

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

MEETING DATE: Thursday, March 7, 2013
TIME: 10:30 a.m.—12:30 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Office Building

MEMBERS: Senator Dean, Chair; Senator Abruzzo, Vice Chair; Senators Altman, Bullard, Gardiner, Grimsley, Latvala, Simpson, and Soto

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 444 Diaz de la Portilla (Identical H 707)	Domestic Wastewater Discharged Through Ocean Outfalls; Revising the measurement standard for the wastewater flow; revising the requirements for installation of a functioning reuse system by a utility that had a permit for a domestic wastewater facility on a specified date to discharge through ocean outfall; revising plan requirements for the elimination of ocean outfalls; requiring that the Department of Environmental Protection approve certain apportionment of reuse if a facility contracts with another facility to install a functioning reuse system, etc.	EP 03/07/2013 CA AGG AP
2	SB 448 Dean (Similar CS/H 333)	Fish and Wildlife Conservation Commission; Revising the definition of the terms "navigation rules" for purposes of provisions relating to vessels, "resident" or "resident of Florida" for purposes of provisions relating to recreational and nonrecreational activity licenses, "resident alien" to remove a county residency requirement; exempting individuals participating in certain outdoor recreational events from requirements for a hunting or fishing license or permit; revising the number of days the commission may designate as free fishing days each year; revising requirements for a restricted species endorsement on a saltwater products license, etc.	EP 03/07/2013 AGG AP

COMMITTEE MEETING EXPANDED AGENDA
Environmental Preservation and Conservation
Thursday, March 7, 2013, 10:30 a.m.—12:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	SB 948 Grimsley (Identical H 1063, Compare H 999, S 1684)	Water Supply; Providing a legislative declaration that efforts to adequately and dependably meet water needs require the cooperation of utility companies, private landowners, water consumers, and the Department of Agriculture and Consumer Services; providing that the governing board of a water management district shall assist self-suppliers, among others, in meeting water supply demands in a manner that will give priority to encouraging conservation and reducing adverse environmental effects, etc.	EP 03/07/2013 AG

Other related meeting documents

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 444

INTRODUCER: Senator Diaz de la Portilla

SUBJECT: Domestic Wastewater Discharged Through Ocean Outfalls

DATE: March 6, 2013

REVISED: 3/7/2013

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Gudeman</u>	<u>Uchino</u>	<u>EP</u>	Favorable
2.	<u></u>	<u></u>	<u>CA</u>	<u></u>
3.	<u></u>	<u></u>	<u>AGG</u>	<u></u>
4.	<u></u>	<u></u>	<u>AP</u>	<u></u>
5.	<u></u>	<u></u>	<u></u>	<u></u>
6.	<u></u>	<u></u>	<u></u>	<u></u>

I. Summary:

SB 444 allows utilities additional flexibility to meet the 60 percent reuse requirement. The bill allows utilities to continue to discharge peak flows up to five 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 s. 403.086(9), F.S. Finally, the bill requires the utilities, the Department of Environmental Protection (DEP, department) and the South Florida Water Management District (SFWMD) to evaluate the detailed plans and recommend adjustments to the Legislature, if necessary, to the reuse requirements in this section.

SB 444 substantially amends s. 403.086 of the Florida Statutes.

II. Present Situation:

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

¹ DEP, *Implementation of Chapter 2008-232, Laws of Florida Domestic Wastewater Ocean Outfalls* (June 2010), available at <http://www.dep.state.fl.us/water/wastewater/docs/ocean-outfall-2010.pdf> (last visited Feb. 11, 2013).

² David Fleshler, *Flow of sewage to ocean ending*, Sun Sentinel (April 1, 2009), available at http://articles.sun-sentinel.com/2009-04-01/news/0903310461_1_outfall-pipe-treatment-plant (last visited Feb. 11, 2013).

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

III. Effect of Proposed Changes:

Section 1 amends s. 403.086, F.S., to allow utilities to comply with the 60 percent reuse requirement from their entire service areas or by contract with another utility within Miami-Dade, Broward, or Palm Beach Counties rather than just from ocean outfalls by 2025. This provision will allow utilities the flexibility to find the most cost-effective method to achieve 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 department must approve the apportionment of the reuse generated from the new or expanded reuse system for facilities that contract with another utility and the reuse apportioned to each utility's requirement may not exceed the total reuse generated by the new or expanded reuse system.

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 five 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.

³ See s. 403.086(9)(c), F.S.

⁴ See ch. 2010-205, s. 38, Laws of Fla.

⁵ See s. 403.086(9)(b), F.S.

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 July 1, 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 Plan⁶. The plan is due to the department by July 1, 2013, with an update due by July 1, 2016.

Finally, the bill requires the DEP, the SFWMD and affected utilities to evaluate the detailed plans and recommend adjustments to the Legislature, if necessary, to the reuse requirements in this bill. The report is due to the Legislature by February 15, 2015.

Section 2 provides an effective date of July 1, 2013.

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.

⁶ SFWMD, *Lower East Coast Water Supply Plan* (2012), available at <http://www.sfwmd.gov/portal/page/portal/xweb%20-%20release%203%20water%20supply/lower%20east%20coast%20plan> (last visited Feb. 11, 2013).

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 five percent of their peak flows will also save costs. Finally, exempting five 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 five percent will save on capital costs of \$150-200 million, \$300 million, and \$820 million, respectively.⁷

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.

⁷ Information provided by Broward and Miami-Dade Counties, the City of Hollywood and the City of Boca Raton (on file with the Senate Committee on Environmental Preservation and Conservation).

By Senator Diaz de la Portilla

40-00534-13

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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 revising the measurement standard for the wastewater
5 flow; revising the requirements for installation of a
6 functioning reuse system by a utility that had a
7 permit for a domestic wastewater facility on a
8 specified date to discharge through ocean outfall;
9 revising the definition of the term "functioning reuse
10 system"; changing the term "facility's actual flow on
11 an annual basis" to "baseline flow"; revising plan
12 requirements for the elimination of ocean outfalls;
13 providing that certain utilities that shared a common
14 ocean outfall on a specified date are individually
15 responsible for meeting the reuse requirement;
16 requiring that the Department of Environmental
17 Protection approve certain apportionment of reuse if a
18 facility contracts with another facility to install a
19 functioning reuse system; revising provisions
20 authorizing the backup discharge of domestic
21 wastewater through ocean outfalls; requiring a holder
22 of a department permit authorizing the discharge of
23 domestic wastewater through an ocean outfall to submit
24 certain information; requiring the Department of
25 Environmental Protection, the South Florida Water
26 Management District, and affected utilities to
27 consider certain information for the purpose of
28 adjusting reuse requirements; requiring the department
29 to submit a report to the Legislature; providing an

40-00534-13

2013444

30 effective date.

31
32 Be It Enacted by the Legislature of the State of Florida:

33
34 Section 1. Subsection (9) of section 403.086, Florida
35 Statutes, is amended to read:

36 403.086 Sewage disposal facilities; advanced and secondary
37 waste treatment.—

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

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

40-00534-13

2013444

59 The department is directed to work with the United States
60 Environmental Protection Agency to ensure that the requirements
61 of this subsection are implemented consistently for all domestic
62 wastewater facilities in the state Florida which discharge
63 through ocean outfalls.

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

40-00534-13

2013444

88 discharging through an ocean outfall on July 1, 2008, which has
89 installed by no later than December 31, 2018, a fully
90 operational reuse system comprising 100 percent of the
91 facility's baseline flow on an annual basis ~~average daily flow~~
92 for reuse activities authorized by the department.

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

112 2. Flows diverted from facilities to other facilities that
113 provide 100 percent reuse of the diverted flows before ~~prior to~~
114 December 31, 2025, are shall be considered to contribute to
115 meeting the ~~60 percent~~ reuse requirement. For utilities
116 operating more than one outfall, the reuse requirement may can

40-00534-13

2013444

117 be apportioned between the ~~met if the combined actual reuse~~
118 ~~flows from~~ facilities served by the outfalls ~~is at least 60~~
119 ~~percent of the sum of the total actual flows from the~~
120 ~~facilities,~~ including flows diverted to other facilities for 100
121 percent reuse before ~~prior to~~ December 31, 2025. Utilities that
122 shared a common ocean outfall for the discharge of domestic
123 wastewater on July 1, 2008, regardless of which utility operates
124 the ocean outfall, are individually responsible for meeting the
125 reuse requirement and may enter into binding agreements to share
126 or transfer such responsibility among the utilities. If ~~In the~~
127 ~~event~~ treatment in addition to the advanced wastewater treatment
128 and management requirements described in paragraph (b) is needed
129 ~~in order~~ to support a functioning reuse system, the such
130 treatment must shall be fully operational by ~~no later than~~
131 December 31, 2025.

132 3. If a facility that discharges through an ocean outfall
133 contracts with another utility to install a functioning reuse
134 system, the department must approve any apportionment of the
135 reuse generated from the new or expanded reuse system that is
136 intended to satisfy all or a portion of the reuse requirements
137 pursuant to subparagraph 1. If a contract is between two
138 utilities that have reuse requirements pursuant to subparagraph
139 1., the reuse apportioned to each utility's requirement may not
140 exceed the total reuse generated by the new or expanded reuse
141 system.

142 (d) The discharge of domestic wastewater through ocean
143 outfalls is prohibited after December 31, 2025, except as a
144 backup discharge that is part of a functioning reuse system or
145 other wastewater management system authorized by the department

40-00534-13

2013444

146 ~~as provided for in paragraph (c).~~ Except as otherwise provided
147 in this subsection, a backup discharge may occur only during
148 periods of reduced demand for reclaimed water in the reuse
149 system, such as periods of wet weather, or as the result of peak
150 flows from other wastewater management systems, and ~~must~~ shall
151 comply with the advanced wastewater treatment and management
152 requirements of paragraph (b). Peak flow backup discharges from
153 other wastewater management systems may not cumulatively exceed
154 5 percent of a facility's baseline flow, measured as a 5-year
155 rolling average, and are subject to applicable secondary waste
156 treatment and water-quality-based effluent limitations specified
157 in department rules. If peak flow backup discharges are in
158 compliance with the effluent limitations, the discharges are
159 deemed to meet the advanced wastewater treatment and management
160 requirements of this subsection.

161 (e) The holder of a department permit authorizing the
162 discharge of domestic wastewater through an ocean outfall as of
163 July 1, 2008, shall submit the following to the secretary of the
164 department ~~the following~~:

165 1. A detailed plan to meet the requirements of this
166 subsection, including the identification of the technical,
167 environmental, and economic feasibility of various reuse
168 options; the an identification of each all land acquisition and
169 facility facilities necessary to provide for reuse of the
170 domestic wastewater; an analysis of the costs to meet the
171 requirements, including the level of treatment necessary to
172 satisfy state water quality requirements and local water quality
173 considerations and a cost comparison of reuse using flows from
174 ocean outfalls and flows from other domestic wastewater sources;

40-00534-13

2013444

175 and a financing plan for meeting the requirements, including
176 identifying any actions necessary to implement the financing
177 plan, such as bond issuance or other borrowing, assessments,
178 rate increases, fees, other charges, or other financing
179 mechanisms. The plan must evaluate reuse demand in the context
180 of future regional water supply demands, the availability of
181 traditional water supplies, the need for development of
182 alternative water supplies, the degree to which various reuse
183 options offset potable water supplies, and other factors
184 considered in the Lower East Coast Regional Water Supply Plan of
185 the South Florida Water Management District. The plan must ~~shall~~
186 include a detailed schedule for the completion of all necessary
187 actions and ~~shall~~ be accompanied by supporting data and other
188 documentation. The plan must ~~shall~~ be submitted by ~~no later than~~
189 July 1, 2013.

190 2. ~~By No later than~~ July 1, 2016, an update of the plan
191 required in subparagraph 1. documenting any refinements or
192 changes in the costs, actions, or financing necessary to
193 eliminate the ocean outfall discharge in accordance with this
194 subsection or a written statement that the plan is current and
195 accurate.

