 30 days after the evaluation;
- The name and license number of the company providing the report;
- The local county health department to retain a copy of the evaluation report for a minimum of five years and until a subsequent report is filed;
- The front cover of the report to identify any system failure and include a clear and conspicuous notice to the owner that the owner has a right to have any remediation performed by a contractor other than the contractor performing the evaluation;
- The report to identify tank defects, improper fit or other defects in the tank, manhole or lid, and any other missing component of the septic system;
- Noting if any sewage or effluent is present on the ground or discharging to a ditch or surface water body;
- Stating if any downspout, stormwater or other source of water is directed onto or towards the septic system;
- Identification of any maintenance need or condition that has the potential to interfere with or restrict any future repair or modification to the existing septic system; and
- Conclude with an overall assessment of the fundamental operational condition of the septic system.

The county health department will be responsible for administering the program on behalf of a county or municipality. A county or municipality may develop a reasonable fee schedule in consultation with a county health department. The fee must only be used to pay for the costs of administering the program and must be revenue neutral. The fee schedule must be included in the adopted ordinance for a septic system evaluation program. The fee shall be assessed to the septic system owner, collected by the qualified contractor and remitted to the county health department.

The county health department in a jurisdiction where a septic system evaluation program is adopted must:

- Provide a notice to a septic system owner at least 60 days before the septic system is due for an evaluation;

- In consultation with the DOH, provide for uniform disciplinary procedures and penalties for qualified contractors who do not comply with the requirements of the adopted ordinance;
- Be the sole entity to assess penalties against a septic tank owner who fails to comply with the requirements of an adopted ordinance;
- Develop a database and tracking system to encompass evaluation programs adopted by the county or municipalities within its jurisdiction.

The tracking system must include the description, addresses and locations of the septic systems within the jurisdiction, an inventory of the number of septic systems in each jurisdiction and the total number and types of failures. Data in the tracking system must be recorded and updated as they are received. The tracking system may also:

- include the ability to collect and store other data trends resulting from an overall assessment of septic systems;
- be Internet-based; and
- be designed for use by qualified contractors to report service evaluations and county health departments to notify septic system owners their evaluations are due.

The CS requires a county or municipality that adopts a septic system evaluation and assessment program to notify the Secretary of Environmental Protection, the DOH and the requisite county health department. Once the DEP receives notice a county or municipality has adopted an evaluation program, it must, within existing resources, notify the county or municipality of the potential availability of Clean Water Act or Clean Water State Revolving Fund funds. If a county or municipality requests, the DEP must, within existing resources, provide guidance in the application process to access the abovementioned funding sources and provide advice and technical assistance on how to establish a low-interest revolving loan program or how to model a revolving loan program after the low-interest loan program of the Clean Water State Revolving Fund. The DEP is not required to provide any money to fund such programs. The CS specifically prohibits the DOH from adopting any rule that alters the provisions contained in the CS.

The CS specifies that it does not derogate or limit county and municipal home rule authority to act outside the scope of the evaluation program created in this CS. The CS clarifies it does not repeal or affect any other law relating to the subject matter of this section. It does not prohibit a county or municipality that has adopted an evaluation program pursuant to this section from:

- enforcing existing ordinances or adopting new ordinances if such ordinances do not repeal, suspend or alter the requirements or limitations of this section; or
- exercising its independent and existing authority to use and meet the requirements of s. 381.00655, F.S. (relating to connection to central sewer systems).

Section 3 repeals s. 381.00656, F.S., related to a low-income grant program to assist residents with costs associated from a septic system evaluation program and any necessary repairs or replacements.

Section 4 amends s. 381.0066, F.S., related to septic system fees. The CS deletes the existing fees for the five-year evaluation report. The CS also reduces the annual operating permit fee for waterless, incinerating or organic waste composting toilets from not less than \$50 to not less than \$15 and from not more than \$150 to not more than \$30.

The CS repeals an obsolete provision related to setting a revenue neutral fee schedule for a state-wide septic system inspection program.

Section 5 provides an effective date of July 1, 2012.

Other Potential Implications:

The CS prohibits local ordinances from requiring repairs, modifications or system replacements unless a septic system is found to be failing. Septic system problems that do not rise to the level of a system failure cannot be required to be remedied under an ordinance. The septic system owner will have the option to repair or modify a septic system found to have problems. A county or municipality is preempted from requiring more stringent repair guidelines in its ordinance.

The CS prohibits counties and municipalities from acting outside the requirements and limitations of the CS to address public health and safety or provide for pollution abatement measures for water quality improvements. This prohibition may directly conflict with existing laws to address these issues. In addition, a local county or municipality may be required to take future action to comply with a future determination that an area within its jurisdiction is contributing to violations of water quality standards but may be prohibited from doing so by the provisions in this CS.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The CS allows a county or municipality to assess a reasonable fee to cover the costs of administering the evaluation program. The fee will likely vary from jurisdiction to jurisdiction.

The CS reduces the fees for annual operating permits for waterless, incinerating, or organic waste composting toilets from not less than \$50 to not less than \$15 and from not more than \$150 to not more than \$30.

B. Private Sector Impact:

Owners of septic systems subject to the evaluation program will have to pay for septic system evaluations, including pump outs, every five years. The owners will also be responsible for the cost of required repairs, modifications or replacements of the septic system if it is found to be “failing.” Although owners are responsible under current law for repairing failing septic systems, they may be unaware of the failing condition or unwilling or unable to pay for repairs or replacements.

A survey of septic contractors has not been completed to determine costs for inspections; however, anecdotal evidence has demonstrated a cost between \$75 and \$200, depending on the area of the state.

Current costs for pump outs range as low as \$75 to over \$300 depending on the size of the tank and local disposal options. Evaluation costs would be set by private contractors. Septic system owners would pay for any necessary remediation, including permit fees. Repair costs will vary from minor repairs to full system replacements and will only be available on a case-by-case basis. Whether or not demand for septic system contractor service increases is dependent on how many counties or municipalities implement inspection programs. Therefore, the impact of supply and demand on pricing trends cannot be determined at this time.

Therefore, adding in all potential costs not including repairs or replacements required under current law or the local administrative fee, a septic system owner can expect to pay between \$150 and \$500 every five years. It should be noted that in June 2010, the DOH and the Revenue Estimating Conference settled on a \$50 fee per inspection report to cover programmatic costs of implementing a state-wide program.

The DOH estimates a cost savings to the public of \$2500 to \$7500 per system through preventive maintenance, thus eliminating the need for costly repairs associated with neglected, failing or improperly functioning systems.

C. Government Sector Impact:

The cost to counties or municipalities adopting evaluation programs is indeterminate as it depends on how large an area is covered by the evaluation program and how many septic systems are included.²⁶ Counties or municipalities with first magnitude springs will be required to expend funds to implement the provisions of this CS unless they opt out. In addition, the DOH estimates initial hardware and software expenses for a database system will cost \$32,000. The DOH will also need three additional systems program consultants at annual base salaries of \$49,427 and \$10,000 in annual maintenance expenses. The DOH will also incur expenses for implementing the program, training and staffing, permitting and inspecting repairs, and enforcement.

²⁶ There are 19 counties with first magnitude springs: Alachua, Bay, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Jackson, Jefferson, Lafayette, Lake, Leon, Levy, Madison, Marion, Suwannee, Volusia and Wakulla.

The DEP is required to take certain actions if and when it is notified of an ordinance that implements a local septic system evaluation program but only within existing resources.

VI. Technical Deficiencies:

The CS references “system” and “conventional system” to be understood in context as an “onsite sewage treatment and disposal system”; however, these terms are not defined in the CS. The CS may need to be amended to define a “system” or a “conventional system” as an “onsite sewage treatment and disposal system” if a shortened variant is warranted. Otherwise those instances that refer to “system” or “conventional system” should be changed to “onsite sewage treatment and disposal system” to be consistent with the existing definition.

The CS explicitly provides that it does not affect certain home rule authority. The provisions may be construed to conflict with the preemptions contained in this bill for both existing and potentially future septic system evaluation programs. For example, lines 672-673 provide that the CS does not “repeal or affect” laws related to septic systems; however, the CS explicitly preempts existing septic system evaluation ordinances that require a point of sale inspection in a real estate transaction. These potential inconsistencies should be clarified.

VII. Related Issues:

None.

VIII. Additional Information:

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

CS by Environmental Preservation and Conservation on January 9, 2012:

- Fixes cross references;
- Prohibits a government entity from mandating point of sale inspections for septic systems in a real estate transaction;
- Clarifies the types and sizes of rebuilt structures that can be reconnected to an existing septic system after a disaster;
- Eliminates the requirement that exempted geographic areas from a septic system evaluation program not lead to additional or continued degradation of a first magnitude spring;
- Requires a majority plus one vote of a local governing body for counties or municipalities containing a first magnitude spring to opt out;
- Specifies existing evaluation programs are grandfathered in if they were in existence prior to July 1, 2011;
- Preempts any existing septic system evaluation program if it includes a point of sale inspection requirement;
- Removes impacts “groundwater” from the “system failure” definition;
- Removes the requirement that qualified contractors note the state of surface vegetation;

- Specifies a drainfield that does not achieve the required minimum separation distance between the bottom of the drainfield and the wettest season water table is not considered a system failure;
- Prohibits ordinances from requiring engineer-designed performance-based systems to remediate system failures for conventional septic systems;
- Allows development of a “reasonable” administrative fee for programmatic costs;
- Clarifies that only the county health department may assess penalties against a septic system owner;
- Expands the use of database and tracking system for recording information related to service evaluations;
- Prohibits the DOH from adopting rules that alter the provisions of the CS;
- Clarifies home rule authority as it relates to a local septic system evaluation program;
- Specifies the CS does not repeal or affect any existing law relating to septic systems;
- Limits a county or municipality from continuing to enforce existing ordinances or adopting new ones to address public health or safety if such ordinances affect the programmatic requirements contained in this CS;
- Limits a county or municipality from adopting pollution abatement measures for water quality improvements if such measures affect the programmatic requirements contained in this CS; and
- Allows a county or municipality to exercise its independent and existing authority to use and meet the requirements of s. 381.00655, F.S., related to connection to central sewer systems.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/11/2012	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (1), (5), (6), and (7) of section
381.0065, Florida Statutes, are amended, paragraphs (b) through
(p) of subsection (2) of that section are redesignated as
paragraphs (c) through (q), respectively, a new paragraph (b) is
added to that subsection, paragraph (j) of subsection (3) and
paragraph (n) of subsection (4) of that section are amended, and
paragraphs (w) through (z) are added to subsection (4) of that
section, to read:



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13 381.0065 Onsite sewage treatment and disposal systems;
14 regulation.—

15 (1) LEGISLATIVE INTENT.—

16 (a) It is the intent of the Legislature that proper
17 management of onsite sewage treatment and disposal systems is
18 paramount to the health, safety, and welfare of the public.—~~It~~
19 ~~is further the intent of the Legislature that the department~~
20 ~~shall administer an evaluation program to ensure the operational~~
21 ~~condition of the system and identify any failure with the~~
22 ~~system.~~

23 ~~(b)~~ It is the intent of the Legislature that where a
24 publicly owned or investor-owned sewerage system is not
25 available, the department shall issue permits for the
26 construction, installation, modification, abandonment, or repair
27 of onsite sewage treatment and disposal systems under conditions
28 as described in this section and rules adopted under this
29 section. It is further the intent of the Legislature that the
30 installation and use of onsite sewage treatment and disposal
31 systems not adversely affect the public health or significantly
32 degrade the groundwater or surface water.

33 (2) DEFINITIONS.—As used in ss. 381.0065-381.0067, the
34 term:

35 (b)1. "Bedroom" means a room that can be used for sleeping
36 and that:

37 a. For site-built dwellings, has a minimum of 70 square
38 feet of conditioned space;

39 b. For manufactured homes, is constructed according to
40 standards of the United States Department of Housing and Urban
41 Development and has a minimum of 50 square feet of floor area;



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42 c. Is located along an exterior wall;

43 d. Has a closet and a door or an entrance where a door
44 could be reasonably installed; and

45 e. Has an emergency means of escape and rescue opening to
46 the outside.

47 2. A room may not be considered a bedroom if it is used to
48 access another room except a bathroom or closet.

49 3. "Bedroom" does not include a hallway, bathroom, kitchen,
50 living room, family room, dining room, den, breakfast nook,
51 pantry, laundry room, sunroom, recreation room, media/video
52 room, or exercise room.

53 (3) DUTIES AND POWERS OF THE DEPARTMENT OF HEALTH.—The
54 department shall:

55 (j) Supervise research on, demonstration of, and training
56 on the performance, environmental impact, and public health
57 impact of onsite sewage treatment and disposal systems within
58 this state. Research fees collected under s. 381.0066(2)(k)
59 ~~381.0066(2)(l)~~ must be used to develop and fund hands-on
60 training centers designed to provide practical information about
61 onsite sewage treatment and disposal systems to septic tank
62 contractors, master septic tank contractors, contractors,
63 inspectors, engineers, and the public and must also be used to
64 fund research projects which focus on improvements of onsite
65 sewage treatment and disposal systems, including use of
66 performance-based standards and reduction of environmental
67 impact. Research projects shall be initially approved by the
68 technical review and advisory panel and shall be applicable to
69 and reflect the soil conditions specific to Florida. Such
70 projects shall be awarded through competitive negotiation, using



71 the procedures provided in s. 287.055, to public or private
72 entities that have experience in onsite sewage treatment and
73 disposal systems in Florida and that are principally located in
74 Florida. Research projects shall not be awarded to firms or
75 entities that employ or are associated with persons who serve on
76 either the technical review and advisory panel or the research
77 review and advisory committee.

78 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not
79 construct, repair, modify, abandon, or operate an onsite sewage
80 treatment and disposal system without first obtaining a permit
81 approved by the department. The department may issue permits to
82 carry out this section, but shall not make the issuance of such
83 permits contingent upon prior approval by the Department of
84 Environmental Protection, except that the issuance of a permit
85 for work seaward of the coastal construction control line
86 established under s. 161.053 shall be contingent upon receipt of
87 any required coastal construction control line permit from the
88 Department of Environmental Protection. A construction permit is
89 valid for 18 months from the issuance date and may be extended
90 by the department for one 90-day period under rules adopted by
91 the department. A repair permit is valid for 90 days from the
92 date of issuance. An operating permit must be obtained prior to
93 the use of any aerobic treatment unit or if the establishment
94 generates commercial waste. Buildings or establishments that use
95 an aerobic treatment unit or generate commercial waste shall be
96 inspected by the department at least annually to assure
97 compliance with the terms of the operating permit. The operating
98 permit for a commercial wastewater system is valid for 1 year
99 from the date of issuance and must be renewed annually. The



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100 operating permit for an aerobic treatment unit is valid for 2
101 years from the date of issuance and must be renewed every 2
102 years. If all information pertaining to the siting, location,
103 and installation conditions or repair of an onsite sewage
104 treatment and disposal system remains the same, a construction
105 or repair permit for the onsite sewage treatment and disposal
106 system may be transferred to another person, if the transferee
107 files, within 60 days after the transfer of ownership, an
108 amended application providing all corrected information and
109 proof of ownership of the property. There is no fee associated
110 with the processing of this supplemental information. A person
111 may not contract to construct, modify, alter, repair, service,
112 abandon, or maintain any portion of an onsite sewage treatment
113 and disposal system without being registered under part III of
114 chapter 489. A property owner who personally performs
115 construction, maintenance, or repairs to a system serving his or
116 her own owner-occupied single-family residence is exempt from
117 registration requirements for performing such construction,
118 maintenance, or repairs on that residence, but is subject to all
119 permitting requirements. A municipality or political subdivision
120 of the state may not issue a building or plumbing permit for any
121 building that requires the use of an onsite sewage treatment and
122 disposal system unless the owner or builder has received a
123 construction permit for such system from the department. A
124 building or structure may not be occupied and a municipality,
125 political subdivision, or any state or federal agency may not
126 authorize occupancy until the department approves the final
127 installation of the onsite sewage treatment and disposal system.
128 A municipality or political subdivision of the state may not



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129 approve any change in occupancy or tenancy of a building that
130 uses an onsite sewage treatment and disposal system until the
131 department has reviewed the use of the system with the proposed
132 change, approved the change, and amended the operating permit.

133 (n) Evaluations for determining the seasonal high-water
134 table elevations or the suitability of soils for the use of a
135 new onsite sewage treatment and disposal system shall be
136 performed by department personnel, professional engineers
137 registered in the state, or such other persons with expertise,
138 as defined by rule, in making such evaluations. Evaluations for
139 determining mean annual flood lines shall be performed by those
140 persons identified in paragraph (2)(j) ~~(2)(i)~~. The department
141 shall accept evaluations submitted by professional engineers and
142 such other persons as meet the expertise established by this
143 section or by rule unless the department has a reasonable
144 scientific basis for questioning the accuracy or completeness of
145 the evaluation.

146 (w) Any permit issued and approved by the department for
147 the installation, modification, or repair of an onsite sewage
148 treatment and disposal system shall transfer with the title to
149 the property in a real estate transaction. A title may not be
150 encumbered at the time of transfer by new permit requirements by
151 a governmental entity for an onsite sewage treatment and
152 disposal system that differ from the permitting requirements in
153 effect at the time the system was permitted, modified, or
154 repaired. No inspection of a system shall be mandated by any
155 governmental entity at the point of sale in a real estate
156 transaction.

157 (x)1. An onsite sewage treatment and disposal system is not



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158 considered abandoned if the system is disconnected from a
159 structure that was made unusable or destroyed following a
160 disaster and was properly functioning at the time of
161 disconnection and not adversely affected by the disaster. The
162 onsite sewage treatment and disposal system may be reconnected
163 to a rebuilt structure if:

164 a. The reconnection of the system is to the same type of
165 structure which contains the same number of bedrooms or less,
166 provided the square footage of the structure is less than or
167 equal to 110 percent of the original square footage of the
168 structure that existed prior to the disaster;

169 b. The system is not a sanitary nuisance; and

170 c. The system has not been altered without prior
171 authorization.

172 2. An onsite sewage treatment and disposal system that
173 serves a property that is foreclosed upon is not considered
174 abandoned.

175 (y) If an onsite sewage treatment and disposal system
176 permittee receives, relies upon, and undertakes construction of
177 a system based upon a validly issued construction permit under
178 rules applicable at the time of construction but a change to a
179 rule occurs after the approval of the system for construction
180 but before the final approval of the system, the rules
181 applicable and in effect at the time of construction approval
182 apply at the time of final approval if fundamental site
183 conditions have not changed between the time of construction
184 approval and final approval.

185 (z) A modification, replacement, or upgrade of an onsite
186 sewage treatment and disposal system is not required for a



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187 remodeling addition to a single-family home if a bedroom is not
188 added.

189 ~~(5) EVALUATION AND ASSESSMENT.—~~

190 ~~(a) Beginning July 1, 2011, the department shall administer~~
191 ~~an onsite sewage treatment and disposal system evaluation~~
192 ~~program for the purpose of assessing the fundamental operational~~
193 ~~condition of systems and identifying any failures within the~~
194 ~~systems. The department shall adopt rules implementing the~~
195 ~~program standards, procedures, and requirements, including, but~~
196 ~~not limited to, a schedule for a 5-year evaluation cycle,~~
197 ~~requirements for the pump-out of a system or repair of a failing~~
198 ~~system, enforcement procedures for failure of a system owner to~~
199 ~~obtain an evaluation of the system, and failure of a contractor~~
200 ~~to timely submit evaluation results to the department and the~~
201 ~~system owner. The department shall ensure statewide~~
202 ~~implementation of the evaluation and assessment program by~~
203 ~~January 1, 2016.~~

204 ~~(b) Owners of an onsite sewage treatment and disposal~~
205 ~~system, excluding a system that is required to obtain an~~
206 ~~operating permit, shall have the system evaluated at least once~~
207 ~~every 5 years to assess the fundamental operational condition of~~
208 ~~the system, and identify any failure within the system.~~

209 ~~(c) All evaluation procedures must be documented and~~
210 ~~nothing in this subsection limits the amount of detail an~~
211 ~~evaluator may provide at his or her professional discretion. The~~
212 ~~evaluation must include a tank and drainfield evaluation, a~~
213 ~~written assessment of the condition of the system, and, if~~
214 ~~necessary, a disclosure statement pursuant to the department's~~
215 ~~procedure.~~



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216 ~~(d)1. Systems being evaluated that were installed prior to~~
217 ~~January 1, 1983, shall meet a minimum 6-inch separation from the~~
218 ~~bottom of the drainfield to the wettest season water table~~
219 ~~elevation as defined by department rule. All drainfield repairs,~~
220 ~~replacements or modifications to systems installed prior to~~
221 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~
222 ~~the bottom of the drainfield to the wettest season water table~~
223 ~~elevation as defined by department rule.~~

224 ~~2. Systems being evaluated that were installed on or after~~
225 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~
226 ~~the bottom of the drainfield to the wettest season water table~~
227 ~~elevation as defined by department rule. All drainfield repairs,~~
228 ~~replacements or modification to systems developed on or after~~
229 ~~January 1, 1983, shall meet a minimum 24-inch separation from~~
230 ~~the bottom of the drainfield to the wettest season water table~~
231 ~~elevation.~~

232 ~~(e) If documentation of a tank pump-out or a permitted new~~
233 ~~installation, repair, or modification of the system within the~~
234 ~~previous 5 years is provided, and states the capacity of the~~
235 ~~tank and indicates that the condition of the tank is not a~~
236 ~~sanitary or public health nuisance pursuant to department rule,~~
237 ~~a pump-out of the system is not required.~~

238 ~~(f) Owners are responsible for paying the cost of any~~
239 ~~required pump-out, repair, or replacement pursuant to department~~
240 ~~rule, and may not request partial evaluation or the omission of~~
241 ~~portions of the evaluation.~~

242 ~~(g) Each evaluation or pump-out required under this~~
243 ~~subsection must be performed by a septic tank contractor or~~
244 ~~master septic tank contractor registered under part III of~~



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245 ~~chapter 489, a professional engineer with wastewater treatment~~
246 ~~system experience licensed pursuant to chapter 471, or an~~
247 ~~environmental health professional certified under chapter 381 in~~
248 ~~the area of onsite sewage treatment and disposal system~~
249 ~~evaluation.~~

250 ~~(h) The evaluation report fee collected pursuant to s.~~
251 ~~381.0066(2) (b) shall be remitted to the department by the~~
252 ~~evaluator at the time the report is submitted.~~

253 ~~(i) Prior to any evaluation deadline, the department must~~
254 ~~provide a minimum of 60 days' notice to owners that their~~
255 ~~systems must be evaluated by that deadline. The department may~~
256 ~~include a copy of any homeowner educational materials developed~~
257 ~~pursuant to this section which provides information on the~~
258 ~~proper maintenance of onsite sewage treatment and disposal~~
259 ~~systems.~~

260 ~~(5)(6) ENFORCEMENT; RIGHT OF ENTRY; CITATIONS.-~~

261 (a) Department personnel who have reason to believe
262 noncompliance exists, may at any reasonable time, enter the
263 premises permitted under ss. 381.0065-381.0066, or the business
264 premises of any septic tank contractor or master septic tank
265 contractor registered under part III of chapter 489, or any
266 premises that the department has reason to believe is being
267 operated or maintained not in compliance, to determine
268 compliance with the provisions of this section, part I of
269 chapter 386, or part III of chapter 489 or rules or standards
270 adopted under ss. 381.0065-381.0067, part I of chapter 386, or
271 part III of chapter 489. As used in this paragraph, the term
272 "premises" does not include a residence or private building. To
273 gain entry to a residence or private building, the department



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274 must obtain permission from the owner or occupant or secure an
275 inspection warrant from a court of competent jurisdiction.

276 (b)1. The department may issue citations that may contain
277 an order of correction or an order to pay a fine, or both, for
278 violations of ss. 381.0065-381.0067, part I of chapter 386, or
279 part III of chapter 489 or the rules adopted by the department,
280 when a violation of these sections or rules is enforceable by an
281 administrative or civil remedy, or when a violation of these
282 sections or rules is a misdemeanor of the second degree. A
283 citation issued under ss. 381.0065-381.0067, part I of chapter
284 386, or part III of chapter 489 constitutes a notice of proposed
285 agency action.

286 2. A citation must be in writing and must describe the
287 particular nature of the violation, including specific reference
288 to the provisions of law or rule allegedly violated.

289 3. The fines imposed by a citation issued by the department
290 may not exceed \$500 for each violation. Each day the violation
291 exists constitutes a separate violation for which a citation may
292 be issued.

293 4. The department shall inform the recipient, by written
294 notice pursuant to ss. 120.569 and 120.57, of the right to an
295 administrative hearing to contest the citation within 21 days
296 after the date the citation is received. The citation must
297 contain a conspicuous statement that if the recipient fails to
298 pay the fine within the time allowed, or fails to appear to
299 contest the citation after having requested a hearing, the
300 recipient has waived the recipient's right to contest the
301 citation and must pay an amount up to the maximum fine.

302 5. The department may reduce or waive the fine imposed by



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303 the citation. In determining whether to reduce or waive the
304 fine, the department must consider the gravity of the violation,
305 the person's attempts at correcting the violation, and the
306 person's history of previous violations including violations for
307 which enforcement actions were taken under ss. 381.0065-
308 381.0067, part I of chapter 386, part III of chapter 489, or
309 other provisions of law or rule.

310 6. Any person who willfully refuses to sign and accept a
311 citation issued by the department commits a misdemeanor of the
312 second degree, punishable as provided in s. 775.082 or s.
313 775.083.

314 7. The department, pursuant to ss. 381.0065-381.0067, part
315 I of chapter 386, or part III of chapter 489, shall deposit any
316 fines it collects in the county health department trust fund for
317 use in providing services specified in those sections.

318 8. This section provides an alternative means of enforcing
319 ss. 381.0065-381.0067, part I of chapter 386, and part III of
320 chapter 489. This section does not prohibit the department from
321 enforcing ss. 381.0065-381.0067, part I of chapter 386, or part
322 III of chapter 489, or its rules, by any other means. However,
323 the department must elect to use only a single method of
324 enforcement for each violation.

325 ~~(6)(7) LAND APPLICATION OF SEPTAGE PROHIBITED.—Effective~~
326 ~~January 1, 2016, the land application of septage from onsite~~
327 ~~sewage treatment and disposal systems is prohibited. By February~~
328 ~~1, 2011, the department, in consultation with the Department of~~
329 ~~Environmental Protection, shall provide a report to the~~
330 ~~Governor, the President of the Senate, and the Speaker of the~~
331 ~~House of Representatives, recommending alternative methods to~~



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332 ~~establish enhanced treatment levels for the land application of~~
333 ~~septage from onsite sewage and disposal systems. The report~~
334 ~~shall include, but is not limited to, a schedule for the~~
335 ~~reduction in land application, appropriate treatment levels,~~
336 ~~alternative methods for treatment and disposal, enhanced~~
337 ~~application site permitting requirements including any~~
338 ~~requirements for nutrient management plans, and the range of~~
339 ~~costs to local governments, affected businesses, and individuals~~
340 ~~for alternative treatment and disposal methods. The report shall~~
341 ~~also include any recommendations for legislation or rule~~
342 ~~authority needed to reduce land application of septage.~~

343 Section 2. Section 381.00651, Florida Statutes, is created
344 to read:

345 381.00651 Periodic evaluation and assessment of onsite
346 sewage treatment and disposal systems.—

347 (1) For the purposes of this section, the term "first
348 magnitude spring" means a spring that has a median water
349 discharge of greater than or equal to 100 cubic feet per second
350 for the period of record, as determined by the Department of
351 Environmental Protection.

352 (2) A county or municipality that contains a first
353 magnitude spring shall, by no later than January 1, 2013,
354 develop and adopt by local ordinance an onsite sewage treatment
355 and disposal system evaluation and assessment program which
356 meets the requirements of this section. The ordinance may apply
357 within all or part of its geographic area. Those counties or
358 municipalities containing a first magnitude spring that have
359 already adopted an onsite sewage treatment and disposal system
360 evaluation and assessment program which meet the grandfathering



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361 requirements contained in this section, or that have chosen to
362 opt out of this section in the manner provided herein, are
363 exempt from the requirement to adopt an ordinance implementing
364 an evaluation and assessment program. The governing body of a
365 local government that chooses to opt out of this section shall
366 do so by adopting a resolution by majority vote which indicates
367 an intent on the part of such local government not to adopt an
368 onsite sewage treatment and disposal system evaluation and
369 assessment program. Such resolution shall be addressed and
370 transmitted to the Secretary of State. Absent an inter-local
371 agreement or county charter provision to the contrary, a
372 municipality may elect to opt out of the requirements of this
373 section notwithstanding a contrary decision of the governing
374 body of a county. Any local government that has properly opted
375 out of this section but subsequently chooses to adopt an
376 evaluation and assessment program may do so only pursuant to the
377 requirements of this section and may not deviate from such
378 requirements.

379 (3) Any county or municipality that does not contain a
380 first magnitude spring may at any time develop and adopt by
381 local ordinance an onsite sewage treatment and disposal system
382 evaluation and assessment program, provided such program meets
383 and does not deviate from the requirements of this section.

384 (4) Any county or municipality that has adopted such a
385 program before July 1, 2011, may continue to enforce its program
386 without having to meet the requirements of this section,
387 provided such program does not require an evaluation at the
388 point of sale in a real estate transaction.

389 (5) Any county or municipality may repeal an ordinance



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390 adopted pursuant to this section only if the county or
391 municipality notifies the Secretary of State by letter of the
392 repeal. No county or municipality may adopt an onsite sewage
393 treatment and disposal system evaluation and assessment program
394 except pursuant to this section.

395 (6) The requirements for an onsite sewage treatment and
396 disposal system evaluation and assessment program are as
397 follows:

398 (a) Evaluations.—An evaluation of each onsite sewage
399 treatment and disposal system within all or part of the county's
400 or municipality's jurisdiction must take place once every 5
401 years to assess the fundamental operational condition of the
402 system and to identify system failures. The ordinance may not
403 mandate an evaluation at the point of sale in a real estate
404 transaction and may not require a soil examination. The location
405 of the system shall be identified. A tank and drainfield
406 evaluation and a written assessment of the overall condition of
407 the system pursuant to the assessment procedure prescribed in
408 subsection (7) are required.

409 (b) Qualified contractors.—Each evaluation required under
410 this subsection must be performed by a qualified contractor, who
411 may be a septic tank contractor or master septic tank contractor
412 registered under part III of chapter 489, a professional
413 engineer having wastewater treatment system experience and
414 licensed under chapter 471, or an environmental health
415 professional certified under this chapter in the area of onsite
416 sewage treatment and disposal system evaluation. Evaluations and
417 pump-outs may also be performed by an authorized employee
418 working under the supervision of an individual listed in this



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419 paragraph; however, all evaluation forms must be signed by a
420 qualified contractor in writing or by electronic signature.

421 (c) Repair of systems.—The local ordinance may not require
422 a repair, modification, or replacement of a system as a result
423 of an evaluation unless the evaluation identifies a system
424 failure. For purposes of this subsection, the term "system
425 failure" means a condition existing within an onsite sewage
426 treatment and disposal system that results in the discharge of
427 untreated or partially treated wastewater onto the ground
428 surface or into surface water or that results in the failure of
429 building plumbing to discharge properly and presents a sanitary
430 nuisance. A system is not in failure if the system does not have
431 a minimum separation distance between the drainfield and the
432 wettest season water table or if an obstruction in a sanitary
433 line or an effluent screen or filter prevents effluent from
434 flowing into a drainfield. If a system failure is identified and
435 several allowable remedial measures are available to resolve the
436 failure, the system owner may choose the least costly allowable
437 remedial measure to fix the system. There may be instances in
438 which a pump-out is sufficient to resolve a system failure.
439 Allowable remedial measures to resolve a system failure are
440 limited to what is necessary to resolve the failure and must
441 meet, to the maximum extent practicable, the requirements of the
442 repair code in effect when the repair is made, subject to the
443 exceptions specified in s. 381.0065(4)(g). An engineer-designed
444 performance-based treatment system to reduce nutrients may not
445 be required as an alternative remediation measure to resolve the
446 failure of a conventional system.

447 (d) Exemptions.—



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448 1. The local ordinance shall exempt from the evaluation
449 requirements any system that is required to obtain an operating
450 permit pursuant to state law or that is inspected by the
451 department pursuant to the annual permit inspection requirements
452 of chapter 513.

453 2. The local ordinance may provide for an exemption or an
454 extension of time to obtain an evaluation and assessment if
455 connection to a sewer system is available, connection to the
456 sewer system is imminent, and written arrangements for payment
457 of any utility assessments or connection fees have been made by
458 the system owner.

459 3. An onsite sewage treatment and disposal system serving a
460 residential dwelling unit on a lot with a ratio of one bedroom
461 per acre or greater is exempt from the requirements of this
462 section and may not be included in any onsite sewage treatment
463 and disposal system inspection program.

464 (7) The following procedures shall be used for conducting
465 evaluations:

466 (a) Tank evaluation.—The tank evaluation shall assess the
467 apparent structural condition and watertightness of the tank and
468 shall estimate the size of the tank. The evaluation must include
469 a pump-out. However, an ordinance may not require a pump-out if
470 there is documentation indicating that a tank pump-out or a
471 permitted new installation, repair, or modification of the
472 system has occurred within the previous 5 years, identifying the
473 capacity of the tank, and indicating that the condition of the
474 tank is structurally sound and watertight. Visual inspection of
475 the tank must be made when the tank is empty to detect cracks,
476 leaks, or other defects. Baffles or tees must be checked to



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477 ensure that they are intact and secure. The evaluation shall
478 note the presence and condition of outlet devices, effluent
479 filters, and compartment walls; any structural defect in the
480 tank; the condition and fit of the tank lid, including manholes;
481 whether surface water can infiltrate the tank; and whether the
482 tank was pumped out. If the tank, in the opinion of the
483 qualified contractor, is in danger of being damaged by leaving
484 the tank empty after inspection, the tank shall be refilled
485 before concluding the inspection. Broken or damaged lids or
486 manholes shall be replaced without obtaining a repair permit.

487 (b) Drainfield evaluation.—The drainfield evaluation must
488 include a determination of the approximate size and location of
489 the drainfield. The evaluation shall state whether there is any
490 sewage or effluent visible on the ground or discharging to a
491 ditch or other water body and the location of any downspout or
492 other source of water near or in the vicinity of the drainfield.

493 (c) Special circumstances.—If the system contains pumps,
494 siphons, or alarms, the following information may be provided at
495 the request of the homeowner:

496 1. An assessment of dosing tank integrity, including the
497 approximate volume and the type of material used in the tank's
498 construction;

499 2. Whether the pump is elevated off the bottom of the
500 chamber and its operational status;

501 3. Whether the system has a check valve and purge hole; and

502 4. Whether the system has a high-water alarm, and if so
503 whether the alarm is audio or visual or both, the location and
504 operational condition of the alarm, and whether the electrical
505 connections to the alarm appear satisfactory.



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506 (d) Assessment procedure.—All evaluation procedures used by
507 a qualified contractor shall be documented. The qualified
508 contractor shall provide a copy of a written, signed evaluation
509 report to the property owner upon completion of the evaluation
510 and to the county health department within 30 days after the
511 evaluation. The report shall contain the name and license number
512 of the company providing the report. A copy of the evaluation
513 report shall be retained by the local county health department
514 for a minimum of 5 years and until a subsequent inspection
515 report is filed. The front cover of the report must identify any
516 system failure and include a clear and conspicuous notice to the
517 owner that the owner has a right to have any remediation of the
518 failure performed by a qualified contractor other than the
519 contractor performing the evaluation. The report must further
520 identify any crack, leak, improper fit, or other defect in the
521 tank, manhole, or lid, and any other damaged or missing
522 component; any sewage or effluent visible on the ground or
523 discharging to a ditch or other surface water body; any
524 downspout, stormwater, or other source of water directed onto or
525 toward the system; and any other maintenance need or condition
526 of the system at the time of the evaluation that, in the opinion
527 of the qualified contractor, would possibly interfere with or
528 restrict any future repair or modification to the existing
529 system. The report shall conclude with an overall assessment of
530 the fundamental operational condition of the system.