196 (f) By December 31, 2009, and by December 31 every 5 years
197 thereafter, the holder of a department permit authorizing the
198 discharge of domestic wastewater through an ocean outfall shall
199 submit to the secretary of the department a report summarizing
200 the actions accomplished to date and the actions remaining and
201 proposed to meet the requirements of this subsection, including
202 progress toward meeting the specific deadlines set forth in
203 paragraphs (b) through (e). The report shall include the

40-00534-13

2013444

204 detailed schedule for and status of the evaluation of reuse and
205 disposal options, preparation of preliminary design reports,
206 preparation and submittal of permit applications, construction
207 initiation, construction progress milestones, construction
208 completion, initiation of operation, and continuing operation
209 and maintenance.

210 (g) By ~~No later than~~ July 1, 2010, and by July 1 every 5
211 years thereafter, the department shall submit a report to the
212 Governor, the President of the Senate, and the Speaker of the
213 House of Representatives on the implementation of this
214 subsection. In the report, the department shall summarize
215 progress to date, including the increased amount of reclaimed
216 water provided and potable water offsets achieved, and identify
217 any obstacles to continued progress, including all instances of
218 substantial noncompliance.

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

223 (i) The renewal of each permit that authorizes the
224 discharge of domestic wastewater through an ocean outfall as of
225 July 1, 2008, must ~~shall~~ be accompanied by an order in
226 accordance with s. 403.088(2)(e) and (f) which establishes an
227 enforceable compliance schedule consistent with the requirements
228 of this subsection.

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

40-00534-13

2013444

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

238

239 The department, the South Florida Water Management District, and
240 the affected utilities must consider the information in the
241 detailed plan in paragraph (e) for the purpose of adjusting, as
242 necessary, the reuse requirements of this subsection. The
243 department shall submit a report to the Legislature by February
244 15, 2015, containing recommendations for any changes necessary
245 to the requirements of this subsection.

246

Section 2. This act shall take effect July 1, 2013.

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 Committee on Environmental Preservation and Conservation

BILL: CS/SB 448

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Dean

SUBJECT: Fish and Wildlife Conservation Commission

DATE: March 11, 2013 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hinton	Uchino	EP	Fav/CS
2.	_____	_____	AGG	_____
3.	_____	_____	AP	_____
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:

CS/SB 448 addresses several issues related to the Fish and Wildlife Conservation Commission (FWC, Commission).

The committee substitute (CS) removes antiquated references to federal boating navigation laws and inserts correct references.

The CS removes a requirement for an individual to continuously reside in the state for six months in order to obtain a resident recreational hunting or fishing license; however, residency is still required and may be proven by specified documents. The CS also removes a requirement for resident saltwater fishermen to continuously reside in a Florida county for six months before obtaining a resident saltwater products license (SPL). The requirement that a commercial fisherman has to reside in the state continuously for one year is retained.

The CS treats resident aliens as residents of Florida after providing proof that they have continuously resided in the state for a year. The CS removes the requirement that resident aliens prove they have continuously resided in a specific Florida county for six months.

The CS provides an exemption from the requirement to purchase a recreational hunting or fishing license to all persons participating in an FWC-permitted event where the primary purpose of the event is rehabilitation or enjoyment for disabled veterans or for active duty military personnel, military reservists, members of the Florida National Guard, members of the U.S. Coast Guard, and members of the U.S. Coast Guard Reserves.

The CS authorizes the Commission to increase the total number of license-free recreational saltwater and freshwater fishing days from two to four, annually.

Finally, the CS provides assistance to veterans who wish to become commercial fishermen by waiving certain income requirements for one year.

This CS substantially amends, the following sections of the Florida Statutes: 327.02, 379.101, 379.353, 379.354 and 379.361.

II. Present Situation:

Navigation Rules

There are two sets of navigation rules vessels must follow in the near and off shore waters of the state. Vessels operating inside the lines of demarcation, a line defined in the Code of Federal Regulations (C.F.R.)¹ and marked on most navigation charts, follow the United States Inland Navigation Rules. Vessels operating on the seaward side of the line of demarcation follow the International Navigational Rules, defined in United States Code (U.S.C.).

Pursuant to the International Navigation Rules Act of 1977, the United States adopted the International Regulations for Preventing Collisions at Sea to govern vessel conduct when operating on federal waters.² The rules also cover lights, shapes, and sound signals and are used to ascertain fault in boating accidents. Inland navigation rules, for use on the landward side of the line of demarcation, are promulgated by the United States and are almost identical to the International Navigation Rules.

In 1988, Florida established the following definition of “navigational rules”, which included both the Inland and International Navigational Rules by reference, as they existed at the time:

‘Navigation rules’ means the International Navigational Rules Act of 1977, in effect on June 1, 1983, for vessels on waters outside of established navigational lines of demarcation as specified in Part 80 of Title 33 of the Code of Federal Regulations or the Inland Navigational Rules Act of 1980, in effect on December 24, 1981, for vessels on all waters not outside of such lines of demarcation.³

¹ 33 C.F.R. part 80 provides detailed descriptions of the navigational lines of demarcation. They tend to be close to shore and are sometimes described using physical markers such as the tip of a jetty to the end of a pier.

² These regulations, known as COLREGS, are promulgated by the International Maritime Organization, a United Nations organization that has responsibility for the safety and security of shipping and the prevention of marine pollution by ships. <http://www.imo.org>. (last visited March 6, 2013). The Coast Guard enforces the COLREGS, referred to as the International Navigation Rules, in U.S. waters.

³ Section 327.02(21), F.S., enacted in 1988 by SB 341, ch. 88-133, Laws of Florida.

This was amended in 2000 so that the definition of “navigational rules” in former s. 327.02(23), F.S., meant:

[T]he International Navigational Rules Act of 1977, 33 U.S.C. appendix following s. 1602, as amended, including the annexes thereto, for vessels on waters outside of established navigational lines of demarcation as specified in 33 C.F.R. part 80 or the Inland Navigational Rules Act of 1980, 33 U.S.C. ss. 2001 et seq., as amended, including the annexes thereto, for vessels on all waters not outside of such lines of demarcation.⁴

Effective May 17, 2010, the Inland Navigation Rules were moved from the U.S.C. to the C.F.R. Consequently, s. 327.02(25), F.S., now refers to a section of the U.S.C. that no longer exists.

Law enforcement officers charge vessel operators operating unlawfully in state waters under s. 327.33, F.S., which references the “navigation rules” defined in s. 327.02(25), F.S. That section needs to be amended to correctly reference the federal rule for inland navigation. The reference to the International Navigational Rules Act, which governs vessel navigation outside the lines of demarcation, still refers to the correct section of the U.S.C.

Hunting and Fishing License Residency Requirements

Part VI of ch. 379, F.S., specifically addresses licenses for recreational activities regulated by the Commission, and part VII addresses non-recreational (or commercial) licenses. Florida offers both resident and nonresident licenses for both recreational and commercial fishing and hunting activities.

For the purposes of purchasing recreational hunting and fishing licenses, a resident is defined in s. 379.101(30)(b), F.S., as an individual who continuously resides in the state for a period of six months.

For the purposes of ch. 379, F.S., a “resident alien” is considered a “resident” and must provide documentation from the Bureau of Citizenship and Immigration Services to prove permanent residency in the United States.

For the purposes of purchasing commercial hunting and fishing licenses, a resident is defined in s. 379.101(30)(a), F.S., as an individual who continuously resides in the state for a period of one year and also continuously resides in a specific Florida county for six months. There is currently no mechanism for verifying a person’s length of county residency.

The state residency requirement is six months for the following non-recreational/commercial licenses for:

- Freshwater fish dealers licenses;

⁴ Former s. 327.02(23), F.S. (2005).

- Haul seine and trawl permits;
- Fur and hide dealers licenses;
- Private game preserves and farms licenses;
- Private hunting preserve licenses;
- Licenses for capturing, keeping, possessing, transporting, or exhibiting venomous reptiles, reptiles of concern, conditional reptiles, or prohibited reptiles;
- Licenses for taking and possession of alligators;
- Exhibition or sale of wildlife;
- Personal possession of wildlife; and
- Tag fees for sale of Lake Okeechobee game fish.⁵

According to the FWC, the rationale for requiring license applicants to establish that they have continuously resided in Florida for six months in order to acquire a recreational hunting or fishing license is that it prevents temporary visitors in Florida from getting the benefit of a resident license.

Since Florida implemented changes associated with the Federal REAL ID Act of 2005,⁶ beginning in 2010, U.S. citizens wishing to get a Florida driver license or Florida identification card must provide proof of identification, proof of a social security number, and proof of residential address.⁷ Primary identification may be proved by providing one of the following:

- Original or certified copy of a United States birth certificate;
- Valid United States Passport or Passport Card;
- Consular Report of Birth Abroad;
- Certificate of Naturalization, Form N-550 or Form N-570; or
- Certificate of Citizenship, Form N-560 or Form N-561.
- When necessary, marriage certificates, court orders, or divorce decrees must be provided to tie the name on the primary identification to the name the customer would like to place on the driver license or identification card.

Non-citizens must prove primary identification by providing one of the following:

- Valid, unexpired Permanent Resident Card (Green card, Form I-551);
- I-551 stamp in passport or on I-94;
- Immigration Judges Order, with the customer's A-number, granting asylum;
- I-797, with the customer's A-number, stating the customer has been granted asylum; or
- I-797 or another form from the Bureau of Citizenship and Immigration Services, with the customer's A-number, stating the customer's application for Refugee status is approved.

Proof of an applicant's social security number may be satisfied by providing one of the following:

- Social Security Card;

⁵Section 379.101(30)(b), F.S. *See* ss. 379.363, 379.3635, 379.364, 379.3711, 379.3712, 379.372, 379.373, 379.374, 379.3751, 379.3752, 379.3761, 379.3762, and 379.377, F.S.

⁶ REAL ID Act of 2005, Pub. Law. No. 109-13, 109th Cong. (2005). Implemented in Florida by the Florida Department of Highway Safety and Motor Vehicles.

⁷ Section 322.08(2)(a-c), F.S.

- W-2 form;
- Pay check;
- SSA-1099; or
- Any 1099.

If an applicant does not have a social security number, he or she has to provide a letter from the Social Security Administration indicating that a social security number was never issued to the applicant and one proof of identification from a list of acceptable documents.

Finally, applicants must supply two items that provide proof of a Florida residential address. Acceptable documents include a Florida voter registration card, a Florida vehicle registration or title, and a utility bill less than two months old.⁸

Federal agencies will continue to accept valid, unexpired, but not yet Federal REAL ID-compliant Florida licenses or identification cards for official purposes until December 1, 2014, for individuals born after December 1, 1964, and for everyone else until December 1, 2017. After those dates, federal agencies will no longer accept a drivers license or identification card unless it is Real ID compliant.

According to the FWC, the FWC's licensing system is set up to automatically access the Florida Department of Highway Safety and Motor Vehicles' (DHSMV's) records when applicants for a recreational hunting or fishing licenses provide their current customer numbers, their social security numbers, or their driver license numbers, in conjunction with their dates of birth.

Disabled Veterans and Military Recreational Hunting and Fishing License Exemption

Florida residents and visitors wishing to hunt or fish for sport and personal use of harvested fish and wildlife, as opposed to commercial uses, must purchase a recreational hunting, saltwater fishing, or freshwater fishing license⁹ unless they qualify for one of the following exemptions:

- Any child under 16 years of age;
- Any person hunting or freshwater fishing on her or his homestead property, or on the homestead property of the person's spouse or minor child; or any minor child hunting or freshwater fishing on the homestead property of her or his parent;
- Any resident who is a member of the United States Armed Forces and not stationed in this state, when home on leave for 30 days or less, upon submission of orders;
- Any resident fishing for recreational purposes only, within her or his county of residence with live or natural bait, using poles or lines not equipped with a fishing line retrieval mechanism. This exemption does not apply to residents fishing in a legally established fish management area;

⁸ An exhaustive list of requirements to get a Florida Drivers License or identification card, including a full list of documents considered acceptable to prove ID in lieu of proof of a social security number and documents needed to prove Florida residential address, may be found at: <http://www.dmvflorida.org/drivers-license-identification.shtml> (last visited Feb. 11, 2013).

⁹ Recreational hunting and fishing licenses and permit fees may be found at: <http://myfwc.com/license/recreational/> (last visited February 11, 2013).

- Any person freshwater fishing in a fish pond of 20 acres or less that is located entirely within the private property of the fish pond owner;
- Any person freshwater fishing in a fish pond that is licensed in accordance with s. 379.356, F.S.
- Any person fishing who has been accepted as a client for developmental disabilities services by the Department of Children and Family Services, provided the department furnishes proof thereof;
- Any resident saltwater fishing from land or from a structure fixed to the land who has been determined eligible by the Department of Children and Family Services for the food assistance program, temporary cash assistance, or the Medicaid programs. A benefit issuance or program identification card issued by the Department of Children and Family Services or the Florida Medicaid program of the Agency for Health Care Administration shall serve as proof of program eligibility. The client must have in his or her possession the ID card and positive proof of identification when fishing;
- Any person saltwater fishing from a vessel licensed pursuant to s. 379.354(7), F.S.;
- Any person saltwater fishing from a vessel the operator of which is licensed pursuant to s. 379.354(7), F.S.;
- Any person saltwater fishing who holds a valid saltwater products license issued under s. 379.361(2), F.S.;
- Any person saltwater fishing for recreational purposes from a pier licensed under s. 379.354, F.S.;
- Any resident fishing for mullet in fresh water who has a valid Florida freshwater fishing license;
- Any resident 65 years of age or older who has in her or his possession proof of age and residency. A no-cost license under this paragraph may be obtained from any tax collector's office upon proof of age and residency and must be in the possession of the resident during hunting, freshwater fishing, and saltwater fishing activities;
- Any employee of the commission who takes freshwater fish, saltwater fish, or game as part of employment with the commission, or any other person authorized by commission permit to take freshwater fish, saltwater fish, or game for scientific or educational purposes;
- Any resident recreationally freshwater fishing who holds a valid commercial fishing license issued under s. 379.363(1)(a), F.S.¹⁰

According to the FWC, there are about 225,000 active duty military personnel who claim Florida as their state of residence.¹¹ There were roughly 59,000 active duty military personnel and 39,000 military reservists living in Florida as of June 30, 2012. The FWC routinely receives requests from various veterans organizations to waive the requirement that their participants purchase a recreational hunting or fishing license when those participants are recreating or are rehabilitating military or disabled veterans.¹² Currently, the Commission does not have the authority to waive the licensing requirement.

¹⁰ Section 379.353(2), F.S.

¹¹ Military personnel stationed in Florida may claim Florida as their state of residency. They can continue to claim Florida residency even when they are subsequently stationed outside of Florida.

¹² FWC, *Senate Bill 448 Legislative Analysis* (2013)(on file with the Senate Committee on Environmental Preservation and Conservation).

Free Fishing Days

Section 379.354(15), F.S., allows the Commission to designate two saltwater and two freshwater recreational fishing days per year, during which a recreational fishing license requirement is waived. All other laws regulating fishing, such as seasons, bag limits, and size limits, remain in effect for all anglers during the free fishing days.

The FWC cites several benefits to recreational license-free fishing days such as:

- They are an excellent way for Florida's residents and visitors to be introduced to the sport of saltwater and freshwater fishing;
- They create an immediate economic impact on the state by drawing tourists to Florida and by getting residents and visitors out on the water who travel, purchase fuel, stay in hotels, and buy fishing gear;
- Free fishing days create a long-term economic impact by introducing new participants to the sport of fishing, who may later buy fishing gear and boats, as well as encourage repeat visits to the state;
- License-free fishing days are a great way to emphasize the importance of outdoor recreation, conservation, and the economic benefits of recreational fishing in Florida.¹³

The Commission often designates license-free fishing days that fall on holiday weekends or that take place during a time of year where fishing opportunities are high and popular fish are available for harvest. Commission outreach events, as well as national media and public service announcements, are used to promote free fishing dates.¹⁴

Recreational saltwater and freshwater fishing has a combined economic impact on Florida of more than \$8.3 billion and nearly 80,000 jobs. Currently, there are an estimated 1,286,000 residential saltwater anglers in the state; 716,000 out-of-state saltwater anglers; 1,155,000 residential freshwater anglers; and 262,000 out-of-state freshwater anglers.¹⁵

Veterans Exemption from Commercial Fishing License Requirements

In Florida, a saltwater products license (SPL) is required to commercially harvest or sell all saltwater products. Commercial harvest is defined by the FWC as harvest over the recreational bag limit, use of certain gear as authorized by law, or possession of more than 100 pounds per person per day of a species with no established bag limit. Possession of two or fewer fish with no established bag limit is not considered commercial harvest even if over 100 pounds.¹⁶ A saltwater product is defined in statute as any species of saltwater fish, marine plant, or echinoderm, except shells, and salted, cured, canned, or smoked seafood.¹⁷

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ FWC, *Commercial Saltwater Product Licenses – Introduction*, <http://www.myfwc.com/license/saltwater/commercial-fishing/new-applicants/> (last visited Feb. 13, 2013).

¹⁷ Section 379.101(36), F.S.

Florida offers three types of SPLs:¹⁸

- An individual SPL authorizes one individual person to engage in commercial fishing activities from the shore or a vessel. The Individual SPL is not tied to any one vessel and is issued in the individual’s name.
- A crew SPL is also issued in an individual’s name and authorizes the named individual to engage in commercial fishing activities from shore or a vessel. It also authorizes each person who is fishing with the named individual aboard a vessel to engage in such activities. This means the license holder can take a crew out on any vessel to harvest saltwater fish and the SPL covers the crew as well.
- A vessel SPL is issued to a valid commercial vessel registration number and authorizes each person aboard that registered vessel to engage in commercial saltwater fishing activities. Unlike the first two SPLs, the vessel SPL is tied to a vessel rather than a person.

The cost for each license:

SPL Type	Florida Resident	Non-Resident	Alien
Individual	\$50.00	\$200.00	\$300.00
Crew	\$150.00	\$600.00	\$900.00
Vessel	\$100.00	\$400.00	\$600.00

In addition to an SPL, a restricted species endorsement (RS) is required to commercially harvest and sell the following species: amberjack, bluefish, cobia, dolphin, black drum, flounder, golden tilefish, most types of grouper, hogfish (hog snapper), jack, king and Spanish mackerel, mullet, permit fish, pompano, red porgy, rudderfish, sea bass, spotted seatrout, sheepshead, most types of snapper, tripletail, wahoo, blue crab, stone crab, spiny lobster, and most types of shrimp.¹⁹

There is no cost to acquire an RS. In order to receive one, however, licensed commercial fishermen must qualify by showing proof of landings (actual saltwater products harvested and brought to shore) reported under their SPLs that indicate either \$5,000 or 25 percent of their total annual income during one of the previous three years was attributable to reported landings and sales of saltwater products to a Florida wholesale dealer. Current exemptions from this rule are:

- A person age 62 or older must provide acceptable proof of \$2,500 in sales of saltwater products to a licensed wholesale dealer during any 12 consecutive months in the last 36 months;
- A person age 70 or older will be granted a permanent exemption to the income requirements if the applicant's license records show that the SPL was held three out of the last five years;
- A disabled resident must provide acceptable proof of disability from the Railroad Retirement Board, U.S. Dept. of Veterans Affairs, U.S. Armed Forces, Social Security Administration, or a licensed physician and must have held the SPL for three of the last five years prior to the date of disability;
- A military veteran must provide acceptable proof of income. However, active duty may be excluded when calculating the previous 36 months and will not be counted for purposes of determining qualifying time.

¹⁸ Section 379.361(2)(e)1.-3., F.S.

¹⁹ FWC, *Commercial Food and Bait Species*, <http://www.myfwc.com/license/saltwater/commercial-fishing/restricted-species/> (last visited Feb. 13, 2013).

- Upon the sale of a used commercial fishing vessel owned by a person, firm, or corporation possessing or eligible to possess an RS, the purchaser is exempted from the income requirement for one year;
- If a person possessing an RS dies or becomes permanently disabled, an immediate family member who wishes to carry on the fishing operation is exempted from the income requirement for one year.²⁰

During fiscal year 2011-2012, 12,752 SPLs were issued in Florida. Of those, 9,191 had an RS.²¹

According to the Florida Department of Veterans Affairs, there are approximately 1,651,000 veterans residing in Florida. There are approximately 249,000 veterans with some percentage of disability rating from service-connected disabilities in Florida. There are approximately 223,000 Florida veterans of Operation Iraqi Freedom and Operation Enduring Freedom (post 9/11 missions) who list Florida as their home of record. Approximately 47 percent of Florida's veterans are over age 65.

Rule 68B-2.006, F.A.C.

On November 11, 2012, the FWC promulgated Rule 68B-2.006, F.A.C. The rule provides assistance to certain military veterans who wish to become commercial fishermen and obtain the RS endorsement issued on an SPL by waiving the income requirement for one year.

The FWC was created by passage of Revision #5 to the Florida Constitution during the November 1998 General Election,²² as implemented by the 1999 General Session of the Legislature. Since the adoption of the constitutional amendment, there has been some uncertainty and debate over how far the FWC's constitutional authority reaches as it pertains to marine species. The Florida Supreme Court has provided some clarity,²³ but it is unclear whether the FWC has the authority under the Florida Constitution to adopt a rule exempting the income requirement for certain veterans, or if the FWC needs the Legislature to grant it the authority in statute in order for the rule to be effective.

III. Effect of Proposed Changes:

Section 1: The CS amends s. 327.02, F.S., to remove an outdated reference to federal law and to insert the proper reference. The CS will ensure continued enforceability of the statute by including a reference to the federal law in effect on October 1, 2012. The CS will not change the way any vessels or vessel-related activities are currently being enforced in state waters under the current statute.

Section 2: The CS amends s. 379.101, F.S., to allow individuals to purchase a Florida resident recreational hunting or fishing license without having to continuously reside in the state for six

²⁰ FWC, *Qualifying for the Restricted Species Endorsement (RS)*, <http://myfwc.com/license/saltwater/commercial-fishing/qualifying-for-rs/> (last visited Feb. 13, 2013).

²¹ FWC, *Senate Bill 448 Legislative Analysis* (2013)(on file with the Senate Committee on Environmental Preservation and Conservation).

²² See FLA. CONST. art. IV, s. 9.

²³ See *Caribbean Conservation Corp. v. Fla. Fish & Wildlife Conservation Comm'n., Inc.*, 838 So.2d 492 (Fla. 2003).

months upon submission of a valid Florida driver license or identification card with a Florida address, verified by the Department of Highway Safety and Motor Vehicles. In the absence thereof, the CS lists four other ways to verify Florida residency:

- A current Florida voter information card;
- A sworn statement manifesting and evidencing domicile in Florida in accordance with s. 222.17, F.S.;
- A current Florida homestead exemption; or
- For a child younger than 18, a driver license or identification card, a student identification card from a Florida school, or, when accompanied by his or her parent at the time of purchase, the parent's proof of residency.

The CS alters the definition of resident to eliminate the requirement that those persons applying for a resident commercial saltwater fishing license must reside continuously in a certain Florida county for six months. The requirement to reside continuously in Florida for one year is retained.

For the purposes of ch. 379, F.S., resident aliens are currently treated as residents. The CS eliminates the requirement for a resident alien to continuously reside in a certain Florida county for six months. The requirement that resident aliens must reside in Florida continuously for one year is retained.

Section 3: The CS amends s. 379.353, F.S., to provide an exemption from the requirement to purchase a recreational hunting or fishing license to all persons participating in a Commission-permitted event where the primary purpose of the event is for the rehabilitation or enjoyment of disabled veterans and active duty military personnel, reservists, Florida National Guard, U.S. Coast Guard members, and members of the U.S. Coast Guard Reserves.

The CS provides an exemption from the license requirement for "immediate family members," defined as parents, spouses and children, of active duty military and reservists and disabled veterans who participate in Commission-permitted events where the primary purpose of the event is for the rehabilitation or enjoyment of disabled veterans, active duty military personnel and reservists. The CS also allows an exemption for one additional person designated to assist each veteran certified to be a disabled veteran.

The CS provides a list of factors for the Commission to consider when deciding whether to issue a permit for an event where the primary purpose of the event is for the rehabilitation or enjoyment of disabled veterans, active duty military personnel and reservists.

The CS directs the Commission to promulgate rules to implement the subsection.

Section 4: The CS amends s. 379.354, F.S., to provide statutory authority for the Commission to offer a total of four license-free recreational saltwater fishing days and four license-free recreational freshwater fishing days to the public.

Section 5: The CS amends s. 379.361, F.S., to clarify the term "1 year" to mean a "complete license year" for the RS income requirement for those purchasing a used commercial fishing vessel, or for an immediate family member carrying on the fishing operation for the family member possessing the RS who has died or has become permanently disabled.