531 (8) The county health department shall administer any
532 evaluation program on behalf of a county, or a municipality
533 within the county, that has adopted an evaluation program
534 pursuant to this section. In order to administer the evaluation



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535 program, the county or municipality, in consultation with the
536 county health department, may develop a reasonable fee schedule
537 to be used solely to pay for the costs of administering the
538 evaluation program. Such a fee schedule shall be identified in
539 the ordinance that adopts the evaluation program. When arriving
540 at a reasonable fee schedule, the estimated annual revenues to
541 be derived from fees may not exceed reasonable estimated annual
542 costs of the program. Fees shall be assessed to the system owner
543 during an inspection and separately identified on the invoice of
544 the qualified contractor. Fees shall be remitted by the
545 qualified contractor to the county health department. The county
546 health department's administrative responsibilities include the
547 following:

548 (a) Providing a notice to the system owner at least 60 days
549 before the system is due for an evaluation. The notice may
550 include information on the proper maintenance of onsite sewage
551 treatment and disposal systems.

552 (b) In consultation with the Department of Health,
553 providing uniform disciplinary procedures and penalties for
554 qualified contractors who do not comply with the requirements of
555 the adopted ordinance, including, but not limited to, failure to
556 provide the evaluation report as required in this subsection to
557 the system owner and the county health department. Only the
558 county health department may assess penalties against system
559 owners for failure to comply with the adopted ordinance,
560 consistent with existing requirements of law.

561 (c) Developing its own database and tracking systems to
562 encompass evaluation programs adopted by the county or
563 municipalities within its jurisdiction. The database shall also



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564 be used to collect, store, and index information obtained from
565 the evaluation reports filed by each qualified contractor with
566 the county health department. The tracking system:

567 1. Must include the ability to collect and store the
568 description, addresses, and locations of the onsite sewage
569 treatment and disposal systems within each jurisdiction; an
570 inventory of the number of onsite sewage treatment and disposal
571 systems within each jurisdiction; and the total number and types
572 of system failures within each jurisdiction.

573 2. May include the ability to collect and store other
574 trends deemed relevant by the county health department resulting
575 from an assessment and evaluation of the overall condition of
576 onsite sewage treatment and disposal systems.

577 3. May be Internet-based.

578 4. May be designed to be used by contractors to report all
579 service and evaluation events and by the county health
580 department to notify owners of onsite sewage treatment and
581 disposal systems when evaluations are due. Data and information
582 shall be recorded and updated as service and evaluations are
583 conducted and reported.

584 (9) (a) A county or municipality that adopts an onsite
585 sewage treatment and disposal system evaluation and assessment
586 program pursuant to this section shall notify the Secretary of
587 Environmental Protection, the Department of Health, and the
588 applicable county health department upon the adoption of its
589 ordinance establishing the program.

590 (b) Upon receipt of the notice under paragraph (a), the
591 Department of Environmental Protection shall, within existing
592 resources, notify the county or municipality of the potential



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593 use of, and access to, program funds under the Clean Water State
594 Revolving Fund or s. 319 of the Clean Water Act, provide
595 guidance in the application process to receive such moneys, and
596 provide advice and technical assistance to the county or
597 municipality on how to establish a low-interest revolving loan
598 program or how to model a revolving loan program after the low-
599 interest loan program of the Clean Water State Revolving Fund.
600 This paragraph does not obligate the Department of Environmental
601 Protection to provide any county or municipality with money to
602 fund such programs.

603 (c) The Department of Health may not adopt any rule that
604 alters the provisions of this section.

605 (10) This section does not:

606 (a) Derogate or limit county and municipal home rule
607 authority to act outside the scope of the evaluation and
608 assessment program set forth in this section.

609 (b) Repeal or affect any other law relating to the subject
610 matter of this section.

611 (c) Prohibit a county or municipality that has adopted an
612 evaluation and assessment program pursuant to this section from:

613 1. Enforcing existing ordinances or adopting new ordinances
614 relating to onsite sewage treatment facilities to address public
615 health and safety if such ordinances do not repeal, suspend, or
616 alter the requirements or limitations of this section.

617 2. Adopting local environmental and pollution abatement
618 measures for water quality improvement as provided for by law if
619 such measures do not repeal, suspend, or alter the requirements
620 or limitations of this section.

621 3. Exercising its independent and existing authority to use



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622 and meet the requirements of s. 381.00655.

623 Section 3. Section 381.00656, Florida Statutes, is
624 repealed.

625 Section 4. Subsection (2) of section 381.0066, Florida
626 Statutes, is amended to read:

627 381.0066 Onsite sewage treatment and disposal systems;
628 fees.—

629 (2) The minimum fees in the following fee schedule apply
630 until changed by rule by the department within the following
631 limits:

632 (a) Application review, permit issuance, or system
633 inspection, including repair of a subsurface, mound, filled, or
634 other alternative system or permitting of an abandoned system: a
635 fee of not less than \$25, or more than \$125.

636 ~~(b) A 5-year evaluation report submitted pursuant to s.~~
637 ~~381.0065(5): a fee not less than \$15, or more than \$30. At least~~
638 ~~\$1 and no more than \$5 collected pursuant to this paragraph~~
639 ~~shall be used to fund a grant program established under s.~~
640 ~~381.00656.~~

641 ~~(b)(e)~~ Site evaluation, site reevaluation, evaluation of a
642 system previously in use, or a per annum septage disposal site
643 evaluation: a fee of not less than \$40, or more than \$115.

644 ~~(c)(d)~~ Biennial Operating permit for aerobic treatment
645 units or performance-based treatment systems: a fee of not more
646 than \$100.

647 ~~(d)(e)~~ Annual operating permit for systems located in areas
648 zoned for industrial manufacturing or equivalent uses or where
649 the system is expected to receive wastewater which is not
650 domestic in nature: a fee of not less than \$150, or more than



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651 \$300.

652 (e)~~(f)~~ Innovative technology: a fee not to exceed \$25,000.

653 (f)~~(g)~~ Septage disposal service, septage stabilization
654 facility, portable or temporary toilet service, tank
655 manufacturer inspection: a fee of not less than \$25, or more
656 than \$200, per year.

657 (g)~~(h)~~ Application for variance: a fee of not less than
658 \$150, or more than \$300.

659 (h)~~(i)~~ Annual operating permit for waterless, incinerating,
660 or organic waste composting toilets: a fee of not less than \$15
661 ~~\$50~~, or more than \$30 ~~\$150~~.

662 (i)~~(j)~~ Aerobic treatment unit or performance-based
663 treatment system maintenance entity permit: a fee of not less
664 than \$25, or more than \$150, per year.

665 (j)~~(k)~~ Reinspection fee per visit for site inspection after
666 system construction approval or for noncompliant system
667 installation per site visit: a fee of not less than \$25, or more
668 than \$100.

669 (k)~~(l)~~ Research: An additional \$5 fee shall be added to
670 each new system construction permit issued to be used to fund
671 onsite sewage treatment and disposal system research,
672 demonstration, and training projects. Five dollars from any
673 repair permit fee collected under this section shall be used for
674 funding the hands-on training centers described in s.
675 381.0065(3)(j).

676 (l)~~(m)~~ Annual operating permit, including annual inspection
677 and any required sampling and laboratory analysis of effluent,
678 for an engineer-designed performance-based system: a fee of not
679 less than \$150, or more than \$300.



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680
681 ~~On or before January 1, 2011, the Surgeon General, after~~
682 ~~consultation with the Revenue Estimating Conference, shall~~
683 ~~determine a revenue neutral fee schedule for services provided~~
684 ~~pursuant to s. 381.0065(5) within the parameters set in~~
685 ~~paragraph (b). Such determination is not subject to the~~
686 ~~provisions of chapter 120.~~ The funds collected pursuant to this
687 subsection must be deposited in a trust fund administered by the
688 department, to be used for the purposes stated in this section
689 and ss. 381.0065 and 381.00655.

690 Section 5. This act shall take effect upon becoming a law.

691
692
693 ===== T I T L E A M E N D M E N T =====

694 And the title is amended as follows:

695 Delete everything before the enacting clause
696 and insert:

697 A bill to be entitled
698 An act relating to ; onsite sewage treatment and disposal
699 systems; amending s. 381.0065, F.S.; deleting legislative
700 intent; defining the term "bedroom"; conforming cross-
701 references; providing for any permit issued and approved by the
702 Department of Health for the installation, modification, or
703 repair of an onsite sewage treatment and disposal system to
704 transfer with the title of the property; providing circumstances
705 in which an onsite sewage treatment and disposal system is not
706 considered abandoned; providing for the validity of an onsite
707 sewage treatment and disposal system permit if rules change
708 before final approval of the constructed system; providing that



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709 a system modification, replacement, or upgrade is not required
710 unless a bedroom is added to a single-family home; deleting
711 provisions requiring the department to administer an evaluation
712 and assessment program of onsite sewage treatment and disposal
713 systems and requiring property owners to have such systems
714 evaluated at least once every 5 years; deleting obsolete
715 provisions; creating s. 381.00651, F.S.; requiring a county or
716 municipality containing a first magnitude spring to adopt by
717 ordinance, under certain circumstances, the program for the
718 periodic evaluation and assessment of onsite sewage treatment
719 and disposal systems; requiring the county or municipality to
720 notify the Secretary of State of the ordinance; authorizing a
721 county or municipality, in specified circumstances, to opt out
722 of certain requirements by a specified date; authorizing a
723 county or municipality to adopt or repeal, after a specified
724 date, an ordinance creating an evaluation and assessment
725 program; subject to notification of the Secretary of State;
726 providing criteria for evaluations, qualified contractors,
727 repair of systems; providing for certain procedures and
728 exemptions in special circumstances; defining the term "system
729 failure"; requiring that certain procedures be used for
730 conducting tank and drainfield evaluations; providing for
731 certain procedures in special circumstances; providing for
732 assessment procedures; providing requirements for county health
733 departments; requiring the county or municipality to develop a
734 system for tracking the evaluations; providing criteria;
735 requiring counties and municipalities to notify the Secretary of
736 Environmental Protection and the Department of Health that an
737 evaluation program ordinance is adopted; requiring the



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738 Department of Environmental Protection to notify those counties
739 or municipalities of the use of, and access to, certain state
740 and federal program funds and to provide certain guidance and
741 technical assistance upon request; prohibiting the adoption of
742 certain rules by the Department of Health; providing
743 applicability; repealing s. 381.00656, F.S., relating to a grant
744 program for the repair of onsite sewage treatment and disposal
745 systems; amending s. 381.0066, F.S.; lowering the fees imposed
746 by the department for certain permits; conforming cross-
747 references; providing an effective date.



626262

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/11/2012	.	
	.	
	.	
	.	

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

Senate Amendment to Amendment (723570) (with title amendment)

Delete lines 365 - 373

and insert:

local government that chooses to opt out of this section, by a majority plus one vote of the members of the governing board, shall do so by adopting a resolution which indicates an intent on the part of such local government not to adopt an onsite sewage treatment and disposal system evaluation and assessment program. Such resolution shall be addressed and transmitted to the Secretary of State. Absent an inter-local agreement or



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13 county charter provision to the contrary, a municipality may
14 elect to opt out of the requirements of this section, by a
15 majority plus one vote of the members of the governing board,
16 notwithstanding a contrary decision of the governing
17

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

19 And the title is amended as follows:

20 Delete line 722

21 and insert:

22 by a majority plus one vote of certain requirements by
23 a specified date; authorizing a

By Senator Dean

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1 A bill to be entitled
2 An act relating to onsite sewage treatment and
3 disposal systems; amending s. 381.0065, F.S.; deleting
4 legislative intent; defining the term "bedroom";
5 providing for any permit issued and approved by the
6 Department of Health for the installation,
7 modification, or repair of an onsite sewage treatment
8 and disposal system to transfer with the title of the
9 property; providing circumstances in which an onsite
10 sewage treatment and disposal system is not considered
11 abandoned; providing for the validity of an onsite
12 sewage treatment and disposal system permit if rules
13 change before final approval of the constructed
14 system; providing that a system modification,
15 replacement, or upgrade is not required unless a
16 bedroom is added to a single-family home; deleting
17 provisions requiring the Department of Health to
18 administer an evaluation and assessment program of
19 onsite sewage treatment and disposal systems and
20 requiring property owners to have such systems
21 evaluated at least once every 5 years; deleting an
22 obsolete reporting requirement; creating s. 381.00651,
23 F.S.; requiring a county or municipality containing a
24 first magnitude spring to adopt by ordinance, under
25 certain circumstances, the program for the periodic
26 evaluation and assessment of onsite sewage treatment
27 and disposal systems; requiring the county or
28 municipality to notify the Secretary of State of the
29 ordinance; authorizing a county or municipality, in

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30 specified circumstances, to opt out of certain
31 requirements by a specified date; authorizing a county
32 or municipality to adopt or repeal, after a specified
33 date, an ordinance creating an evaluation and
34 assessment program; providing criteria for
35 evaluations, qualified contractors, repair of systems,
36 exemptions, and notifications; requiring that certain
37 procedures be used for conducting tank and drainfield
38 evaluations; providing for certain procedures and
39 exemptions in special circumstances; providing for
40 assessment procedures; requiring the county or
41 municipality to develop a system for collecting data
42 on evaluations; providing criteria; requiring counties
43 and municipalities to notify the Secretary of
44 Environmental Protection that an evaluation program
45 ordinance is adopted; requiring the department to
46 notify those counties or municipalities of the use of,
47 and access to, certain state and federal program
48 funds; requiring that the department provide certain
49 guidance and technical assistance to a county or
50 municipality upon request; repealing s. 381.00656,
51 F.S., relating to a grant program for the repair of
52 onsite sewage treatment disposal systems; amending s.
53 381.0066, F.S.; lowering the permit fees imposed by
54 the department for certain types of toilets; deleting
55 provisions relating to an evaluation and assessment
56 program, to conform to changes made by the act;
57 providing an effective date.
58

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

60
61 Section 1. Subsections (1), (4), (5), (6), and (7) of
62 section 381.0065, Florida Statutes, are amended, present
63 paragraphs (b) through (p) of subsection (2) of that section are
64 redesignated as paragraphs (c) through (q), respectively, a new
65 paragraph (b) is added to that subsection, to read:

66 381.0065 Onsite sewage treatment and disposal systems;
67 regulation.—

68 (1) LEGISLATIVE INTENT.—

69 (a) It is the intent of the Legislature that proper
70 management of onsite sewage treatment and disposal systems is
71 paramount to the health, safety, and welfare of the public. ~~It~~
72 ~~is further the intent of the Legislature that the department~~
73 ~~shall administer an evaluation program to ensure the operational~~
74 ~~condition of the system and identify any failure with the~~
75 ~~system.~~

76 (b) It is the intent of the Legislature that where a
77 publicly owned or investor-owned sewerage system is not
78 available, the department shall issue permits for the
79 construction, installation, modification, abandonment, or repair
80 of onsite sewage treatment and disposal systems under conditions
81 as described in this section and rules adopted under this
82 section. It is further the intent of the Legislature that the
83 installation and use of onsite sewage treatment and disposal
84 systems not adversely affect the public health or significantly
85 degrade the groundwater or surface water.

86 (2) DEFINITIONS.—As used in ss. 381.0065-381.0067, the
87 term:

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88 (b)1. "Bedroom" means a room that can be used for sleeping
89 and that:

90 a. For site-built dwellings, has a minimum of 70 square
91 feet of conditioned space;

92 b. For manufactured homes, is constructed according to
93 standards of the United States Department of Housing and Urban
94 Development and has a minimum square footage of 50 square feet
95 of floor area;

96 c. Is located along an exterior wall;

97 d. Has a closet and a door or an entrance where a door
98 could be reasonably installed; and

99 e. Has an emergency means of escape and rescue opening to
100 the outside.

101 2. A room is not a bedroom if it is used to access another
102 room except a bathroom or closet.

103 3. The term does not include a hallway, bathroom, kitchen,
104 living room, family room, dining room, den, breakfast nook,
105 pantry, laundry room, sunroom, recreation room, media/video
106 room, or exercise room.

107 4. For the purpose of determining system capacity,
108 occupancy is calculated at a maximum of two persons per bedroom.

109 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not
110 construct, repair, modify, abandon, or operate an onsite sewage
111 treatment and disposal system without first obtaining a permit
112 approved by the department. The department may issue permits to
113 administer ~~carry out~~ this section, but may ~~shall~~ not make the
114 issuance of a permit ~~such permits~~ contingent upon prior approval
115 by the Department of Environmental Protection, except that the
116 issuance of a permit for work seaward of the coastal

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117 construction control line established under s. 161.053 is shall
118 ~~be~~ contingent upon receipt of any required coastal construction
119 control line permit from the Department of Environmental
120 Protection. A construction permit is valid for 18 months after
121 ~~from~~ the issuance date and may be extended by the department for
122 one 90-day period under rules adopted by the department. A
123 repair permit is valid for 90 days after ~~from~~ the date of
124 issuance. An operating permit must be obtained before ~~prior to~~
125 the use of any aerobic treatment unit or if the establishment
126 generates commercial waste. Buildings or establishments that use
127 an aerobic treatment unit or generate commercial waste shall be
128 inspected by the department at least annually to assure
129 compliance with the terms of the operating permit. The operating
130 permit for a commercial wastewater system is valid for 1 year
131 after ~~from~~ the date of issuance and must be renewed annually.
132 The operating permit for an aerobic treatment unit is valid for
133 2 years after ~~from~~ the date of issuance and must be renewed
134 every 2 years. If all information pertaining to the siting,
135 location, and installation conditions or repair of an onsite
136 sewage treatment and disposal system remains the same, a
137 construction or repair permit for the onsite sewage treatment
138 and disposal system may be transferred to another person, if the
139 transferee files, within 60 days after the transfer of
140 ownership, an amended application providing all corrected
141 information and proof of ownership of the property. There is no
142 fee associated with the processing of this supplemental
143 information. A person may not contract to construct, modify,
144 alter, repair, service, abandon, or maintain any portion of an
145 onsite sewage treatment and disposal system without being

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146 registered under part III of chapter 489. A property owner who
147 personally performs construction, maintenance, or repairs to a
148 system serving his or her own owner-occupied single-family
149 residence is exempt from registration requirements for
150 performing such construction, maintenance, or repairs on that
151 residence, but is subject to all permitting requirements. A
152 municipality or political subdivision of the state may not issue
153 a building or plumbing permit for any building that requires the
154 use of an onsite sewage treatment and disposal system unless the
155 owner or builder has received a construction permit for such
156 system from the department. A building or structure may not be
157 occupied and a municipality, political subdivision, or any state
158 or federal agency may not authorize occupancy until the
159 department approves the final installation of the onsite sewage
160 treatment and disposal system. A municipality or political
161 subdivision of the state may not approve any change in occupancy
162 or tenancy of a building that uses an onsite sewage treatment
163 and disposal system until the department has reviewed the use of
164 the system with the proposed change, approved the change, and
165 amended the operating permit.

166 (a) Subdivisions and lots in which each lot has a minimum
167 area of at least one-half acre and either a minimum dimension of
168 100 feet or a mean of at least 100 feet of the side bordering
169 the street and the distance formed by a line parallel to the
170 side bordering the street drawn between the two most distant
171 points of the remainder of the lot may be developed with a water
172 system regulated under s. 381.0062 and onsite sewage treatment
173 and disposal systems, provided the projected daily sewage flow
174 does not exceed an average of 1,500 gallons per acre per day,

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175 and provided satisfactory drinking water can be obtained and all
176 distance and setback, soil condition, water table elevation, and
177 other related requirements of this section and rules adopted
178 under this section can be met.

179 (b) Subdivisions and lots using a public water system as
180 defined in s. 403.852 may use onsite sewage treatment and
181 disposal systems, provided there are no more than four lots per
182 acre, provided the projected daily sewage flow does not exceed
183 an average of 2,500 gallons per acre per day, and provided that
184 all distance and setback, soil condition, water table elevation,
185 and other related requirements that are generally applicable to
186 the use of onsite sewage treatment and disposal systems are met.

187 (c) Notwithstanding paragraphs (a) and (b), for
188 subdivisions platted of record on or before October 1, 1991,
189 when a developer or other appropriate entity has previously made
190 or makes provisions, including financial assurances or other
191 commitments, acceptable to the Department of Health, that a
192 central water system will be installed by a regulated public
193 utility based on a density formula, private potable wells may be
194 used with onsite sewage treatment and disposal systems until the
195 agreed-upon densities are reached. In a subdivision regulated by
196 this paragraph, the average daily sewage flow may not exceed
197 2,500 gallons per acre per day. This section does not affect the
198 validity of existing prior agreements. After October 1, 1991,
199 the exception provided under this paragraph is not available to
200 a developer or other appropriate entity.

201 (d) Paragraphs (a) and (b) do not apply to any proposed
202 residential subdivision with more than 50 lots or to any
203 proposed commercial subdivision with more than 5 lots where a

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204 publicly owned or investor-owned sewerage system is available.
205 It is the intent of this paragraph not to allow development of
206 additional proposed subdivisions in order to evade the
207 requirements of this paragraph.

208 (e) Onsite sewage treatment and disposal systems must not
209 be placed closer than:

210 1. Seventy-five feet from a private potable well.

211 2. Two hundred feet from a public potable well serving a
212 residential or nonresidential establishment having a total
213 sewage flow of greater than 2,000 gallons per day.

214 3. One hundred feet from a public potable well serving a
215 residential or nonresidential establishment having a total
216 sewage flow of less than or equal to 2,000 gallons per day.

217 4. Fifty feet from any nonpotable well.

218 5. Ten feet from any storm sewer pipe, to the maximum
219 extent possible, but in no instance shall the setback be less
220 than 5 feet.

221 6. Seventy-five feet from the mean high-water line of a
222 tidally influenced surface water body.

223 7. Seventy-five feet from the mean annual flood line of a
224 permanent nontidal surface water body.

225 8. Fifteen feet from the design high-water line of
226 retention areas, detention areas, or swales designed to contain
227 standing or flowing water for less than 72 hours after a
228 rainfall or the design high-water level of normally dry drainage
229 ditches or normally dry individual lot stormwater retention
230 areas.

231 (f) Except as provided under paragraphs (e) and (t), no
232 limitations shall be imposed by rule, relating to the distance

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233 between an onsite disposal system and any area that either
234 permanently or temporarily has visible surface water.

235 (g) All provisions of this section and rules adopted under
236 this section relating to soil condition, water table elevation,
237 distance, and other setback requirements must be equally applied
238 to all lots, with the following exceptions:

239 1. Any residential lot that was platted and recorded on or
240 after January 1, 1972, or that is part of a residential
241 subdivision that was approved by the appropriate permitting
242 agency on or after January 1, 1972, and that was eligible for an
243 onsite sewage treatment and disposal system construction permit
244 on the date of such platting and recording or approval shall be
245 eligible for an onsite sewage treatment and disposal system
246 construction permit, regardless of when the application for a
247 permit is made. If rules in effect at the time the permit
248 application is filed cannot be met, residential lots platted and
249 recorded or approved on or after January 1, 1972, shall, to the
250 maximum extent possible, comply with the rules in effect at the
251 time the permit application is filed. At a minimum, however,
252 those residential lots platted and recorded or approved on or
253 after January 1, 1972, but before January 1, 1983, shall comply
254 with those rules in effect on January 1, 1983, and those
255 residential lots platted and recorded or approved on or after
256 January 1, 1983, shall comply with those rules in effect at the
257 time of such platting and recording or approval. In determining
258 the maximum extent of compliance with current rules that is
259 possible, the department shall allow structures and
260 appurtenances thereto which were authorized at the time such
261 lots were platted and recorded or approved.

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262 2. Lots platted before 1972 are subject to a 50-foot
263 minimum surface water setback and are not subject to lot size
264 requirements. The projected daily flow for onsite sewage
265 treatment and disposal systems for lots platted before 1972 may
266 not exceed:

267 a. Two thousand five hundred gallons per acre per day for
268 lots served by public water systems as defined in s. 403.852.

269 b. One thousand five hundred gallons per acre per day for
270 lots served by water systems regulated under s. 381.0062.

271 (h)1. The department may grant variances in hardship cases
272 which may be less restrictive than the provisions specified in
273 this section. If a variance is granted and the onsite sewage
274 treatment and disposal system construction permit has been
275 issued, the variance may be transferred with the system
276 construction permit, if the transferee files, within 60 days
277 after the transfer of ownership, an amended construction permit
278 application providing all corrected information and proof of
279 ownership of the property and if the same variance would have
280 been required for the new owner of the property as was
281 originally granted to the original applicant for the variance.
282 There is no fee associated with the processing of this
283 supplemental information. A variance may not be granted under
284 this section until the department is satisfied that:

285 a. The hardship was not caused intentionally by the action
286 of the applicant;

287 b. No reasonable alternative, taking into consideration
288 factors such as cost, exists for the treatment of the sewage;
289 and

290 c. The discharge from the onsite sewage treatment and

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291 disposal system will not adversely affect the health of the
292 applicant or the public or significantly degrade the groundwater
293 or surface waters.

294
295 Where soil conditions, water table elevation, and setback
296 provisions are determined by the department to be satisfactory,
297 special consideration must be given to those lots platted before
298 1972.

299 2. The department shall appoint and staff a variance review
300 and advisory committee, which shall meet monthly to recommend
301 agency action on variance requests. The committee shall make its
302 recommendations on variance requests at the meeting in which the
303 application is scheduled for consideration, except for an
304 extraordinary change in circumstances, the receipt of new
305 information that raises new issues, or when the applicant
306 requests an extension. The committee shall consider the criteria
307 in subparagraph 1. in its recommended agency action on variance
308 requests and shall also strive to allow property owners the full
309 use of their land where possible. The committee consists of the
310 following:

311 a. The Division Director for Environmental Health of the
312 department or his or her designee.

313 b. A representative from the county health departments.

314 c. A representative from the home building industry
315 recommended by the Florida Home Builders Association.

316 d. A representative from the septic tank industry
317 recommended by the Florida Onsite Wastewater Association.

318 e. A representative from the Department of Environmental
319 Protection.

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320 f. A representative from the real estate industry who is
321 also a developer in this state who develops lots using onsite
322 sewage treatment and disposal systems, recommended by the
323 Florida Association of Realtors.

324 g. A representative from the engineering profession
325 recommended by the Florida Engineering Society.

326

327 Members shall be appointed for a term of 3 years, with such
328 appointments being staggered so that the terms of no more than
329 two members expire in any one year. Members shall serve without
330 remuneration, but if requested, shall be reimbursed for per diem
331 and travel expenses as provided in s. 112.061.

332 (i) A construction permit may not be issued for an onsite
333 sewage treatment and disposal system in any area zoned or used
334 for industrial or manufacturing purposes, or its equivalent,
335 where a publicly owned or investor-owned sewage treatment system
336 is available, or where a likelihood exists that the system will
337 receive toxic, hazardous, or industrial waste. An existing
338 onsite sewage treatment and disposal system may be repaired if a
339 publicly owned or investor-owned sewerage system is not
340 available within 500 feet of the building sewer stub-out and if
341 system construction and operation standards can be met. This
342 paragraph does not require publicly owned or investor-owned
343 sewerage treatment systems to accept anything other than
344 domestic wastewater.

345 1. A building located in an area zoned or used for
346 industrial or manufacturing purposes, or its equivalent, when
347 such building is served by an onsite sewage treatment and
348 disposal system, must not be occupied until the owner or tenant

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349 has obtained written approval from the department. The
350 department shall not grant approval when the proposed use of the
351 system is to dispose of toxic, hazardous, or industrial
352 wastewater or toxic or hazardous chemicals.

353 2. Each person who owns or operates a business or facility
354 in an area zoned or used for industrial or manufacturing
355 purposes, or its equivalent, or who owns or operates a business
356 that has the potential to generate toxic, hazardous, or
357 industrial wastewater or toxic or hazardous chemicals, and uses
358 an onsite sewage treatment and disposal system that is installed
359 on or after July 5, 1989, must obtain an annual system operating
360 permit from the department. A person who owns or operates a
361 business that uses an onsite sewage treatment and disposal
362 system that was installed and approved before July 5, 1989, need
363 not obtain a system operating permit. However, upon change of
364 ownership or tenancy, the new owner or operator must notify the
365 department of the change, and the new owner or operator must
366 obtain an annual system operating permit, regardless of the date
367 that the system was installed or approved.

368 3. The department shall periodically review and evaluate
369 the continued use of onsite sewage treatment and disposal
370 systems in areas zoned or used for industrial or manufacturing
371 purposes, or its equivalent, and may require the collection and
372 analyses of samples from within and around such systems. If the
373 department finds that toxic or hazardous chemicals or toxic,
374 hazardous, or industrial wastewater have been or are being
375 disposed of through an onsite sewage treatment and disposal
376 system, the department shall initiate enforcement actions
377 against the owner or tenant to ensure adequate cleanup,

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378 treatment, and disposal.

379 (j) An onsite sewage treatment and disposal system for a
380 single-family residence that is designed by a professional
381 engineer registered in the state and certified by such engineer
382 as complying with performance criteria adopted by the department
383 must be approved by the department subject to the following:

384 1. The performance criteria applicable to engineer-designed
385 systems must be limited to those necessary to ensure that such
386 systems do not adversely affect the public health or
387 significantly degrade the groundwater or surface water. Such
388 performance criteria shall include consideration of the quality
389 of system effluent, the proposed total sewage flow per acre,
390 wastewater treatment capabilities of the natural or replaced
391 soil, water quality classification of the potential surface-
392 water-receiving body, and the structural and maintenance
393 viability of the system for the treatment of domestic
394 wastewater. However, performance criteria shall address only the
395 performance of a system and not a system's design.

396 2. The technical review and advisory panel shall assist the
397 department in the development of performance criteria applicable
398 to engineer-designed systems.

399 3. A person electing to utilize an engineer-designed system
400 shall, upon completion of the system design, submit such design,
401 certified by a registered professional engineer, to the county
402 health department. The county health department may utilize an
403 outside consultant to review the engineer-designed system, with
404 the actual cost of such review to be borne by the applicant.
405 Within 5 working days after receiving an engineer-designed
406 system permit application, the county health department shall

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407 request additional information if the application is not
408 complete. Within 15 working days after receiving a complete
409 application for an engineer-designed system, the county health
410 department either shall issue the permit or, if it determines
411 that the system does not comply with the performance criteria,
412 shall notify the applicant of that determination and refer the
413 application to the department for a determination as to whether
414 the system should be approved, disapproved, or approved with
415 modification. The department engineer's determination shall
416 prevail over the action of the county health department. The
417 applicant shall be notified in writing of the department's
418 determination and of the applicant's rights to pursue a variance
419 or seek review under the provisions of chapter 120.

420 4. The owner of an engineer-designed performance-based
421 system must maintain a current maintenance service agreement
422 with a maintenance entity permitted by the department. The
423 maintenance entity shall obtain a biennial system operating
424 permit from the department for each system under service
425 contract. The department shall inspect the system at least
426 annually, or on such periodic basis as the fee collected
427 permits, and may collect system-effluent samples if appropriate
428 to determine compliance with the performance criteria. The fee
429 for the biennial operating permit shall be collected beginning
430 with the second year of system operation. The maintenance entity
431 shall inspect each system at least twice each year and shall
432 report quarterly to the department on the number of systems
433 inspected and serviced.

434 5. If an engineer-designed system fails to properly
435 function or fails to meet performance standards, the system

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436 shall be re-engineered, if necessary, to bring the system into
437 compliance with the provisions of this section.

438 (k) An innovative system may be approved in conjunction
439 with an engineer-designed site-specific system which is
440 certified by the engineer to meet the performance-based criteria
441 adopted by the department.

442 (l) For the Florida Keys, the department shall adopt a
443 special rule for the construction, installation, modification,
444 operation, repair, maintenance, and performance of onsite sewage
445 treatment and disposal systems which considers the unique soil
446 conditions and water table elevations, densities, and setback
447 requirements. On lots where a setback distance of 75 feet from
448 surface waters, saltmarsh, and buttonwood association habitat
449 areas cannot be met, an injection well, approved and permitted
450 by the department, may be used for disposal of effluent from
451 onsite sewage treatment and disposal systems. The following
452 additional requirements apply to onsite sewage treatment and
453 disposal systems in Monroe County:

454 1. The county, each municipality, and those special
455 districts established for the purpose of the collection,
456 transmission, treatment, or disposal of sewage shall ensure, in
457 accordance with the specific schedules adopted by the
458 Administration Commission under s. 380.0552, the completion of
459 onsite sewage treatment and disposal system upgrades to meet the
460 requirements of this paragraph.

461 2. Onsite sewage treatment and disposal systems must cease
462 discharge by December 31, 2015, or must comply with department
463 rules and provide the level of treatment which, on a permitted
464 annual average basis, produces an effluent that contains no more

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465 than the following concentrations:

- 466 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
467 b. Suspended Solids of 10 mg/l.
468 c. Total Nitrogen, expressed as N, of 10 mg/l.
469 d. Total Phosphorus, expressed as P, of 1 mg/l.

470

471 In addition, onsite sewage treatment and disposal systems
472 discharging to an injection well must provide basic disinfection
473 as defined by department rule.

474 3. On or after July 1, 2010, all new, modified, and
475 repaired onsite sewage treatment and disposal systems must
476 provide the level of treatment described in subparagraph 2.
477 However, in areas scheduled to be served by central sewer by
478 December 31, 2015, if the property owner has paid a connection
479 fee or assessment for connection to the central sewer system, an
480 onsite sewage treatment and disposal system may be repaired to
481 the following minimum standards:

482 a. The existing tanks must be pumped and inspected and
483 certified as being watertight and free of defects in accordance
484 with department rule; and

485 b. A sand-lined drainfield or injection well in accordance
486 with department rule must be installed.

487 4. Onsite sewage treatment and disposal systems must be
488 monitored for total nitrogen and total phosphorus concentrations
489 as required by department rule.

490 5. The department shall enforce proper installation,
491 operation, and maintenance of onsite sewage treatment and
492 disposal systems pursuant to this chapter, including ensuring
493 that the appropriate level of treatment described in

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494 subparagraph 2. is met.

495 6. The authority of a local government, including a special
496 district, to mandate connection of an onsite sewage treatment
497 and disposal system is governed by s. 4, chapter 99-395, Laws of
498 Florida.

499 (m) No product sold in the state for use in onsite sewage
500 treatment and disposal systems may contain any substance in
501 concentrations or amounts that would interfere with or prevent
502 the successful operation of such system, or that would cause
503 discharges from such systems to violate applicable water quality
504 standards. The department shall publish criteria for products
505 known or expected to meet the conditions of this paragraph. In
506 the event a product does not meet such criteria, such product
507 may be sold if the manufacturer satisfactorily demonstrates to
508 the department that the conditions of this paragraph are met.

509 (n) Evaluations for determining the seasonal high-water
510 table elevations or the suitability of soils for the use of a
511 new onsite sewage treatment and disposal system shall be
512 performed by department personnel, professional engineers
513 registered in the state, or such other persons with expertise,
514 as defined by rule, in making such evaluations. Evaluations for
515 determining mean annual flood lines shall be performed by those
516 persons identified in paragraph (2) (i). The department shall
517 accept evaluations submitted by professional engineers and such
518 other persons as meet the expertise established by this section
519 or by rule unless the department has a reasonable scientific
520 basis for questioning the accuracy or completeness of the
521 evaluation.