The CS clarifies that upon the sale of a used commercial fishing vessel owned by a person, firm, or corporation possessing or eligible to possess an RS, the purchaser is exempted from the income requirement for a complete license year.

The CS clarifies that when a person possessing an RS dies or becomes disabled, an immediate family member wishing to carry on the fishing operation shall be exempted from the income requirement for a complete license year.

The CS waives the income requirement to acquire an RS for one complete license year for any honorably discharged resident military veteran that is certified to have at least a 10 percent service-connected disability by the U.S. Department of Veterans Affairs or any branch of the U.S. Armed Forces. In subsequent years, veterans must document that at least \$2,500 (half the current requirement of \$5,000) of their income is attributable to the sale of saltwater products in order to renew the RS. The first-year exemption may only be applied one time per military enlistment.

The CS provides a waiver of the income requirement to acquire an RS for a complete license year until June 30, 2014, to all resident military veterans honorably discharged between September 11, 2001, and June 30, 2014, from any branch of the U.S. Armed Forces, the reserves, the Florida National Guard, the U.S. Coast Guard, or the U.S. Coast Guard Reserves. The waiver would be allowed on the RS endorsement on individual or crew SPLs, but not on vessel SPLs. The first year exemption may be applied only one time per military enlistment. After the first year, the veteran with the endorsement would be subject to the normal RS renewal requirements.

The CS provides a waiver of the income requirement to acquire an RS for a complete license year, beginning July 1, 2014, to all resident military veterans who apply for an RS within four years after being honorably discharged from any branch of the U.S. Armed Forces, the reserves, the Florida National Guard, the U.S. Coast Guard, or the U.S. Coast Guard Reserves. The waiver would be allowed on the RS endorsement on individual or crew SPLs, but not on vessel SPLs. The first year exemption may be applied only one time per military enlistment. After the first year, the veteran with the endorsement would be subject to the normal RS renewal requirements.

Section 6 provides an effective date of July 1, 2013.

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:**

Section 3: Active-duty military personnel and reservists, members of the Florida National Guard, members of the U.S. Coast Guard and U.S. Coast Guard Reserves, and disabled veterans, as well as immediate family members of those participating in the event and those attending in aid of disabled veterans, are exempted from having to purchase a hunting or fishing license for the Commission-permitted event.

B. Private Sector Impact:

Section 2: According to the FWC, those wishing to purchase a resident recreational fishing or hunting license but who are not eligible because they have not established their Florida residency for six months or more, will see a positive fiscal impact of the difference between the cost of a resident and nonresident license.

Section 3: According to the FWC, active duty military personnel, reservists, members of the Florida National Guard, the U.S. Coast Guard, the U.S. Coast Guard Reserves and disabled veterans participating in FWC-permitted hunting and fishing events for the enjoyment of active duty personnel disabled veterans, along with immediate family members and a single individual assisting a disabled veteran at the event, will be exempted from having to purchase a license for that specific event.

Section 4: The FWC anticipates that expanding the number of license free fishing days will have a positive but indeterminate economic impact related to the increased number of visitors to Florida.

Section 5: According to the FWC, there could be a positive fiscal impact, in the form of income, on veterans who enter the commercial fishing industry. On the other hand, there is a potential for a negative fiscal impact to income on current commercial fishermen holding an RS due to increased competition this section may create. The effects cannot be determined at this time.

C. Government Sector Impact:

Section 2: The impact on the Commission is indeterminate. The loss of fee revenue may be offset by an increase in the number of licenses issued.

VI. Technical Deficiencies:

None.

VII. Related Issues:

According to the FWC, when a person applies to the Florida Department of Highway Safety and Motor Vehicles (DMV) to get a driver license or identification card, the DMV requires proof of

residency in Florida. There may be situations in which a person who is not a valid resident (meaning they cannot provide the necessary proof of residency) would still be issued a driver license or identification card. Though the card itself may not indicate that the individual is not a resident of Florida, the DMV's records would. Since FWC's licensing system is linked to the DMV's records, the fact that a person is not a resident of Florida would be ascertainable, not from the driver license or identification card provided, but by the DMV's records connected with that license or identification card.²⁴

There have been discussions between the Joint Administrative Procedures Committee and the FWC concerning the FWC's authority to amend the income requirement by rule. This CS gives the FWC clear legislative authority to adjust such 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 March 7, 2013:

The CS makes a Florida driver license or identification card, with both a Florida address and residency verified by the Florida Department of Highway and Motor Vehicles, the primary method of verifying residency. If that is not available, the CS provides four other methods of verifying residency.

The CS adds the National Guard Reserves to the list of military branches whose members are exempted from the requirement to purchase a license for hunting or fishing events permitted by the Commission for the rehabilitation or enjoyment of veterans with service connected disabilities and/or active duty service members.

The CS exempts immediate family members of veterans or active duty personnel, and one additional person to assist each disabled veteran, from having to possess a saltwater or freshwater fishing or a hunting license when attending a Commission-permitted hunting or fishing event for the rehabilitation or enjoyment of veterans with service connected disabilities and/or reservists and active duty service members.

The CS defines "immediate family members" as parents, spouses and children of the active duty member or disabled veteran.

The CS provides several factors for the Commission to consider when deciding whether to issue a permit for a hunting or fishing event for the enjoyment or rehabilitation of reserve or active duty military personnel, reserve or active duty U.S. Coast Guard personnel, and disabled veterans.

The CS adds the National Guard Reserves to the list of military branches whose members are not required to provide documentation for the income requirement with his or her initial application for an RS.

²⁴ FWC, *Senate Bill 448 Legislative Analysis* (2013)(on file with the Senate Committee on Environmental Preservation and Conservation).

The CS contains conforming language to make it identical to HB 333.

B. Amendments:

None.

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



398266

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/07/2013	.	
	.	
	.	
	.	

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

Senate Amendment

Delete lines 73 - 86
and insert:

2. Any person who has declared Florida as his or her only
state of residence as evidenced by a valid Florida driver
license or identification card with both a Florida address and
residency verified by the Department of Highway Safety and Motor
Vehicles, or, in the absence thereof, one of the following:

- a. A current Florida voter information card;
- b. A sworn statement manifesting and evidencing domicile in
Florida in accordance with s. 222.17;



398266

13 c. Proof of a current Florida homestead exemption; or
14 d. For a child younger than 18 years of age, a student
15 identification card from a Florida school, or, when accompanied
16 by his or her parent at the time of purchase, the parent's proof
17 of residency.



807002

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/07/2013	.	
	.	
	.	
	.	

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

Senate Amendment

Delete lines 100 - 111
and insert:

(q) Those persons exempted by commission permit issued under this paragraph. The Commission may issue a permit for an outdoor recreational event for which the primary purpose is the rehabilitation or enjoyment of veterans certified by the United States Department of Veterans Affairs or its predecessor or by any branch of the United States Armed Forces to have any service-connected disability percentage rating of zero percent or higher, active duty or reserve duty service members of any



807002

13 branch of the United States Armed Forces, the United States
14 Coast Guard, military reserves, the Florida National Guard, or
15 the United States Coast Guard Reserve. A permit issued under
16 this paragraph shall exempt such veterans, service members,
17 their immediate family members and one additional person
18 designated to assist each veteran certified to be a disabled
19 veteran, from having to possess a hunting, freshwater fishing,
20 or saltwater fishing license for the duration of the event. For
21 purposes of this exemption, immediate family members means
22 parents, spouses, and children. The commission shall promulgate
23 rules to implement this paragraph. Factors for the commission to
24 consider in determining to issue a permit under this paragraph
25 include but are not limited to: hunting and fishing seasons,
26 time frame or duration of the event, species concerns, and the
27 number of such permits granted to the organizer of the event
28 during the calendar year the permit is requested.



169870

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/07/2013	.	
	.	
	.	
	.	

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

Senate Amendment

Delete lines 247 - 277
and insert:
saltwater products license and is a one-time exemption. In order
to renew the restricted species endorsement on an individual
saltwater products license, the veteran must document that at
least \$2,500 of his or her income is attributable to the sale of
saltwater products.

i. Beginning July 1, 2014, a resident military veteran who
applies to the commission within 48 months after receiving an
honorable discharge from any branch of the United States Armed



169870

13 Forces, the United States Coast Guard, the military reserves,
14 the Florida National Guard, or the United States Coast Guard
15 Reserve is not required to provide documentation for the income
16 requirement with his or her initial application for a restricted
17 species endorsement. Documentation for the income requirement is
18 required beginning with the renewal of the restricted species
19 endorsement after such veteran has possessed a valid restricted
20 species endorsement for a complete license year. This exemption
21 applies only to issuance of the endorsement on an individual
22 saltwater products license and may only be applied one time per
23 military enlistment.

24 j. Until June 30, 2014, a resident military veteran who
25 applies to the commission and who received an honorable
26 discharge from any branch of the United States Armed Forces, the
27 United States Coast Guard, the military reserves, the Florida
28 National Guard, or the United States Coast Guard Reserve between
29 September 11, 2001, and June 30, 2014, is not required to
30 provide documentation for the income requirement with his or her
31 initial application for a restricted species endorsement.
32 Documentation for the income requirement is required beginning
33 with the renewal of the restricted species endorsement after
34 such veteran has possessed a valid restricted species
35 endorsement for a complete license year. This exemption applies
36 only to issuance of the endorsement on an individual saltwater
37 products license.

By Senator Dean

5-00216-13

2013448

1 A bill to be entitled
2 An act relating to the Fish and Wildlife Conservation
3 Commission; amending s. 327.02, F.S.; revising the
4 definition of the term "navigation rules" for purposes
5 of provisions relating to vessels; amending s.
6 379.101, F.S.; revising the definition of the term
7 "resident" or "resident of Florida" for purposes of
8 provisions relating to recreational and
9 nonrecreational activity licenses; providing for
10 certain evidence of residence; revising the definition
11 of the term "resident alien" to remove a county
12 residency requirement; amending s. 379.353, F.S.;
13 exempting individuals participating in certain outdoor
14 recreational events from requirements for a hunting or
15 fishing license or permit; amending s. 379.354, F.S.;
16 revising the number of days the commission may
17 designate as free fishing days each year; amending s.
18 379.361, F.S.; revising requirements for a restricted
19 species endorsement on a saltwater products license;
20 providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Subsection (25) of section 327.02, Florida
25 Statutes, is amended to read:

26 327.02 Definitions ~~of terms used in this chapter and in~~
27 ~~chapter 328.~~—As used in this chapter and in chapter 328, unless
28 the context clearly requires a different meaning, the term:

29 (25) "Navigation rules" means:

5-00216-13

2013448

30 (a) For vessels on waters outside of established
31 navigational lines of demarcation as specified in 33 C.F.R. part
32 80, the International Navigational Rules Act of 1977, 33 U.S.C.
33 ~~appendix following~~ s. 1602, as amended, including the appendix
34 and annexes thereto, through October 1, 2012.

35 (b) For vessels on all waters not outside of such
36 established navigational lines of demarcation, as specified in
37 ~~33 C.F.R. part 80 or~~ the Inland Navigational Rules Act of 1980,
38 33 C.F.R. parts 83-90, as amended, through October 1, 2012 ~~33~~
39 ~~U.S.C. ss. 2001 et seq., as amended, including the annexes~~
40 ~~thereto, for vessels on all waters not outside of such lines of~~
41 ~~demarcation.~~

42 Section 2. Subsections (30) and (31) of section 379.101,
43 Florida Statutes, are amended to read:

44 379.101 Definitions.—In construing these statutes, where
45 the context does not clearly indicate otherwise, the word,
46 phrase, or term:

47 (30) "Resident" or "resident of Florida" means:

48 (a) For purposes of part VII ~~of this chapter, with the~~
49 ~~exception of ss. 379.363, 379.3635, 379.364, 379.3711, 379.3712,~~
50 ~~379.372, 379.373, 379.374, 379.3751, 379.3752, 379.3761,~~
51 ~~379.3762, and 379.377, and for purposes of s. 379.355, citizens~~
52 ~~of the United States who have continuously resided in this state~~
53 ~~for 1 year before applying for a, next preceding the making of~~
54 ~~their application for hunting, fishing, or other license, for~~
55 ~~the following period of time, to wit: For 1 year in the state~~
56 ~~and 6 months in the county when applied to all fish and game~~
57 ~~laws not related to freshwater fish and game. However, for~~
58 purposes of ss. 379.363, 379.3635, 379.364, 379.3711, 379.3712,

5-00216-13

2013448

59 379.372, 379.373, 379.374, 379.3751, 379.3752, 379.3761, and
 60 379.3762, the term "resident" or "resident of Florida" means a
 61 citizen of the United States who has continuously resided in
 62 this state for 6 months before applying for a hunting, fishing,
 63 or other license.

64 (b) For purposes of part VI ~~of this chapter, except with~~
 65 ~~the exception of s. 379.355;~~ and for purposes of ~~ss. 379.363,~~
 66 ~~379.3635, 379.364, 379.3711, 379.3712, 379.372, 379.373,~~
 67 ~~379.374, 379.3751, 379.3752, 379.3761, 379.3762, and 379.377,~~
 68 ~~any person who has continually resided in the state for 6 months~~
 69 ~~or~~

70 1. Any member of the United States Armed Forces who is
 71 stationed in the state and his or her family members residing
 72 with such member; or

73 2. Any person who has declared Florida as his or her only
 74 state of residence as evidenced by one of the following:

75 a. A valid Florida driver license or identification card
 76 with a Florida address and not marked as "Valid in Florida
 77 Only";

78 b. A current Florida Voter Information Card;

79 c. A sworn statement manifesting and evidencing domicile in
 80 Florida in accordance with s. 222.17;

81 d. A current Florida Homestead Exemption; or

82 e. For a child younger than 18 years of age, a driver
 83 license or identification card as described in sub-subparagraph
 84 a., a student identification card from a Florida school, or,
 85 when accompanied by his or her parent at the time of purchase,
 86 the parent's proof of residency.

87 (31) "Resident alien" means ~~shall mean~~ those persons who

5-00216-13

2013448

88 have continuously resided in this state for at least 1 year ~~and~~
89 ~~6 months in the county~~ and can provide documentation from the
90 Bureau of Citizenship and Immigration Services evidencing
91 permanent residency status in the United States. For the
92 purposes of this chapter, a "resident alien" shall be considered
93 a "resident."

94 Section 3. Paragraph (q) is added to subsection (2) of
95 section 379.353, Florida Statutes, to read:

96 379.353 Recreational licenses and permits; exemptions from
97 fees and requirements.—

98 (2) A hunting, freshwater fishing, or saltwater fishing
99 license or permit is not required for:

100 (q) Any person participating in an outdoor recreational
101 event authorized by commission permit for the primary purpose of
102 rehabilitation or enjoyment of veterans certified by the United
103 States Department of Veterans Affairs or its predecessor or by
104 any branch of the United States Armed Forces to have any
105 service-connected disability percentage rating, active duty
106 personnel of any branch of the United States Armed Forces or the
107 United States Coast Guard, members of the military reserves, or
108 members of the Florida National Guard. This exemption applies to
109 any person participating in such an event regardless of whether
110 the person is active duty military personnel, a veteran with a
111 disability, or a member of the military reserves.

112 Section 4. Subsection (15) of section 379.354, Florida
113 Statutes, is amended to read:

114 379.354 Recreational licenses, permits, and authorization
115 numbers; fees established.—

116 (15) FREE FISHING DAYS.—The commission may designate by

5-00216-13

2013448__

117 rule no more than 4 ~~2~~ consecutive or nonconsecutive days in each
118 year as free freshwater fishing days and no more than 4 ~~2~~
119 consecutive or nonconsecutive days in each year as free
120 saltwater fishing days. Notwithstanding any other provision of
121 this chapter, any person may take freshwater fish for
122 noncommercial purposes on a free freshwater fishing day and may
123 take saltwater fish for noncommercial purposes on a free
124 saltwater fishing day, without obtaining or possessing a license
125 or permit or paying a license or permit fee as prescribed in
126 this section. A person who takes freshwater or saltwater fish on
127 a free fishing day must comply with all laws, rules, and
128 regulations governing the holders of a fishing license or permit
129 and all other conditions and limitations regulating the taking
130 of freshwater or saltwater fish as are imposed by law or rule.

131 Section 5. Paragraph (b) of subsection (2) of section
132 379.361, Florida Statutes, is amended to read:

133 379.361 Licenses.—

134 (2) SALTWATER PRODUCTS LICENSE.—

135 (b)1. A restricted species endorsement on the saltwater
136 products license is required to sell to a licensed wholesale
137 dealer those species which the state, by law or rule, has
138 designated as "restricted species." This endorsement may be
139 issued only to a person who is at least 16 years of age, or to a
140 firm certifying that over 25 percent of its income or \$5,000 of
141 its income, whichever is less, is attributable to the sale of
142 saltwater products pursuant to a saltwater products license
143 issued under this paragraph or a similar license from another
144 state. This endorsement may also be issued to a for-profit
145 corporation if it certifies that at least \$5,000 of its income

5-00216-13

2013448

146 is attributable to the sale of saltwater products pursuant to a
147 saltwater products license issued under this paragraph or a
148 similar license from another state. However, if at least 50
149 percent of the annual income of a person, firm, or for-profit
150 corporation is derived from charter fishing, the person, firm,
151 or for-profit corporation must certify that at least \$2,500 of
152 the income of the person, firm, or corporation is attributable
153 to the sale of saltwater products pursuant to a saltwater
154 products license issued under this paragraph or a similar
155 license from another state, in order to be issued the
156 endorsement. Such income attribution must apply to at least 1 of
157 the last 3 years. For the purpose of this section, "income"
158 means that income that is attributable to work, employment,
159 entrepreneurship, pensions, retirement benefits, and social
160 security benefits.

161 2. To renew an existing restricted species endorsement, a
162 marine aquaculture producer possessing a valid saltwater
163 products license with a restricted species endorsement may apply
164 income from the sale of marine aquaculture products to licensed
165 wholesale dealers.

166 3. The commission may ~~is authorized to~~ require verification
167 of such income for all restricted species endorsements issued
168 pursuant to this paragraph. Acceptable proof of income earned
169 from the sale of saltwater products shall be:

170 a. Copies of trip ticket records generated pursuant to this
171 subsection (marine fisheries information system), documenting
172 qualifying sale of saltwater products;

173 b. Copies of sales records from locales other than Florida
174 documenting qualifying sale of saltwater products;

5-00216-13

2013448

175 c. A copy of the applicable federal income tax return,
176 including Form 1099 attachments, verifying income earned from
177 the sale of saltwater products;

178 d. Crew share statements verifying income earned from the
179 sale of saltwater products; or

180 e. A certified public accountant's notarized statement
181 attesting to qualifying source and amount of income.

182 4. Notwithstanding any other provision of law, any person
183 who owns a retail seafood market or restaurant at a fixed
184 location for at least 3 years, who has had an occupational
185 license for 3 years before ~~prior to~~ January 1, 1990, who
186 harvests saltwater products to supply his or her retail store,
187 and who has had a saltwater products license for 1 of the past 3
188 license years before ~~prior to~~ January 1, 1990, may provide proof
189 of his or her verification of income and sales value at the
190 person's retail seafood market or restaurant and in his or her
191 saltwater products enterprise by affidavit and shall thereupon
192 be issued a restricted species endorsement.

193 5.4. Exceptions from income requirements shall be as
194 follows:

195 a. A permanent restricted species endorsement shall be
196 available to those persons age 62 and older who have qualified
197 for such endorsement for at least 3 of the last 5 years.

198 b. Active military duty time shall be excluded from
199 consideration of time necessary to qualify and shall not be
200 counted against the applicant for purposes of qualifying.

201 c. Upon the sale of a used commercial fishing vessel owned
202 by a person, firm, or corporation possessing or eligible for a
203 restricted species endorsement, the purchaser of such vessel

5-00216-13

2013448

204 shall be exempted from the qualifying income requirement for the
205 purpose of obtaining a restricted species endorsement for a
206 complete license ~~period of 1~~ year after purchase of the vessel.

207 d. Upon the death or permanent disablement of a person
208 possessing a restricted species endorsement, an immediate family
209 member wishing to carry on the fishing operation shall be
210 exempted from the qualifying income requirement for the purpose
211 of obtaining a restricted species endorsement for a complete
212 license ~~period of 1~~ year after the death or disablement.

213 e. A restricted species endorsement may be issued on an
214 individual saltwater products license to a person age 62 or
215 older who documents that at least \$2,500 of such person's income
216 is attributable to the sale of saltwater products.

217 f. A permanent restricted species endorsement may also be
218 issued on an individual saltwater products license to a person
219 age 70 or older who has held a saltwater products license for at
220 least 3 of the last 5 license years.

221 g. Any resident who is certified to be totally and
222 permanently disabled by the Railroad Retirement Board, by the
223 United States Department of Veterans Affairs or its predecessor,
224 or by any branch of the United States Armed Forces, or who holds
225 a valid identification card issued by the Department of
226 Veterans' Affairs pursuant to s. 295.17, upon proof of the same,
227 or any resident certified to be disabled by the United States
228 Social Security Administration or a licensed physician, upon
229 proof of the same, shall be exempted from the income
230 requirements if he or she also has held a saltwater products
231 license for at least 3 of the last 5 license years before ~~prior~~
232 ~~to~~ the date of the disability. A restricted species endorsement

5-00216-13

2013448

233 issued under this paragraph may be issued only on an individual
234 saltwater products license.

235 h. An honorably discharged, resident military veteran
236 certified by the United States Department of Veterans Affairs or
237 its predecessor or by any branch of the United States Armed
238 Forces to have a service-connected permanent disability rating
239 of 10 percent or higher, upon providing proof of such disability
240 rating, is not required to provide documentation for the income
241 requirement with his or her initial application for a restricted
242 species endorsement. Documentation for the income requirement is
243 required beginning with the renewal of the restricted species
244 endorsement after such veteran has possessed a valid restricted
245 species endorsement for a complete license year. This exemption
246 applies only to issuance of the endorsement on an individual
247 saltwater products license and may only be applied one time per
248 military enlistment. In order to renew the restricted species
249 endorsement on an individual saltwater products license, the
250 veteran must document that at least \$2,500 of his or her income
251 is attributable to the sale of saltwater products.

252 i. Until June 30, 2014, a resident military veteran who
253 applies to the commission and who received an honorable
254 discharge from any branch of the United States Armed Forces, the
255 United States Coast Guard, the military reserves, or the Florida
256 National Guard between September 11, 2001, and June 30, 2014, is
257 not required to provide documentation for the income requirement
258 with his or her initial application for a restricted species
259 endorsement. Documentation for the income requirement is
260 required beginning with the renewal of the restricted species
261 endorsement after such veteran has possessed a valid restricted

5-00216-13

2013448

262 species endorsement for a complete license year. This exemption
263 applies only to issuance of the endorsement on an individual
264 saltwater products license.

265 j. Beginning July 1, 2014, a resident military veteran who
266 applies to the commission within 48 months after receiving an
267 honorable discharge from any branch of the United States Armed
268 Forces, the United States Coast Guard, the military reserves, or
269 the Florida National Guard is not required to provide
270 documentation for the income requirement with his or her initial
271 application for a restricted species endorsement. Documentation
272 for the income requirement is required beginning with the
273 renewal of the restricted species endorsement after such veteran
274 has possessed a valid restricted species endorsement for a
275 complete license year. This exemption applies only to issuance
276 of the endorsement on an individual saltwater products license
277 and may only be applied one time per military enlistment.

278 Section 6. This act shall take effect July 1, 2013.

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 Committee on Environmental Preservation and Conservation

BILL: SB 948

INTRODUCER: Senator Grimsley

SUBJECT: Water Supply

DATE: March 6, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hinton	Uchino	EP	Favorable
2.	_____	_____	AG	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

SB 948 requires the Florida Department of Agriculture and Consumer Services (DACs) to establish an agricultural water supply planning program to develop data regarding prospective agricultural water supply demand. For purposes of regional water supply plans, the water management districts (WMDs) are required to consider the data supplied by DACs in determining the best available data for future agricultural water supply demands.

This bill substantially amends, the following sections of the Florida Statutes: 373.701, 373.703, 373.709, 570.076, and 570.085.