522 (o) The department shall appoint a research review and

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523 advisory committee, which shall meet at least semiannually. The
524 committee shall advise the department on directions for new
525 research, review and rank proposals for research contracts, and
526 review draft research reports and make comments. The committee
527 is comprised of:

- 528 1. A representative of the Division of Environmental Health
529 of the Department of Health.
- 530 2. A representative from the septic tank industry.
- 531 3. A representative from the home building industry.
- 532 4. A representative from an environmental interest group.
- 533 5. A representative from the State University System, from
534 a department knowledgeable about onsite sewage treatment and
535 disposal systems.
- 536 6. A professional engineer registered in this state who has
537 work experience in onsite sewage treatment and disposal systems.
- 538 7. A representative from local government who is
539 knowledgeable about domestic wastewater treatment.
- 540 8. A representative from the real estate profession.
- 541 9. A representative from the restaurant industry.
- 542 10. A consumer.

543
544 Members shall be appointed for a term of 3 years, with the
545 appointments being staggered so that the terms of no more than
546 four members expire in any one year. Members shall serve without
547 remuneration, but are entitled to reimbursement for per diem and
548 travel expenses as provided in s. 112.061.

549 (p) An application for an onsite sewage treatment and
550 disposal system permit shall be completed in full, signed by the
551 owner or the owner's authorized representative, or by a

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552 contractor licensed under chapter 489, and shall be accompanied
553 by all required exhibits and fees. No specific documentation of
554 property ownership shall be required as a prerequisite to the
555 review of an application or the issuance of a permit. The
556 issuance of a permit does not constitute determination by the
557 department of property ownership.

558 (q) The department may not require any form of subdivision
559 analysis of property by an owner, developer, or subdivider prior
560 to submission of an application for an onsite sewage treatment
561 and disposal system.

562 (r) Nothing in this section limits the power of a
563 municipality or county to enforce other laws for the protection
564 of the public health and safety.

565 (s) In the siting of onsite sewage treatment and disposal
566 systems, including drainfields, shoulders, and slopes, guttering
567 shall not be required on single-family residential dwelling
568 units for systems located greater than 5 feet from the roof drip
569 line of the house. If guttering is used on residential dwelling
570 units, the downspouts shall be directed away from the
571 drainfield.

572 (t) Notwithstanding the provisions of subparagraph (g)1.,
573 onsite sewage treatment and disposal systems located in
574 floodways of the Suwannee and Aucilla Rivers must adhere to the
575 following requirements:

576 1. The absorption surface of the drainfield shall not be
577 subject to flooding based on 10-year flood elevations. Provided,
578 however, for lots or parcels created by the subdivision of land
579 in accordance with applicable local government regulations prior
580 to January 17, 1990, if an applicant cannot construct a

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581 drainfield system with the absorption surface of the drainfield
582 at an elevation equal to or above 10-year flood elevation, the
583 department shall issue a permit for an onsite sewage treatment
584 and disposal system within the 10-year floodplain of rivers,
585 streams, and other bodies of flowing water if all of the
586 following criteria are met:

- 587 a. The lot is at least one-half acre in size;
- 588 b. The bottom of the drainfield is at least 36 inches above
589 the 2-year flood elevation; and
- 590 c. The applicant installs either: a waterless,
591 incinerating, or organic waste composting toilet and a graywater
592 system and drainfield in accordance with department rules; an
593 aerobic treatment unit and drainfield in accordance with
594 department rules; a system approved by the State Health Office
595 that is capable of reducing effluent nitrate by at least 50
596 percent; or a system approved by the county health department
597 pursuant to department rule other than a system using
598 alternative drainfield materials. The United States Department
599 of Agriculture Soil Conservation Service soil maps, State of
600 Florida Water Management District data, and Federal Emergency
601 Management Agency Flood Insurance maps are resources that shall
602 be used to identify flood-prone areas.

603 2. The use of fill or mounding to elevate a drainfield
604 system out of the 10-year floodplain of rivers, streams, or
605 other bodies of flowing water shall not be permitted if such a
606 system lies within a regulatory floodway of the Suwannee and
607 Aucilla Rivers. In cases where the 10-year flood elevation does
608 not coincide with the boundaries of the regulatory floodway, the
609 regulatory floodway will be considered for the purposes of this

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610 subsection to extend at a minimum to the 10-year flood
611 elevation.

612 (u) The owner of an aerobic treatment unit system shall
613 maintain a current maintenance service agreement with an aerobic
614 treatment unit maintenance entity permitted by the department.
615 The maintenance entity shall obtain a system operating permit
616 from the department for each aerobic treatment unit under
617 service contract. The maintenance entity shall inspect each
618 aerobic treatment unit system at least twice each year and shall
619 report quarterly to the department on the number of aerobic
620 treatment unit systems inspected and serviced. The owner shall
621 allow the department to inspect during reasonable hours each
622 aerobic treatment unit system at least annually, and such
623 inspection may include collection and analysis of system-
624 effluent samples for performance criteria established by rule of
625 the department.

626 (v) The department may require the submission of detailed
627 system construction plans that are prepared by a professional
628 engineer registered in this state. The department shall
629 establish by rule criteria for determining when such a
630 submission is required.

631 (w) A permit issued and approved by the department for the
632 installation, modification, or repair of an onsite sewage
633 treatment and disposal system shall transfer with the title to
634 the property. A title is not encumbered at the time of transfer
635 by new permit requirements by a governmental entity for an
636 onsite sewage treatment and disposal system which differ from
637 the permitting requirements in effect at the time the system was
638 permitted, modified, or repaired.

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639 (x) An onsite sewage treatment and disposal system is not
640 considered abandoned if the properly functioning onsite sewage
641 treatment and disposal system is disconnected from a structure
642 that was made unusable or destroyed following a disaster and the
643 system was not adversely affected by the disaster. The onsite
644 system may be reconnected to a rebuilt structure if:

645 1. The reconnection of the onsite sewage treatment and
646 disposal system is to the same type and approximate size of the
647 rebuilt structure that existed before the disaster;

648 2. The onsite sewage treatment and disposal system is not a
649 sanitary nuisance; and

650 3. The onsite sewage treatment and disposal system has not
651 been altered without prior authorization.

652
653 An onsite sewage treatment and disposal system serving a
654 property that is foreclosed upon is not an abandoned system.

655 (y) If an onsite sewage treatment and disposal system
656 permittee receives, relies upon, and undertakes construction of
657 a system based upon a valid construction permit issued pursuant
658 to rules applicable at the time of construction, but a change to
659 a rule occurs after the approval of the system for construction,
660 but before the final approval of the system, the rules
661 applicable and in effect at the time of the construction
662 approval apply to the final approval if the fundamental site
663 conditions have not changed between the time of construction
664 approval and final approval.

665 (z) A modification, replacement, or upgrade of an onsite
666 sewage treatment and disposal system is not required for a
667 remodeling addition to a single-family home if a bedroom is not

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668 added.

669 ~~(5) EVALUATION AND ASSESSMENT.—~~

670 ~~(a) Beginning July 1, 2011, the department shall administer~~
671 ~~an onsite sewage treatment and disposal system evaluation~~
672 ~~program for the purpose of assessing the fundamental operational~~
673 ~~condition of systems and identifying any failures within the~~
674 ~~systems. The department shall adopt rules implementing the~~
675 ~~program standards, procedures, and requirements, including, but~~
676 ~~not limited to, a schedule for a 5-year evaluation cycle,~~
677 ~~requirements for the pump-out of a system or repair of a failing~~
678 ~~system, enforcement procedures for failure of a system owner to~~
679 ~~obtain an evaluation of the system, and failure of a contractor~~
680 ~~to timely submit evaluation results to the department and the~~
681 ~~system owner. The department shall ensure statewide~~
682 ~~implementation of the evaluation and assessment program by~~
683 ~~January 1, 2016.~~

684 ~~(b) Owners of an onsite sewage treatment and disposal~~
685 ~~system, excluding a system that is required to obtain an~~
686 ~~operating permit, shall have the system evaluated at least once~~
687 ~~every 5 years to assess the fundamental operational condition of~~
688 ~~the system, and identify any failure within the system.~~

689 ~~(c) All evaluation procedures must be documented and~~
690 ~~nothing in this subsection limits the amount of detail an~~
691 ~~evaluator may provide at his or her professional discretion. The~~
692 ~~evaluation must include a tank and drainfield evaluation, a~~
693 ~~written assessment of the condition of the system, and, if~~
694 ~~necessary, a disclosure statement pursuant to the department's~~
695 ~~procedure.~~

696 ~~(d)1. Systems being evaluated that were installed prior to~~

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697 ~~January 1, 1983, shall meet a minimum 6-inch separation from the~~
698 ~~bottom of the drainfield to the wettest season water table~~
699 ~~elevation as defined by department rule. All drainfield repairs,~~
700 ~~replacements or modifications to systems installed prior to~~
701 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~
702 ~~the bottom of the drainfield to the wettest season water table~~
703 ~~elevation as defined by department rule.~~

704 ~~2. Systems being evaluated that were installed on or after~~
705 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~
706 ~~the bottom of the drainfield to the wettest season water table~~
707 ~~elevation as defined by department rule. All drainfield repairs,~~
708 ~~replacements or modification to systems developed on or after~~
709 ~~January 1, 1983, shall meet a minimum 24-inch separation from~~
710 ~~the bottom of the drainfield to the wettest season water table~~
711 ~~elevation.~~

712 ~~(e) If documentation of a tank pump-out or a permitted new~~
713 ~~installation, repair, or modification of the system within the~~
714 ~~previous 5 years is provided, and states the capacity of the~~
715 ~~tank and indicates that the condition of the tank is not a~~
716 ~~sanitary or public health nuisance pursuant to department rule,~~
717 ~~a pump-out of the system is not required.~~

718 ~~(f) Owners are responsible for paying the cost of any~~
719 ~~required pump-out, repair, or replacement pursuant to department~~
720 ~~rule, and may not request partial evaluation or the omission of~~
721 ~~portions of the evaluation.~~

722 ~~(g) Each evaluation or pump-out required under this~~
723 ~~subsection must be performed by a septic tank contractor or~~
724 ~~master septic tank contractor registered under part III of~~
725 ~~chapter 489, a professional engineer with wastewater treatment~~

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726 ~~system experience licensed pursuant to chapter 471, or an~~
727 ~~environmental health professional certified under chapter 381 in~~
728 ~~the area of onsite sewage treatment and disposal system~~
729 ~~evaluation.~~

730 ~~(h) The evaluation report fee collected pursuant to s.~~
731 ~~381.0066(2) (b) shall be remitted to the department by the~~
732 ~~evaluator at the time the report is submitted.~~

733 ~~(i) Prior to any evaluation deadline, the department must~~
734 ~~provide a minimum of 60 days' notice to owners that their~~
735 ~~systems must be evaluated by that deadline. The department may~~
736 ~~include a copy of any homeowner educational materials developed~~
737 ~~pursuant to this section which provides information on the~~
738 ~~proper maintenance of onsite sewage treatment and disposal~~
739 ~~systems.~~

740 (5) ~~(6)~~ ENFORCEMENT; RIGHT OF ENTRY; CITATIONS.-

741 (a) Department personnel who have reason to believe
742 noncompliance exists, may at any reasonable time, enter the
743 premises permitted under ss. 381.0065-381.0066, or the business
744 premises of any septic tank contractor or master septic tank
745 contractor registered under part III of chapter 489, or any
746 premises that the department has reason to believe is being
747 operated or maintained not in compliance, to determine
748 compliance with the provisions of this section, part I of
749 chapter 386, or part III of chapter 489 or rules or standards
750 adopted under ss. 381.0065-381.0067, part I of chapter 386, or
751 part III of chapter 489. As used in this paragraph, the term
752 "premises" does not include a residence or private building. To
753 gain entry to a residence or private building, the department
754 must obtain permission from the owner or occupant or secure an

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755 inspection warrant from a court of competent jurisdiction.

756 (b)1. The department may issue citations that may contain
757 an order of correction or an order to pay a fine, or both, for
758 violations of ss. 381.0065-381.0067, part I of chapter 386, or
759 part III of chapter 489 or the rules adopted by the department,
760 when a violation of these sections or rules is enforceable by an
761 administrative or civil remedy, or when a violation of these
762 sections or rules is a misdemeanor of the second degree. A
763 citation issued under ss. 381.0065-381.0067, part I of chapter
764 386, or part III of chapter 489 constitutes a notice of proposed
765 agency action.

766 2. A citation must be in writing and must describe the
767 particular nature of the violation, including specific reference
768 to the provisions of law or rule allegedly violated.

769 3. The fines imposed by a citation issued by the department
770 may not exceed \$500 for each violation. Each day the violation
771 exists constitutes a separate violation for which a citation may
772 be issued.

773 4. The department shall inform the recipient, by written
774 notice pursuant to ss. 120.569 and 120.57, of the right to an
775 administrative hearing to contest the citation within 21 days
776 after the date the citation is received. The citation must
777 contain a conspicuous statement that if the recipient fails to
778 pay the fine within the time allowed, or fails to appear to
779 contest the citation after having requested a hearing, the
780 recipient has waived the recipient's right to contest the
781 citation and must pay an amount up to the maximum fine.

782 5. The department may reduce or waive the fine imposed by
783 the citation. In determining whether to reduce or waive the

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784 fine, the department must consider the gravity of the violation,
785 the person's attempts at correcting the violation, and the
786 person's history of previous violations including violations for
787 which enforcement actions were taken under ss. 381.0065-
788 381.0067, part I of chapter 386, part III of chapter 489, or
789 other provisions of law or rule.

790 6. Any person who willfully refuses to sign and accept a
791 citation issued by the department commits a misdemeanor of the
792 second degree, punishable as provided in s. 775.082 or s.
793 775.083.

794 7. The department, pursuant to ss. 381.0065-381.0067, part
795 I of chapter 386, or part III of chapter 489, shall deposit any
796 fines it collects in the county health department trust fund for
797 use in providing services specified in those sections.

798 8. This section provides an alternative means of enforcing
799 ss. 381.0065-381.0067, part I of chapter 386, and part III of
800 chapter 489. This section does not prohibit the department from
801 enforcing ss. 381.0065-381.0067, part I of chapter 386, or part
802 III of chapter 489, or its rules, by any other means. However,
803 the department must elect to use only a single method of
804 enforcement for each violation.

805 (6)~~(7)~~ LAND APPLICATION OF SEPTAGE PROHIBITED.—Effective
806 January 1, 2016, the land application of septage from onsite
807 sewage treatment and disposal systems is prohibited. ~~By February~~
808 ~~1, 2011, the department, in consultation with the Department of~~
809 ~~Environmental Protection, shall provide a report to the~~
810 ~~Governor, the President of the Senate, and the Speaker of the~~
811 ~~House of Representatives, recommending alternative methods to~~
812 ~~establish enhanced treatment levels for the land application of~~

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813 ~~septage from onsite sewage and disposal systems. The report~~
814 ~~shall include, but is not limited to, a schedule for the~~
815 ~~reduction in land application, appropriate treatment levels,~~
816 ~~alternative methods for treatment and disposal, enhanced~~
817 ~~application site permitting requirements including any~~
818 ~~requirements for nutrient management plans, and the range of~~
819 ~~costs to local governments, affected businesses, and individuals~~
820 ~~for alternative treatment and disposal methods. The report shall~~
821 ~~also include any recommendations for legislation or rule~~
822 ~~authority needed to reduce land application of septage.~~

823 Section 2. Section 381.00651, Florida Statutes, is created
824 to read:

825 381.00651 Periodic evaluation and assessment of onsite
826 sewage treatment and disposal systems.-

827 (1) For the purposes of this section, the term "first
828 magnitude spring" means a spring that has a median water
829 discharge of greater than or equal to 100 cubic feet per second
830 for the period of record, as determined by the Department of
831 Environmental Protection.

832 (2) Effective July 1, 2012, a county or municipality
833 containing a first magnitude spring that has not adopted an
834 onsite sewage treatment and disposal system evaluation and
835 assessment program, or that does not opt out of this section,
836 shall develop and adopt by ordinance a local onsite sewage
837 treatment and disposal system evaluation and assessment program
838 that meets the requirements of this section within all or part
839 of its geographic area. A county or municipality that does not
840 contain a first magnitude spring may develop and adopt by
841 ordinance a local onsite sewage treatment and disposal system

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842 evaluation and assessment program that meets the requirements of
843 this section within all or part of its geographic area. A county
844 or municipality that has adopted such a program before July 1,
845 2012, may continue to enforce its program. A county or
846 municipality that does not opt out of this section shall notify
847 the Secretary of State by letter of the adoption of the
848 ordinance pursuant to this section. By a majority vote of the
849 local governing body, a county or municipality containing a
850 first magnitude spring may opt out of the requirements of this
851 section at any time before January 1, 2013, by adopting a
852 separate resolution. The resolution shall be directed to and
853 filed with the Secretary of State and shall state the intent of
854 the county or municipality not to adopt an onsite sewage
855 treatment and disposal system evaluation and assessment program.
856 Absent an interlocal agreement or county charter provision to
857 the contrary, a municipality may elect to opt out of the
858 requirements of this section notwithstanding the decision of the
859 governing body of the county in which the municipality is
860 located. A county or municipality may subsequently adopt an
861 ordinance imposing an onsite sewage treatment and disposal
862 system evaluation and assessment program if the program meets
863 the requirements of this section. A county or municipality may
864 repeal an ordinance adopted pursuant to this section if the
865 county or municipality notifies the Secretary of State by letter
866 of the repeal. A local ordinance may not deviate from or exceed
867 the substantive requirements of this section. The adopted
868 ordinance shall provide that:

869 (a)1. Once every 5 years, each septic tank located within
870 all or part of the jurisdiction of the county or municipality is

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871 evaluated to assess the fundamental operational condition of the
872 system and to identify system failures. The ordinance may not
873 mandate an evaluation at the point of sale in a real estate
874 transaction and may not require a soil examination.

875 2. The location of each onsite sewage treatment and
876 disposal system is identified within the boundary of the county
877 or municipality.

878 3. A tank and drainfield is evaluated and a written
879 assessment of the overall condition of the system pursuant to
880 the assessment procedure prescribed in paragraph (c) is provided
881 to the county or municipality.

882 (b) The evaluation required under this subsection is
883 performed by a septic tank contractor or master septic tank
884 contractor registered under part III of chapter 489, a
885 professional engineer having wastewater treatment system
886 experience and licensed pursuant to chapter 471, or an
887 environmental health professional certified under this chapter
888 in the area of onsite sewage treatment and disposal system
889 evaluation. Evaluations and pump outs may also be performed by
890 an authorized employee working under the supervision of the
891 individuals listed in this paragraph; however, all evaluation
892 forms must be written or electronically signed by a qualified
893 contractor.

894 (c)1. A repair, modification, or replacement of a system as
895 a result of an evaluation is not required unless the evaluation
896 identifies a system failure. For purposes of this subsection,
897 the term "system failure" is a condition existing within an
898 onsite sewage treatment and disposal system which results in the
899 discharge of untreated or partially treated wastewater onto the

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900 ground surface, into surface water, or into groundwater, or that
901 results in a sanitary nuisance caused by the failure of building
902 plumbing to discharge properly. The term also includes failure
903 to achieve the required minimum separation from the bottom of
904 the drainfield to the wettest-season water table as determined
905 by department rule. For a system installed before January 1,
906 1983, the minimum separation from the bottom of the drainfield
907 to the wettest-season water table is 6 inches. For a system
908 installed on or after January 1, 1983, the minimum separation
909 from the bottom of the drainfield to the wettest-season water
910 table is 12 inches as determined by department rule. Repairs to
911 the drainfield of a system installed before January 1, 1983,
912 must achieve a minimum separation of 12 inches from the bottom
913 of the drainfield to the wettest-season water table. Repairs to
914 a drainfield of a system installed on or after January 1, 1983,
915 must achieve a minimum separation of 24 inches from the bottom
916 of the drainfield to the wettest-season water table.

917 2. A system may not be deemed a failure if an obstruction
918 in a sanitary line or an effluent screen or filter prevents
919 effluent from flowing into a drainfield. If a system failure is
920 identified and several remedial options are available to resolve
921 the failure, the local ordinance may not require more than the
922 least costly remedial measure to resolve the system failure. The
923 homeowner may choose the remedial measure to fix the system.
924 There may be instances in which a pump out is sufficient to
925 resolve a system failure. Remedial measures to resolve a system
926 failure must meet the requirements specified in s.
927 381.0065(4)(g).

928 (d)1. A system that is required to obtain an operating

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929 permit pursuant to state law or that is inspected by the
930 department pursuant to the annual permit inspection requirements
931 of chapter 513 is exempt from the evaluation requirements.

932 2. A septic tank system serving residential dwelling units
933 on lots with a ratio of one bedroom per acre or greater is
934 exempt from the requirements of this section and may not be
935 included in any septic tank inspection program.

936 3. The county or municipality may exempt specific
937 geographic areas from the requirements of this section if septic
938 tank systems within exempted areas will not reasonably lead to
939 additional or continued degradation of a first magnitude spring.

940 4. The county or municipality may exempt or grant an
941 extension of the time to obtain an evaluation and assessment if
942 connection to a sewer system is available, connection to the
943 sewer system is imminent, and written arrangements for payment
944 of any utility assessments or connection fees have been made by
945 the system owner.

946 (3) The following procedures shall be used for conducting
947 evaluations:

948 (a) A tank evaluation shall include an assessment of the
949 apparent structural condition and watertightness of the tank and
950 shall estimate the size of the tank. The evaluation must include
951 a pump out. However, an ordinance may not require a pump out if
952 there is documentation that a tank pump out or a permitted new
953 installation, repair, or modification of the system has occurred
954 within the previous 5 years, and documentation identifying the
955 capacity of the tank and indicating that the condition of the
956 tank is structurally sound and watertight. A visual inspection
957 of the tank must be made when the tank is empty in order to

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958 detect cracks, leaks, or other defects. The baffles or tees must
959 be checked in order to ensure that they are intact and secure
960 and the action shall be noted in the evaluation. The presence
961 and condition of outlet devices, effluent filters, and
962 compartment walls; any structural defect in the tank; and the
963 condition and fit of the tank lid, including manholes, shall be
964 noted in the evaluation. If the tank, in the opinion of the
965 qualified contractor, is in danger of being damaged by leaving
966 the tank empty after inspection, the tank shall be refilled
967 before the inspection is concluded. Broken or damaged lids or
968 manholes may be replaced without obtaining a repair permit.

969 (b) The drainfield evaluation must include a determination
970 of the approximate size and location of the drainfield and the
971 minimum separation from the bottom of the drainfield to the
972 wettest-season water table as determined by department rule. The
973 evaluation shall contain a statement regarding the condition of
974 surface vegetation, whether there is any sewage or effluent
975 visible on the ground or discharging to a ditch or other water
976 body, the separation from the bottom of the drainfield to the
977 wettest-season water table, and the location of any downspout or
978 other source of water near or in the vicinity of the drainfield.
979 If a measurement of the distance between the bottom of the
980 drainfield and the wettest-season water table would result in a
981 system failure, two additional measurements must be taken in
982 order to verify the failing condition. Only one measurement
983 needs to meet or exceed the minimum separation requirement.

984 (c) An assessment must be made for a system that contains a
985 pump, siphon, or alarm. The following information must be
986 provided in the assessment:

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987 1. The integrity of the dosing tank, including the
988 approximate volume and the type of material used in
989 construction;

990 2. Whether the pump is elevated off of the bottom of the
991 chamber and its operational status;

992 3. Whether the system has a check valve and purge hole;

993 4. Whether the system has a high-water alarm, including
994 whether the type of alarm is audio or visual, or both; the
995 location of the alarm and its operational condition; and whether
996 the electrical connections appear satisfactory; and

997 5. Whether surface water can infiltrate into the tank if
998 the tank is pumped out.

999 (d) The evaluation procedures used by a qualified
1000 contractor or an authorized person working under the supervision
1001 of a qualified contractor shall be documented. The qualified
1002 contractor shall provide a copy of a written and signed
1003 evaluation report to the property owner upon completion of the
1004 evaluation and to the county health department within 30 days
1005 after the evaluation. The report shall contain the name and
1006 license number of the company providing the report. A copy of
1007 the evaluation report shall be retained by the local county
1008 health department for a minimum of 5 years and until a
1009 subsequent inspection report is filed. The front cover of the
1010 report must identify any system failure and include a clear and
1011 conspicuous notice to the owner that the owner has a right to
1012 have any remediation of the system failure performed by a
1013 qualified contractor other than the contractor performing the
1014 evaluation. The report must identify any crack, leak, improper
1015 fit, or other defect in the tank, manhole, or lid, and any other

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1016 damaged or missing component of the system; any sewage or
1017 effluent visible on the ground or discharging to a ditch or
1018 other surface water body; any drainfield separation failure such
1019 as a downspout, stormwater, or other source of water that is
1020 directed onto or toward the system; and any other maintenance
1021 need or condition of the system at the time of the evaluation
1022 which, in the opinion of the qualified contractor, has the
1023 potential to interfere with or restrict any future repair or
1024 modification to the existing system. The report shall conclude
1025 with an overall assessment of the fundamental operational
1026 condition of the system.

1027 (4) The county health department shall administer any
1028 evaluation program on behalf of a county, or a local government
1029 within the county, which has adopted an evaluation program
1030 pursuant to this section. In administering this section, the
1031 county health department shall:

1032 (a) In consultation with the county health department,
1033 develop a reasonable fee schedule, not to exceed \$20 per
1034 inspection. The fees shall cover only the costs of administering
1035 the evaluation program. The fee schedule shall be identified in
1036 the local ordinance that adopts the evaluation program. The fees
1037 shall be assessed to the septic tank owner during an inspection
1038 and be separately identified on the invoice of the qualified
1039 contractor. The fees shall be remitted by the qualified
1040 contractor to the county health department.

1041 (b) Provide a notice to the septic tank owner at least 60
1042 days before the septic tank is due for an evaluation. The notice
1043 may include information on the proper maintenance of onsite
1044 sewage treatment and disposal systems.

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1045 (c) In consultation with the Department of Health, adopt
1046 uniform disciplinary procedures and administrative penalties for
1047 qualified contractors who do not comply with the requirements of
1048 the adopted ordinance, including, but not limited to, failure to
1049 provide the evaluation report as required in paragraph (3) (d) to
1050 the septic tank owner and the county health department. The
1051 county health department may also assess penalties against a
1052 septic tank owner who fails to comply with the adopted
1053 ordinance, consistent with existing requirements of law.

1054 (d) Develop a database and data collection system to
1055 encompass evaluation programs adopted by the county or
1056 municipalities within its jurisdiction. The database shall also
1057 be used to collect, store, and index information obtained from
1058 the evaluation reports filed by each qualified contractor with
1059 the county health department. The data collection system must
1060 include the ability to collect and store:

1061 1. The description, addresses, or locations of the onsite
1062 systems;

1063 2. An inventory of the number of onsite systems within the
1064 local jurisdiction;

1065 3. The total number and types of system failures; and

1066 4. Any other trends deemed relevant by the county health
1067 department resulting from an assessment and evaluation of the
1068 overall condition of systems.

1069
1070 The database and any associated data collection system may be
1071 Internet-based and may be designed to be used by contractors to
1072 report all service and evaluation events and by the county
1073 health department to notify homeowners when evaluations are due.

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1074 Data and information shall be recorded and updated as service
1075 and evaluations are conducted and reported.

1076 (5) A county or municipality that adopts an onsite sewage
1077 treatment and disposal system evaluation and assessment program
1078 pursuant to this section shall notify the Secretary of
1079 Environmental Protection, the Department of Health, and the
1080 applicable county health department upon the adoption of an
1081 ordinance. The Department of Environmental Protection shall,
1082 within existing resources and upon receipt of such notice,
1083 notify the county or municipality of the potential use of, and
1084 access to, program funds under the Clean Water State Revolving
1085 Fund or s. 319 of the Clean Water Act. Upon request by a county
1086 or municipality, the Department of Environmental Protection
1087 shall provide guidance in the application process to receive
1088 moneys under the Clean Water State Revolving Fund or s. 319 of
1089 the Clean Water Act. The Department of Environmental Protection
1090 shall also, within existing resources and upon request by a
1091 county or municipality, provide advice and technical assistance
1092 to the county or municipality on how to establish a low-interest
1093 revolving loan program or how to model a revolving loan program
1094 after the low-interest loan program of the Clean Water State
1095 Revolving Fund. This subsection does not obligate the Department
1096 of Environmental Protection to provide any money to fund such
1097 programs.

1098 Section 3. Section 381.00656, Florida Statutes, is
1099 repealed.

1100 Section 4. Subsection (2) of section 381.0066, Florida
1101 Statutes, is amended to read:

1102 381.0066 Onsite sewage treatment and disposal systems;

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1103 fees.—

1104 (2) The minimum fees in the following fee schedule apply
1105 until changed by rule by the department within the following
1106 limits:

1107 (a) Application review, permit issuance, or system
1108 inspection, including repair of a subsurface, mound, filled, or
1109 other alternative system or permitting of an abandoned system: a
1110 fee of not less than \$25, or more than \$125.

1111 ~~(b) A 5-year evaluation report submitted pursuant to s.~~
1112 ~~381.0065(5): a fee not less than \$15, or more than \$30. At least~~
1113 ~~\$1 and no more than \$5 collected pursuant to this paragraph~~
1114 ~~shall be used to fund a grant program established under s.~~
1115 ~~381.00656.~~

1116 (b)~~(e)~~ Site evaluation, site reevaluation, evaluation of a
1117 system previously in use, or a per annum septage disposal site
1118 evaluation: a fee of not less than \$40, or more than \$115.

1119 (c)~~(d)~~ Biennial Operating permit for aerobic treatment
1120 units or performance-based treatment systems: a fee of not more
1121 than \$100.

1122 (d)~~(e)~~ Annual operating permit for systems located in areas
1123 zoned for industrial manufacturing or equivalent uses or where
1124 the system is expected to receive wastewater which is not
1125 domestic in nature: a fee of not less than \$150, or more than
1126 \$300.

1127 (e)~~(f)~~ Innovative technology: a fee not to exceed \$25,000.

1128 (f)~~(g)~~ Septage disposal service, septage stabilization
1129 facility, portable or temporary toilet service, tank
1130 manufacturer inspection: a fee of not less than \$25, or more
1131 than \$200, per year.

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1132 (g)~~(h)~~ Application for variance: a fee of not less than
1133 \$150, or more than \$300.

1134 (h)~~(i)~~ Annual operating permit for waterless, incinerating,
1135 or organic waste composting toilets: a fee of not less than \$15
1136 ~~\$50~~, or more than \$30 ~~\$150~~.

1137 (i)~~(j)~~ Aerobic treatment unit or performance-based
1138 treatment system maintenance entity permit: a fee of not less
1139 than \$25, or more than \$150, per year.

1140 (j)~~(k)~~ Reinspection fee per visit for site inspection after
1141 system construction approval or for noncompliant system
1142 installation per site visit: a fee of not less than \$25, or more
1143 than \$100.

1144 (k)~~(l)~~ Research: An additional \$5 fee shall be added to
1145 each new system construction permit issued to be used to fund
1146 onsite sewage treatment and disposal system research,
1147 demonstration, and training projects. Five dollars from any
1148 repair permit fee collected under this section shall be used for
1149 funding the hands-on training centers described in s.
1150 381.0065(3)(j).

1151 (l)~~(m)~~ Annual operating permit, including annual inspection
1152 and any required sampling and laboratory analysis of effluent,
1153 for an engineer-designed performance-based system: a fee of not
1154 less than \$150, or more than \$300.

1155
1156 ~~On or before January 1, 2011, the Surgeon General, after~~
1157 ~~consultation with the Revenue Estimating Conference, shall~~
1158 ~~determine a revenue neutral fee schedule for services provided~~
1159 ~~pursuant to s. 381.0065(5) within the parameters set in~~
1160 ~~paragraph (b). Such determination is not subject to the~~

3-00702-12

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1161 ~~provisions of chapter 120.~~ The funds collected pursuant to this
1162 subsection must be deposited in a trust fund administered by the
1163 department, to be used for the purposes stated in this section
1164 and ss. 381.0065 and 381.00655.

1165 Section 5. This act shall take effect July 1, 2012.

850

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Kurt S. Browning, Secretary of State,
do hereby certify that

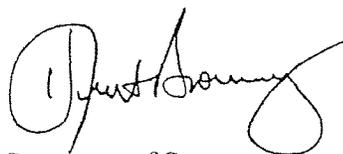
Charles W. Roberts, III

is duly appointed a member of the

Fish and Wildlife Conservation Commission

for a term beginning on the
First day of September, A.D., 2011,
until the First day of August, A.D., 2016
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-Second day of September, A.D., 2011.*



Secretary of State



"State of Florida" appears in small letters across the face of this 8 x 11" document.

If photocopied or chemically altered, the word "VOID" will appear.



RICK SCOTT
GOVERNOR

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DEPARTMENT OF STATE
DIVISION OF ELECTIONS

September 1, 2011

Mr. Kurt S. Browning, Secretary
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Browning:

Please be advised I have made the following appointment under the provisions of Article IV, Section 9, Florida Constitution:

Mr. Charles W. Roberts III
3372 Capital Circle Northeast
Tallahassee, Florida 32308

as a member of the Fish and Wildlife Conservation Commission, succeeding Rodney L. Barreto, subject to confirmation by the Senate. This appointment is effective September 1, 2011, for a term ending August 1, 2016.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/nj

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

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DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of Leon

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Commissioner - Florida Fish and Wildlife Conservation Commission

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Charles W. Roberts III

Signature

Sworn to and subscribed before me this 19 day of September, 2011

Treva Mckenzie

Signature of Officer Administering Oath or of Notary Public

Treva Mckenzie

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced _____



ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

3372 Capital Circle NE

Street or Post Office Box

Tallahassee, FL 32308

City, State, Zip Code

Charles W. Roberts, III

Print name as you desire commission issued

Charles W. Roberts III

Signature

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the the Florida Senate in considering action on your confirmation. The questionnaire MUST BE COMPLETED IN FULL. Answer "none" or "not applicable" where appropriate.

Please type or print in blue or black ink.