II. Present Situation:

Regional Water Supply Planning

WMDs are required to conduct water supply needs assessments. If a WMD determines that existing resources will not be sufficient to meet reasonable-beneficial uses¹ for the planning period for a particular water supply planning region, it must prepare a regional water supply plan.² Regional water supply plans must be based on at least a 20-year planning period.³ The plan must contain:

¹ Section 373.019(16), F.S. Reasonable-beneficial use is defined as, “the use of water in such quantity as is necessary for economic and efficient utilization for a purpose and in a manner which is both reasonable and consistent with the public interest.” See also rule 62-410(2), F.A.C., for a list of 18 factors to help determine whether a water use is a reasonable-beneficial use.

² Section 373.709(1), F.S.

³ Section 373.709(2), F.S.

- a water supply development component;
- a water resource development component;
- a recovery and prevention strategy;
- a funding strategy;
- the impacts on the public interest, costs, natural resources, etc.;
- technical data and information;
- any minimum flows and levels (MFLs) established for the planning area;
- the water resources for which future MFLs must be developed; and
- an analysis of where variances may be used to create water supply development or water resource development projects.⁴

Regional water supply plans include projected water supply needs for all users, including agriculture. The WMDs employ different methods in making such projections for agricultural users and use a combination of common and unique data sources. DACS participates in the regional water supply planning process and can provide input regarding agricultural water supply demand projection, but has no formal role in determining future water supply needs for agriculture.⁵

The regional water supply plans typically list water resource development and water supply development options that can meet the projected reasonable-beneficial needs of the water supply region. The plans normally include a mix of traditional and alternative water supply options.⁶ Traditional water supplies come from surface water sources, such as lakes and rivers, and from groundwater withdrawals. Alternative water supplies include activities such as treating wastewater for agricultural use, desalination of saltwater or brackish water to produce drinking water, and surface and rain water storage. Water consumers either purchase or self-supply water. Self-supplied water often comes from on-site wells or through surface water retention, among other methods.

III. Effect of Proposed Changes:

Section 1: SB 948 adds utility companies, private landowners, water consumers, and DACS to the list of entities that should cooperate to meet the water needs of rapidly urbanizing areas. The bill also adds rural areas to “rapidly urbanizing areas.”

Section 2: The bill adds “self-suppliers” to the list of entities the governing boards of the WMDs must engage in planning to assist and assisting in meeting water supply needs.

The bill adds “self-suppliers” to the list of entities that WMDs may join with to carry out any of their powers.

⁴ *Id.*

⁵ DACS, *Senate Bill 948 Analysis* (Feb. 20, 2013)(on file with the Senate Committee on Environmental Preservation and Conservation).

⁶ Department of Environmental Protection, *Regional Water Supply Planning*, www.dep.state.fl.us/water/waterpolicy/rwsp.htm (last visited Feb. 28, 2013).

Section 3: The bill includes DACS in the list of entities the governing boards of the WMDs must coordinate and cooperate with when conducting water supply planning for water supply planning regions.

The bill requires regional water supply plans to include agricultural demand projections and that the projections must be based upon the best available data. The bill requires a full description of any adjustment or deviation from the data supplied by DACS to the WMDs and that the original data must be presented along with the adjusted data.

The bill strikes the word “alternative” from “alternative water supply development project options”, thus broadening the possible water supply development project options that may be considered and chosen by various entities for water supply development.

The bill includes “self-suppliers” in the list of entities that WMDs are to assist in developing multijurisdictional approaches to water supply project development, where appropriate.

Section 4: The bill amends s. 570.076(2)(c), F.S., to accommodate a subsection of statute that is renumbered in the bill. Nothing is changed in the renumbered subsection.

Section 5: The bill requires DACS to establish an agricultural water supply planning program to supply the WMDs with anticipated agricultural water supply demands based on at least a 20-year planning period that must be considered by the WMDs when developing district water management plans.

The anticipated agricultural demands provided to the WMDs by the water supply planning program must include crop types and categories; historic, current, and future acreage estimates; crop type or category water use coefficients and any related assumptions; and an evaluation of any significant uncertainties that would make an estimated range of projections necessary.

In the development of the anticipated agricultural demands by the water supply planning program, the bill requires DACS to consult with the agricultural industry, the University of Florida Institute of Food and Agricultural Sciences, DEP, the WMDs, the National Agricultural Statistics Service, and the United States Geological Survey.

Lastly, the bill directs DACS to coordinate with the WMDs to set a schedule for providing the data in order to comply with water supply planning provisions in ss. 373.036(2) and 373.709(2)(a)1.b., F.S.

Section 6 provides an effective date of July 1, 2013.

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:

DACS anticipates requesting \$1.5 million in non-recurring general revenue as part of its 2013-2014 legislative budget request to meet the requirements of the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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

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

None.

B. Amendments:

None.

By Senator Grimsley

21-01337-13

2013948

1 A bill to be entitled
2 An act relating to water supply; amending s. 373.701,
3 F.S.; providing a legislative declaration that efforts
4 to adequately and dependably meet water needs require
5 the cooperation of utility companies, private
6 landowners, water consumers, and the Department of
7 Agriculture and Consumer Services; amending s.
8 373.703, F.S.; providing that the governing board of a
9 water management district shall assist self-suppliers,
10 among others, in meeting water supply demands in a
11 manner that will give priority to encouraging
12 conservation and reducing adverse environmental
13 effects; providing that the governing board of a water
14 management district may contract with self-suppliers
15 for the purpose of carrying out its powers; amending
16 s. 373.709, F.S.; providing that certain planning by
17 the governing board of a water management district
18 must be conducted in coordination and cooperation with
19 the Department of Agriculture and Consumer Services,
20 among other interested parties; requiring that certain
21 agricultural demand projections be based upon the best
22 available data and providing considerations to
23 determine the best available data; requiring certain
24 information if there is a deviation from the data
25 provided by the Department of Agriculture and Consumer
26 Services; authorizing certain users to propose
27 specific projects for inclusion in the list of water
28 supply development project options; removing
29 references to alternative water supply projects;

21-01337-13

2013948

30 requiring water management districts to assist in
31 developing multijurisdictional approaches to water
32 supply project development jointly with affected self-
33 suppliers in certain areas; amending s. 570.076, F.S.;
34 conforming a cross-reference; amending s. 570.085,
35 F.S.; requiring the Department of Agriculture and
36 Consumer Services to establish an agricultural water
37 supply planning program that includes certain data;
38 providing criteria for development of data; providing
39 an effective date.

40
41 Be It Enacted by the Legislature of the State of Florida:

42
43 Section 1. Subsection (3) of section 373.701, Florida
44 Statutes, is amended to read:

45 373.701 Declaration of policy.—It is declared to be the
46 policy of the Legislature:

47 (3) Cooperative efforts between municipalities, counties,
48 utility companies, private landowners, water consumers, water
49 management districts, and the Department of Environmental
50 Protection, and the Department of Agriculture and Consumer
51 Services are necessary ~~mandatory~~ in order to meet the water
52 needs of rural and rapidly urbanizing areas in a manner that
53 will supply adequate and dependable supplies of water where
54 needed without resulting in adverse effects upon the areas from
55 which ~~such~~ water is withdrawn. Such efforts should employ ~~use~~
56 all practical means of obtaining water, including, but not
57 limited to, withdrawals of surface water and groundwater, reuse,
58 and desalination, and will require ~~necessitate not only~~

21-01337-13

2013948

59 cooperation and ~~but also~~ well-coordinated activities.
60 Municipalities, counties, and special districts are encouraged
61 to create multijurisdictional water supply entities or regional
62 water supply authorities as authorized in s. 373.713 ~~or~~
63 ~~multijurisdictional water supply entities~~.

64 Section 2. Subsections (1), (2), and (9) of section
65 373.703, Florida Statutes, are amended to read:

66 373.703 Water production; general powers and duties.—In the
67 performance of, and in conjunction with, its other powers and
68 duties, the governing board of a water management district
69 existing pursuant to this chapter:

70 (1) Shall engage in planning to assist counties,
71 municipalities, special districts, publicly owned and privately
72 owned water utilities, multijurisdictional water supply
73 entities, ~~or~~ regional water supply authorities, or self-
74 suppliers in meeting water supply needs in such manner as will
75 give priority to encouraging conservation and reducing adverse
76 environmental effects of improper or excessive withdrawals of
77 water from concentrated areas. As used in this section and s.
78 373.707, regional water supply authorities are regional water
79 authorities created under s. 373.713 or other laws of this
80 state.

81 (2) Shall assist counties, municipalities, special
82 districts, publicly owned or privately owned water utilities,
83 multijurisdictional water supply entities, ~~or~~ regional water
84 supply authorities, or self-suppliers in meeting water supply
85 needs in such manner as will give priority to encouraging
86 conservation and reducing adverse environmental effects of
87 improper or excessive withdrawals of water from concentrated

21-01337-13

2013948

88 areas.

89 (9) May join with one or more other water management
90 districts, counties, municipalities, special districts, publicly
91 owned or privately owned water utilities, multijurisdictional
92 water supply entities, ~~or~~ regional water supply authorities, or
93 self-suppliers for the purpose of carrying out ~~any~~ of its
94 powers, and may contract with such other entities to finance
95 acquisitions, construction, operation, and maintenance. The
96 contract may provide for contributions to be made by each party
97 to the contract thereto, for the division and apportionment of
98 the expenses of acquisitions, construction, operation, and
99 maintenance, and for the division and apportionment of resulting
100 ~~the~~ benefits, services, and products ~~therefrom~~. The contracts
101 may contain other covenants and agreements necessary and
102 appropriate to accomplish their purposes.

103 Section 3. Subsection (1), paragraph (a) of subsection (2),
104 and subsection (3) of section 373.709, Florida Statutes, is
105 amended to read:

106 373.709 Regional water supply planning.—

107 (1) The governing board of each water management district
108 shall conduct water supply planning for a ~~any~~ water supply
109 planning region within the district identified in the
110 appropriate district water supply plan under s. 373.036, where
111 it determines that existing sources of water are not adequate to
112 supply water for all existing and future reasonable-beneficial
113 uses and to sustain the water resources and related natural
114 systems for the planning period. The planning must be conducted
115 in an open public process, in coordination and cooperation with
116 local governments, regional water supply authorities,

21-01337-13

2013948

117 government-owned and privately owned water and wastewater
118 utilities, multijurisdictional water supply entities, self-
119 suppliers, reuse utilities, the Department of Environmental
120 Protection, the Department of Agriculture and Consumer Services,
121 and other affected and interested parties. The districts shall
122 actively engage in public education and outreach to all affected
123 local entities and their officials, as well as members of the
124 public, in the planning process and in seeking input. During
125 preparation, but before ~~prior to~~ completion of the regional
126 water supply plan, the district shall ~~must~~ conduct at least one
127 public workshop to discuss the technical data and modeling tools
128 anticipated to be used to support the regional water supply
129 plan. The district shall also hold several public meetings to
130 communicate the status, overall conceptual intent, and impacts
131 of the plan on existing and future reasonable-beneficial uses
132 and related natural systems. During the planning process, a
133 local government may choose to prepare its own water supply
134 assessment to determine if existing water sources are adequate
135 to meet existing and projected reasonable-beneficial needs of
136 the local government while sustaining water resources and
137 related natural systems. The local government shall submit such
138 assessment, including the data and methodology used, to the
139 district. The district shall consider the local government's
140 assessment during the formation of the plan. A determination by
141 the governing board that initiation of a regional water supply
142 plan for a specific planning region is not needed pursuant to
143 this section is ~~shall be~~ subject to s. 120.569. The governing
144 board shall reevaluate the ~~such a~~ determination at least once
145 every 5 years and shall initiate a regional water supply plan,

21-01337-13

2013948

146 if needed, pursuant to this subsection.

147 (2) Each regional water supply plan must ~~shall~~ be based on
148 at least a 20-year planning period and must ~~shall~~ include, but
149 need not be limited to:

150 (a) A water supply development component for each water
151 supply planning region identified by the district which
152 includes:

153 1. A quantification of the water supply needs for all
154 existing and future reasonable-beneficial uses within the
155 planning horizon. The level-of-certainty planning goal
156 associated with identifying the water supply needs of existing
157 and future reasonable-beneficial uses must ~~shall~~ be based upon
158 meeting those needs for a 1-in-10-year drought event.