09-19-2011

			Date Completed
1. Name:	Mr. Roberts, III	Charles	W
	MR./MRS./MS. LAST FIRST MIDDLE/MAIDEN		
2. Business Address:	3372 Capital Circle NE		Tallahassee
	STREET OFFICE # CITY		
	Florida	32308	850-385-5060
	POST OFFICE BOX STATE ZIP CODE AREA CODE/PHONE NUMBER		
3. Residence Address:	15647 Hales Place Plantation Road	Tallahassee	Leon
	STREET CITY COUNTY		
	Florida	32312	850-545-2360
	POST OFFICE BOX STATE ZIP CODE AREA CODE/PHONE NUMBER		
Specify the preferred mailing address: Business <input checked="" type="checkbox"/> Residence <input type="checkbox"/> Fax # 850-385-5420			
(optional)			

4. A. List all your places of residence for the last five (5) years.

ADDRESS	CITY & STATE	FROM	TO
930 Live Oak Plantation Rd.	Tallahassee, FL	2003	
15647 Hales Place Plantation Rd.	Tallahassee, FL	1996	

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

ADDRESS	CITY & STATE	FROM	TO
418 Cotswold Way	Highlands, NC	2009	

5. Date of Birth: 08-27-1953 Place of Birth: Quincy, FL

6. Social Security Number: _____

7. Driver License Number: _____ Issuing State: Florida

8. Have you ever used or been known by any other legal name? Yes No If "Yes" Explain

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9. Are you a United States citizen? Yes No If "No" explain:

If you are a naturalized citizen, date of naturalization: _____

10. Since what year have you been a continuous resident of Florida? 1953

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of Registration: Leon B. Current Party Affiliation: Republican

12. Education

A. High School: Port St. Joe High School Year Graduated: 1971

(NAME AND LOCATION)

B. List all postsecondary educational institutions attended:

<u>NAME & LOCATION</u>	<u>DATES ATTENDED</u>	<u>CERTIFICATES/DEGREES RECEIVED</u>
<u>Auburn University</u>	<u>1971</u>	

Florida State University 1972-1974

13. Are you or have you ever been a member of the armed forces of the United States? Yes No If "Yes" list:

A. Dates of Service: _____

B. Branch or Component: _____

C. Date & type of discharge: _____

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes No If "Yes" give details:

<u>DATE</u>	<u>PLACE</u>	<u>NATURE</u>	<u>DISPOSITION</u>
<u>No</u>	<u>N/A</u>		

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>EMPLOYER'S NAME & ADDRESS</u>	<u>TYPE OF BUSINESS</u>	<u>OCCUPATION/JOB TITLE</u>	<u>PERIOD OF EMPLOYMENT</u>
<u>C.W. Roberts Contracting, Inc.</u>	<u>Road Const.</u>	<u>President</u>	<u>1976-present</u>

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes No If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>POSITION</u>	<u>EMPLOYING AGENCY</u>	<u>PERIOD OF EMPLOYMENT</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

<u>President of C.W. Roberts Contracting, Inc.</u>	<u>35 Years</u>
<u>Owner of Hales Place Plantation, LLC - 1600 Acres</u>	<u>15 Years</u>
<u>Owner of Timberland - 800 Acres</u>	<u>25 Years</u>
<u>Hunter and Saltwater Fisherman</u>	<u>45 Years</u>

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes No If "Yes", list:

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No If "Yes", list:

D. Identify all association memberships and association offices held by you that relate to this appointment:
Northwest Florida Water Management District - 12 years; Chairman 8 years 1989-2001
Florida Transportation Builder's Assoc. - Director 20 years; Chairman 1996-1997
Asphalt Contractors Assoc. of Florida - Director 10 years

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes No If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes No If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

<u>OFFICE TITLE</u>	<u>DATE OF ELECTION OR APPOINTMENT</u>	<u>TERM OF OFFICE</u>	<u>LEVEL OF GOVERNMENT</u>
<u>Appointed to Liberty Co. School Board</u>	<u></u>	<u>1978; 1 year of unexpired term</u>	<u></u>

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: Monthly

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

MEETINGS ATTENDED	MEETINGS MISSED	REASON FOR ABSENCE
138	6	Out of Town

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes No If "Yes", give details:

DATE	NATURE OF VIOLATION	DISPOSITION

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes No If "Yes", list:

A. Title of office: _____ C. Reason for suspension: _____

B. Date of suspension: _____ D. Result: Reinstated Removed Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes No If "Yes", list:

A. Title of Office: Northwest Florida Water Management District

B. Term of Appointment: 1989 - 1993 - 1997 - 2001

C. Confirmation results: Approved

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes No If "Yes", explain:

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes No If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

LICENSE/CERTIFICATE TITLE & NUMBER	ORIGINAL ISSUE DATE	ISSUING AUTHORITY	DISCIPLINARY ACTION/DATE
Underground Utility & Excavation			
5119672	1993	State of FL DBPR	None

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

NAME OF BUSINESS	YOUR RELATIONSHIP TO BUSINESS	BUSINESS' RELATIONSHIP TO AGENCY
Florida Department of Transportation		
Many Cities and Counties throughout the State		
Florida Department of Management Services		
Florida Department of Corrections		

- B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

NAME OF BUSINESS	FAMILY MEMBER'S		BUSINESS' RELATIONSHIP TO AGENCY
	RELATIONSHIP TO YOU	RELATIONSHIP TO BUSINESS	
C.W. Roberts Contracting, Inc.	Brother	Vice President & Employee	Contractor
	Son	Employee	Contractor
	Daughter	Employee	Contractor

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes No

A. Did you receive any compensation other than reimbursement for expenses? Yes No

B. Name of agency or entity you lobbied and the principal(s) you represented:

AGENCY LOBBIED	PRINCIPAL REPRESENTED

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

NAME	MAILING ADDRESS	ZIP CODE	AREA CODE/PHONE NUMBER
Howard Hewitt			
Randall Ringhaver			
Dubose Ausley			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

NAME	MAILING ADDRESS	OFFICE(S) HELD & TERM	DATE(S) OF MEMBERSHIP
FTBA	P.O. Box 1208, Tallahassee, FL	32302	
ACAF	1007 E. Desoto Park Dr., Suite 201, Tallahassee, FL	32301	

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes No If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes No

CERTIFICATION

STATE OF FLORIDA, COUNTY OF

Before me, the undersigned Notary Public of Florida, personally appeared Charles W. Roberts, III, who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

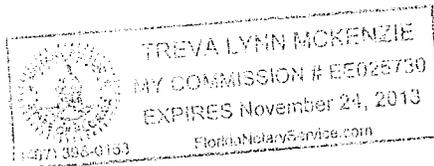
Charles W. Roberts, III

Signature of Applicant-Affiant

Sworn to and subscribed before me
this 19 day of September, 2011.

Treva Lynn McKenzie

Signature of Notary Public-State of Florida



(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 11.24.2013

Personally Known OR Produced Identification

Type of Identification Produced _____

DEPARTMENT OF STATE
2011 SEP 22 AM 9:36
DIVISION OF ELECTIONS
TALLAHASSEE, FL
(seal)

MEMORANDUM

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.) _____

IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.

The Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399
(850) 245-0150

THE FLORIDA SENATE
APPEARANCE RECORD



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

1-9-12

Meeting Date

Topic FL Fish AND Wildlife Commission

Bill Number _____
(if applicable)

Name CHARLES W. ROBERTS III

Amendment Barcode _____
(if applicable)

Job Title COMMISSIONER

Address 620 S. MERIDAN
Street

Phone 850-385-5060

TALLAHASSEE FL 32399
City State Zip

E-mail FWC.COMMISSIONERS@MYFWC.COM

Speaking: For Against Information

Representing FWC - CONFIRMATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

Florida Natural Areas Inventory

*Providing the
Scientific Basis
for Effective
Conservation Action*



Gary Knight
Program Director
December 2011





What We Do

Collect, interpret, and disseminate ecological information critical to the conservation of Florida's biological diversity.

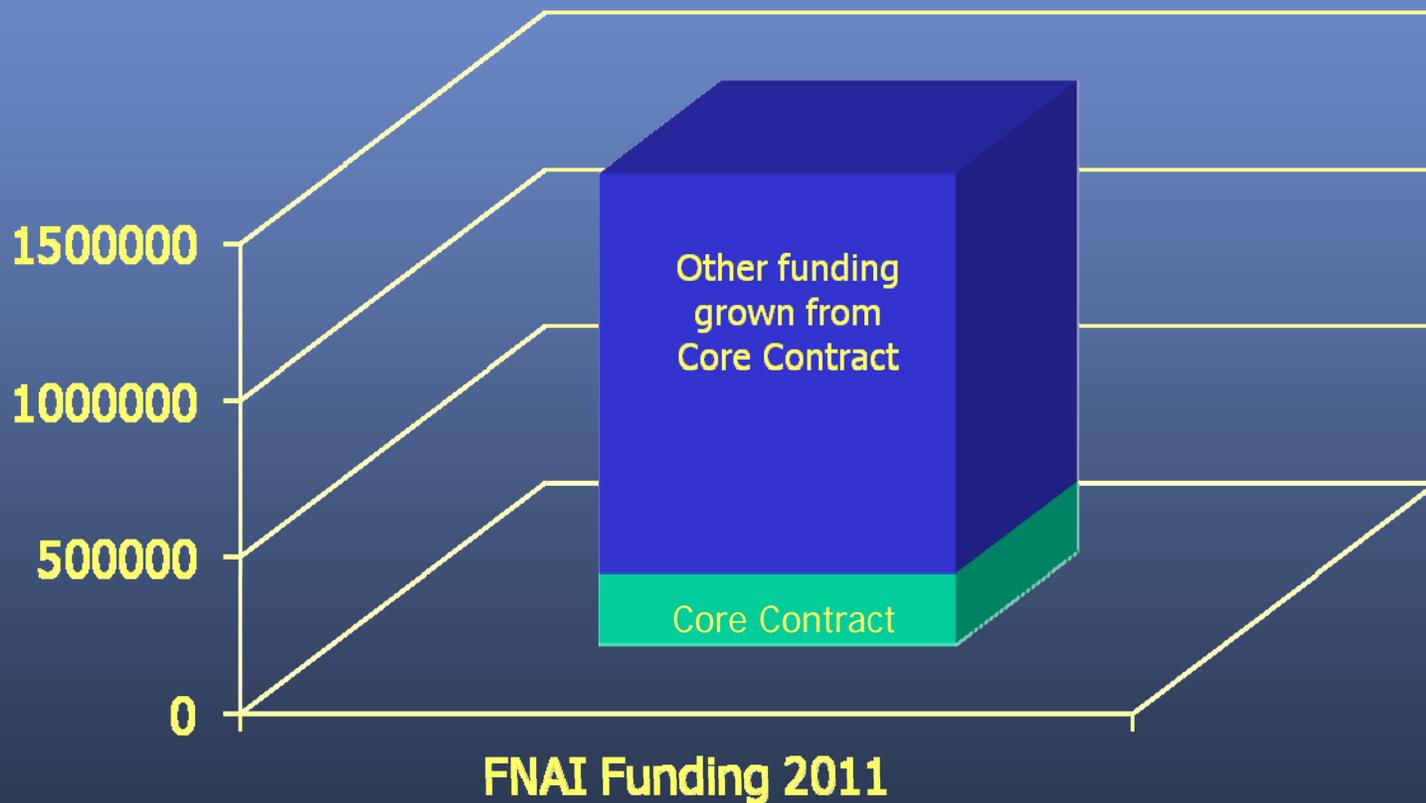


Program Background

- established in 1981
- long term relationship with Florida Department of Environmental Protection
- affiliated with Florida State University
- Entrepreneurial, entirely contract-funded
- part of a nationwide network using similar methodologies



FNAI Budget: Core Contract with DEP





22 person staff

3 Ph.D.'s
15 M.S.'s

Special expertise:

- botany
- herpetology
- ornithology
- entomology
- coastal ecology
- community ecology
- computer data bases and GIS
- conservation and environmental land use planning



Types of Data Developed and Maintained by FNAI

- Rare species occurrences
- T&E species habitat and range models
- Wildlife aggregation sites
- Rare or high quality natural community occurrences
- Invasive plant occurrences
- Conservation lands
- Environmental land acquisition projects
- Potential Natural Areas
- Current and historical land cover

Rare Species Occurrences

(November 2011)

FNAI tracks:

- 488 rare plants
- 230 vertebrates
- 469 invertebrates

FNAI has more than 33,350 specific location records for rare species



Rare Species Occurrence Records

(33,378, November 2011)



Hotspots of Biodiversity

- Florida Keys
- Miami Rockridge
- Atlantic Ridge
- Lake Wales Ridge
- Lower Apalachicola Flatwoods
- Upper Apalachicola Bluffs and Ravines
- Gulf Islands



FNAI Rare Species Data

SCIENTIFIC NAME	COMMON NAME	GLOBAL IMPERILMENT RANK	STATE IMPERILMENT RANK	FEDERAL ESA LISTING	Known Habitat Acres	% Habitat Protected
<i>Rhododendron chapmanii</i>	Chapman's Rhododendron	G1	S1	LE	19,282	1%
<i>Dicerandra immaculata</i>	Lakela's Mint	G1	S1	LE	51	0%
<i>Silene polypetala</i>	Fringed Campion	G2	S1	LE	2,003	8%
<i>Microtus pennsylvanicus dukecampbelli</i>	Salt Marsh Vole	G5T1	S1	LE	1,411	16%
<i>Medionidus simpsonianus</i>	Ochlockonee Moccasinshell	G1	S1	LE	7,342	29%
<i>Chrysopsis floridana</i>	Florida Goldenaster	G1	S1	LE	16,024	33%
<i>Torreya taxifolia</i>	Florida Torreya	G1	S1	LE	10,225	46%
<i>Crotalaria avonensis</i>	Avon Park Rabbit-bells	G1	S1	LE	2,457	51%
<i>Odocoileus virginianus clavium</i>	Key Deer	G5T1	S1	LE	20,428	60%
<i>Dermochelys coriacea</i>	Leatherback	G2	S2	LE	2,174	37%
<i>Ammodramus savannarum floridanus</i>	Florida Grasshopper Sparrow	G5T1	S1	LE	64,231	63%
<i>Warea carteri</i>	Carter's Warea	G3	S3	LE	18,432	64%
<i>Picoides borealis</i>	Red-cockaded Woodpecker	G3	S2	LE	2,122,725	78%
<i>Hymenocallis henryae</i>	Panhandle Spiderlily	G2	S2	N	6,423	80%
<i>Neoseps reynoldsi</i>	Sand Skink	G2	S2	LT	295,562	82%
<i>Ammodramus maritimus peninsulae</i>	Scott's Seaside Sparrow	G4T3Q	S3	N	73,969	84%
<i>Harperocallis flava</i>	Harper's Beauty	G1	S1	LE	31,495	95%
<i>Peromyscus polionotus niveiventris</i>	Southeastern Beach Mouse	G5T1	S1	LT	11,106	98%

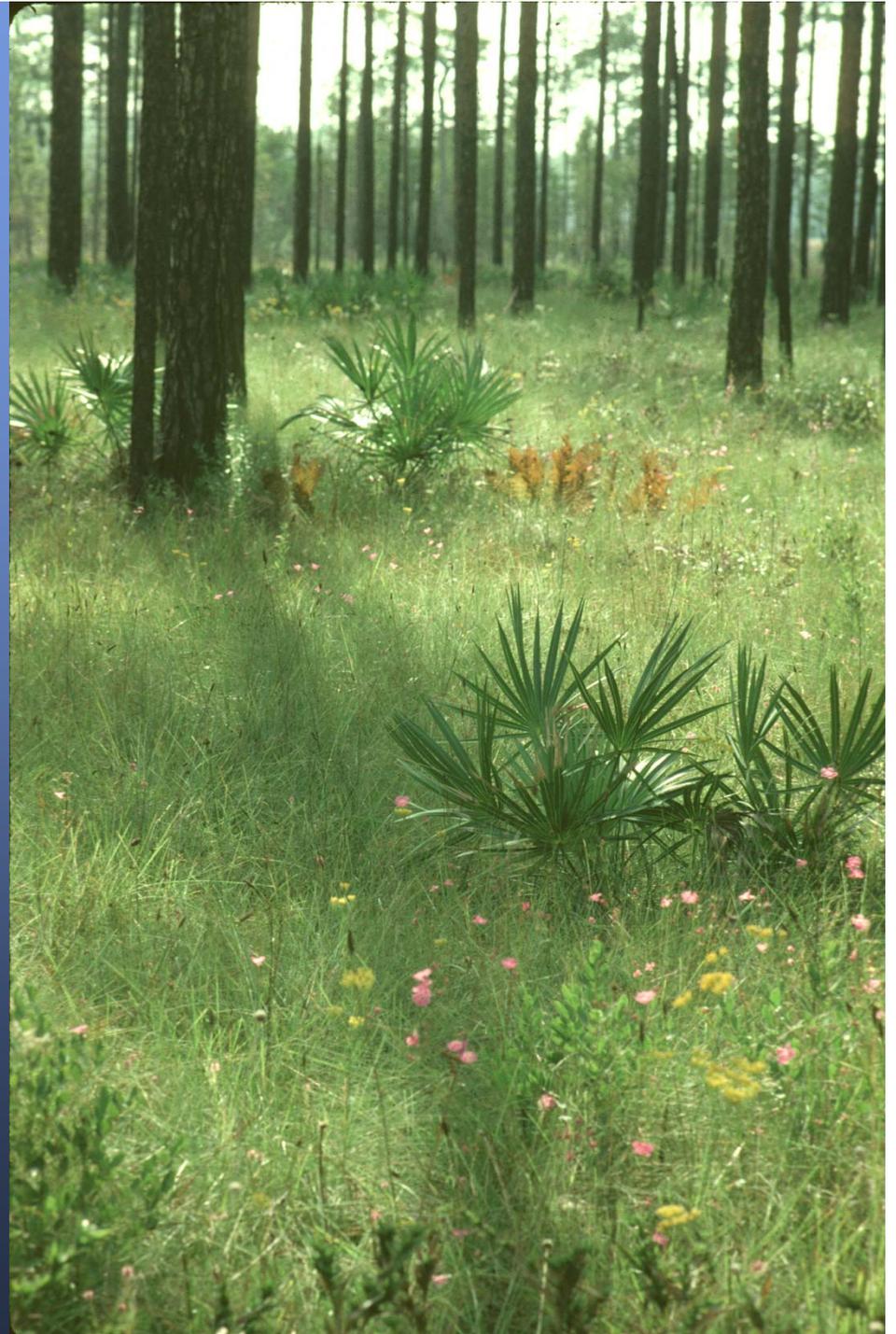
Wildlife Aggregation Sites

- bird rookeries
- manatee aggregation sites
- migratory bird concentration sites



High Quality or Rare Natural Communities

- FNAI natural community classification: 82 natural community types described and ranked according to rarity and endangerment
- about 5000 occurrences documented in FNAI data base





Conservation Lands

- Federal
- State
- Local Government
- Private Conservation Organizations
- More than 2200 conservation holdings in data base
 - Includes acquired conservation easements



SUMMARY OF FLORIDA CONSERVATION LANDS
Including Less-than-fee Conservation Lands
February 2011

prepared by the Florida Natural Areas Inventory
 with funding provided by Florida Department of Environmental Protection

	Fee simple Acres ^{1,2}	Less-than-fee Acres ^{3,4}
FEDERAL CONSERVATION LANDS		
USDA Forest Service	1,183,108	1,696
USDI Fish and Wildlife Service	502,361	2,402
USDI National Park Service ⁵	1,684,435	1,337
US Dept. of Defense	664,239	0
US Other	4,811	0
TOTAL FEDERALLY MANAGED non-submerged lands:	4,038,954	5,435
STATE CONSERVATION LANDS		
DACS Division of Forestry	1,057,234	3,200
DEP Division of Recreation and Parks	592,172	0
DEP Office of Coastal and Aquatic Managed Areas	54,117	0
DEP Office of Greenways and Trails	84,349	0
DEP Division of State Lands	0	96,150
DEP Bureau of Mine Reclamation	5,710	14,601
Fish and Wildlife Conservation Commission	1,417,506	42,888
Babcock Ranch (managed by Babcock Ranch Management, LLC)	73,239	0
Dept. of Corrections (managed by P.R.I.D.E.)	18,200	0
Dept. of Military Affairs	73,076	0
State Universities	14,260	66
Water Management Districts	1,471,260	403,887
<i>Undesignated State Lands⁶</i>	4,754	0
TOTAL STATE MANAGED non-submerged lands	4,865,877	560,792
LOCAL (COUNTY & MUNICIPAL) CONSERVATION LANDS	461,668	7,324
<i>TOTAL STATE, FEDERAL, AND LOCAL non-submerged lands</i>	<i>9,366,499</i>	<i>573,551</i>
Private Conservation Lands	128,029	55,553

LAND AREA OF STATE OF FLORIDA 34,721,280 acres⁷

PERCENT OF FLORIDA IN FEDERALLY MANAGED CONSERVATION LANDS	11.6%	0.02%
PERCENT OF FLORIDA IN STATE-MANAGED CONSERVATION LANDS	14.0%	1.6%
PERCENT OF FLORIDA IN LOCALLY MANAGED CONSERVATION LANDS	1.3%	0.02%

¹Acres are counted once under the primary managing agency even though there may be several owners and/or managers. For this reason, total acres for some agencies may be higher than the acres to which they hold title and others may be lower.

²Acres listed include terrestrial wetlands such as the Everglades but exclude 3,701,172 acres of submerged marine, lake, or river bottom (such as state aquatic preserves or Florida Bay) that are part of certain managed areas.

³Numbers include a total of 629,104 acres less-than-fee properties (6.2% of total conservation lands).

⁴Represents the less-than-fee lands included in the FNAI conservation lands database as of 1 February 2011. All properties are owned by either private individuals or private foundations or corporations. Lands are classified by the agency or organization that monitors the easement on the property. The same agency or organization usually holds title to the easement, but there are a few exceptions.

⁵Acres total includes all non-submerged acres within official federally designated boundaries of National Park Service lands.

⁶Lands owned by the State that are not currently leased to a governmental agency.

⁷Source: Atlas of Florida, 1996. E. A. Fernald and E. D. Purdum, eds., University Press of Florida, Gainesville, FL



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FLORIDA
Natural Areas
INVENTORY

Florida Natural Areas Inventory

ACRES OF CONSERVATION LANDS BY COUNTY

April 2011



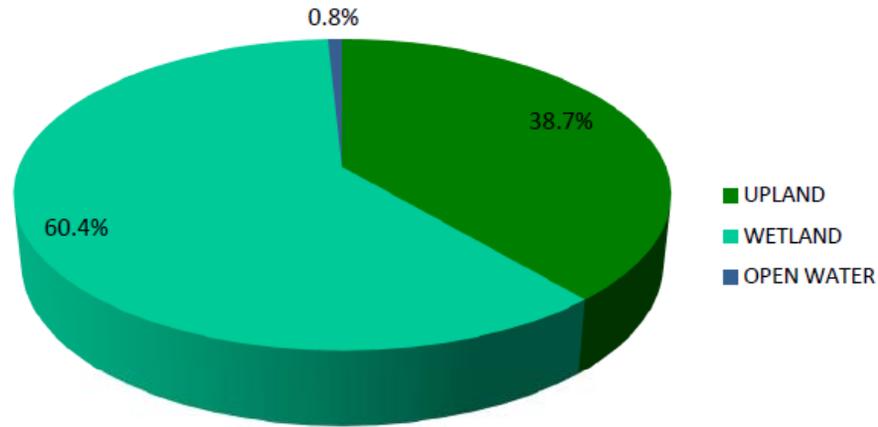
Conservation Lands are Categorized by Lead Managing Agency.

COUNTY	LOCAL	STATE	FEDERAL	PRIVATE	TOTAL	COUNTY AREA	PERCENT OF COUNTY IN CONSERVATION
Alachua	14,670	86,500	0	2,150	103,320	559,360	18%
Baker	0	38,400	124,260	0	162,660	374,400	43%
Bay	40	22,190	30,020	0	52,250	488,960	11%
Bradford	140	7,270	20	10,790	18,220	187,520	10%
Brevard	17,550	148,340	92,200	0	258,090	651,520	40%
Broward	5,080	475,240	0	30	480,350	773,760	62%
Calhoun	0	5,030	910	30	5,970	362,880	2%
Charlotte	4,530	102,890	20	67,680	175,120	444,160	39%
Citrus	10	122,010	9,130	10	131,160	373,760	35%
Clay	1,040	123,590	0	400	125,030	384,640	33%
Collier	4,420	210,170	647,400	11,070	873,060	1,296,640	67%
Columbia	980	30,380	109,260	0	140,620	510,080	28%
DeSoto	220	40,220	0	0	40,440	407,680	10%
Dixie	0	80,770	27,840	0	108,610	450,560	24%
Duval	22,170	29,390	35,420	7,370	94,350	495,360	19%
Escambia	3,320	25,910	13,830	2,470	45,530	424,960	11%
Flagler	6,610	29,900	0	0	36,510	310,400	12%
Franklin	50	241,340	33,710	1,460	276,560	341,760	81%
Gadsden	120	16,340	0	2,880	19,340	330,240	6%
Gilchrist	280	7,710	0	0	7,990	223,360	4%
Glades	290	70,350	0	22,890	93,530	495,360	19%
Gulf	100	54,050	740	0	54,890	361,600	15%
Hamilton	0	24,070	410	0	24,480	329,600	7%
Hardee	0	3,170	0	0	3,170	407,680	1%
Hendry	0	111,420	2,500	0	113,920	737,920	15%
Hernando	550	80,800	9,470	280	91,100	305,920	30%
Highlands	1,340	49,870	56,030	13,200	120,440	667,920	18%
Hillsborough	63,650	36,830	5,490	40	106,010	672,640	16%
Holmes	0	13,170	0	0	13,170	308,480	4%
Indian River	4,640	78,800	1,260	40	84,740	321,920	26%
Jackson	890	17,870	0	460	19,220	586,240	3%
Jefferson	30	66,960	7,960	33,850	108,800	347,520	31%
Lafayette	0	60,050	0	0	60,050	348,880	17%
Lake	9,470	105,820	85,180	1,010	201,480	609,920	33%
Lee	25,210	51,330	5,320	9,050	90,910	514,560	18%
Leon	3,890	14,670	105,150	25,940	149,650	426,880	35%
Levy	3,680	141,000	24,410	10	169,100	715,520	24%
Liberty	0	57,620	273,000	7,840	338,460	535,040	63%
Madison	0	15,400	0	360	15,760	442,880	4%
Manatee	25,430	29,610	20	1,300	56,360	474,240	12%
Marion	1,290	78,540	274,140	0	353,970	1,010,560	35%
Martin	2,690	85,120	960	1,150	89,920	355,840	25%
Miami-Dade	10,230	280,040	544,820	110	835,200	1,244,800	67%
Monroe	290	12,740	599,670	890	613,590	638,080	96%
Nassau	320	22,210	20	1,380	23,930	417,280	6%
Okaloosa	310	71,360	245,710	0	317,380	599,040	53%
Okeechobee	0	80,410	50	2,540	83,000	495,360	17%

Please Note: Conservation lands include public and some privately owned lands managed for conservation of their natural resources; public lands that are not managed for conservation (e.g., schools and prisons) are not considered conservation lands and are not included in this data set. Conservation lands acreages are tabulated by county from the FNAI/FLMA GIS data layer. These totals do not include open water on FLMA boundaries. Additional acres of managed areas, tracked in FNAI's database with no GIS boundaries, are added for the final total. FNAI tracks some additional managed areas without definitive acreage-by-county information. Those acreages are not reflected in this table. Recent acquisitions may not yet be reflected in acreage totals.

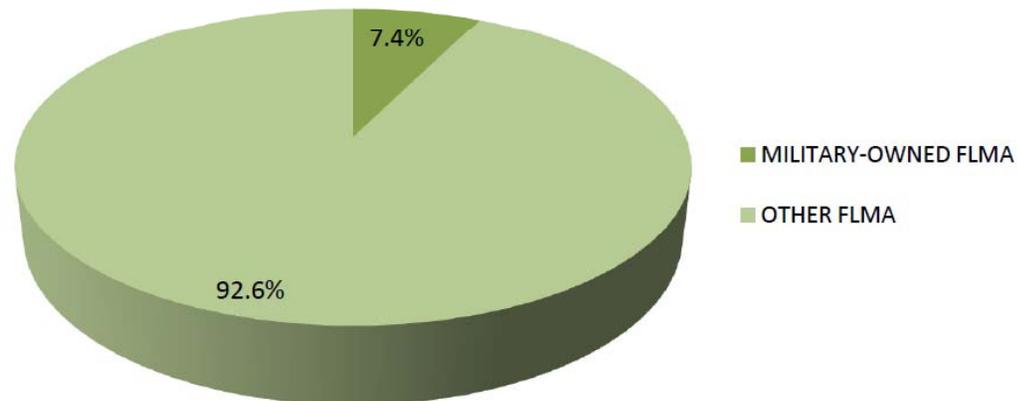
Wetlands

Non-Submerged FLMA by Upland/Wetland/Open Water				
3/3/2011				
	UPLAND	WETLAND	OPEN WATER	TOTAL
<i>Acres</i>	3,880,866	6,056,915	83,206	10,020,987
<i>Percent</i>	38.7%	60.4%	0.8%	100%



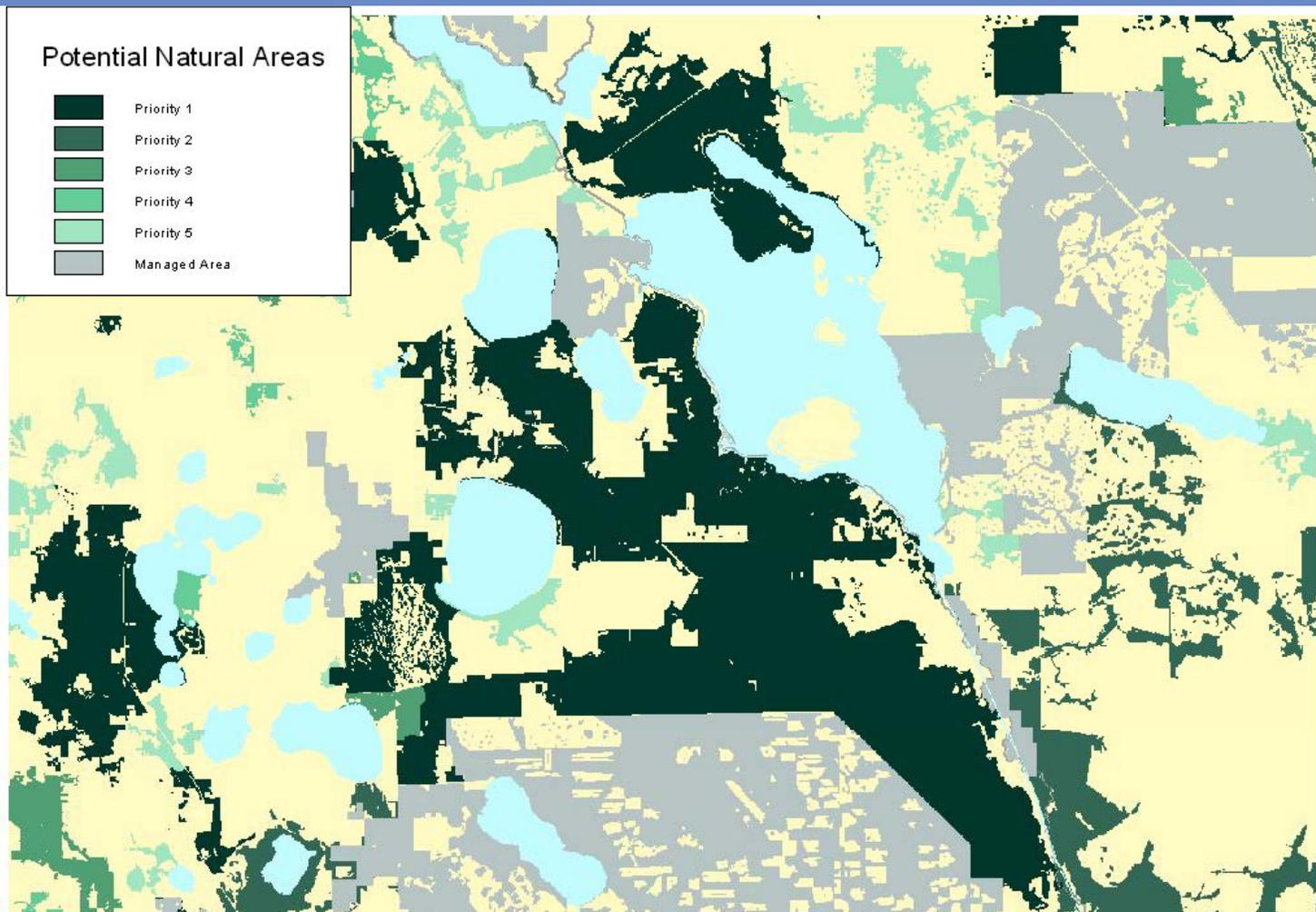
Military Lands

Military Ownership of Non-Submerged FLMA			
3/3/2011			
	MILITARY-OWNED FLMA	OTHER FLMA	TOTAL
<i>Acres</i>	737,576	9,283,411	10,020,987
<i>Percent</i>	7.4%	92.6%	100%



Potential Natural Areas

- Five priority classes
- Statewide review of aerial photography



Building Blocks for Other Conservation Planning

- FFWCC's Strategic Habitat Analysis
- DEP/UF Ecological Greenways
- DOT's ETDM (Efficient Transportation Decision Making) Tool
- Landowner Incentive Program
- Forest Legacy Program
- Coastal and Estuarine Conservation Lands Program
- Century Commission's CLIP project
- Cooperative Conservation Blueprint
- TNC Ecoregional Plans

Florida Forever Act

- Acquisition should be based on a *comprehensive assessment* of Florida's natural resources
- Acquisition should provide *multiple benefits*
- A competitive selection process to select projects *best able to meet the goals* of Florida Forever and maximize efficient use of program's funding
- Program should be implemented in the context of *measurable goals and objectives*

Florida Forever Conservation Needs Assessment

- Provides baselines
- Identifies priority lands to meet conservation needs
- Identifies lands that meet multiple conservation needs
- Clearly and continuously tracks and documents progress





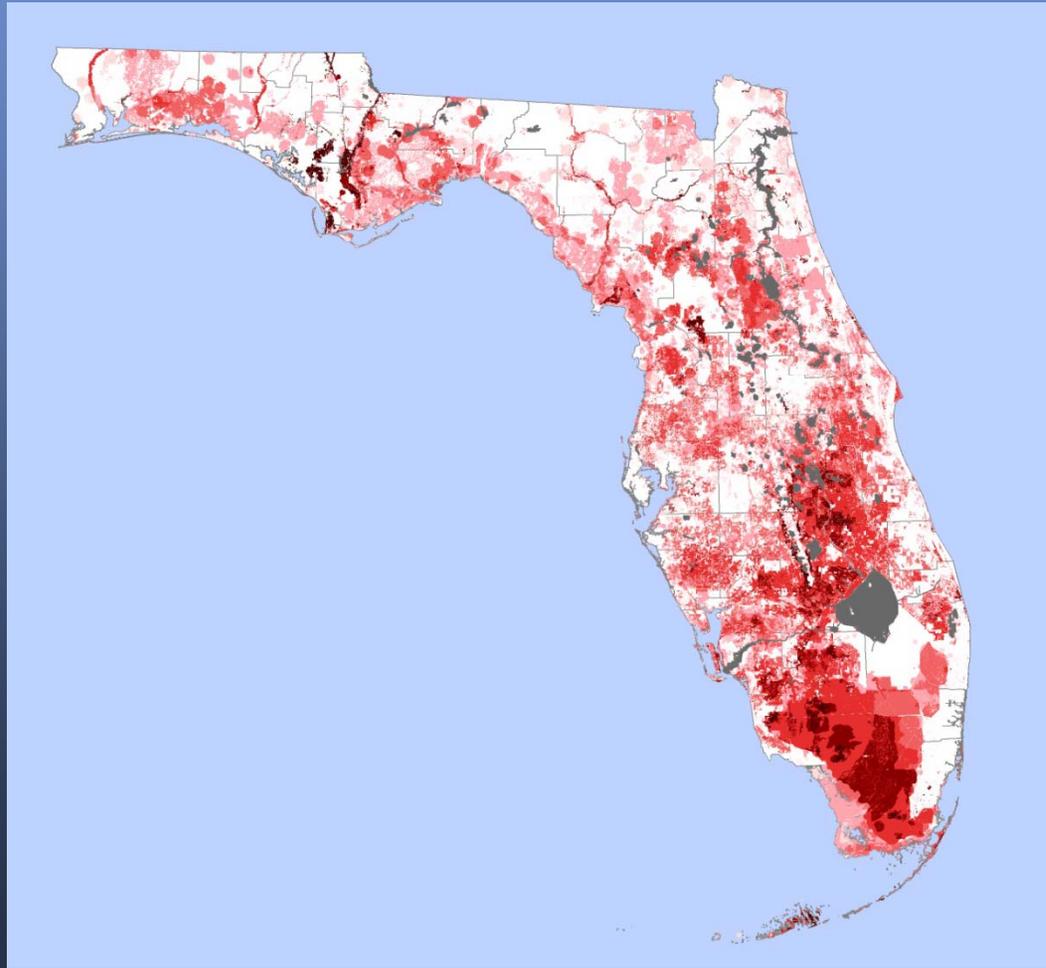
Florida Forever Conservation Needs Assessment