159 a. Population projections used for determining public water
160 supply needs must be based upon the best available data. In
161 determining the best available data, the district shall consider
162 the University of Florida's Bureau of Economic and Business
163 Research (BEBR) medium population projections and ~~any~~ population
164 projection data and analysis submitted by a local government
165 pursuant to the public workshop described in subsection (1) if
166 the data and analysis support the local government's
167 comprehensive plan. Any adjustment of or deviation from the BEBR
168 projections must be fully described, and the original BEBR data
169 must be presented along with the adjusted data.

170 b. Agricultural demand projections used for determining the
171 needs of agricultural self-suppliers must be based upon the best
172 available data. In determining the best available data for
173 agricultural self-supplied water needs, the district shall
174 consider the data indicative of future water supply demands

21-01337-13

2013948

175 provided by the Department of Agriculture and Consumer Services
176 pursuant to s. 570.085. Any adjustment of or deviation from the
177 data provided by the Department of Agriculture and Consumer
178 Services must be fully described, and the original data must be
179 presented along with the adjusted data.

180 2. A list of water supply development project options,
181 including traditional and alternative water supply project
182 options, from which local government, government-owned and
183 privately owned utilities, regional water supply authorities,
184 multijurisdictional water supply entities, self-suppliers, and
185 others may choose for water supply development. In addition to
186 projects listed by the district, such users may propose specific
187 projects for inclusion in the list of ~~alternative~~ water supply
188 development project options ~~projects~~. If such users propose a
189 project to be listed as a ~~an alternative~~ water supply project,
190 the district shall determine whether it meets the goals of the
191 plan, and, if so, it shall be included in the list. The total
192 capacity of the projects included in the plan must ~~shall~~ exceed
193 the needs identified in subparagraph 1. and ~~shall~~ take into
194 account water conservation and other demand management measures,
195 as well as water resources constraints, including adopted
196 minimum flows and levels and water reservations. Where the
197 district determines it is appropriate, the plan should
198 specifically identify the need for multijurisdictional
199 approaches to project options that, based on planning level
200 analysis, are appropriate to supply the intended uses and that,
201 based on such analysis, appear to be permissible and financially
202 and technically feasible. The list of water supply development
203 options must contain provisions that recognize that alternative

21-01337-13

2013948

204 water supply options for agricultural self-suppliers are
205 limited.

206 3. For each project option identified in subparagraph 2.,
207 the following must ~~shall~~ be provided:

208 a. An estimate of the amount of water to become available
209 through the project.

210 b. The timeframe in which the project option should be
211 implemented and the estimated planning-level costs for capital
212 investment and operating and maintaining the project.

213 c. An analysis of funding needs and sources of possible
214 funding options. For alternative water supply projects, the
215 water management districts shall provide funding assistance in
216 accordance with s. 373.707(8).

217 d. Identification of the entity that should implement each
218 project option and the current status of project implementation.

219 (3) The water supply development component of a regional
220 water supply plan which deals with or affects public utilities
221 and public water supply for those areas served by a regional
222 water supply authority and its member governments within the
223 boundary of the Southwest Florida Water Management District
224 shall be developed jointly by the authority and the district. In
225 areas not served by regional water supply authorities, or other
226 multijurisdictional water supply entities, and where
227 opportunities exist to meet water supply needs more efficiently
228 through multijurisdictional projects identified pursuant to
229 paragraph (2) (a), water management districts are directed to
230 assist in developing multijurisdictional approaches to water
231 supply project development jointly with affected water
232 utilities, special districts, self-suppliers, and local

21-01337-13

2013948

233 governments.

234 Section 4. Paragraph (c) of subsection (2) of section
235 570.076, Florida Statutes, is amended to read:

236 570.076 Environmental Stewardship Certification Program.—
237 The department may, by rule, establish the Environmental
238 Stewardship Certification Program consistent with this section.
239 A rule adopted under this section must be developed in
240 consultation with state universities, agricultural
241 organizations, and other interested parties.

242 (2) The department shall provide an agricultural
243 certification under this program for implementation of one or
244 more of the following criteria:

245 (c) Best management practices adopted by rule pursuant to
246 s. 403.067(7) (c) or s. 570.085(1) (b) ~~570.085(2)~~.

247 Section 5. Section 570.085, Florida Statutes, is amended to
248 read:

249 570.085 Department of Agriculture and Consumer Services;
250 agricultural water conservation and agricultural water supply
251 planning.—

252 (1) The department shall establish an agricultural water
253 conservation program that includes the following:

254 (a) ~~(1)~~ A cost-share program, coordinated where appropriate
255 with the United States Department of Agriculture and other
256 federal, state, regional, and local agencies, for irrigation
257 system retrofit and application of mobile irrigation laboratory
258 evaluations for water conservation as provided in this section
259 and, where applicable, for water quality improvement pursuant to
260 s. 403.067(7) (c).

261 (b) ~~(2)~~ The development and implementation of voluntary

21-01337-13

2013948

262 interim measures or best management practices, adopted by rule,
263 which provide for increased efficiencies in the use and
264 management of water for agricultural production. In the process
265 of developing and adopting rules for interim measures or best
266 management practices, the department shall consult with the
267 Department of Environmental Protection and the water management
268 districts. Such rules may also include a system to assure the
269 implementation of the practices, including recordkeeping
270 requirements. As new information regarding efficient
271 agricultural water use and management becomes available, the
272 department shall reevaluate and revise as needed, the interim
273 measures or best management practices. The interim measures or
274 best management practices may include irrigation retrofit,
275 implementation of mobile irrigation laboratory evaluations and
276 recommendations, water resource augmentation, and integrated
277 water management systems for drought management and flood
278 control and should, to the maximum extent practicable, be
279 designed to qualify for regulatory incentives and other
280 incentives, as determined by the agency having applicable
281 statutory authority.

282 (c) ~~(3)~~ Provision of assistance to the water management
283 districts in the development and implementation of a consistent,
284 to the extent practicable, methodology for the efficient
285 allocation of water for agricultural irrigation.

286 (2) The department shall establish an agricultural water
287 supply planning program that includes the following:

288 (a) The development of data indicative of future
289 agricultural water supply demands which must be:

290 1. Based on at least a 20-year planning period.

21-01337-13

2013948

291 2. Provided to each water management district.

292 3. Considered by each water management district in
293 accordance with ss. 373.036(2) and 373.709(2)(a)1.b.

294 (b) The data on future agricultural water supply demands
295 which are provided to each district must include, but need not
296 be limited to:

297 1. Applicable agricultural crop types or categories.

298 2. Historic estimates of irrigated acreage, current
299 estimates of irrigated acreage, and future projections of
300 irrigated acreage for each applicable crop type or category,
301 spatially for each county, including the historic and current
302 methods and assumptions used to generate the spatial acreage
303 estimates and projections.

304 3. Crop type or category water use coefficients for a 1-in-
305 10 year drought and average year used in calculating historic
306 and current water demands and projected future water demands,
307 including data, methods, and assumptions used to generate the
308 coefficients. Estimates of historic and current water demands
309 must take into account actual metered data as available.

310 4. An evaluation of significant uncertainties affecting
311 agricultural production which may require a range of projections
312 for future agricultural water supply demands.

313 (c) In developing the data on future agricultural water
314 supply needs described in paragraph (b), the department shall
315 consult with the agricultural industry, the University of
316 Florida Institute of Food and Agricultural Sciences, the
317 Department of Environmental Protection, the water management
318 districts, the National Agricultural Statistics Service, and the
319 United States Geological Survey.

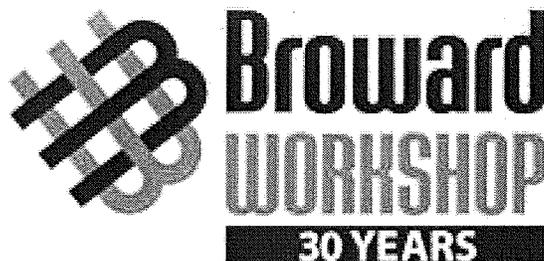
21-01337-13

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320 (d) The department shall coordinate with each water
321 management district to establish a schedule for provision of
322 data on agricultural water supply needs in order to comply with
323 water supply planning provisions in ss. 373.036(2) and
324 373.709(2) (a)1.b.

325 Section 6. This act shall take effect July 1, 2013.

From: [Kareen Boutros](#)
To: [DEAN.CHARLES.WEB](#);
cc: [PORTILLA.MIGUEL.WEB](#); [UCHINO.PEPPER](#); [BONN.KIM](#);
Subject: Letter Supporting SB-444 Ocean Outfalls Bill from Broward Workshop
Date: Thursday, February 28, 2013 3:12:53 PM
Attachments: [image006.png](#)
[Ocean Outfalls Letter to Senator Dean 02282013.docx](#)
[01102013 BW Membership List Short Version.pdf](#)



February 28, 2013

The Honorable Charles S. "Charlie" Dean, Sr., Chair
Florida Senate
Committee on Environmental Preservation and Conservation
404 S. Monroe Street
325 Knott Building
Tallahassee, FL 32399-1100

Dear Senator Dean:

On behalf of the Broward Workshop, I respectfully request that the Senate Committee on Environmental Preservation and Conservation give SB 444 – Domestic Wastewater Discharged through Ocean Outfalls a committee hearing at your earliest convenience. A nearly identical bill unanimously passed your committee during the 2012 Legislative Session. As Broward's leading private, non-profit, non-partisan business organization representing 100 of Broward County's major businesses and professions, we are supporting the passage of the Ocean Outfall legislation in both chambers during the 2013 Legislative Session.

Through the Broward Workshop, our business leaders seek to facilitate positive solutions to Broward County's critical issues and to serve as a catalyst to encourage the cooperative effort between various entities working for county-wide, specific, long-range common goals. SB 444 is critical to fulfilling that mission. SB 444 will prevent increased costs to families and business for water without any measurable corresponding benefits associated with mandating local utilities to develop and use specific types and quantities of alternative water supplies.

SB 444 will allow up to 5% of annual treated flows to continue to be discharged through the ocean outfalls during peak flow events. Doing so, avoids building facilities otherwise needed to deal with such extraordinary water-related events. **The capital costs avoided by each outfall utility are \$820 million for Miami-Dade County, \$300 million for Broward County, and \$150-\$200 million for the City of Hollywood.** This action would achieve 95% of the nutrient reduction goal while deflecting about 50% of the capital cost of achieving 100% of the goal.

With thinning local government budgets and scarce resources in our communities, passage of SB 444 is more important than ever. Thank you for your consideration.

Respectfully,

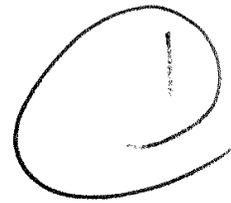
A handwritten signature in black ink, appearing to read "Harry Moon", written in a cursive style.

Dr. Harry Moon
Chairman
BROWARD WORKSHOP

Kareen Boutros
Executive Director / Broward Workshop

150 E. Davie Blvd., #200, Ft. Lauderdale, FL 33316
Office: (954) 462-9112 | Cell: (954) 816-1289

THE FLORIDA SENATE
APPEARANCE RECORD



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

3-7-13

Meeting Date

Topic Ocean Outfalls

Bill Number 444
(if applicable)

Name Lee Killinger

Amendment Barcode _____
(if applicable)

Job Title _____

Address 324 E. Virginia St
Street

Phone 850-322-8907

Tallahassee FL 32301
City State Zip

E-mail lee@sanfieldflorida.com

Speaking: For Against Information

Representing Florida Section, American Water Works 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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THE FLORIDA SENATE
APPEARANCE RECORD

(1)

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

3/7/13

Meeting Date

Topic OCEAN OUTFALLS

Bill Number 444
(if applicable)

Name STEPHEN JAMES

Amendment Barcode _____
(if applicable)

Job Title STAFF ATTORNEY

Address 100 S. MONROE

Phone 922-4300

Street

TALLAHASSEE, FL 32301

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.

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S-001 (10/20/11)

1

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/7/13

Meeting Date

Topic Ocean outfalls

Bill Number SB 444
(if applicable)

Name Ryan Matthews

Amendment Barcode _____
(if applicable)

Job Title leg. Adwocate

Address PO Box 1757
Street

Phone 222-9684

Tallahassee FL 32302
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.