- Map data for 12 resources types
- Guided by goals and measures of Florida Forever Act
- All data are statewide and prioritized
- Priorities regularly updated

Heritage Database



Habitat Conservation Priorities

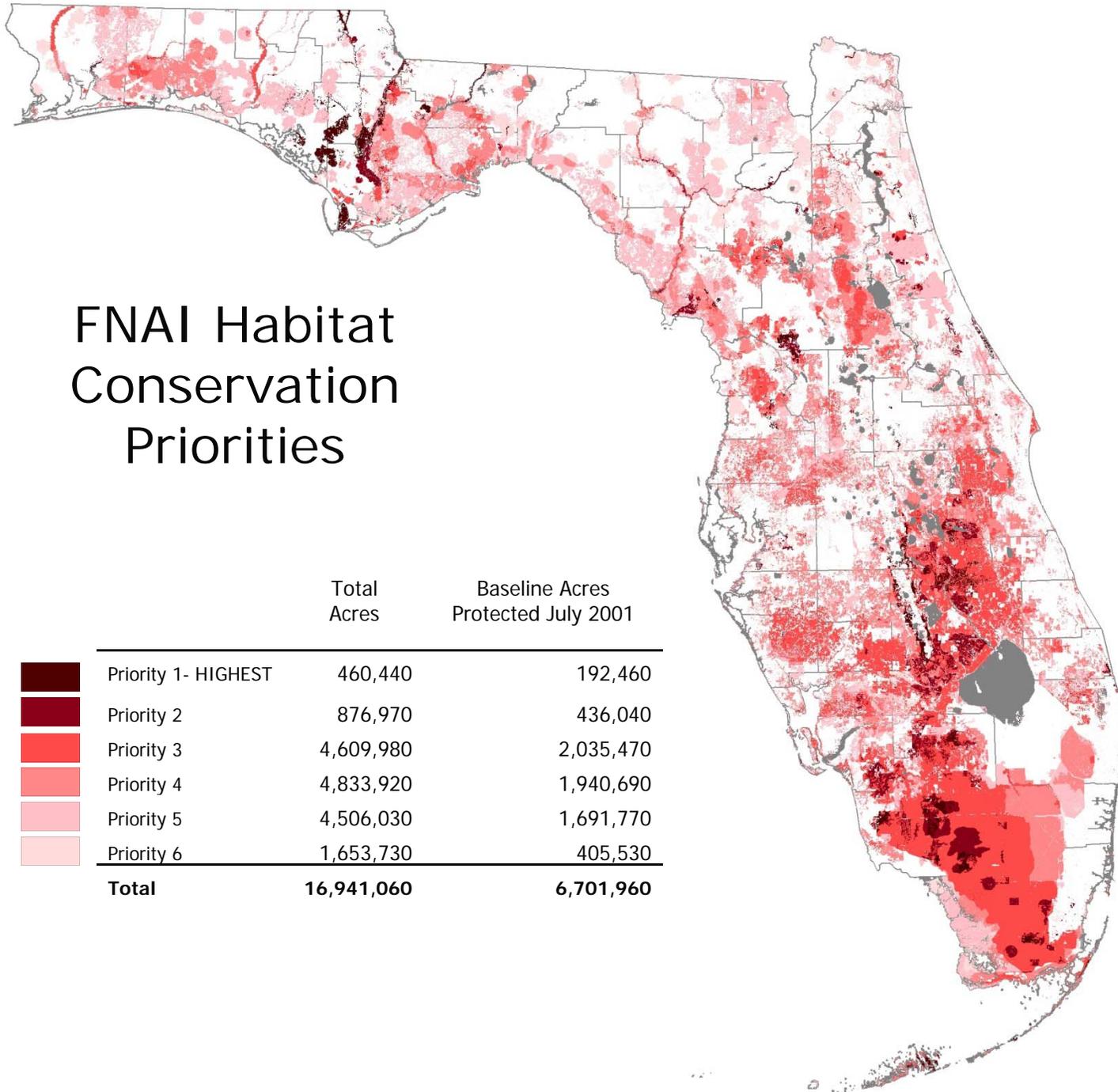


Species	Global Rank
<i>Conradina brevifolia</i>	G2Q
<i>Haliaeetus leucocephalus</i>	G4
<i>Hypericum cumulicola</i>	G2
<i>Liatris ohlingerae</i>	G3
<i>Paronychia chartacea</i>	G3
<i>Polygonella basiramia</i>	G3
<i>Polygonella myriophylla</i>	G3
<i>Schizachyrium niveum</i>	G1
<i>Aphelocoma coerulescens</i>	G3
<i>Drymarchon corais couperi</i>	G4T3

Species	Global Rank
<i>Cicindela scabrosa</i>	G3
<i>Conradina brevifolia</i>	G2Q
<i>Haliaeetus leucocephalus</i>	G4
<i>Liatris ohlingerae</i>	G3
<i>Polygonella myriophylla</i>	G3
<i>Aphelocoma coerulescens</i>	G3
<i>Drymarchon corais couperi</i>	G4T3

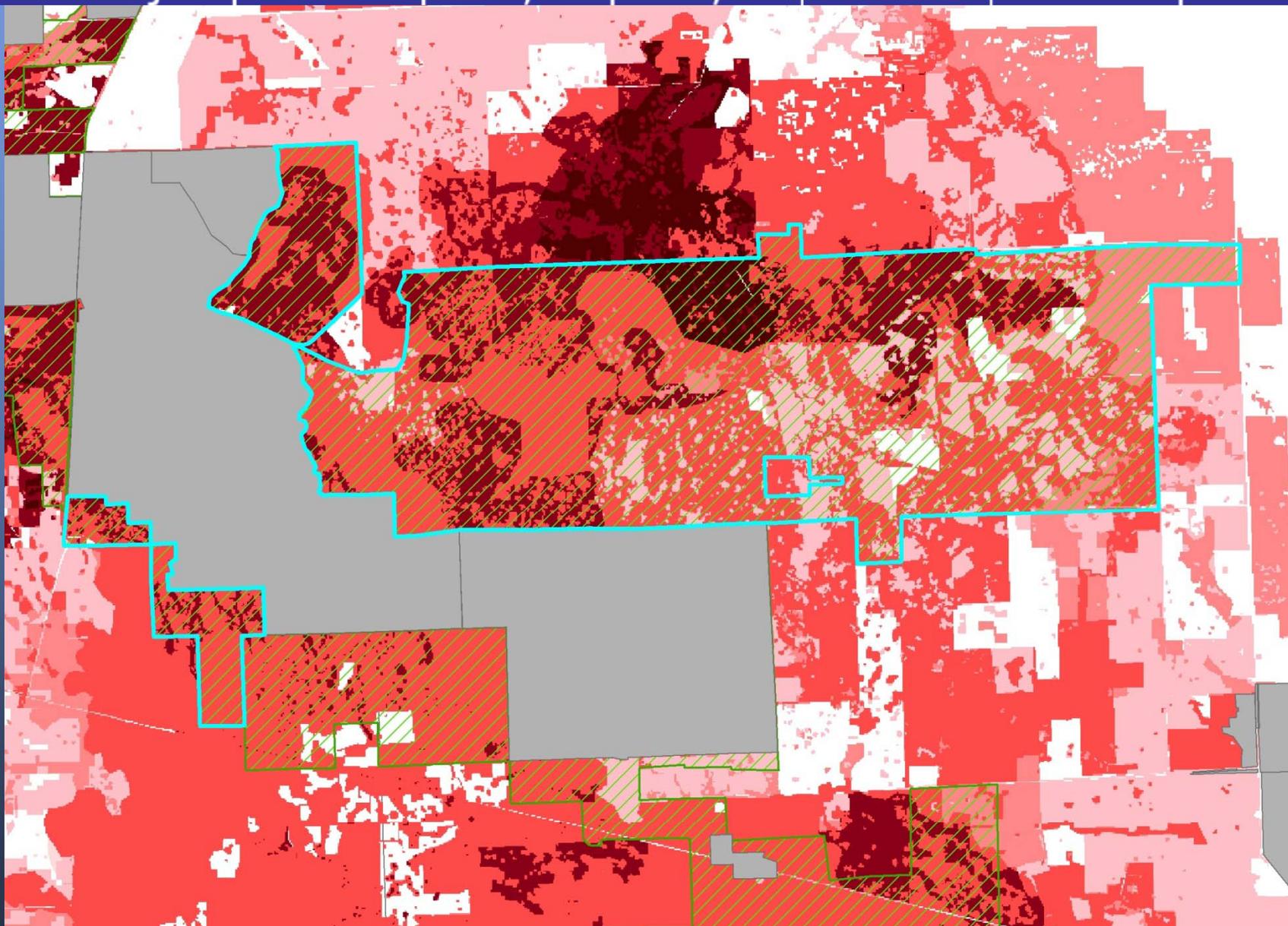
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<i>Haliaeetus leucocephalus</i>	G4
<i>Liatris ohlingerae</i>	G3
<i>Polygonella myriophylla</i>	G3
<i>Drymarchon corais couperi</i>	G4T3

FNAI Habitat Conservation Priorities



	Total Acres	Baseline Acres Protected July 2001
 Priority 1- HIGHEST	460,440	192,460
 Priority 2	876,970	436,040
 Priority 3	4,609,980	2,035,470
 Priority 4	4,833,920	1,940,690
 Priority 5	4,506,030	1,691,770
 Priority 6	1,653,730	405,530
Total	16,941,060	6,701,960

FNAIHAB	Priority 1	Priority 2	Priority 3	Priority 4	Priority 5	Priority 6
Acres in Project	315	2,912	6,741	446	198	8



Single Resource data are provided in new proposal evaluations

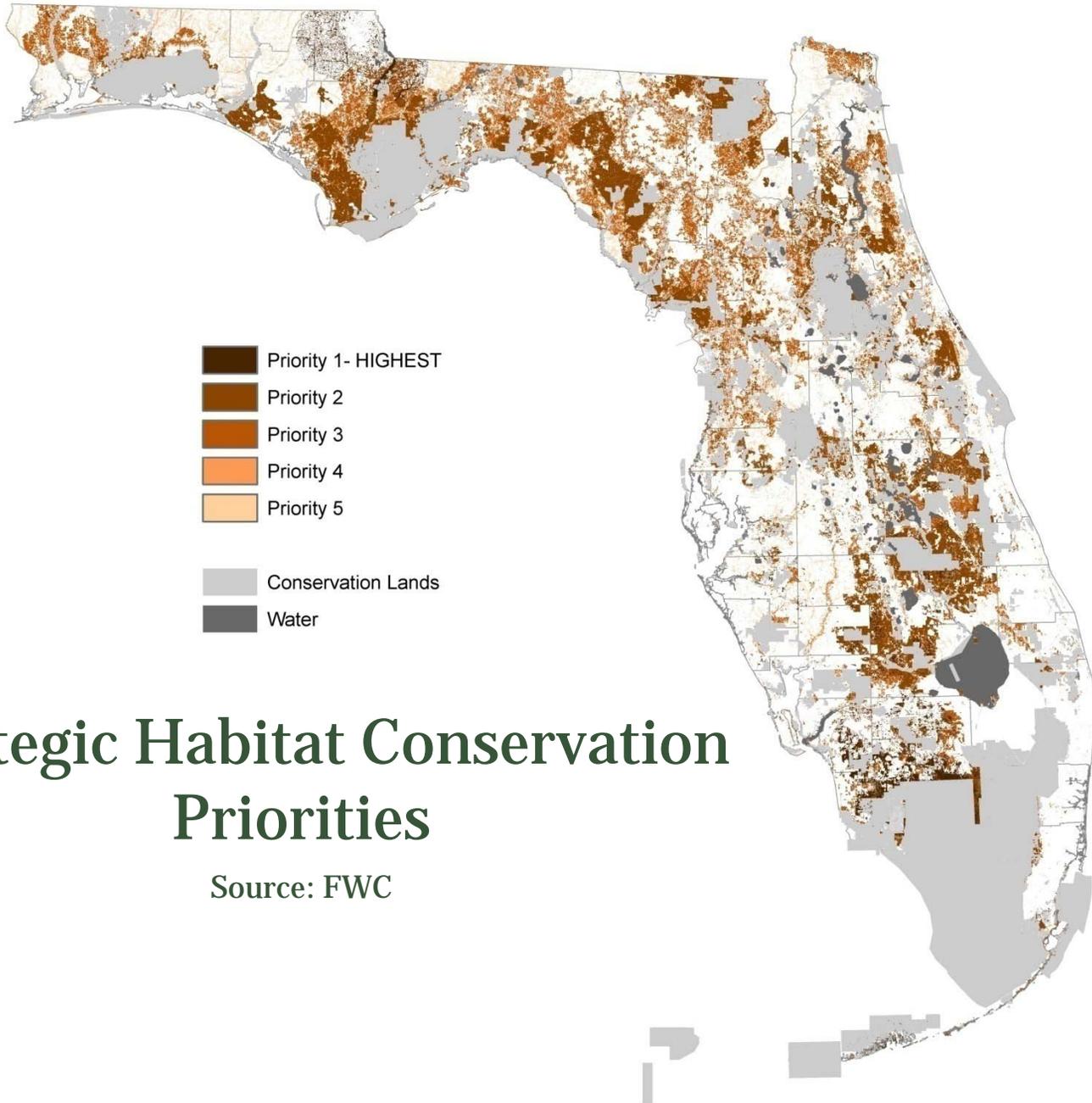
Caber Coastal Connector Tract: Florida Forever Measures Evaluation

ACRES = 5,564

MEASURES	Acres ^a	% of project
B1: Strategic Habitat Conservation Areas		
Priority 1	0	0%
Priority 2	428	8%
Priority 3	0	0%
Priority 4	0	0%
Priority 5	4	<1%
Priority 6	0	0%
Total Acres	432	8%
B2: FNAI Habitat Conservation Priorities		
Priority 1	0	0%
Priority 2	2	0%
Priority 3	2,915	52%
Priority 4	247	4%
Priority 5	1,768	32%
Priority 6	356	6%
Total Acres	5,289	95%
B3: Ecological Greenways		
Priority 1	0	0%
Priority 2	0	0%
Priority 3	5,526	99%
Priority 4	0	0%
Priority 5	0	0%
Priority 6	0	0%
Priority 7	0	0%
Total Acres	5,526	99%
B4: Under-represented Natural Communities		
Pine rockland	0	0%
Upland glade	0	0%
Bog/seepage slope	0	0%
Tropical hammock	0	0%
Sandhill	99	2%
Scrub	1,394	25%
Upland hardwood	0	0%
Pine flatwoods	347	6%
Total Acres	1,840	33%
B5: Landscape-sized Protection Area (Yes/No)		
Priority 1	no	
Priority 2	no	
Priority 3	yes	
B6: Listed Species (# occurrences)		
G1	0	
G2	2	
G3	0	
G4	1	
G5	0	
Total Occurrences	3	

MEASURES (continued)	Acres ^a	% of project
C4: Natural Floodplain Function		
Priority 1	0	0%
Priority 2	0	0%
Priority 3	0	0%
Total Acres	0	0%
C5: Surface Water Protection		
Priority 1	622	11%
Priority 2	2,603	47%
Priority 3	2,318	42%
Total Acres	5,543	100%
C7: Fragile Coastal Resources		
Uplands	19	0%
Wetlands	708	13%
Total Acres	727	13%
C8: Functional Wetlands		
Priority 1	2,394	43%
Priority 2	0	0%
Priority 3	154	3%
Priority 4	544	10%
Total Acres	3,092	56%
D3: Aquifer Recharge		
Floridan	0	0%
Other	0	0%
Total Acres	0	0%
E2: Recreational Trails		
<small>(prioritized trail opportunities from Office of Greenways and Trails & Univ. Florida)</small>		
Priority 1	1	<1%
Priority 2	0	0%
Priority 3	0	0%
Total Acres	1	<1%
F2: Archaeological Sites		
0 sites listed by DHR		
G1: Sustainable Forestry		
Priority 1	0	0%
Priority 2	2,500	45%
Priority 3	264	5%
Priority 4	0	0%
Priority 5	4	0%
Total Acres	2,768	50%
G3: Forestland for Recharge		
	0	0%

^aNumber of acres of each resource in the project and percentage of project represented by each resource are listed except where noted.

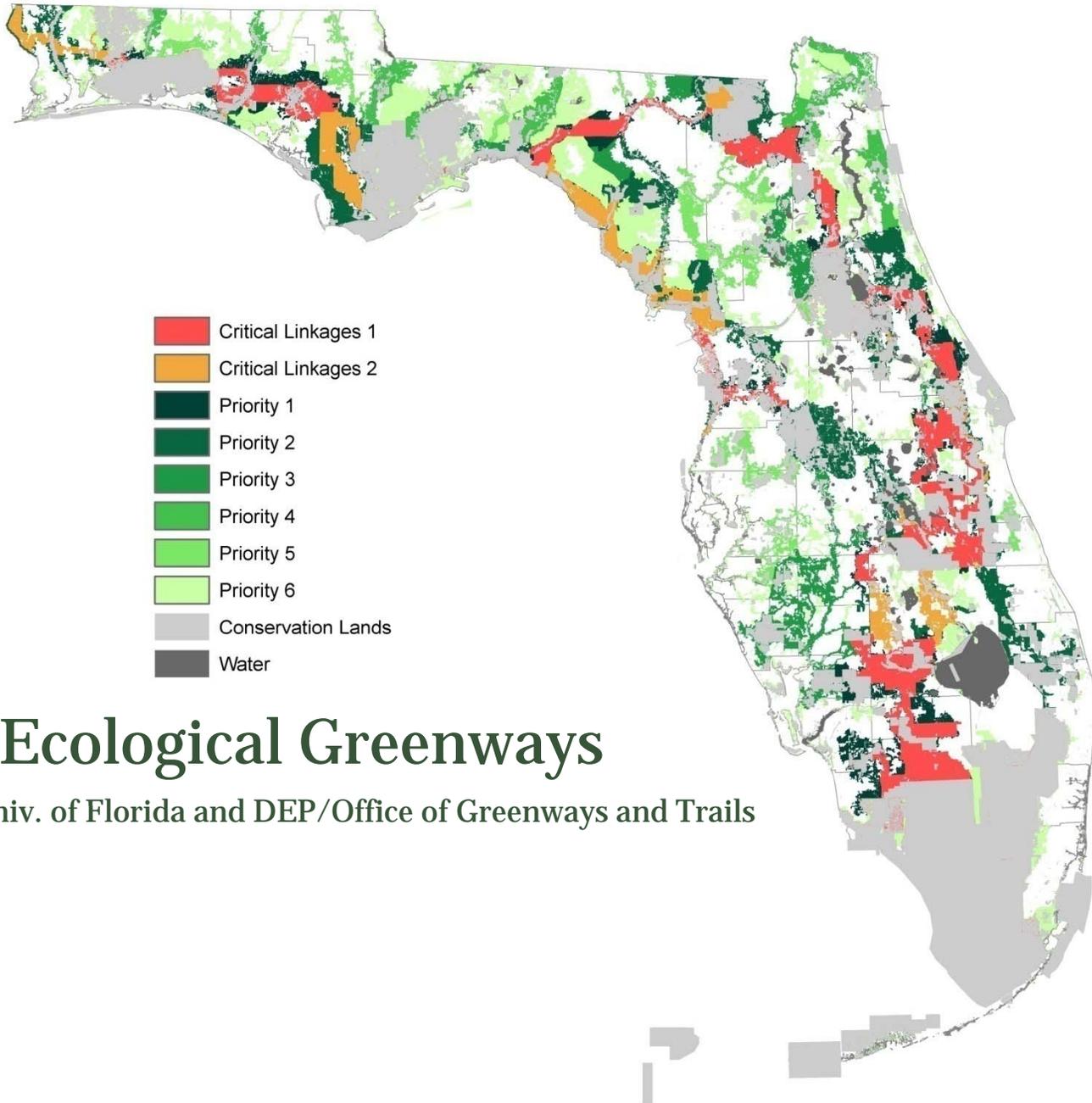


- Priority 1- HIGHEST
- Priority 2
- Priority 3
- Priority 4
- Priority 5

- Conservation Lands
- Water

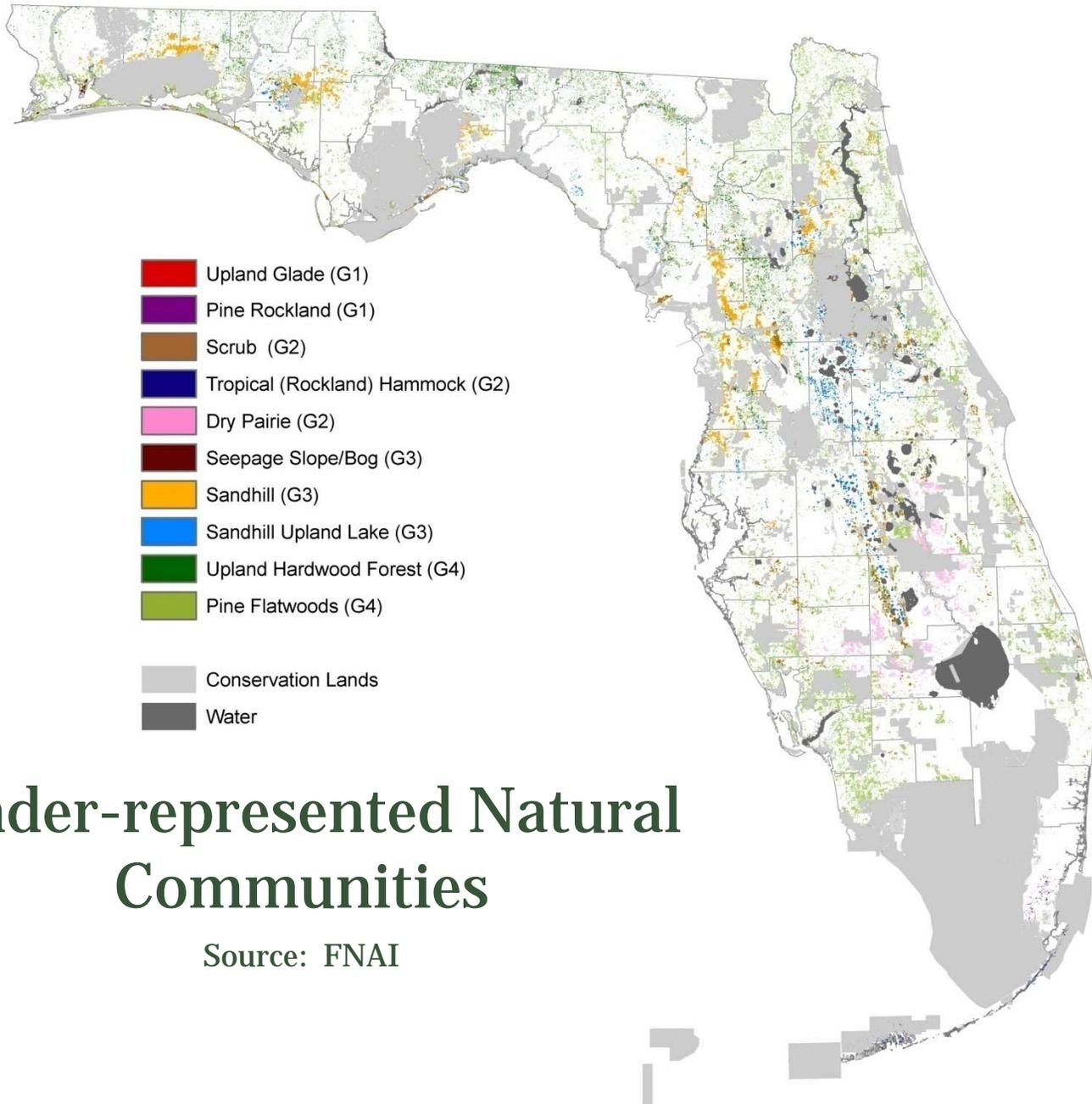
Strategic Habitat Conservation Priorities

Source: FWC



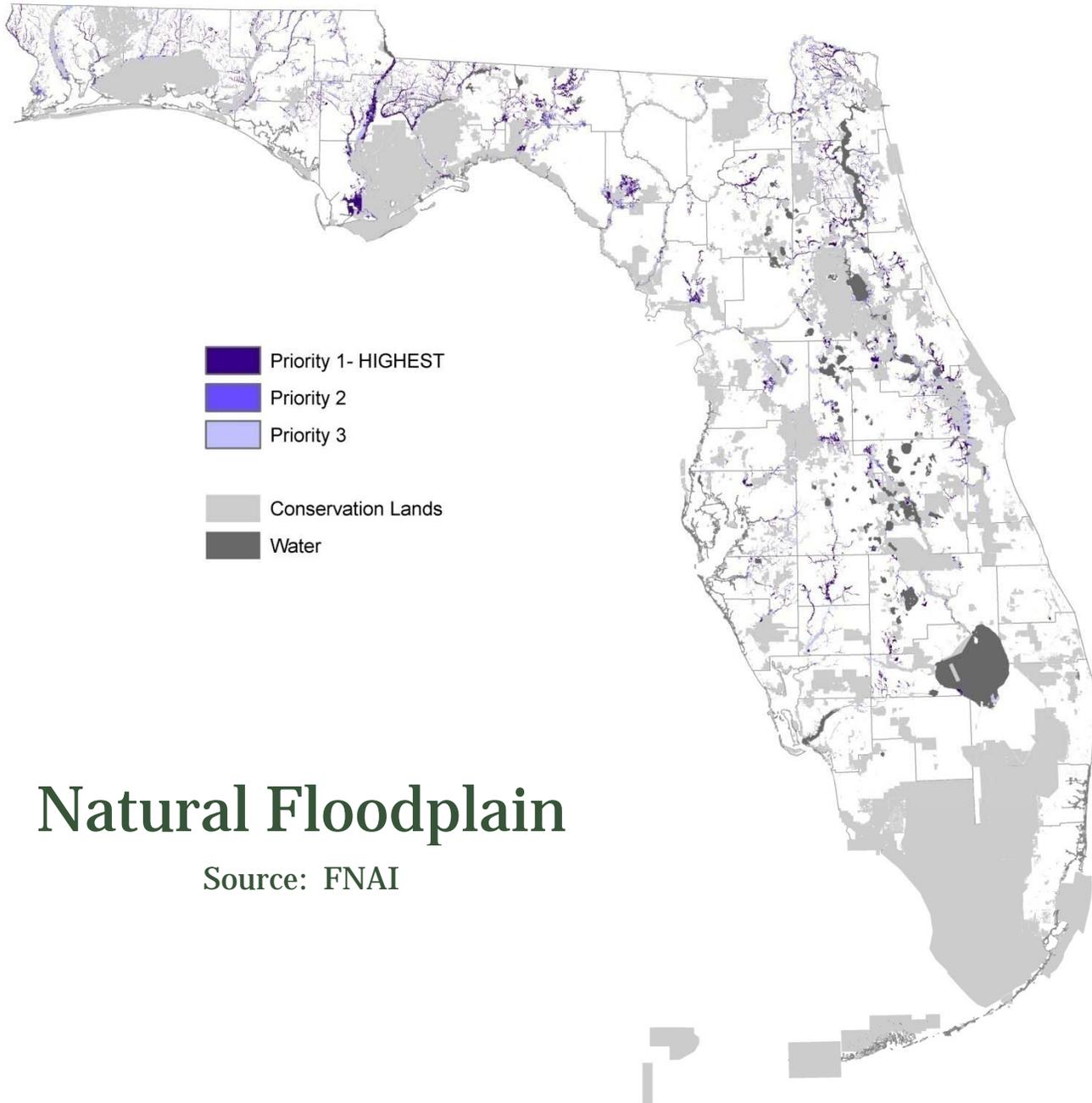
Ecological Greenways

Source: Univ. of Florida and DEP/Office of Greenways and Trails



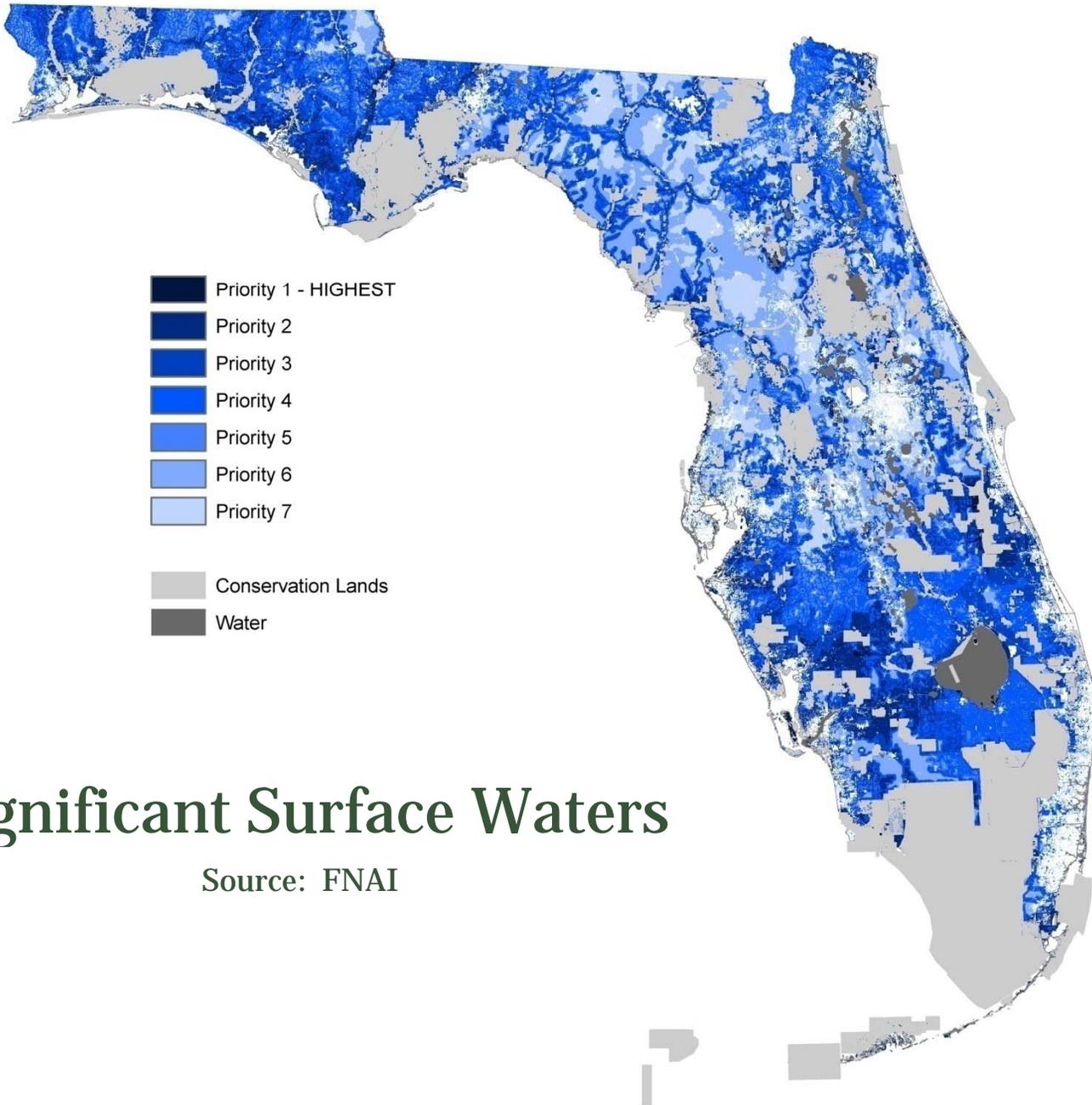
Under-represented Natural Communities

Source: FNAI



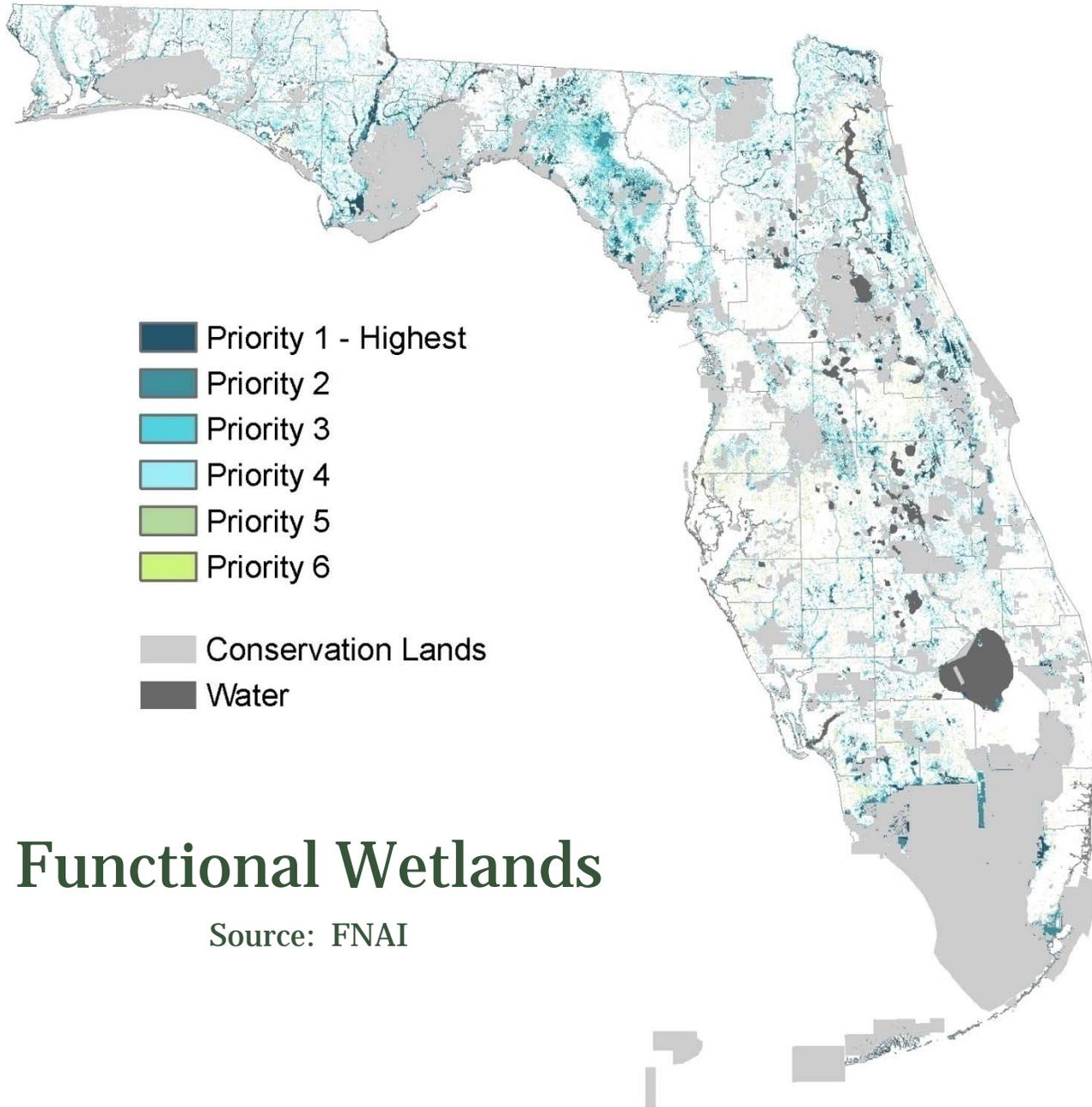
Natural Floodplain

Source: FNAI



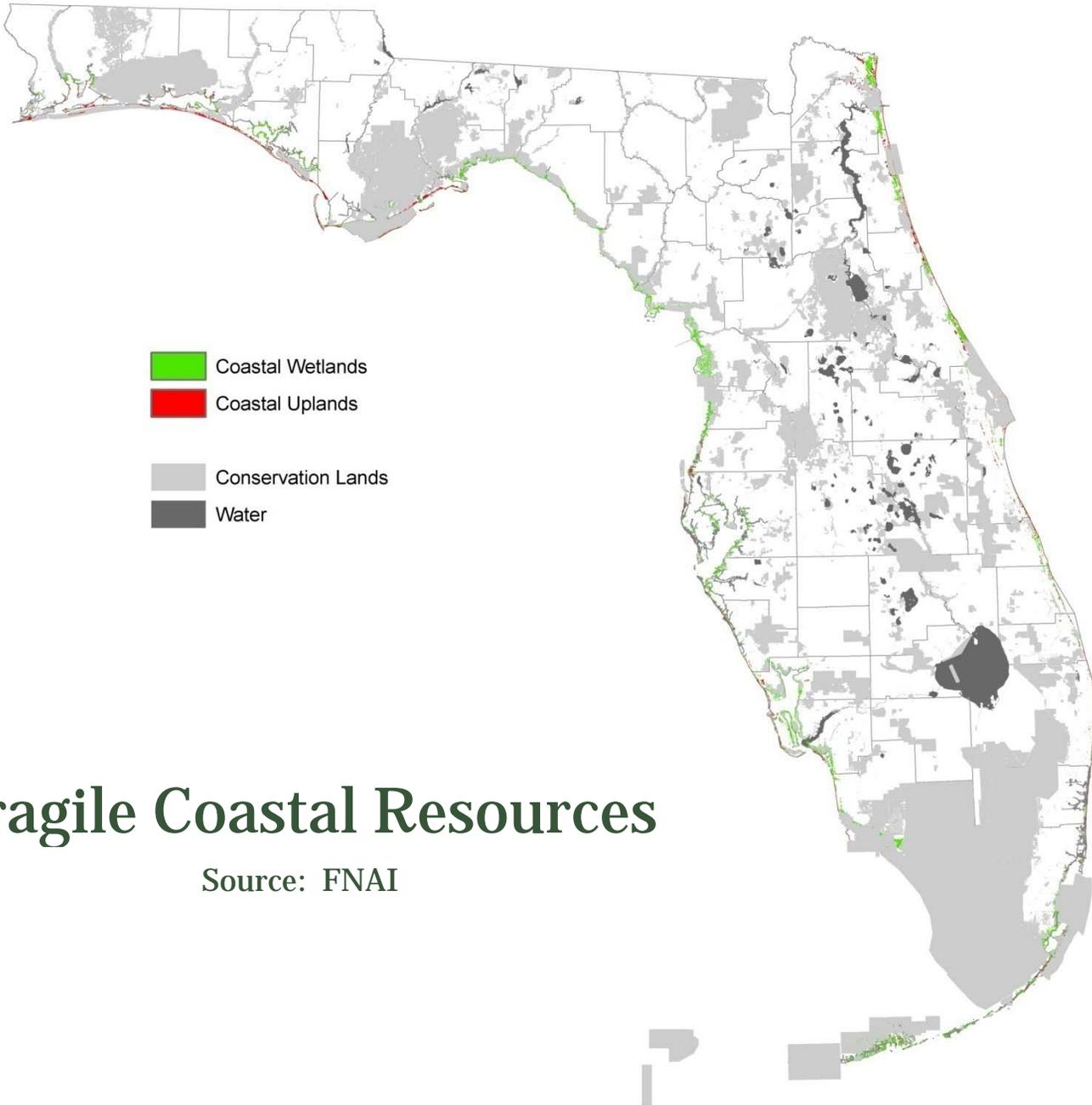
Significant Surface Waters

Source: FNAI



Functional Wetlands

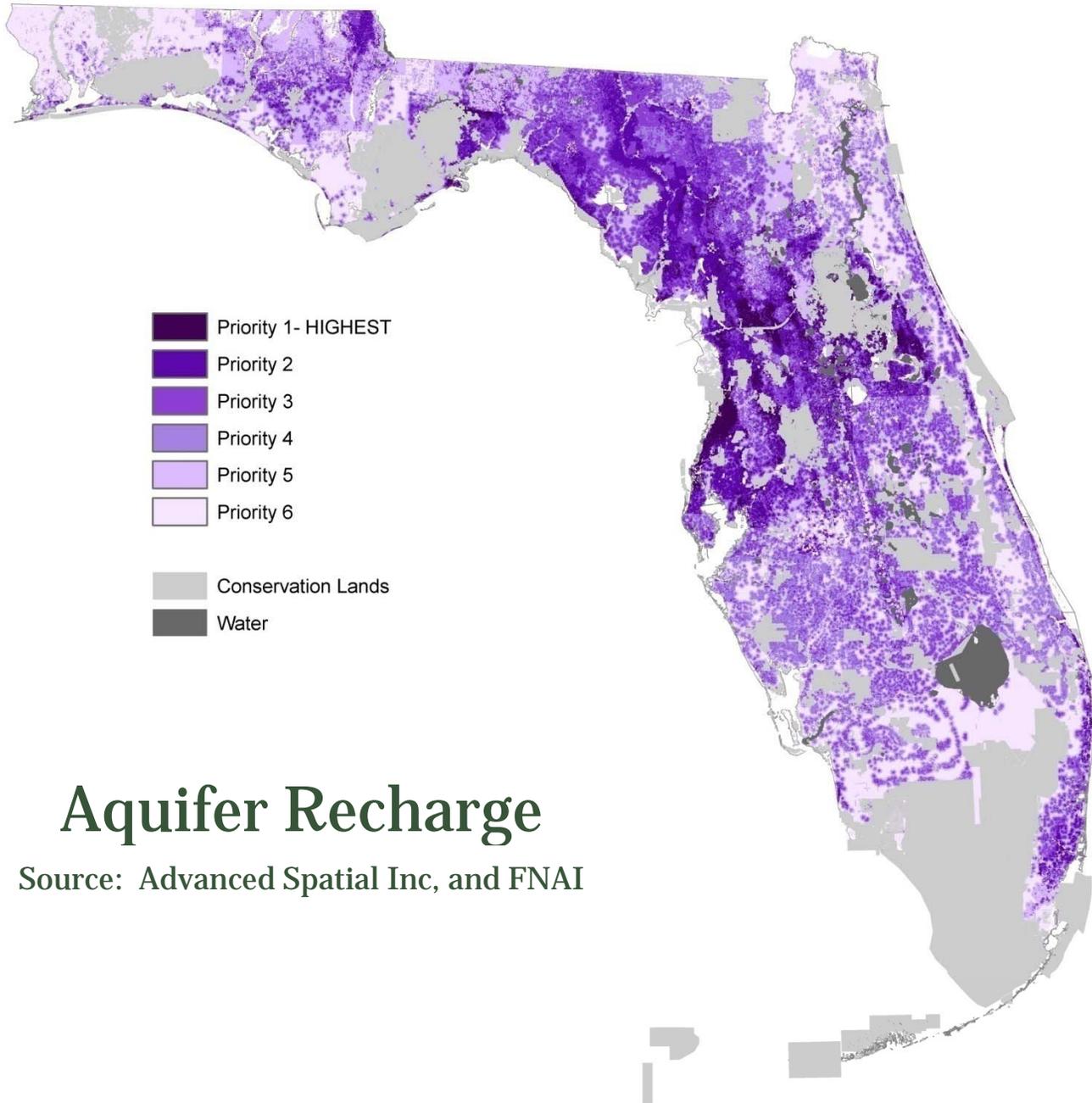
Source: FNAI



- Coastal Wetlands
- Coastal Uplands
- Conservation Lands
- Water

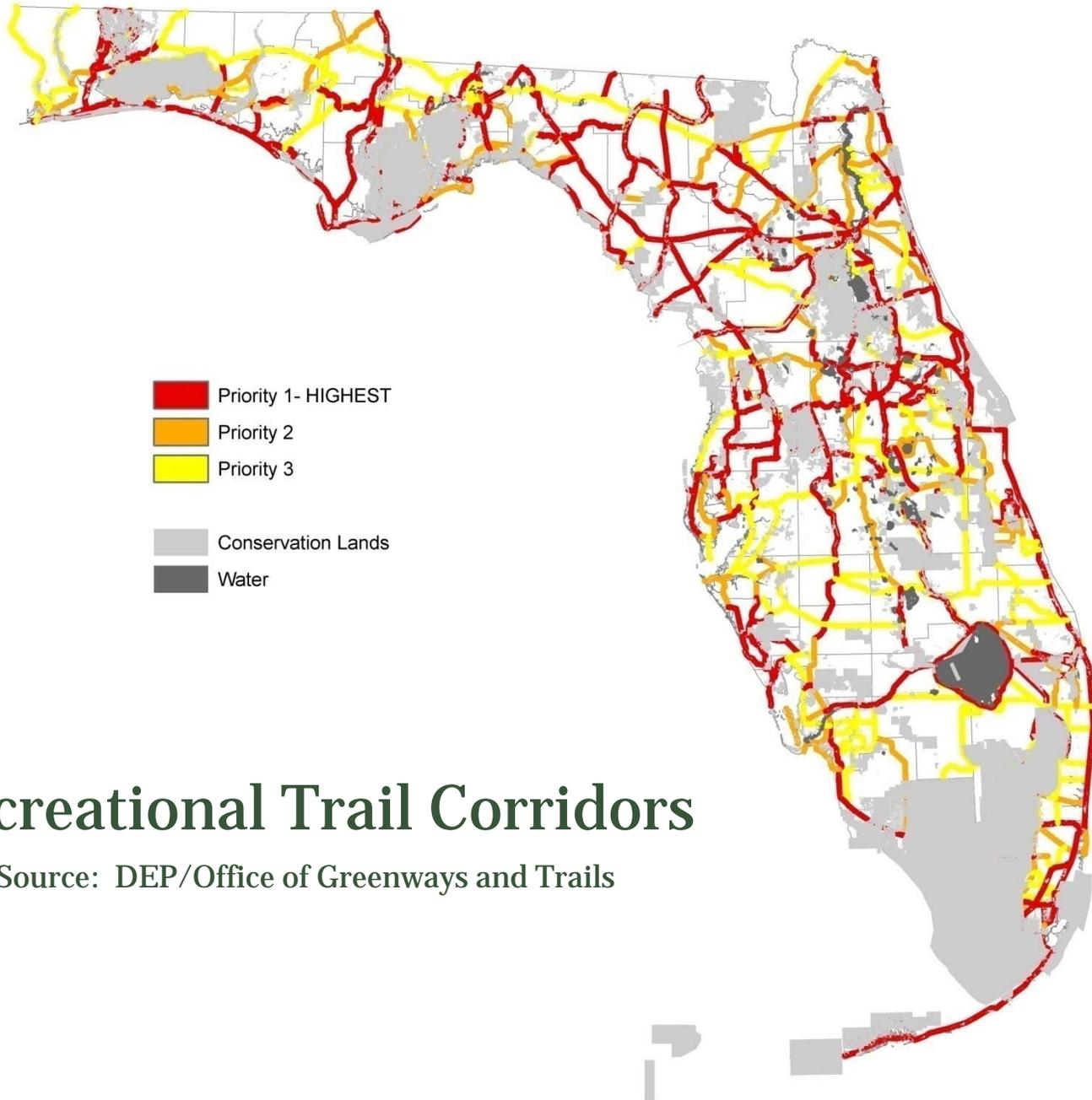
Fragile Coastal Resources

Source: FNAI



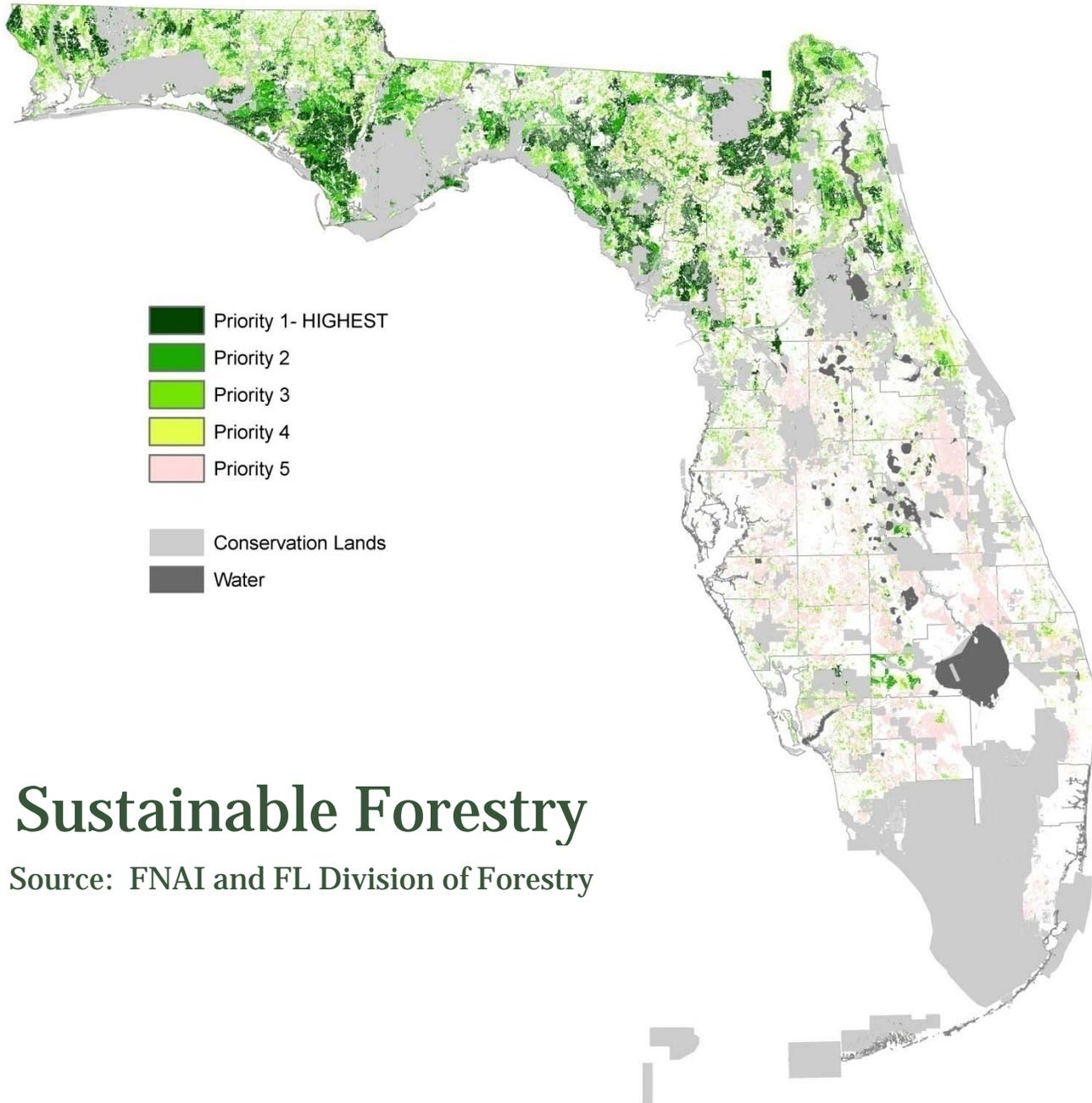
Aquifer Recharge

Source: Advanced Spatial Inc, and FNAI



Recreational Trail Corridors

Source: DEP/Office of Greenways and Trails



Sustainable Forestry

Source: FNAI and FL Division of Forestry

F-TRAC

*Florida Forever Tool for Efficient
Resource Acquisition and Conservation*

- Rigorous analysis that identifies the places that best meet the overall set of Florida Forever resource goals for the least area
 - 50 separate runs of 1 billion iterative comparisons

Florida Natural Areas Inventory

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Tallahassee, Florida 32303

telephone: 850.224.8207

web: www.fnai.org



Florida Forever Natural Resource Acquisition Progress Report

November 2011

Prepared by the
Florida Natural Areas Inventory
for the
Florida Department of Environmental Protection
Division of State Lands



This is the twentieth Progress Report for the Florida Forever environmental land acquisition program. The reports are produced at the request of the Florida Department of Environmental Protection (DEP), Division of State Lands, as part of the Florida Natural Areas Inventory’s contract to provide scientific expertise and analysis to inform the Florida Forever program.

These reports document the progress of Florida Forever Board of Trustees (FFBOT), water management district (FFWMD), Florida Communities Trust (FCT) and other Florida Forever program acquisitions toward meeting the goals and measures of the Florida Forever program. Progress is measured using the natural resource data layers developed or compiled by the Florida Natural Areas Inventory and presented in the Conservation Needs Assessment Summary and Technical Reports (available online at www.fnai.org/FIForever.cfm).

For this report, Florida Forever acquisitions include those properties for which transactions have closed from the inception of the program in July 2001 through September 2011. The following table lists total acquisitions through September 2011. Note that acreages are calculated in GIS for parcels with digital boundaries and do not include all small parcels. Parcels that FFBOT or FFWMD acquired in combination with non-Florida Forever funds (e.g., a separate agency funding source or another funding partner) are counted entirely as Florida Forever purchases.

Program	Acres acquired		
	July 2001 - September 2011		
	Full Fee	Less-than-Fee	Total
FFBOT	283,031	67,954	350,985
FFWMD	178,490	100,018	278,508
FCT		-	40,600
Inholdings and Additions (I&A)			
DEP/Office of Greenways and Trails	2,369	-	2,369
DEP/Division of Recreation and Parks	5,262	-	5,262
FDACS/Florida Forestry Service	17,385	1,378	18,763
Florida Fish and Wildlife Conservation Commission	11,801	-	11,801
Rural and Family Lands Protection Program (included with I&A in attached table)	-	2,850	2,850
Stan Mayfield Working Waterfronts (not included in attached table)	5	-	5
Total Florida Forever Acquisitions	538,944	172,199	711,143

The attached Florida Forever Summary of Resource Acres Protected on Conservation Lands (Summary) shows the baseline of natural resources protected on conservation lands at the onset of the Florida Forever program. The baseline represents the starting point from which Florida Forever’s progress will be measured. The Summary also reports additional acreage of each resource acquired by the Florida Forever program as of September 2011.

The Florida Natural Areas Inventory updates our managed areas database quarterly with the latest information available from land managing agencies. We also maintain a separate parcel database of Florida Forever acquisitions. The September 2011 updates to the managed areas and Florida Forever acquired parcel databases were used to calculate acquisitions since the onset of the Florida Forever program for this report. In addition to Florida Forever acquisitions, many parcels were added to managed areas boundaries as part of the continual building and maintenance of the database. These lands may represent federal, local, or private acquisitions, other state acquisition programs, or revisions to existing managed areas boundaries. These lands are split into two columns in the Summary: Other Lands Acquired within FL Forever Projects (223,701 total acres) and Other Lands Added to the FNAI Database since July 2001 (428,028 total acres).

			Resource Acres Protected								Percent Protected			
			Baseline	FL Forever Programs as of Sep 2011				Other Lands		Remaining Acres			July 2001	Sep 2011
			At start of FL Forever July 2001	OGT, A&I				Acquired within FL Forever Projects	Added to FNAI Database since July 2001					
MEASURES	Natural Resource Priorities	Total Statewide Acres	BOT	WMDs	RFLPP	FCT								
B1: Strategic Habitat Conservation Areas	Priority 1	1,455,780	828,710	14,280	3,790	1,120	1,540	13,050	16,810	576,480	57%	60%		
	Priority 2	11,617,870	6,902,810	295,370	195,010	31,890	20,230	165,490	216,320	3,790,750	59%	67%		
	Priority 3	4,191,230	764,670	6,030	14,890	2,140	6,680	8,310	49,830	3,338,680	18%	20%		
	Priority 4	81,630	19,690	660	1,020	140	230	790	2,840	56,260	24%	31%		
	Priority 5	1,138,910	80,390	3,270	6,460	580	2,410	5,340	13,540	1,026,920	7%	10%		
	Total 2009^a	18,485,430	8,596,270	319,620	221,170	35,880	31,090	192,980	299,340	8,789,080	47%	52%		
Total 1994^a	4,037,790	332,240	166,380	78,720	10,950	10,840	89,870	59,790	3,289,000	8%	19%			
B2: FNAI Habitat Conservation Priorities	Priority 1	430,820	159,560	5,350	1,360	430	0	4,200	2,000	257,920	37%	40%		
	Priority 2	876,640	448,180	17,660	3,470	970	630	7,070	7,590	391,070	51%	55%		
	Priority 3	4,638,090	2,077,990	56,590	33,040	4,320	7,760	33,050	79,630	2,345,710	45%	49%		
	Priority 4	4,841,460	1,945,590	66,250	41,480	5,730	6,920	48,070	71,100	2,656,320	40%	45%		
	Priority 5	4,500,730	1,694,920	92,260	53,950	11,810	6,200	53,450	56,380	2,531,760	38%	44%		
	Priority 6	1,654,830	406,230	19,360	17,160	1,920	3,390	8,180	18,000	1,180,590	25%	29%		
Total	16,942,580	6,732,470	257,460	150,460	25,180	24,900	154,010	234,720	9,363,380	40%	45%			
B3: Ecological Greenways	Priority 1 Critical Linkages	8,148,900	5,560,540	201,500	94,280	16,550	810	60,530	83,750	2,130,940	68%	74%		
	Priority 2 Critical Linkages	2,310,580	1,162,720	48,970	34,060	6,060	20	37,220	16,780	1,004,750	50%	57%		
	Priority 1	1,386,850	384,750	8,970	5,810	330	5,210	19,380	16,490	945,910	28%	32%		
	Priority 2	2,525,850	501,380	29,700	58,530	3,190	6,670	50,610	39,220	1,836,550	20%	27%		
	Priority 3	1,237,230	229,240	8,260	45,040	3,210	1,160	8,320	13,550	928,450	19%	25%		
	Priority 4	1,028,510	164,000	30,400	8,480	2,010	1,030	12,280	8,810	801,500	16%	22%		
	Priority 5	1,165,320	198,060	8,570	8,630	1,690	10,490	2,550	19,410	915,920	17%	21%		
Priority 6	4,078,040	507,210	10,360	12,170	4,850	7,280	26,940	114,530	3,394,700	12%	17%			
Total	21,881,260	8,707,900	346,730	267,000	37,900	32,680	217,830	312,550	11,958,670	40%	45%			
B4: Under-represented Natural Communities	Upland Glade (G1)	40	3	0	0	0	0	0	0	37	8%	8%		
	Pine Rockland (G1)	16,640	15,460	100	0	0	0	10	150	920	93%	94%		
	Scrub (G2)	510,960	356,720	5,200	940	740	990	4,530	5,240	136,600	70%	73%		
	Rockland Hammock (G2)	19,190	15,110	220	0	0	10	410	90	3,350	79%	83%		
	Dry Prairie (G2)	154,050	90,510	2,570	440	140	0	1,500	160	58,730	59%	62%		
	Seepage Slope (G2)	6,620	6,510	0	0	0	0	0	0	110	98%	98%		
	Sandhill (G3)	814,370	479,560	8,830	3,510	1,250	130	2,340	7,510	311,240	59%	62%		
	Sandhill Lake (G3)	69,880	11,870	120	60	10	0	130	460	57,230	17%	18%		
	Upland Hardwood (G5)	429,010	34,410	430	1,470	640	1,660	90	3,030	387,280	8%	10%		
	Pine Flatwoods (G4)	2,288,530	1,018,520	56,360	24,640	3,460	5,250	25,600	27,890	1,126,810	45%	51%		
Total	4,309,280	2,028,680	73,840	31,060	6,250	8,030	34,610	44,530	2,082,280	47%	52%			
B5: Landscape-sized Protection Areas	<i>Acres acquired within contiguous conservation lands ≥ 50,000 acres</i>	n/a	5,806,300	240,990	159,030	25,890	13,290	120,840	177,610	n/a	n/a	n/a		

^aThe FWC completed a major revision to the SHCAs in 2009; however, the original 1994 SHCAs have been used to inform Florida Forever acquisition decisions from 2001 - 2007; therefore, we report acquisition progress for both the original and revised strategic habitats.

MEASURES			Resource Acres Protected								Percent Protected			
			Baseline	FL Forever Programs as of Sep 2011				Other Lands		Remaining Acres			July 2001	Sep 2011
			At start of FL Forever July 2001	BOT	WMDs	OGT, A&I, RFLPP	FCT	Acquired within FL Forever Projects	Added to FNAI Database since July 2001					
	Natural Resource Priorities	Total Statewide Acres												
C3: Natural Floodplain Function	Priority 1	1,380,430	629,460	23,440	24,290	1,520	1,400	16,590	9,360	674,370	46%	51%		
	Priority 2	449,440	104,510	2,970	6,500	1,330	1,110	2,660	12,190	318,170	23%	29%		
	Priority 3	687,770	241,800	5,440	11,430	1,490	1,140	3,300	15,910	407,260	35%	41%		
	Total	2,517,640	975,770	31,850	42,220	4,340	3,650	22,550	37,470	1,399,790	39%	44%		
C4: Surface Water Protection	Priority 1	1,202,050	670,930	3,730	6,580	820	3,980	6,530	44,030	465,450	56%	61%		
	Priority 2	7,333,560	3,904,850	102,350	71,760	10,420	8,180	64,310	137,540	3,034,150	53%	59%		
	Priority 3	2,345,550	342,800	47,630	26,910	1,680	2,620	7,780	29,440	1,886,690	15%	20%		
	Priority 4	11,464,620	2,778,910	147,560	121,560	21,330	14,880	99,380	115,930	8,165,070	24%	29%		
	Priority 5	2,095,250	183,510	6,380	9,650	390	3,420	7,620	8,440	1,875,840	9%	10%		
	Priority 6	4,729,060	756,470	36,420	32,270	3,950	7,540	29,290	22,330	3,840,790	16%	19%		
	Priority 7	2,527,570	76,100	6,180	7,020	440	300	5,190	10,120	2,422,220	3%	4%		
	Total	31,697,660	8,713,570	350,250	275,740	39,020	40,920	220,090	367,830	21,690,240	27%	32%		
C5: Minimize Damage from Flooding		14,310,380	6,041,180	163,300	150,860	17,970	18,530	122,700	225,360	7,570,480	42%	47%		
C6: Fragile Coastal Resources	Wetlands	730,150	574,030	1,660	2,490	40	1,650	3,390	27,700	119,190	79%	84%		
	Uplands	133,150	87,710	1,240	10	70	410	680	3,050	39,980	66%	70%		
	Total	863,300	661,740	2,900	2,500	110	2,060	4,070	30,750	159,170	77%	82%		
C7: Functional Wetlands	Priority 1	5,051,380	4,325,650	32,600	49,330	7,040	4,650	36,450	31,050	564,610	86%	89%		
	Priority 2	1,954,970	762,850	28,120	31,370	3,890	1,870	31,670	92,070	1,003,130	39%	49%		
	Priority 3	2,310,350	347,070	57,660	35,800	2,580	5,890	35,780	37,560	1,788,010	15%	23%		
	Priority 4	1,425,480	72,240	16,900	10,250	1,190	3,620	13,030	21,900	1,286,350	5%	10%		
	Priority 5	298,040	9,470	2,370	1,480	160	500	300	4,570	279,190	3%	6%		
	Priority 6	286,430	6,600	1,060	390	20	470	180	3,690	274,020	2%	4%		
	Total	11,326,650	5,523,880	138,710	128,630	14,870	17,010	117,410	190,840	5,195,300	49%	54%		
D3: Aquifer Recharge	Priority 1	1,005,960	193,370	5,700	5,250	670	390	2,260	5,920	792,400	19%	21%		
	Priority 2	3,253,840	444,050	11,420	19,630	4,120	2,910	10,390	23,630	2,737,690	14%	16%		
	Priority 3	6,226,790	901,090	38,570	49,510	5,660	6,880	42,220	45,040	5,137,820	14%	17%		
	Priority 4	7,579,290	1,276,940	101,310	71,410	7,390	11,790	55,150	63,300	5,992,000	17%	21%		
	Priority 5	6,736,140	1,392,880	103,540	61,750	5,930	9,380	53,650	61,900	5,047,110	21%	25%		
	Priority 6	8,626,370	3,809,600	81,530	55,630	10,670	7,880	41,050	138,250	4,481,760	44%	48%		
Total	33,428,390	8,017,930	342,070	263,190	34,440	39,240	204,710	338,040	24,188,770	24%	28%			
E2: Recreational Trails	Priority 1	6,310	1,570	40	40	10	10	30	70	4,540	25%	28%		
	Priority 2	2,440	530	30	40	10	0	30	20	1,780	22%	27%		
	Priority 3	3,840	760	30	30	0	10	10	40	2,960	20%	23%		
	Total	12,590	2,860	100	110	20	20	70	130	9,280	23%	26%		
F2: Archaeological Sites	reported as number of sites	31,223	13,099	220	230	65	42	171	493	16,797	42%	46%		

			Resource Acres Protected							Percent Protected		
			Baseline	FL Forever Programs as of Sep 2011				Other Lands				
			At start of FL Forever July 2001	BOT	WMDs	OGT, A&I, RFLPP	FCT	Acquired within FL Forever Projects	Added to FNAI Database since July 2001			Remaining Acres
MEASURES	Natural Resource Priorities	Total Statewide Acres										
G1: Sustainable Forestry	Priority 1	1,685,620	737,690	55,600	2,820	3,040	10	9,190	9,530	867,740	44%	49%
	Priority 2	2,278,850	826,850	51,260	11,900	5,830	790	19,320	10,900	1,352,000	36%	41%
	Priority 3	4,991,590	1,065,250	67,990	63,530	8,610	8,220	42,250	50,830	3,684,910	21%	26%
	Priority 4	39,920	18,510	520	0	0	150	560	190	19,990	46%	50%
	Priority 5	3,609,380	165,480	37,020	21,550	2,990	5,550	22,960	34,380	3,319,450	5%	8%
	Total	12,605,370	2,813,790	212,390	99,800	20,460	14,720	94,270	105,830	9,244,110	22%	27%
H1: Urban Service Areas		4,026,710	123,190	2,510	550	490	7,750	4,570	17,010	3,870,640	3%	4%

		Number of Imperiled Species Protected							TOTAL ^b	
		Baseline	FL Forever Programs as of Sep 2011				Other Lands			
		At start of FL Forever July 2001	BOT	WMDs	OGT, A&I, RFLPP	FCT	Acquired within FL Forever Projects	Added to FNAI Database since July 2001		
B6: Imperiled Species										
	Species occurrences^c	14,229	502	139	93	79	357	678	761	15,515
	Species with at least 1 occurrence on conservation lands	891	214	82	58	40	121	245	281	917
	federal or state endangered	349	95	27	31	13	69	117	120	361
	federal or state threatened	89	42	12	10	9	28	51	51	90
	state special concern	36	16	9	3	10	7	22	20	36

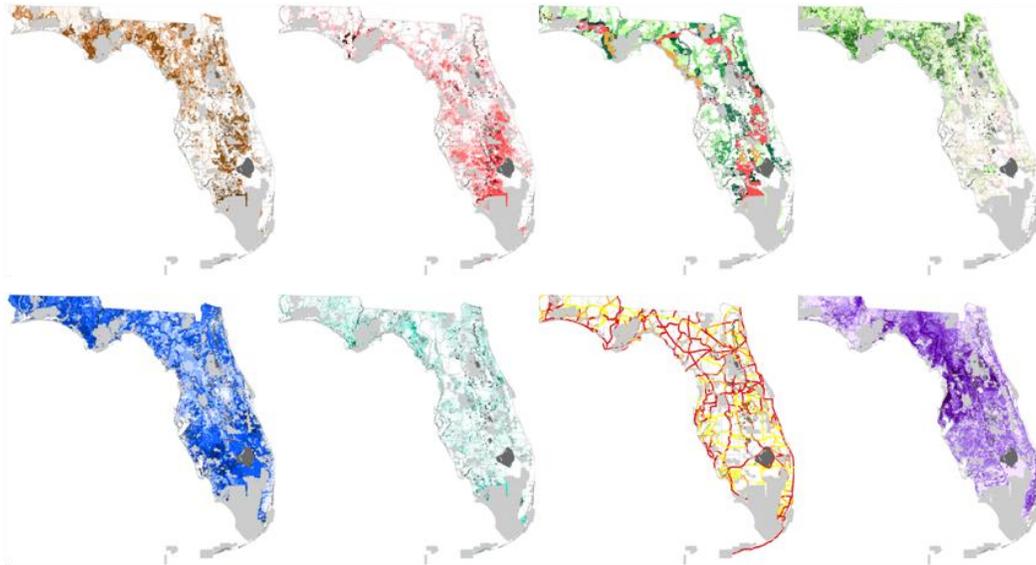
^bTOTAL numbers are less than the sum of all programs because numbers may overlap between programs.

^cAn FNAI species occurrence typically represents an ecologically distinct population. A population is intended to be ecologically viable and persisting over time in order to meet the standard for an occurrence counted here. FNAI data come from many sources, including field surveys, published reports, museum collections, and other resource experts. Not all areas of the state have been surveyed for all species. The rarest elements of biodiversity are given greater emphasis in data collection efforts.

Florida Forever Conservation Needs Assessment Overview Maps

Prepared by Florida Natural Areas Inventory, November 2011

The maps in this document are derived from the Florida Forever Conservation Needs Assessment, an analysis of the geographic distribution of certain natural resources and resource-based land uses that have been identified in the Florida Forever Act (F.S. 259.105) as needing increased conservation attention. Data for the Needs Assessment are maintained and updated by Florida Natural Areas Inventory under contract to the Florida Department of Environmental Protection and in collaboration with many partners. The data represent a statewide view of resource distributions and are intended to inform state conservation priorities and measure progress of the Florida Forever program in protecting these resources.