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1

THE FLORIDA SENATE
APPEARANCE RECORD

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

March 7 2013
Meeting Date

Topic Ocean Outfalls

Bill Number 444
(if applicable)

Name David Childs

Amendment Barcode _____
(if applicable)

Job Title Counsel

Address 119 S. Monroe Street
Street

Phone 850 222-7500

Tallahassee FL 32301
City State Zip

E-mail DAVIDC@HLSLAW.COM

Speaking: For Against Information

Representing FWEA Utility Council

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.

~~W~~ wait in support ~~W~~
1

THE FLORIDA SENATE
APPEARANCE RECORD

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3/7/13

Meeting Date

Topic SB444-Domestic Wastewater Discharge

Bill Number 444
(if applicable)

Name Nick Matthews

Amendment Barcode _____
(if applicable)

Job Title Legislative Coordinator

Address 115 S Andrews Ave
Street

Phone _____

Ft. Lauderdale FL 33301
City State Zip

E-mail NMatthews@Broward.org

Speaking: For Against Information

Representing Broward County - Wait Time 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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1

THE FLORIDA SENATE
APPEARANCE RECORD

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3-7-13

Meeting Date

Topic Ocean Outfalls

Bill Number 444
(if applicable)

Name DOUGLAS YODER

Amendment Barcode _____
(if applicable)

Job Title DEPUTY DIRECTOR

Address 3071 SW 38 AVE

Phone 786 552 8979

Street

MIAMI

FL

State

33146

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

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)

3-7-13
Meeting Date

Topic Ocean Outfalls

Bill Number SB 444
(if applicable)

Name Bob Harris

Amendment Barcode _____
(if applicable)

Job Title _____

Address 2618 Centennial Place
Street
Dallahomee FL 32308
City State Zip

Phone 222-0720

E-mail bharris@lawfla.com

Speaking: For Against Information

Representing Diving Equipment and Marketing Association (DEMA)

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

1

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

3-7-13

Meeting Date

Topic Ocean Outfalls

Bill Number 444
(if applicable)

Name Jason Unger

Amendment Barcode _____
(if applicable)

Job Title Attorney / Gray Robinson

Address 301 S. Branagh St.
Street

Phone 5779090

TLH FL
City State Zip

E-mail junger@gray-robinson.com

Speaking: For Against Information

Representing City of Hollywood

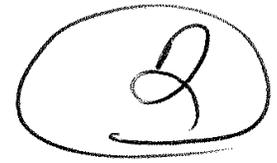
Appearing at request of Chair: Yes No

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)

3/7/13
Meeting Date

Topic Hunting & Fishing Licenses for FL Veterans

Bill Number SB 448
(if applicable)

Name Evan White

Amendment Barcode _____
(if applicable)

Job Title Legislative Specialist

Address _____
Street

Phone _____

City _____ State _____ Zip _____

E-mail _____

Speaking: For Against Information

Representing Florida Department of Veterans' Affairs

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)

3-7-13
Meeting Date

Topic FWC Bill

Bill Number SB 448
(if applicable)

Name Nick Wiley

Amendment Barcode _____
(if applicable)

Job Title Exec. Dir. FWC

Address 620 S Meridian

Phone 850 487 3796

Tallahassee FL 32317
City State Zip

E-mail nick.wiley@myfwc.com

Speaking: For Against Information

Representing FWC

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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2

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-7-13

Meeting Date

Topic FWCC Legislative package

Bill Number 448
(if applicable)

Name Lane Stephens

Amendment Barcode _____
(if applicable)

Job Title _____

Address 201 S. Monroe St. Ste 300

Phone 513-0004

Tally 01
City State Zip

E-mail _____

Speaking: For Against Information

Representing The Future of Hunting in Florida & Allied Sportsman's Assoc. of Florida

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

2

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

Meeting Date _____

Topic FWC LICENSES

Bill Number SB 449
(if applicable)

Name JERRY SANSON

Amendment Barcode _____
(if applicable)

Job Title EXECUTIVE DIRECTOR

Address PO Box 700

Phone 321-773-0212

COCOS FL 32923
City State Zip

E-mail FISHAWK@AOL.COM

Speaking: For Against Information

Representing ORGANIZED FISHERMEN of 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.

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Last 

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

Topic WATER SUPPLY

Bill Number SB 948
(if applicable)

Name JUSTIN HOLLIS

Amendment Barcode _____
(if applicable)

Job Title LEGISLATIVE AFFAIRS / DEPT of Ag.

Address PL-10
Street

Phone 617 7700

City

State

Zip

E-mail JUSTIN.HOLLIS@FRESHFROMFLORIDA.COM

Speaking: For Against Information

Representing DEPT of AGRICULTURE

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

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3-7-13

Meeting Date

Topic WATER Planning

Bill Number 513948
(if applicable)

Name DOUG MANN

Amendment Barcode _____
(if applicable)

Job Title _____

Address 310 W. College Ave
Street

Phone 222-7535

Tallahassee FL 32301
City State Zip

E-mail _____

Speaking: For Against Information

LAST SPEAKER

Representing ATF

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)

3

Meeting Date _____

Topic Water Supply Bill Number 948
(if applicable)

Name Cindy Littlejohn Amendment Barcode _____
(if applicable)

Job Title Chairman
~~_____~~

Address 310 W. College Ave. Phone 850-8222-7535
Street

Malhasssee Fl 32301 E-mail cindy@littlejohn
City State Zip wann.com

Speaking: For Against Information

Representing Florida Agriculture Coalition

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

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3/7/13
Meeting Date

Topic WATER SUPPLY LEGISLATION

Bill Number SB 948
(if applicable)

Name Chuck Littlejohn

Amendment Barcode _____
(if applicable)

Job Title _____

Address 310 WEST COLLEGE AVE
Street

Phone (850) 228-7203

TALLAHASSEE FL 32312
City State Zip

E-mail chuck@littlejohninc.com

Speaking: For Against Information

Representing FLORIDA ~~GREENBELT~~ ENGINEERING SOCIETY

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

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3/7/13
Meeting Date

Topic Ag. Water Supply

Bill Number SB 948
(if applicable)

Name Mary Jean Yan

Amendment Barcode _____
(if applicable)

Job Title Legislative Director

Address 3324 Charleston Road

Phone 850/519-7859

Tallahassee FL 32309
City State Zip

E-mail maryjeanyan@comcast.net

Speaking: For Against Information

Representing Audubon Florida

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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3

THE FLORIDA SENATE

APPEARANCE RECORD

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3/7/13
Meeting Date

Topic WATER SUPPLY

Bill Number 948
(if applicable)

Name DAVID CULLEN

Amendment Barcode
(if applicable)

Job Title

Address 1674 UNIVERSITY PKWY #296
Street

Phone 941-323-2404

SARASOTA FL 34743
City State Zip

E-mail cullen@seccap.com

Speaking: For Against Information

Representing SIERRA CLUB FLORIDA

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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3

THE FLORIDA SENATE APPEARANCE RECORD

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

3-7-13

Meeting Date

Topic _____

Bill Number 948
(if applicable)

Name JOSEPH R. SPRATT

Amendment Barcode _____
(if applicable)

Job Title _____

Address P.O. BOX 236

Phone 863-517-0235

Street

LABELLE

FLA

33975

City

State

Zip

E-mail JOSEPHRSPRATT@YAHOO.COM

Speaking: For Against Information

Representing FLORIDA AQUACULTURE ASSOC.

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)

CourtSmart Tag Report

Room: EL 110

Case:

Type:

Caption: Senate Environmental Preservation and Conservation Committee

Judge:

Started: 3/7/2013 10:33:40 AM

Ends: 3/7/2013 11:10:49 AM

Length: 00:37:10

10:33:44 AM Chair Dean calls the meeting to order
10:33:58 AM CAA calls roll
10:34:15 AM Chair Dean pledge
10:34:54 AM Chair Dean introduction
10:35:13 AM Tab 1 - SB 444 by Sen. Diaz de la Portilla
10:37:56 AM Sen. Soto with questions
10:38:11 AM Sen. Diaz de la Portilla response
10:39:16 AM Sen. Altman with question
10:39:34 AM Sen. Diaz de la Portilla with response
10:41:34 AM Jason Unger, City of Hollywood waives in support
10:41:51 AM Bob Harris, DEMA with comments and waives in support
10:42:25 AM Douglas Yoder, Miami-Dade Water & Sewer waives in support
10:42:28 AM Nick Matthews, Broward County waives in
10:42:32 AM David Childs, FWEA waives in support
10:42:45 AM Ryan Matthews, FL League of Cities waives in support
10:42:50 AM Stephen James, FL Association of Counties waives in support
10:42:56 AM Lee Killinger, Florida Section of American Water Works Assoc. waives in support
10:43:11 AM Sen. Diaz de la Portilla waives close
10:43:17 AM CAA calls roll on SB 444
10:43:32 AM SB 444 passes favorably
10:43:36 AM TAB 3 - SB 948 by Sen. Grimsley
10:45:23 AM Sen. Latvala with question
10:45:56 AM Sen. Grimsley response
10:46:22 AM Sen. Latvala follow up
10:46:34 AM Sen. Grimsley response
10:46:45 AM Sen. Dean comments
10:46:49 AM Sen. Soto with question
10:47:10 AM Sen. Grimsley response
10:47:44 AM Follow up Sen. Soto
10:47:50 AM Sen. Grimsley response
10:47:57 AM Sen. Simpson wants record to reflect he supports this bill
10:48:15 AM Sen. Altman question
10:48:19 AM Sen. Grimsley response
10:48:26 AM Sen. Altman follow up
10:48:49 AM Sen. Grimsley response
10:48:57 AM Sen. Altman follow up
10:49:05 AM Sen. Grimsley response
10:49:15 AM Sen. Altman follow up
10:49:19 AM Sen. Grimsley response
10:49:23 AM Sen. Latvala comment
10:49:40 AM Joseph Spratt, Florida AquaCulture Assoc. waives in support
10:49:54 AM David Cullen, Sierra Club Florida with comments and concerns
10:52:49 AM Mary Jean Yon, Audubon Florida with comments and concerns
10:55:03 AM Sen. Soto with question
10:55:19 AM Sen. Grimsley response
10:55:34 AM Chuck Littlejohn, FL Engineering Society waives in support
10:55:40 AM Cindy Littlejohn, FL Agriculture Coalition waives in support
10:55:48 AM Doug Mann, AIF with comments and waives in support
10:57:59 AM Justin Hollis, Dept. of Agriculture with comments and waives in support
10:58:46 AM Sen. Soto with discussion
10:59:24 AM Sen. Altman with comments
11:00:08 AM Sen. Grimsley closes on SB 948

11:00:23 AM CAA calls roll on SB 948
11:00:38 AM SB 948 passes favorably
11:00:47 AM TAB 2 - SB 448 by Sen. Dean
11:01:01 AM Vice Chair Abruzzo recognizes Sen. Dean to explain his bill
11:01:26 AM Sen. Dean explains SB 448
11:02:33 AM Sen. Bullard moment of personal privilege
11:02:59 AM Sen. Bullard recognizes student association from Edison State College
11:03:22 AM Vice Chair Abruzzo introduces amendments
11:03:34 AM Sen. Dean explains Amend. # 398266
11:03:45 AM Amend # 398266 adopted
11:04:13 AM Amend # 807002 explained by Sen. Dean
11:04:34 AM Amend # 807002 adopted
11:05:03 AM Amend # 169870 explained by Sen. Dean
11:05:15 AM Amend # 169870 question from Sen. Bullard
11:05:57 AM Response Sen. Dean
11:06:20 AM Vice Chair Abruzzo comments
11:06:55 AM Amend # 169870 adopted
11:07:06 AM Sen. Soto with question
11:07:32 AM Chair Dean with response
11:08:00 AM Jerry Sansom, Organized Fishermen of Florida waives in support
11:08:10 AM Lane Stephens, Future of Hunting in Florida & Allied Sportsman Assoc. of Florida waives in support
11:08:19 AM Nick Wiley, FWC waives in support
11:08:29 AM Evan White, Florida Dept. of Veterans' Affairs waives in support
11:08:41 AM Chair Dean waives close
11:08:48 AM CAA calls roll on SB 448
11:09:03 AM Sen. Latvala moves to make the bill a CS
11:10:01 AM Sen. Gardiner indicates support for SB 444 and SB 948
11:10:21 AM CS/SB 448 passes
11:10:34 AM Chair Dean closing comments
11:10:41 AM Sen. Bullard moves to rise