Florida Forever Conservation Needs Assessment Overview Maps

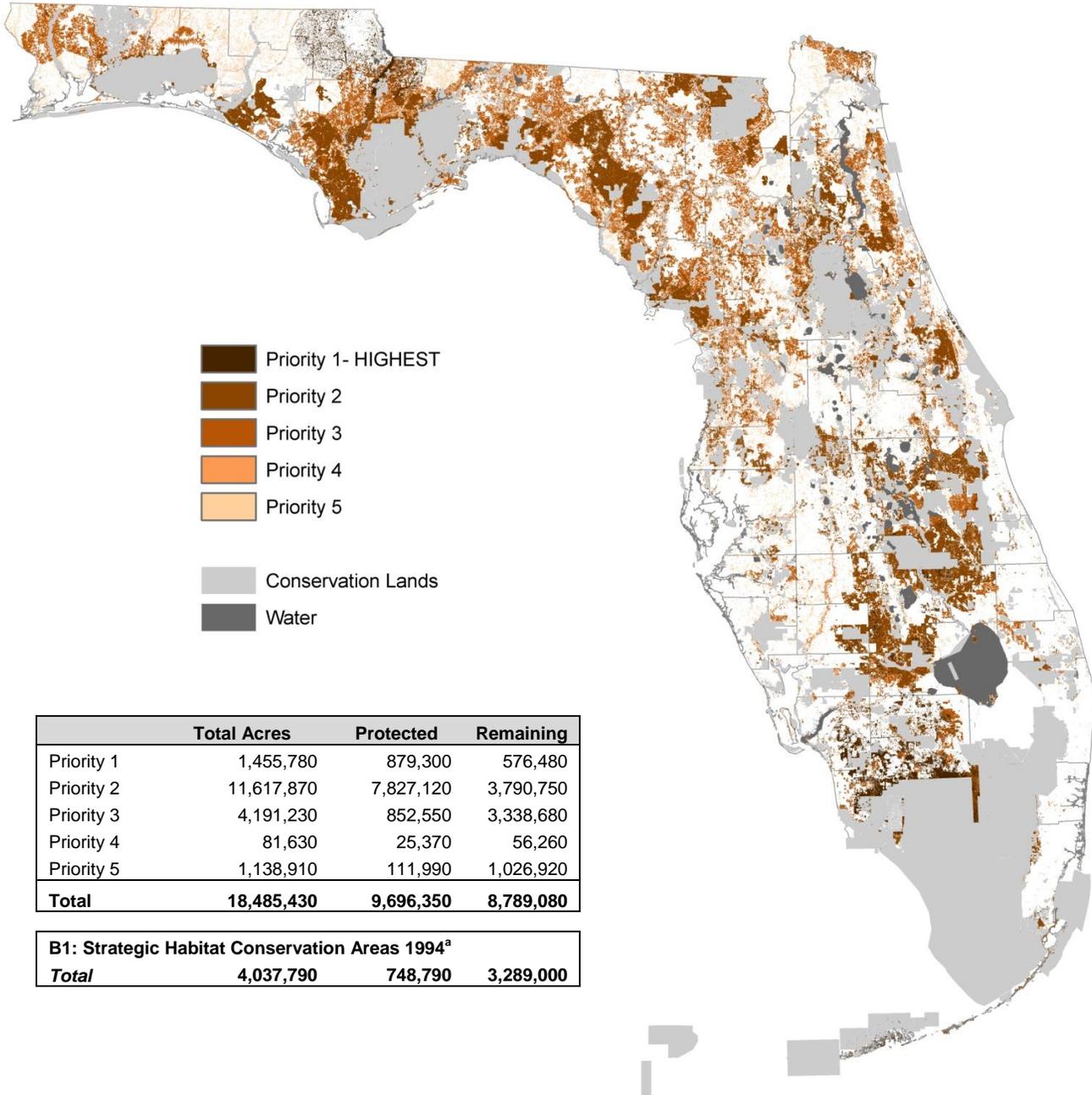
Conservation Needs Assessment Maps

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Strategic Habitat Conservation Areas (modified for Florida Forever Needs Assessment)



	Total Acres	Protected	Remaining
Priority 1	1,455,780	879,300	576,480
Priority 2	11,617,870	7,827,120	3,790,750
Priority 3	4,191,230	852,550	3,338,680
Priority 4	81,630	25,370	56,260
Priority 5	1,138,910	111,990	1,026,920
Total	18,485,430	9,696,350	8,789,080

B1: Strategic Habitat Conservation Areas 1994^a			
Total	4,037,790	748,790	3,289,000

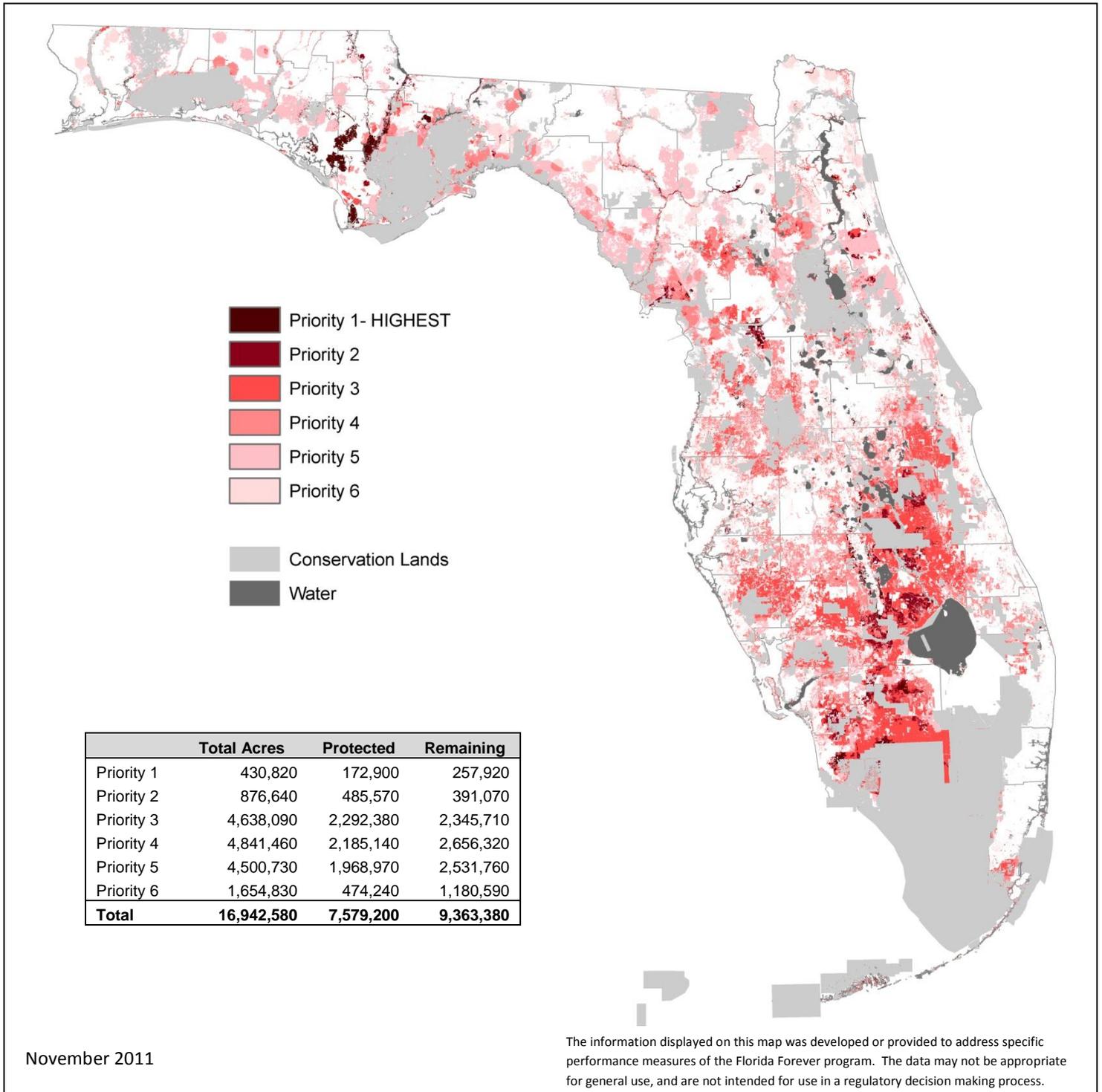
The information displayed on this map was developed or provided to address specific performance measures of the Florida Forever program. The data may not be appropriate for general use, and are not intended for use in a regulatory decision making process.

November 2011

Primary Source: Florida Fish and Wildlife Conservation Commission

Description: The 2009 SHCAs identify areas of habitat on private lands that are essential to sustain a minimum viable population for focal species of terrestrial vertebrates that are not adequately protected on existing conservation lands. To more adequately represent habitat within existing conservation lands, FNAI worked with FWC to augment the original SHCA dataset to include potential habitat within conservation lands for all 62 focal species. The modified SHCAs include habitat data for 62 terrestrial vertebrate species and are prioritized into five priority classes based on rarity (FNAI State and Global ranks). For more information on the modified SHCAs, see the Cons. Needs Assessment Tech. Report: <http://www.fnai.org/FIForever.cfm>. Note that the 2009 SHCAs constitute a significant revision of the original SHCAs published in 1994 which identified approximately 4 million acres for 30 focal vertebrate species. For more information: http://research.myfwc.com/features/view_article.asp?id=29815.

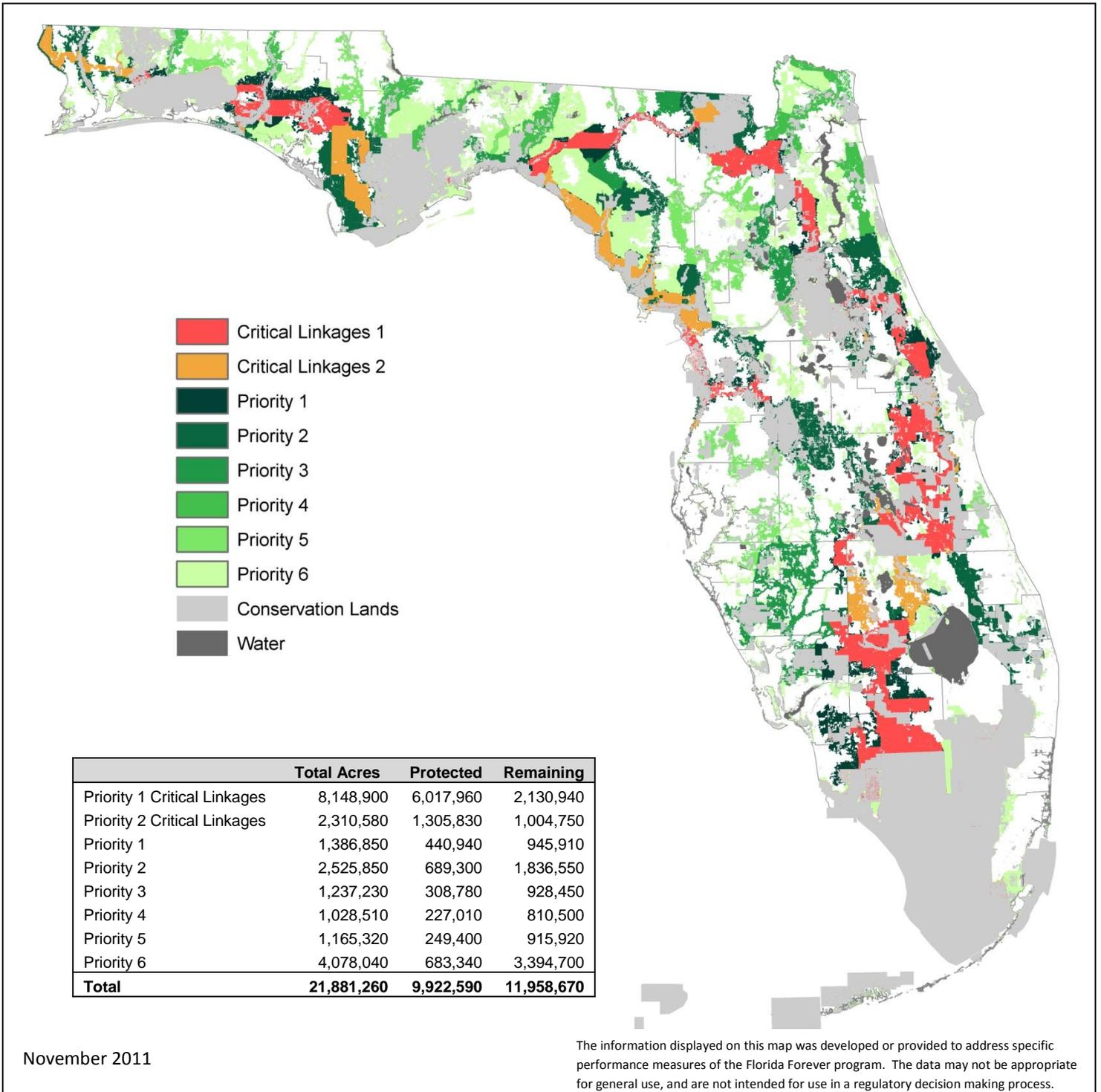
Rare Species Habitat Conservation Priorities



Primary Source: Florida Natural Areas Inventory

Description: The Rare Species Habitat Conservation Priorities data layer includes occurrence-based habitat for 248 species with a high conservation need including plants, invertebrates, and vertebrates. Individual species maps are weighted according to conservation need and overlaid to reflect values for both rarity and richness. The final layer prioritizes places on the landscape that would protect both the greatest number of rare species and those species with the greatest conservation need. For more information see the Conservation Needs Assessment Technical Report: <http://www.fnai.org/FIForever.cfm>.

Landscape Linkages



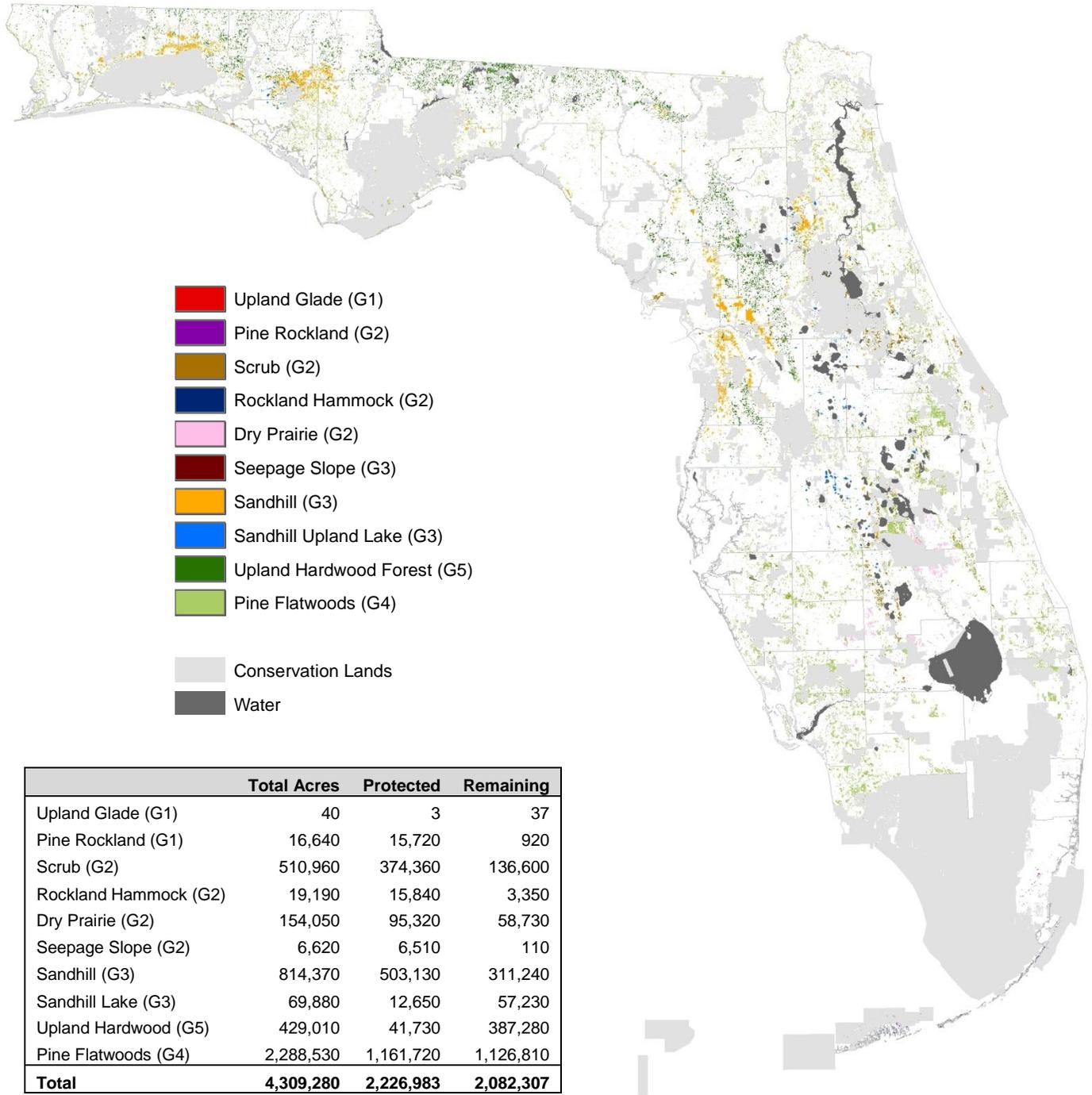
November 2011

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Primary Source: University of Florida; FDEP/Office of Greenways and Trails

Description: Landscape Linkages is represented by the Ecological Greenways Network, a statewide system of landscape hubs, linkages, and conservation corridors. Prioritization is based on factors such as importance for wide-ranging species, importance for maintaining a connected reserve network, and riparian corridors. Critical Linkages are considered most important for completing a statewide ecological network of public and private conservation lands. For more information: <http://www.dep.state.fl.us/gwt/network/network.htm>

Under-represented Ecosystems



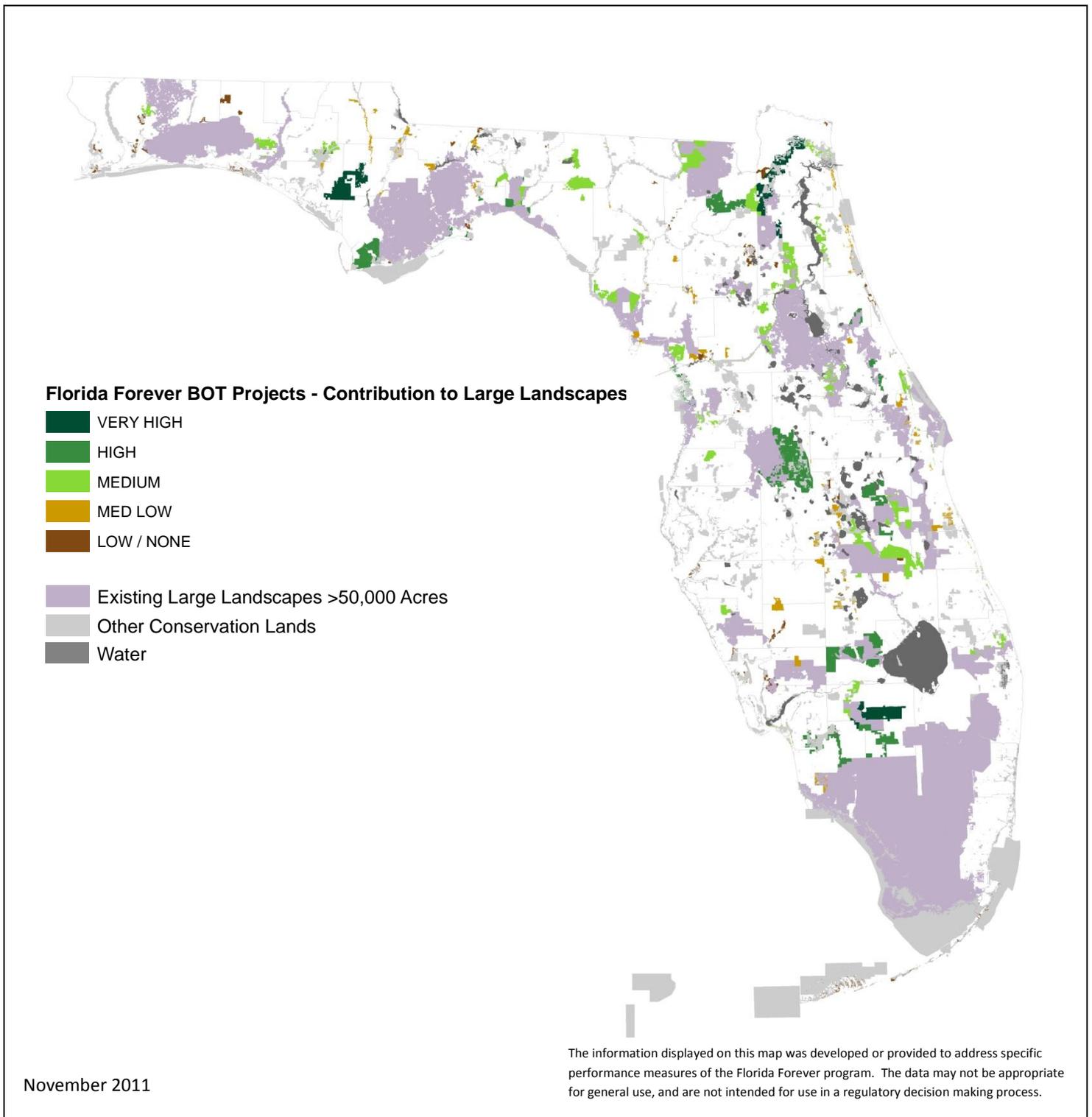
November 2011

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Primary Source: Florida Natural Areas Inventory

Description: This data layer includes natural communities that are inadequately represented on conservation lands. A natural community generally is considered under-represented if less than 15% of the original extent of that community in Florida is currently found on existing conservation lands. The natural communities are prioritized by rarity (FNAI Global rank). For more information see the Conservation Needs Assessment Technical Report: <http://www.fnai.org/FlForever.cfm>.

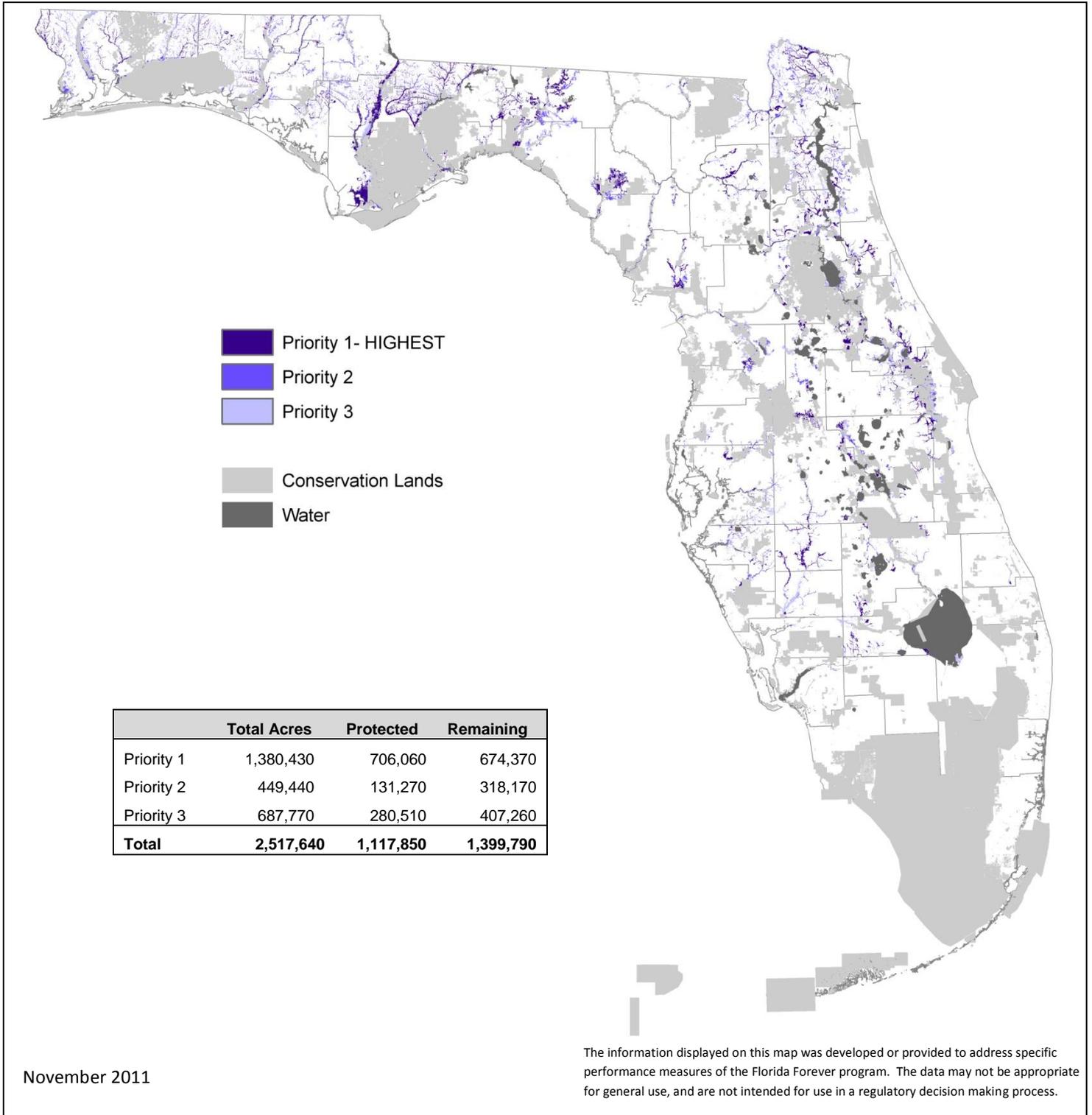
Large Landscapes



Primary Source: Florida Natural Areas Inventory

Description: The Large Landscapes dataset depicts existing conservation land complexes that comprise contiguous areas of >50,000 acres. Current Florida Forever BOT Projects are prioritized based on their potential contribution to large landscapes >50,000 acres. Protection of these areas would contribute to maintenance of ecosystem processes on a landscape level. For more information see the Conservation Needs Assessment Technical Report: <http://www.fnai.org/FIForever.cfm>.

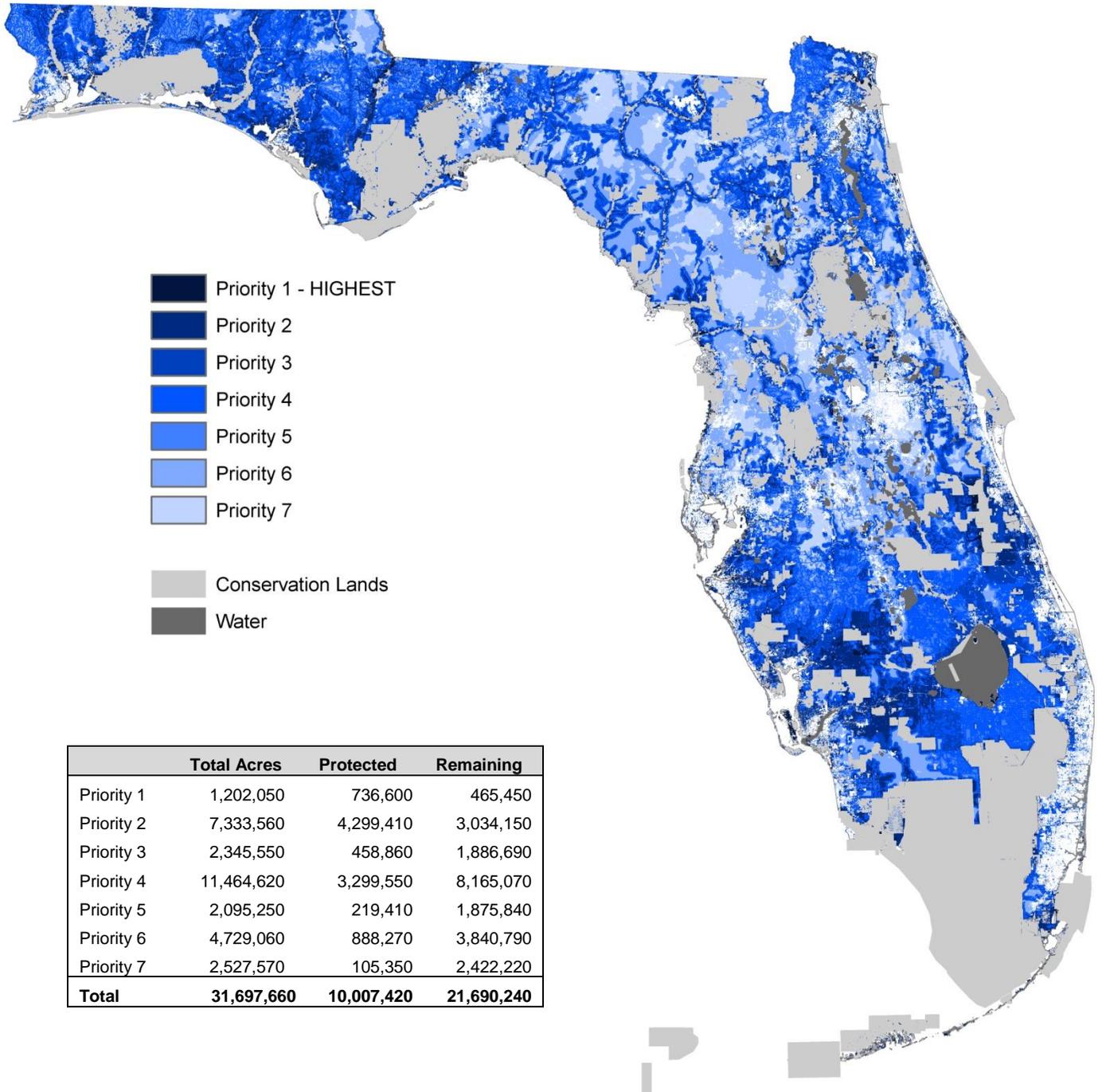
Natural Floodplain Function



Primary Source: Florida Natural Areas Inventory

Description: This data layer identifies natural floodplain of major rivers and their tributaries based on 2003 FWC Landsat land cover data and to a lesser degree Water Management District land use/land cover data. The data were prioritized based on the degree of “naturalness” of the floodplain, which was estimated through the use of FNAI Potential Natural Areas (PNA). For more information see the Conservation Needs Assessment Technical Report: <http://www.fnai.org/FIForever.cfm>.

Surface Water Protection



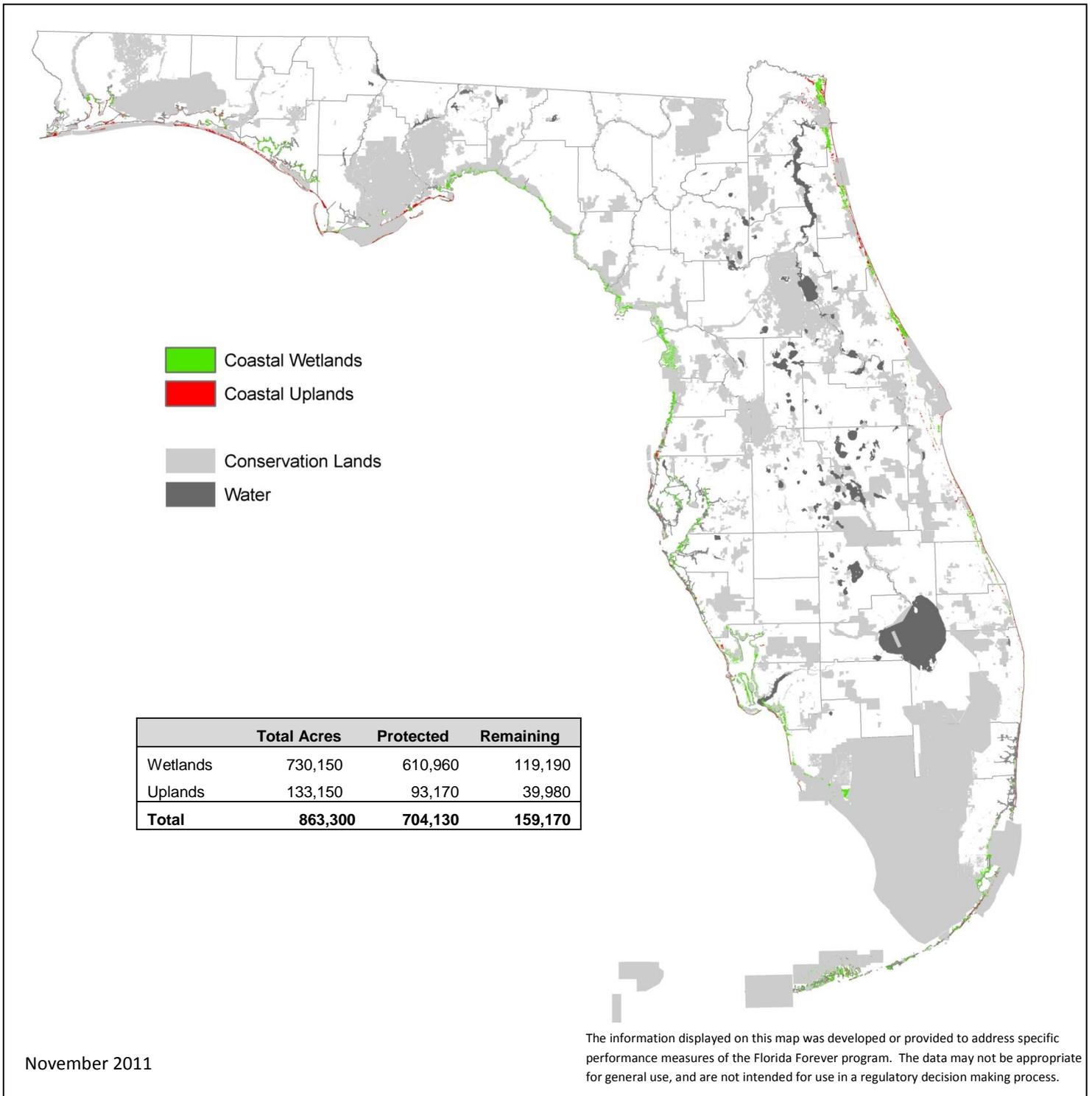
The information displayed on this map was developed or provided to address specific performance measures of the Florida Forever program. The data may not be appropriate for general use, and are not intended for use in a regulatory decision making process.

November 2011

Primary Source: Florida Natural Areas Inventory in collaboration with water resource experts

Description: The surface water data identifies significant high quality surface waters of the state, which include the following: Outstanding Florida Waters, National Scenic Waters and National Estuaries, shellfish harvesting areas, seagrass beds, springs, water supply and waters important for imperiled fish. The data are prioritized based on proximity to a water body, stream order, downstream length, basin size and other factors. For more information see the Conservation Needs Assessment Technical Report: <http://www.fnai.org/FLForever.cfm>.

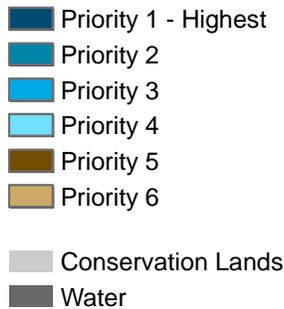
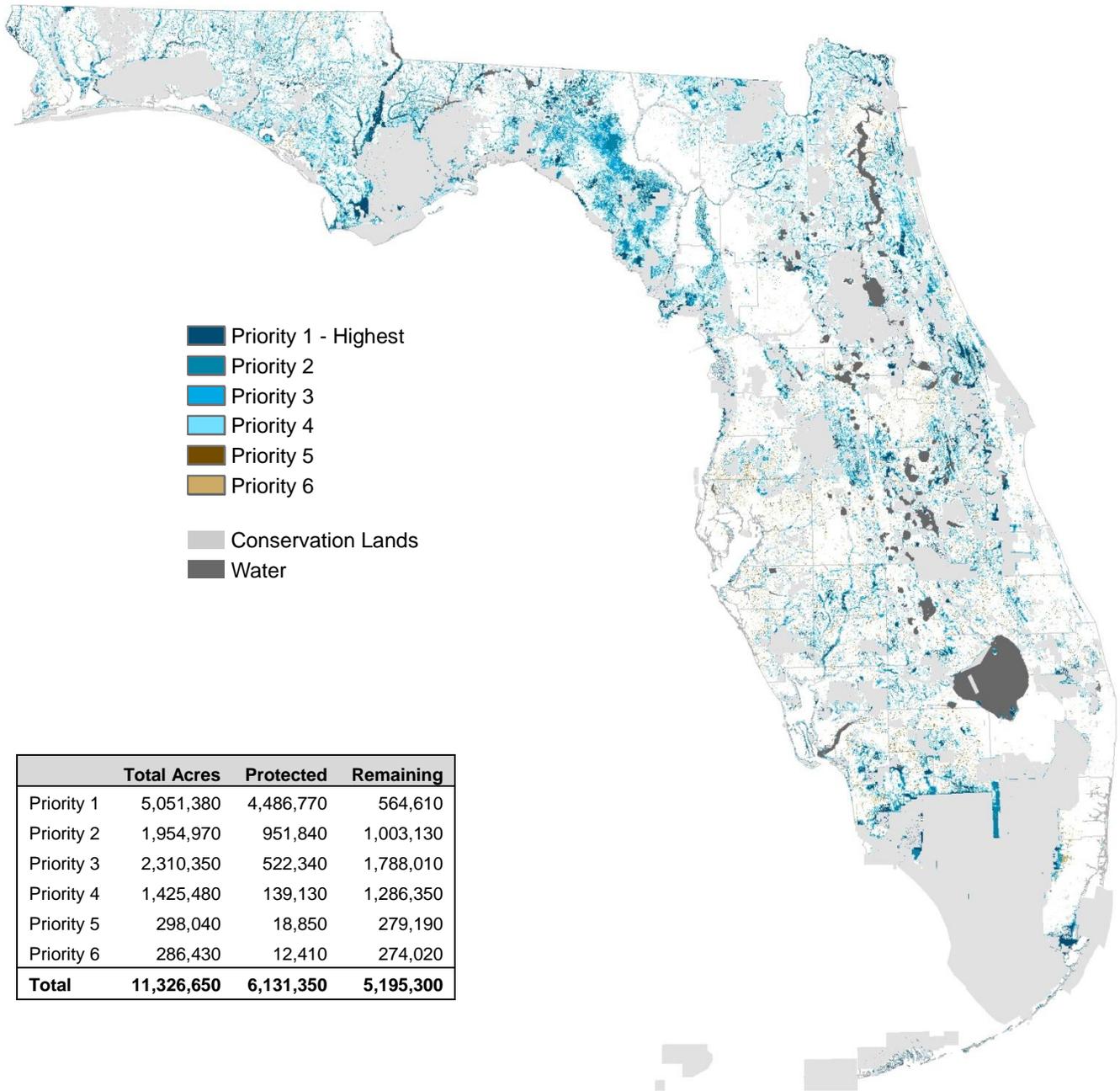
Fragile Coastal Resources



Primary Source: Florida Natural Areas Inventory

Description: The fragile coastal resources data layer identifies natural communities within one mile of the coast that are most vulnerable to disturbance or development including beach dune (G3), coastal scrub (G2), coastal grasslands (G3), coastal strand (G2), maritime hammock (G3), mangrove wetlands (G5) and salt marsh (G5). For more information see the Conservation Needs Assessment Technical Report: <http://www.fnai.org/FIForever.cfm>.

Functional Wetlands



	Total Acres	Protected	Remaining
Priority 1	5,051,380	4,486,770	564,610
Priority 2	1,954,970	951,840	1,003,130
Priority 3	2,310,350	522,340	1,788,010
Priority 4	1,425,480	139,130	1,286,350
Priority 5	298,040	18,850	279,190
Priority 6	286,430	12,410	274,020
Total	11,326,650	6,131,350	5,195,300

November 2011

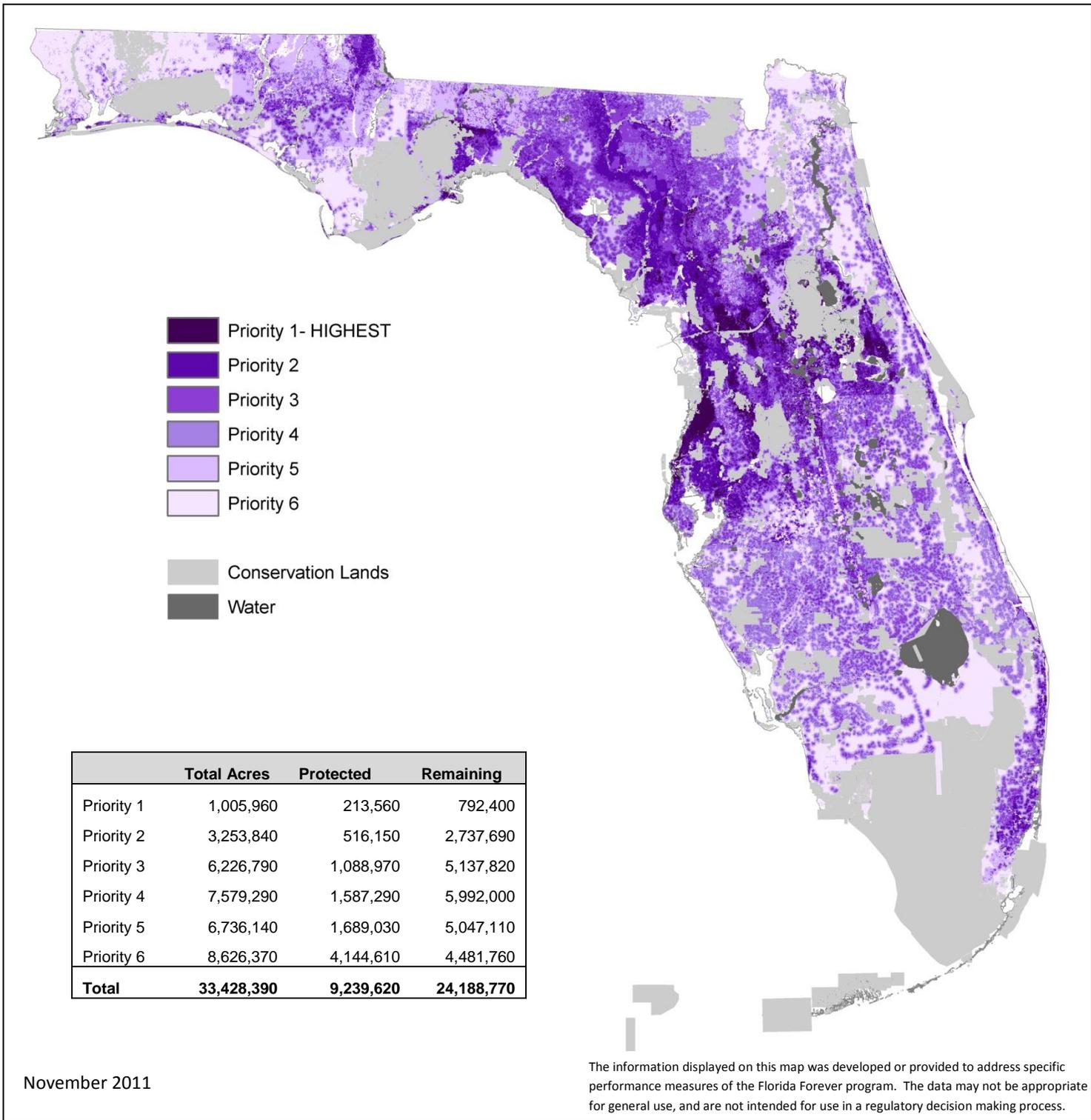
The information displayed on this map was developed or provided to address specific performance measures of the Florida Forever program. The data may not be appropriate for general use, and are not intended for use in a regulatory decision making process.

Primary Source: Florida Natural Areas Inventory

Description: The Functional Wetlands data layer is based on wetlands identified in the Cooperative Land Cover Map. Functional wetlands are defined as those in a more natural state and the prioritization is based on overlap with Land Use Intensity index and FNAI Potential Natural Areas. For more information see the Conservation Needs Assessment Technical Report:

<http://www.fnai.org/FIForever.cfm>.

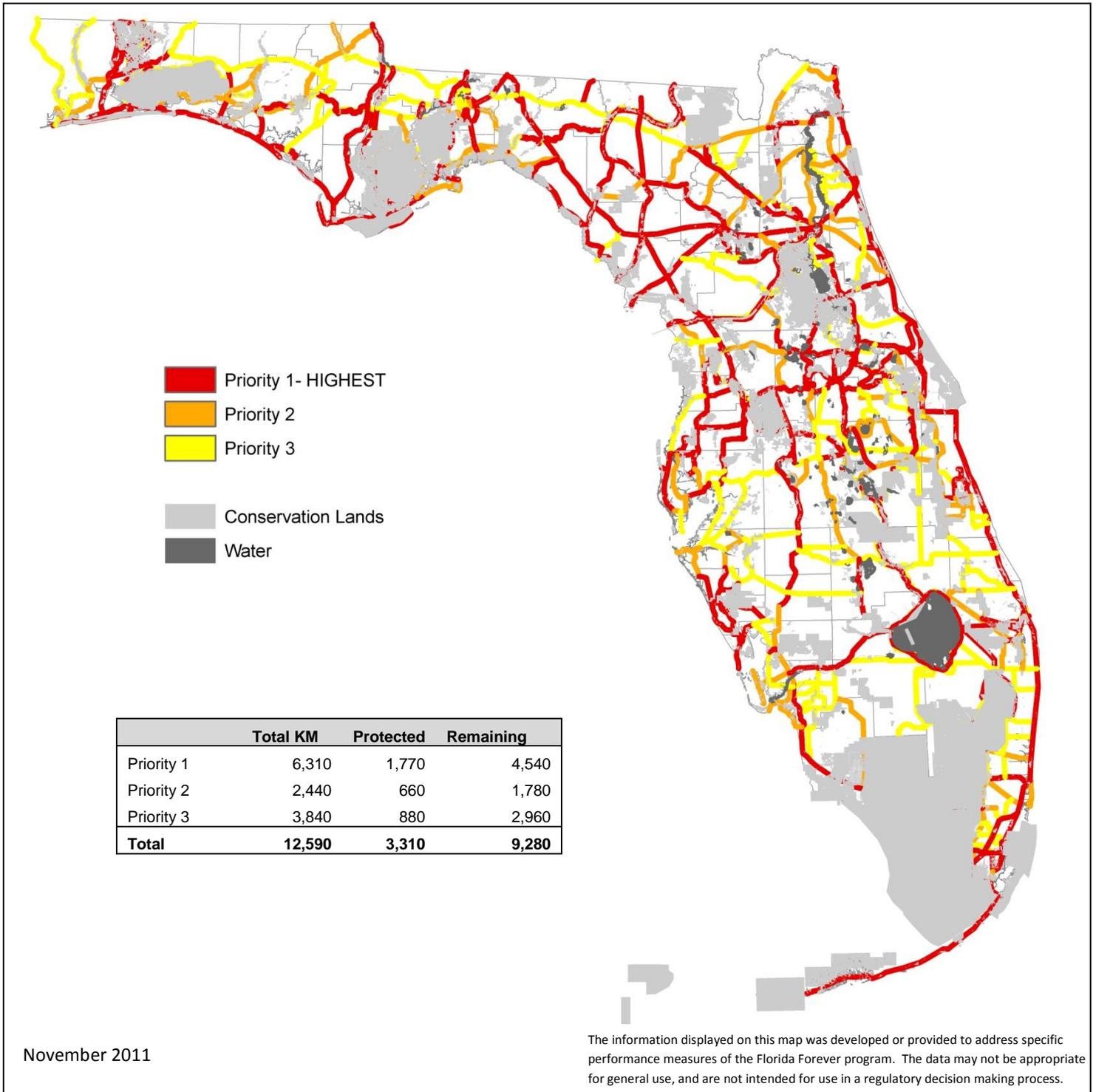
Groundwater Recharge



Primary Source: Advanced Geospatial, Inc; Florida Natural Areas Inventory

Description: The ground water recharge data layer identifies areas of potential recharge important for natural systems and human use. The data are prioritized based on features that contribute to aquifer vulnerability such as thickness of the intermediate aquifer confining unit and closed topographical depressions, as well as areas within springshed protection zones and in proximity to public water supply wells. For more information see the Conservation Needs Assessment Technical Report: <http://www.fnai.org/FIForever.cfm>.

Recreational Trails

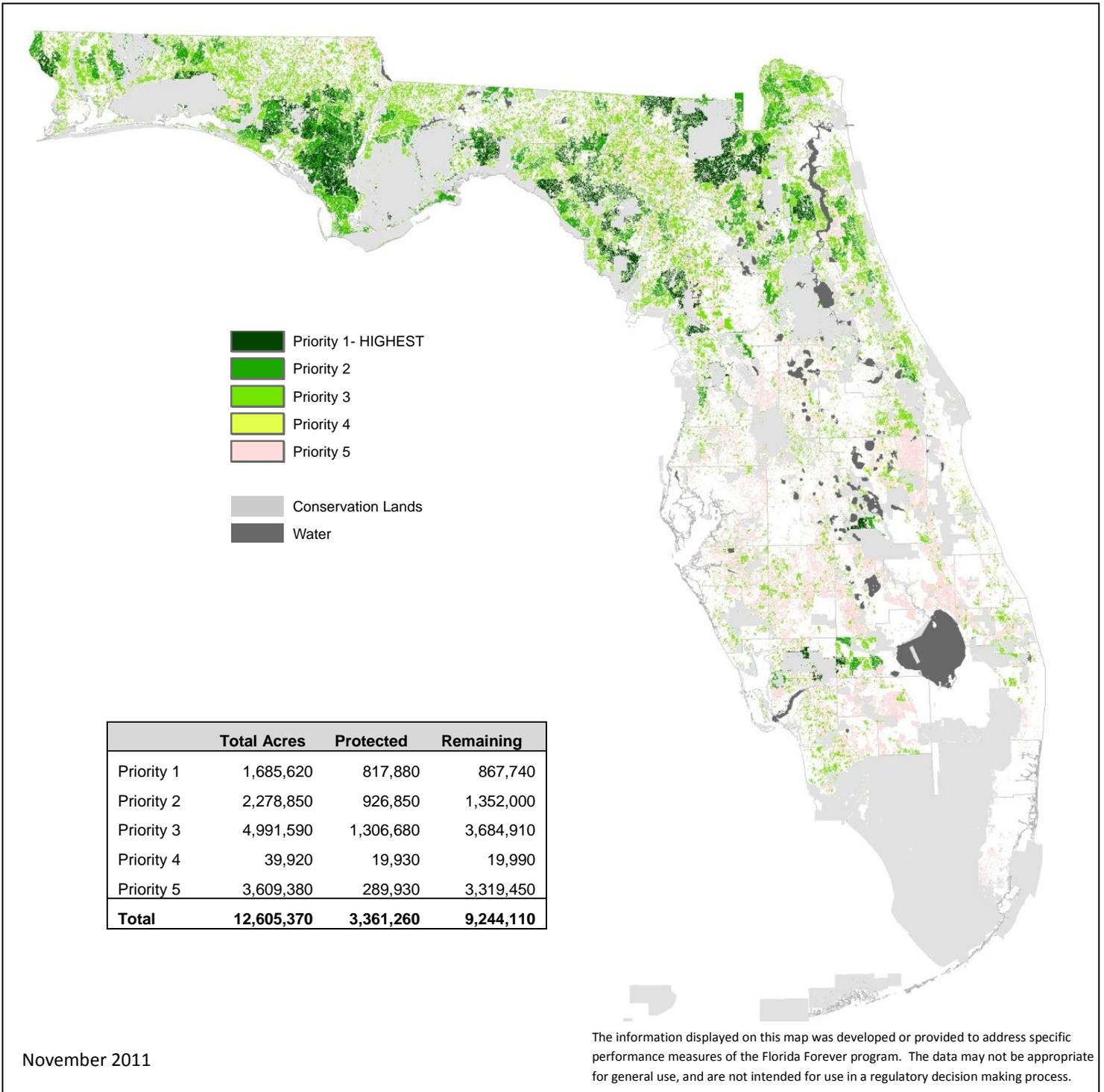


Primary Source: DEP/Office of Greenways and Trails

Description: The Trails data layer is based on the Trail Opportunities Network developed as part of the Florida Greenways and Trails System to identify a set of potential trail corridors that provide a connected set of linear recreational opportunities statewide. Sub-network corridors for hiking (primarily the Florida National Scenic Trail) and multi-use are included and prioritization is based on the 2008 Update and Prioritization of Florida's Trail Network. For more information:

<http://www.dep.state.fl.us/gwt/network/network.htm>

Sustainable Forestry



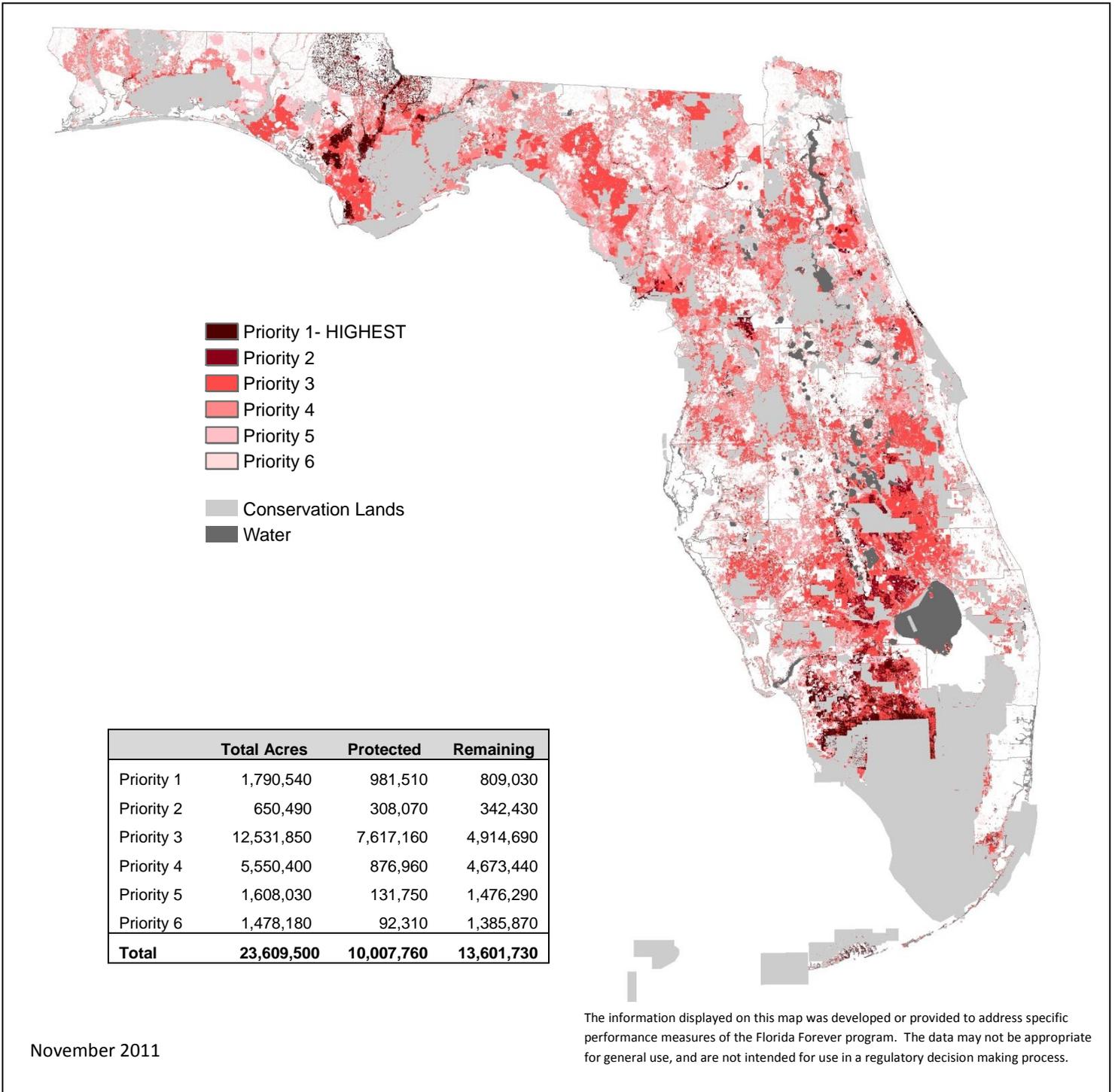
Primary Source: Florida Forest Service; Florida Natural Areas Inventory

Description: The Sustainable Forestry data layer identifies existing pinelands (natural and planted) and former pinelands that are potentially available for forest management. Prioritization is based on 4 criteria set by the Florida Forest Service: whether trees are natural or planted, size of tract, distance to market, and hydrology. Large tracts of natural pine on mesic soils (versus very dry or wet) that are within 50 miles of a mill receive the highest priority. Former pinelands that currently do not have trees receive the lowest priority. For more information see the Conservation Needs Assessment Technical Report:

<http://www.fnai.org/FIForever.cfm>.

Species

Combined Strategic Habitat Conservation Areas and Rare Species Habitat Conservation Priorities

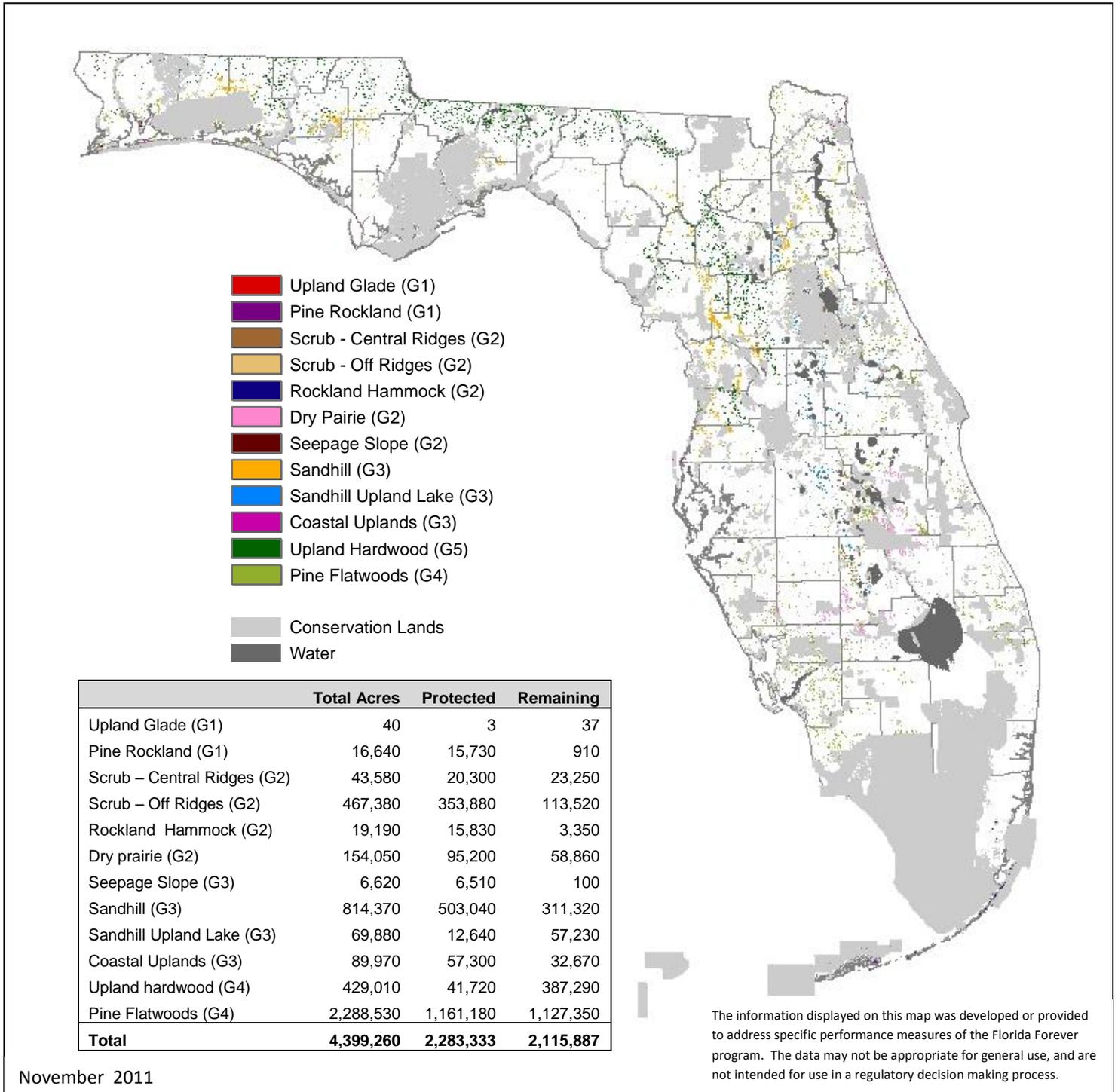


Primary Sources: Florida Fish and Wildlife Conservation Commission; Florida Natural Areas Inventory

Description: The Strategic Habitat Conservation Areas and FNAI Habitat Conservation Priorities identify habitat for some of the same species. Twenty-eight species were included in both the final SHCA and FNAI habitat analyses. In order to minimize this redundancy the Species data layer combines information from these two layers. Please refer to the Decision Support Data Documentation (<http://www.fnai.org/FIForever.cfm>) for an explanation of how priority classes were assigned in the combination of the two data layers.

Natural Communities

Combined Under-represented Ecosystems and Fragile Coastal Resources (Uplands)



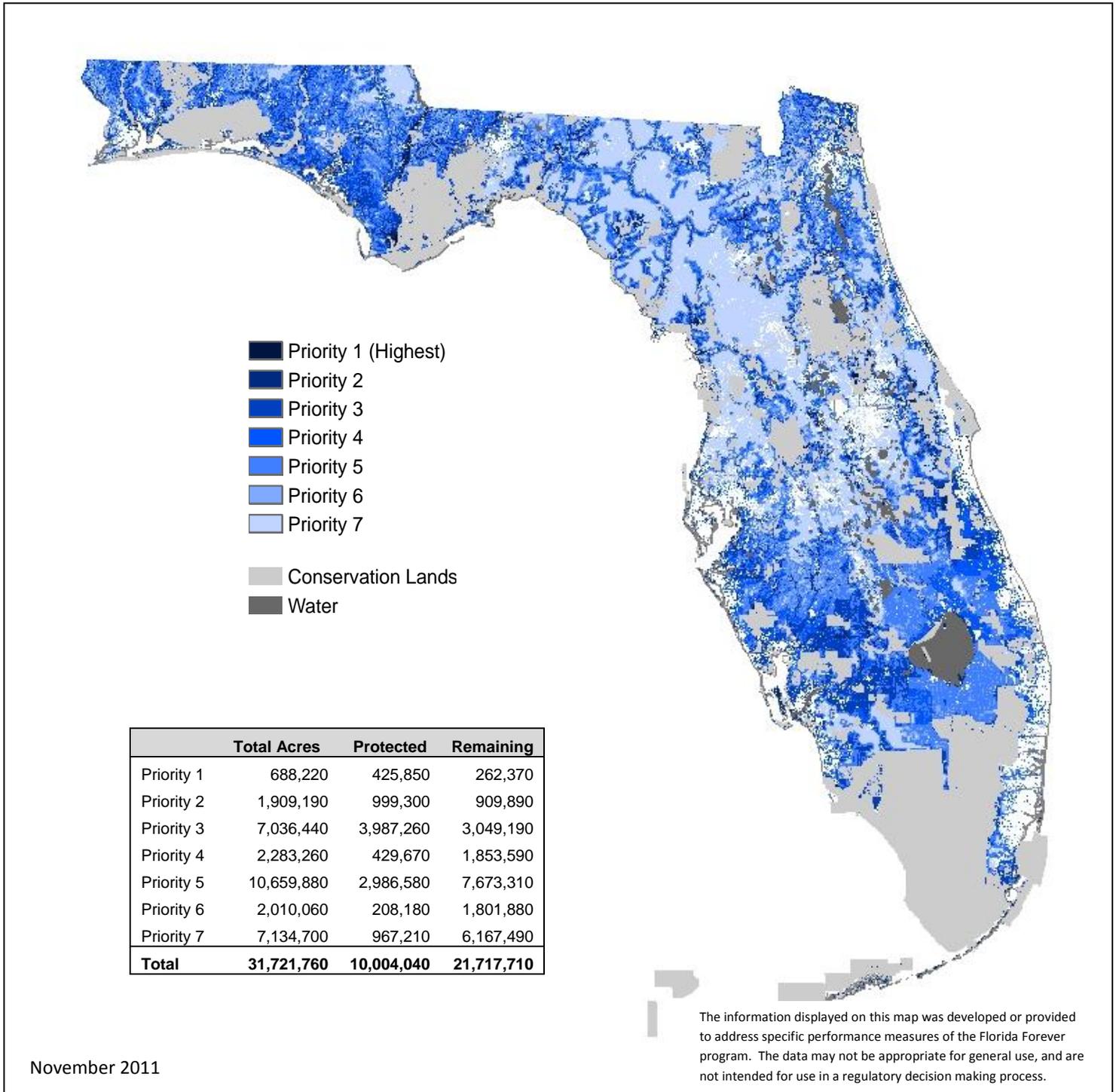
November 2011

Primary Source: FNAI

Description: The Natural Community data layer is made up of natural communities under-represented on conservation lands, which include upland glades, pine rocklands, scrub, rockland hammock, dry prairie, seepage slope/bog, sandhill, sandhill upland lake, upland hardwood forest, and pine flatwoods; and fragile coastal upland resources, which include beach dune, coastal scrub, coastal grasslands, coastal strand, maritime hammock. Mangrove and Salt Marsh (G5) are included in the Functional Wetlands data layer. This data layer is prioritized based on the Global Rank of the natural communities.

Surface Waters

Combined Natural Floodplain and Significant Surface Waters



Primary Source: FNAI

Description: The Surface Waters data layer identifies lands that protect natural floodplain and significant surface waters of the state, which include Outstanding Florida Waters, National Scenic Waters and National Estuaries, shellfish harvesting areas, seagrass beds, springs, water supply and waters important for imperiled fish. Please refer to the Decision Support Data Documentation (<http://www.fnai.org/FIForever.cfm>) for an explanation of how priority classes were assigned in the combination of the floodplain and surface waters data layers.



TRI-COUNTY ASSOCIATION H.E.L.P., Inc.

Health
Environmental
Legislative
Policies

MEMORANDUM TO: Environmental Preservation and Conservation Committee Members:
Senator Dean, Chair; Senator Oelrich, Vice Chair,
Senators Rich, Sobel, Latvala, Jones, Detert

DATE: January 9, 2012

SUBJECT: STRIKE-ALL AMENDMENT, Senate Bill 820

TRI-County Association represents homeowners and businesses in Lake, Orange, and Seminole County. Our Board members and Advisors have been involved in this issue for more than six years and have conducted intense research. We have continuously attended all TRAP and RRAC meetings, Wekiva Basin Commission meetings and congressional EPA meetings. Three conclusions summarize facts we believe are important to your consideration of the Strike All Amendment to SB820: (1) septic systems are the least significant contributor to pollution issues, and (2) that properly installed and maintained septic systems are in fact very efficient at removing nutrients and bacteria, and lastly (3) the maximum benefit to the environment will be delivered if a simple and affordable inspection and maintenance process is put in place for communities to adopt and homeowners to follow.

This strike-all amendment to SB 820 puts simple inspection process and maintenance in place that imposes no cost to the State of Florida. It also protects the homeowner against excessive costs and devaluation of their property. It also provides for a means to protect all of Florida's springs. Communities know where the environmental "hot spots" are. It's in their own best interests to deal effectively and efficiently with them. They are also in the best position to accommodate the financial conditions of their residents, many of whom are facing extreme financial hardship. In Miami-Dade County, 500,000 are living in poverty, Broward County, nearly 250,000. The child poverty rate in Florida is 23.6%. Whether rented or owned, many of these homes have septic systems and are occupied by financially challenged families. However, we do not have to favor one goal over another. We believe this strike all amendment creates a situation where we, as a state, can deal realistically and sympathetically with local economic challenges without sacrificing clean water goals.

Senate Bill 550 introduced a scenario of huge cost to the state and the implementation proposals introduced staggering cost to our residents. It did not, however, introduce a reasonable cost/benefit justification. This strike-all amendment to SB820 removes those huge costs, and it provides exactly the cost/benefit justification that is needed in any worthwhile effort. It is the stuff of best practice solutions, good policy, and good legislation. After these many years of intense research and attention to the detail of this strike all amendment, we believe your yes vote is amply justified and validated by the science, the scope, and the nature of the problems this committee and our state's residents are trying to solve.

Thank you,
Andrea Samson, President
TRI-County Association H.E.L.P., Inc.

CourtSmart Tag Report

Room: EL 110
Caption: Environmental Preservation and Conservation

Type:
Judge:

Started: 1/9/2012 10:05:36 AM
Ends: 1/9/2012 11:46:36 AM Length: 01:41:01

10:05:42 AM Meeting called to order by Chairman Dean
10:05:49 AM Roll Call
10:06:49 AM Tab 1
10:07:01 AM Presentation by Sen. de la Portilla's aide
10:08:07 AM Question from Senator Detert
10:08:19 AM Douglas Yoder
10:10:02 AM Joe Bourassa
10:15:26 AM Senator Sobel question
10:16:43 AM Senator Jones
10:17:56 AM Douglas Yoder responds
10:19:18 AM Follow up question by Senator Oelrich (not senator Jones - mistake)
10:20:34 AM Response
10:22:01 AM Roll Call for SB 724
10:22:22 AM Tab 2
10:22:31 AM Keri Jansen presenting for Senator Altman
10:23:03 AM Late filed amendment
10:23:13 AM Amendment presented by Ms. Jansen
10:23:45 AM Call for questions by Chair
10:23:55 AM Question by Senator Rich
10:24:51 AM Keyna Cory comments
10:25:29 AM Follow up by Senator Rich
10:26:10 AM Response by Ms. Cory
10:26:42 AM Amendment adopted
10:27:54 AM Roll Call for SB 738
10:28:14 AM Tab 3
10:28:25 AM Senator Jones presents
10:30:18 AM Delete all amendment (deleting section 5)
10:31:49 AM Question - Senator Latvala
10:32:07 AM Response
10:32:24 AM Question - Senator Oelrich
10:33:39 AM Response
10:34:52 AM Question - Senator Rich
10:37:35 AM Deborah Flack answers
10:38:11 AM Senator Sobel
10:39:37 AM Senator Jones responds
10:40:07 AM Senator Sobel
10:40:52 AM Senator Jones
10:41:27 AM Amendment Adopted
10:41:33 AM Senator Oelrich
10:41:47 AM Senator Jones responds
10:42:44 AM Follow up question
10:43:05 AM Response
10:43:39 AM Senator Oelrich
10:43:53 AM Senator Detert
10:45:40 AM Eric Draper
10:46:46 AM Senator Jones Closes
10:47:10 AM Roll Call for CS/SB 758
10:47:38 AM Tab 4
10:47:58 AM Senator Dean Recognized to present bill
10:48:42 AM Call for questions
10:48:47 AM Call for debate
10:48:50 AM Roll Call

10:49:06 AM Tab 5
10:49:37 AM Strike all amendment
10:51:15 AM Amendment to the amendment
10:51:23 AM By Senator Jones
10:52:31 AM Senator Detert recognized
10:53:59 AM Senator Dean
10:54:52 AM Senator Detert
10:55:25 AM Senator Latvala
10:56:47 AM Senator Dean
10:57:38 AM Senator Latvala
10:57:48 AM Senator Jones
10:58:17 AM Senator Detert
11:00:16 AM Senator Sobel
11:00:47 AM Senator Dean responds
11:01:33 AM Dan Peterson recognized
11:03:24 AM David Cullen recognized
11:06:22 AM John Rothell recognized
11:07:37 AM Senator Dean closes on amendment
11:09:11 AM Kenneth Witt
11:09:48 AM Senator Dean responds
11:10:11 AM Joe Bourassa
11:12:30 AM Mary Jean Yon recognized
11:13:45 AM Richard Harrison recognized
11:15:12 AM Ryan Matthews recognized
11:16:27 AM Lewis Munoz
11:22:11 AM Stephen James
11:24:05 AM Senator Dean recognized to close
11:24:42 AM Roll Call
11:24:59 AM Senator Dean takes chair back
11:25:06 AM Tab 6
11:25:22 AM Charles Roberts - Fish and Wildlife Commission confirmation
11:30:17 AM Roll Call
11:30:39 AM Tab 7
11:31:33 AM Presentation on conservation and land management decisions by Gary Knight
11:39:13 AM Question from Senator Oelrich
11:46:17 AM Senator Jones moves for close.